



City of Hamilton

CITY COUNCIL REVISED

23-021

Wednesday, November 22, 2023, 9:30 A.M.

Council Chambers

Hamilton City Hall

71 Main Street West

Call to Order

1. **APPROVAL OF AGENDA**

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

2. **DECLARATIONS OF INTEREST**

3. **CEREMONIAL ACTIVITIES**

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

4.1 November 8, 2023

5. **COMMUNICATIONS**

- 5.1 Correspondence from the Municipality of Wawa requesting support for their resolution calling upon the Government of Canada to support Bill C-310 and enact amendments to subsections 118.06(2) and 118.07(2) of the Income Tax Act in order to increase the

amount of the tax credits for volunteer firefighting and search and rescue volunteer services from \$3,000 to \$10,000.

Recommendation: Be received.

- 5.2 Correspondence from the Municipality of Wawa requesting support for their resolution in support of the Township of McKellar's resolution requesting the Provincial Government to make an amendment to the Legislation Act, 2006, to include digital publications as an acceptable means of publication and notice requirements for Provincial Acts and Regulations.

Recommendation: Be received.

- 5.3 Correspondence from Miki McKellar respecting the Safari Rd. Municipal drain.

- a. Additional Correspondence

Recommendation: Be received and referred to the consideration of Item 1 of Public Works Committee Report 23-017.

- 5.4 Correspondence respecting No Boundary Expansion:

- a. Phyllis Dwyer
- b. Lorraine Green
- c. Devon Smith
- d. Ron Ballentine
- e. Mary Ciotti
- f. Susan Joanis
- g. Cheri Elson
- h. Adam Sperber
- i. Agnes Richard
- j. Deborah Lindeman

- k. Debbie Edwards
- l. Linda Canaris
- m. Dorothy Schrader
- n. Joanne Turnell
- o. Adele Alfano
- p. Mary Pat Jankowski
- q. Mary Beaty
- r. Katie McDavid
- s. Adam Fergus
- t. Paul Craig
- u. Stephanie Stover
- v. David Horwood, Director, Twenty Road (Glanbrook) Developments Limited
- w. David Horwood, Director, Weizer Investments Limited
- x. Ed Sajecki, Sajecki Planning
- y. Barbara Ross
- z. Allison Barnes
- aa. Trevor Stephenson
- ab. Allison Clark
- ac. Nessa Olshansky
- ad. Diana Meskauskas
- ae. Scott Bevan
- af. Patrick Speissegger
- ag. Ieva Neimanis

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

- ah. Norma Young
- ai. Caroline Neufeld
- aj. Linda Mackrael
- ak. Susana Ng
- al. Sergei Stevens
- am. Carol Balint
- an. Peter Smith
- ao. Margo May Taylor
- ap. Bernard Stout
- aq. Patricia Barton
- ar. Jamie Shea
- as. Bert Seeliger
- *at. Rose Beraldo

Recommendation: Be received and referred to the consideration of Item 11 of Planning Committee Report 23-019.

- 5.5 Correspondence from Thea Symonds, Coordinator, Woman Abuse Working Group (WAWG) respecting Wrapped in Courage campaign.

Recommendation: Be received.

- 5.6 Correspondence from Calvin Brook, Brook McIlroy respecting Block 16 Proposal - Letter of Support.

Recommendation: Be received and referred to the consideration of Item 8 of Planning Committee 23-019.

- 5.7 Correspondence from Dayna Dubecki, Executive, Glanbrook Community Services in support of the zoning by-law amendment proposal that the Township of Glanbrook Non-Profit Housing Corporation is seeking.

Recommendation: Be received and referred to the consideration of Item 4 of Planning Committee Report 23-019.

5.8 Correspondence from the Municipality of Shuniah requesting support for their resolution requesting that the Province of Ontario enhance enforcement for deficient muffler systems to address concerns around excessive and unnecessary noise from engine brakes.

Recommendation: Be received.

5.9 Correspondence respecting UHOPA-23-017; ZAC-23-041; 1225 Old Golf Links Road, Ancaster:

a. John Vitulli, Jr., John Vitulli Professional Corporation

b. George Roque, President, GRRC Roofing

Recommendation: Be received and referred to the consideration of Item 7 of Planning Committee Report 23-019.

5.10 Correspondence from Kamal Sadar, a written request to the City Council Hamilton about providing guidelines in Taxi By-laws.

Recommendation: Be received.

5.11 Correspondence from Paul Dube, Ombudsman of Ontario respecting the Report & Letter - Office of the Ontario Ombudsman - General Issues Committee meeting held February 6, 2019.

Recommendation: Be received.

5.12 Correspondence from Paul Dube, Ombudsman of Ontario respecting a Closed meeting complaint - April 18, 2023, Agriculture and Rural Affairs Sub-Committee meeting.

Recommendation: Be received.

5.13 Correspondence from Jonathan Clifford, Business Development Manager, WPD Canada Corporation informing Council of their proposal for a new Battery Electric Storage System (BESS) within the Town of Ancaster.

Recommendation: Be received.

5.14 Correspondence from the Honourable Paul Calandra, Minister of Municipal Affairs and Housing respecting the Proposed Legislation to Reverse Previous Decisions on Municipal Official Plans/Official Plan Amendments.

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

- *5.15 Correspondence from Ian Borsuk, Executive Director, Environment Hamilton in support of the decision to approve the development proposal at 65 Guise Street East (Pier 8, Block 16) on the condition that the development to "demonstrate net zero carbon, high efficiency building standards, Pier 8 Block 16 will use best efforts to target the CaGBC's Zero Carbon Building v3 Design Certification".
- Recommendation: Be received and referred to the consideration of Item 8 of Planning Committee Report 23-019.
- *5.16 Correspondence from Joshua Weresch respecting the 2023-4 rate supported and tax operating budgets.
- Recommendation: Be received and referred to a future General Issues Committee (Budget) meeting.
- *5.17 Correspondence from Joshua Weresch respecting the motions regarding one-time community safety funding.
- Recommendation: Be received and referred to the consideration of Items 7.7 and 7.9.
- *5.18 Correspondence Notice of Passing of By-law to Authorize Climate Change Mitigation & Adaptation Work on Private Residential Property:
- *a. Barb Heemskerk
 - *b. Val Perei
 - *c. Clement Feierabend, CPA, Clement Feierabend Professional Corporation
- Recommendation: Be received and referred to the consideration of Bill 217.
- *5.19 Correspondence from Jesse Elders, Manager, Bay Area Climate Change Council in support for Zero Carbon Development and Green Building Standards.
- Recommendation: Be received and referred to the consideration of Item 8 of Planning Committee Report 23-019.
- *5.20 Correspondence respecting the Provincial Announcement Impacting Provincial Decisions on Municipal Official Plans and Official Plan Amendments (PED23252):
- *a. Susan Rosenthal, Professional Corporation, Davies Howe LLP
 - *b. Denise Baker, WeirFoulds LLP
 - *c. Nancy Smith, Turkstra Mazza Associates, Lawyers
- Recommendation: Be received and referred to the consideration of Item 11 of Planning Committee Report 23-019.

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6. COMMITTEE REPORTS

- 6.1 General Issues Committee (Special) Report 23-030, November 9, 2023
- 6.2 Public Health Committee Report 23-011, November 13, 2023
- 6.3 Public Works Committee Report 23-017, November 13, 2023
- 6.4 Planning Committee Report 23-019, November 14, 2023
- 6.5 General Issues Committee Report 23-031, November 15, 2023 and November 21, 2023
- 6.6 Audit, Finance and Administration Committee Report 23-018, November 16, 2023
- 6.7 Emergency and Community Services Committee Report 23-014, November 16, 2023

7. MOTIONS

- 7.1 Amendment to Items 6 and 7 of General Issues Committee Report 23-027 respecting the King West Business Improvement Area Dormancy (PED23198) (Ward 2) and Main West Esplanade Business Improvement Area Dormancy (PED23199) (Ward 2)
- 7.2 Appointment of the Chair and Vice Chair of the Procurement Sub-Committee
- 7.3 Amendment to Item 5 of Audit, Finance and Administration Committee Report 23-011 respecting the Fraud, Waste, and Whistleblower Semi-Annual Update (AUD23009) (City Wide)
- 7.4 Amendment to Item 1 of Audit, Finance and Administration Committee Report 23-009 respecting the Fraud, Waste, and Whistleblower Semi-Annual Update (AUD23009) (City Wide)
- 7.5 Changing the name of the Advisory Committee for Person with Disabilities (ACPD) to the Persons with Disabilities Sub-Committee (PDS) - WITHDRAWN
- 7.6 Resignation from the Selection Committee for Agencies, Boards and Sub-Committees
- 7.7 One-Time Request for funding to Support Ward 1 Community Safety Needs
- 7.8 Hamilton Winter Solstice Festival (Ward 2)
- 7.9 One-Time Request for Funding to Support Community Safety Needs in Ward 13

8. NOTICES OF MOTIONS

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

- 8.1 Reconsideration of a decision that was approved at the July 14, 2023 Council meeting respecting Item 1 of the Public Works Committee Report 23-010, Hamilton Street Railway (HSR) Fare Policies (PW23024(a)) (City Wide)
- *8.2 Funding to Support Community Group with User Fee for the Flamborough Santa Claus Parade
- *8.3 Format of the December 14, 2023 Public Update Meeting for the GFL Stoney Creek

9. STATEMENT BY MEMBERS (non-debatable)

10. COUNCIL COMMUNICATION UPDATES

- 10.1 November 3, 2023 to November 16, 2023

11. PRIVATE AND CONFIDENTIAL

- 11.1 Closed Session Minutes November 8, 2023

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

- *11.2 Red Hill Valley Parkway Inquiry Update

Pursuant to Section 9.3, Sub-sections (e), (f), (i) and (k) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (e), (f), (i) and (k) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City or a local board; the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons or organization; and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board

12. BY-LAWS AND CONFIRMING BY-LAW

- 12.1 215

A By-law to Establish a Vacant Unit Tax

- 12.2 216
To Permanently Close and Sell a Portion of Kerr Street, Dundas, being Part of Kerr Street on Registered Plan D-16, in the City of Hamilton, Designated as Parts 1 and 2 on Plan 62R-6431, being Part of PIN 17481-0094(LT)
Ward: 13
- 12.3 217
A By-Law to Authorize the Undertaking of Climate Change Mitigation and Adaptation Works on Private Residential Property as Local Improvements Under the Better Homes Hamilton Program
Ward: City Wide
- 12.4 218
To Adopt Official Plan Amendment No. 195 to the Urban Hamilton Official Plan Respecting 2080 Rymal Road (Glanbrook)
Ward: 11
- 12.5 219
To Amend Zoning By-law No. 05-200 with Respect to Lands Located at 2080 Rymal Road East, Glanbrook
ZAC-20-015
UHOPA-20-011
Ward: 11
- 12.6 220
To Amend Zoning By-law No. 05-200 with Respect to Lands Located at 2080 Rymal Road East, Glanbrook
ZAC-20-015
UHOPA-20-011
Ward: 11
- 12.7 221
To Amend Zoning By-law No. 464 (Glanbrook) Respecting Lands Located at 2800 Library Lane and 2641 Regional Road 56 (Glanbrook)
ZAC-23-022
Ward: 11
- 12.8 222
To Amend Zoning By-law No. 464 (Glanbrook) Respecting Lands Located at 2800 Library Lane and 2641 Regional Road 56 (Glanbrook)
ZAC-23-022
Ward: 11

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

- 12.9 223
To Amend Zoning By-law No. 464 (Glanbrook) Respecting Lands Located at 3169 Fletcher Road
ZAC-21-001
UHOPA-21-001
Ward: 11
- 12.10 224
To Adopt Official Plan Amendment No. 193 to the Urban Hamilton Official Plan Respecting 1225 Old Golf Links Road (Ancaster)
Ward: 12
- 12.11 225
To Amend Zoning By-law No. 05-200, Respecting Lands Located at 1225 Old Golf Links Road, Ancaster
ZAC-23-041
UHOPA-23-017
Ward: 12
- 12.12 226
To Authorize the Temporary Borrowing of Monies to Meet Current Expenditures Pending Receipt of Current Revenues for 2024
Ward: City Wide
- 12.13 227
To Authorize an Interim Tax Levy for 2024
Ward: City Wide
- 12.14 228
To Amend By-law No. 01-218, as amended, Being a By-law to Regulate On-Street Parking
Schedule 8 (No Parking Zones)
Schedule 12 (Permit Parking Zones)
Schedule 13 (No Stopping Zones)
Ward: 1, 3, 4, 10, 11
- 12.15 229
To Adopt Official Plan Amendment No. 251 to the City of Hamilton Official Plan, Respecting 65 Guise Street East (Pier 8, Block 16) (Hamilton)
Ward: 2

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12.16 230

To Amend Zoning By-law No. 05-200 Respecting Lands Located at 130 Haida Avenue (formerly 65 Guise Street East), Hamilton
ZAC-22-003
UHOPA-22-0001
Ward: 2

12.17 231

To Confirm the Proceedings of City Council

13. ADJOURNMENT



CITY COUNCIL MINUTES 23-020

9:30 a.m.

November 8, 2023
Council Chamber
Hamilton City Hall
71 Main Street West

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

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

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

5. COMMUNICATIONS

- 5.17 Correspondence from Joyce Arthur, Executive Director, Abortion Rights Coalition of Canada (ARCC) respecting information to help Hamilton pass bylaws to regulate graphic imagery of aborted fetuses.

Recommendation: Be received and referred to the consideration of Item 6 of Planning Committee Report 23-018.

- 5.18 Correspondence respecting Airport Employment Growth District Transportation Master Plan Update (PED17175(a)):

(a) Maxine Morris-Zecchini and Mario Zecchini

- (b) Harriet Woodside
- (c) Charles Langford
- (d) Mary Love
- (e) Laurel Imeson
- (f) Robert and Teresa Busch
- (g) David Williams
- (h) Ron Joice
- (i) Christine de Savigny
- (j) Carmel Mothersill
- (k) Jen Saunders
- (l) Sue Yarwood
- (m) Mike Gill
- (n) Jen Baker
- (o) Joanne and Ron Palangio
- (p) Elizabeth Fedorkow
- (q) Brenda Broer
- (r) Julie Palmese and Family
- (s) Natasha Huyer
- (t) Peter Appleton
- (u) Janice Currie
- (v) Roman Caruk
- (w) Carolanne Forster
- (x) Marie Covert

Recommendation: Be received and referred to the consideration of Item 4 of Planning Committee Report 23-018.

- 5.19 Correspondence from Tim Nolan respecting the HSR Fare Assist Program Pilot.

Recommendation: Be received.

8. NOTICES OF MOTION

- 8.1 Appointment of the Chair and Vice Chair of General Issues Committee (Budget) for the 2024 Budget

11. PRIVATE AND CONFIDENTIAL

- 11.2 Appointment to the Hamilton Police Services Board
- 11.3 ATU Local 107 Collective Bargaining Update

(Spadafora/Pauls)

That the agenda for the November 8, 2023 meeting of Council be approved, as amended.

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

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

- YES - Mayor Andrea Horwath
- YES - Ward 4 Councillor Tammy Hwang
- YES - Ward 6 Councillor Tom Jackson
- YES - Ward 2 Councillor Cameron Kroetsch
- YES - Ward 15 Councillor Ted McMeekin
- YES - Ward 3 Councillor Nrinder Nann
- YES - Ward 7 Councillor Esther Pauls
- YES - Ward 14 Councillor Mike Spadafora
- YES - Ward 11 Councillor Mark Tadeson
- YES - Ward 13 Councillor Alex Wilson
- YES - 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 October 25, 2023

(Kroetsch/McMeekin)

That the Minutes of the October 25, 2023 meeting of Council be approved, as presented.

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

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

COMMUNICATIONS

(Cassar/Tadeson)

That Council Communications 5.1 to 5.19 be approved, as presented, as follows:

- 5.1 Correspondence from the Town of Rainy River requesting support for their resolution petitioning the Province of Ontario to expand water treatment training opportunities for communities within Ontario.
- Recommendation: Be received.
- 5.2 Correspondence from Watson & Associates Economists Ltd. respecting an Assessment of Bill 134 - *Affordable Homes and Good Jobs Act*.
- Recommendation: Be received and referred to the General Manager of Finance and Corporate Services and the General Manager of Planning and Economic Development for appropriate action.
- 5.3 Correspondence from Ontario's Big City Mayors (OBCM) respecting their motion for Consideration for Building Faster Eligibility Requirements.
- Recommendation: Be received.
- 5.4 Correspondence from Ontario's Big City Mayors (OBCM) respecting their motion on Anti Auto Theft Program.
- Recommendation: Be received.
- 5.5 Correspondence from Chad Collins, Member of Parliament for Hamilton East -Stoney Creek calling on the Provincial Government to immediately close the GFL landfill at 65 Green Mountain Road West in Stoney Creek until the company implements measures to eliminate odours at the site.
- Recommendation: Be received.
- 5.6 Correspondence from the Municipality of North Perth requesting support for their resolution respecting Social and Economic Prosperity Review.
- Recommendation: Be received.
- 5.7 Correspondence from the Town of Aurora requesting support for their resolution respecting Cannabis Retail Application for the Town of Aurora.
- Recommendation: Be received.

- 5.8 Correspondence from Jim MacLeod, Vice President, Ancaster Village Heritage Community to the Premier of Ontario respecting the rollbacks to changes to the Official Plans and the Ontario Land Tribunal decisions that relied on those changes.

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

- 5.9 Correspondence from the Town of Huntsville requesting support for their resolution respecting floating accommodations.

Recommendation: Be received.

- 5.10 Correspondence from Don McLean respecting brief observations on Item 11.2 on the Planning Committee Agenda for October 31, 2023.

Recommendation: Be received and referred to the consideration of Item 4 of Planning Committee Report 23-018.

- 5.11 Correspondence from Linda Allen respecting retiring of local bus 58 along with a petition to get Bus 58 back.

Recommendation: Be received and referred to the General Manager of Public Works for appropriate action.

- 5.12 Correspondence from Nancy Rowland, CEO, Royal Botanical Gardens (RBG) seeking City Council's support to update the Memorandum of Understanding (MOU) between the RBG and the City in regard to the City's two appointees to RBG's Board of Directors.

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

- 5.13 Correspondence from Karen Armstrong, Deputy CAO and Secretary-Treasurer, Grand River Conservation Authority respecting the 2024 Grand River Conservation Authority Draft Budget for Consultation.

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

- 5.14 Correspondence from the Honourable Paul Calandra, Minister of Municipal Affairs and Housing respecting the Announcement Impacting Provincial Decisions on Municipal Official Plans/Official Plan Amendments.

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

- 5.15 Correspondence from Fred Bennink resigning from the Hamilton Police Services Board.

Recommendation: Be received.

- 5.16 Correspondence from Joshua Weresch respecting support for the changes to the transit fare assist program.

Recommendation: Be received.

- 5.17 Correspondence from Joyce Arthur, Executive Director, Abortion Rights Coalition of Canada (ARCC) respecting information to help Hamilton pass bylaws to regulate graphic imagery of aborted fetuses.

Recommendation: Be received and referred to the consideration of Item 6 of Planning Committee Report 23-018.

- 5.18 Correspondence respecting Airport Employment Growth District Transportation Master Plan Update (PED17175(a)):

- (a) Maxine Morris-Zecchini and Mario Zecchini
- (b) Harriet Woodside
- (c) Charles Langford
- (d) Mary Love
- (e) Laurel Imeson
- (f) Robert and Teresa Busch
- (g) David Williams
- (h) Ron Joice
- (i) Christine de Savigny
- (j) Carmel Mothersill
- (k) Jen Saunders
- (l) Sue Yarwood
- (m) Mike Gill
- (n) Jen Baker
- (o) Joanne and Ron Palangio
- (p) Elizabeth Fedorkow
- (q) Brenda Broer
- (r) Julie Palmese and Family
- (s) Natasha Huyer
- (t) Peter Appleton
- (u) Janice Currie
- (v) Roman Caruk
- (w) Carolanne Forster
- (x) Marie Covert

Recommendation: Be received and referred to the consideration of Item 4 of Planning Committee Report 23-018.

- 5.19 Correspondence from Tim Nolan respecting the HSR Fare Assist Program Pilot.

Recommendation: Be received.

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

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

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

(Cassar/Tadeson)

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

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

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

PUBLIC WORKS COMMITTEE REPORT 23-016

(Nann/Pauls)

That Public Works Committee Report 23-016, being the meeting held on Monday, October 30, 2023, be received and the recommendations contained therein be approved.

(Beattie/Tadeson)

That Item 2 of Public Works Committee Report 23-016 respecting Opportunities to Partner with Educational Institutions to Plant Trees (PW23066) (City Wide), be **amended** as follows:

2. Opportunities to Partner with Educational Institutions to Plant Trees (PW23066) (City Wide) (Outstanding Business List Item) (Item 11.2)

- (a) That Forestry and Horticulture staff be authorized and directed to:
- (i) Pursue opportunities with representatives from Conservation Authorities and educational institutions (the “Organizations”) in the City of Hamilton to plan tree planting projects on lands which are readily accessed by the public and owned by these Organizations; and
 - (ii) Present these opportunities to Ward Councillors and assist in drafting motions which detail the project(s) and ***funding from Area Rating Special Capital Re-Investment Discretionary Funds and/or Non-property tax revenues within the Ward. which requests the use of the Area Rating Special Capital Re-Investment Discretionary Funds following Ward Specific Funding Initiatives Procedures outlined in Report FCS18014(a).***
- (b) That the General Manager, Public Works, or their designate, be authorized and directed to:
- (i) Apply for grant funding on behalf of the City of Hamilton for forestry initiatives related to increasing tree canopy on all City of Hamilton owned lands;
 - (ii) Support grant applications initiated by collaborating Organizations, including not for profit organization by providing letters of support, and/or by assisting with the completion of applications for grants respecting forestry initiatives related to increasing tree canopy on all City of Hamilton owned lands;
 - (iii) Approve and execute any letters of support, grant applications, grant agreements or any other agreements and documentation required to give effect to the recommendations made within this report, provided they are in a form satisfactory to the City Solicitor; and
 - (iv) To accept any grant funding that supports forestry initiatives related to increasing tree canopy on all City of Hamilton owned lands.

Result: Amendment to Item 2 of the Public Works Committee Report 23-016, CARRIED by a vote of 16 to 0, as follows:

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

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

Result: Motion on the Public Works Committee Report 23-016, As Amended, CARRIED by a vote of 16 to 0, as follows:

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

PLANNING COMMITTEE REPORT 23-018

(Cassar/Tadeson)

That Planning Committee Report 23-018, being the meeting held on Tuesday, October 31, 2023, be received and the recommendations contained therein be approved.

(Cassar/Tadeson)

WHEREAS, the City of Hamilton has accumulated a core asset deficit (roads, water, wastewater, stormwater) of \$2 Billion which is growing at a rate of \$195 million per year and which are an obstacle to the City meeting service level standards on our roads;

WHEREAS, the Airport Employment Growth Transportation Master Plan (AEGD TMP) proposes building \$500M in new roads that will initially be paid for by a mix of developers, development charges, and tax levy, but will be a long-term maintenance liability for the City of Hamilton funded by taxpayers;

WHEREAS, decisions made in this term of Council will impact future generations;

WHEREAS, Hamilton City Council has stated a priority to reduce the burden on taxpayers - current and future;

WHEREAS, an increase in industrial tax assessment is an important step to reduce the burden on residential property taxpayers; and

WHEREAS, the AEGD TMP has considered the forecasted traffic demand on roads as the AEGD is built out and has proposed a road network accordingly, but has not completed a cost-benefit analysis of the network.

THEREFORE, BE IT RESOLVED:

That Item 4 of Planning Committee Report 23-018 respecting the Airport Employment Growth District Transportation Master Plan Update (PED17175(a)) (Wards 11 and 12), be **amended** as follows:

4. Airport Employment Growth District Transportation Master Plan Update (PED17175(a)) (Wards 11 and 12) (Item 11.2)

That the consideration of Report PED17175(a) respecting an Airport Employment Growth District Transportation Master Plan Update, be deferred pending the receipt of a staff report at a future Planning Committee meeting respecting a lifecycle analysis of the Airport Employment Growth District Transportation Master Plan using estimates of future lifecycle costs and property tax revenues from Airport Employment Growth District properties.

Result: Amendment to Item 4 of Planning Committee Report 23-018, DEFEATED by a vote of 7 to 9, as follows:

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

(Nann/M. Wilson)

That Item 6 of Planning Committee Report 23-018, respecting A Bylaw to Regulate the Distribution and Display of Graphic Images, be **amended**, by adding sub-section (d) as follows:

- (d) That Council Communication Item 5.17, respecting Correspondence from Joyce Arthur, Executive Director, Abortion Rights Coalition of Canada (ARCC) respecting information to help Hamilton pass bylaws to regulate graphic imagery of aborted fetuses, be referred to staff as information to consider in the delivery of the feasibility report and recommendations.**

Result: Amendment to Item 6 of Planning Committee Report 23-018, CARRIED by a vote of 15 to 1, as follows:

YES - Ward 10 Councillor Jeff Beattie
YES - Deputy Mayor - 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
YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

As per Council's request, Item 6, **as Amended**, was voted on separately, as follows:

6. A Bylaw to Regulate the Distribution and Display of Graphic Images (Item 12.1)

WHEREAS section 10 of the *Municipal Act, 2001*, S.O. 2001, c. 25, (the "Municipal Act, 2001") as amended provides that a Municipality may pass by-laws respecting: economic, social and environmental well-being of the Municipality; health, safety and well-being of persons; and the protection of persons and property;

WHEREAS residents have expressed concerns that unsolicited non-commercial flyers showing graphic images of aborted fetuses are being delivered to properties across Hamilton;

WHEREAS these unsolicited flyers are causing harm to some recipients, including children and youth who are exposed to the flyers while collecting the mail and individuals who have experienced pregnancy loss;

WHEREAS residents have also expressed concerns with the same graphic imagery being carried, held or displayed in public spaces; and

WHEREAS residents should have an opportunity to choose whether they wish to view such images;

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed to prepare a report for Planning Committee's consideration no later than Q2 2024, on the feasibility of the City of Hamilton adopting and enforcing a by-law to regulate the distribution and display of graphic images:
 - (i) Requiring that flyers containing one or more images showing, or claiming to show, a fetus or any part of a fetus, conceal these images from view; and
 - (ii) Requiring that these said flyers be fully concealed within a sealed envelope or package, and that the sealed envelope or package containing the graphic image be marked with the following notice and information:
 - (1) the name and address of the person responsible for the delivery of the graphic image(s); and
 - (2) a warning that the envelope or package contains a graphic image that may be offensive or disturbing to some people;
- (b) That the by-law to regulate the distribution and display of graphic images would not apply to:
 - (i) mail that is delivered to a residence by Canada Post; and
 - (ii) material that is delivered to the residence at the request or with the consent of the addressee
- (c) That staff also be requested to explore the feasibility of regulating or prohibiting graphic imagery that is carried, held or displayed in public spaces; and
- (d) ***That Council Communication Item 5.17, respecting Correspondence from Joyce Arthur, Executive Director, Abortion Rights Coalition of Canada (ARCC) respecting information to help Hamilton pass bylaws to regulate graphic imagery of aborted fetuses, be referred to staff as information to consider in the delivery of the feasibility report and recommendations.***

Result: Item 6 of Planning Committee Report 23-018, as Amended, CARRIED by a vote of 15 to 1, as follows:

- YES - Ward 10 Councillor Jeff Beattie
- YES - Deputy Mayor - 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
 YES - Ward 7 Councillor Esther Pauls
 YES - Ward 14 Councillor Mike Spadafora
 YES - Ward 11 Councillor Mark Tadeson
 YES - Ward 13 Councillor Alex Wilson
 YES - Ward 1 Councillor Maureen Wilson

Result: Motion on the balance of the Planning Committee Report 23-018, CARRIED by a vote of 16 to 0, as follows:

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

GENERAL ISSUES COMMITTEE REPORT 23-028

(Cassar/Tadeson)

That General Issues Committee Report 23-028, being the meeting held on Wednesday, November 1, 2023, be received and the recommendations contained therein be approved.

(Clark/Francis)

That Item 3 of General Issues Committee Report 23-028, respecting Environmental Remediation and Site Enhancement Redevelopment Grant Application, 13-25 King Street East, Stoney Creek (PED23228) (Ward 5), be **amended**, by adding sub-section (d) as follows:

3. **Environmental Remediation and Site Enhancement Redevelopment Grant Application, 13-25 King Street East, Stoney Creek (PED23228) (Ward 5) (Item 10.1)**

(d) That staff be directed to advise Council on the migration of contaminants

off the site.

Result: Amendment to Item 3 of General Issues Committee Report 23-028, CARRIED by a vote of 16 to 0, as follows:

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

Result: Motion on the General Issues Committee Report 23-028, as Amended, CARRIED by a vote of 16 to 0, as follows:

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

AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 23-017
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(Kroetsch/Hwang)

That Audit, Finance and Administration Committee Report 23-017, being the meeting held on Thursday, November 2, 2023, be received and the recommendations contained therein be approved.

(M. Wilson/Clark)

That Item 2(b) of Audit, Finance and Administration Committee Report 23-017 respecting the Governance Review Sub-Committee Report 23-004, October 27, 2023, City of Hamilton Flag and Sign Policy (CM23014) (City Wide) as follows, be referred to Legal Services for their review and report back to the Governance Review Sub-Committee:

2. Governance Review Sub-Committee Report 23-004, October 27, 2023 (Added Item 10.5)

(b) City of Hamilton Flag and Sign Policy (CM23014) (City Wide) (Item 10.1)

- (i) That the City of Hamilton's Flag Protocol (Report 11-003 to Governance Review Sub-Committee) be repealed and replaced with the City of Hamilton Flag and Sign Policy in Appendix E to Audit, Finance and Administration Committee Report 23-017;
- (ii) That the City of Hamilton Flag and Sign Policy be posted on the City website to guide the raising and lowering of flags and lighting of the 3D Hamilton sign; and,
- (iii) That the City of Hamilton Flag and Sign Policy be brought forward for amendment at such time that the City adopts an official days of recognition policy.

Result: Amendment to Item 2(b) of the Audit, Finance and Administration Committee Report 23-017, CARRIED by a vote of 16 to 0, as follows:

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

Result: Motion on the Audit, Finance and Administration Committee Report 23-017, As Amended, CARRIED by a vote of 16 to 0, as follows:

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

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

(Cassar/Tadeson)

That Section 5.8(2) of the City’s Procedural By-law 21-021, as Amended, which provides that a minimum of 2 days shall pass before the Report of a Standing Committee, the Selection Committee, or other Committee that reports directly to Council is presented to Council to provide adequate opportunity for review, be waived in order to consider the General Issues Committee (Budget) Report 23-029.

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

- YES - Ward 10 Councillor Jeff Beattie
- YES - Deputy Mayor - 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
- NOT PRESENT - Ward 15 Councillor Ted McMeekin
- YES - Ward 3 Councillor Nrinder Nann
- YES - Ward 7 Councillor Esther Pauls
- YES - Ward 14 Councillor Mike Spadafora
- YES - Ward 11 Councillor Mark Tadeson
- YES - Ward 13 Councillor Alex Wilson
- YES - Ward 1 Councillor Maureen Wilson

GENERAL ISSUES COMMITTEE (BUDGET) COMMITTEE REPORT 23-029
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(Danko/M. Wilson)

That General Issues Committee (Budget) Report 23-029, being the meeting held on Monday, November 6, 2023, be received and the recommendations contained therein be approved.

Result: Motion on the General Issues Committee (Budget) Report 23-029, CARRIED by a vote of 16 to 0, as follows:

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

(Cassar/Tadeson)

That Council rise from Committee of the Whole.

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

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

MOTIONS

7.1 Ward 2 Community Grants - Q4 2023 (Ward 2)

(Kroetsch/Nann)

WHEREAS City Council approved a motion to allocate Ward 2 Community Grants on August 18, 2023;

WHEREAS the Ward 2 Community Grants program closed for Q4 on September 30, 2023 with a total of 17 applications;

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

WHEREAS the following \$28,950 in 6 individual grants is the second and final part of the fulfillment of this round of the Ward 2 Community Grants program.

THEREFORE, BE IT RESOLVED:

- (a) That up to \$5,000 be allocated from the Ward 2 Special Capital Reinvestment Discretionary Fund (3302309200) to the 272 Caroline Street South Tenant Association for assistance with costs for a building appraisal, insurance, and tenant meetings spaces for the pre-purchase process. The 272 Caroline Street South Tenant Association received \$84,000 from the City of Hamilton in 2023 through the Ward 2 Area Rating Reserve;
- (b) That up to \$5,000 be allocated from the Ward 2 Special Capital Reinvestment Discretionary Fund (3302309200) to Compass Community Health for the purchase of orthopaedic shoes for low-income seniors participating in their walking and fitness program. Compass Community Health received \$29,918.20 from the City of Hamilton in 2023 through the Welcome Baby program delivered by Public Health Services (\$24,968.20) and Ward 2 Non-Property Tax Revenue Account (\$4,950);
- (c) That up to \$5,000 be allocated from the Ward 2 Special Capital Reinvestment Discretionary Fund (3302309200) to Essential Aid and Family Services of Ontario's Infant and Toddler Food Bank for an improved storage system. Essential Aid and Family Services received \$15,000 from the City of Hamilton in 2023 through the One-Time Enhancement Grant in April 2023;
- (d) That up to \$5,000 be allocated from the Ward 2 Special Capital Reinvestment Discretionary Fund (3302309200) to Hamilton Out of the Cold for the purchase of takeout packaging for their low-barrier food programs at Christ's Church Cathedral and Trinity Lutheran Church;
- (e) That up to \$3,950 be allocated from the Ward 2 Special Capital Reinvestment Discretionary Fund (3302109200 and 3302309200) to the International Village BIA for seasonal on-street decor this fall and holiday season. The International Village BIA received \$20,970.74 (not including \$1,050 from Ward 2 Community Grants to date) in 2023 through the 2022 Christmas Grant received in January (\$1,300), 2023 Contribution to Operating Funds (\$7,308.03), and 2023 Parking Share Revenue (\$12,362.71);
- (f) That up to \$5,000 be allocated from the Ward 2 Special Capital Reinvestment Discretionary Fund (3302309200) to St. Lawrence the Martyr Church for the purchase of two Automated External Defibrillators (AEDs), a LifeVac for choking emergencies, and other first aid supplies;

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

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

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

(M. Wilson/Clark)

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

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

THEREFORE, BE IT RESOLVED:

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

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

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

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

7.2 Confidentiality of Closed Session Meeting Discussions while Participating Virtually

(M. Wilson/Clark)

WHEREAS, the confidentiality of Closed Session meeting discussions is in keeping with good governance and benefits of all members of Council;

WHEREAS, members of Council and staff who are participating virtually during a Closed Session meeting should be located in a private room where those not participating in the Closed meeting would not have access to an attendee's screen or overhear parts of a confidential discussion; and

WHEREAS, the wearing of headphones or some other type of hearing equipment would eliminate the opportunity for those not participating in the Closed meeting to overhear a confidential discussion.

THEREFORE, BE IT RESOLVED:

That By-law 21-021, A By-law to Govern the Proceedings of Council and Committees of Council, the 'Procedure By-law', be amended by adding Sub-Section 10.6 under Section 10 – Virtual Participation at Council and/or Committee Meetings, as follows:

10.6 Members of Council and staff attending virtually, shall during Closed Meetings ensure they are in a private room/area and use headphones or some other type of hearing equipment that eliminates the opportunity for those not participating in the Closed meeting to access an attendee's screen and/or overhear the confidential discussion.

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

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

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

7.3 Moving the Consideration of 'Housing Services' Matters to the General Issues Committee

(Clark/Horwath)

WHEREAS Council has approved the following Outcome: Increase the supply of affordable and supportive housing and reduce chronic homelessness, as part of the 2022-2026 Council Priority: Safe & Thriving Neighbourhoods;

WHEREAS housing issues are strongly related to “economic development matters” already included within the mandate of the General Issues Committee; and

WHEREAS issues related to encampments are considered at General Issues Committee.

THEREFORE, BE IT RESOLVED:

That By-law 21-021, A By-law to Govern the Proceedings of Council and Committees of Council, the 'Procedure By-law', be amended by moving the consideration of 'Housing Services' matters from Emergency and Community Services Committee (Appendix 'E' of By-law 21-021) to General Issues Committee (Appendix 'A' of By-law 21-021).

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

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

YES - Ward 1 Councillor Maureen Wilson

7.4 Appointment of the Chair and Vice Chair of General Issues Committee (Budget) for the 2024 Budget

(Cassar/Tadeson)

WHEREAS, Council has been delegated the power to appoint the chair and vice chair of the General Issues Committee (Budget) for the 2024 Budget;

THEREFORE, BE IT RESOLVED:

- (a) That Councillor J.P. Danko, be appointed Chair of General Issues Committee (Budget) for the 2024 Budget; and
- (b) That Councillor M. Wilson, be appointed Vice Chair of General Issues Committee (Budget) for the 2024 Budget.

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

YES - Ward 10 Councillor Jeff Beattie
YES - Deputy Mayor - Ward 12 Councillor Craig Cassar
YES - 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
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

NOTICES OF MOTION

8.1 Appointment of the Chair and Vice Chair of General Issues Committee (Budget) for the 2024 Budget

(Cassar/Tadeson)

That the Rules of Order be waived to allow for the introduction of a motion respecting the Appointment of the Chair and Vice Chair of General Issues Committee (Budget) for the 2024 Budget.

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

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

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

For further disposition of this matter, refer to Item 7.4.

STATEMENTS BY MEMBERS

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

COUNCIL COMMUNICATION UPDATES

(Cassar/Tadeson)

That the listing of Council Communication Updates from October 20, 2023 to November 2, 2023, be received.

Result: Motion on the Council Communication Updates from October 20, 2023 to November 2, 2023 CARRIED by a vote of 14 to 0, as follows:

YES - Ward 10 Councillor Jeff Beattie
YES - Deputy Mayor - Ward 12 Councillor Craig Cassar
NOT PRESENT - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
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 - Ward 1 Councillor Maureen Wilson

PRIVATE AND CONFIDENTIAL

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

11.1 Closed Session Minutes – October 25, 2023

(McMeekin/Spadafora)

That the Closed Session Minutes dated October 25, 2023 be approved, as presented, and remain confidential.

Result: Motion CARRIED by a vote of 14 to 0, as follows:

YES - Ward 10 Councillor Jeff Beattie
YES - Deputy Mayor - Ward 12 Councillor Craig Cassar
NOT PRESENT - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
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 - Ward 1 Councillor Maureen Wilson

(Jackson/Francis)

That Council recess from 12:07 p.m. to 12:40 p.m.

Result: Motion CARRIED by a vote of 14 to 0, as follows:

YES - Ward 10 Councillor Jeff Beattie
YES - Deputy Mayor - Ward 12 Councillor Craig Cassar
NOT PRESENT - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
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 - Ward 1 Councillor Maureen Wilson

(Cassar/A. Wilson)

That Council move into Closed Session to discuss Items 11.2 and 11.3 respecting the Appointment to the Hamilton Police Services Board and ATU Local 107 Collective Bargaining Update pursuant to Section 9.3, Sub-section (b) and (d) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-section (b) and (d) of the *Ontario Municipal Act, 2001*, as amended, as the subject matters pertain to the personal matters about an identifiable individual, including City or local board employees and labour relations or employee negotiations.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

NOT PRESENT - Ward 10 Councillor Jeff Beattie
YES - Deputy Mayor - 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
NOT PRESENT - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
NOT PRESENT - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

11.2 Appointment to the Hamilton Police Services Board

(Nann/Spadafora)

- (a) That Anjali Menezes be appointed to the Hamilton Police Services Board for a term commencing November 8, 2023, and for the 2022-2026 Term of Council or until a successor is chosen; and
- (b) That the direction to staff in Closed Session directing the Clerk to administer the oath, be approved.

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

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

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

11.3 ATU Local 107 Collective Bargaining Update

(McMeekin/Francis)

That the ATU Local 107 Collective Bargaining Update, be received and remain confidential.

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

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

BY-LAWS AND CONFIRMING BY-LAW

(Cassar/Tadeson)

That Bills No. 23-206 to No. 23-212, as **amended**; Bills No. 23-213 and Bills No. 23-214, 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:

- 206 To Amend By-law No. 16-184, being a By-law to Regulate Enclosures for Privately-Owned Outdoor Pools
Ward: City Wide
- 207 To Amend By-law No. 10-122, Being a By-law to Prohibit and Regulate Fortification and Protective Elements of Land
Ward: City Wide

- 208 To Adopt Official Plan Amendment No. 192 to the Urban Hamilton Official Plan Respecting 1280 Rymal Road East and 385 Nebo Road, 1308 and 1318 Rymal Road East and 172 Dartnall Road, and part of 0 Rymal Road East (Hamilton)
Ward: 6
- 209 To Amend Zoning By-law No. 05-200 with Respect to Lands Located at 1280 Rymal Road East, 385 Nebo Road, 1308 and 1318 Rymal Road East, 172 Dartnall Road and 0 Rymal Road East, Hamilton
Ward: 6
CI-23-L
- 210 To Authorize a Tax Exemption for the Arena Located at 101 York Boulevard for the Purposes of the Provision of Municipal Capital Facilities as defined in Section 110 of the Municipal Act, 2001 and to Repeal By-law No. 22-054
Ward: 2
- 211 To Authorize a Tax Exemption for the Arena Located at 1 Summers' Lane for the Purposes of the Provision of Municipal Capital Facilities as defined in Section 110 of the Municipal Act, 2001 and to Repeal By-law No. 22-055
Ward: 2
- 212 To Amend By-law No. 21-021, A By-law to Govern the Proceedings of Council and Committees of Council **as amended**
Ward: City Wide
- 213 To Amend By-law No. 01-218, as amended, Being a By-law to Regulate On-Street Parking
Schedule 8 (No Parking Zones)
Schedule 10 (Alternate Side (April-November) Parking Zones)
Schedule 12 (Permit Parking Zones)
Schedule 14 (Wheelchair Loading Zones)
Schedule 15 (Commercial Vehicle Loading Zones)
Ward: 1, 2, 3, 4, 8, 11, 12
- 214 To Confirm the Proceedings of City Council

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

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

YES - Ward 14 Councillor Mike Spadafora

YES - Ward 11 Councillor Mark Tadeson

YES - Ward 13 Councillor Alex Wilson

YES - Ward 1 Councillor Maureen Wilson

(Spadafora/Clark)

That, there being no further business, City Council be adjourned at 4:22 p.m.

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

YES - Ward 10 Councillor Jeff Beattie

YES - Deputy Mayor - Ward 12 Councillor Craig Cassar

YES - Ward 9 Councillor Brad Clark

YES - Ward 8 Councillor John-Paul Danko

YES - Ward 5 Councillor Matt Francis

YES - Mayor Andrea Horwath

YES - Ward 4 Councillor Tammy Hwang

YES - Ward 6 Councillor Tom Jackson

YES - Ward 2 Councillor Cameron Kroetsch

YES - Ward 15 Councillor Ted McMeekin

YES - Ward 3 Councillor Nrinder Nann

YES - Ward 7 Councillor Esther Pauls

YES - Ward 14 Councillor Mike Spadafora

YES - Ward 11 Councillor Mark Tadeson

YES - Ward 13 Councillor Alex Wilson

YES - Ward 1 Councillor Maureen Wilson

Respectfully submitted,

Mayor Andrea Horwath

Janet Pilon
Acting City Clerk



REGULAR COUNCIL MEETING

RESOLUTION

Tuesday, November 7, 2023

Resolution # RC23265	Meeting Order: 10
Moved by: <i>Cathy Fannon</i>	Seconded by: <i>J. Mal</i>

WHEREAS Canada has 90,000 volunteer firefighters who provide fire and all hazard emergency services to their communities; in addition, approximately 8,000 essential search and rescue volunteers respond to thousands of incidents every year; and

WHEREAS many of these individuals receive some form of pay on call, an honorarium, or are given some funding to cover expenses, but they do not draw a living wage from firefighting; and;

WHEREAS without volunteer firefighters and search and rescue volunteers, thousands of communities in Canada would have no fire and emergency response coverage; and;

WHEREAS in 2013, the federal government initiated a tax credit recognizing these individuals, and calling on the federal government to increase this tax credit from \$3,000 to \$10,000; and;

WHEREAS volunteer firefighters account for 71% of Canada's total firefighting essential first responders;

- The tax code of Canada currently allows volunteer firefighters and search and rescue volunteers to claim a \$3,000 tax credit if 200 hours of volunteer services were completed in a calendar year;
- This works out to a mere \$450 per year, which we allow these essential volunteers to keep of their own income from their regular jobs, \$2.25 an hour;
- If they volunteer more than 200 hours, which many do, this tax credit becomes even less;
- These essential volunteers not only put their lives on the line and give their time, training and efforts to Canadians, but they also allow cities and municipalities to keep property taxes lower than if paid services were required;

p.2...



The Corporation of the Municipality of Wawa

REGULAR COUNCIL MEETING

RESOLUTION

- It would also help retain these volunteers in a time when volunteerism is decreasing.

THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Municipality of Wawa call upon the Government of Canada to support Bill C-310 and enact amendments to subsections 118.06 (2) and 118.07 (2) of the Income Tax Act in order to increase the amount of the tax credits for volunteer firefighting and search and rescue volunteer services from \$3,000 to \$10,000; and;

FURTHERMORE THAT a copy of the resolution be shared with the Association of Fire Chiefs of Ontario, Algoma Mutual Aid Association, Association of Municipalities of Ontario and all Ontario municipalities.

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

Disclosure of Pecuniary Interest and the general nature thereof.

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

Clerk: _____


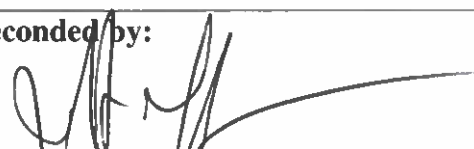
MAYOR - MELANIE PILON	CLERK - MAURY O'NEILL



REGULAR COUNCIL MEETING

RESOLUTION

Tuesday, November 7, 2023

Resolution # RC23263	Meeting Order: 8
Moved by: 	Seconded by: 

WHEREAS the local newspaper company Algoma News Review has ceased the print publication of its weekly newspaper and printed its final edition on July 6, 2022; and

WHEREAS the *Legislation Act, 2006* provides a definition of “newspaper” which applies to every Ontario Act Regulation, as in a provision requiring publication, means a document that, (a) **is printed in sheet form**, published at regular intervals of a week or less and circulated to the general public, and (b) consists primarily of news of current events of general interest; (“journal”); and

WHEREAS Ontario Municipalities are required to follow publication and notice requirements for Provincial Acts and Regulations; and

WHEREAS communities such as the Municipality of Wawa cannot comply with publication requirements in Provincial Acts and Regulations as the Algoma News Review publication is no longer being printed in sheet form and there are no other local news publications fitting the definition of “newspaper”; and

WHEREAS some small rural Ontario Municipalities may not have the means to bring an application to the Court to ask for directions and approval of an alternate manner of providing notice;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Municipality of Wawa does hereby support the Township of McKellar and request the Provincial Government to make an amendment to the *Legislation Act, 2006* to include digital publications as an acceptable means of publication and notice requirements for Provincial acts and Regulations; and

p.2...



The Corporation of the Municipality of Wawa

REGULAR COUNCIL MEETING

RESOLUTION

FURTHERMORE request the support of all Ontario Municipalities; and

FURTHERMORE THAT this resolution be forwarded to the Minister of Municipal Affairs and Housing Paul Calandra, Algoma Manitoulin MPP Michael Mantha, and the Association of Ontario Municipalities (AMO).

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

Disclosure of Pecuniary Interest and the general nature thereof.

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

Clerk: _____

MAYOR - MELANIE PILON	CLERK - MAURY O'NEILL

Pilon, Janet

Subject: Council Meeting Safari Rd. Municipal drain

From: Miki McKellar
Sent: November 13, 2023 10:28 AM
To: clerk@hamilton.ca
Subject: Council Meeting Safari Rd. Municipal drain

Please note the property at 1811 Safari Rd. has no issues with water backing up. The water flows from east to west under our laneway with no issues.
Also and more importantly, this property is partly owned by an older person with a catastrophic head injury. Access from the road to our residence cannot be blocked in case of emergency. We also have a lot of elderly farm animals that require us to be here 24/7.
Please consider this and the fact that we are on fixed pensions, before you decide to destroy our property and bill us for it.
Thank you,
Michelle McKellar

Pilon, Janet

Subject: Safari Rd. Drainage works

From: Miki McKellar
Sent: November 16, 2023 8:12 PM
To: clerk@hamilton.ca
Subject: Safari Rd. Drainage works

Council Members,

We live at [REDACTED] Safari Rd. Sorry we were not able to attend the public meeting on November 13 but we did watch it online. I thought my neighbours spoke very well and agree with pretty much everything they said. They did not understate the number of dump trucks going to 1759 Safari.

For my own part I would like to say that I hope the road stays closed. There has been quite a lot more wildlife in the area and complete reduction of dead animals on the road. There were lots before! There are a number of horseback riding stables in the area including the next property who cross the road to access Hyde tract. Also the National Service Dogs and other groups have used our land for access to the Hyde Park. The road being closed has made us feel safer.

The water flows under our laneway very well. At times quite quickly. The water levels don't change much at all unless we are having a drought year. We have never had water even come close to the laneway. The 13 acres of wetlands there are covered by an agreement with the GRCA and Ducks Unlimited that says we must not do anything to it. But I think that if the culverts were replaced at 1759 it would go far to alleviate the problem for [REDACTED].

We would be glad to talk with an engineer and show him the water flow.

Watching the meeting was very informative and we are happy to see that we are being represented so well. Thank you for your consideration, Michelle McKellar

[REDACTED] Safari Rd.

Pilon, Janet

Subject: No Boundary Expansion

From: Phyllis Dwyer

Sent: November 13, 2023 12:14 PM

To: clerk@hamilton.ca

Subject: No Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

We call on you, our Mayor and Council, to restore the decision from November 2021 to freeze the urban boundary in Hamilton.

Mayor Horwath has made a firm commitment to hold the boundary firm but speculators, in tandem with the Province, will be lobbying the Mayor to expand. Earlier this week, the Province made a special rule allowing Mayors the ability to unilaterally force an urban expansion.

We need Mayor Horwath and the Council to stand firm.

With unprecedented engagement, Hamiltonians have been clear. We value our farmland and can meet our housing targets within our previous existing boundary. We expect our council to hold the line.

We know that sprawl is both economically and environmentally unsustainable. While developers will make significant profits off sprawl, existing residents will have to foot the bill for servicing costs, increasing our property taxes year over year. City housing stats reveal that we have over 1200 acres within the former urban boundary to provide a mix of housing types. Compact growth will allow us to make better use of our existing infrastructure, including roads, sewers and parks, while preserving valuable agricultural land.

Further, it will help build more vibrant neighbourhoods, support better transit, and help keep schools open. With our present labour shortages, we need to prioritize construction labour

and materials to projects which can quickly build the affordable homes we need, not McMansions on distant farmland.

We will be watching at the November 14th Planning Committee meeting and at Council on November 22nd. We are counting on you, as Mayor and Council, to do the right thing to save our farmland and to prioritize affordable homes in liveable neighbourhoods.

Phyllis Dwyer

▪

Pilon, Janet

Subject: No Boundary Expansion

From: Lorraine Green

Sent: November 13, 2023 12:58 PM

To: clerk@hamilton.ca

Subject: No Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

We call on you, our Mayor and Council, to restore the decision from November 2021 to freeze the urban boundary in Hamilton.

Mayor Horwath has made a firm commitment to hold the boundary firm but speculators, in tandem with the Province, will be lobbying the Mayor to expand. Earlier this week, the Province made a special rule allowing Mayors the ability to unilaterally force an urban expansion.

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Lorraine Green

▪

Pilon, Janet

Subject: No Boundary Expansion

From: Devon Smith
Sent: November 13, 2023 1:38 PM
To: clerk@hamilton.ca
Subject: No Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

We call on you, our Mayor and Council, to restore the decision from November 2021 to freeze the urban boundary in Hamilton.

Mayor Horwath has made a firm commitment to hold the boundary firm but speculators, in tandem with the Province, will be lobbying the Mayor to expand. Earlier this week, the Province made a special rule allowing Mayors the ability to unilaterally force an urban expansion.

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Devon Smith

▪

Pilon, Janet

Subject: No Boundary Expansion

From: Ron Ballentine

Sent: November 13, 2023 1:47 PM

To: clerk@hamilton.ca

Subject: No Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

We call on you, our Mayor and Council, to restore the decision from November 2021 to freeze the urban boundary in Hamilton.

Mayor Horwath has made a firm commitment to hold the boundary firm but speculators, in tandem with the Province, will be lobbying the Mayor to expand. Earlier this week, the Province made a special rule allowing Mayors the ability to unilaterally force an urban expansion.

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Ron Ballentine

▪

Pilon, Janet

Subject: No Boundary Expansion

From: Mary Ciotti

Sent: November 13, 2023 2:47 PM

To: clerk@hamilton.ca

Subject: No Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

We call on you, our Mayor and Council, to restore the decision from November 2021 to freeze the urban boundary in Hamilton.

Mayor Horwath has made a firm commitment to hold the boundary firm but speculators, in tandem with the Province, will be lobbying the Mayor to expand. Earlier this week, the Province made a special rule allowing Mayors the ability to unilaterally force an urban expansion.

We need Mayor Horwath and the Council to stand firm.

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We know that sprawl is both economically and environmentally unsustainable. While developers will make significant profits off sprawl, existing residents will have to foot the bill for servicing costs, increasing our property taxes year over year. City housing stats reveal that we have over 1200 acres within the former urban boundary to provide a mix of housing types. Compact growth will allow us to make better use of our existing infrastructure, including roads, sewers and parks, while preserving valuable agricultural land.

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Mary Ciotti

▪

Pilon, Janet

Subject: No Boundary Expansion

From: Susan Joanis
Sent: November 13, 2023 3:09 PM
To: clerk@hamilton.ca
Subject: No Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

We call on you, our Mayor and Council, to restore the decision from November 2021 to freeze the urban boundary in Hamilton.

Mayor Horwath has made a firm commitment to hold the boundary firm but speculators, in tandem with the Province, will be lobbying the Mayor to expand. Earlier this week, the Province made a special rule allowing Mayors the ability to unilaterally force an urban expansion.

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Susan Joanis

▪

Pilon, Janet

Subject: No Boundary Expansion

From: Cheri Elson

Sent: November 13, 2023 3:17 PM

To: clerk@hamilton.ca

Subject: No Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

We call on you, our Mayor and Council, to restore the decision from November 2021 to freeze the urban boundary in Hamilton.

Mayor Horwath has made a firm commitment to hold the boundary firm but speculators, in tandem with the Province, will be lobbying the Mayor to expand. Earlier this week, the Province made a special rule allowing Mayors the ability to unilaterally force an urban expansion.

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Cheri Elson

▪

Pilon, Janet

Subject: No Boundary Expansion

From: Adam Sperber

Sent: November 13, 2023 3:18 PM

To: clerk@hamilton.ca

Subject: No Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

We call on you, our Mayor and Council, to restore the decision from November 2021 to freeze the urban boundary in Hamilton.

Mayor Horwath has made a firm commitment to hold the boundary firm but speculators, in tandem with the Province, will be lobbying the Mayor to expand. Earlier this week, the Province made a special rule allowing Mayors the ability to unilaterally force an urban expansion.

We need Mayor Horwath and the Council to stand firm.

With unprecedented engagement, Hamiltonians have been clear. We value our farmland and can meet our housing targets within our previous existing boundary. We expect our council to hold the line.

We know that sprawl is both economically and environmentally unsustainable. While developers will make significant profits off sprawl, existing residents will have to foot the bill for servicing costs, increasing our property taxes year over year. City housing stats reveal that we have over 1200 acres within the former urban boundary to provide a mix of housing types. Compact growth will allow us to make better use of our existing infrastructure, including roads, sewers and parks, while preserving valuable agricultural land.

Further, it will help build more vibrant neighbourhoods, support better transit, and help keep schools open. With our present labour shortages, we need to prioritize construction labour

and materials to projects which can quickly build the affordable homes we need, not McMansions on distant farmland.

We will be watching at the November 14th Planning Committee meeting and at Council on November 22nd. We are counting on you, as Mayor and Council, to do the right thing to save our farmland and to prioritize affordable homes in liveable neighbourhoods.

Adam Sperber

▪

Pilon, Janet

Subject: No Boundary Expansion

From: Agnes Richard

Sent: November 13, 2023 3:51 PM

To: clerk@hamilton.ca

Subject: No Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

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Agnes Richard

▪

Pilon, Janet

Subject: Boundary Expansion

From: Deborah Lindeman

Sent: November 13, 2023 3:56 PM

To: clerk@hamilton.ca

Subject: No Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

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Deborah Lindeman

▪

Pilon, Janet

Subject: No Boundary Expansion

From: Debbie Edwards

Sent: November 13, 2023 5:48 PM

To: clerk@hamilton.ca

Subject: No Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

We ask that you restore the decision from November 2021 to freeze the urban boundary in Hamilton.

Mayor Horwath has made a firm commitment to hold the boundary firm but speculators, in tandem with the Province, will be lobbying the Mayor to expand.

We need Mayor Horwath and the Council to stand firm.

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Further, it will help build more vibrant neighbourhoods, support better transit, and help keep schools open. With our present labour shortages, we need to prioritize construction labour and materials to projects which can quickly build the affordable homes we need, not large single family homes on distant farmland.

We will be watching at the November 14th Planning Committee meeting and at Council on November 22nd. We are counting on you, as Mayor and Council, to do the right thing to save our farmland and to prioritize affordable homes in liveable neighbourhoods.

Thank you.

Debbie Edwards

▪

Pilon, Janet

Subject: No Boundary Expansion

From: LINDA CANARIS

Sent: November 13, 2023 6:23 PM

To: clerk@hamilton.ca

Subject: No Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

We call on you, our Mayor and Council, to restore the decision from November 2021 to freeze the urban boundary in Hamilton.

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LINDA CANARIS

▪

Pilon, Janet

Subject: FW: No Boundary Expansion

From: Dorothy Schrader

Sent: November 13, 2023 6:36 PM

To: clerk@hamilton.ca

Subject: No Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

We call on you, our Mayor and Council, to restore the decision from November 2021 to freeze the urban boundary in Hamilton.

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Dorothy Schrader

▪

Pilon, Janet

Subject: No Boundary Expansion - Stop the Corruption

From: Joanne Turnell

Sent: November 13, 2023 6:42 PM

To: clerk@hamilton.ca

Subject: No Boundary Expansion - Stop the Corruption

Clerk City Clerk,

Wilson Street Farmers Market

CLOSED IN 2014 Wilson Street Farmers Market.

I would like to remind you of the forced closure of the Wilson Street Farmers Market in Ancaster over zoning.

In 2014 a local food truck ojo was awarded a grant by the Ontario Govt, thru Ted McMeekins local food act.

<https://www.toronto.com/news-story/4487472-ancaster-food-truck-business-opening-local-produce-market/>

Ojo rented a warehouse space at 1632 Wilson Street West in Ancaster, it was properly zoned for everything we proposed in our business plan, it was prior to the Farmers Market ByLaw Guide lines and despite push back from city hall we were given a reprieve by Council

<https://www.hamiltonnews.com/news-story/5430640-ancaster-s-wilson-street-farmers-market-gets-reprieve-from-city-of-hamilton/>

However, after the “reprieve” ojo was sat down by Joanne Hickey Evans of the City of Hamilton who informed that ojo would not be allowed to proceed with it’s business plans, even though we had already been issued very expensive and time intensive building permits by the City of Hamilton. Lloyd Ferguson was of no help except to recommend a move of the business to the Walmart Parking Lot.

The Wilson Street Farmers Market and Ojo are now closed and the building at 1632 Wilson Street West is now sold and the lands are/were part of the Greenbelt.

I now understand why Lloyd Ferguson opposed my business model. It is because if there was a Farmers Market on the land you can't pull it out of the Greenbelt. At the time I could not understand why I was getting so much push back, it is clear now the only reason to shut an emerging Farmers Market, was to facilitate development on the corner of Hwy 52 and Hwy 2.

And meanwhile Brandon House Developers (on the site of a single family home) (and that have donated to Fergusons funds) shove Retirement development proposals that it is NOT ZONED FOR and get a free pass for consideration? <https://www.thespec.com/local-ancaster/news/2021/04/10/amica-retirement-facility-proposed-for-former-brandon-house-property-in-ancaster.html>

Lloyd Ferguson was beholden to development.

2016 – 2018 I was the Publicity Manager for the Ancaster Fair and I also sat on the Board of Directors for the Agricultural Society.

2017 I was asked to join a new Committee to try to Save the Ancaster Well. I was passionate about saving the well and I still am.

My experience with #FREETHWELL and Save Our Spring was and still stands that the Arsenic Scare started by Lloyd Ferguson was intentional to make people believe the Well was not saving, in a successful effort to remove the land use restrictions for the surrounding properties (Kennedy Farm Hwy 99) as described in Bylaw 18-068 to open up old Hwy 99 for development.

<https://www.toronto.com/news-story/7516894-ancaster-coun-lloyd-ferguson-asks-city-to-save-sulphur-springs-well/>

Lloyd Ferguson threatened to sue me in a war of words over the Ancaster Well.

<https://www.thespec.com/news/hamilton-region/2017/12/14/legal-action-threatened-in-dispute-over-ancaster-well-water.html>

A City of Hamilton employee tried to derail my plans to save the well, by attending our Home Owners Association and trying to defame my character.

<https://www.hamiltonnews.com/news-story/8107024-ancaster-well-activist-still-fuming-over-pot-venture-s-privacy-breach/>

After this episode during an Ancaster Fairgrounds Board meeting I was asked to remain behind for a private meeting with the Executive Team, where I was told that I had to stop speaking out about Lloyd Ferguson. The Head of the Executive is Lloyds Neice. Jill Ferguson.

I refused to give up my rights to Free Speech and I was told I could no longer remain on the Board of the Agricultural Society. I then resigned my position as Publicity Manager also and did not return.

My experience with the City of Hamilton has left a bitter taste in my mouth, and while I do love where I live, I think that the City is/was rife with corruption especially around Boundary Expansion.

Thank you for your time

Joanne Turnell

▪

Pilon, Janet

Subject: No Boundary Expansion

From: Adele Alfano
Sent: November 13, 2023 7:07 PM
To: clerk@hamilton.ca
Subject: No Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

We call on you, our Mayor and Council, to restore the decision from November 2021 to freeze the urban boundary in Hamilton.

Mayor Horwath has made a firm commitment to hold the boundary firm but speculators, in tandem with the Province, will be lobbying the Mayor to expand. Earlier this week, the Province made a special rule allowing Mayors the ability to unilaterally force an urban expansion.

We need Mayor Horwath and the Council to stand firm.

With unprecedented engagement, Hamiltonians have been clear. We value our farmland and can meet our housing targets within our previous existing boundary. We expect our council to hold the line.

We know that sprawl is both economically and environmentally unsustainable. While developers will make significant profits off sprawl, existing residents will have to foot the bill for servicing costs, increasing our property taxes year over year. City housing stats reveal that we have over 1200 acres within the former urban boundary to provide a mix of housing types. Compact growth will allow us to make better use of our existing infrastructure, including roads, sewers and parks, while preserving valuable agricultural land.

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and materials to projects which can quickly build the affordable homes we need, not McMansions on distant farmland.

We will be watching at the November 14th Planning Committee meeting and at Council on November 22nd. We are counting on you, as Mayor and Council, to do the right thing to save our farmland and to prioritize affordable homes in liveable neighbourhoods.

Adele Alfano

▪

Pilon, Janet

Subject: No Boundary Expansion

From: Mary Pat Jankowski

Sent: November 13, 2023 7:20 PM

To: clerk@hamilton.ca

Subject: No Boundary Expansion

Clerk City Clerk,

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Mary Pat Jankowski

▪

Pilon, Janet

Subject: No Boundary Expansion in Hamilton

From: mary beaty

Sent: November 13, 2023 8:31 PM

To: clerk@hamilton.ca

Subject: No Boundary Expansion in Hamilton

Clerk City Clerk,

Dear Mayor and Council,

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mary beaty

▪

Pilon, Janet

Subject: No Boundary Expansion

From: Katie McDavid

Sent: November 13, 2023 8:57 PM

To: clerk@hamilton.ca

Subject: No Boundary Expansion

Clerk City Clerk,

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Katie McDavid

▪

Pilon, Janet

Subject: No Boundary Expansion

From: Adam Fergus

Sent: November 13, 2023 8:57 PM

To: clerk@hamilton.ca

Subject: No Boundary Expansion

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Adam Fergus

▪

Pilon, Janet

Subject: FW: No Boundary Expansion

From: Paul Craig

Sent: November 14, 2023 6:45 AM

To: clerk@hamilton.ca

Subject: No Boundary Expansion

Clerk City Clerk,

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Paul Craig

▪

Pilon, Janet

Subject: No Boundary Expansion

From: Stephanie Stover

Sent: November 14, 2023 7:58 AM

To: clerk@hamilton.ca

Subject: No Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

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Stephanie Stover

▪

Twenty Road (Glanbrook) Developments Limited

50 King Street East, Hamilton, ON L8N 1A6

November 13, 2023

BY EMAIL

Chair and Members of Planning Committee
City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5
c/o Office of the City Clerk: clerk@hamilton.ca

To the Chair and Members of Committee

**Re: Planning & Economic Development Staff Report No. PED23252
Provincial Announcement Impacting Provincial Decisions on Municipal Official Plans
and Official Plan Amendments
Part Lot 8, Concession 2, Glanford Save and Except Part 2, PL 62R19566, Hamilton**

Twenty Road (Glanbrook) Developments Limited is the owner of the subject lands described as Part Lot 8, Concession 2, Glanford Save and Except Part 2, PL 62R19566, Hamilton. When considering growth options in the Urban Hamilton Official Plan, these lands form part of the area commonly referred to as Twenty Road East. As owners, we have reviewed Planning & Economic Development Staff Report No. PED23252 that is scheduled as Item 11.3 on the November 14, 2023 Planning Committee agenda and offer the following for your consideration.

It is understood that this report is in response to Hon. Paul Calandra's October 23, 2023 announcement, as clarified with his November 2, 2023 letter to affected municipalities, outlining his intent to "bring into effect the official plans as adopted by municipal council, except for any modifications that are necessary to protect matters of public health and safety, or which are required to align with legislation or regulations."

In considering your response, it is critical to review the Municipal Comprehensive Review (MCR) planning process the City of Hamilton used to evaluate its lands needs to ensure the Urban Hamilton Official Plan complies with Provincial legislation, namely the Growth Plan.

To complete the MCR, the City of Hamilton retained Lorus & Associates to complete the land needs analysis. The City then retained Watson & Associates to complete a peer review of Lorus'

work. Both consultants confirmed an urban boundary expansion was required to accommodate the City's population targets to 2051.

During the MCR process, a no boundary expansion was briefly considered and dismissed by the consultants recognizing it would not comply with the market-based approach to land needs analysis as required by the Growth Plan.

Ultimately, staff recommend approval of an urban boundary expansion based on the Ambitious Growth scenario that included the lands commonly referred to as Twenty Road East.

In recognizing Hon. Calandra's intent to retain modifications required to align with legislation, please accept this submission as Twenty Road (Glanbrook) Developments Limited request for Council to advise the Province it now supports the boundary expansion.

Please feel free to contact the undersigned with any comments or questions.

Sincerely,

Twenty Road (Glanbrook) Developments Limited

Per: 

David Horwood, Director

Weizer Investments Limited

50 King Street East, Hamilton, ON L8N 1A6

November 13, 2023

BY EMAIL

Chair and Members of Planning Committee
City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5
c/o Office of the City Clerk: clerk@hamilton.ca

To the Chair and Members of Committee

**Re: Planning & Economic Development Staff Report No. PED23252
Provincial Announcement Impacting Provincial Decisions on Municipal Official Plans
and Official Plan Amendments
Part Lots 7, 8 and 9, Concession 2, Glanford, Hamilton**

Weizer Investments Limited is the owner of the subject lands described as Part Lots 7, 8 and 9 Concession 2, Glanford, Hamilton. When considering growth options in the Urban Hamilton Official Plan, these lands form part of the area commonly referred to as Twenty Road East. As owners, we have reviewed Planning & Economic Development Staff Report No. PED23252 that is scheduled as Item 11.3 on the November 14, 2023 Planning Committee agenda and offer the following for your consideration.

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In recognizing Hon. Calandra's intent to retain modifications required to align with legislation, please accept this submission as Weizer Investments Limited request for Council to advise the Province it now supports the boundary expansion.

Please feel free to contact the undersigned with any comments or questions.

Sincerely,

Weizer Investments Limited

Per: 

David Horwood, Director

Chair and Members
Planning Committee
Hamilton City Hall
71 Main Street W
Hamilton ON L8P 4Y5

November 13, 2023

TO: Clerk's Department
clerk@hamilton.ca
905-546-4408

RE: Provincial Announcement Impacting Provincial Decisions on Municipal Official Plans and Official Plan Amendments (PED232252) (City Wide)

Via EMail

Dear Chair and Members of Committee,

We have been retained by Micor Developments, Parente Group Holdings, and Cachet Homes regarding their lands located within the block of Twenty Road West, Upper James Street, Dickerson Road and Glancaster Road, in the City of Hamilton. Our clients are part of the Upper West Side Landowners Group (UWSLG).

We are writing to express our clients' concerns with the Province's October 23rd proposal to potentially revert the City's Urban Hamilton Official Plan Amendment 167 back to its original form (i.e. no urban boundary expansion).

We have reviewed correspondence from Corbett Land Strategies on behalf of UWSLG and concur with their comments that the UWSLG lands do not represent an Urban Boundary Expansion but are in fact an infill opportunity given that it is surrounded on all sides by urban boundary.

Because these lands are infill, we believe their development is in keeping with Council's objectives of containing urban sprawl. We further note that our clients' lands are non prime agricultural as per OMAFRA's mapping.

We would appreciate the opportunity to meet with the City, and welcome the chance to discuss further with staff. We are respectfully requesting that Planning Committee defer consideration of this matter as it would apply to our clients' lands.

Thank you for your consideration.

Yours truly,



Ed Sajecki

P.Eng., MCIP, RPP, PLE

Partner

Sajecki Planning

T: 905 330 2908

ed@sajeckiplanning.com

www.sajeckiplanning.com

Copy: Clients

Pilon, Janet

Subject: No Boundary Expansion

From: Barbara Ross

Sent: November 14, 2023 8:50 AM

To: clerk@hamilton.ca

Subject: No Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

We call on you, our Mayor and Council, to restore the decision from November 2021 to freeze the urban boundary in Hamilton.

Mayor Horwath has made a firm commitment to hold the boundary firm but speculators, in tandem with the Province, will be lobbying the Mayor to expand. Earlier this week, the Province made a special rule allowing Mayors the ability to unilaterally force an urban expansion.

We need Mayor Horwath and the Council to stand firm.

With unprecedented engagement, Hamiltonians have been clear. We value our farmland and can meet our housing targets within our previous existing boundary. We expect our council to hold the line.

We know that sprawl is both economically and environmentally unsustainable. While developers will make significant profits off sprawl, existing residents will have to foot the bill for servicing costs, increasing our property taxes year over year. City housing stats reveal that we have over 1200 acres within the former urban boundary to provide a mix of housing types. Compact growth will allow us to make better use of our existing infrastructure, including roads, sewers and parks, while preserving valuable agricultural land.

Further, it will help build more vibrant neighbourhoods, support better transit, and help keep schools open. With our present labour shortages, we need to prioritize construction labour

and materials to projects which can quickly build the affordable homes we need, not McMansions on distant farmland.

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Barbara Ross

▪

Pilon, Janet

Subject: No Boundary Expansion

From: Allison Barnes

Sent: November 14, 2023 8:54 AM

To: clerk@hamilton.ca

Subject: No Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

We call on you, our Mayor and Council, to restore the decision from November 2021 to freeze the urban boundary in Hamilton.

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Allison Barnes

▪

Pilon, Janet

Subject: No Boundary Expansion

From: Trevor Stephenson

Sent: November 14, 2023 9:36 AM

To: clerk@hamilton.ca

Subject: No Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

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Trevor Stephenson

▪

Pilon, Janet

Subject: No Boundary Expansion

From: Allison Clark

Sent: November 14, 2023 9:38 AM

To: clerk@hamilton.ca

Subject: No Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

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Allison Clark

▪

Pilon, Janet

Subject: No Boundary Expansion

From: Nessa Olshansky

Sent: November 14, 2023 11:30 AM

To: clerk@hamilton.ca

Subject: No Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

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Nessa Olshansky

Pilon, Janet

Subject: No Boundary Expansion

From: Diana Meskauskas

Sent: November 14, 2023 11:36 AM

To: clerk@hamilton.ca

Subject: No Boundary Expansion

Clerk City Clerk,

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Diana Meskauskas

▪

Pilon, Janet

Subject: No Boundary Expansion

From: Scott Bevan

Sent: November 14, 2023 1:04 PM

To: clerk@hamilton.ca

Subject: No Boundary Expansion

Clerk City Clerk,

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Scott Bevan

▪

Pilon, Janet

Subject: No Boundary Expansion

From: Patrick Speissegger

Sent: November 14, 2023 1:55 PM

To: clerk@hamilton.ca

Subject: No Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

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Patrick Speissegger

▪

Pilon, Janet

Subject: No Boundary Expansion

From: Ieva Neimanis

Sent: November 14, 2023 2:13 PM

To: clerk@hamilton.ca

Subject: No Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

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Ieva Neimanis

▪

Pilon, Janet

Subject: No Boundary Expansion

From: Norma Young

Sent: November 14, 2023 2:18 PM

To: clerk@hamilton.ca

Subject: No Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

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Norma Young

▪

Pilon, Janet

Subject: No Boundary Expansion

From: Caroline Neufeld

Sent: November 14, 2023 2:29 PM

To: clerk@hamilton.ca

Subject: No Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

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Caroline Neufeld

▪

Pilon, Janet

Subject: No Boundary Expansion

From: Linda Mackrael

Sent: November 14, 2023 2:33 PM

To: clerk@hamilton.ca

Subject: No Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

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Linda Mackrael

▪

Pilon, Janet

Subject: No Boundary Expansion

From: Susana Ng

Sent: November 14, 2023 2:35 PM

To: clerk@hamilton.ca

Subject: No Boundary Expansion

Clerk City Clerk,

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Susana Ng

▪

Pilon, Janet

Subject: No Boundary Expansion

From: Sergei Stevens

Sent: November 14, 2023 2:40 PM

To: clerk@hamilton.ca

Subject: No Boundary Expansion

Clerk City Clerk,

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Sergei Stevens

▪

Pilon, Janet

Subject: No Boundary Expansion

From: Carol Balint

Sent: November 14, 2023 4:19 PM

To: clerk@hamilton.ca

Subject: No Boundary Expansion

Clerk City Clerk,

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Carol Balint

▪

Pilon, Janet

Subject: No Boundary Expansion

From: Peter Smith

Sent: November 14, 2023 4:04 PM

To: clerk@hamilton.ca

Subject: No Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

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Peter Smith

▪

Pilon, Janet

Subject: No Boundary Expansion

From: margo may taylor

Sent: November 14, 2023 3:56 PM

To: clerk@hamilton.ca

Subject: No Boundary Expansion

Clerk City Clerk,

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margo may taylor

▪

Pilon, Janet

Subject: No Boundary Expansion

From: Bernard Stout

Sent: November 14, 2023 3:54 PM

To: clerk@hamilton.ca

Subject: No Boundary Expansion

Clerk City Clerk,

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Bernard Stout

▪

Pilon, Janet

Subject: No Boundary Expansion

From: Patricia Barton

Sent: November 14, 2023 3:39 PM

To: clerk@hamilton.ca

Subject: No Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

We call on you, our Mayor and Council, to restore the decision from November 2021 to freeze the urban boundary in Hamilton.

Mayor Horwath has made a firm commitment to hold the boundary firm but speculators, in tandem with the Province, will be lobbying the Mayor to expand. Earlier this week, the Province made a special rule allowing Mayors the ability to unilaterally force an urban expansion.

We need Mayor Horwath and the Council to stand firm.

With unprecedented engagement, Hamiltonians have been clear. We value our farmland and can meet our housing targets within our previous existing boundary. We expect our council to hold the line.

We know that sprawl is both economically and environmentally unsustainable. While developers will make significant profits off sprawl, existing residents will have to foot the bill for servicing costs, increasing our property taxes year over year. City housing stats reveal that we have over 1200 acres within the former urban boundary to provide a mix of housing types. Compact growth will allow us to make better use of our existing infrastructure, including roads, sewers and parks, while preserving valuable agricultural land.

Further, it will help build more vibrant neighbourhoods, support better transit, and help keep schools open. With our present labour shortages, we need to prioritize construction labour and materials to projects which can quickly build the affordable homes we need, not McMansions on distant farmland.

We will be watching at the November 14th Planning Committee meeting and at Council on November 22nd. We are counting on you, as Mayor and Council, to do the right thing to save our farmland and to prioritize affordable homes in liveable neighbourhoods.

Patricia Barton

▪

Pilon, Janet

Subject: No Boundary Expansion

From: Jamie Shea

Sent: November 14, 2023 3:00 PM

To: clerk@hamilton.ca

Subject: No Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

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Jamie Shea

▪

Pilon, Janet

Subject: No Boundary Expansion

From: Bert Seeliger

Sent: November 14, 2023 2:48 PM

To: clerk@hamilton.ca

Subject: No Boundary Expansion

Clerk City Clerk,

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Bert Seeliger

▪

Pilon, Janet

Subject: No to urban boundary expansion, No to OLT orders

From: Rosa Beraldo

Sent: November 20, 2023 11:01 AM

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

Cc: clerk@hamilton.ca; Cassar, Craig <Craig.Cassar@hamilton.ca>

Subject: No to urban boundary expansion, No to OLT orders

Respect the environment, the safety and wishes of the citizens. Please do not reward the undemocratic and corrupt practices of the Ford government and developers.

Rosa Beraldo
Ancaster, ON

Pilon, Janet

Subject: Wrapped in Courage campaign invitation and request

From: WAWG Hamilton <wawgpc@gmail.com>
Sent: Tuesday, October 24, 2023 4:54 PM
To: Office of the Mayor <Officeofthe.Mayor@hamilton.ca>
Cc: Qureshi, Uzma <Uzma.Qureshi@hamilton.ca>
Subject: Wrapped in Courage campaign invitation and request

Dear Mayor Horwath,

Please see the attached invitation from WAWG to join the provincial campaign Wrapped in Courage and request for the City of Hamilton to raise a flag in support.

We look forward to hearing your response soon.

In solidarity,

Thea Symonds, Coordinator

Woman Abuse Working Group (WAWG)

www.wawg.ca

"A coalition of agencies in Hamilton,

Ontario working to end violence against women"

You are not alone



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What Is Wrapped In **Courage**

As a means to educate the community and elected officials about violence against women and the need for increased services, the Ontario Association of Interval & Transition Houses launched the Wrapped in Courage Campaign in 2013.

The campaign engages local communities throughout November with the support of gender-based violence services to build awareness, connect survivors to services and to call on decision makers about the social change that is needed.

Every year throughout the month of November we call on all Ontarians to take action to show their support for survivors of gender-based violence by wearing a purple scarf and attending a Wrapped in Courage flag raising and proclamation event in your community. Take action towards violence prevention today, because #purpleisforeveryone.



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The Ontario Association Of Interval & Transition Houses

OAITH is a provincial association established in 1977 made of gender-based violence organizations including women shelters, transitional housing and community-based organizations. We aim to end all forms of violence and oppression through public awareness, advocacy, training, education, and research. You can learn more about OAITH [here](#).



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To see the full list of Wrapped in Courage participating agencies, visit the ["Find a Scarf"](#) page.

Learn More & Take Action

The Scarf

Local Events

Take Action



Email Us

Get In Touch

 [416.977.6619 ext. 103](tel:416.977.6619)

 info@oait.ca



Wrapped in Courage is a campaign of the Ontario Association of Interval and Transition Houses (OAITH).

2020 © Wrapped In Courage | Designed By: Pixel To The Left Digital Marketing

November 6, 2023

Members of City Council
City of Hamilton

Re: Block 16 Proposal - Letter of Support

Since 2015 Brook McIlroy Inc. (Planners, Urban Designer, Architects and Landscape Architects) have had an on-going role assisting the City of Hamilton in the development of the new Pier 8 neighbourhood. In 2015-16 we prepared the **Pier 7 and 8 Urban Design Study** which was approved by the City of Hamilton in May 2016. We were subsequently retained by the City of Hamilton to review options for the potential development of Block 16 for primarily residential uses, and to prepare urban design guidelines that would provide standards for this site. This work culminated in the **Pier 8 Block 16 Urban Design Guidelines**.

During this process we assisted the City's Planning Department in an extensive public engagement process as well as iterative design and sustainability workshops with the developer and their consultant team to determine the best development scenario for the site. We also participated in several sessions with the City of Hamilton Design Review Panel.

It is our opinion that the proposal prepared for Block 16 by KPMB Architects will make an important contribution to Pier 8 as well as setting a new standard for the City of Hamilton in sustainable design excellence. Throughout the process of working with the developer and KPMB, they have meaningfully embraced the aspirations and recommended standards contained in the Urban Design Guidelines as well as input from the public and DRP. The project makes an important and creative contribution to the public realm that reflects the aspirations for Pier 8 while mitigating impacts to the balance of the primary mid-rise character of the neighbourhood.

I am therefore writing in support of the Block 16 proposal and look forward to the next steps in the implementation process for this important project.

BROOK McILROY Inc.

Yours Sincerely,



Calvin Brook FRAIC, OAA, MCIP, RPP, LEED AP
Principal

200-161 Spadina Avenue
Toronto, ON Canada
M5V 2L6

t. 416 504 5997
f. 416 504 7712

www.brookmcilroy.com



Dayna Dubecki
Glanbrook Community Services
4280 Binbrook Rd. Binbrook, ON
L0R 1C0
execdirector@glanbrookcommunityservies.ca
905.692.3464

Monday November 13th, 2023

Legislative Coordinator of The Respecting Standing Committee,
City of Hamilton
71 Main Street West
Hamilton, Ontario L8P 4Y5

Dear Standing Committee,

I hope this letter finds you in good health and high spirits. I am writing to express my wholehearted support for the zoning by-law amendment proposal that the Township of Glanbrook Non-Profit Housing Corporation is seeking for the development of a new 3-story seniors rental apartment building in our community. As the Executive Director of Glanbrook Community Services, I believe this project aligns perfectly with our mission and values.

The importance of providing affordable senior housing cannot be overstated, and your proposed project is a testament to your commitment to addressing this pressing need in our community. The prospect of having 52 affordable units for seniors, supported by 78 surface parking spaces, is a significant step in the right direction to ensure that our senior citizens have access to comfortable and secure living spaces.

In my capacity as a member of Glanbrook Community Services, I have witnessed the profound impact that well-designed, affordable housing can have on the lives of seniors. It not only provides them with a place to call home but also offers them a sense of community and a vibrant living environment. Furthermore, the inclusion of activity spaces for seniors in your proposed development is a commendable initiative that will contribute to their overall well-being and quality of life.

While the deadline for written submissions is fast approaching, I believe that it is crucial for our community to express its support for this project. Therefore, I am fully supportive of Glanbrook Community Services submitting a letter of support to the City of Hamilton Planning Committee. This letter should highlight the significance of the project in addressing the needs of our senior population and the positive impact it will have on their lives. We believe that this development will not only meet the requirements of our seniors but also serve as an exemplary model for future housing initiatives.

Please do not hesitate to contact me if you require any additional information or assistance in preparing the letter of support. I understand the urgency of the matter, and I am willing to contribute to the drafting process as needed.

I wish you the best of luck with the upcoming public meeting on November 14th, and I sincerely hope that the zoning by-law amendment is approved. Should the proposal progress to the Council on November 22nd, you can count on our continued support, and we will certainly submit a letter to our Councilor, Mark Tadeson, expressing our endorsement of this vital project.

Thank you for your dedication to improving the lives of our senior citizens, and for taking the initiative to make our community a better place for all.

Sincerely,



Dayna Dubecki
Executive Director
Glanbrook Community Services
execdirector@glanbrookcommunityservices.ca
905.692.3464

Monday November 13th, 2023

Legislative Coordinator of The Respecting Standing Committee
City of Hamilton
71 Main Street West
Hamilton, Ontario L8P 4Y5

Dear Standing Committee

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MUNICIPALITY OF
SHUNIAH

COUNCIL RESOLUTION

Resolution No.: 399-23

Date: Nov 14, 2023

Moved By: 

Seconded By: 

WHEREAS excessive noise resulting from the operation of moving vehicles falls under the jurisdiction of the Highway Traffic Act, R.S.O. 1990, c. H.8. ("Highway Traffic Act") which is enforced by provincially appointed officers;

AND WHEREAS municipalities, including the Municipality of Shuniah, have received complaints from residents regarding noises associated with the use of engine retarder brakes on heavy vehicles;

AND WHEREAS the Ministry of Transportation recommends the use of engine braking in certain circumstances, such as the downgrade located on Spruce River Road to avoid overheating brakes, and as a form of backup brake if brakes fail;

AND WHEREAS a higher engine noise is typically emitted for a short period of time (e.g., ten (10) to thirty (30) seconds), depending on the vehicle's speed and vehicles may make a loud "chattering" or "jackhammer" exhaust noise when this braking system is engaged;

AND WHEREAS this noise can be amplified if the vehicle has no muffler or an improper muffling system;

AND WHEREAS noise emissions from commercial vehicles form part of the Ministry of Transportation's inspection process;

AND WHEREAS installation of "courtesy" signs that request the drivers to limit the use of loud compression style brakes are difficult to enforce and there is evidence of these types of signs not being beneficial;

BE IT RESOLVED THAT the Province of Ontario be requested to enhance enforcement for deficient muffler systems to address concerns around excessive and unnecessary noise from engine brakes.

FURTHER BE IT RESOLVED THAT a copy of this motion be forwarded to Premier Doug Ford, Minister of Transportation Prabmeet Sarkaria, MPP Kevin Holland, MP Marcus Powlowski, MPP Lise Vaugeois, and MP Patty Hajdu.

Carried

Defeated

Amended

Deferred

Signature

Pilon, Janet

Subject: UHOPA-23-017; ZAC-23-041; 1225 Old Golf Links Road, Ancaster

Importance: High

From: John Vitulli <jvitulli@vitullilawgroup.com>

Sent: November 14, 2023 8:03 AM

To: clerk@hamilton.ca

Subject: FW: UHOPA-23-017; ZAC-23-041; 1225 Old Golf Links Road, Ancaster

Importance: High

Dear Clerk,

I write this correspondence in support of the rezoning of the property in order to permit self-storage.

As a lawyer practicing real estate law in Hamilton since 2002 and a resident of Ancaster since 2008, I can advise that there is a strong need for self-storage in Hamilton in general and Ancaster in particular.

I also believe that the property is perfectly situated and suited for self-storage. For one, the property has been vacant and underutilized for as long as I remember. Second, the use is mostly passive, which lends itself well given that the property is tucked in behind major roadways. In fact, I cannot think of a better use for the property, nor a better property in Ancaster for the proposed use.

I would happy to discuss this matter further with your offices.

Thank you.

Yours very truly,



John Vitulli, Jr.
John Vitulli Professional Corporation,
B.A. (Hons.), M.A., LL.B

Tel: 905.528.8773
Fax: 905.528.6543
jvitulli@vitullilawgroup.com

69 Hughson Street North, Hamilton, ON L8R 1G5 | www.vitullilawgroup.com

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Please consider the environment before printing this email.

5.9 (b)



GRRC Roofing
240 Beach Road
Hamilton, ON L8L 4B2

Office: 905.393.7989
Fax: 905.393.7751

www.grrc.ca

November 14th, 2023

Office of the City Clerk
71 Main St. W., 1st Floor
Hamilton, Ontario, L8P 4Y5

Re: UHOPA-23-017, ZAC-23-041, 1225 Old Golf Links Road, Ancaster

Dear Clerk,

I understand that the subject property is presently in the process of being rezoned in order to permit self-storage. In my view, I believe that the subject property is perfectly suited for self-storage, as it is a passive use for an under-utilized parcel of land which will offer an essential service to the local community.

I strongly recommend that the subject rezoning be approved.

Sincerely,

A handwritten signature in black ink, appearing to read 'GR', is positioned above the name and title of the sender.

George Roque
President

Pilon, Janet

Subject: Written Request to the City Council Hamilton about providing guidelines in Taxi By-laws .

From: Kamal Sardar

Sent: Wednesday, November 15, 2023 8:53 PM

To: Pilon, Janet <Janet.Pilon@hamilton.ca>

Subject: Written Request to the City Council Hamilton about providing guidelines in Taxi By-laws .

Respected,

I could not find any guidelines about the following rights of taxicab drivers in the Taxi By-laws.

SCHEDULE 25

APPENDIX 4

TAXICAB DRIVER BILL OF RIGHTS

1. Taxicab Driver has the following rights:

(b) fair and equitable dispatch service;

Without the guidelines of the above right, this right for taxicab drivers is purposeless. How can taxicab drivers find unfair and inequitable dispatch without having access to watch the online despatch system and without downloading the print for providing the proof to the city By-laws office?

We have been using nearly 40 zones in Hamilton (for more than 15 years) in both taxi companies. Whenever a taxicab login, it makes a sequence in any of the zones.

Every taxicab driver should be allowed access to watch the taxicabs booked behind in sequence his taxicab number with the dispatched orders to the taxicabs in the same zone as well as nearby zones with the time frame. Taxicab drivers can see the waiting orders (with detail) in a sequence, in the same zone and nearby zones. How a Taxicab driver can complain and get the print from the dispatch office for providing proof (against the dispatch office) to the city by-laws office? Surely, it is impossible that the dispatch office can give proof against his own unfair and inequitable dispatch.

No taxicab should be dispatched for orders (out of sequence), to any taxicab which is booked behind in the sequence. If any zone is empty and any order is waiting in that empty zone, this order must be gone 100% to the bidding option. So, every taxicab can accept that bidding order on an equal base.

So, every taxicab driver should be allowed online access to dispatched records for 30 days to print the proof. When it is proved that unfair & inequitable dispatch then there should be a reasonable penalty to the dispatch office (to pay this amount to that deprived taxicab driver as compensation).

So, please make clear guidelines/lines of action about unfair and inequitable dispatch.

Regards.

Sardar Kamal

**BY EMAIL**

November 16, 2023

Council for the City of Hamilton
C/o Mayor Andrea Horwath
Hamilton City Hall
71 Main Street West
Hamilton, ON L8P 4Y5

Dear Members of Council for the City of Hamilton:

Re: Report & Letter – Office of the Ontario Ombudsman

I have completed my investigation into whether the City of Hamilton's General Issues Committee held a meeting on February 6, 2019 that was improperly closed under the *Municipal Act, 2001*. Please find my final report enclosed.

I have also completed my review of a meeting held by the City's Agriculture and Rural Affairs Sub-committee on April 18, 2023. Please find my letter enclosed.

The City's Acting Clerk indicated that my report and letter would be shared with council and made available to the public no later than council's next meeting. At that time, I will also post a copy of the report and letter on my website at www.ombudsman.on.ca.

Please encourage all members of your committees and local boards to familiarize themselves with the open meeting rules. Our Office has resources available, including our Open Meetings Guide for Municipalities, which can be accessed on our website [here](http://www.ombudsman.on.ca). You can also contact us directly to order copies at info@ombudsman.on.ca.

Yours truly,

A handwritten signature in black ink, appearing to read 'Paul Dubé', is written over a light blue circular stamp.

Paul Dubé
Ombudsman of Ontario

Cc: Janet Pilon, Acting City Clerk



Ombudsman Report

**Investigation into a complaint about
a meeting held by the City of Hamilton's
General Issues Committee
on February 6, 2019**

**Paul Dubé
Ombudsman of Ontario**

November 2023

Complaint

- 1 In April 2022, my Office received a complaint about a meeting held several years earlier by the General Issues Committee of the City of Hamilton. The complaint alleged that on February 6, 2019, the Committee breached the open meeting rules under the *Municipal Act, 2001* when it discussed an item referred to on the agenda as “Roads Infrastructure Litigation and Review Assessment (LS19010) (City Wide)” in closed session.
- 2 The complaint arose from a comparison of the agenda for the Committee’s meeting on February 6, 2019 with a document entitled “Overview Document 10: Disclosure of Tradewind Report to Council and Public.” This latter document was made public on April 25, 2022 at the beginning of the public hearings phase of the Red Hill Valley Parkway Inquiry, a judicial investigation conducted pursuant to section 274 of the *Municipal Act, 2001*. That inquiry, which has yet to release its final report, focused in large part on the handling of information in a report that was first made public after the February 6, 2019 meeting.
- 3 The complaint alleged that the February 6, 2019 meeting agenda misrepresented item 14.4 as a single item, while Overview Document 10 describes that it actually related to four separate and lengthy presentations. The complaint also alleged that only some of the topics discussed fit within the exceptions to the open meeting rules.
- 4 For the reasons set out below, I have concluded that the General Issues Committee of the City of Hamilton did not contravene the open meeting requirements under the *Municipal Act, 2001*. This investigation was conducted in my capacity as the closed meeting investigator for the City of Hamilton, and as such, it was focused strictly on the question of whether or not the open meeting requirements were followed, and not on any substantive matters relating to the Red Hill Valley Parkway or the judicial inquiry.

Ombudsman jurisdiction

- 5 Under the *Municipal Act, 2001*, all meetings of a council, local board, and committee of either must be open to the public, unless they fall within prescribed exceptions.¹

¹ SO 2001, c 25, ss 238 and 239.

- 6 As of January 1, 2008, the Act gives anyone the right to request an investigation into whether a municipality has complied with the Act in closing a meeting to the public. Municipalities may appoint their own investigator or use the services of the Ontario Ombudsman. The Act designates the Ombudsman as the default investigator for municipalities that have not appointed their own.
- 7 The Ombudsman is the closed meeting investigator for the City of Hamilton.
- 8 In investigating closed meeting complaints, we consider whether the open meeting requirements in the Act and the municipality's governing procedures have been observed.
- 9 My Office has investigated hundreds of closed meetings since 2008. To assist municipal councils, staff, and the public, we have developed an online digest of open meeting cases. This searchable repository was created to provide easy access to the Ombudsman's decisions on, and interpretations of, the open meeting rules. Council members and staff can consult the digest to inform their discussions and decisions on whether certain matters can or should be discussed in closed session, as well as issues related to open meeting procedures. Summaries of the Ombudsman's previous decisions can be found in the digest: www.ombudsman.on.ca/digest.

Investigative process

- 10 My Office reviewed the materials for the Committee's February 6, 2019 open meeting, including the agenda, agenda addendum, minutes and relevant portions of the video recording of the meeting. We also reviewed the closed meeting materials, including the minutes, staff reports prepared for the purposes of the closed meeting, handwritten staff notes from the closed session, as well as a transcription of those notes, and redacted and unredacted copies of a confidential *in camera* PowerPoint presentation. We also reviewed relevant documents from the Red Hill Valley Parkway Inquiry.
- 11 In addition, we spoke with several people who were present at the closed meeting, including the former Mayor of Hamilton, the former City Solicitor, the then Deputy City Solicitor, external legal counsel, the City Auditor/Auditor General, and the former Legislative Coordinator from the Clerk's office.
- 12 We advised the City of our intent to investigate this complaint. My Office received full co-operation in this matter.

February 6, 2019 meeting

- 13 The meeting of the General Issues Committee began at 9:30 a.m. and finished at 10:35 p.m. on February 6, 2019.
- 14 According to the video recording, the Committee voted to move *in camera* shortly before 4 p.m. to discuss, amongst other matters, item 14.4, which was identified on the agenda as a “Roads Infrastructure Litigation and Review Assessment” with an associated staff report, LS19010. The agenda also made clear that in closing the meeting to the public to discuss item 14.4, the Committee was relying on the exceptions for personal matters about an identifiable individual, litigation or potential litigation affecting the municipality, and advice that is subject to solicitor-client privilege.
- 15 However, the resolution to move *in camera* referred only to the agenda item numbers to be discussed in closed session (items 14.2 to 14.4), as well as the exceptions of the Act being relied upon for the discussion of all three items. The resolution did not include a general description of each of the topics for discussion, nor did it identify which of the exceptions applied to which agenda items.
- 16 The closed meeting lasted from 4:03 p.m. until 10:03 p.m. Council members and staff were present, along with the City’s internal and external legal counsel.
- 17 The City of Hamilton does not audio or video record its closed meetings. The February 6, 2019 closed meeting minutes do not capture the content of the discussion that took place over the six hours the Committee was in closed session. With respect to item 14.4, the minutes state only that staff provided an overview of report LS19010 and answered questions from Committee members, and that external legal counsel provided legal advice and answered the Committee’s questions as well.
- 18 My Office was told that the discussion in closed session related to a consultant’s report from November 20, 2013 – now publicly known as the “Tradewind report” – that found that there were low levels of friction on the Red Hill Valley Parkway.
- 19 The Committee discussed the report and received related legal advice during the closed session.

- 20** In addition to the Committee receiving the staff report relating to item 14.4, there was a confidential PowerPoint presentation during the closed session, entitled “Red Hill Valley Parkway Pavement & Safety Concerns.” It consisted of four parts, and was delivered by four different presenters:
- Part 1: Timeline and Technical Concerns, presented by the then General Manager of Public Works;
 - Part 2: Value for Money & Audit, presented by the City’s Director of Audit Services and Auditor General;
 - Part 3: Legal Considerations, presented by the then City Solicitor; and
 - Part 4: Communications Strategy, presented by the then Director of Strategic Partnerships & Communications.
- 21** Based on the documents we reviewed and our discussions with individuals who were present at the meeting, staff provided information to council regarding the Tradewind report. Legal advice was provided and discussed. The Committee also discussed the conduct of a specific individual.
- 22** According to the video of the meeting, open session resumed at 10:13 p.m. Nothing was reported back in open session about the closed meeting discussion related to item 14.4. However, the Committee voted to keep LS19010, the staff report associated with item 14.4, confidential.
- 23** After the Committee passed several resolutions, the then Interim City Manager read to members from a draft media release in which city staff apologized to City council and the general public “for how this matter has come to their attention.” The media release, which was then made public immediately after the meeting, spoke to actions the City would be taking with respect to the Red Hill Valley Parkway in response to the Tradewind report – including lowering the speed limit, expediting resurfacing, increasing police presence, and asking motorists to use caution. It also announced that the City’s Auditor General would conduct an investigation. The Tradewind report was attached to the media release.
- 24** Shortly after the reading of the media release, the Committee adjourned the meeting.

Analysis

Exception for advice subject to solicitor-client privilege

- 25** The exception for advice subject to solicitor-client privilege under section 239(2)(f) of the Act applies to discussions between a municipality and its solicitor in seeking or receiving legal advice that is intended to be confidential, and includes communications for that purpose.² The purpose of the exception is to ensure that municipal officials can speak freely about legal advice without fear of disclosure.
- 26** Both internal and external legal counsel were present in closed session on February 6, 2019 and gave advice to the Committee regarding the Tradewind report.
- 27** The complaint to my Office did not allege that Part 3 of the PowerPoint presentation, delivered to the Committee by legal counsel, shouldn't have been discussed in closed session. Rather, it alleged that not all of the three other parts of the presentation, which were delivered by city staff, should have been discussed in closed session.
- 28** My Office has previously found that information provided to council in closed session by someone who is not a lawyer may nevertheless fit within the solicitor-client privilege exception, if the information is received in relation to council seeking legal guidance or it is necessary in order for council to meaningfully discuss the issues with legal counsel.³ For example, in a 2021 report to the Town of Pelham, I found that financial information presented to council by its Treasurer fit within the exception because it was necessary to explore the issues fully with the Town's lawyers, who were present in the closed meeting.⁴
- 29** In the present case, witnesses told my Office that all four parts of the PowerPoint presentation were "tied to the same issue," had "legal ramifications", and were "wrapped together" with the Tradewind report and the legal advice being given to council. We were told all four parts were necessary to provide context to the Committee in order for it to receive the City solicitor's report LS19010 and associated legal advice. Accordingly, I find that all parts of the PowerPoint presentation and the related

² *Amherstburg (Town of) (Re)*, 2022 ONOMBUD 11 at para 26 [*Amherstburg*], online: <<https://canlii.ca/t/jr5rc>>.

³ *Pelham (Town of) (Re)*, 2018 ONOMBUD 4, online: <<https://canlii.ca/t/hvmtr>>; and *Temagami (Municipality of) (Re)*, 2021 ONOMBUD 3, online: <<https://canlii.ca/t/jcxs0>>.

⁴ *Pelham (Town of) (Re)*, 2018 ONOMBUD 4 at paras 39-43, online: <<https://canlii.ca/t/hvmtr>>.

explanations shared by staff were necessary in order for the Committee to receive, understand, and discuss the legal advice provided by counsel during the closed meeting.

- 30** As a result, I find that all of the discussion during the session fit within the exception for advice subject to solicitor-client privilege.

Exception for litigation or potential litigation

- 31** My Office has determined that the litigation or potential litigation exception under section 239(2)(e) is reserved for circumstances where the subject matter is either related to ongoing litigation or involves a reasonable prospect of litigation.⁵ With respect to potential litigation, in order for the exception to apply, there must be more than a remote possibility or a suspicion that litigation could arise, although it need not be a certainty.⁶ Council must believe there is a reasonable prospect of litigation and must use the closed meeting to explore that prospect in some way.⁷
- 32** In this case, the Committee received information and advice during the closed session from internal and external legal counsel about the Tradewind report and its impact on existing ongoing litigation involving the City. We were told it also heard from counsel and discussed related potential future litigation that was more than a mere possibility.
- 33** Accordingly, the Committee's discussion relating to Part 3 of the PowerPoint presentation fit within the litigation or potential litigation exception.

Exception for personal matters about an identifiable individual

- 34** The personal matters exception found in section 239(2)(b) of the Act applies to discussions that reveal personal information about an identifiable individual. My Office has previously found that information that pertains to an individual in their professional capacity will not normally fit within the

⁵ See e.g. Letter from the Ontario Ombudsman to the City of Timmins (May 9, 2017) at 2, online: <<https://www.ombudsman.on.ca/resources/reports-and-case-summaries/municipal-meetings/2017/city-of-timmins-2>>; and *Grey Bruce Health Unit (Re)*, 2023 ONOMBUD 6 at paras 38-39, online: <<https://canlii.ca/t/jw7tk>>.

⁶ *Ibid.*

⁷ *West Lincoln (Township of) (Re)*, 2015 ONOMBUD 34 at para 36, <<https://canlii.ca/t/gtp7g>>; and *Carleton Place (Town of) (Re)*, 2017 ONOMBUD 18 at para 26, online: <<https://canlii.ca/t/hqsph>>.

personal matters exception.⁸ However, information about a person in their professional capacity may still fit within this exception if it reveals something personal about them or it relates to scrutiny of their conduct.⁹

- 35** For example, in a 2022 report to the City of Brockville, I found that council's discussion about an employee's performance in their role, during which council expressed opinions about the employee's conduct, fit within the exception for personal matters about an identifiable individual.¹⁰ Similarly, in a 2022 report to the Town of Amherstburg, I found that council's discussion of three employees – all of whom were identified by name – and their job performance fit within the exception.¹¹
- 36** In the present case, my Office was told that the Committee specifically discussed an individual staff member, who was identified by name. The discussion involved scrutiny of the individual's conduct in their role. Handwritten notes taken by staff during the meeting reflect this discussion, and indicate that the individual was discussed throughout the closed session.
- 37** Accordingly, the Committee's discussion fit within the exception for personal matters about an identifiable individual.

Procedural matters

Agenda and resolution

- 38** Item 14.4 on the Committee's February 6, 2019 open meeting agenda was identified as a "Roads Infrastructure Litigation and Review Assessment" with a related staff report, LS19010. In April 2022, the Red Hill Valley Parkway Inquiry released "Overview Document 10," which included a detailed description of each of the four parts of the confidential PowerPoint presentation that was delivered during the February 6, 2019 closed session. The discrepancy between the agenda description of item 14.4 and that contained in Overview Document 10 prompted the complaint to my Office, which alleged that item 14.4 was misrepresented on the agenda.

⁸ *Lanark Highlands (Township of) (Re)*, 2018 ONOMBUD 1, online: <<https://canlii.ca/t/hvmtf>>.

⁹ *Ibid.*

¹⁰ *Brockville (City of) (Re)*, 2022 ONOMBUD 12, online: <<https://canlii.ca/t/jrhjr>>.

¹¹ *Amherstburg*, *supra* note 2.

- 39** Although the Act does not require municipalities to provide advance notice of the specific matters to be discussed in closed session, as a best practice, an agenda should accurately reflect the matters intended to be discussed at a meeting, including in closed session. I encourage the City to adopt this best practice. Had it provided additional information about the planned discussion on its agenda, it may have prevented the complaint to my Office.
- 40** Furthermore, it is a statutory requirement under section 239(4) of the Act that, before holding a closed meeting, council must state by resolution “the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting.” In *Farber v. Kingston*, the Ontario Court of Appeal noted that a resolution to go into a closed meeting “should provide a general description of the issue to be discussed in a way that maximizes the information available to the public while not undermining the reason” for proceeding into closed session.¹²
- 41** In this case, the resolution passed by the Committee to go into closed session cited the agenda item numbers to be discussed and the closed meeting exceptions the Committee was relying on to exclude the public from its discussion of the three items. It did not specify which exceptions related to which agenda items.
- 42** I described very similar circumstances in a November 2020 letter to the City of Hamilton, in which I found that the General Issues Committee’s resolution to proceed *in camera* was sufficiently descriptive to provide information to the public without undermining the reason for going into closed session.¹³ Nevertheless, I encouraged the City, as a best practice, to indicate in its resolutions which closed meeting exceptions it was relying upon in relation to each specific matter to be discussed behind closed doors.¹⁴
- 43** Despite my suggestion, the City has not adopted this best practice. I strongly encourage it to do so. Stating the closed meeting exception(s) being relied upon in relation to each subject matter in the resolution will help the public understand council’s reasons for going behind closed doors, thereby enhancing transparency and accountability.

¹² *Farber v. Kingston (City)*, 2007 ONCA 173 at para 21, online: <<https://canlii.ca/t/1qtzl>>.

¹³ Letter from the Ontario Ombudsman to the City of Hamilton (November 5, 2020), online: <<https://www.ombudsman.on.ca/resources/reports,-cases-and-submissions/municipal-meetings/2020/city-of-hamilton>>.

¹⁴ *Ibid* at 4-5.

44 Finally, while the agenda in this case provided some information about the nature of the subject matter to be considered in closed session under item 14.4, as well as the number of the confidential staff report, the resolution itself simply referred to the agenda item number. I have previously encouraged municipalities to ensure that not only the meeting agenda but also the resolution to proceed behind closed doors include a description of the topics to be discussed.¹⁵

45 In future, I encourage the City to adopt this best practice as well.

Adequacy of record keeping

46 Under section 239(7) of the Act, councils, local boards, and committees of either of them are required to keep a record, without note or comment, of all resolutions, decisions and other proceedings at its meetings. This requirement applies to both open and closed sessions.

47 My Office has previously recommended that the record of a closed meeting include the following:

- Where the meeting took place;
- When the meeting started and adjourned;
- Who chaired the meeting;
- Who was in attendance, with specific reference to the Clerk or other designated official responsible for recording the meeting;
- Whether any participants left or arrived while the meeting was in progress and if so, at what time this occurred;
- A detailed description of the substantive and procedural matters discussed, including reference to any specific documents considered;
- Any motions, including who introduced the motion and seconders;
- All votes taken, and all directions given.¹⁶

¹⁵ See Letter from the Ontario Ombudsman to the City of Welland (January 9, 2020) at 3, online: <<https://www.ombudsman.on.ca/resources/reports,-cases-and-submissions/municipal-meetings/2020/city-of-welland>>; Letter from the Ontario Ombudsman to the City of Pickering (August 31, 2022) at 4, online: <<https://www.ombudsman.on.ca/resources/reports,-cases-and-submissions/municipal-meetings/2022/city-of-pickering>>.

¹⁶ *Amherstburg*, *supra* note 2 at para 55.

- 48 While minutes are not intended to be a verbatim transcript of the discussion at a meeting, the substance of the discussion should be recorded.
- 49 In the present case, the closed meeting minutes from February 6, 2019 do not capture the substance of the nearly six-hour discussion.
- 50 There are several problems with this. First, it undermines the public's ability to feel confident that matters were appropriately discussed in closed session and that the requirements of the Act and the municipality's by-laws were followed. Second, it leaves the Committee without a record to consult in future should it wish to understand how an issue was considered or a decision reached. Finally, it hinders my Office's ability to investigate a closed meeting complaint.
- 51 There was also no audio or video recording of the February 6, 2019 meeting to assist in our investigation, despite my Office's 2017 recommendation to the City of Hamilton that it adopt the practice of audio or video recording its closed meetings.¹⁷ Although most of those we interviewed recalled this meeting to some extent, they could not provide details of the discussion, given how many years had passed. Moreover, the accounts provided were not always consistent with one another.
- 52 I strongly encourage all municipalities, local boards and committees of either of them to make audio or video recordings of all meetings, both open and closed. This provides the most clear and accessible record for closed meeting investigators to review and assists in ensuring that officials do not stray from the legal requirements during closed session. In this case, an audio or video recording of the February 6, 2019 closed meeting would have greatly assisted my Office's investigation.
- 53 In future, the City should ensure that its minutes provide an accurate record of the Committee's discussions, including by providing a description of the substantive and procedural matters discussed *in camera*. I once again strongly encourage the City to adopt the practice of making audio or video recordings of all meetings, including closed meetings.

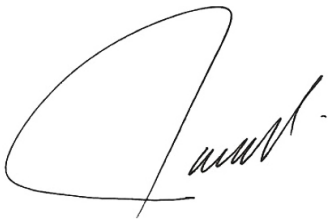
¹⁷ *Hamilton (City of) (Re)*, 2017 ONOMBUD 16, online: <<https://canlii.ca/t/hqspc>>.

Opinion

- 54 The City of Hamilton's General Issues Committee did not contravene the open meeting requirements on February 6, 2019 when it met in closed session to discuss the November 20, 2013 Tradewind report. Nevertheless, to enhance the transparency of its open meetings, I encourage the City to adopt the following best practices:
- 55 I encourage it to provide accurate information in its agendas about the matters intended to be discussed at meetings, including in closed session.
- 56 I urge the City to provide a general description of the topics to be discussed during closed session in the resolution to proceed *in camera* – and not just in the meeting agenda. The resolution should also indicate which specific closed meeting exceptions are being relied upon in relation to each matter to be discussed *in camera*.
- 57 Finally, I encourage the City to ensure its minutes provide a complete and accurate record of closed meeting discussions, and to adopt the best practice of making audio or video recordings of all meetings, including closed meetings.

Report

- 58 Council for the City of Hamilton was given the opportunity to review a preliminary version of this report and provide comments to my Office. No comments were received.
- 59 The City's Acting Clerk indicated that my report would be shared with council and made available to the public at the next council meeting.



Paul Dubé
Ombudsman of Ontario



J. Paul Dubé, Ombudsman

BY EMAIL

November 16, 2023

Council for the City of Hamilton
 c/o Mayor Andrea Horwath
 Hamilton City Hall
 71 Main Street West
 Hamilton, ON L8P 4Y5

Dear Members of Council for the City of Hamilton,

Re: Closed meeting complaint

My Office received a complaint alleging that the Agriculture and Rural Affairs Sub-Committee (the “Sub-Committee”) for the City of Hamilton (the “City”) violated the open meeting rules in the *Municipal Act, 2001*¹ (the “Act”) when it failed to broadcast a livestream of its meeting on April 18, 2023 to the public.

I am writing to share the outcome of my review of this complaint. As I explain below, I am unable to conclude whether or not the meeting on April 18, 2023 was improperly closed to the public. However, I would like to clarify for the City its obligation to preserve evidence that is the subject of a review or investigation by my Office.

Ombudsman’s role and authority

All meetings, as defined by the Act, held by council, local boards or their committees must be open to the public subject to limited exceptions. As of January 1, 2008, the Act gives anyone the right to request an investigation into whether a municipality has complied with the Act in closing a meeting to the public. Municipalities may appoint their own investigator. The Act designates the Ombudsman as the default investigator for municipalities that have not appointed their own. My Office is the closed meeting investigator for the City of Hamilton.

¹ SO 2001, c 25.

483 Bay Street, 10th Floor, South Tower / 483, rue Bay, 10^e étage, Tour sud
 Toronto, ON M5G 2C9

Tel./Tél. : 416-586-3300 Facsimile/Télécopieur : 416-586-3485 TTY/ATS : 1-866-411-4211

www.ombudsman.on.ca

Facebook : facebook.com/OntarioOmbudsman Twitter : twitter.com/Ont_Ombudsman YouTube : youtube.com/OntarioOmbudsman



My Office has investigated hundreds of closed meetings since 2008. To assist municipal councils, staff, and the public, we have developed an online digest of open meeting cases. This searchable repository was created to provide easy access to the Ombudsman's decisions on, and interpretations of, the open meeting rules. Council members and staff can consult the digest to inform their discussions and decisions on whether certain matters can or should be discussed in closed session, as well as issues related to open meeting procedures. Summaries of the Ombudsman's previous decisions can be found in the digest: www.ombudsman.on.ca/digest.

Review

My Office reviewed relevant documentation including the City's procedural by-law, the Sub-Committee's terms of reference, and the records from the April 18 meeting. We also reviewed the City's YouTube channel where the Sub-committee's meetings are livestreamed to the public. We spoke with the Deputy Clerk, and two Legislative Coordinators.

The City provided my Office with a link to a YouTube recording of the April 18 meeting livestream that we were able to review. However, within days of the meeting, the City permanently deleted the recording.

Background

The Sub-Committee is mandated to provide the City with advice on matters that impact agriculture and rural communities, act as a liaison between those communities and council, and preserve and advance an economically viable agriculture base in the City. The Sub-committee reports to council through the City's Planning Committee. According to its terms of reference, the Sub-Committee may be composed of up to 23 members. At the time of the April 18 meeting, the Sub-Committee's membership consisted of seventeen members, five of whom were council members.

This is not the first time my Office has reviewed a complaint that the Sub-Committee's meetings were not livestreamed. In September 2022, my Office sent the City a letter regarding a complaint that the Sub-Committee (known at the time as the Agriculture and Rural Affairs Advisory Committee) did not broadcast a livestream of its March 29, 2022 meeting. Based on my review of the meeting, I was unable to conclude whether the meeting was livestreamed. My Office was told by the City that it would begin to archive all committee meeting recordings on the City's YouTube page beginning with the new term of council in 2022.

Review

The Agriculture and Rural Affairs Sub-Committee is a committee subject to the open meeting rules

Under s. 238 of the Act, a committee is “any advisory or other committee, subcommittee or similar entity of which at least 50 per cent of the members are also members of one or more councils or local boards”. My Office has found that a body can also be a committee if deemed so by municipal by-law,² and that a body may also be subject to the open meeting requirements if it is a committee as defined in the municipality’s procedural by-law.³

At the time of the April 18, 2023 meeting, the Sub-Committee’s membership did not meet the threshold in the Act. However, we were advised by the City that the Sub-Committee is a “sub-committee” under the procedural by-law. Accordingly, the Sub-Committee is subject to the open meeting rules.

April 18, 2023 meeting

The City provided notice of the Sub-Committee’s April 18, 2023 meeting on its website. The notice stated that a virtual meeting would take place at 7:00 p.m. and provided a link to the City’s YouTube channel, as well as the name and phone number of the Legislative Coordinator responsible for clerking the meeting. The meeting lasted approximately one hour and fifteen minutes.

The complainant alleged that the meeting was not livestreamed to the public on YouTube. The complainant told my Office that they visited the City’s YouTube channel at the time of the meeting and did not see a livestream taking place, and did not receive a notification from YouTube that a livestream was occurring – although they did receive notifications for other City meetings that were livestreamed on April 18. The complainant believes that the meeting may have been an “unlisted” livestream on YouTube. An “unlisted” livestream would not appear on the City’s general YouTube channel and is only visible to individuals who have a direct link.⁴

My Office spoke to the Legislative Coordinator who managed the livestream for the meeting. The Legislative Coordinator told my Office that she followed the general process for initiating the livestream of the Sub-Committee’s April 18 meeting and periodically checked the City’s YouTube page to confirm that the livestream was working. The Legislative Coordinator did not receive any indications that the public was unable to view the livestream.

² *Hamilton (City of) (Re)*, 2021 ONOMBUD 9, online: <<https://canlii.ca/t/jfi02>>.

³ *Niagara (Regional Municipality of) (Re)*, 2015 ONOMBUD 37, online: <<https://canlii.ca/t/gtp7n>>; *Ibid.*

⁴ <<https://support.google.com/youtube/answer/157177?hl=en&sjid=10205234468643377914-NA#unlisted&zippy=%2Cunlisted-videos>>.

My Office received detailed information about the process followed by staff to set up and livestream virtual meetings on YouTube, including viewing the “back end” of the City’s YouTube channel. The April 18 meeting is documented to have been livestreamed and was viewed 24 times. The City’s YouTube account does not indicate whether the livestream was “unlisted” at the time of the meeting.

Analysis

My Office obtained conflicting accounts about whether the livestream of the Sub-Committee’s April 18 meeting was accessible to the public. It is clear that a livestream of the meeting on YouTube did occur; however, my Office was unable to confirm whether the livestream was “unlisted” or “public”. I am unable to conclude that the meeting was improperly closed to the public. I recognize that this is the second complaint I have received from a member of the public who was unable to watch a livestream of the Sub-Committee’s meetings. In light of this, I strongly encourage the City to carefully review its YouTube livestreaming process to ensure that all meeting livestreams are public.

The recording of the April 18, 2023 meeting

When my Office receives an open meeting complaint and conducts a review or investigation, collecting evidence from the municipality is a fundamental part of the process. Evidence may include meeting records, statements from staff, and audio or visual recordings. Recordings provide a clear and accessible record for closed meeting investigators to review. My Office has consistently recommended that all municipalities record their meetings, both open and closed.⁵

On April 19, 2023, my Office notified the City that a complaint was filed about the Sub-Committee’s April 18 meeting. The City provided my Office with a link to the recording of the meeting livestream on YouTube. However, within days and while my Office’s review was ongoing, the recording was permanently deleted by the City. The staff member responsible for deleting the recording was not informed that my Office was conducting a review of the meeting. The Deputy Clerk told my Office that the City deleted the recording in accordance with the City’s records retention practices at the time.

Regardless of a municipality’s records retention practices, when my Office notifies a municipality that an open meeting complaint has been received, the municipality must preserve evidence in its possession. As a practical matter, the municipality should inform the appropriate staff to retain any evidence, including recordings, that is relevant to my Office’s review. The preservation of evidence is not merely a procedural formality; it is an obligation fundamental to the required co-operation with my Office during our review, and affects my ability to make findings as a closed meeting investigator.

⁵ Bruce (County of) (Re), 2022 ONOMBUD 7, online: <<https://canlii.ca/t/jpbf9>>.

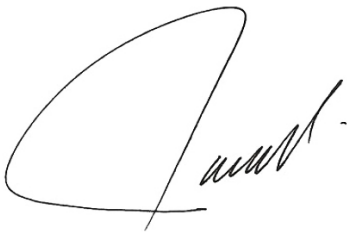
I understand that the City has amended its records retention by-law and now preserves the recordings of all sub-committee meetings, including the Agriculture and Rural Affairs Sub-Committee.⁶ In this case, there is no evidence that the recording was deleted with the intention to affect the outcome of my Office's review. Nevertheless, the effect of the deletion was to frustrate my review. It is incumbent on the City to ensure that appropriate members of staff are informed when my Office conducts a review or investigation and that evidence is properly preserved.

The City should be mindful that it is an offence under the *Ombudsman Act* to wilfully mislead the Ombudsman or to obstruct an Ombudsman investigation.⁷ All provincial government organizations and municipalities, universities and school boards must co-operate with the Ombudsman's investigations.

Conclusion

Under the circumstances, my Office will not be taking further steps regarding this complaint. The Clerk confirmed that this letter will be included as correspondence at an upcoming meeting of council.

Sincerely,



Paul Dubé
Ombudsman of Ontario

cc: Janet Pilon, Acting Clerk, City of Hamilton

⁶ By-law No. 11-040 To Establish Retention Periods for Records of the City of Hamilton.

⁷ *Ombudsman Act*, R.S.O. 1990, c. O.6 at s 27.

November 15, 2023

Hamilton City Hall
71 Main St. W
Hamilton ON
L8P 4Y5



Attention Hamilton City Council and Planning Department:

I am contacting you on behalf of wpd Canada, a renewable energy company based out of Mississauga, Ontario. The reason for my correspondence today is to inform you that wpd along with our development partner Prologis Inc, are proposing a new Battery Electric Storage System (BESS) within the Town of Ancaster.

The Independent Electrical System Operator (IESO) has requested proposals for new electrical capacity as part of the Procurement for Long-Term Electricity Reliability Services (LT1). In response to this request, wpd Canada is proposing to build a new BESS facility near the intersection of Garner Rd. and Shaver Rd. near the transmission corridor.

Who We Are:

Headquartered in Bremen, Germany, the wpd Group has been actively developing renewable energy projects around the world for over 25 years. wpd is currently active in 29 countries and is one of the largest renewable energy companies in Europe. The wpd group oversees all parts of the energy development cycle, including prospecting, financing, permitting, construction, and operations. We have become one of the global leaders in renewable development. Our office at wpd Canada, has been active in the Ontario market since 2008 and has recently expanded wind, solar and storage development to other Provinces.

Prologis Energy LLC is a subsidiary of Prologis Inc. (NYSE: PLD), a real estate investment trust listed publicly. As the world's largest owner and operator of logistics real-estate, Prologis manages over one billion square feet of warehouse space across 19 countries, with a significant presence in the Greater Toronto area where it operates several industrial properties and warehouses. Prologis also owns and operates solar and BESS facilities at its properties with 500 MW of installed energy.

Consultation:

We will be conducting an initial public meeting on November 30th, 2023 at Mohawk College. Notices will be sent to residents abutting the Project Area and will be posted on our website and with the Municipality. We will be discussing some preliminary details about our proposed Project along with details about the procurement and approval process. Details from this meeting will be included in our bid submission this December.

Next Steps:

We wish to emphasize that this is just the first step in community and Municipal engagement and as part of the that engagement we will be required to seek Municipal approval for the project. In addition, a successful bid will also require wpd Canada to conduct an Environmental Assessment as a condition of the contract. It is expected that the IESO will award LT1 contracts by Spring, 2024.

We would be happy to meet with Municipal officials prior to the November community meeting or at another time that is suitable for both parties to discuss further any questions we can answer on the details of the proposal. Thank you for your time and please do not hesitate to contact us.

Sincerely,

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

Jonathan Clifford
Business Development Manager

NOTICE OF PUBLIC MEETING

Pursuant to IESO LT1-RFP S. 2.1 (f) (ii)

To be held by wpd Canada Corp. and Prologis regarding a proposal to jointly develop a new Battery Electric Storage System

Project Name: Ancaster BESS

Project Location: The Project will be located within the historic town of Ancaster near the intersection of Shaver Rd. and Garner Rd.

Dated at: Mississauga, this November 8th, 2023

Meeting Location:

Date: Thursday November 30th, 2023
Time: 7:00pm to 8:30pm
Place: Mohawk College 135 Fennell Ave W
Hamilton ON, L9C 0E5
Room C202

wpd Canada (wpd) and Prologis (the Developer) are proposing to develop a new Battery Electric Storage System (BESS) in response to the Independent Electrical System Operator's (IESO) plan to procure year-round capacity via the Long Term Request for Proposals (LT1-RFP).

Information Presentation

The Developers are planning to present preliminary site information and discuss BESS attributes along with details concerning the RFP process. The information presented and minutes recorded will be recorded as part of the RFP Application.

For further information on this Project, public consultation or to communicate concerns, please contact:

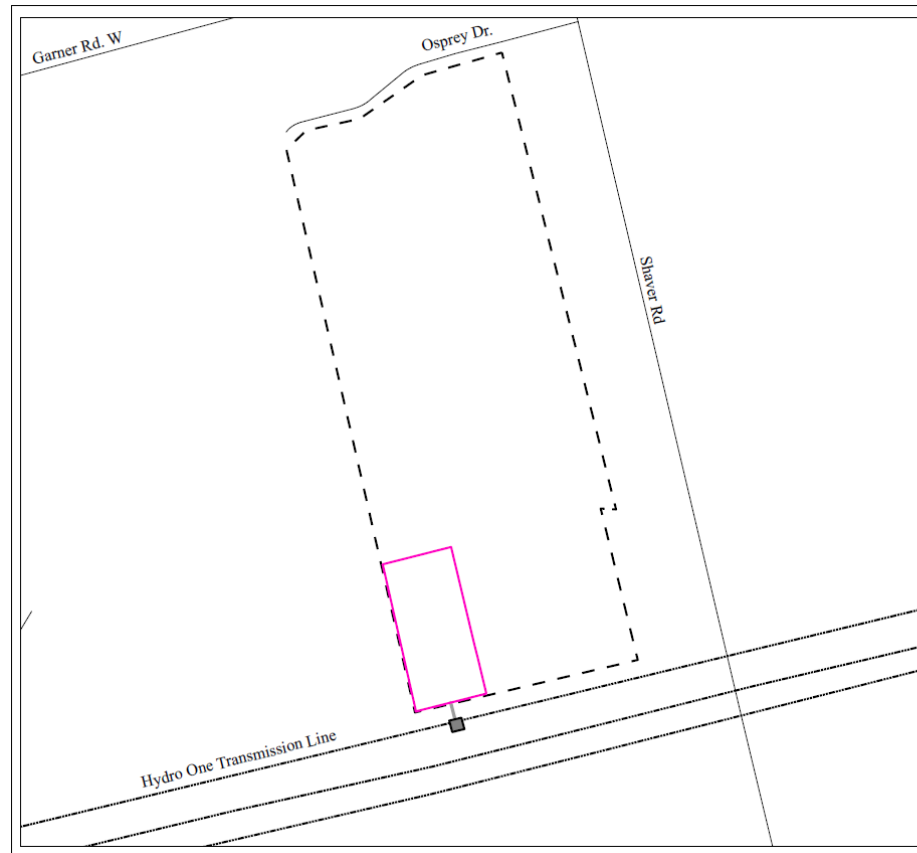
Website: <https://www.wpdprojects.ca/ancaster>

Email: info@wpdprojects.ca

Phone: 905-813-8400 x228

Mail: wpd : 2233 Argentia Rd Suite 112, Mississauga ON, L5N 2X7

Prologis: 185 West mall Suite 700, Toronto ON, M9C 5L5



Ancaster BESS Project



Legend

- Project Site
- Project Boundary
- Connection Point
- Connection Line
- Transmission Line



NAD 1983 UTM Zone 17N
Date: Nov 15, 2023
Prepared by: D. Rodricks

Data Sources
Base Map: ESRI World Topographic Base map
Base Data: First Base Solutions



Information will be collected and used in accordance with the Freedom of Information and Protection of Privacy Act, and solely for the purpose of assisting the Developers in meeting LT1-RFP requirements. This material will be maintained on file for use during the study and may be included in Project documentation. Apart from personal information, all comments will become part of the public record.



November 16, 2023

Dear Sir, Madam

Subject: Proposed Legislation to Reverse Previous Decisions on Municipal Official Plans/ Official Plan Amendments

Further to my letter on November 2, 2023, I am writing to you to advise that on November 16, 2023, the Ontario government introduced legislation that, if passed, would reverse the official plan decisions made in November 2022 and April 2023 affecting the cities of Barrie, Belleville, Guelph, Hamilton, Ottawa and Peterborough, the regional municipalities of Halton, Niagara, Peel, Waterloo and York, and Wellington County.

The proposed legislation would wind back ministerial changes to official plans and official plan amendments, except in circumstances where construction has begun or where doing so would contravene existing provincial legislation and regulations or for public health and safety. This includes winding back changes to urban boundaries while maintaining protections for the Greenbelt.

The proposed *Planning Statute Law Amendment Act, 2023*, if passed, would:

- Enact the Official Plan Adjustments Act, 2023, which would:
 - Reverse decisions affecting 12 municipalities' official plans, issued on November 4, 2022 and April 11, 2023;
 - Approve the municipally-adopted official plans, retroactive to the date of the ministerial approval (November 4, 2022 or April 11, 2023);
 - Require decisions on outstanding applications and appeals to conform with the legislatively-approved official plans and amendments;
 - Modify limited portions of the council-adopted official plans to address potential conflicts with legislation/regulations; and
 - Introduce immunity provisions to help mitigate legal risk for municipalities and the province resulting from this legislation.
- Amend the *Planning Act* to introduce immunity provisions to help mitigate legal risk for municipalities and the province in the making, amending, or revoking of minister's zoning orders.

Additionally, the proposed legislation would amend the *Planning Act* to introduce immunity provisions related to the making, amending or revoking of minister's zoning orders. While no specific changes to MZOs are currently being made, this provision would help mitigate risk should revocations be necessary as the ministry reviews a use it or lose it policy.

Request for Feedback

In my letter of November 2, 2023, I have asked municipalities to provide input by December 7th. In addition, the ministry is seeking input on the proposed legislation and potential implementation considerations associated with matters arising from the reversal of the official plan decisions.

Comments can be sent through the Environmental Registry of Ontario or the Regulatory Registry postings or by email to mmahofficialplans@ontario.ca.

More information on the legislative proposal can be found on the Environmental Registry of Ontario and the Regulatory Registry at:

- [Environmental Registry of Ontario: Planning Statute Law Amendment Act, 2023](#)
- [Regulatory Registry: Planning Statute Law Amendment Act, 2023](#)

I look forward to receiving your feedback on this proposal.

Sincerely,

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

Hon. Paul Calandra
Minister of Municipal Affairs and Housing

November 20, 2023



For the consideration of Hamilton City Council,

I am writing today to support the Planning Committee decision to approve the development proposal at 65 Guise Street East (Pier 8, Block 16) on the condition that the development to *“demonstrate net zero carbon, high efficiency building standards, Pier 8 Block 16 will use best efforts to target the CaGBC’s Zero Carbon Building v3 Design Certification”*.

As Council knows - Environment Hamilton has been pushing for the City of Hamilton to address the ongoing climate emergency through a variety of efforts under the power and control of the City. One consistent course of action that has been discussed in Hamilton and other cities has been sustainable or green building standards. As Council also knows - buildings new and old pose a particular challenge to our collective efforts in reducing both construction related greenhouse gas emissions but also energy consumption caused greenhouse gas emissions. As we and others have stated in numerous delegations to the current and previous Councils - it is imperative that we build sustainable and resilient buildings now so that they do not further contribute to the climate crisis in the future.

It is within this context that I encourage you to take this same approach to all new developments. Every new building constructed in our community that does not achieve these important standards only exacerbates the global problem, and ultimately generates future costs for owners, residents, and the City as we begin to grapple with the daunting task of retrofitting our older and unsustainable building stock.

It is with this in mind and by truly paying attention to what the climate crisis makes a necessity that is increasingly reinforced by the long standing worldwide scientific consensus - it is quite obvious that we ought to be holding all new developments to these same standards. It is my hope that we can build on this decision and ensure that we no longer approve building structures that are already obsolete anywhere in Hamilton. To put it bluntly - at this point in the crisis we find ourselves in, we should not be approving developments anywhere that are not able to meet these conditions.

- Ian Borsuk, Executive Director
Environment Hamilton

Pilon, Janet

Subject: Letter to Council re: 2024 budget

From: Joshua Weresch
Sent: November 20, 2023 3:41 PM
To: clerk@hamilton.ca
Subject: Letter to Council re: 2024 budget

Dear Clerk,

Hope this finds you well.

Below, please find a letter to Council regarding the 2023-4 rate-supported and tax-operating budgets. Thank you for your time and attention in these regards.

Kindly,

Joshua Weresch

To the mayor and councilors of Hamilton, Ontario:

Hope this finds you well. I write as a life-long resident in Hamilton, regarding the budgets to be considered and passed later this and early next year. I am encouraged to read of Council's endorsed priorities between last year and 2026, priorities for sustainable economic and ecological development, safe and thriving neighbourhoods, and responsiveness and transparency (see <https://www.hamilton.ca/city-council/council-committee/2022-2026-council-priorities-outcomes-measures-success>).

An outcome for sustainable economic development is the reduction of the burden on residential taxpayers and as a resident in the city it is a reduction I am hopeful to see reflected on property tax bills. While the reduction of storm-water fees for residences whose storm-water foot-print is reduced by the use of rain barrels and de-paving and the use of permeable surfaces is one I hope to see reflected in the budget, as well as an equalization of the tax burden between other sectors be they institutional or commercial, and an end to the subsidy of single-family dwellings by multi-residential units whose taxes are almost three times as high, I am most deeply concerned with the percentage of each tax dollar that is directed toward policing services. It is the largest budget item in the 2023 budget, \$717 of \$4784 dollars, \$0.14 of every tax dollar. The other outcomes in sustainable development can handily be addressed as more money is diverted from policing services toward an accelerated response to climate change, further investments in public transit and a reduction in GHG emissions by lowering the use of private transit, the protection of green spaces and waterways by planting more trees, and the growth of key sectors in the city by enhancing the city's reputation as it lurches toward flourishing.

Safe and thriving neighbourhoods can also be garnered by the immediate expropriation of any and all available housing for people in need on a temporary, emergency basis. Under the province's Expropriations Act s. 5(1)(a), the council of the municipality is legally authorized to expropriate land for municipal purposes and I can think of no better way to increase supportive housing and reduce chronic homelessness, short of petitioning the province to increase welfare and disability-support payment rates and to tie further increases to the cost of living in a given municipality. The safe and

efficient movement of people can again be had by a continued investment in public transit and the re-direction of 90% of the provincial gasoline tax revenue into public transit and not into road maintenance, roads which are already \$100,000,000 behind in repairs. Increasing public transit supports will lead inexorably to the support, growth, and use of public space.

Responsiveness and transparency can be helped by the clear, safe, and dignified organization of city-run town halls. As the recent town halls on the tiny shelters have demonstrated, it remains important for the city's staff and councillors to talk with and to neighbours about placement and care for all neighbours. Establishing a network of neighbourhood associations which can meaningfully engage both with neighbours and with councillors, sharing information openly and democratically so that those who are most impacted by decisions have the most say over how those decisions happen are ways that such transparency can be had. As trust improves in institutions, as councillors are shown to be reflective of all residents' concerns in a ward, this priority, too, can be met.

I hope that the budget passed by Council with community input, direction, and over-sight is a budget that reflects the lived experiences and concerns of many residents in the city, particularly those who are poorest and have the most deeply-felt and lived concerns of all.

Respectfully,

Joshua Weresch

Pilon, Janet

Subject: Letter to Council

From: Joshua Weresch
Sent: November 20, 2023 3:45 PM
To: clerk@hamilton.ca
Subject: Letter to Council

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

Hope this finds you well. I write as a resident in Ward 8, a life-long resident in Hamilton, with my wife and 4 children. I write as a life-long Christian.

It has come to my attention that Councillors Maureen and Alex Wilson have requested one-time community safety funding for security cameras for Jewish synagogues and the Jewish Family Services in Wards 1 and 13, respectively. I am grateful to hear of their concern for the safety and protection of Jews in Hamilton and I hope that Council will pass these motions with unanimity. I am concerned, however, that the protection of mosques and of Islamic social and cultural institutions was not also offered, hope that community consultations with mosques and cultural institutions were held, and would ask that the mayor or councillors move a motion to extend the same amount of one-time community safety funding to mosques and those religious institutions, funding which the mosques and institutions are, of course, free to accept or reject. The Mountain and downtown mosques, the Islamic schools in the city, their faithful and students are equally at risk and need support, care, and safety, too.

Thank you for your time and attention in these regards. I hope that equal dignity will be supported, unanimously.

Respectfully,

Joshua Weresch

Pilon, Janet

Subject: pending passing of bylaw AUTHORIZE CLIMATE CHANGE MITIGATION & ADAPTATION WORK ON PRIVATE RESIDENTIAL PROPERTY

From: barb heemskerk

Sent: November 21, 2023 10:19 AM

To: clerk@hamilton.ca; Ward 1 Office <ward1@hamilton.ca>

Subject: pending passing of bylaw AUTHORIZE CLIMATE CHANGE MITIGATION & ADAPTATION WORK ON PRIVATE RESIDENTIAL PROPERTY

As a resident of Ward 1, I strongly **OBJECT** to the passing of this bylaw.

This bylaw seems to only mention the pilot project and I fail to see the reason for it.

If voluntary, why the need for the bylaw.

What happens after the pilot?

Does this give the city the right to enter anyones property?

What if a resident chooses to not comply?

What is the penalty, monetary or otherwise?

What is next that this bylaw will cover? water? livestock? pets?

It is called PRIVATE PROPERTY for a reason.

Allowing this bylaw to pass is a slippery slope. How about the city look at allocating those dollars improving the city streets, assisting with homelessness, drug addiction?

I hope all councillors will vote with a the good of the people in mind and not follow blindly.

DO THE RIGHT THING FOR PEOPLE, NOT TO FURTHER YOUR AGENDA.

Barb Heemskerk

Pilon, Janet

Subject: Notice of Passing of By-law to Authorize Climate Change Mitigation & Adaptation Work on Private Residential Property

From: Val Perei

Sent: November 21, 2023 11:03 AM

To: clerk@hamilton.ca

Subject: Deadline Nov 21 12noon QnA

Subject:

Notice of Passing of By-law to Authorize Climate Change Mitigation & Adaptation Work on Private Residential Property

Hello and Good day,

I am writting you today as per your Notice sent Nov 2nd 2023 this is my formal submission of questions and concerns regarding the "Notice of Passing of By-law to Authorize Climate Change Mitigation & Adaptation Work on Private Residential Property"

I will try to make this brief as I imagine you have alot of emails to review and reply to. Seeing there is no in person deligations with realtime QnA I look trust and look forward to your follow up with me on my specific questions and concerns.

My main theme to this topic is you cant manage what you don't messure, so on that note here are my questions and conconcerns

1. This Notice indicates it is a pilot please be specific, when does this pilot end? What happens when the pilot is over?
2. The City of Hamilton is still deemed to be in a Climate emergency the people of this City including myself need to know as of Nov 2023 what constitutes a climate emergency for our City please provide details facts and figures to justify continuation of this emergency?

What percentage of climate change is this pilot projects expectation? How much climate change emmissions and improvement is expeexpected or how much gas emmissions reductions is expected from this project?

3. Why is the City using our money to finance lhome owner projects? When has the city become a Bank a financial institution? When have the people of this city agreed to our consilors providing loans?

5. Who's idea was it to make Climate action a priority specifically for the City of Hamilton?

6. Currently Canada uses only 3.5% of the worlds total gas consumption while USA/Russia/china combined use 41% of gas. What percentage is Hamilton of the 3.5% of what canada uses? What if any impact will this have on the Global Climate change? I trust that you have done your research and analysis to the cost savings and value of this project and will be making it public to all your constituents prior to making any decisions.

<https://www.worldometers.info/gas/gas-consumption-by-country/>

[City of Hamilton needs to stop inflating issues and disclose true evidence of our City's personal climate crisis and impacts and start reducing Taxes on the people. It seems our City is by far the cleanest the heavy hitters are the major contributors unless you can prove our citys impact to the global crisis and cost benibenfits this needs to stop.](#)

You can't manage what you don't measure we the people are demanding measurements.

7. Bylaw officers should only have the authority to come on to Public Lands, not private property. This by law is extending rights to bylaw officers which they should not have. Can you guarantee that these powers are specifically limited to ONLY inspections of work in progress by the applicant? Can you guarantee that these powers will not be abused, over step and /or encroach on to other private property owners?

8. Prior to any decision the public including myself, must be informed and provide substantial proof facts figures and evidence that proves moving from Natural Gas to Electricity is better for the environment? And how much improvement will this have on Hamiltons climate emergency?

9. Please provide facts on where City of Hamilton gets their electricity from? How is the city of Hamiltons electricity used by its constituents produced?

9. Will this pilot end the City's if Hamilton Climate emergency?

There are alot more emergencies that are far more urgent here in Hamilton and immediate then Climate change. Stop this exaggeration of the word "emergency" the vision of net zero by 2050 is a vision a goal NOT AN EMERGENCY

10. Had the city factored in the cost benefits for a homeowner / landlord? This seems like a major undertaking for a property. And example Do staff know whats involved in converting a gas boiler system with no duct work to a furnace system? Will you guarantee these costs are not passed on to tenants as a RENT INCREASE ?

Has the city calculated how much and how quickly homeowners will see savings and how many years of those monthly saving will it take for the home owner to pay back the loan?

11. Is this a real solution? Telling people they will "save" money and be efficient at the same time not getting rid of the Carbon tax and the HST on top of the carbon tax nor has the city made any attempt at reducing costs and efficiencies insread the city adds more and more tax burden. So if all these taxes on taxes were reduced people wouldn't be complaining. So you expect a \$20k investment to reduce their future costs and yet take no steps to reduce taxes which is a major part of their costs to begin with.

This project and approach is an optical illusion that the City of Hamilton is helping. Once you provide measurements i have no doubt my point will be made.

Suggesting a home owner invest thousands of dollars to help reduce costs when govts are adding unjustified taxes on top of taxes is absurd and backwards approach this is not helping the citizens

Based on these concerns I request that this bylaw be stopped until everything is throughly investigated and the public have consented

I look forward to your research facts and findings in your rresponse.

Thank you
Kind regards

Val Perei



Hamilton

Public Notice

Notice of By-law to Authorize Climate Change Mitigation & Adaptation Work on Private Residential Property

TAKE NOTICE that Hamilton City Council, at its meeting scheduled for 9:30 am on Wednesday, November 22, 2023 will consider a By-Law to Authorize the Undertaking of Climate Change Mitigation and Adaptation Works on Private Residential Property as Local Improvements Under the Better Homes Hamilton Program.

This by-law enables Council to authorize the undertaking of Climate Change Mitigation and Adaptation Works on private residential property as local improvements under the Better Homes Hamilton Program, as set out in Schedule "A" to this by-law, for the purpose of raising all or any part of the cost of the work by imposing special charges on lots upon which all or some part of the local improvement is or will be located.

[View a copy of the By-law](#) to Authorize the Undertaking of Climate Change Mitigation and Adaptation Works on Private Residential Property as Local Improvements Under the Better Homes Hamilton Program.

Written Notice of Objection

Members of the public who would like to provide written submission are encouraged to do so and will be accepted by email, mail or fax. Please send written submissions by 12 noon on Tuesday, November 21, 2023 to:

Office of the City Clerk
1st Floor, 71 Main Street West, Hamilton, Ontario L8P 4Y5
Fax [905-546-2095](tel:905-546-2095)
Email clerk@hamilton.ca

Dated this the 3rd day of November, 2023.

Janet Pilon
Acting City Clerk
Hamilton, Ontario

[Read the full Public Notice](#)

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Canada

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Sent from my Galaxy

Pilon, Janet

Subject: Notice of Passing of By-law to Authorize Climate Change Mitigation & Adaptation Work on Private Residential Property

From: Clement Feierabend

Sent: November 21, 2023 11:59 AM

To: clerk@hamilton.ca

Subject: Notice of Passing of By-law to Authorize Climate Change Mitigation & Adaptation Work on Private Residential Property

Ms. Janet Pilon
Acting City Clerk
Hamilton, Ontario

Dear Ms. Pilon:

I am writing in response to the Notice that you published on November 3, 2023 announcing the proposed by-law to authorize climate change mitigation and adaptation work on private residential property. I would be grateful if you would share the comments/questions that follow with City Councillors to include in their discussion as they consider the proposed by-law.

I understand that it is proposed that initially, a pilot involving 50 homeowners will be launched under the by-law. Each of these homeowners will be provided with an interest-free loan of up to \$20,000 to finance improvements intended to make their home more energy-efficient, and therefore presumably reduce their carbon footprint. Is there an end date for this pilot? Does the pilot involve any followup investigation, after the improvements to the particular property have been completed, to estimate the benefit achieved as a result of the pilot? If yes, what is the duration of the followup period? I assume that a report on the pilot will be presented to Council and made public following conclusion of the followup period.

I understand that Canada accounts for approximately 3.5% of the world's consumption of natural gas. Has Council been provided with an estimate of Hamilton's share of Canada's consumption? Has there been any analysis to estimate the reduction in Hamilton's share of natural gas consumption as a result of running this pilot? Assuming yes, has there been any analysis to determine what impact this reduction due to the pilot will have on climate change overall? Furthermore, has there been any analysis to determine if the estimated benefit of running this pilot justifies its cost (both real cost as well as opportunity cost, since the \$1 million to be loaned to these 50 homeowners will not be available to finance other City responsibilities, such as maintaining infrastructure, etc.)?

My hope is that only if Councillors are provided with the analyses referenced in each question, will they be able to make an informed decision, based on something more than just "feelings" or rhetoric that has been widely promoted, whether to support this by-law. Without these analyses, in my view, at the very least, the by-law should be put on hold until Councillors are provided with the analyses. Thank you in advance for sharing these comments/questions with City Councillors in advance of the meeting tomorrow.

Clement

Clement Feierabend, CPA
Clement Feierabend Professional Corporation

1104 Fennell Avenue East, Suite 222
Hamilton ON L8T 1R9

Phone: (905) 385-3254 1-800-420-6801

Fax: (905) 574-1383 1-800-420-6638

E-mail: clement@cfca.ca

Dear Members of City Council,

Re: Support for Zero Carbon Development and Green Building Standards

We are writing on behalf of the Bay Area Climate Change Council (BACCC), a collective of organizations in the Hamilton-Burlington Bay Area committed to achieving a thriving and resilient net-zero Bay Area by 2050. Members of the Council and our implementation teams span the two cities and represent organizations in the non-profit, public, and private sectors, and include citizen and Indigenous representatives.

Greenhouse gas emissions from heating, cooling, and powering buildings in the City of Hamilton account for nearly 18% of our region's carbon pollution. A low carbon future for the Bay Area requires transitioning our existing buildings off of fossil fuels and undertaking deep energy retrofits on a massive scale. At the same time, we must build new buildings to achieve low emissions and high energy efficiency, ultimately ensuring net zero new developments – thereby avoiding costly retrofits in the immediate future.

Given the urgency and extent of the climate crisis, the City of Hamilton needs mandatory building development and performance standards aligned with the City of Hamilton's goal of net-zero by 2050. Building development and performance standards are policy tools taking root in municipalities across Canada,¹ and municipalities have the legal authority to implement them.² The City of Toronto, for example, has implemented tiered Green Standards that set minimum energy and emissions requirements for new developments, alongside financial incentives for the voluntary adoption of more ambitious energy efficiency and emissions limits. Ultimately, through its tiered system, the City of Toronto plans that all buildings constructed on or after 2030 will be at or near net zero.³ As with any policy development, we must ensure that new standards do not inadvertently create new or perpetuate existing inequalities within our communities; community consultation will be an important component of our policy development to ensure that future building development standards are fair and equitable.

The City of Hamilton has an opportunity to become a leader in green development, joining the growing momentum toward net zero development across North America. Our city already has many examples of new buildings achieving a passive or net zero standard, such as the Putnam Family YWCA (which received the [Passive House Building Certification](#)) and the Joyce Centre

¹ The Atmospheric Fund, *Building Performance Standards Primer* (2023)

https://taf.ca/custom/uploads/2023/10/TAF-BPS-Primer_202310.pdf

² Canadian Environmental Law Association, *Recommendations for Municipalities: Mandatory Building Performance Standards* (2023),

https://taf.ca/custom/uploads/2023/09/CELA-TAF-Legal-Review-MBPS_2023.pdf

³ City of Toronto, *Toronto Green Standard* (n.d.),

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/toronto-green-standard/>



Bay Area
Climate Change
Council

Bay Area Climate Change Council
Bayareaclimate.ca
info@bayareaclimate.ca

for Partnership and Innovation (which achieved the premiere [Zero Carbon Building](#) certification).⁴ Now is the time to build on these successes.

We believe that building development standards aligned with the City of Hamilton's net-zero targets are an important and promising tool for achieving our shared climate goals. BACCC is prepared to support the development of these standards, and we are looking forward to continuing this discussion in the near future.

Sincerely,

Jesse Elders
Manager, Bay Area Climate Change Council
jesse.elders@mohawkcollege.ca
437-290-4825

Richard Koroscil
Chair, Bay Area Climate Change Council
rk@korlon.ca
905-531-1900

⁴ Clean Air Partnership, *Towards Low Carbon Communities: Creating Municipal Green Development Standards* (2023),
<https://www.cleanairpartnership.org/wp-content/uploads/2023/03/Final-CAP-Towards-Low-Carbon-Communities-2023-Update.pdf>

November 20, 2023

By E-Mail Only clerk@hamilton.ca

Mayor and Members of Council
City of Hamilton
Hamilton City Hall
71 Main Street West
Hamilton, Ontario
L8P 4Y5

Attention: City Clerk

Dear Madam Mayor and Members of Council:

**Re: Agenda Item 6.4 - Planning Committee Meeting (Item 11) – Province
Winding Back Changes on Official Plans and Official Plan Amendments
(PED23252) (City Wide)**

We are writing further to the correspondence sent to Planning Committee by our co-counsel, Ms. Denise Baker, in relation to the above mentioned matter, on behalf of our clients, Carmen Chiaravalle, 1694408 Ontario Inc., Demik Brothers Hamilton Ltd., John Edward Demik, Peter Demik and the estate of Elaine Vyn, collectively, the “Twenty Road East Landowners Group”). A copy of Ms. Baker’s correspondence is enclosed for your information.

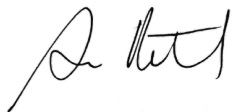
The Planning Committee’s recommendation that Council reconfirm its position on Urban Hamilton Official Plan Amendment 167 and Rural Hamilton Official Plan Amendment 34, as adopted by Council on June 8, 2022 would result in the adoption of Official Plans which do not conform to the Growth Plan, nor are they consistent with the Provincial Policy Statement. The Planning Act is clear that any Official plan adopted or approved must conform to the Growth Plan and must be consistent with the Provincial Policy Statement.

As noted in Ms. Baker’s correspondence, prior to council’s adoption of the Official Plan on June 8, 2023, staff were very clear that the City’s ability to achieve the housing it requires in order to conform to the provincial policy under a “no urban boundary expansion” was based on unreasonable and unachievable intensification and densification targets. Because it was obvious that the City would never meet its targets under this scenario and thus has a shortfall of needed housing, planning staff was clear that the ambitious density scenario permitting an urban boundary which would include the Twenty Road East, Twenty Road West and Elfrida lands was the right option for adoption

by Council. All of these lands are in the Whitebelt. This option meets the right balance to ensure that needed housing could be provided, while continuing to promote ambitious intensification within the built boundary, together with ambitious density targets, to minimize the extent of expansion land needed to meet the City's housing requirements.

In light of the forgoing, should Council proceed with a "no urban boundary expansion" option, an assessment of its conformity with provincial policy must be undertaken. We therefore request that Planning Committee's recommendations be amended to include a request to the Province to refer OPA 167 and OPA 34 to the Ontario Land Tribunal for a full assessment.

Yours sincerely,
DAVIES HOWE LLP



Susan Rosenthal
Professional Corporation

SR:SR
encl.:

copy: Clients
Maria Gatzios, Gatzios Planning
Denise Baker, Weir Foulds

5.20 (b)

November 10, 2023

Lisa Kelsey
Legislative Coordinator
Planning Committee City of Hamilton
Hamilton City Hall
71 Main Street West
Hamilton, ON
L8P 4Y5

Denise Baker
Managing Partner
T: 416-947-5090
dbaker@weirfoulds.com

File No. 16056.00001

Dear: Ms. Kelsey

Re: Agenda Item 11.3 - Province Winding Back Changes on Official Plans and Official Plan Amendments (PED23252) (City Wide)

We, together with Davies Howe, are the solicitors for, Carmen Chiaravalle, 1694408 Ontario Inc., Demik Brothers Hamilton Ltd., John Edward Demik, Peter Demik and Elaine Vyn (collectively, the “Twenty Road East Landowners Group”), being owners of lands in the south area of the City of Hamilton centered around the intersection of Twenty Road and Miles Road.

We are writing to request that Council advise the Province that it would like to proceed with the “Ambitious Density” scenario that was recommended by the City’s own planning staff on March 29, 2021 in PED17010(i) and on November 9, 2021 in report PED17010(n) with respect to an expansion of the City’s urban boundary.

As Council will recall, the ambition density scenario was based on an average intensification target of 60% and a density in new urban expansion areas of 77 person and jobs per hectare, resulting in a urban boundary expansion of 1340 ha to the 2051 planning horizon.

The staff recommendation was based on detailed planning and land economics work by professionals which are either employed by the City or were retained by the City to undertake this detailed planning work. More specifically the Land Needs Assessment (“LNA”) work that was undertaken on behalf of the City was also Peer Reviewed by the City, and the peer review found that the approach and methodology utilized in the City’s LNA and Market Demand Study was an appropriate application of the Growth Plan and the Provinces LNA Methodology.

It is of note that the LNA work that was completed for the City indicated that a “no urban boundary expansion option” would require an intensification rate exceeding 80% for the period from 2021-2051. Currently the City experiences an approximately 40% intensification rate. As such, the City will be required to accommodate more than twice as much intensification within the existing

neighbourhoods as is currently being experienced by existing residents. Moreover, the City's own work identified that the "no urban boundary expansion option" would not meet the required need to provide market-based housing under the LNA methodology which requires the City to plan for the full range of market needs.

The work that was completed by the City indicated that the "no urban boundary expansion option" would produce a shortfall of approximately 59,000 units. It is not new information to this Council that the Province, and in fact much of the country, is experiencing a housing crisis. This is a significant issue for all levels of government and requires the involvement of all levels of government to do their part to address this housing crisis.

We therefore respectfully request that the City follow the recommendations of its own staff and consultants and approve the staff recommended urban boundary expansion of 1340 ha, and to direct that those 1340ha to be deployed in the areas of Twenty Road East, Twenty Road West and Elfrida.

Yours truly,

WeirFoulds LLP

A handwritten signature in black ink, appearing to read "DBaker", written in a cursive style.

Denise Baker

DB/fa

15 Bold Street
Hamilton Ontario Canada L8P 1T3
Receptionist 905 529 3476 (905 LAW-FIRM)
nsmith@tmalaw.ca

VIA EMAIL

November 21, 2023

Mayor and Members of Council
Hamilton City Hall
71 Main Street West
Hamilton ON L8P 4Y5

Attention: City Clerk

Council Meeting
November 22, 2023

Planning and Development Committee Report

PROVINCIAL ANNOUNCEMENT IMPACTING PROVINCIAL DECISIONS ON MUNICIPAL OFFICIAL PLANS AND
OFFICIAL PLAN AMENDMENTS

THE ELFRIDA LANDS

I write on behalf of the Elfrida Community Builders Group (“**Elfrida Group**”). The Elfrida Group are local residents, businesspeople, and homebuilders. They are long-standing members of the Hamilton community. In fact, as a group, they have constructed a significant portion of Hamilton’s existing housing. The Elfrida Group owns land in Hamilton’s Elfrida area (“**Elfrida Lands**”).

I spoke at the Planning and Development Committee (“**Committee**”) meeting on November 14, 2023. I submitted a letter, attached here for ease of reference. I asked the Committee to:

1. Support the Expansion Lands remaining within the City’s urban boundary as reflected in the Minister’s 2022 Approval; and
2. In the alternative, support the Ambitious Density Scenario and the Ambitious Density Lands (the Elfrida Lands, the Twenty Road East area (“**TRE**”) and the Twenty Road West area (“**TRW**”)) remaining within the City’s urban boundary.

The Committee declined my request. Instead, it resolved to support Urban Hamilton Official Plan Amendment 167 and Rural Hamilton Official Plan Amendment 34 as adopted by Council on June 8, 2022 (“**No Urban Boundary Expansion**”).

NANCY SMITH PROFESSIONAL CORPORATION
TURKSTRA MAZZA ASSOCIATES, LAWYERS

I write again, Mme. Mayor and Members of Council, to ask you to reject the Committee's recommendation. The consequences to the City and the Province if you accept it are serious. Your decision will impact the City of Hamilton's housing supply for generations to come. Now, in the midst of a provincial housing crisis, it is not the time to reject the non-partisan professional views of your Chief Planner, your retained consultants, your peer reviewers and Ministry staff, for a No Urban Boundary Expansion approach that is not supported by any technical analysis and does not conform to the Growth Plan and Provincial Policy Statement.

Council should advise the Minister that it:

1. Supports the Expansion Lands remaining within the City's urban boundary as reflected in the Minister's 2022 Approval;
2. In the alternative, supports the Ambitious Density Scenario and the Ambitious Density Lands remaining within the City's urban boundary; and
3. In the further alternative, supports the Minister referring the determination of an appropriate and evidence-based urban boundary expansion for Hamilton to the Ontario Land Tribunal ("**OLT**").

Attached to this letter please find:

1. Map;
2. Letter from Turkstra Mazza dated November 13, 2023; and
3. Planning Memo dated November 20, 2023 prepared by Bousfields Inc. entitled Growth Strategy Must Align with Provincial Legislation ("**Planning Memo**").

DECADES LONG PLANNING FOR GROWTH IN HAMILTON

GRIDS – Planning to 2031

In 2006, City Council endorsed the first Growth Related Integrated Development Strategy ("GRIDS"). It concluded that an urban boundary expansion was required to accommodate population and employment growth targets to 2031. The Elfrida Lands were identified as the preferred growth area. GRIDS was implemented in the City's official plans, master plans (stormwater, transportation, water and wastewater) development charges by-law.

GRIDS (2) – Planning to 2051

In 2017, to respond to provincial directives in the Growth Plan (2019), Amendment 1 to the Growth Plan (2020) and the Land Needs Methodology (2020), the City initiated GRIDS (2). Non-partisan City staff, City retained consultants and peer reviewers considered four (4) growth strategies, all requiring urban boundary expansion:

1. Current Trends: a growth forecast based on a 40 % minimum intensification target and a 3,440 ha boundary expansion
2. Growth Plan Minimum: a growth forecast based on a 50 % minimum intensification target (Growth Plan minimum) and a 2,200 ha boundary expansion
3. Increased Targets: a growth forecast based on a 50 % minimum intensification target (1st 10 years), 55 % (2nd 10 years) and 60 % (final 10 years) and a 1,640 ha boundary expansion
4. Ambitious Density: a growth forecast based on a 50 % minimum intensification target (1st 10 years), 60 % (2nd 10 years) and 70% (final 10 years) and a 1,340 ha boundary expansion

All options studied require additional land to meet growth needs as required by the Province. The City's Chief Planner recommended the Ambitious Density Scenario. It represents the growth option with the least amount of boundary expansion lands required.

MINISTER'S 2022 APPROVAL ALIGNS WITH PROVINCIAL LEGISLATION

The Minister's 2022 Approval aligns with provincial legislation. It is the culmination of the decades long transparent, public planning process led by non-partisan Hamilton staff and supported by non-partisan Ministry staff.

The Minister's 2022 Approval adopts the Growth Plan Minimum growth strategy. While requiring more boundary expansion lands than the Ambitious Density scenario, his decision recognizes that Hamilton has historically fallen short of meeting its Growth Plan targets as required by the Province.

CHIEF PLANNER'S AMBITIOUS DENSITY SCENARIO ALIGNS WITH PROVINCIAL LEGISLATION

City staff and City consultants advised Council, repeatedly, that the Ambitious Density Scenario aligns with Provincial Legislation:

The Ambitious Density scenario represents an aggressive and forward-thinking approach to growth management. [It] represents an achievable, albeit challenging, growth management objective. [It] conforms to the Provincial Growth Plan and the Provincial Land Needs Methodology.

Ministry staff agree:

[We] wish to acknowledge the strong growth management principles that underpin the City's Ambitious Density scenario. The Ambitious Density scenario appears to balance the market-demand for different housing types while also implementing an intensification target (60 %) and a designated greenfield area density target (77 [RJHA] which exceeds the targets set out in... A Place to Grow.

CITY'S NO URBAN BOUNDARY EXPANSION DOES NOT ALIGN WITH PROVINCIAL LEGISLATION

The City's No Urban Boundary Expansion is based on the following assumptions:

- Density of 60 residents and jobs/ha ("**RJHA**") for certain areas and 150 RJHA, 200 RJHA and 500 RJHA for others
- 80 % minimum intensification target

The approach was fueled by the results of a survey of Hamilton residents conducted in the spring of 2021. Council deferred approval of the draft Land Needs Assessment ("**LNA**") and Chief Planner recommended Ambitious Density Scenario. Rather, Council directed staff to undertake a mail-out survey to all households and to include an additional no urban boundary expansion option.

The City's No Urban Boundary Expansion approach is not a growth strategy as required by the Province. There is no research to support its feasibility in Hamilton. Required existing infrastructure upgrades have not been examined nor their costs quantified. Its assumptions are unrealistic and not achievable:

Planning to achieve a density of 60 RJHA is a challenge and an optimistic view of the future (LNA)

The 80 % minimum intensification target is higher than the target recommended by the City's Chief Planner in the Ambitious Density Scenario. It is unrealistic. The City of Hamilton's average intensification rate achieved between 2008 and 2019 was 35%. It never exceeded 50 % in any year. (LNA)

City staff and City consultants advised Council, repeatedly, that the City's No Urban Boundary Expansion does not align with Provincial Legislation:

It is staff's opinion that achieving the intensification levels as required under the no UBE scenario...are not realistic considering the conclusions of the Residential Intensification market Demand report and recent intensification trends.

[A No Boundary Expansion] Option does not conform to the Province's Land Needs Methodology and is unlikely to produce an outcome where the City is able to achieve its growth forecast allocated under the Growth Plan.

Ministry staff agree:

Based on our review..., it appears that the No Urban Boundary Expansion scenario posed a risk that the City would not conform with Provincial requirements.

PUBLIC INFRASTRUCTURE INVESTMENTS

Since 2006, the City has allocated and invested significant public funds to implement its Elfrida Lands growth strategy, including:

- \$1 Million + for Subwatershed Study;
- Growth Area Study (Phase I and 2 complete) including multiple studies, a secondary plan and significant public consultation;
- \$84.2 Million budgeted for the Upper Centennial Parkway Sanitary Trunk Sewer under construction;
- \$31.2 budgeted for the Dickenson Trunk Sanitary Sewer;
- Overall \$229 Million allocated towards various infrastructure projects; and
- Staff time and municipal resources.

The City's 10-year Capital Budget and Development Charges program has committed to fund growth on the Elfrida Lands including the on-going collection of development charges since 2019.

If, at a minimum, the Ambitious Density Lands are not carved out of the urban boundary decision-making reset, these significant public investments will be lost.

REALISTIC RESPONSE REQUIRED

A realistic response to meet housing targets and deliver more affordable housing to people and families in Hamilton is required to address the serious need to get more homes built quickly in Hamilton. A June 2021 research paper by Smart Prosperity Institute addressed Hamilton's housing supply shortage as follows:

Our rough estimate is that Hamilton CMA saw 13,000-15,000 people, on net, leave the community between 2015 and 2020 due to a lack of housing. This exodus, primarily of young families, represents a multi-million-dollar loss of annual municipal revenue and economic activity.

In its July 12, 2021 Technical Update memorandum to the City, Lorus and Associates, the City's Land Needs consultant, commented:

In our view, the No Urban Boundary Expansion scenario would likely have the effect of redirecting growth away from the City of Hamilton which is not in accordance with the *Growth Plan* and is not considered to be good planning. The City of Hamilton is very well-suited to accommodate growth because of its urban structure, strategic location and well-developed multi-modal transportation connections within the broader metropolitan region.

The Committee recommendation supports a growth management strategy that has not been studied. For the many that have studied growth management in Hamilton, it is unrealistic. A No Urban Boundary Expansion approach will not result in more affordable housing to people and families in Hamilton.

CITY LEADERSHIP REQUIRED

City leadership is deciding now what is the best for Hamilton. I have seen no evidence in this case, from 2006 to present, to support the No Urban Boundary Expansion approach. To the contrary, all evidence (City staff, City consultants, peer reviewers, Ministry staff, Bousfields) supports either the Minister's 2022 Approval or the Ambitious Density Scenario. The midst of a Provincial and City housing crisis is not the time to ignore your Chief Planner and your consultants. You should accept their advice and the results of your Municipal Comprehensive Review process: urban boundary expansion is required in addition to, not as a substitute for, ambitious intensification within your downtown and built-up areas.

On behalf of the Elfrida Group, I request that you reject the Committee recommendation. Reject the No Urban Boundary Expansion approach and support the Minister's 2022 Approval. In the alternative, support the Ambitious Density Scenario and the retention of the Elfrida Lands, TRE and TRW in the urban boundary. Both outcomes are the result of a lengthy, transparent, public planning process led by non-partisan Hamilton staff and supported by non-partisan Ministry staff.

NANCY SMITH PROFESSIONAL CORPORATION
TURKSTRA MAZZA ASSOCIATES, LAWYERS

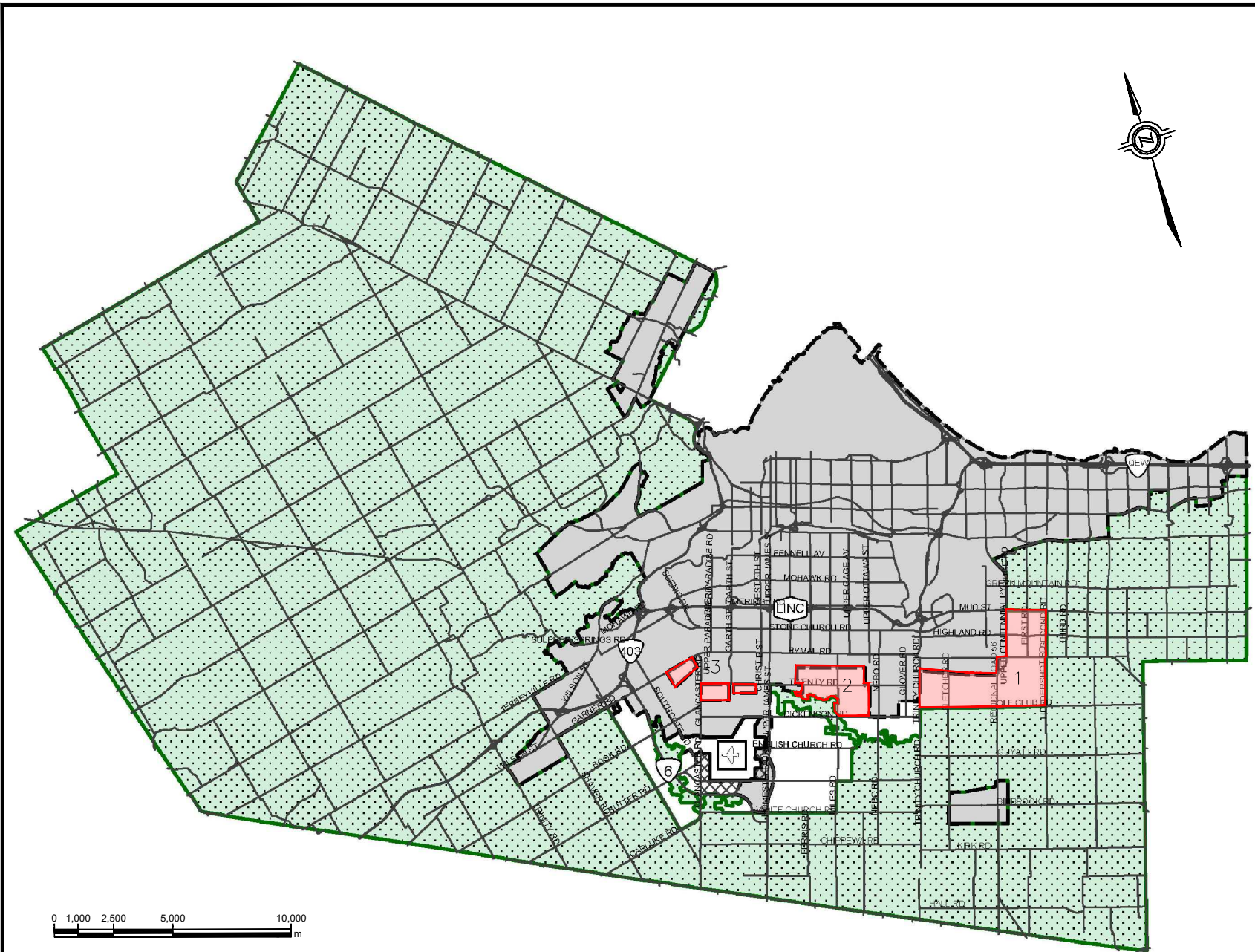
The consequences are serious. If the No Urban Boundary Expansion scenario is implemented, your Official Plan will not align with Provincial Legislation, you will not contribute meaningfully to the Minister's goal of building homes and the exodus of young families leaving Hamilton for housing in neighbouring communities will continue. At a bare minimum, if you continue to reject our requests, you should advise the Minister that you support a referral to the OLT to determine an evidence-based urban boundary expansion that appropriately addresses Hamilton's housing crisis.

Sincerely,

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

Nancy Smith

cc: Minister of Municipal Affairs and Housing



LEGEND:

-  Greenbelt
-  Existing Urban Boundary
-  Ambitious Density Lands

	Gross Area (+/-ha)	Net Area (+/-ha)
1 Elfrida	1,200.0	930.0
2 Twenty Road East (TRE)	440.0	275.0
3 Twenty Road West (TRW)	175.0	125.0
Total	1915.0	1330.0

15 Bold Street
Hamilton Ontario Canada L8P 1T3
Receptionist 905 529 3476 (905 LAW-FIRM)
nsmith@tmalaw.ca

VIA EMAIL

November 13, 2023

Mayor and Members of Council
Hamilton City Hall
71 Main Street West
Hamilton ON L8P 4Y5

Attention: City Clerk

**RE: Planning and Development Committee Meeting
November 14, 2023
Agenda Item 11.3
THE ELFRIDA LANDS**

I write on behalf of the Elfrida Community Builders Group (“**Elfrida Group**”). The Elfrida Group are local residents, businesspeople, and homebuilders. They are long-standing members of the Hamilton community. In fact, as a group, they have constructed a significant portion of Hamilton’s existing housing. The Elfrida Group owns land in Hamilton’s Elfrida area (“**Elfrida Lands**”).

URBAN BOUNDARY EXPANSION

Between November 2021 and March 2022, through a series of comprehensive planning reports, the City’s Chief Planner recommended that Hamilton expand its urban boundary. After carefully considering a number of growth management scenarios, he recommended the Ambitious Density Scenario. The Ambitious Density Scenario requires a rate of intensification significantly greater than current trends. It also expands the urban boundary to include the Elfrida Lands, and areas known as Twenty Road East (“**TRE**”), Twenty Road West (“**TRW**”) (collectively, “**Ambitious Density Lands**”).

Despite the Chief Planner’s recommendation, City Council approved a no urban boundary expansion scenario (“**No UBE**”). In response, in November 2022, the Minister of Municipal Affairs and Housing (“**Minister**”) approved an urban boundary expansion (“**Minister’s 2022 Approval**”) that includes the Ambitious Density Lands and Whitechurch Lands (collectively, the “**Expansion Lands**”).

THE ELFRIDA LANDS

In 2006, almost 20 years ago, the City of Hamilton (“City”) identified the Elfrida Lands as the City’s preferred growth area for needed housing. The Elfrida Lands are contiguous to Hamilton’s built-up area, are along a planned higher-order transit corridor, are not in the Greenbelt and do not contain any significant environmental features. They are ideally located and suited to help the City meet its housing needs, while making housing more affordable for people in Hamilton.

Since the Minister’s 2022 Approval, the City adopted OPA 185 to implement the urban expansion areas and secondary planning policy framework. As required by OPA 185, the Elfrida Group has been collaborating with City staff to advance the secondary planning for the area. The City is our partner.

The Elfrida Group has been meeting regularly with City staff for the last 12 months. We agreed to hire top consultants while leaving the City in control of process, including public engagement. We have been updating the extensive studies required by the secondary planning process, many started years ago and paid for by the City. The Elfrida Group is on the verge of submitting the secondary plan *Planning Act* application. This application is one of the last steps in the decades long City-led process to deliver housing on the Elfrida Lands.

[See Appendix 1 – 2006-Present: Elfrida Lands Needed for Housing]

A PLAN FOR IMPROVING HOUSING AFFORDABILITY IN HAMILTON

On October 23, 2023, the Minister announced his decision to reverse changes to urban boundaries due to province-wide process concerns. In response to the Minister’s request for the City’s position on its urban boundary, the Elfrida Group requests that the City advise the Province that:

1. The City supports the Expansion Lands remaining within City’s urban boundary as reflected in the Minister’s 2002 Approval; or
2. In the alternative, the City supports the Ambitious Density Scenario and the Ambitious Density Lands remaining within the City’s urban boundary.

ALIGNS WITH LEGISLATION AND REGULATIONS

The Minister’s 2022 Approval conformed to the Growth Plan. It was premised on applying Growth Plan minimum density and intensification targets. The Minister added more land to the urban boundary than the Ambitious Density Lands recommended by City’s Chief Planner. This decision recognizes that Hamilton has historically fallen short of meeting its Growth Plan targets.

At a minimum, carving out the Ambitious Density Lands from any wind back of Hamilton's urban boundary expansion is required to align with legislation and regulations. The November 2021 Land Needs Assessment ("**LNA**"), prepared by the City's land needs consultant (Lorius and Associates), supported by the City's Chief Planner and peer-reviewed by Watson and Associates Economists Ltd., concluded that an urban boundary expansion of approximately 1300 ha was needed to accommodate growth to 2051 as part of the Ambitious Density Scenario. Both the Chief Planner and land needs consultant also concluded that this 1300 ha urban boundary expansion was needed in addition to, not as a substitute for the significant intensification targets recommended.

In short, carving out the Ambitious Density Lands is required to align with the with the Growth Plan. Conversely, the City's No UBE decision does not align with the Growth Plan, nor does it represent good planning. The LNA states at page 20:

As discussed at the December 2020 and March 2021 GIC meetings, the NUBE scenario [no urban boundary expansion] was not modelled in the LNA because it did not meet Provincial planning policy requirements and was not considered to be good planning. We remain of this view for the reasons summarized below...

Including the Ambitious Density Lands in the urban boundary is required to align with legislation and regulations.

CITY STAFF SUPPORT

City Staff say:

The Ambitious Density option represents an aggressive and forward-thinking approach to growth management, provides reasonable and achievable targets for planning purposes, and is in conformity with Provincial requirements.

It is staff's opinion that achieving the intensification levels as required under the No UBE scenario... are not realistic.

MINISTRY STAFF SUPPORT

Ministry staff say:

[We] wish to acknowledge the strong growth management principles that underpin the City's *Ambitious Density* scenario. The *Ambitious Density* scenario appears to balance market-demand for different housing types while also implementing an intensification target (60%) and a designated greenfield area density target (77 [rjha]) which exceeds the targets set out in... A Place to Grow. Based on [our] review..., it appears that the *No Urban Boundary Expansion* scenario poses a risk that the City would not conform with Provincial requirements.

SIGNIFICANT PUBLIC INVESTMENTS

Since 2006, the City has allocated and invested significant public funds to implement its Elfrida Lands growth strategy, including:

- \$1 Million + for Subwatershed Study;
- Growth Area Study (Phase I and 2 complete) including multiple studies, a secondary plan and significant public consultation;
- \$84.2 Million budgeted for the Upper Centennial Parkway Sanitary Trunk Sewer under construction;
- \$31.2 budgeted for the Dickenson Trunk Sanitary Sewer;
- Overall \$229 Million allocated towards various infrastructure projects; and
- Staff time and municipal resources.

The City's 10-year Capital Budget and Development Charges program has committed to fund growth on the Elfrida Lands including the on-going collection of development charges since 2019.

If, at a minimum, the Ambitious Density Lands are not carved out of the urban boundary decision-making reset, these significant public investments will be lost.

REALISTIC RESPONSE REQUIRED

A realistic response to meet housing targets and deliver more affordable housing to people and families in Hamilton is required to address the serious need to get more homes built quickly in Hamilton. A June 2021 research paper by Smart Prosperity Institute addressed Hamilton's housing supply shortage as follows:

Our rough estimate is that Hamilton CMA saw 13,000-15,000 people, on net, leave the community between 2015 and 2020 due to a lack of housing. This exodus, primarily of young families, represents a multi-million-dollar loss of annual municipal revenue and economic activity.

In its July 12, 2021 Technical Update memorandum to the City, Lorus and Associates commented:

In our view, the No Urban Boundary Expansion scenario would likely have the effect of redirecting growth away from the City of Hamilton which is not in accordance with the *Growth Plan* and is not considered to be good planning. The City of Hamilton is very well-suited to accommodate growth because of its urban structure, strategic location and well-developed multi-modal transportation connections within the broader metropolitan region.

Keeping the Expansion Lands or, at a minimum, the Ambitious Density Lands in the urban boundary is required as part of a realistic response to meet housing targets to address the serious need to deliver housing in Hamilton.

MAINTAIN THE COURSE AND FOLLOW STAFF ADVICE

We request that the City maintain the course it started back in 2006 when it identified and since invested in the Elfrida Lands to accommodate growth. The Ambitious Density Lands should remain in the urban boundary so that the Elfrida Lands secondary planning process can be completed to lay the groundwork for building a smart, well-planned, complete community to serve Hamilton.

The Elfrida Lands secondary planning process is the culmination of a lengthy, transparent, public planning process led by non-partisan Hamilton staff and supported by non-partisan Ministry staff. If it is not carved out of the reset, the Elfrida Group's contribution to achieving the Minister's goal of building homes will be lost, the City's Official Plan will not be in conformity with the Growth Plan, will not represent good planning and thus will not align with Provincial legislation. The exodus of young families leaving Hamilton for housing in neighbouring communities will continue.

City leadership is needed. The Elfrida Group requests that the City advise the Province that it supports the Expansion Lands remaining in the City's urban boundary as reflected in the Minister's 2002 Approval. In the alternative, we request that the City advise the Province that it supports the Ambitious Density Scenario and the Ambitious Density Lands remaining within the City's urban boundary.

Sincerely,



Nancy Smith

cc: Minister of Municipal Affairs and Housing

APPENDIX 1

2006-Present: Elfrida Lands Needed for Housing

1. September 27, 2006: City Council identified the Elfrida Lands as the City's preferred growth area for needed housing. Elfrida Study Area included in the Official Plan.
2. July 9, 2009: City Council adopts Official Plan with the Elfrida Lands identified as the City's preferred growth area for needed housing.
3. December 2013: City Council approved \$500,000 to initiate studies for the Elfrida Urban Boundary Expansion.
4. February 19, 2014: City Council approved a Capital Budget submission adding an additional \$500,000.
5. 2016: City Council initiated the Elfrida Growth Area Study.
6. June 21, 2017: Community Focus Group Meeting.
7. June 22, 2017: Two Workshops.
8. June 22, 2017: Open House.
9. November 21, 2017: Community Focus Group Meeting.
10. December 6, 2017: Public Information Centre.
11. May 30, 2018: Community Focus Group Meeting.
12. June 12, 2018: Public Information Centre.
13. September – November 2018: Pop up events and alternative consultation events.
14. 2020: GRIDS 2 Land Needs Assessment reconfirms the need for the Elfrida Lands to accommodate growth to 2051. City Planner recommends Urban Boundary Expansion.
15. 2022: Minister approves Urban Boundary Expansion.
16. 2022: City Council adopts Official Plan to implement secondary planning process for Urban Boundary Expansion.



BOUSFIELDS INC.

MEMORANDUM

Project No.: 20135

From: David Falletta, MCIP, RPP
Emma West, MCIP, RPP

Date: November 20, 2023

**Re: Growth Strategy Must Align With Provincial Legislation
Modifications Required in Hamilton**

On October 23, 2023, the Minister of Municipal Affairs and Housing (the “Minister” or the “Ministry”) announced his intent to introduce legislation that would reverse the Ministry’s changes to several Official Plans including Hamilton’s OPA’s 167 and 34. More specifically, as stated in a letter from the Minister dated November 2, 2023, the proposed legislation would bring into effect the official plans or official plan amendments as adopted by municipal council without provincial modifications, **except for any modifications that are necessary to protect matters of public health and safety, or which are required to align with legislation or regulations** (emphasis added).

We have concerns with this approach with respect to OPA’s 167 and 34 because these official plan amendments that were adopted by Council did not align with the City staff’s recommendations. Further, this Council decision that did not integrate staff’s recommendations does not conform with provincial policies and plans. In our opinion and as concluded by the City’s Municipal Comprehensive Review (the “MCR”), Land Needs Assessment (the “LNA”), including peer review, and City Staff’s analysis, **modifications to OPA’s 167 and 34 as adopted by City Council are necessary to align with and comply with provincial legislation and regulations** (emphasis added). In this regard, staff’s professional opinion was not addressed and more specifically, OPA’s 167 and 34 as adopted by Council do not align with provincial legislation.

For the reasons outlined herein, it is our opinion that the Minister should either:

- 1. maintain the Growth Plan Minimum growth scenario as approved by the Minister in 2022, including the addition of all of the City’s whitebelt lands;**
or,

- 2. further modify Hamilton’s OPAs 167 and 34 to implement Staff’s recommended Ambitious Density growth scenario and only add Elfrida, Twenty Road East (the “TRE”) and Twenty Road West (the “TRW”) to the City’s urban boundary to accommodate growth to 2051.**

In our opinion, one of the two actions above is necessary because the No Urban Boundary Expansion growth scenario reflected in OPA’s 167 and 34 as adopted by Hamilton City Council is inappropriate, is not consistent with and does not conform to provincial policy, and does not represent good planning.

In this regard, the following provides a summary of the applicable policy and regulatory context, analysis of the Council adopted official plan amendments’ conformity with provincial policy and a conclusion including our planning opinion on this matter.

1.0 SUMMARY OF PROVINCIAL POLICY & REGULATORY CONTEXT

The following is a summary of key provincial legislation and policies that apply to OPA’s 167 and 34.

1.1 *Provincial Policy Statement, 2020*

The Planning Act, R.S.O. 1990, c. P.13 (the “Planning Act”) is provincial legislation that applies to OPA’s 167 and 34. It states, in Section 3(5), that a decision of a municipality and a ministry of the government, in respect of the exercise of any authority that affects a planning matter shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision. In this regard, any decision on OPA’s 167 and 34 are to be consistent with the Provincial Policy Statement (the “PPS”), including the following policies:

Policy 1.1.1(b) of the PPS states that healthy, liveable and safe communities are sustained by, among other elements, accommodating an appropriate affordable and market-based range and mix of housing types and other uses to meet long-term needs.

Section 1.1.3 of the Provincial Policy Statement (“PPS”) provides settlement area policies and the necessity for development and growth to be focused within such areas. This policy provides that land use patterns within settlement areas should support a mix of land uses and densities that efficiently utilize land, resources and infrastructure, promote energy efficiency and support active transportation.

Policy 1.1.3.5 states that planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, **based on local conditions** (*emphasis added*). It continues to state that where provincial plans establish a target, it shall represent the minimum target for affected areas.

Policy 1.1.3.6 states that new development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

Provincial policies to permit the expansion of settlement areas are subject to a set of criteria. PPS Policy 1.1.3.8 provides that a planning authority may allow the expansion of a settlement area boundary only at the time of a comprehensive review and only where it has been demonstrated that sufficient opportunities for growth are not available through intensification, redevelopment and designated growth areas to accommodate the projected needs over the identified planning horizon. In particular, Policy 1.1.3.8 of the PPS states that a planning authority may identify a settlement area or allow the expansion of a settlement area boundary only at the time of a comprehensive review and only where it has been demonstrated, among other criteria, that sufficient opportunities to accommodate growth and **satisfy market demand** (*emphasis added*) are not available through intensification, redevelopment and designated growth areas to accommodate the projected needs over the identified planning horizon.

Policy 1.4.1 of the PPS requires municipalities to provide an appropriate range and mix of housing options and densities required to meet projected growth requirements. Furthermore, this policy states that planning authorities shall always maintain the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development. Planning authorities must also maintain land with servicing capacity to provide at least a three-year supply of residential units.

The above noted policies of the PPS require an appropriate mix of housing types to meet the City's long-term needs; minimum intensification and redevelopment based on local conditions; new development areas, including urban boundary expansion areas to be adjacent to the existing built-up area and be in a compact mixed use form;

settlement area expansions that are needed to accommodate growth and satisfy market demand over the planning horizon; the City is to maintain at all times a minimum of 15 years of residential growth through intensification and redevelopment; and, land with servicing capacity to provide at least a three-year supply of residential units.

1.2 Growth Plan for the Greater Golden Horseshoe, 2019, as amended

The Growth Plan for the Greater Golden Horseshoe, 2019, as amended (the “Growth Plan”) was prepared and approved under the Places to Grow Act, 2005 and requires, in subsection 12(1), the council of a municipality that has jurisdiction in an area to which a growth plan applies to amend its official plan to conform with the growth plan. Accordingly, any decision on OPA’s 167 and 34 are to conform with the Growth Plan, including the following policies:

Policy 2.2.1.5 states that the Minister will establish a methodology for assessing land needs to implement this Plan, including relevant assumptions and other direction as required. This methodology will be used by upper- and single-tier municipalities to assess the quantity of land required to accommodate forecasted growth to the horizon of this Plan.

Policy 2.2.2.1 states that by the time the next municipal comprehensive review is approved and in effect, and for each year thereafter, the applicable minimum intensification target is a minimum of 50 per cent of all residential development occurring annually within the City of Hamilton will be within the delineated built-up area.

Policy 2.2.2.4 states that Councils of upper- and single-tier municipalities may request an alternative to the target established in policy 2.2.2.1 where it is demonstrated that this target cannot be achieved and that the alternative target will be appropriate given the size, location and capacity of the delineated built-up area.

Policy 2.2.2.5 states that the Minister may permit an alternative to the target established in policy 2.2.2.1. If council does not make a request or the Minister does not permit an alternative target, the target established in policy 2.2.2.1 will apply.

Policy 2.2.7.1 states that new development taking place in designated greenfield areas (the “DGA”) will be planned, designated, zoned and designed in a manner that supports the achievement of complete communities, supports active transportation, and encourages the integration and sustained viability of transit services.

Policy 2.2.7.2 states that the minimum density target applicable to the designated greenfield area for the City of Hamilton will plan to achieve within the horizon of this Plan a minimum density target that is not less than 50 residents and jobs combined per hectare.

Policy 2.2.7.4 states that Councils of upper- and single-tier municipalities may request an alternative to the target established in policy 2.2.7.2 where it is demonstrated that the target cannot be achieved and that the alternative target will support the diversification of the total range and mix of housing options and the achievement of a more compact built form in designated greenfield areas to the horizon of this Plan in a manner that is appropriate given the characteristics of the municipality and adjacent communities.

Policy 2.2.7.5 states that the Minister may permit an alternative to the target established in policy 2.2.7.2. If council does not make a request or the Minister does not permit an alternative target, the target established in policy 2.2.7.2 will apply.

Growth Plan Policy 2.2.8 provides that municipalities may adjust settlement area boundaries outside of a municipal comprehensive review provided that there would be no net increase in land within the settlement areas, that the adjustment would support the municipalities ability to meet the intensification and density targets, that the location of any lands added to a settlement area will satisfy the requirements of policy 2.2.8.3, the affected settlement areas are not rural settlements or in the Greenbelt Area and the settlement area to which the land would be added is serviced by municipal water and wastewater systems and there is sufficient capacity (2.2.8.4). Further, a settlement area boundary expansion may occur in advance of a municipal comprehensive review if the lands that are added and associated forecasted growth will be accounted for in the land needs assessment in the next municipal comprehensive review and that these additions are limited to 40 hectares of land to be added to the settlement area (2.2.8.5).

In particular, Policy 2.2.8.2 states that a settlement area boundary expansion may only occur through a municipal comprehensive review where it is demonstrated that:

- a) based on the minimum intensification and density targets in this Plan and a land needs assessment undertaken in accordance with policy 2.2.1.5, sufficient opportunities to accommodate forecasted growth to the horizon of

this Plan are not available through intensification and in the designated greenfield area:

- i. within the upper- or single-tier municipality, and
 - ii. within the applicable lower-tier municipality;
- b) the proposed expansion will make available sufficient lands not exceeding the horizon of this Plan, based on the analysis provided for in policy 2.2.8.2 a), while minimizing land consumption; and
- c) the timing of the proposed expansion and the phasing of development within the designated greenfield area will not adversely affect the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan.

The above noted policies of the Growth Plan state that the Minister will establish a methodology for assessing land needs to implement and conform to the Growth Plan. It also requires a minimum 50 percent intensification target for the City; new development in DGA's to be designated zoned and designed in a manner that supports the achievement of complete communities, supports active transportation, and encourages the integration and sustained viability of transit services; and a minimum density target of 50 residents and jobs combined per hectare for DGA's in Hamilton. Furthermore, the Growth Plan states that a settlement area boundary expansion may only occur through a MCR where it is demonstrated through a required LNA that additional land is needed and necessary to accommodate growth to 2051, while minimizing land consumption.

2.0 LAND NEEDS EVIDENCE & BACKGROUND

As is outlined in Section 1.0 of this memorandum, provincial legislation requires the City of Hamilton to analyze how much growth there will be and where it will accommodate this forecasted growth to 2051. The amount and location of growth is to be identified in the Official Plan in accordance with provincial legislation and policy. Provincial policies and plans include requirements for how to evaluate where that growth should be located, including how to balance intensification within the built-up area with new greenfield growth and how to make decisions about expansions to settlement area boundaries.

The following is a summary of how the City has analyzed and reported on how it will accommodate its forecasted growth to 2051, including analysis on consistency and conformity with provincial policy. This section is followed by a summary and analysis regarding how the growth strategy addresses direction on settlement area boundary expansions.

2.1 GRIDS – Planning to 2031

In 2006, Hamilton City Council approved the first Growth Related Integrated Development Strategy (the “GRIDS”), which planned for the City’s growth and development to 2031. Among other elements, GRIDS identified a Preferred Growth Option as outlined in Figure 1 below:

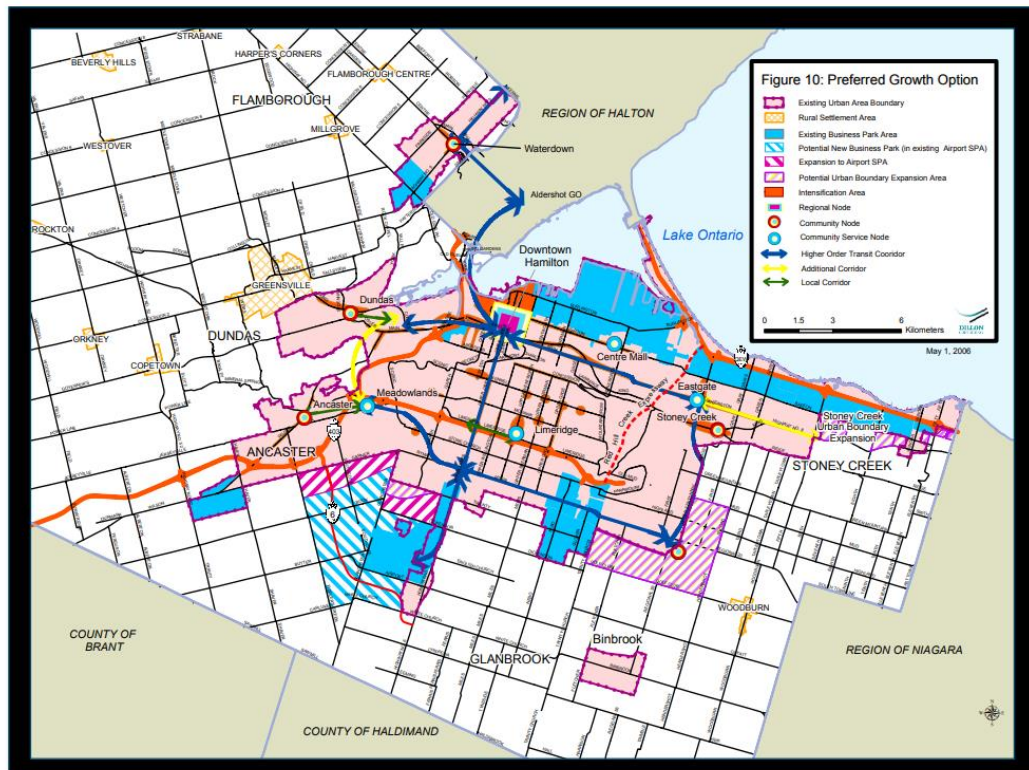


Figure 1 – GRIDS Preferred Growth Option, 2006

The GRIDS Final Report and Staff Report, including the above noted figure can be found at: <https://www.hamilton.ca/sites/default/files/2022-05/grids-grids-strategy-2006.pdf>

GRIDS also culminated in the creation of the Rural Hamilton Official Plan (the “RHOP”) and the Urban Hamilton Official Plan (the “UHOP”), which were first adopted by City Council in 2006 and 2009, respectively. In this regard, the RHOP implemented the GRIDS Preferred Growth Option by, among other elements, designating Elfrida as “SPA B – Future Urban Growth District”. Similarly, the UHOP identified the Elfrida Area as a future urban growth area including policies that outlined that the Elfrida urban boundary expansion area is to accommodate population and employment growth targets to 2031. The policies and mapping related to the urban boundary expansions in the RHOP and UHOP were appealed and continue to be before the Ontario Land Tribunal (the “OLT”).

In 2006, City Council endorsed GRIDS as its growth management strategy and incorporated its findings through the RHOP, UHOP, stormwater master plan, transportation master plan, water and wastewater masterplan, and the preparation of new development charges by-law.

GRIDS and its supporting studies served as the City’s MCR, which concluded that an urban boundary expansion that included all of Elfrida was required to accommodate the City’s growth projections to 2031.

2.2 GRIDS 2 – Planning to 2051

The City initiated its GRIDS 2 and Municipal Comprehensive Review in 2017, which was informed by, among other elements, the Growth Plan (2019) and Amendment 1 to the Growth Plan (2020) as well as the Land Needs Assessment Methodology (2020). In this regard, the City must plan to achieve the minimum provincial forecast of 820,000 persons and 360,000 jobs by 2051. This is an increase of 236,000 people and 122,000 jobs between 2021 and 2051.

On December 14, 2020, City Staff prepared Report PED17010(h) related to GRIDS 2/MCR and presented the following studies:

- LNA, prepared by Lorus and Associates
- Residential Intensification Market Demand Study, prepared by Lorus and Associates
- Residential Intensification Supply Updated, prepared by City Staff
- Designated Greenfield Area Density Analysis, prepared by City Staff

The staff report and supporting studies can be found here: <https://pub-hamilton.escribemeetings.com/Meeting.aspx?Id=62b56268-2fd4-41dd-86a6-086771a3d99f&Agenda=Merged&lang=English&Item=16&Tab=attachments>

The studies were utilized to confirm the policy and legislative requirements of the PPS and Growth Plan. The LNA was prepared in accordance with the provincial Land Needs Assessment Methodology (2020), as outlined in Section 1.0 of this memorandum. A summary of the LNA and Staff recommendations are provided in the following sections of this memorandum.

2.2.1 LNA, Lorius & Associates, December 2020 (the “2020 LNA”)

Technical background reports were completed to support inputs and assumptions on the 2020 LNA. The 2020 LNA reviewed four (4) growth scenarios to determine how to accommodate the City’s forecasted growth, which included:

- **Current Trends** – a forecasted growth that is based on the current balance of growth, which includes an intensification target of 40 percent over the plan horizon to 2051.
- **Growth Plan Minimum** – a growth forecast that is based on the minimum intensification targets of 50 percent, as established in the Growth Plan, over the entire horizon of the plan to 2051.
- **Increased Target** - the increased target would establish an increasing intensification target of 50% for the first ten years, 55% for the second ten years, and 60% for the final ten years of the plan’s horizon.
- **Ambitious Density** – The ambitious density target would establish an even more increasing intensification target of 50% for the first ten years, 60% for the second ten years, and 70% for the final ten years of the plan’s horizon.

The LNA concluded that all four growth scenarios would require additional community area land to accommodate the City’s growth forecast over the horizon of the plan. The following is a summary of the additional community area land (urban boundary expansion) needed to address the provincial legislative requirements:

- Current Trends – 3,440 ha
- Growth Plan Minimum – 2,200 ha
- Increased Target – 1,640 ha
- Ambitious Density – 1,340 ha

The 2020 LNA was completed in accordance with provincial legislation, namely the Growth Plan and mandated provincial method for completing the analysis.

2.2.2 LNA Addendum, Lorius & Associates, March 2021 (the “2021 LNA”)

City Staff Report PED17010(o) presented the 2021 LNA, which is an addendum to the 2020 LNA. **The 2021 LNA again concluded that additional community area land (urban boundary expansion) is needed to address the provincial legislative requirements.** (emphasis added)

More specifically, the 2021 LNA concluded that the following additional net community area land is required based on the same four growth scenarios:

- Current Trends – 3,440 ha
- Growth Plan Minimum – 2,190 ha
- Increased Target – 1,630 ha
- Ambitious Density – 1,310 ha

The 2021 LNA also cautions that the Increased Target and Ambitious Density scenarios are based on elevated intensification targets and *“from a market perspective, both scenarios may be a challenge to achieve towards the end of the period to 2051 as the supply of greenfield lands become increasingly constrained”*.

In addition to the 2021 LNA, Staff Report PED17010(o) also presented a report entitled “How Should Hamilton Grow? Evaluation of Growth Options”, prepared by Dillon Consulting Limited (the “Appendix A Report”) and attached as Appendix A to Report PED17010(o). The Appendix A Report reviewed two growth options, being the Option 1 - Ambitious Density Scenario, as detailed in the 2020 and 2021 LNA, and Option 2 – No Urban Boundary Expansion, which reflects an approach to growth management that takes a firm stance on maintaining the existing urban boundary.

The Appendix A Report concludes:

*“The fundamental difference between the two Growth Options is that Growth Option 2 **does not conform to the Province’s Land Needs Methodology and is unlikely to produce an outcome where the City is able to achieve its growth forecast allocated under the Growth Plan.** Conformity with the*

Province's Growth Plan policies is a fundamental aspect of the Municipal Comprehensive Review process. Given the above, it would not be appropriate to carry Growth Option 2 forward and it is recommended that the City proceed with Growth Option 1 as the basis for long range planning.

Finally, Staff Report PED17010(o) recommended that the General Issues Committee and Council adopt the "Ambitious Density" growth scenario and update the UHOP and RHOP accordingly. Staff's recommendations are based on the following three key reasons, which are discussed and further analyzed in the Staff report:

1. *The Ambitious Density scenario represents an aggressive and forward-thinking approach to growth management;*
2. *The Ambitious Density scenario represents an achievable, albeit challenging, growth management objective; and,*
3. **The Ambitious Density scenario conforms to the Provincial Growth Plan and the Provincial Land Needs Assessment Methodology.**

Furthermore, City Planning Staff state (on Page 34 of 37 of Staff Report PED17010(o)):

"It is staff's opinion that achieving the intensification levels as required under the No UBE scenario (81% intensification over the entirety of the planning period) are not realistic considering the conclusions of the Residential Intensification Market Demand report and recent intensification trends."

Staff Report PED17010(o) and its appendices can be found at: <https://pub-hamilton.escribemeetings.com/filestream.ashx?DocumentId=295582>

2.2.3 Final LNA and Peer Review, Watson & Associates (the "Peer Review")

Staff Report PED17010(n) recommended that the General Issues Committee and Council approve the 2021 LNA and presented a peer review of the 2021 LNA.

Watson & Associates was retained by the City to peer review the 2021 LNA and Residential Intensification Market Demand Analysis, prepared by Lorus & Associates. The peer review concluded that the approach and methodology utilized in 2021 LNA "is generally an appropriate application of the Growth Plan and the Provincial LNA Methodology".

Staff Report PED17010(n) again confirmed that the 2021 LNA conforms to provincial legislation and should be approved by City Council.

Notwithstanding the Staff recommendation and supporting analyses and studies in support of the Ambitious Density growth scenario, the City's General Issues Committee and Council approved the following resolution at its November 19, 2021, meeting:

*“That staff be directed to report back to the General Issues Committee no later than January 2022 **with a draft Official Plan Amendment (OPA)**, as part of the Municipal Comprehensive Review, that implements the following growth directions, and to seek approval to present the draft OPA to the Province for review, and to the public for consultation, as part of the City's Growth Plan conformity exercise: ...*

(e) That the draft Official Plan Amendment Include no expansion to the urban boundary.”

As is outlined in all the Staff reports and supporting studies related to GRIDS 2 and the MCR, **the direction by City Council to maintain a firm urban boundary was not supported by any evidence that demonstrated conformity with provincial legislation.**

2.3 OPA's 167 and 34

OPA's 167 and 34 were presented to the City's Planning Committee of Council via Staff Report PED21067(b). Staff Report PED21067(b) was clear and stated that the draft UHOP and RHOP amendments were prepared to “implement Council's direction regarding No Urban Boundary Expansion growth scenario” and warned that this scenario “**poses a risk that the City will not conform with provincial requirements as provided in Staff Report PED17010(n)**”.

Unlike previous staff reports related to GRIDS 2/MCR, Staff Report PED21067(b) does not include a review and analysis of the applicable provincial policy and legislation, nor does it rationalize how the proposed amendments conform to provincial legislation.

On June 8, 2022, despite the clear and consistent advice from the City’s planning staff and land needs consultant that the No urban boundary expansion scenario would not conform with the Growth Plan, Hamilton City Council approved OPA 167 via By-law 22-145 and OPA 34 via By-law 22-146, which implemented the No urban boundary expansion growth scenario.

2.4 Minister’s Approval of OPA’s 167 & 34

On November 4, 2022, the Minister issued its decision on OPA’s 167 and 34. As it relates to the City’s land needs to 2051, the Minister in reviewing all of the evidence, including the LNA, modified OPA’s 167 and 34 to adopt the Growth Plan Minimum growth scenario and add 2,200 gross hectares (1,600 net hectares) of new community areas to the City’s urban area. These areas are illustrated on the following map:



Figure 2 – Minister’s Decision on OPA 167, November 2022

In this regard, the Minister’s decision added the whitebelt lands in Elfrida, TRE, TRW and Whitechurch Road. These new community areas/”urban expansion area – neighbourhoods” whitebelt lands are illustrated on the following map:

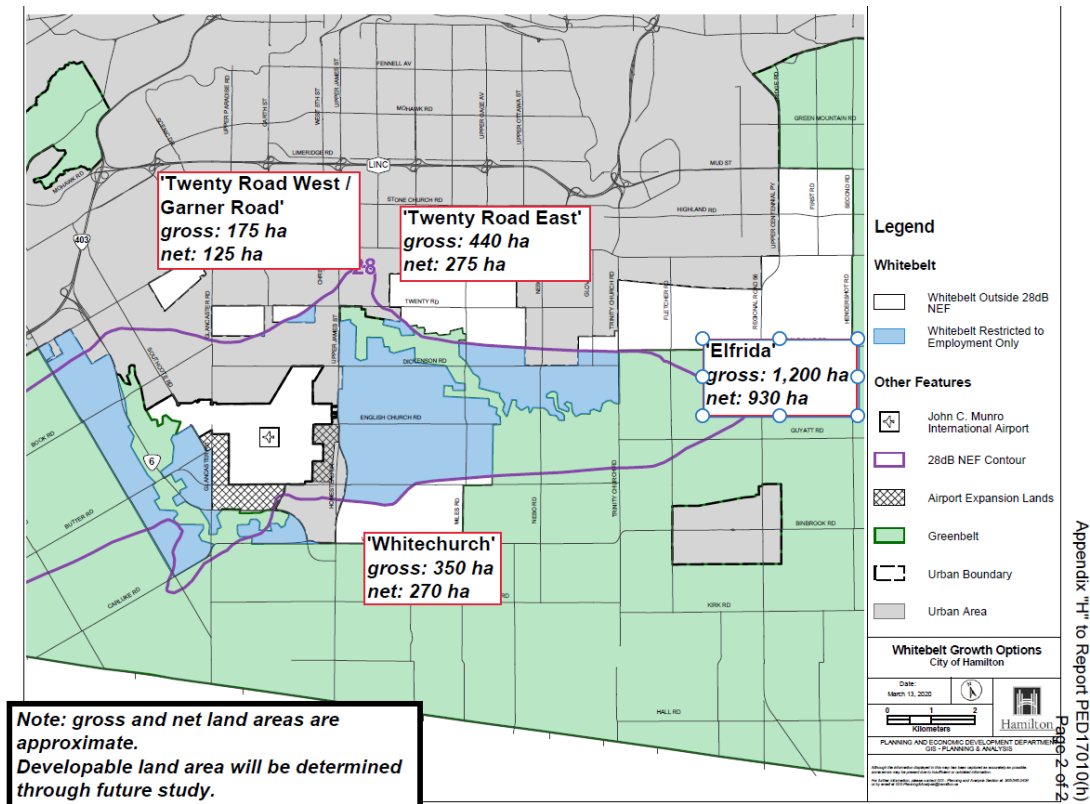


Figure 3 – Appendix “H” to Report PED17010(h), the Whitebelt Lands

In summary, the evidence provided as part of the GRIDS 2/MCR process demonstrates that Staff recommended Ambitious Density and Minister approved Growth Plan minimum growth scenarios are consistent with and conform to provincial policy and legislation. The Minister approved Growth Plan Minimum growth scenario delineated the expansion lands, which included all of the City’s whitebelt lands outside of the 28 NEF (noise) contour line associated with the airport where sensitive and residential land uses are not permitted as per the UHOP. However, the Staff recommended Ambitious Density growth scenario has not been delineated. The following sections provides our opinion regarding what whitebelt lands should be brought into the urban boundary if the Ambitious Density growth scenario is adopted.

3.0 ANALYSIS REGARDING SETTLEMENT AREA BOUNDARY EXPANSIONS

As summarized in Section 2, City staff concluded through the LNA (2021) for the municipal comprehensive review and through earlier growth management studies that additional land would need to be added to the City’s existing urban area through a settlement area boundary expansion to accommodate future growth. This is consistent

with PPS Policy 1.1.3.8 which provides that a planning authority may allow the expansion of a settlement area boundary only at the time of a comprehensive review and only where it has been demonstrated that sufficient opportunities for growth are not available through intensification, redevelopment and designated growth areas to accommodate the projected needs over the identified planning horizon. Further, where the Growth Plan applies, settlement areas are only permitted to be expanded and does not permit the creation of new settlement areas.

3.1 Where to Grow?

Further, provincial policies and plans direct that after determining that there is a need for additional land, an evaluation of where the settlement area boundary expansion will be located is to be based on the set of criteria outlined in Section 1.1.3.8 of the PPS and in section 2.2.8 of the Growth Plan. Growth Plan Policy 2.2.8.3 provides that the appropriate location for the settlement area boundary expansion be determined based on:

- sufficient capacity and the financial viability of existing and planned infrastructure and public service facilities;
- that the expansion be informed by water, wastewater and stormwater servicing, minimizing negative impacts on watersheds, avoiding key hydrologic areas, natural heritage systems and agricultural areas;
- the expansion is in compliance with minimum separation distance formulae, minimization and mitigation of adverse impacts on the agri-food network, protecting public health and safety;
- the wise use and management of resources and meeting the requirements of the Greenbelt Plan, Niagara Escarpment Plan and Oak Ridges Moraine Conservation Plan.

In addition to these criteria specific to determining the location of settlement area boundary expansions, the PPS and the Growth Plan provide additional direction on where and how to grow, including the provision of the long-term supply of residential uses in an efficient and cost-effective pattern of development that will promote the efficient expansion of settlement areas to minimize servicing costs and to avoid areas of environmental concern. Further, the policies speak to the need for complete communities that provide a range of uses and services.

Given that the City's growth analysis concluded that there is a need for additional land and there was no justification provided for not expanding the urban area, an evaluation of the most appropriate location for this expansion is required and must conform to and be consistent with the direction on settlement area expansion, as well as other policies of the Growth Plan and PPS including complete communities, the efficient use of infrastructure and resources.

The Ambitious Density scenario, as recommended by City planning staff in 2021, had the most conservative or lowest estimate of the total land area needed to be added to the urban boundary (1,310 hectares), whereas the minimum intensification and density requirements through the Growth Plan required that all the whitebelt lands (2,200 hectares) be included in an expansion.

To test where an expansion would be located, the City identified areas outside of the Greenbelt that were in the City's boundary but not within the urban boundary, referred to as "whitebelt lands". As shown on **Figure 3**, these community area whitebelt lands include:

- Elfrida (gross area: 1,200 ha, net area: 930 ha)
- TRE (gross area: 440 ha, net area: 275 ha)
- TRW (gross area: 175 ha, net area: 125 ha)
- Whitechurch (gross area: 350 ha, net area: 270 ha)
- Total (gross area: +/-2,200 ha, net area: +/-1,600 ha)

3.2 Elfrida, TRE & TRW

If the assessment regarding the amount of land that is needed is based on the Ambitious Density scenario, and if it was just a mathematical exercise to allocate the 1,310 ha, all or part of Elfrida would be needed because the other three areas do not add up to 1,310 ha. However, the decision on which lands are brought into the settlement area boundary is not just a mathematical exercise.

As discussed, it needs to conform to and be consistent with the criteria and policies set out in the PPS and Growth Plan. In this regard, if the Ambitious Density scenario is implemented (rather than the Growth Plan minimum scenario reflected in the previous Minister's 2022 approval), it is our opinion that Elfrida, TRW, and TRE should be the lands included in the urban boundary expansion to provide additional community area for the following reasons:

3.2.1 Transit Support

Appendix B of the UHOP provides the City’s Major Transportation Facilities and Routes plan (see **Figure 4 below**), which includes existing and planned major transit areas (the “MTSA”), priority transit corridors, planned higher order transit routes and planned multi modal hubs. In this regard, only Elfrida and a small portion of the TRW lands have frontage on a planned major transportation facility and more specifically, a planned higher order transit route. Similarly, only Elfrida and a small portion of TRW have existing bus transit service. In this regard, Elfrida includes approximately 2 kilometer of Upper Centennial Parkway frontage that has existing bus transit service, which travels west across the City via Rymal Road and north including a direct connection to the Confederation GO station.

In our opinion, Elfrida, TRE and TRW are on or in close proximity to existing bus transit and planned higher order transit. The Whitechurch lands are located beyond the terminus of existing and planned bus transit and higher order transit, which would require a further extension and expansion of such services.

The policies of the PPS and Growth Plan require municipalities to make efficient use of land and infrastructure and support transit viability. In this regard, adding development to areas that are served by existing and planned transit infrastructure is consistent with and conforms to provincial policies.



Figure 4 – Appendix B of the UHOP

3.2.2 Complete Communities

The PPS and Growth Plan have been progressively strengthened to require municipalities to develop “complete communities”, which are defined as:

“Places such as mixed-use neighbourhoods or other areas within cities, towns, and settlement areas that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and public service facilities. Complete communities are age-friendly and may take different shapes and forms appropriate to their contexts.”

In our opinion, Elfrida, TRE and TRW are located adjacent to larger existing neighbourhoods. These three whitebelt lands areas would be connected to existing community areas that already provide a broad range of uses and public services facilities, meaning that the new lands would contribute to and be supported by the benefits of a complete community. In contrast, the Whitechurch lands are more isolated from the rest of the community areas given that they abut only a small community area, they are surrounded by Greenbelt on three sides, and are separated from most of the rest of the City’s neighbourhoods by the airport and future whitebelt lands that are reserved for employment areas.

3.2.3 Growth Plan Policy 2.2.8.3 Criteria

The following is a summary of how Elfrida, TRE and TRW better address the urban boundary expansion criteria in Policy 2.2.8.3 of the Growth Plan.

- a) there is sufficient capacity in existing or planned infrastructure and public service facilities;***
- b) the infrastructure and public service facilities needed would be financially viable over the full life cycle of these assets;***
- c) the proposed expansion would be informed by applicable water and wastewater master plans or equivalent and stormwater master plans or equivalent, as appropriate;***

As outlined herein, the whitebelt lands areas in Elfrida, TRE and TRW have been planned for future growth since GRIDS in 2006. This includes infrastructure planning as part of the City's Development Charges background studies. Furthermore, Elfrida, TRE, and TRW are adjacent to larger existing neighbourhoods where existing infrastructure and public service facilities exist. The Whitechurch lands have not been planned for growth and are separated from existing neighbourhoods.

The UHOP includes the need for new greenfield areas to have an approved secondary plan, which would include a policy framework that addresses criteria b) and c).

d) the proposed expansion, including the associated water, wastewater and stormwater servicing, would be planned and demonstrated to avoid, or if avoidance is not possible, minimize and mitigate any potential negative impacts on watershed conditions and the water resource system, including the quality and quantity of water;

e) key hydrologic areas and the Natural Heritage System for the Growth Plan should be avoided where possible;

Provincial planning policy and the UHOP include a framework that requires the City to minimize and mitigate any potential negative impacts and avoid where possible key hydrologic areas and the NHS. In this regard, the requirement for a secondary plan will ensure that these criteria are addressed as part of any urban boundary expansion.

f) prime agricultural areas should be avoided where possible. To support the Agricultural System, alternative locations across the upper- or single-tier municipality will be evaluated, prioritized and determined based on avoiding, minimizing and mitigating the impact on the Agricultural System and in accordance with the following: i. expansion into specialty crop areas is prohibited; ii. reasonable alternatives that avoid prime agricultural areas are evaluated; and iii. where prime agricultural areas cannot be avoided, lower priority agricultural lands are used;

City Staff confirmed in Report PED17010(l) that the Ambitious Density scenario would require 1,310 hectares of land and, as such, there is no option to avoid prime agricultural lands. We agree with this conclusion. Accordingly, there is "no reasonable alternatives that avoids prime agricultural areas".

g) the settlement area to be expanded is in compliance with the minimum distance separation formulae;

h) any adverse impacts on the agri-food network, including agricultural operations, from expanding settlement areas would be avoided, or if avoidance is not possible, minimized and mitigated as determined through an agricultural impact assessment;

i) the policies of Sections 2 (Wise Use and Management of Resources) and 3 (Protecting Public Health and Safety) of the PPS are applied;

As part of the requirement to prepare a secondary plan, criteria g), h) and i) will be addressed. Furthermore, it is our experience that these criteria can be addressed through the development of the secondary plan area. This includes a community design and land use structure that is designed and planned to address these criteria. Furthermore, none of the whitebelt lands areas (Elfrida, TRE, TRW, and Whitechurch) include any mapped non-renewable resources.

j) the proposed expansion would meet any applicable requirements of the Greenbelt, Oak Ridges Moraine Conservation, Niagara Escarpment, and Lake Simcoe Protection Plans and any applicable source protection plan; and

The fact that all of the whitebelt lands are outside of the Greenbelt, Niagara Escarpment, and other provincially regulated lands is a significant reason why they should be considered for urban boundary expansion.

3.2.4 Urban Boundary Expansion

For the reasons outlined herein, it is our opinion that under the Growth Plan Minimum growth scenario all of the whitebelt lands, including Elfrida, TRE, TRW and Whitechurch lands would need to be added to the urban boundary to accommodate the City's growth to 2051. In the alternative, should the Minister elect to apply the City's Ambitious Density growth scenario, which has been rationalized in accordance with the applicable provincial planning policy and legislation, it should add Elfrida, TRE and TRW to the urban boundary in order to accommodate the City's planned growth to 2051. In this alternative, the Whitechurch lands would continue to be whitebelt lands that would be reserved for potential future growth beyond 2051.

4.0 CONCLUDING THOUGHTS AND PLANNING OPINION

Based on our review of all the information and studies associated with GRIDS 2 and the MCR, it has been demonstrated that three of the four growth scenarios considered by City planning staff (Growth Plan Minimum, Increased Target, and Ambitious Density) are consistent with the PPS and conform to the Growth Plan and accordingly align with provincial legislation and regulations. The one growth scenario that does not conform with and is not consistent with provincial plans and policies is the current trends growth scenario that would require an alternative intensification rate, which was not recommended by City Staff and not rationalized.

The no urban boundary growth scenario, which was ultimately incorporated into OPA's 167 and 34 as adopted by City Council, was not rationalized and it has not been demonstrated that it is consistent with the PPS and conforms to the Growth Plan. Accordingly, this scenario **does not align with provincial legislation and regulation**.

Based on the foregoing, it is our opinion that the Minister should **not** reverse the Ministry changes to Hamilton's OPA's 167 and 34 as they relate to the community area land (urban boundary expansion) needed to accommodate the City's growth forecast to 2051. Instead, it is our opinion that the Minister should either:

1. **maintain the Growth Plan Minimum growth scenario as approved by the Minister in 2022; or,**
2. **further modify Hamilton's OPA's 167 and 34 to implement Staff's recommended Ambitious Density growth scenario and only add Elfrida, TRE and TRW to the City's urban boundary to accommodate growth to 2051.**

Our opinion in this regard is based on the information and analysis completed by the City as well as our opinions. More specifically:

- The no urban boundary expansion growth scenario has not been demonstrated to be consistent with the PPS and conform to the Growth Plan. On the contrary, we concur with the conclusions of the Appendix A report, which states that it "does not conform to the Province's Land Needs Methodology and is unlikely to produce an outcome where the City is able to achieve its growth forecast allocated under the

Growth Plan”. We also agree with Staff’s opinion (as outlined in Report PED21067) in this regard, that this growth scenario “poses a risk that the City will not conform with provincial policy requirements”.

- All the information and studies prepared as part of the GRIDS 2/MCR were prepared in accordance with the applicable provincial planning policies and legislation and demonstrated how the Ambitious Density growth scenario is consistent with the PPS and conforms to the Growth Plan.
- Even though City Planning Staff recommended the Ambitious Density growth scenario, it did not delineate where the additional 1,310 hectares of required new community area (urban boundary expansion) would be deployed. Based on our review and analysis, it is our opinion that Elfrida, TRE and TRW should be utilized to implement the Ambitious Density growth scenario.



SPECIAL GENERAL ISSUES COMMITTEE REPORT 23-030

1:00 p.m.

November 9, 2023

Council Chamber

71 Main Street West, Hamilton, Ontario

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

Absent: Councillors M. Wilson – Personal
Councillor E. Pauls, and T. McMeekin – City Business

THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 23-030 FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

The agenda for the November 9, 2023 Special General Issues Committee meeting, was approved, as presented.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(c) PRESENTATIONS (Item 4)

**(i) International Association for Public Participation (IAP2) -
Introduction (Item 4.1)**

Morgan Stahl, Director, Government Relations & Community Engagement, provided the Committee with opening remarks and introduced facilitator Tracey Ehl who provided an introduction on International Association for Public Participation (IAP2).

The presentation respecting the International Association for Public Participation (IAP2) - Introduction, was received.

(d) PRIVATE AND CONFIDENTIAL (Item 7)

(i) International Association for Public Participation (IAP2) – Training (Item 7.1)

Tracey Ehl, Ehl Harrison Consulting Inc., facilitator for International Association for Public Participation (IAP2), was permitted to attend Closed Session in order to provide the training session.

(ii) Committee moved into Closed Session pursuant to Section 9.3, Sub-section (i) and Section 9.5 of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-section (i) and Section 239(3.1) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the City or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization; and (a) it is being held for the purposes of educating or training members; and, (b) at the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of Council or the Committee.

(iii) The training session respecting the International Association for Public Participation (IAP2), was received and remain confidential.

(e) ADJOURNMENT (Item 8)

There being no further business, the General Issues Committee meeting adjourned at 4:28 p.m.

Respectfully submitted,

Deputy Mayor Craig Cassar
Chair, General Issues Committee

Angela McRae
Legislative Coordinator
Office of the City Clerk



**PUBLIC HEALTH COMMITTEE
(Formerly the Board of Health)
REPORT 23-011**

9:30 a.m.

November 13, 2023

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

Present:	Councillor 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
Absent with Regrets:	Mayor A. Horwath – City Business

THE PUBLIC HEALTH COMMITTEE PRESENTS REPORT 23-010 AND RESPECTFULLY RECOMMENDS:

1. ***Personal Health Information Protection Act* Training for Councillors (BOH23037) (City Wide) (Item 8.1)**

That Report BOH23037 respecting *Personal Health Information Protection Act* Training for Councillors, be received.
2. **Strengthening Public Health (BOH23038) (City Wide) (Item 8.2)**

That Report BOH23037 respecting Strengthening Public Health, be received.
3. **Vaccine Ambassador Pilot Program – Evaluation Report (BOH23036) (City Wide) (Item 9.1)**

That Report BOH23036 respecting Vaccine Ambassador Pilot Program, be received.
4. **Blue Flag Beach Program (PW23068/BOH22004(b)) (City Wide) (Item 10.1)**

That Report PW23068/BOH22004(b) respecting Blue Flag Beach Program, be received.

5. Monitoring Local Impacts of Air Pollution on Mental and Neurological Health Outcomes (BOH23041) (City Wide) (Outstanding Business List Item) (Item 10.2)

- (a) That the Public Health Services budgeted complement be increased by 1.0 FTE to hire an Epidemiologist to establish a set of evidence informed indicators to monitor the impact of air pollution on the mental and neurological health of Hamilton residents at an anticipated annualized cost of \$141,831 for salary and benefits, to be referred to the 2024 Tax Operating Budget for Council approval; and,
- (b) That Item #2023-H, respecting Monitoring Local Impacts of Air Pollution on Mental and Neurological Health Outcomes be removed from the Public Health Committee Outstanding Business List.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

6. DELEGATION REQUESTS

- 6.1 Sarah Warry, Yous Matter Inc., respecting addiction and the underhoused (for today's meeting) – WITHDRAWN
- 6.2 Liz Roediger, Stand for Stoney Creek, respecting a community perspective related to agenda item 10.2 (Monitoring Local Impacts of Air Pollution on Mental and Neurological Health Outcomes) (for today's meeting)

The agenda for the November 13, 2023 Public Health Committee 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) October 2, 2023 (Item 4.1)

The Minutes of the October 2, 2023 meeting of the Public Health Committee were approved, as presented.

(d) COMMUNICATIONS (Item 5)

- (i) René Lapierre, Board of Health Chair, Public Health Sudbury and Districts, respecting Calls for Expansion of Outdoor Air Quality Monitoring Stations and the Air Quality Health Index Across Northern Ontario (Item 5.1)**

The Correspondence from René Lapierre, Board of Health Chair, Public Health Sudbury and Districts, respecting Calls for Expansion of Outdoor Air Quality Monitoring Stations and the Air Quality Health Index Across Northern Ontario, was received.

(e) DELEGATION REQUESTS (Item 6)

- (i) Liz Roediger, Stand for Stoney Creek, respecting a community perspective related Monitoring Local Impacts of Air Pollution on Mental and Neurological Health Outcomes (BOH23041) (for today's meeting) (Added Item 6.2)**

The Delegation Request from Liz Roediger, Stand for Stoney Creek, respecting a community perspective on Monitoring Local Impacts of Air Pollution on Mental and Neurological Health Outcomes (BOH23041), was approved, for today's meeting.

- (ii) Susan Chapman, respecting a community perspective related to Monitoring Local Impacts of Air Pollution on Mental and Neurological Health Outcomes (BOH23041) (Added Item 6.3)**

The Delegation Request from Susan Chapman, respecting a community perspective on Monitoring Local Impacts of Air Pollution on Mental and Neurological Health Outcomes (BOH23041), was approved, for today's meeting.

(f) DELEGATIONS (Item 7)

- (i) Dr. Sonia Anand, McMaster University - SCORE!, respecting the results of the SCORE! (Strengthening Community Roots: Anchoring Newcomers in Wellness and Sustainability) project from the Riverdale neighborhood in Ward 5 (for today's meeting) (Item 7.1)**

Dr. Sonia Anand addressed the Committee with the aid of a PowerPoint Presentation, respecting the results of the SCORE! (Strengthening Community Roots: Anchoring Newcomers in Wellness and Sustainability) project from the Riverdale neighborhood in Ward 5.

The speaking time for Dr. Sonia Anand with McMaster University, was extended by five (5) minutes.

(ii) Liz Roediger, Stand for Stoney Creek, respecting a community perspective on Monitoring Local Impacts of Air Pollution on Mental and Neurological Health Outcomes (BOH23041) (Added Item 7.2)

Liz Roediger, addressed the Committee with the aid of a PowerPoint Presentation, respecting a community perspective on Monitoring Local Impacts of Air Pollution on Mental and Neurological Health Outcomes (BOH23041).

The speaking time for Liz Roediger with Stand for Stoney Creek, was extended by five (5) minutes.

(iii) Susan Chapman, respecting a community perspective related to Monitoring Local Impacts of Air Pollution on Mental and Neurological Health Outcomes (BOH23041) (Added Item 7.3)

Susan Chapman, addressed the Committee with the aid of a PowerPoint Presentation, respecting a community perspective related to agenda item 10.2 (Monitoring Local Impacts of Air Pollution on Mental and Neurological Health Outcomes).

The Delegations for today's meeting, were received.

(g) STAFF PRESENTATIONS (Item 8)

(i) *Personal Health Information Protection Act* Training for Councillors (BOH23037) (City Wide) (Item 8.1)

David Goodis, Partner with INQ. Law, addressed the Committee respecting *Personal Health Information Protection Act* Training for Councillors, with the aid of a PowerPoint presentation.

The Presentation respecting *Personal Health Information Protection Act* Training for Councillors, was received.

For disposition of this matter, please refer to Item 1.

(ii) Strengthening Public Health (BOH23038) (City Wide) (Item 8.2)

Dr. Elizabeth Richardson, Chief Medical Officer of Health, addressed the Committee respecting Strengthening Public Health, with the aid of a PowerPoint presentation.

The Presentation respecting Strengthening Public Health, was received

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

(h) NOTICES OF MOTION (Item 12)

Councillor Francis introduced the following Notice of Motion:

(i) Consultation with SCORE! (Strengthening Community Roots: Anchoring Newcomers in Wellness and Sustainability) on the Riverdale neighborhood project (Ward 5)

That staff be directed to work with McMaster University's SCORE! (Strengthening Community Roots: Anchoring Newcomers in Wellness and Sustainability) program to explore their needs in greater detail with respect to the Riverdale neighborhood project and report back in Q1 2024 on the requests, options available and potential costs associated.

(i) ADJOURNMENT (Item 15)

There being no further business, the Public Health Committee be adjourned at 12:52 p.m.

Respectfully submitted,

Councillor Maureen Wilson
Vice Chair, Public Health
Committee

Aleah Whalen
Legislative Coordinator
Office of the City Clerk



**PUBLIC WORKS COMMITTEE
REPORT 23-017**

1:30 p.m.

Monday, November 13, 2023

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Councillors N. Nann (Chair), E. Pauls (Vice-Chair), J. Beattie, C. Cassar, J. P. Danko, M. Francis, T. Hwang, T. Jackson, C. Kroetsch, T. McMeekin, M. Spadafora, M. Tadeson, A. Wilson and M. Wilson

**THE PUBLIC WORKS COMMITTEE PRESENTS REPORT 23-017 AND
RESPECTFULLY RECOMMENDS:**

1. **Safari Road Petition for Drainage Works Request for Full Engineer's Report (PW22070(a)) (Ward 13) (Item 10.1)**
 - (a) That the Preliminary Report under Section 10(1) of the *Drainage Act, RSO, 1990 c.D.17*, prepared by Robinson Consultants, appointed Drainage Engineer under Section 8(1) of the *Drainage Act, RSO, 1990 c.D.17*, be accepted and approved; and
 - (b) That the General Manager, Public Works or designate, be authorized to instruct Robinson Consultants to prepare a full Engineer's Report as per Section 10(5) of the *Drainage Act, RSO, 1990 c.D.17*.
 - (c) That staff be directed to investigate the impacts of alleged illegal dumping and any blocked culverts on private property, and report back on impacts of these activities including enforcement options and coordination with Provincial authorities as required.

2. **Standardization of Original Equipment Manufacturer (OEM) for Parks Assets – Playgrounds, Spray Pads, Ball Diamonds, and Benches (PW23069) (City Wide) (Item 11.1)**
 - (a) Pursuant to Procurement Policy #14 – Standardization, that the standardization of the products, services and manufacturers identified in the attached Appendices "A" Play Equipment , "B" Spray Pads, "C" Ball

Diamonds and “D” Benches to Public Works Committee Report 23-017 and as the single source of supply for the listed products, supplies and services for the Parks and Cemeteries Section be approved;

- (b) That the General Manager, Public Works, or their designate, be authorized to negotiate, enter into, and execute any required contract(s) and any ancillary documents required to give effect thereto with those suppliers identified in Appendices “A” Play Equipment, “B” Spray Pads, “C” Ball Diamonds, and “D” Benches to Public Works Committee Report 23-017 with content acceptable to the General Manager of Public Works, and in a form satisfactory to the City Solicitor; and
- (c) That the General Manager, Public Works, or their designate, be authorized to amend any contract(s) executed and any ancillary documents as required in the event that a service provider, manufacturer, or distributor identified in Appendices “A” Play Equipment, “B” Spray Pads, “C” Ball Diamonds and “D” Benches to Public Works Committee Report 23-017 undergoes a name change, and it shall be in a form satisfactory to the City Solicitor.

3. Updated Sewer & Drain By-law (PW23070) (City Wide) (Item 11.2)

That the By-law attached as Appendix “A” to Report PW23070, to Regulate the Installation, Connection and Use of Sewers and Drains in the City of Hamilton (Short Title: “the Sewer & Drain By-law”), which has been prepared in a form satisfactory to the City Solicitor, be enacted.

4. Updated Water Works By-law (PW23071) (City Wide) (Item 11.3)

- (a) That the By-law attached as Appendix “A” to Report PW23071, to Regulate the Management, Distribution, and Maintenance of the Water Works System of the City of Hamilton (Short Title: “Water Works By-law”) which has been prepared in a form satisfactory to the City Solicitor, be enacted; and
- (b) That upon enactment of the By-law that staff be directed to apply to the Ministry of the Attorney General for approval of set fines for offences under the By-law.

5. Award of Request for Tender C11-45-23 for the Operation, Maintenance, Removal and Disposal Services for the City of Hamilton’s Household Hazardous Waste Depots (PW23072) (City Wide) (Item 11.4)

- (a) That the General Manager, Public Works be authorized and directed to execute, on behalf of the City, the Contract, including any ancillary

agreements or documents related thereto regarding C11-45-23 Operation, Maintenance, Removal and Disposal Services for Three City of Hamilton Household Hazardous Waste (HHW) Depots, with GFL Environmental Services Inc. in a form satisfactory to the City Solicitor; and

- (b) That the City submit a letter to the Ontario Ministry of the Environment, Conservation and Parks and Resource Productivity and Recovery Authority to advocate that the Province broadens the list of designated materials under Ontario Regulation 449/21 and ensures full compensation for municipalities which collect designated materials through the Province's Municipal Hazardous and Special Waste program.

6. Accessible Transit Services Review Sub-Committee Report 23-001 - June 29, 2023 (Added Item 11.5)

(a) Appointment of Chair and Vice-Chair (Item 1)

- (i) That Councillor Tadeson be appointed Chair of the Accessible Transit Services Review Sub-Committee for 2022-2026.
- (ii) That Councillor Kroetsch be appointed Vice-Chair of the Accessible Transit Services Review Sub-Committee for 2022-2026.

7. Road Resurfacing on First Road West from Isaac Brock Drive to Branthaven Drive (Ward 9) (Item 12.1)

WHEREAS, First Road West from Highland Road to Isaac Brock Drive was resurfaced back in 2018 by Engineering to extend the roadway life expectancy, and not continued north of Isaac Brock Drive because of upcoming development work; and

WHEREAS, First Road West from Isaac Brock Drive to Branthaven Drive Ward 9, is optimal for road resurfacing to extend the life of the roadway and therefore improve service levels and reduce maintenance costs.

THEREFORE, BE IT RESOLVED:

- (a) That the Transportation Division be directed to resurface the road and associated concrete works on First Road West between Isaac Brock Drive to Branthaven Drive;
- (b) That all costs associated with the road resurfacing scope of work be funded from the Ward 9 Minor Maintenance accounts 4031911609 (\$69,704) and 4032311609 (\$230,296) at an upset limit, including contingency, not to exceed \$300,000, with construction anticipated to be completed in 2024; 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.

8. Parkette at 505 Beach Boulevard, Hamilton (Ward 5) (Item 12.2)

WHEREAS, the parks in Ward 5 provide valuable recreation and connectivity opportunities to residents;

WHEREAS, 505 Beach Boulevard, is city-owned property which could be designated a parkette, located in the Beach Community, Hamilton; and

WHEREAS, resources are limited, and this work will be initiated in 2024 for design and public consultation with construction in a future year, subject to unforeseen challenges such as procurement timing, supply chain issues or other factors.

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed to add the creation of a parkette at 505 Beach Boulevard, to workplans to start in 2024, at a cost of \$57,853 to be funded from the Hamilton Beach Park Reserve (#108037); and
- (b) That the General Manager of Public Works be authorized and directed to approve and execute any and all required agreements and ancillary documents, in a form satisfactory to the City Solicitor, related to the creation of a parkette at 505 Beach Boulevard, Hamilton.

9. Funding of Water Service Installation for a Community Garden Located at 200 Jones Road, Stoney Creek (Ward 10) (Added Item 12.4)

WHEREAS, a community garden had been in place and operated by Kiwanis at 200 Jones Road, Stoney Creek for over ten years;

WHEREAS, the demolition of the former Kiwanis community building on the property in 2022 resulted in the water service for the community garden being removed and the garden ceasing to operate;

WHEREAS, there is continued interest from residents to be able to access a community garden to grow their own food and to provide fresh produce to others in the community and the food bank located in adjacent the Stoney Creek Municipal Service Centre building;

WHEREAS, the lands where the former Kiwanis building stood are now vacant and provide an ideal new location for the community garden on the property but

require a new water service to be installed for the community garden to operate;
and

WHEREAS Neighbourhood Development has supported community initiatives that create opportunities to support engagement and make positive change in neighbourhoods;

THEREFORE, BE IT RESOLVED:

- (a) That installation of a water service from the Municipal Service Centre building to the new community garden location, located at 200 Jones Road, at a cost of \$11,696, in funding be allocated from the following:
 - (i) A one-time commitment not to exceed \$5,000 from the Neighbourhood Development 2023 Operating Budget, Dept ID 624023; and
 - (ii) A one-time upset limit including contingency not to exceed \$6,696 from the Ward 10 Non-Property Tax Revenue Account #3301609610.

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 Natalie Feisthauer and Gerald Tetreault respecting Item 10.1, Safari Road Petition for Drainage Works Request for Full Engineer's Report (PW22070(a)) (Ward 13)

Recommendation: Be received and referred to the consideration of Item 10.1

11. DISCUSSION ITEMS

- 11.5 Accessible Transit Services Review Sub-Committee Report 23-001 - June 29, 2023

13. NOTICES OF MOTION

- 13.1 Remembrance Day Crosswalk Design for the Stoney Creek Saltfleet Memorial and at other Memorial Locations in the City
- 13.2 Funding of Water Service Installation for a Community Garden Located at 200 Jones Road, Stoney Creek (Ward 10)

14. GENERAL INFORMATION / OTHER BUSINESS

- 14.1 Amendments to the Outstanding Business List
 - 14.1(a) Items Requiring a New Due Date:
 - 14.1(a)(b) Implementation plan for the two-way conversion of Main Street
Item on OBL: ACW
Current Due Date: November 13, 2023
Proposed New Due Date: December 4, 2023
 - 14.1(a)(c) Reassessment of one-way streets
Item on OBL: ACX
Current Due Date: November 13, 2023
Proposed New Due Date: December 4, 2023

The Agenda for the November 13, 2023 Public Works Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

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

(i) October 30, 2023 (Item 4.1)

The Minutes of the October 30, 2023 meeting of the Public Works Committee were approved, as presented.

(d) COMMUNICATIONS (Item 5)

- (i) Correspondence from Natalie Feisthauer and Gerald Tetreault respecting Item 10.1, Safari Road Petition for Drainage Works Request for Full Engineer's Report (PW22070(a)) (Ward 13) (Item 5.1)**

That the correspondence from Natalie Feisthauer and Gerald Tetreault respecting Item 10.1, Safari Road Petition for Drainage Works Request for Full Engineer's Report (PW22070(a)) (Ward 13), be received and referred to the consideration of Item 10.1.

(e) DELEGATION REQUESTS (Item 6)

- (i) Delegation Requests respecting Item 10.1, Safari Road Petition for Drainage Works Request for Full Engineer's Report (PW22070(a)) (Ward 13) (for today's meeting) (Item 6.1)**

The Delegation Requests for today's meeting were approved, as follows:

- (i) John Fitzgerald (Item 6.1(a))
- (ii) Tina Osborne (Item 6.1(b))
- (iii) Paul Osborne (Item 6.1(c))
- (iv) Natalie Feisthauer (Item 6.1(d))
- (v) Achim Klaas (Item 6.1(e))

(f) PUBLIC HEARINGS (Item 10)

- (i) Safari Road Petition for Drainage Works Request for Full Engineer's Report (PW22070(a)) (Ward 13) (Item 10.1)**

Councillor Nann advised that in accordance with Section 10(2) of the *Drainage Act*, affected landowners, public utilities, road authorities, Conservation Authority, Minister of Natural Resources and Minister of Agriculture, Food and Rural Affairs were notified of the opportunity to attend a meeting to consider the preliminary report.

The Committee Clerk advised that there were five registered speakers.

The following Delegates addressed the Committee respecting the Safari Road Petition for Drainage Works Request for Full Engineer's Report (PW22070(a)):

- (i) John Fitzgerald
 - (ii) Tina Osborne
 - (iii) Paul Osborne
 - (iv) Natalie Feisthauer
 - (v) Achim Klaas
- (ii)** The following Delegations respecting the Safari Road Petition for Drainage Works Request for Full Engineer's Report (PW22070(a)), be received:
- (i) John Fitzgerald
 - (ii) Tina Osborne
 - (iii) Paul Osborne
 - (iv) Natalie Feisthauer
 - (v) Achim Klaas

The Chair asked three times if there were any members of the public in attendance who wished to come forward to speak to the matter. One individual came forward.

(iii) Additional Delegation:

Cody Carey addressed the Committee respecting the Safari Road Petition for Drainage Works Request for Full Engineer's Report (PW22070(a)).

The Delegation from Cody Carey respecting the Safari Road Petition for Drainage Works Request for Full Engineer's Report (PW22070(a)), was received.

- (iv)** The public meeting was closed.
- (v)** (a) That the Preliminary Report under Section 10(1) of the *Drainage Act, RSO, 1990 c.D.17*, prepared by Robinson Consultants, appointed Drainage Engineer under Section 8(1) of the *Drainage Act, RSO, 1990 c.D.17*, be accepted and approved; and

- (b) That the General Manager, Public Works or designate, be authorized to instruct Robinson Consultants to prepare a full Engineer's Report as per Section 10(5) of the *Drainage Act, RSO, 1990 c.D. 17*.

Report PW22070(a), respecting Safari Road Petition for Drainage Works Request for Full Engineer's Report, was **amended**, by adding recommendation (c), to read as follows:

- (c) ***That staff be directed to investigate the impacts of alleged illegal dumping and any blocked culverts on private property and report back on impacts of these activities including enforcement options and coordination with Provincial authorities as required.***

For further disposition of this matter, refer to Item 1.

(g) NOTICES OF MOTION (Item 13)

Councillor Beattie introduced the following Notice of Motion:

- (i) Remembrance Day Crosswalk Design for the Stoney Creek Saltfleet Memorial, and at other Memorial Locations in the City (Added Item 13.1)**

WHEREAS, Remembrance Day, marks the end of hostilities during the First World War, which ended on the 11th hour of the 11th day of the 11th month in 1918;

WHEREAS, Remembrance Day in Canada honours the service and sacrifice of our Armed Forces, Veterans, and their families, who have served, and continue to serve our country during times of war, conflict and peace. Particularly the First & Second World Wars, the Korean War, and all conflicts since then in which members of the Canadian Armed Forces have participated;

WHEREAS, Since 1921, the Poppy has stood as a national symbol of Remembrance to recognize the sacrifice of soldiers in times of war and is often worn on the left lapel close to the heart. The Poppy is a powerful symbol of Remembrance, worn by millions of Canadians and our Commonwealth partners, each year;

WHEREAS, the Dominion Command of The Royal Canadian Legion has registered the trademark of the Poppy image and the Poppy insignia as a protected mark through an Act of Parliament in 1948;

WHEREAS, any proposed usage of the Poppy symbol must be submitted to and approved by the Dominion Command of The Royal Canadian Legion in compliance with the Legion Poppy Manual; and

WHEREAS, the Stoney Creek Saltfleet Memorial located at the south-west corner of King Street and Queenston Road (Highway 8) was constructed in 1922, in memory of the men of Saltfleet Township, who gave their lives in the First World War and is one of the many locations throughout the City that is used to observe Remembrance Day every November 11th.

THEREFORE, BE IT RESOLVED:

- (a) That the Transportation Division contact the Dominion Command of The Royal Canadian Legion and seek permission to use the poppy and/or other significant symbols in the crosswalk on King Street closest to the Stoney Creek Saltfleet Memorial in the name of honoring those who served and continue to serve in the nation's defense; and
- (b) That upon the conclusion of the application process with the Dominion Command of The Royal Canadian Legion the Transportation Division work with Wards 10 and 5 on a final crosswalk design for the Stoney Creek Saltfleet Memorial, and at other memorial locations in the City, to be implemented for Remembrance Day 2024.

(i) Funding of Water Service Installation for a Community Garden Located at 200 Jones Road, Stoney Creek (Ward 10) (Added Item 13.2)

The Rules of Order were waived to allow for the introduction of a Motion respecting Funding of Water Service Installation for a Community Garden Located at 200 Jones Road, Stoney Creek (Ward 10).

For further disposition of this matter, refer to Item 9.

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

(i) Amendments to the Outstanding Business List (Item 14.1)

The following amendments to the Public Works Committee's Outstanding Business List, were approved:

- (1) Items Requiring a New Due Date: (Item 14.1(a)):

- (i) Joint Action by City of Hamilton and Hamilton Police Service to Improve Pedestrian Safety (Item 14.1(a)(a))
Item on OBL: ADJ
Current Due Date: December 4, 2023
Proposed New Due Date: Q2 2024
- (ii) Implementation plan for the two-way conversion of Main Street (Item 14.1(a)(b))
Item on OBL: ACW
Current Due Date: November 13, 2023
Proposed New Due Date: December 4, 2023
- (iii) Reassessment of one-way streets (Item 14.1(a)(c))
Item on OBL: ACX
Current Due Date: November 13, 2023
Proposed New Due Date: December 4, 2023

(i) ADJOURNMENT (Item 16)

There being no further business, the meeting adjourned at 4:24 p.m.

Respectfully submitted,

Councillor N. Nann, Chair,
Public Works Committee

Carrie McIntosh
Legislative Coordinator
Office of the City Clerk

**Goods and Services
 for City of Hamilton Play Structures**

Vendor Name	Goods	Services	Est. Annual Spend 2023	Annual Spent 2022	Annual Spent 2021	Annual Spent 2020	Annual Spent 2019	Totals	Comments
ABC Recreation Ltd.	Replacement parts for ABC Recreation structures can only be provided by ABC Recreation Ltd. Parks requires various replacement parts on different occasions to bring play equipment that has failed CSA inspection back to compliance to ensure it is safe for children to use.	Occasionally installations and repairs to play equipment must be completed by the distributor.	\$20,000	\$36,556	\$23,907	\$1,103	\$32,619	\$114,185	
Playpower LT Canada Inc.	Replacement parts for Playpower LT Canada Inc. structures can only be provided by Playpower LT Canada Inc. Parks requires various replacement parts on different occasions to bring play equipment that has failed CSA inspection back to compliance to ensure it is safe for children to use.	Occasionally installations and repairs to play equipment must be completed by the distributor.	\$17,000	\$15,775	\$849	\$22,950		\$56,573	
Henderson Recreation	Replacement parts for Henderson Recreation structures can only be provided by Henderson Recreation. Parks requires various replacement parts on different occasions to bring play equipment that has failed CSA inspection back to compliance to ensure it is safe for children to use.	Occasionally installations and repairs to play equipment must be completed by the distributor.	\$30,000	\$19,404	\$43,597	\$11,990	\$3,840	\$108,832	

New World Park Solutions Inc.	Replacement parts for New World Park Solutions Inc. structures can only be provided by New World Park Solutions Inc. Parks requires various replacement parts on different occasions to bring play equipment that has failed CSA inspection back to compliance to ensure it is safe for children to use.	Occasionally installations and repairs to play equipment must be completed by the distributor.	\$25,000	\$18,790	\$28,303	\$10,227	\$82,320	\$82,320	
Open Space Solutions Inc.	Replacement parts for New World Park Solutions Inc. structures can only be provided by New World Park Solutions Inc. Parks requires various replacement parts on different occasions to bring play equipment that has failed CSA inspection back to compliance to ensure it is safe for children to use.	Occasionally installations and repairs to play equipment must be completed by the distributor.	\$30,000	\$9,165	\$7,547			\$46,711	
Park N Play Design Co. Ltd.	Replacement parts for Park N Play Design Co. Ltd. structures can only be provided by Park N Play Design Co. Ltd. Parks requires various replacement parts on different occasions to bring play equipment that has failed CSA inspection back to compliance to ensure it is safe for children to use.	Occasionally installations and repairs to play equipment must be completed by the distributor.	\$20,000	\$16,846	warranty work			\$36,846	New to the city in 2021
Park N Water Ltd. (Burke Play Equipment)	Replacement parts for Park N Water Ltd. structures can only be provided by Park N Water Ltd. Parks requires various replacement parts on different occasions to bring play equipment that has failed CSA inspection back to compliance to ensure it is safe for children to use.	Occasionally installations and repairs to play equipment must be completed by the distributor.	warranty work						New to the city 2023 no replacement parts ordered

S.F Scott Manufacturing Company Limited (Blue Imp)	Replacement parts for S.F. Scott Manufacturing Company Limited structures can only be provided by S.F. Scott Manufacturing Company Limited. Parks requires various replacement parts on different occasions to bring play equipment that has failed CSA inspection back to compliance to ensure it is safe for children to use.	Occasionally installations and repairs to play equipment must be completed by the distributor.	\$10,000	warranty work	warranty work			\$10,000	New to the city 2021. no replacement parts ordered
								\$455,467	

**Goods and Services
 for City of Hamilton Spray Pads**

Vendor Name	Goods	Services	Est. Annual Spend 2023	Annual Spent 2022	Annual Spent 2021	Annual Spent 2020	Annual Spent 2019	Totals	Comments
Open Space Solutions INC	Replacement parts for Open Space Solutions INC structures can only be provided by Open Space Solutions INC. Parks requires various replacement parts on different occasions to bring spray pad equipment that has failed CSA inspection back to code to ensure it is operational throughout the summer months.	Occasionally installations and repairs to spray pad equipment must be completed by the distributor.		\$432	\$4,823	\$737	\$6,177	\$12,169	
ABC Recreation Ltd.	Replacement parts for ABC Recreation Ltd. structures can only be provided by ABC Recreation Ltd. Parks requires various replacement parts on different occasions to bring spray pad equipment that has failed CSA inspection back to code to ensure it is operational throughout the summer months.	Occasionally installations and repairs to spray pad equipment must be completed by the distributor.		\$6,363	\$4,706			\$11,069	
New World Park Solutions INC	Replacement parts for New World Park Solutions INC structures can only be provided by New World Park Solutions INC. Parks requires various replacement parts on different occasions to bring spray pad equipment that has failed CSA inspection back to code to ensure it is operational throughout the summer months.	Occasionally installations and repairs to spray pad equipment must be completed by the distributor.	warranty work	warranty work					New to the city 2022. No spray pad replacement parts ordered yet

Park N Water Ltd.	Replacement parts for Park N Water Ltd. structures can only be provided by Park N Water Ltd. Parks requires various replacement parts on different occasions to bring spray pad equipment that has failed CSA inspection back to code to ensure it is operational throughout the summer months.	Occasionally installations and repairs to spray pad equipment must be completed by the distributor.							New to the city 2023. No spray pad replacement parts ordered yet
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\$23,239

**Goods and Services
for City of Hamilton Ball Diamonds**

Vendor Name	Goods	Services	Est. Annual Spend 2023	Annual Spent 2022	Annual Spent 2021	Annual Spent 2020	Annual Spent 2019	Total	Comments
Mar-Co Clay Products Inc.	Provide all specialized materials (such as In field clay, Redibrick, Redi Mound, an dRedikit) necessary for the maintenance of ball diamonds with the exception of mag lime screenings.	Specialized materials and services related to the maintenance and restoration of ball diamonds.	\$ 90,500.00	\$ 43,391.15	\$ 9,463.08	\$ 1,169.15	\$ 5,959.38	\$ 150,482.76	Annual expenditure represents actual dollars spent on ball diamond grading and materials and not necessarily with Mar-Co Clay Products Inc.

**Parts and Equipment
for City of Hamilton Park Benches**

Vendor Name	Goods	Est. Annual Spend 2023	Annual Spent 2022	Annual Spent 2021	Annual Spent 2020	Annual Spent 2019	Total	Comments
Classic Displays	Park bench components including but not limited to: recycled plastic bench boards, riverside bench ends with arms, and riverside bench ends without arms. Supply and delivery of Riverside benches for full replacement due to vandalism	\$ 20,364.00	\$ 61,456.80	\$ 35,509.22	\$ 29,286.56	\$ 12,539.00	\$ 159,155.58	



**PLANNING COMMITTEE
REPORT
23-019**

November 14, 2023

9:30 a.m.

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

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

THE PLANNING COMMITTEE PRESENTS REPORT 23-019 AND RESPECTFULLY RECOMMENDS:

- 1. 2024 Licensing and By-Law Services Division's Priorities and Timelines for new by-laws, including Adequate Temperature By-Law (PED23238) (City Wide) (Outstanding Business List Item) (Item 9.1)**

That Report PED23238 respecting 2024 Licensing and By-Law Services Division's Priorities and Timelines for new by-laws, including Adequate Temperature By-Law, be received.

- 2. Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED23239) (City Wide) (Item 9.2)**

That Report PED23239 respecting Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications, be received.

- 3. Applications for Urban Official Plan Amendment UHOPA-21-001, Zoning By-law Amendment ZAC-21-001 and Draft Plan of Subdivision for Lands Located at 3169 Fletcher Road, Glanbrook (PED23210) (Ward 11) (Item 10.1)**

(a) That Official Plan Amendment Application UHOPA-21-001, by A.J. Clarke and Associates Ltd. (c/o Stephen Fraser), on behalf of Joe Sarto, Owner, to re-designate the subject lands from "Low Density Residential 2h" to "Low Density Residential 3c" in the Binbrook Village Secondary Plan, to permit the development of block townhouse and back to back townhouse dwellings with a maximum density of 49 dwellings per net residential

hectare, for lands located at 3169 Fletcher Road, as shown on Appendix “A” attached to Report PED23210, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED23210, be adopted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (b) That Zoning By-law Amendment Application ZAC-21-001, by A.J. Clarke and Associates Ltd. (c/o Stephen Fraser, on behalf of Joe Sardo, Owner, for a change in zoning from the Restricted Agricultural “A2” Zone to Residential Multiple – Holding “H-RM3-327” Zone, Modified, to permit 23 block townhouse units and 34 back to back townhouse dwellings with two parking spaces per unit and 14 visitor parking spaces, for lands located at 3169 Fletcher Road, as shown on Appendix “A” attached to Report PED23210, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED23210, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and will comply with the Urban Hamilton Official Plan upon approval of Official Plan Amendment No. XX;
 - (iii) That the amending By-law apply the Holding Provisions of Section 36(1) of the Planning Act, R.S.O. 1990 to the subject lands by introducing the Holding “H” as a prefix to the proposed zoning as shown on Schedule “A” of Appendix “C” attached to Report PED23210;

The Residential Multiple – Holding “H-RM4-327” Zone, Modified, applicable to lands shown on Schedule “A” to Appendix “C” attached to Report PED23210 be removed conditional upon the following:

That the “H” Holding Symbol may be removed by a further amendment to this By-law at such time that the landowner

demonstrates to the satisfaction of the Director, Growth Management and Chief Engineer that:

- 1) Municipal services are available to the limits of the property, including but not limited to water, sanitary sewers, and storm sewers;
 - 2) Street 'B' on the Draft Plan of Subdivision 25T-201405 as approved by the Ontario Land Tribunal on May 20, 2016 has been constructed;
 - 3) The Stormwater Management Pond within the Draft Plan of Subdivision 25T-201405 as approved by the Ontario Land Tribunal on May 20, 2016, is constructed and fully operational;
- (c) That Draft Plan of Subdivision Application 25T-202101 by A.J. Clarke and Associates Ltd. (c/o Stephen Fraser), on behalf of Joe Sarto, Owner, on lands located at 3169 Fletcher Road, Glanbrook, as shown on Appendix "A" attached to Report PED23210, be APPROVED in accordance with By-law No. 07-323 being the delegation of the City of Hamilton's Assigned Authority Under the *Planning Act* for the Approval of Subdivisions and Condominiums, on the following basis:
- (i) That this approval apply to the Draft Plan of Subdivision "3169 Fletcher Road" certified by Nicholas P. Muth, O.L.S., dated December 13, 2022, consisting of one development block for 23 block townhouses units and 34 back to back townhouse dwellings (Block 1) and one block for a road right of way dedication (Block 2), as shown on Appendix "E" attached to Report PED23210;
 - (ii) That the Owner enter into a Standard Form Subdivision Agreement as approved by City Council and with the Special Conditions as shown on Appendix "F" attached to Report PED23210;
 - (iii) That the Special Conditions of Draft Plan of Subdivision Approval, 25T-202101, as shown on Appendix "F" attached to Report PED23210, be received and endorsed by City Council;
 - (iii) That in accordance with the City's Comprehensive Development Guidelines and Financial Policies Manual there will be no City of Hamilton cost sharing for this subdivision;

- (iv) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the issuance of each building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council.

4. Application for a Zoning By-law Amendment for lands Located at 2800 Library Lane and 2641 Regional Road 56, Glanbrook (PED23231) (Ward 11) (Item 10.2)

- (a) That Zoning By-law Amendment Application ZAC-23-022, by SHS Consulting (c/o Andrew Vrana) on behalf of Township of Glanbrook Non-Profit Housing Corporation, Owner, for a change in zoning from the Restricted Agricultural "A2" Zone to the Residential Multiple "RM4-322" Zone, Modified, (Block 1) and from the Residential Multiple "RM4" Zone to the Residential Multiple "RM4-322" Zone, Modified, (Block 2) to permit the development of a three storey adult lifestyle multiple dwelling with 105 dwelling units and 78 surface parking spaces on a portion of the lands located at 2800 Library Lane and 2641 Regional Road 56, as shown on Appendix "A" attached to Report PED23231, be APPROVED on the following basis:
 - (i) That the draft By-law, attached as Appendix "B" to Report PED23231, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and complies with the Urban Hamilton Official Plan and the Binbrook Village Secondary Plan.

5. Applications for an Official Plan Amendment, Zoning By-law Amendment and Revisions to a Draft Plan of Subdivision for Lands Located at 2080 Rymal Road East, Glanbrook (PED23232) (Ward 9) (Item 10.3)

- (a) That Official Plan Amendment Application UHOPA-20-010, by A.J. Clarke and Associates (c/o Stephen Fraser), on behalf of A. DeSantis Developments Ltd. (c/o Anthony DeSantis Jr.), Owner, to redesignate the subject lands from "Institutional" (Public Elementary School), "Low Density Residential 2g", and "Medium Density Residential 2b" to "Low Density

Residential 2h" and "Medium Density Residential 2c" to permit the development of 37 street townhouse dwellings, 189 block townhouse dwellings, and a multiple dwelling containing up to 80 units, on lands located at 2080 Rymal Road East, as shown in Appendix "A" attached to Report PED23232, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment attached as Appendix "B" to Report PED23232, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (b) That Zoning By-law Amendment Application ZAC-20-015, by A.J. Clarke and Associates (c/o Stephen Fraser), on behalf of A. DeSantis Developments Ltd. (c/o Anthony DeSantis Jr.), Owner, for a change in zoning from the Residential Multiple "RM3-175" Zone, Modified, the Residential Multiple "RM2-182" Zone, Modified, the Residential "R4-182" Zone, Modified, and the Residential "R4-173b" Zone, Modified, to the Low Density Residential - Small Lot (R1a, 866) Zone, to permit the development of 37 street townhouse dwellings, on lands located at 2080 Rymal Road East, as shown in Appendix "A" attached to Report PED23232 be APPROVED on the following basis:
- (i) That the draft By-law attached as Appendix "C" to Report PED23232, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - (iii) That this amending By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX;
- (c) That Zoning By-law Amendment Application ZAC-20-015, by A.J. Clarke and Associates (c/o Stephen Fraser), on behalf of A. DeSantis Developments Ltd. (c/o Anthony DeSantis Jr.), Owner, for a change in zoning from the Residential Multiple "RM2-182" Zone, Modified to the

Residential Multiple "RM3-323" Zone, Modified (Block 1); from the Residential Multiple "RM2-173" Zone, Modified and the Institutional "I-173" Zone, Modified to Residential Multiple "RM4-325" Zone, Modified (Blocks 2 and 3); and from the Residential Multiple "RM2-173" Zone, Modified, the Institutional "I-173" Zone, Modified, the Residential Multiple "RM2-182" Zone, Modified, the Residential "R4-173(B)" Zone, Modified and the Residential "R4-182" Zone, Modified, to the Residential Multiple "RM3-324" Zone, Modified (Blocks 4, 5, 6, 7 and 8), to permit the development of 189 block townhouse dwellings and an 80 unit, multiple dwelling, on lands located at 2080 Rymal Road East, as shown in Appendix "A" attached to Report PED23232, be APPROVED on the following basis:

- (i) That the draft By-law attached as Appendix "D" to Report PED23232, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - (iii) That this amending By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX;
- (d) That Revisions to Approved Draft Plan of Subdivision 25T-200303R, by A.J. Clarke and Associates (c/o Stephen Fraser), on behalf of A. DeSantis Developments Ltd. (c/o Anthony DeSantis Jr.), Owner, on lands located at 2080 Rymal Road East (Glanbrook), as shown on Appendix "A" to Report PED23232, be APPROVED in accordance with By-law No. 07-323 being the delegation of the City of Hamilton's Assigned Authority Under the *Planning Act* for the Approval of Subdivisions and Condominiums, on the following basis:
- (i) That this approval apply to the Draft Plan of Subdivision "Crossings Phase 3" 25T-200303R, prepared by A.J. Clarke and Associates Ltd., and certified by Nicholas P. Muth, O.L.S., dated September 07, 2022, consisting of two blocks for 37 street townhouse dwellings (Blocks 1 and 5); two blocks for 189 block townhouse dwellings (Blocks 2 and 4); one block for a multiple dwelling for up to 80 multiple dwelling units (Block 3); and the extension of Bellagio Avenue, as shown on the Draft Plan of Subdivision attached as Appendix "F" to Report PED23232;

- (ii) That the Owner enter into a Standard form Subdivision agreement as approved by City Council and that the Special Conditions of Draft Plan of Subdivision Approval, 25T-200303R, as shown on Appendix "I" to Report PED23232, be received and endorsed by City Council;
- (iii) That in accordance with the City's Comprehensive Development Guidelines and Financial Policies Manual there will be no City of Hamilton cost sharing for this subdivision;
- (iv) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the issuance of each building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council.

6. Application for Approval of a Draft Plan of Subdivision for Lands Located at 250 First Road West, Stoney Creek (PED23233) (Ward 9) (Item 10.4)

- (a) That Draft Plan of Subdivision Application 25T-202302, by UrbanSolutions Planning & Land Development Consultants Inc. (c/o Matt Johnston), on behalf of 256 First Road West Inc. (c/o Nicole Cimadamore), Owner, on lands located at 250 First Road West, as shown on Appendix "A" attached to Report PED23233, be APPROVED in accordance with By-law No. 07-323 being the delegation of the City of Hamilton's Assigned Authority Under the *Planning Act* for the Approval of Subdivisions and Condominiums, on the following basis:
 - (i) That this approval apply to the Draft Plan of Subdivision 25T-202302, certified by Rob. A. McLaren, O.L.S., dated December 22, 2022, consisting of one development block for townhouse dwellings (Block 1), one block for a daylight triangle dedication (Block 2) and one block for a road right of way dedication (Block 3), as shown on Appendix "B" attached to Report PED23233;
 - (ii) That the Owner enter into a Standard Form Subdivision Agreement as approved by City Council and with the Special Conditions as shown on Appendix "C" attached to Report PED23233;

- (iii) That the Special Conditions of Draft Plan of Subdivision Approval, 25T-202302, as shown on Appendix “C” attached to Report PED23233, be received and endorsed by City Council;
- (iv) That in accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual there will be no City of Hamilton cost sharing for this subdivision;
- (v) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the issuance of each building permit, all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council.

7. Applications for an Official Plan Amendment and Zoning By-law Amendment, for Lands Located at 1225 Old Golf Links Road, Ancaster (PED23234) (Ward 12) (Item 10.5)

- (a) That Official Plan Amendment Application UHOPA-23-017, by A.J. Clarke and Associates Ltd. (c/o Ryan Ferrari) on behalf of Ancaster Space Station Inc. (c/o Steve Grzenda), Owner, to amend Volume 1, Schedule E-1 -Urban Land Use Designations by redesignating the subject site from the “Open Space” designation to the “Mixed Use – Medium Density” designation, to amend Volume 2, Meadowlands Mixed Use Secondary Plan Map B.2.4-1 by redesignating the subject site from the “General Open Space” designation to the “Mixed Use – Medium Density” designation, and to amend Volume 2, Meadowlands Mixed Use Secondary Plan by adding a Site Specific Policy to permit a maximum five storey warehouse (self-storage) use, for the lands located at 1225 Old Golf Links Road, as shown on Appendix “A” attached to Report PED23234, be APPROVED on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED23234, be adopted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);

(b) That Zoning By-law Amendment Application ZAC-23-041, by A.J. Clarke and Associates Ltd. (c/o Ryan Ferrari) on behalf of Ancaster Space Station Inc. (c/o Steve Grzenda), Owner, for a change in zoning from the Public "P-242" Zone to the Mixed Use Medium Density (C5, 876, H161) Zone, to permit a maximum five storey (18.8 metre) warehouse (self-storage) with 46 parking spaces, for the lands located at 1225 Old Golf Links Road, as shown on Appendix "A" attached to Report PED23234, be APPROVED on the following basis:

(i) That the draft By-law attached as Appendix "C", as amended by deleting 2. (b), to Report PED23234, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

2. ~~(b) In addition to Section 10.5.1, a Warehouse (self-storage) shall also be permitted in accordance with Section 10.5.3 and Section c) below.~~

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

(iii) That this amending By-law will comply with the Urban Hamilton Official Plan upon the approval of Urban Hamilton Official Plan Amendment No. XX;

(iv) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject site by introducing the Holding symbol 'H161' to the proposed Mixed Use Medium Density (C5, 876) Zone:

The Holding Provision 'H161' is to be removed conditional upon:

(1) The Owner submitting a revised Functional Servicing Report analyzing the sanitary sewer system in accordance with the City's standards and demonstrating that there is a residual capacity in the system to support the proposed development and that the increased wastewater generated from the proposed development will not adversely impact the hydraulic performance of the City's sanitary sewer system, to the satisfaction of the Director of Growth Management and Chief Development Engineer;

- (2) The Owner submitting a revised Stormwater Management Report to demonstrate there is a suitable storm outlet for the proposed development, to the satisfaction of the Director of Growth Management and Chief Development Engineer;
- (3) The Owner submitting a Watermain Hydraulic Analysis, to the satisfaction of the Director of Growth Management and Chief Development Engineer;
- (4) The Owner entering into an External Works Agreement with the City's Growth Management Division for the design and construction of any required improvements to the municipal infrastructure at the Owner's cost, to the satisfaction of the Director of Growth Management and Chief Development Engineer;
- (5) The Owner submitting an acoustical report prepared by a qualified Professional Engineer containing the recommended noise control measures to the satisfaction of the Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner;
- (6) The Owner submitting a revised Tree Protection Plan addressing the protection of the trees found within the City's right-of-way including justification for the removal of the identified trees and the applicable Tree Protection Plan review fee payable to the City of Hamilton, to the satisfaction of the Director of Planning and Chief Planner;
- (7) The Owner satisfying all requirements of Hydro One Corporation including lot grading and drainage and entering into a Site Plan Agreement with the City, to the satisfaction of the Director of Planning and Chief Planner.

8. 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) (Item 10.7)

- (a) That Revised Official Plan Amendment Application UHOPA-22-001, by WEBB Planning Consultants (c/o James Webb) on behalf of the City of

Hamilton, Municipal Land Development Office, Owner, to redesignate the subject lands from “Institutional” to “Mixed Use” and to establish a Special Policy Area on Schedule “M-2” in the West Harbour (Setting Sail) Secondary Plan in the former City of Hamilton Official Plan to permit a maximum 45 storey mixed use building, for lands located at 65 Guise Street East (Pier 8, Block 16), as shown on Appendix “A” attached to Report PED22031(a), be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED22031(a), be adopted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (b) That Revised Zoning By-law Amendment Application ZAC-22-003, by WEBB Planning Consultants (c/o James Webb) on behalf of the City of Hamilton, Municipal Land Development Office, Owner, for a change in zoning from the Community Institutional (I2, 486, H94) Zone to the Waterfront – Mixed Use (WF2, 819, H94, H130) Zone to permit a maximum 45 storey (147.0 metre) mixed use building, for lands located at 65 Guise Street East (Pier 8, Block 16), as shown on Appendix “A” attached to Report PED22031(a), be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “C”, **as amended by including net zero carbon, high efficiency building standards**, to Report PED22031(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and will comply with the City of Hamilton Official Plan upon approval of Official Plan Amendment No. XX;
 - (iii) That the amending By-law apply the Holding Provision of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by introducing the Holding symbol ‘H130’ to the proposed Waterfront – Mixed Use (WF2, 819, H94, H130) Zone;

The Holding Provision ‘H’ is to be removed, conditional upon:

- (1) The Owner submitting and receiving conditional site plan approval, which shall implement the Pier 8 Block 16 Urban Design Guidelines, the Pier 8 – Block 16 Sustainability Report, the preferred tower design as determined through the Implementation Process for a Tall Building Proposal – Pier 8, Block 16, and that addresses innovation in the areas of sustainability, quality of life and design excellence, **and to demonstrate net zero carbon, high efficiency building standards, Pier 8 Block 16 will use best efforts to target the CaGBC’s Zero Carbon Building v3 Design Certification**, to the satisfaction of the Director of Planning and Chief Planner.

- (c) That Item 22D respecting a Recommendation Report for proposed Official Plan Amendment and Zoning By-law Amendment applications for 65 Guise Street East (Pier 8, Block 16) be identified as complete and removed from the Planning Committee Outstanding Business List.

9. Industrial/Commercial Proactive Pilot Project (PED23236) (City Wide) (Outstanding Business List Item) (Item 11.1)

- (a) That Licensing and By-law Services create a one year Industrial/Commercial Proactive By-law Pilot Project to review existing and potential new by-laws and provincial regulation as it relates to impacts on residential areas by industrial and commercial operations, subject to the approval of the staffing and resourcing outlined in Recommendation (b);

- (b) That the Director of Licensing and By-law Services be directed to create the following temporary positions for creation and implementation of the Industrial/Commercial Proactive By-law Pilot Project funded first from the departmental operating budget surplus and second from the Tax Stabilization Reserve (110046) should the final 2024 departmental budget surplus be insufficient;
 - (i) One temporary full-time (1.0) Project Manager in the Licensing and By-law Services Division at an estimated total cost of \$144,018 annually;

 - (ii) One temporary full-time (1.0) Municipal Law Enforcement officer in the Licensing and By-law Services Division at an estimated total cost of \$110,204 annually;

- (iii) One vehicle for Licensing and By-law Services, at an estimated cost of \$54,525 and \$9,000 for vehicle maintenance costs for investigation and enforcement;
 - (c) That staff report back to the Planning Committee (Q3 2025) at the conclusion of the Industrial/Commercial Proactive By-law Pilot Project, with an update on the outcomes and future recommendations;
 - (d) That Item 23E respecting the establishment of a proactive team to work with industrial and commercial partners city wide be identified as complete and removed from the Planning Committee's Outstanding Business List.
- 10. Waterfront Ambassador Program (PED23237) (City Wide) (Outstanding Business List Item) (Item 11.2)**
- (a) That the Waterfront Ambassador Pilot Program at the Hamilton Beachfront (Ward 5), be approved as a permanent annual program subject to the approval of 2 full-time summer students from the months of May-September, at an estimated annual cost of \$36,658.18 and be referred to the 2024 Tax Supported Operating Budget process;
 - (b) That the Waterfront Ambassador Pilot Program be expanded to include education and enforcement rotations at additional trail sites City wide as determined seasonally by the Director or designate of Licensing and By-Law Services, and in consultation with Ward Councillors, be approved as an enhancement to the permanent annual program, subject to the approval of 2 full-time summer students from the months of May-September at an estimated cost of \$36,658.18, and be referred to the 2024 Tax Supported Operating Budget process;
 - (c) That subject to the approval of recommendation (a) and (b) the one-time cost of one vehicle \$54,525 plus operating costs \$6,250 to transport bicycles to the trail location and hold equipment/educational materials, be approved, for Licensing and By-Law Services;
 - (d) That the matter respecting Item 1, Planning Committee Report 23-007, from the Council meeting on May 10, 2023, be identified as complete and removed from the Outstanding Business List.
- 11. Provincial Announcement Impacting Provincial Decisions on Municipal Official Plans and Official Plan Amendments (PED23252) (City Wide) (Item 11.3)**

- (a) That Council reconfirm its position on Urban Hamilton Official Plan Amendment 167 and Rural Hamilton Official Plan Amendment 34, as adopted by Council on June 8, 2022;
- (b) That Planning and Economic Development Department staff on behalf of the Mayor and Council, be directed to:
 - (i) Submit Report PED23252, including the comments and changes in Appendices “A” and “B” and the development application information in Appendix “C” attached to Report PED23252 to the Ministry of Municipal Affairs and Housing;
 - (ii) Work with the Ministry of Municipal Affairs and Housing to retain modifications that are conformity-related and are supported by Council, as identified in the comments contained in Appendices “A” and “B” attached to Report PED23252;
 - (iii) Request that the Ministry of Municipal Affairs and Housing include clear language in the implementing legislation that would bar legal proceedings and remedies being brought against municipalities in relation to the reversal of the modifications by the Minister of Official Plans and Official Plan amendments;
 - (iv) Request that the Ministry of Municipal Affairs and Housing provide clear legislative language with respect to transitional matters in the anticipated legislation to reverse the modifications by the Minister of Official Plans and Official Plan amendments and adopt the recommendations of the City;
 - (v) Request that the Ministry of Municipal Affairs and Housing remove the requirement to phase in Development Charge Rates (Section 5(8) of the *Development Charges Act, 1997*, as amended) for the initial service specific Development Charge By-laws which utilize infrastructure master plans developed based on the reversal of Provincial modifications to the urban boundary;
- (c) That Planning and Economic Development Department staff and Finance staff be directed to:
 - (i) Prepare detailed cost estimates of additional costs incurred by the City as a result of the Provincial modifications to Urban Hamilton Official Plan Amendment 167 and Rural Hamilton Official Plan Amendment 34 made on November 4, 2022, and any additional

costs incurred since the Provincial announcement on October 23, 2023;

- (ii) Engage in discussions with the Province to recover costs incurred;
 - (d) That the Effective Date and Transition Policies outlined in Report PED23252 be submitted as comments to the Province for inclusion in its anticipated legislation respecting the Provincial announcement.
- 12. Bill 136, Greenbelt Statute Law Amendment Act, 2023 - Reinstatement of Greenbelt Lands (PED23244) (City Wide) (Item 11.4)**
- (a) That the proposed reinstatement of all 15 sites removed from the Greenbelt Area by the Government of Ontario, be supported;
 - (b) That Council adopt the submissions and recommendations, as attached in Appendix "A" to Report PED23244, regarding *Bill 136, Greenbelt Statute Law Amendment Act, 2023*;
 - (c) That the Acting Director of Planning and Chief Planner and the City Solicitor be authorized to make the submissions and recommendations on *Bill 136, Greenbelt Statute Law Amendment Act, 2023*, as attached in Appendix "A" to Report PED23244.
- 13. Ontario Regulatory Registry Posting 23-MOI004, Proposed GO Transit Station Funding Act, 2023 (PED23245) (City Wide) (Item 11.5)**
- (a) That staff be directed to advise the Province that the cost of designing and constructing Government of Ontario GO Stations continue to be funded by the Province;
 - (b) That Council endorse the submissions and recommendations as attached in Appendix "A" to Report PED23245 regarding the proposed Bill 134, *Affordable Homes and Good Jobs Act, 2023*;
 - (c) That the Acting Director of Planning and Chief Planner be authorized and directed to confirm the submissions and recommendations made to the Province resulting from Council's review and decisions on Report PED23245;
 - (d) That staff report back to Council should Bill 131, proposed *GO Transit Station Funding Act, 2023* be proclaimed on any required process, fee and By-law changes necessary to implement the proposed changes.

- 14. Bill 134, Proposed Affordable Homes and Good Jobs Act, 2023 (PED23256) (City Wide) (Item 11.6)**
- (a) That Council endorse the submissions and recommendations attached in Appendix “A” to Report PED23256 regarding the proposed Bill 134, *Affordable Homes and Good Jobs Act, 2023*;
 - (b) That the Acting Director of Planning and Chief Planner be authorized and directed to confirm the submissions and recommendations made to the Province resulting from Council’s review and decisions on Report PED23256;
 - (c) That staff report back to Council should Bill 134, *Affordable Homes and Good Jobs Act, 2023* be proclaimed on any required process, fee and By-law changes necessary to implement the proposed changes.
- 15. Appeal to the Ontario Land Tribunal for lands located at 509 Southcote Road, Ancaster for Lack of Decision on Official Plan Amendment Application (UHOPA-23-010) and Zoning By-law Amendment Application (ZAC-23-025) (LS23030) (Ward 12) (Item 15.2)**
- (a) That the directions to staff (recommendations (a) to (d)) in Report LS23030, be approved;
 - (b) That the directions to staff (recommendations (a) to (d)) in Report LS23030, be released to the public, following approval by Council; and
 - (c) That the balance of Report LS23030 remain confidential.
- 16. Appeal to the Ontario Land Tribunal (OLT) for Lands located at 11, 19, 20, 21, 23, 27 and 30 Lakeside Drive and 81 Waterfront Crescent, Stoney Creek, for Lack of Decision on Official Plan Amendment Application (UHOPA-17-005) Zoning By-law Amendment Application (ZAC-17-015) and Draft Plan of Subdivision Application (25T-201703) (LS23008(a)) (Ward 10) (Added Item 15.3)**
- (a) That the directions to staff (recommendations (a) to (c)) in Report LS23008(a), be approved;
 - (b) That the directions to staff (recommendations (a) to (c)) Report LS23008(a) and Appendices “A” and “B” to Report LS23008(a), remain

confidential until made public as the City's position before the Ontario Land Tribunal; and,

(c) That the balance of Report LS23008(a) remain confidential.

17. Appeal to the Ontario Land Tribunal (OLT) for lands located at 544 and 550 Rymal Road East, Hamilton, for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-20-024) and Zoning By-law Amendment Application (ZAC-20-037) and Draft Plan of Subdivision Application (25T-202006) (LS23031) (Ward 7) (Added Item 15.4)

(a) That the directions to staff (recommendations (a) to (e)) in Report LS23031, be approved;

(b) That the directions to staff (recommendations (a) to (e)) in Report LS23032, be released to the public, following approval by Council; and

(c) That the balance of Report LS23031 remain confidential.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

4. APPROVAL OF MINUTES OF PREVIOUS MEETING

4.1 October 31, 2023 Minutes

Corrected to show Councillor T. Jackson was present at the October 31st meeting.

5. COMMUNICATIONS

5.1 Correspondence respecting No Boundary Expansion (Item 11.3) – Added Items (xxxv) to (dclxxxviii).

Recommendation: Be received and referred to the consideration of Item 11.3

5.2 Correspondence from Aird & Berlis LLP respecting Bill 136, *Greenbelt Statute Law Amendment Act, 2023* - Reinstatement of Greenbelt Lands (PED23244) (City Wide) (Item 11.4)

Recommendations: Be received and referred to the consideration of Item 11.4

6. DELEGATION REQUESTS

6.2 Delegations respecting Urban Boundary Expansion (Item 11.3) (For today's meeting)

- (i) Nancy Smith, Elfrida Community Builders Group (in-person)
- (ii) John Corbett (in-person)
- (iii) Lee Parsons (in-person) (requested to follow John Corbett)
- (iv) Phil Pothen (virtually)
- (v) Marcus Gagliardi (virtual)
- (vi) Lilly Noble (pre-recorded)

6.3 Steven Zakem respecting Bill 163 Greenbelt Statute Law Amendment (Item 11.4) (For today's Meeting)

10. PUBLIC HEARINGS

10.1 Applications for Urban Official Plan Amendment UHOPA-21-001, Zoning By-law Amendment ZAC-21-001 and Draft Plan of Subdivision for Lands Located at 3169 Fletcher Road, Glanbrook (PED23210) (Ward 11)

(a) Added Written Submissions:

- (i) Cachet Homes

(b) Staff Presentation

10.2 Application for a Zoning By-law Amendment for lands Located at 2800 Library Lane and 2641 Regional Road 56, Glanbrook (PED23231) (Ward 11)

(a) Added Written Submissions:

- (ii) Eva Basso
- (iii) Graham Cubitt, Hamilton is Home

(b) Added Registered Delegations:

- (i) Melvin Switzer, Township of Glanbrook Non-Profit Housing Corporation (in-person)
 - (ii) Lisa Burrows, Township of Glanbrook Non-Profit Housing Corporation (in-person)
 - (c) Staff Presentation
- 10.6 Application for a Zoning By-law Amendment for Lands Located at 64 Hatt Street, Dundas (PED23164) (Ward 13)
 - (a) Added Written Submissions:
 - (i) Mike Stone, Hamilton Conservation Authority
 - (b) Staff Presentation
- 10.7 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)
 - (a) Added Registered Delegations:
 - (ii) Jeff Glen (in-person)
 - (iii) Shwaan Hutton (in-person)
 - (iv) Peter Walberg, Habitat for Humanity Hamilton (in-person)
 - (v) Scott Patterson (in-person)
 - (vi) Stephen Park, North End Neighbourhood Association (in-person)
 - (b) Added Written Submissions
 - (vii) Norah Navin
 - (viii) Sean Ferris, Habitat for Humanity Hamilton
 - (ix) Shwaan Hutton
 - (x) Jeremy Freiburger
 - (xi) Beatrice Jeffrey
 - (xii) Peter Mokrycke
 - (xiii) John Mokrycke
 - (xiv) Barbara Wright
 - (xv) Herman Turkstra
 - (xvi) Martinus Geleynse
 - (xvii) Bryan Ritskes, Harbour West Neighbourhood

- (xviii) Elizabeth A. Poynter
- (xix) Marie Valentine
- (xx) Arty Hawkins

(c) Staff Presentation

ADDED:

Staff Presentations for Items 10.3, 10.4, 10.5 and 11.3.

13. NOTICES OF MOTION

13.1 Taxi Industry Review Request

13.2 Annual Inactive Plate Rate

15. PRIVATE AND CONFIDENTIAL

15.3 Appeal to the Ontario Land Tribunal (OLT) for Lands located at 11, 19, 20, 21, 23, 27 and 30 Lakeside Drive and 81 Waterfront Crescent, Stoney Creek, for Lack of Decision on Official Plan Amendment Application (UHOPA-17-005) Zoning By-law Amendment Application (ZAC-17-015) and Draft Plan of Subdivision Application (25T-201703) (LS23008(a)) (Ward 10)

15.4 Appeal to the Ontario Land Tribunal (OLT) for lands located at 544 and 550 Rymal Road East, Hamilton, for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-20-024) and Zoning By-law Amendment Application (ZAC-20-037) and Draft Plan of Subdivision Application (25T-202006) (LS23031) (Ward 7)

The agenda for the November 14, 2023 Planning Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

Councillor Hwang declared a disqualifying interest with Item 10.6, Application for a Zoning By-law Amendment for Lands Located at 64 Hatt Street, Dundas (PED23164) (Ward 13), as her business partner is the applicant.

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

(i) October 31, 2023 (Items 4.1)

The Minutes of the October 31, 2023 meetings were approved, as presented.

(d) COMMUNICATIONS (Item 5)

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

The following communication items were received and referred to the consideration of the appropriate agenda item:

(i) Correspondence respecting No Boundary Expansion (Item 11.3) (Item 5.1)

- (i) Lily Noble
- (ii) Cathie Botelho
- (iii) Gerten Basom
- (iv) Martha Howatt
- (v) Sarah Jenner
- (vi) Jax Weafer
- (vii) Jessica Prevost
- (viii) Jane Hill
- (ix) Zoe Green
- (x) Kate Fox
- (xi) Jessica Claus
- (xii) Sherlly Jaminn
- (xiii) Sydney Davis
- (xiv) Hilary Lyttle
- (xv) Jacqueline McDermid
- (xvi) Graeme Lavrence
- (xvii) Michelle Araujo
- (xviii) Mack DaSilva
- (xix) Morgan Bullock
- (xx) Tina Brajic
- (xxi) John Kennedy
- (xxii) Terry Basom
- (xxiii) Laura Katz
- (xxiv) Megan Saunders
- (xxv) Lara Stewart
- (xxvi) Henriette Jansen
- (xxvii) Brian Werner
- (xxviii) Megan Allore
- (xxix) Charlane Surerus

- (xxx) Louissette Lanteigne
- (xxxi) Isabel Douglas
- (xxxii) Jason Hickey
- (xxxiii) Karen Brock
- (xxxiv) Roger Rose
- (xxxv) Javier Sinisterra
- (xxxvi) Debra Dorpmans
- (xxxvii) Judy Anderson
- (xxxviii) Jonathan Haskins
- (xxxix) Connie Kidd
- (xl) Lynn Prince
- (xli) Anne Ge
- (xlii) Janet Fraser
- (xliii) Darlene Gilbert
- (xliv) Greg Schultz
- (xlv) Julie Hillwood
- (xlvi) Sophie Cohen
- (xlvii) Janet Barclay
- (xlviii) Thea Pagliacci
- (xlix) Kathleen Bruno
- (l) Neil Gloster
- (li) Yvonne Sutherland-Case
- (lii) Elizabeth Knight
- (liii) Howard Cole
- (liv) Nancy Campbell
- (lv) Susan Wortman
- (lvi) Julie Hillwood
- (lvii) Joe Tersigni
- (lviii) Brigitte Huard
- (lix) Jon Davey
- (lx) Candice McMurdo
- (lxi) Rita Bailey
- (lxii) Steve McHugh
- (lxiii) Lucia Iannantuono
- (lxiv) Carole-Ann Durrant
- (lxv) Richard Johnson
- (lxvi) MaryEllen Bailey
- (lxvii) David Hitchcock
- (lxviii) Robert Coxe
- (lxix) Sue Miller
- (lxx) Tom Baker
- (lxxi) Karena Osborne
- (lxxii) Danielle Steenwyk-Rowaan

- (lxxiii) Michael Friesen
- (lxxiv) Harlee Mackenzie
- (lxxv) Jean Jacobs
- (lxxvi) Caroline Moran
- (lxxvii) Jenna Versteeg
- (lxxviii) Kara Guatto
- (lxxix) Karen Dick
- (lxxx) Clayton Chamberlain
- (lxxx1) Evan Ubene
- (lxxxii) Jill Tonini
- (lxxxiii) Leo Dragtoe
- (lxxxiv) Jen Garfield
- (lxxxv) Michelle Tom
- (lxxxvi) Seb Meisner
- (lxxxvii) Marjorie Campbell
- (lxxxviii) Mary Amba
- (lxxxix) Jeff Schrieber
- (xc) Harjot Atwal
- (xci) Andrea Madsen
- (xcii) Scott Dobbin
- (xciii) Jen Baker
- (xciv) A.L. Munro
- (xcv) Emily Choy
- (xcvi) Allie Blumas
- (xcvii) Andrea MacAulay
- (xcviii) Margot Olivieri
- (xcix) Ela Grubasz
- (c) Leanne Irwin
- (ci) Maryanne Lemieux
- (cii) Madison VandenAkker
- (ciii) Tobi Olsen
- (civ) Devon Mackinnon
- (cv) Deborah Devine
- (cvi) Nina Monteiro
- (cvii) Lynn Fraser
- (cviii) Laura Cortiula
- (cix) Jennifer Spinner
- (cx) Andra Zommers
- (cx1) Linda McDougall
- (cxii) Geoffrey Honey
- (cxiii) Nick Mueller
- (cxiv) Brigitte Evering
- (cxv) Kaitlin Lewis

- (cxvi) Carrie Gaynik
- (cxvii) Julia Hamill
- (cxviii) Rayna Slobodian
- (cxix) Thomas Pepper
- (cxx) Lisa Schumph
- (cxxi) Ian Borsuk
- (cxxii) Zach Weston
- (cxxiii) Lisa Cole
- (cxxiv) April Moore
- (cxxv) Jennifer Davis
- (cxxvi) Doreen Stermann
- (cxxvii) Maria Tersigni Wishart
- (cxxviii) Jed Burrows
- (cxxix) Vanessa Scali
- (cxxx) Stephanie McAulay
- (cxxxii) Paul Copcutt
- (cxxxii) Jessica MacDonald
- (cxxxiii) Aly Livingston
- (cxxxiv) Lindsey Hamilton
- (cxxxv) Laura Sergeant
- (cxxxvi) Maggie Martineau
- (cxxxvii) Sandra Downard
- (cxxxix) Lisa Guilfoyle
- (cxl) Ruby Collins
- (cxli) Kirsten McCarthy
- (cxlii) Natalie Castellino
- (cxliii) SG Hurlburt
- (cxliv) Dp Crawford
- (cxlv) Cynthia West
- (cxlvi) Beverley Wagar
- (cxlvii) Nicole Daley
- (cxlviii) Kathy Bond
- (cxliv) Alison Forde
- (cl) Brendan Murphy
- (cli) Jennifer Pate
- (clii) Lauren Sladic
- (cliii) Jane Glatt
- (cliv) Eleanor Hayward
- (clv) Akira Ourique
- (clvi) Julie McCann
- (clvii) Amos Crawley
- (clviii) Victoria Riddell
- (clix) Lori Sirianni

- (clx) Carolyn Ascroft
- (clxi) Michelle Stokes
- (clxii) Kate Mills
- (clxiii) Sharon Bray
- (clxiv) Malia Vatikiotis-Bateson
- (clxv) Karoline Lawson
- (clxvi) Alyssa Campbell
- (clxvii) Amanda Ayer
- (clxviii) Tom Shea
- (clxix) Chris Harris
- (clxx) Daniel Leavey
- (clxxi) Allyn Walsh
- (clxxii) Bob Berberick
- (clxxiii) Fiona Parascandalo
- (clxxiv) Catherine Craig
- (clxxv) Elizabeth Wren
- (clxxvi) Christine Fandrich
- (clxxvii) Susan Jagoe-Biggley
- (clxxviii) Rebecca Ripco
- (clxxix) Pauline Prows
- (clxxx) Kevin Hutson
- (clxxxi) John David Moffatt
- (clxxxii) Mona Nahmias
- (clxxxiii) Joy Dubbeld
- (clxxxiv) Jason Hindle
- (clxxxv) Leanne Grieves
- (clxxxvi) Liz Pasenow
- (clxxxvii) Laurie Bennie
- (clxxxviii) Carol Moffatt
- (clxxxix) Luke Carlisle
- (cxc) Rosemarie Morris
- (cxci) Penny Gill
- (cxcii) Robin Millen
- (cxciii) Mary-Jane Davidson
- (cxciv) Deborah Peace
- (cxcv) Olivia Turnbull
- (cxcvi) Kathryn Cowley
- (cxcvii) Lara deBeye
- (cxcviii) Daniel Gardiner
- (cxcix) John O'Connor
- (cc) Alice Phillips
- (cci) Leslie Brown
- (ccii) Jack Freiburger

(cciii) Elizabeth Robertson
(cciv) Ann Truyens
(ccv) Chris Taylor
(ccvi) Helen Tomalik
(ccvii) Martha Schwenger
(ccviii) Michelle Piano
(ccix) Dieter Klaus
(ccx) Mary Love
(ccxi) Deborah Read
(ccxii) Kelly Pearce
(ccxiii) Michael Williamson
(ccxiv) Donna McNabb
(ccxv) Gail Moffatt
(ccxvi) Laurie Galer
(ccxvii) Kathryn Bennett
(ccxviii) Kevin Intini
(ccxix) Mike Sterling
(ccxx) Robin Cameron
(ccxxi) Jonathan C Noble
(ccxxii) Kathleen Mifflin
(ccxxiii) Gillian Fletcher
(ccxxiv) Janice Brown
(ccxxv) Gord Dent
(ccxxvi) Helen Brenner
(ccxxvii) Rachel Weverink
(ccxxviii) Wendy Leigh-Bell
(ccxxix) Pat Johnston
(ccxxx) Jeff Davies
(ccxxxi) Alan Bradbury
(ccxxxii) Terri Bocz
(ccxxxiii) Andrea Kamermans
(ccxxxiv) Diane Herechuk
(ccxxxv) Zita Bersenas-Cers
(ccxxxvi) Mary Hudecki
(ccxxxvii) John Edwards
(ccxxxviii) Barbara Ormond
(ccxxxix) Ruth Harris
(ccxl) Erin Ronningen
(ccxli) Melodie Pritchard
(ccxlii) Collyn McArthur
(ccxliii) Robert Brosius
(ccxliv) Joanne Lewis
(ccxlv) Christine Hanley

(ccxvi) R.A. Frager
(ccxvii) Neal Bonnor
(ccxviii) Robert Coxe (2)
(ccxlix) Sandra Pagett
(ccl) Tanis Macarthur
(ccli) Jennifer Waring
(cclii) Dennis Norsworthy
(ccliii) Colin Marshall
(ccliv) Rick Tait
(cclv) Aren Hansen
(cclvi) Reva Quam
(cclvii) Barry Borsellino
(cclviii) Patrick Speissegger
(cclix) Patty Haardeng
(cclx) Teresa Gregorio
(cclxi) Maggie Fischbuch
(cclxii) Cynthia Meyer
(cclxiii) Jean Wilson
(cclxiv) Mike Fox
(cclxv) Kayla Francoeur
(cclxvi) Therese Taylor
(cclxvii) Hannah Wisdom
(cclxviii) Malcolm Clark
(cclxix) Rick Johnson (2)
(cclxx) Christopher Eckart
(cclxxi) Eileen O'Shea
(cclxxii) Denise Giroux
(cclxxiii) Janet E Long
(cclxxiv) Amanda Lakhanpal
(cclxxv) Dave Stupple
(cclxxvi) Sara Weedon-MacDonald
(cclxxvii) Jeff Glen
(cclxxviii) Linda Taylor
(cclxxix) Rashid Ahmed
(cclxxx) Kathie Clark
(cclxxxi) Daniel Myerscough
(cclxxxii) William Hill
(cclxxxiii) Gary Dennis
(cclxxxiv) Brenda Ginn
(cclxxxv) Tom Flemming
(cclxxxvi) Peggy-Sue Paterson
(cclxxxvii) Matthew Carroll
(cclxxxviii) Adeola Egbeyemi

(cclxxxix) Ruth Van Horne
(ccxc) MaryAnn Thompson
(ccxci) Sean Burak
(ccxcii) Rocco Maccaroni
(ccxciii) Sterling Holmes
(ccxciv) Joseph Santi
(ccxcv) Deborrah Sherman
(ccxcvi) Michel Proulx
(ccxcvii) Kelsey Worboys
(ccxcviii) Jan Willem Jansen
(ccxcix) David Williams
(ccc) Susanne Prue
(ccci) Subhas Ganguli
(cccii) Catharine Ozols
(ccciii) Rose Janson
(ccciv) John McBrien
(cccv) Peggy McKeil
(cccvi) Joanne Edmiston
(cccvii) Andrea Borbely
(cccviii) Debbie Foley
(cccix) Klaas Walma
(cccx) Jason Swenor
(cccxi) Hart Jansson
(cccxi) Ken and Carol Theal
(cccxiii) Eleanor Kokotich
(cccxiv) Mike Colyer
(cccxv) Norma Young
(cccxi) Sari Ackerman
(cccxvii) Marilyn Hunt
(cccxviii) Selena Visser
(cccxi) Amber Morrison
(cccxx) Jaime-Lee McIntosh
(cccxi) Fort Roberto
(cccxi) Miriam Sager
(cccxi) Bernard Stout
(cccxi) Diana Rubia
(cccxi) Khursheed Ahmed
(cccxi) Ann Gabrielle Walker
(cccxi) Robertson Young
(cccxi) Jo-Anne Ballarano
(cccxi) Donna Rutherford
(cccxi) Wendy Moreton
(cccxi) Joe Berkopoc

(cccxxxii) Marie Zilik
(cccxxxiii) Lisa Johnston
(cccxxxiv) Stella Glover
(cccxxxv) Verena Walter
(cccxxxvi) Mary Cordeiro
(cccxxxvii) Hal Morgan
(cccxxxviii) Kerry McCrory
(cccxxxix) Karen Grover
(cccxl) Kathleen Livingston
(cccxli) Meagan Crowley
(cccxlii) Sapphire Singh
(cccxliii) Lena Montecalvo
(cccxliv) Paul Phillips
(cccxlv) Brad Sutton
(cccxlvii) Harvey Feit
(cccxlviii) Nathaniel Addison
(cccxlviii) Chloe Thomas
(cccxliv) John and Karen DeLottinville
(cccl) Pierre Arnold
(cccli) Irene Laurie
(ccclii) Lloyd Hobbs
(cccliii) Heather Gregersen
(cccliv) Mark Forler
(ccclv) Joan Hobbs
(ccclvi) Allan Harrison
(ccclvii) Patricia Poole
(ccclviii) Jean Mackay
(ccclix) Scott Houston
(ccclx) Mark Shessel
(ccclxi) Rhonds Chilvers
(ccclxii) Barbara Patterson
(ccclxiii) Theresa Berry
(ccclxiv) Suzanne Cooper
(ccclxv) Willow Supryka
(ccclxvi) Roman Talkowski
(ccclxvii) Rae Bates
(ccclxviii) Kelly Bortolin
(ccclxix) Laurie Peel
(ccclxx) Jill Graham
(ccclxxi) Anne Dwyer
(ccclxxii) Janice Brookstone
(ccclxxiii) Lois Corey
(ccclxxiv) Heather Yoell

(ccclxxv) Elizabeth Spratt
(ccclxxvi) Patricia Sturgess
(ccclxxvii) Bianca Metz
(ccclxxviii) Edward Ellis
(ccclxxix) Helen Todd
(ccclxxx) Jamie Hammond
(ccclxxxi) Mary Davis
(ccclxxxii) Colleen Kurtz
(ccclxxxiii) Dave Somerville
(ccclxxxiv) Bob & Maggie Carr
(ccclxxxv) Miriam Reed
(ccclxxxvi) Andie Rexdiemer
(ccclxxxvii) Kelly Stewart
(ccclxxxviii) Sarah Farnworth
(ccclxxxix) Elaine Atkins
(ccxc) Morgan Roblin
(ccxci) Bonnie Rich
(ccxcii) Gary Harrower
(ccxciii) Elizabeth Estall
(ccxciv) Bruce Allen
(ccxcv) Sarah Van Berkel
(ccxcvi) Tim Webb
(ccxcvii) Elise de Stein
(ccxcviii) David Mivasair
(ccxcix) Linda Chenoweth
(cd) Adam Watson
(cdi) Allan Sharp
(cdii) Nancy Wylie
(cdiii) Donna Phillips
(cdiv) Nonni Iler
(cdv) Carole Peters
(cdvi) Kevin Macleod
(cdvii) Janice Currie
(cdviii) Hanna Schayer
(cdix) Karen Bouwman
(cdx) Nancy Chater
(cdxi) Denise Kozak
(cdxii) Annette Gibbons
(cdxiii) Kay Chornook
(cdxiv) Mariam Hanhan
(cdxv) Margaret Tremblay
(cdxvi) Doris Ellah-Shields
(cdxvii) Craig Beattie

(cdxviii) Cheryl Amy
(cdxix) Ben Weingartner
(cdxx) George Thomson
(cdxxi) Emilia Bodi
(cdxxii) Natalie Easson
(cdxxiii) Valerie Cousens
(cdxxiv) Mary Ann Frerotte
(cdxxv) Emily Burtnik
(cdxxvi) Michelle Crandall
(cdxxvii) Margaret Juraj
(cdxxviii) Graham Flint
(cdxxix) William Mehlenbacher
(cdxxx) Mary Nagy
(cdxxxi) Anthony Stillo
(cdxxxii) Dylan Mainprize
(cdxxxiii) Tammy Heidbuurt
(cdxxxiv) Elizabeth Eagan
(cdxxxv) John Radoman
(cdxxxvi) Sheila Murray
(cdxxxvii) Jenna Owsianik
(cdxxxviii) Tammy Grimard
(cdxxxix) Marie Covert
(cdxl) Robert Barlow
(cdxli) Rita Bailey (2)
(cdxlii) Wayne Poole
(cdxliii) John Mckillop
(cdxliv) Shawn Kerwin
(cdxlv) Arlene Whittle
(cdxlvii) Terri Shewfelt
(cdxlviii) Jim Dimitriadis
(cdxlix) Ross Ian
(cdxlix) Robin Scott
(cdl) Lee Moore
(cdli) Martha Novoselac
(cdlii) Claire Davis
(cdliii) Joan Barbeau
(cdliv) Andy Coltman
(cdlv) Cindy Carey
(cdlvi) Susan Button
(cdlvii) Marilyn Jay
(cdlviii) Graeme Luke
(cdlix) Karina Kane
(cdlx) Brian Doyle

(cdlxi) David Tremblay
(cdlxii) Heather Vaughan
(cdlxiii) Karen Norton
(cdlxiv) John Forbes
(cdlxv) Lana Kosterewa
(cdlxvi) Brian Costie
(cdlxvii) Deborah Boyd
(cdlxviii) Judy Snider
(cdlxix) Mary Wanda Carroll
(cdlxx) Sue Bramberger
(cdlxxi) Joanne Powell
(cdlxxii) Gregory Dexter
(cdlxxiii) Chris Newhouse
(cdlxxiv) Ingrid Hengemuhle
(cdlxxv) Carol Eydt
(cdlxxvi) Lucie Gingras
(cdlxxvii) Michelle Stark
(cdlxxviii) Maryann Kovljenic
(cdlxxix) Josh Mitchell
(cdlxxx) Elaine Basaran
(cdlxxxi) Claudia Espindola
(cdlxxxii) Lee Moore
(cdlxxxiii) Jennifer Rennie
(cdlxxxiv) Adrian Duyzer
(cdlxxxv) Katy Yelovich
(cdlxxxvi) Patrice Palmer
(cdlxxxvii) Cheryl Camillo
(cdlxxxviii) Diane Stonkus
(cdlxxxix) Peter Marinacci
(cdxc) Giselle Chin
(cdxci) Lukas Wesolowski
(cdxcii) Angela Kratke
(cdxciii) Aaron Hartley
(cdxciv) Barbara Mead
(cdxcv) Ronald Merpaw
(cdxcvi) Jamie Habkirk
(cdxcvii) Merylyn McCallum
(cdxcviii) Jane Embleton
(cdxcix) Bob Tyrrell
(d) Elizabeth Seymour
(di) Nik Bennett
(dii) Kelly Stevenson
(diii) Lyn Folkes

- (div) Zane Kozak
- (dv) Shamchuk Diane
- (dvi) Shirley Kossowski
- (dvii) Lena Sutton
- (dviii) Dorothy McIntosh
- (dix) Gord & Angie McNulty
- (dx) Jewell Gordon
- (dxi) Sue Carson
- (dxii) Sharon Soltesz Marley
- (dxiii) Maria Draak
- (dxiv) Harriet Woodside
- (dxv) Hali Tsui
- (dxvi) Richelle Reepe
- (dxvii) Anne Washington
- (dxviii) Sam Linde
- (dxix) Susann Easson
- (dxx) Elysia Dywan
- (dxxi) Marija Da Costa
- (dxxii) Mary Anne Tangney
- (dxxiii) Janice Shepherd
- (dxxiv) Damir Sebesta
- (dxxv) Elizabeth Koblyk
- (dxxvi) Kristen Aspevig
- (dxxvii) Melanie Olds
- (dxxviii) Morag Johnston
- (dxxix) Katie West
- (dxxx) Maxine Moayyedi
- (dxxxii) Lindsay Knight-Pfiffer
- (dxxxiii) Nichole Daniels
- (dxxxiv) Shawn Gabrysch
- (dxxxv) Dorothy Schrader
- (dxxxvi) Joseph Lombardi
- (dxxxvii) David Johnson
- (dxxxviii) Stan Nowak
- (dxxxix) Nicole Doro
- (dxxxix) Michelle Chin
- (dxi) Dianne Millar
- (dxli) Helena Dalrymple
- (dxlii) Katie Zhong
- (dxliii) Rose Janson and Family
- (dxliv) Brian Doyle
- (dxlv) David Carson
- (dxlvi) Margaret Vdovich

(dxlvii) Patricia Paladin
(dxlviii) Mary Anne Peters
(dxlix) Makenzie Banaitis
(dl) Lee Walton
(dli) Nanette Morton
(dlii) Jim White
(dliii) Frank Perez
(dliv) Janet Sabatinos
(dlv) Andrea Macri
(dlvi) Kevin Grenier
(dlvii) Chris Carretta
(dlviii) Wendy Andrewi
(dlx) Mark Strutt
(dlx) Jean Packer
(dlxi) Sher Englert
(dlxii) Helen Harris
(dlxiii) Irene Schieberl
(dlxiv) Mary LeClair
(dlxv) Daniel Bortolin
(dlxvi) Luigia DeDivitiis
(dlxvii) Ruth Southwell
(dlxviii) Karijn de Jong
(dlxix) Naomi Taylor
(dlxx) Penny Dobson
(dlxxi) Peter Ivey
(dlxxii) Cynthia Morris
(dlxxiii) Caroline Chatterton
(dlxxiv) Carolin Bowie
(dlxxv) Jennifer Elms Martin
(dlxxvi) Joan Berger
(dlxxvii) Patricia Bond
(dlxxviii) Lyn Jukes
(dlxxix) Terri Fletcher
(dlxxx) Julie Berube
(dlxxxi) Jordan Lanngridge
(dlxxxii) Jane Cavasin
(dlxxxiii) Robin Evans
(dlxxxiv) Fushia Featherstone-Mikic
(dlxxxv) Danica Evering
(dlxxxvi) Laura Heaney
(dlxxxvii) Jane Cudmore
(dlxxxviii) Vicki Evans
(dlxxxix) Sue Prescott

(dxc) Patricia and Dennis Baker
(dxc) David Rowe
(dxcii) Patrick Hehl
(dxciii) Helen Hollywood
(dxciv) Mary Muirhead
(dxcv) Nathan Sager
(dxcvi) Erin Goodwin
(dxcvii) Colleen Walmsley
(dxcviii) Lorraine Burrige
(dxcix) Peter Cassidy
(dc) Robert Iszkula
(dci) Annette Paiement
(dcii) Annie Arnott
(dciii) Wendy Folkes
(dciv) Tina Di Clemente
(dcv) Mike Ranger
(dcvi) Colleen Robertshaw
(dcvii) Meghan Davies
(dcviii) Richard Talbot
(dcix) Lynn Nielsen
(dcx) Cheryl French
(dcxi) Jack Rosenfeld
(dcxii) Rosemary Horsewood
(dcxiii) Wanda Lane
(dcxiv) Jack Hewson
(dcxv) Kathryn Deiter
(dcxvi) Tory Carter
(dcxvii) Sherry Bowman
(dcxviii) John Parcher
(dcxix) Elisabeth Streun
(dcxx) Debbie Martin
(dcxxi) Joy White
(dcxxii) Phil Rose
(dcxxiii) Brian Kowalewicz
(dcxxiv) Alyssa Zilney
(dcxxv) Melissa Gallina
(dcxxvi) Ada Talbot
(dcxxvii) Duncan McKeeve
(dcxxviii) Margarita De Antunano
(dcxxix) Anne Young
(dcxxx) Alana Didur
(dcxxx) Michelle Blake
(dcxxxii) Alan Horachek

(dcxxxiii) Reuven Dukas
(dcxxxiv) Dennis and Patricia Baker (2)
(dcxxxv) WeirFoulds LLP
(dcxxxvi) Corbett Land Strategies
(dcxxxvii) The Monarch Park Group Inc
(dcxxxviii) Elizabeth Gray
(dcxxxix) Lauren Dukas
(dxcl) Kim Wright
(dcxli) Sid Sudiacal
(dcxlii) John Benjamin
(dcxlili) Karen Broe
(dcxliv) Kate Berry
(dxclv) Neeraj Lakhanpal
(dxclvi) Guy Bisson
(dxclvii) Robin Zee
(dxclviii) Sheila O'Neal
(dxclix) Denis Gervais
(dcl) Ingrid Kern
(dcli) Crystal Helms
(dclii) Karen LeBlanc
(dcliii) Brian Ramirez
(dcliv) John Hungate
(dclv) Marilyn Daniels
(dclvi) Darla Robinson
(dclvii) Karen Tupper
(dclviii) Evelyn Auchinvole
(dclix) Jennifer Payne
(dclx) Ameena Khaja Mir
(dclxi) Rebecca Carney
(dclxii) Jacqueline McFadden
(dclxiii) Colin Marshall
(dclxiv) Jacqueline Williams
(dclxv) Karen Denny-Parsons
(dclxvi) Gerrie loveys
(dclxvii) Steve Smits
(dclxviii) Emma Rush
(dclxix) Ann Byrne
(dclxx) BarBara Przeklasa
(dclxxi) Erin Shacklette
(dclxxii) Ron Joice
(dclxxiii) Emily Gaul
(dclxxiv) Sheila O'Neal
(dclxxv) Ekaterina Manukyan

- (dclxxvi) Kate Pearson
- (dclxxvii) Jeysa Bronkhorst
- (dclxxviii) Shania Ramharrack-Maharaj
- (dclxxix) Hamilton Naturalists' Club
- (dclxxx) Julia McGregor
- (dclxxx1) Aird Berlis LLP
- (dclxxx2) Cachet Homes
- (dclxxx3) Margo May Taylor
- (dclxxx4) Jake Szamosi
- (dclxxx5) Turkstra Mazza Associates
- (dclxxx6) West End Home Builders' Association
- (dclxxx7) Warren Caldwell
- (dclxxx8) Rachelle Cormier

Recommendation: Be received and referred to the consideration of Item 11.3.

- (ii) **Correspondence from Aird & Berlis LLP respecting Bill 136, *Greenbelt Statute Law Amendment Act, 2023 – Reinstatement of Greenbelt Lands (Item 11.4) (Added Item 5.2)***

Recommendation: Be received and referred to the consideration of Item 11.4.

(e) DELEGATION REQUESTS (Item 6)

- (i) **Various Delegation Requests (Item 6.1 and Added Items 6.2 and 6.3)**

The following Delegation Requests Item 6.1, Added Items 6.2 and 6.3 were approved for the meetings requested:

- (i) Lloyd Ferguson respecting Reinstating Inactive License Fee for Inactive Taxi Plates (For the December 5th meeting) (Item 6.1)
- (ii) Delegation Requests respecting Urban Boundary Expansion (Item 11.3) (For today's meeting) (Added Item 6.2)
 - (i) Nancy Smith, Elfrida Community Builders Group (in-person)
 - (ii) John Corbett (in-person)
 - (iii) Lee Parsons (in-person)
 - (iv) Phil Pothen (virtually)
 - (v) Marcus Gagliardi (virtual)
 - (vi) Lilly Noble (pre-recorded)

- (iii) Steven Zakem respecting Bill 163, Greenbelt Statute Law Amendment (For today's meeting (Added Item 6.3))

(f) DELEGATIONS (Item 7)

**(i) Delegations respecting Urban Boundary Expansion (Item 11.3)
(Added Item 7.1)**

The following delegations addressed the Committee respecting Item 11.3:

- (i) Nancy Smith, Elfrida Community Builders Group (in-person)
- (ii) John Corbett (in-person)
- (iii) Lee Parsons (in-person)
- (iv) Phil Pothen (virtually)
- (v) Marcus Gagliardi (virtual)
- (vi) Lilly Noble (pre-recorded)

The following delegations, were received:

- (i) Nancy Smith, Elfrida Community Builders Group (in-person)
(Elfrida Community Builders Group includes: Paletta International / The Alinea Group; Tribute Communities; Cardi Construction; Dino DiSabatino; Effort Group; Melrose; Losani Homes; Valery Homes; Country Homes; Marz Homes; Frisina Group; Multi-Area Dev.; DeSozio Homes; NewHorizon; Cedar City; DeSantis Developments)
- (ii) John Corbett (in-person)
(Twenty Road West Landowners Group includes: Spallacci Homes; Micor Developments; LIV Developments; Parente Group Holdings; 20 Road Developments Inc.; Cachet Homes; Huron Creed; Really Living; Starward Homes)
- (iii) Lee Parsons (in-person)
- (iv) Phil Pothen (virtually)
- (v) Marcus Gagliardi (virtual)
- (vi) Lilly Noble (pre-recorded)

**(ii) Steve Zakem respecting Bill 163, Greenbelt Statute Law Amendment
(Item 11.4) (Added Item 7.2)**

Steve Zakem addressed the Committee virtually respecting Bill 163, Greenbelt Statute Law Amendment.

The Delegation from Steve Zakem respecting Bill 163, Greenbelt Statute Law Amendment, was received.

(g) PUBLIC HEARINGS (Item 10)

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

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

(i) Applications for Urban Official Plan Amendment UHOPA-21-001, Zoning By-law Amendment ZAC-21-001 and Draft Plan of Subdivision for Lands Located at 3169 Fletcher Road, Glanbrook (PED23210) (Ward 11) (Item 10.1)

Charlie Toman, Program Lead, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

Ryan Ferrari with AJ Clarke & Associates, was in attendance, and indicated support for the staff report.

The presentation from Ryan Ferrari with AJ Clarke & Associates, was received.

Chair Danko called three times for public delegations.

The following delegation came forward and addressed the Committee:

- (i) Andrew Eldebs – In support, with some concerns
- (i) The following public submissions regarding this matter were received and considered by the Committee:

- (a) Added Written Submission:
 - (i) Cachet Homes – In support, with some concerns
- (b) Added Delegation:
 - (i) Andrew Eldebs, Cachet Homes – In support, with some concerns
- (ii) The public meeting was closed.

For disposition of this matter, refer to Item 3.

(ii) Application for a Zoning By-law Amendment for lands Located at 2800 Library Lane and 2641 Regional Road 56, Glanbrook (PED23231) (Ward 11) (Item 10.2)

James Van Rooi, Senior Planner, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

Andrew Varna with SHS Consulting, was in attendance, and indicated support for the staff report.

The presentation from Andrew Varna with SHS Consulting, was received.

Registered Delegations:

The following Delegations addressed the Committee:

- (i) Melvin Switzer (Item 10.2(a)) (in person) – In support
- (ii) Lisa Burrows (Item 10.2(a)) (in person) – In support

Chair Danko called three times for any additional public delegations and no one came forward.

- (a) The following public submissions regarding this matter were received and considered by the Committee; and,

Written Submissions (Item 10.2 (a)):

- (i) Todd and Lara Barlow - Opposed
- (ii) Eva Basso – Opposed
- (iii) Graham Cubitt, Hamilton is Home – In support

Registered Delegations (Item 10.2 (b)):

- (i) Melvin Switzer, Township of Glanbrook Non-Profit Housing Corporation – In support
- (i) Lisa Burrows, Township of Glanbrook Non-Profit Housing Corporation – In support

- (b) The public meeting was closed.

For disposition of this matter, refer to Item 4.

(iii) Applications for an Official Plan Amendment, Zoning By-law Amendment and Revisions to a Draft Plan of Subdivision for Lands Located at 2080 Rymal Road East, Glanbrook (PED23232) (Ward 9) (Item 10.3)

The staff presentation was waived.

Stephen Fraser with AJ Clarke & Associates, was in attendance, and indicated support for the staff report.

The presentation from Stephen Fraser with AJ Clarke & Associates, was received.

Chair Danko called three times for public delegations and no one came forward.

- (a) The following public submissions (Item 10.3(a)) regarding this matter were received and considered by the Committee; and,
 - (i) Megan Runciman – Opposed
- (b) The public meeting was closed.

For disposition of this matter, refer to Item 5.

(iv) Application for Approval of a Draft Plan of Subdivision for Lands Located at 250 First Road West, Stoney Creek (PED23233) (Ward 9) (Item 10.4)

The staff presentation was waived.

Matt Johnston with Urban Solutions, was in attendance, and indicated support for the staff report.

The presentation from Matt Johnston with Urban Solutions, was received.

Chair Danko called three times for public delegations and no one came forward.

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

For disposition of this matter, refer to Item 6.

(v) Applications for an Official Plan Amendment and Zoning By-law Amendment, for Lands Located at 1225 Old Golf Links Road, Ancaster (PED23234) (Ward 12) (Item 10.5)

The staff presentation was waived.

Ryan Ferrari with A.J. Clarkes and Associates Ltd. was in attendance and indicated support for the staff report.

The presentation from Ryan Ferrari with A.J. Clarkes and Associates Ltd., was received.

Chair Danko called three times for public delegations and no one came forward.

There were no public submissions received regarding this matter.

- (a) That Official Plan Amendment Application UHOPA-23-017, by A.J. Clarke and Associates Ltd. (c/o Ryan Ferrari) on behalf of Ancaster Space Station Inc. (c/o Steve Grzenda), Owner, to amend Volume 1, Schedule E-1 -Urban Land Use Designations by redesignating the subject site from the "Open Space" designation to the "Mixed

Use – Medium Density” designation, to amend Volume 2, Meadowlands Mixed Use Secondary Plan Map B.2.4-1 by redesignating the subject site from the “General Open Space” designation to the “Mixed Use – Medium Density” designation, and to amend Volume 2, Meadowlands Mixed Use Secondary Plan by adding a Site Specific Policy to permit a maximum five storey warehouse (self-storage) use, for the lands located at 1225 Old Golf Links Road, as shown on Appendix “A” attached to Report PED23234, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED23234, be adopted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (b) That Zoning By-law Amendment Application ZAC-23-041, by A.J. Clarke and Associates Ltd. (c/o Ryan Ferrari) on behalf of Ancaster Space Station Inc. (c/o Steve Grzenda), Owner, for a change in zoning from the Public “P-242” Zone to the Mixed Use Medium Density (C5, 876, H161) Zone, to permit a maximum five storey (18.8 metre) warehouse (self-storage) with 46 parking spaces, for the lands located at 1225 Old Golf Links Road, as shown on Appendix “A” attached to Report PED23234, be APPROVED on the following basis:
- (i) That the draft By-law attached as Appendix “C” to Report PED23234, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - (iii) That this amending By-law will comply with the Urban Hamilton Official Plan upon the approval of Urban Hamilton Official Plan Amendment No. XX;

- (iv) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject site by introducing the Holding symbol 'H161' to the proposed Mixed Use Medium Density (C5, 876) Zone:

The Holding Provision 'H161' is to be removed conditional upon:

- (1) The Owner submitting a revised Functional Servicing Report analyzing the sanitary sewer system in accordance with the City's standards and demonstrating that there is a residual capacity in the system to support the proposed development and that the increased wastewater generated from the proposed development will not adversely impact the hydraulic performance of the City's sanitary sewer system, to the satisfaction of the Director of Growth Management and Chief Development Engineer;
- (2) The Owner submitting a revised Stormwater Management Report to demonstrate there is a suitable storm outlet for the proposed development, to the satisfaction of the Director of Growth Management and Chief Development Engineer;
- (3) The Owner submitting a Watermain Hydraulic Analysis, to the satisfaction of the Director of Growth Management and Chief Development Engineer;
- (4) The Owner entering into an External Works Agreement with the City's Growth Management Division for the design and construction of any required improvements to the municipal infrastructure at the Owner's cost, to the satisfaction of the Director of Growth Management and Chief Development Engineer;
- (5) The Owner submitting an acoustical report prepared by a qualified Professional Engineer containing the recommended noise control measures to the satisfaction of the Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by

the owner and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner;

- (6) The Owner submitting a revised Tree Protection Plan addressing the protection of the trees found within the City's right-of-way including justification for the removal of the identified trees and the applicable Tree Protection Plan review fee payable to the City of Hamilton, to the satisfaction of the Director of Planning and Chief Planner;
- (7) The Owner satisfying all requirements of Hydro One Corporation including lot grading and drainage and entering into a Site Plan Agreement with the City, to the satisfaction of the Director of Planning and Chief Planner.

Appendix "C" to Report PED23234 was **amended** by deleting sub-section 2 (b) and renumbering the balance as follows:

2. That Schedule "C" – Special Exceptions is amended by adding the following new Special Exception:

"876. Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Map Nos. 1178 and 1179 of Schedule "A" – Zoning Maps and described as 1225 Old Golf Links Road, Ancaster, the following special provisions shall apply:

- (a) Notwithstanding Section 4.23 e) as it relates to the setback from the Lincoln Alexander Parkway, a minimum setback of 1.0 metre from the Lincoln Alexander Parkway right-of-way, excluding access ramps.

~~(b) In addition to Section 10.5.1, a Warehouse (self-storage) shall also be permitted in accordance with Section 10.5.3 and Section c) below.~~

- ~~(c)~~ (b) Notwithstanding Section 10.5.3 b), 10.5.3 d) ii), and 10.5.3 g) vii) 1. the following special provisions shall apply:

For disposition of this matter, refer to Item 7.

The Committee Recessed from 12:40 p.m. to 1:10 p.m.

(vi) Application for a Zoning By-law Amendment for Lands Located at 64 Hatt Street, Dundas (PED23164) (Ward 13) (Item 10.6)

Shaival Gajjar, Development Planner II, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

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

The presentation from James Webb with Webb Consulting, was received.

Chair Danko called three times for public delegations and no one came forward.

The following public submissions regarding this matter were received and considered:

- (i) Mike Stone, Hamilton Conservation Authority (10.6 (a)) – Concerns
 - (a) Report PED23164 respecting Application for a Zoning By-law Amendment for Lands Located at 64 Hatt Street, Dundas (Ward 13) was DEFERRED to the December 5, 2023 Planning Committee meeting; and
 - (b) The public meeting respecting Report PED23164, Application for a Zoning By-law Amendment for Lands Located at 64 Hatt Street, Dundas (Ward 13), is to remain open.

(vii) 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) (Item 10.7)

Mark Kehler, Senior Planner - Sustainable Communities, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

James Webb with WEBB Planning Consultants. was in attendance and indicated support for the staff report.

The time limit for the Agent, James Webb with WEBB Planning Consultants, was extended to twenty (20) minutes.

The presentation from James Webb with WEBB Planning Consultants was received.

Registered Delegations:

The following Delegation (10.7 (a)) was withdrawn:

- (v) Scott Patterson

The following Delegations (10.7 (a)) addressed the Committee:

- (i) Bill Curran (in person) – In Support
- (ii) Jeff Glen (in person) – Opposed
- (iii) Shwaan Hutton (in person) – In Support
- (iv) Peter Walberg, Habitat for Humanity Hamilton – In Support
- (vi) Stephen Park, North End Neighbourhood Association – Concerns / Opposed

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

- (vii) Norah Navin – Concerns / Opposed
- (viii) Mary Love – Concerns

- (a) The following public submissions (Item 10.7(a)) regarding this matter were received and considered by the Committee; and,

Written Submissions:

- (i) Nancy Hill - Opposed
- (ii) John Roy - Opposed
- (iii) Bill Curran – In Support
- (iv) Daniel Coleman - Opposed
- (v) Mike and Kim Slattery - Opposed
- (vi) Tim Potocic – In Support
- (vii) Norah Navin - Opposed
- (viii) Sean Ferris, Habitat for Humanity Hamilton – In Support
- (ix) Shwaan Hutton – In Support

- (x) Jeremy Freiburger – In Support
- (xi) Beatrice Jeffrey - Opposed
- (xii) Peter Mokrycke – In Support
- (xiii) John Mokrycke – In Support
- (xiv) Barbara Wright - Opposed
- (xv) Herman Turkstra – In Support
- (xvi) Martinus Geleyense – In Support
- (xvii) Bryan Ritskes, Harbour West Neighbourhood – In Support
- (xviii) Elizabeth A. Poynter – In Support
- (xix) Marie Valentine - Concerns
- (xx) Arty Hawkins – In Support

Delegations:

- (i) Bill Curran (in person) – In Support
 - (ii) Jeff Glen (in person) – Opposed
 - (iii) Shwaan Hutton (in person) – In Support
 - (iv) Peter Walberg, Habitat for Humanity Hamilton – In Support
 - (vi) Stephen Park, North End Neighbourhood Association – Concerns / Opposed
- (b) The public meeting was closed.
- (a) That Revised Official Plan Amendment Application UHOPA-22-001, by WEBB Planning Consultants (c/o James Webb) on behalf of the City of Hamilton, Municipal Land Development Office, Owner, to redesignate the subject lands from “Institutional” to “Mixed Use” and to establish a Special Policy Area on Schedule “M-2” in the West Harbour (Setting Sail) Secondary Plan in the former City of Hamilton Official Plan to permit a maximum 45 storey mixed use building, for lands located at 65 Guise Street East (Pier 8, Block 16), as shown on Appendix “A” attached to Report PED22031(a), be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED22031(a), be adopted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);

- (b) That Revised Zoning By-law Amendment Application ZAC-22-003, by WEBB Planning Consultants (c/o James Webb) on behalf of the City of Hamilton, Municipal Land Development Office, Owner, for a change in zoning from the Community Institutional (I2, 486, H94) Zone to the Waterfront – Mixed Use (WF2, 819, H94, H130) Zone to permit a maximum 45 storey (147.0 metre) mixed use building, for lands located at 65 Guise Street East (Pier 8, Block 16), as shown on Appendix “A” attached to Report PED22031(a), be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “C”, to Report PED22031(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and will comply with the City of Hamilton Official Plan upon approval of Official Plan Amendment No. XX;
 - (iii) That the amending By-law apply the Holding Provision of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by introducing the Holding symbol ‘H130’ to the proposed Waterfront – Mixed Use (WF2, 819, H94, H130) Zone;

The Holding Provision ‘H’ is to be removed, conditional upon:

- (1) The Owner submitting and receiving conditional site plan approval, which shall implement the Pier 8 Block 16 Urban Design Guidelines, the Pier 8 – Block 16 Sustainability Report, the preferred tower design as determined through the Implementation Process for a Tall Building Proposal – Pier 8, Block 16, and that addresses innovation in the areas of sustainability, quality of life and design excellence, to the satisfaction of the Director of Planning and Chief Planner.

- (c) That Item 22D respecting a Recommendation Report for proposed Official Plan Amendment and Zoning By-law Amendment applications for 65 Guise Street East (Pier 8, Block 16) be identified as complete and removed from the Planning Committee Outstanding Business List.

That Sub-section (b) (iii) (1) and Appendix “C” (Sub-section 4 (i)) to Report PED22031(a) be **amended** by including include net zero carbon, high efficiency building standards.

Report Recommendations:

- (b) (iii) (1) The Owner submitting and receiving conditional site plan approval, which shall implement the Pier 8 Block 16 Urban Design Guidelines, the Pier 8 – Block 16 Sustainability Report, the preferred tower design as determined through the Implementation Process for a Tall Building Proposal – Pier 8, Block 16, and that addresses innovation in the areas of sustainability, quality of life and design excellence, **and to demonstrate net zero carbon, high efficiency building standards, Pier 8 Block 16 will use best efforts to target the CaGBC’s Zero Carbon Building v3 Design Certification**, to the satisfaction of the Director of Planning and Chief Planner.

Appendix “C”:

- 4. (i) The Owner submitting and receiving conditional site plan approval, which shall implement the Pier 8 Block 16 Urban Design Guidelines, the Pier 8 – Block 16 Sustainability Report, and the preferred tower design as determined through the Implementation Process for a Tall Building Proposal – Pier 8, Block 16, that addresses innovation in the areas of sustainability, quality of life and design excellence, **and to demonstrate net zero carbon, high efficiency building standards, Pier 8 Block 16 will use best efforts to target the CaGBC’s Zero Carbon Building v3 Design Certification**, to the satisfaction of the Director of Planning and Chief Planner.

For disposition of this matter, refer to Item 8.

The Committee Recessed from 4:20 p.m. to 4:30 p.m.

(h) DISCUSSION ITEMS (Item 11)

(i) Provincial Announcement Impacting Provincial Decisions on Municipal Official Plans and Official Plan Amendments (PED23252) (City Wide) (Item 11.3)

Charlie Toman, Program Lead – Policy Planning and Municipal Comprehensive Review, and Melanie Pham, Program Lead – Sustainable Communities, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation, was received.

For disposition of this matter, refer to Item 11.

The Planning Committee meeting of November 14, 2023, was extended past the 5:30 p.m. curfew, until 7:00 p.m.

(i) NOTICES OF MOTION (Item 14)

Councillor Francis was not in attendance at the time he was to present the following Notices of Motion:

- 13.1 Taxi Industry Review Request
- 13.2 Annual Inactive Plate Rate

(j) PRIVATE & CONFIDENTIAL (Item 15)

(i) Closed Session Minutes – October 31, 2023 (Item 15.1)

- (a) The Closed Session Minutes dated October 31, 2023, were approved as presented; and,
- (b) The Closed Session Minutes dated October 31, 2023, are to remain confidential.

The Committee determined they did not need to go into Closed Session for the following items, therefore, the matters were addressed in Open Session, as follows:

(ii) Appeal to the Ontario Land Tribunal for lands located at 509 Southcote Road, Ancaster for Lack of Decision on Official Plan Amendment Application (UHOPA-23-010) and Zoning By-law

Amendment Application (ZAC-23-025) (LS23030) (Ward 12) (Item 15.2)

For disposition of this matter, refer to Item 15.

- (iii) Appeal to the Ontario Land Tribunal (OLT) for Lands located at 11, 19, 20, 21, 23, 27 and 30 Lakeside Drive and 81 Waterfront Crescent, Stoney Creek, for Lack of Decision on Official Plan Amendment Application (UHOPA-17-005) Zoning By-law Amendment Application (ZAC-17-015) and Draft Plan of Subdivision Application (25T-201703) (LS23008(a)) (Ward 10) (Added Item 15.3)**

For disposition of this matter, refer to Item 16.

- (iv) Appeal to the Ontario Land Tribunal (OLT) for lands located at 544 and 550 Rymal Road East, Hamilton, for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-20-024) and Zoning By-law Amendment Application (ZAC-20-037) and Draft Plan of Subdivision Application (25T-202006) (LS23031) (Ward 7) (Added Item 15.4)**

For disposition of this matter, refer to Item 17.

(j) ADJOURNMENT (Item 16)

There being no further business, the Planning Committee adjourned at 6:23 p.m.

Councillor J.P Danko, Chair
Planning Committee

Lisa Kelsey
Legislative Coordinator



GENERAL ISSUES COMMITTEE REPORT 23-031

9:30 a.m.

November 15 & 21, 2023

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

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

THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 23-031 AND RESPECTFULLY RECOMMENDS:

**1. Inclusive, Diversity, Equity and Accessibility (IDEA) Update (HUR23016)
(City Wide) (Item 8.1)**

That Report HUR23016, Inclusive, Diversity, Equity and Accessibility (IDEA) Update, be received.

**2. Housing Sustainability and Investment Roadmap 2023 Annual Update and
2024 Objective Setting (HSC23028(b) / FCS23055(a) / PED23099(b)) (City
Wide) (Outstanding Business List Item) (Item 8.2)**

- (a) That the Housing Secretariat Division 2023 update of progress on the first seven months of the Housing Sustainability and Investment Roadmap attached as Appendix "A" to Report HSC23028(b) / FCS23055(a) / PED23099(b), be received,
- (b) That the proposed Housing Secretariat Division 2024 Program of Work for the Housing Sustainability & Investment Roadmap (HSIR) attached as Appendix "A" to General Issues Committee Report 23-031, be approved;
- (c) That staff be directed to develop an intake process for receiving, evaluating and prioritizing applications to create additional units of affordable and supportive housing projects for any available City funding, including, but not limited to:

- (i) the proceeds from the sale of some surplus City-owned properties identified, as recommended in the Properties and Process for Disposition of Land for Affordable Housing Report (PED17219);
- (ii) any available funds through the Housing Accelerator Fund, any funds available in the Affordable Housing Funding Program Reserve Fund; and,
- (iii) based on the process and criteria outlined in Appendix “C” to Report HSC23028(b) / FCS23055(a) / PED23099(b); and,
- (d) That staff be directed to report back to the General Issues Committee with the results of the intake process.

3. Housing Services Division Budget Overview (HSC23074) (City Wide) (Item 8.3)

That Report HSC23074, Housing Services Division Budget Overview, be received.

4. CONSENT ITEMS (Item 9)

That the Consent Items 9.1 to 9.3, be approved, as follows:

(a) 2023 S&P Global Ratings Credit Rating Review (FCS23099) (City Wide) (Item 9.1)

That Report FCS23099, 2023 S&P Global Ratings Credit Rating Review, be received.

(b) Open For Business Sub-Committee Report 23-002 - October 26, 2023 (Item 9.2)

(i) Consent Items (Items 9.1 to 9.4)

That the following Reports, be received:

- (1) Grading Requirements for Infill Developments with one or two Dwelling Units (PED23230) (City Wide) (Item 9.1)
- (2) New Additional Dwelling Unit Team (PED23229) (City Wide) (Item 9.2)
- (3) Case Study 32: Development Application Staffing and Organizational Chart Updates (PED23227) (City Wide) (Item 9.3)

(4) Development Agreement Surety Bonds – Case Study 29 (FCS23107) (City Wide) (Item 9.4)

(ii) Working with Small Businesses along the Light Rail Transit (LRT) Corridor and Terminal Points (Added Item 13.1)

That Light Rail Transit (LRT) staff be directed to report back to the next possible meeting of the Open for Business Sub-Committee, to present the plan for working with small businesses along the LRT corridor and terminal points leading up to and during construction.

(c) Encampment Response Update - October 2023 (HSC23066(b)) (Item 9.3)

That Report HSC23066(b), respecting Encampment Response Update – October 2023, be received.

5. Hospital Capital Contribution (FCS23108) (City Wide) (Outstanding Business List Item) (Item 10.1)

- (a) That City of Hamilton staff be directed to continue discussions with Hamilton Health Sciences Corporation and St. Joseph's Healthcare Hamilton related to the municipal contribution to the local share plan of the capital redevelopment plans of the two hospital organizations;
- (b) That City of Hamilton staff be directed to report back to the General Issues Committee with recommendations on financing options for the City's local share contribution in Q1 of 2024; and,
- (c) That the requirements for the feasibility of municipal local share contribution to Hamilton Health Sciences Corporation and St. Joseph's Healthcare Hamilton be identified as complete and removed from the General Issues Committee Outstanding Business List.

6. Canada-Ontario Housing Benefit Agreement 2023-2025 (HSC23071) (City Wide) (Item 10.2)

- (a) That the City enter into an amending agreement to the existing Transfer Payment Agreement dated April 1, 2020, with His Majesty the King in right of Ontario as represented by the Minister of Municipal Affairs and Housing and the Minister of Finance for the Province of Ontario in respect of the Canada-Ontario Housing Benefit for the allocation of funding for the years 2023 to 2025; and,

- (b) That the General Manager of Healthy and Safe Communities, or her designate, be authorized and directed to execute the amending agreement and any ancillary documents, with content satisfactory to the General Manager of Healthy and Safe Communities and in a form satisfactory to the City Solicitor.

7. Housing Stability Benefit and Rent Ready Programs Transformation (HSC23067) (City Wide) (Item 10.3)

- (a) That Council approve the cancellation of the existing Housing Stability Benefit and Rent Ready programs totalling \$4.0M and the Provincially funded Homelessness Prevention Program (HPP) program of \$979,910 to be transformed into one modernized program to be named, Housing Emergency Fund, following program parameters outlined in Appendix “B” to General Issues Committee Report 23-031;
- (b) That the program funding be increased by an additional \$3.75M to be referred to the Housing Services 2024 Tax Operating Budget for Council consideration to support the following:
 - (i) That approximately \$3.56M be directed to expand reach and deepened supports for clients of the revised program; and,
 - (ii) That the Housing Services Division’s budgeted 2024 complement be expanded by 2.0 FTE (full-time employee) Housing Support Workers to accommodate increase and complexity of applications with an approximate annual cost of \$190K; and,
- (c) That Council approve cancellation of the unutilized Appliance Repair Program and allocate that program’s budget of \$25,100 into the total budget for the new Housing Emergency Fund.

8. West Harbour Development Sub-Committee Report 23-003 - November 7, 2023 (Item 10.4)

- (a) **Discovery Centre Strategy Framework: Preliminary Option for Discovery Centre Site (PED21090(d) (Ward 2) (Deferred from May 23, 2023) (Item 8.1(a))**

That Report PED21090(d), respecting Discovery Centre Strategy Framework: Preliminary Option for Discovery Centre Site, be received.

(b) Discovery Centre Strategy Framework: Preliminary Option for the Discovery Centre, Indigenous Community and Public Consultation Summary (PED21090(e)/HSC23073) (Ward 2) (Item 8.1)

- (i) That the Hamilton Public Library be identified as the City of Hamilton's partner in developing a Proposed Concept for the Discovery Centre building;
- (ii) That the Preliminary Option for the future use of the Discovery Centre building which is defined as redesigning the facility to incorporate: a library services area; Indigenous community gathering space; exhibits and gallery space; café; and visitor amenities be approved;
- (iii) That the Hamilton Public Library be authorized to lead the Work Plan process as detailed in Appendix "C" to General Issues Committee Report 23-031 to develop the Proposed Concept;
- (iv) That the Hamilton Public Library deliver the Proposed Concept to the Municipal Land Development Office by Q1 2026;
- (v) That the Municipal Land Development Office report back to the West Harbour Development Sub-Committee in Q2 2026 with recommendations respecting the Proposed Concept for the Discovery Centre building;
- (vi) That the Hamilton Public Library refer to the Directions for the Discovery Centre's Proposed Concept as contained in Appendix "D" to Report PED21090(e)/HSC23073 in completing the Work Plan.

(c) West Harbour Re-Development Plan - Status Update (PED17181(f)) (Ward 2) (Item 9.1)

That Report PED17181(f), respecting West Harbour Re-Development Plan - Status Update, be received.

9. Celebrating Canada Day in a New Climate Change Reality (Item 11.1)

WHEREAS the City of Hamilton declared a climate change emergency on March 27, 2019, with a mission to prepare for the unavoidable impacts of climate change, thereby positioning itself as a climate change leader;

WHEREAS Priority 1 of City Council's 2023-2026 priorities is Sustainable Economic & Ecological Development which includes a commitment to protect our

unique natural landscape and waterways and mitigate the impacts of climate change;

WHEREAS the air quality in Hamilton leading up to the Canada Day 2023 celebrations was deemed high risk by the Ministry of Environment, Conservation and Parks;

WHEREAS climate change effects include the increased risk of wildfires and wildfire smoke from areas outside of Hamilton which lead to increased concerns about compromised air quality especially over the summer months;

WHEREAS when traditional fireworks explode, metallic compounds are released into the environment that can be carcinogenic or toxic to both humans and animals. The smoke from fireworks generates particulate matter that affects air quality and make breathing more difficult for people with asthma or other respiratory and cardiovascular conditions;

WHEREAS people with a variety of traumas and mental health conditions such as post-traumatic stress disorder, those with neurodivergence and autism, military veterans, and people who have fled war-torn regions may suffer due to fireworks;

WHEREAS fireworks create short-term noise and light disturbances that cause distress in domestic animals that may be managed before or after a firework event, but the impacts to wildlife can be on a much larger scale;

WHEREAS the annual timing of some large-scale firework events coincides with the migratory or reproductive movements of wildlife, and may therefore have adverse long-term population effects on them;

WHEREAS there are alternatives to traditional/conventional fireworks such as laser light shows, drone shows, or other low-altitude, low-noise, special effects pyrotechnic displays;

WHEREAS the City of Hamilton is preparing a Request for Proposal for a producer of its annual Canada Day celebration of which a final spectacle show is the key feature, and that in the past has been a fireworks display;

THEREFORE, BE IT RESOLVED:

- (a) That Tourism and Events staff study the feasibility of alternatives to fireworks for a Canada Day spectacle show that are more responsive to our climate action, biodiversity and public health priorities and report back to the General Issues Committee by Q1 2024; and,

- (b) That Tourism and Events staff are directed to include a scoring strategy for the Request For Proposal for a 5-year Canada Day producer contract bid that prioritizes an option that is responsive to our climate action, biodiversity and public health priorities in seeking a replacement to the current fireworks spectacle.

10. Housing Services Division Organizational Effectiveness Review (HSC23065) (City Wide) (Item 14.2)

- (a) That the directions provided to staff in closed session, respecting Report HSC23065, Housing Services Division Organizational Effectiveness Review be approved and remain confidential until January 15, 2024;
- (b) That Report HSC23065, Housing Services Division Organizational Effectiveness Review, remain confidential; and,
- (c) That the General Manager of Healthy and Safe Communities Department or their designate be authorized to increase the Housing Services Division's 2023 budgeted complement by one (1) full time permanent Housing Services Manager position, providing oversight to Business Operations, at an approximate annual cost of \$186K for salary and benefits, to be funded from Homelessness Prevention Plan (HPP) effective immediately, with no net levy impact.

11. Memorandum of Understanding with City and Aeon Studio Group on Barton-Tiffany Land (PED19063(e)) (Ward 2) (Outstanding Business List Item) (Item 14.3)

- (a) That the directions provided to staff in Closed Session respecting Report PED19063(e), Memorandum of Understanding with City and Aeon Studio Group on Barton-Tiffany Land be approved and remain confidential; and,
- (b) That the entire Report PED19063(e) respecting Memorandum of Understanding with City and Aeon Studio Group on Barton-Tiffany Land remain confidential until completion of the real estate transaction(s), except for Confidential Appendix "B" to Report PED19063(e) and Confidential Appendix "C" to Report PED19063(e), which are to remain confidential.

12. Legal Advice Regarding Feasibility of Securing Injunction to Prohibit Annual Unsanctioned Events (LS23033) (City Wide) (Added Item 14.4)

- (a) That the direction provided to staff in Closed Session respecting Report LS23033, Legal Advice Regarding Feasibility of Securing Injunction to Prohibit Annual Unsanctioned Events, be approved and remain confidential; and,

- (b) That Report LS23033, Legal Advice Regarding Feasibility of Securing Injunction to Prohibit Annual Unsanctioned Events, be received and remain confidential.

13. General Litigation Update (LS23027(a)) (City Wide) (Added Item 14.5)

That Report LS23027(a), General Litigation Update, be received and remain confidential.

14. ATU Local 107 Collective Bargaining Update (Added Item 14.6)

That ATU Local 107 Collective Bargaining Update, be received and remain confidential.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

6. DELEGATION REQUESTS

- 6.3 Heather Grand, Luso Canadian Charitable Society, respecting Item 8.2 - Housing Sustainability and Investment Roadmap 2023 Annual Update and 2024 Objective Setting (HSC23028(b) / FCS23055(a) / PED23099(b)) (Virtual) (For today's meeting)
- 6.4 Douglas Mattina, Kemp Care Network (formerly Dr. Bob Kemp Hospice), respecting next steps towards acquisition of the land (sale or lease) at 41 South St. W. (In-Person) (For a future meeting)
- 6.5 Michelle Diplock, West End Home Builders' Association, respecting Item 8.2 - Housing Sustainability and Investment Roadmap 2023 Annual Update and 2024 Objective Setting (HSC23028(b) / FCS23055(a) / PED23099(b)) (In-Person) (For today's meeting)
- 6.6 Victoria Bomberry, Coalition of Hamilton Indigenous Leadership, respecting Item 8.2 - Housing Sustainability and Investment Roadmap 2023 Annual Update and 2024 Objective Setting (HSC23028(b) / FCS23055(a) / PED23099(b)) (In-Person) (For today's meeting)
- 6.7 Sarah Warry, Yous Matter Inc, respecting addiction and people whom are underhoused (In-Person) (For today's meeting)

- 6.8 Jeff Anders, Aeon Studio Group, respecting Item 14.3 - Memorandum of Understanding with City and Aeon Studio Group on Barton-Tiffany Land (PED19063(e)) (In-Person) (For today's meeting)
- 6.9 Tricia Lewis, Hamilton is Home, respecting Item 8.2 - Housing Sustainability and Investment Roadmap 2023 Annual Update and 2024 Objective Setting (HSC23028(b) / FCS23055(a) / PED23099(b)) (In-Person) (For today's meeting)
- 6.10 Marie Ferko, respecting homelessness and shelters for people with service animals (In-Person) (For today's meeting)
- 6.11 Shivani Chotalia, NRStor Inc., respecting a 100 MW / 400 MWh battery energy storage project we are proposing within Hamilton's Steelport development (In-Person) (For today's meeting)
- 6.12 Nadia Pabst, Aypa Power, respecting its Sulphur Springs Battery Energy Storage System (BESS) project (Virtual) (For today's meeting)

7. DELEGATIONS

- 7.2 Kevin Gonci, Mohawk Sports Park - Sports Council, respecting the proposed development of a new Multi-Use Community Hub Facility (In-Person) (Approved October 18, 2023) - WITHDRAWN

14. PRIVATE AND CONFIDENTIAL

- 14.4 Legal Advice Regarding Feasibility of Securing Injunction to Prohibit Annual Unsanctioned Events (LS23033) (City Wide)
- 14.5 General Litigation Update (LS23027(a)) (City Wide)
- 14.6 ATU Local 107 Collective Bargaining Update

CHANGE TO THE ORDER OF THE AGENDA

Item 14.6, respecting ATU Local 107 Collective Bargaining Update, will be dealt with after lunch, therefore, the agenda items will be adjusted accordingly.

The agenda for the November 15, 2023 General Issues Committee meeting, was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

Councillor Tammy Hwang declared a Disqualifying Interest to Item 14.3, Report PED19063(e), respecting Memorandum of Understanding with City and Aeon Studio Group on Barton-Tiffany Land, as her business partner is a principal owner of Forge and Foster, and she vacated the Council Chamber during the discussion of this item in Closed Session.

Councillor Tammy Hwang declared a Disqualifying interest to Added Item 7.9, Delegation from Jeff Anders, Aeon Studio Group, respecting Item 14.3 - Memorandum of Understanding with City and Aeon Studio Group on Barton-Tiffany Land (PED19063(e)), as her business partner is a principal owner of Forge and Foster.

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

(i) November 1, 2023 (Item 4.1)

The minutes of the November 1, 2023, General Issues Committee meeting were approved, as presented.

(d) DELEGATION REQUESTS (Item 6)

(i) The Delegation Requests, were approved as follows:

- (1) Nanty H. Abraham, Hannan Foundation Canada, respecting Issues Surrounding Homelessness, Food Banks, and Mental Health and Proposed Collaboration Opportunities with Hannan Foundation Canada (In-Person) (For today's meeting) (Item 6.1)
- (2) Bethany Reed, Respecting Data on the Homeless Population in our Community Being Collected by the Municipality (Virtual) (For today's meeting) (Item 6.2)
- (3) Heather Grand, Luso Canadian Charitable Society, respecting Item 8.2 - Housing Sustainability and Investment Roadmap 2023 Annual Update and 2024 Objective Setting (HSC23028(b) / FCS23055(a) / PED23099(b)) (Virtual) (For today's meeting) (Added Item 6.3)
- (4) Douglas Mattina, Kemp Care Network (formerly Dr. Bob Kemp Hospice), respecting next steps towards acquisition of the land (sale or lease) at 41 South St. W. (In-Person) (For a future meeting) (Added Item 6.4)
- (5) Michelle Diplock, West End Home Builders' Association, respecting Item 8.2 - Housing Sustainability and Investment Roadmap 2023

Annual Update and 2024 Objective Setting (HSC23028(b) / FCS23055(a) / PED23099(b)) (In-Person) (For today's meeting) (Added Item 6.5)

- (6) Victoria Bomberry, Coalition of Hamilton Indigenous Leadership, respecting Item 8.2 - Housing Sustainability and Investment Roadmap 2023 Annual Update and 2024 Objective Setting (HSC23028(b) / FCS23055(a) / PED23099(b)) (In-Person) (For today's meeting) (Added Item 6.6)
- (7) Sarah Warry, Yous Matter Inc, respecting addiction and people whom are underhoused (In-Person) (For today's meeting) (Added Item 6.7)
- (8) Jeff Anders, Aeon Studio Group, respecting Item 14.3 - Memorandum of Understanding with City and Aeon Studio Group on Barton-Tiffany Land (PED19063(e)) (In-Person) (For today's meeting) (Added Item 6.8)
- (9) Tricia Lewis, Hamilton is Home, respecting Item 8.2 - Housing Sustainability and Investment Roadmap 2023 Annual Update and 2024 Objective Setting (HSC23028(b) / FCS23055(a) / PED23099(b)) (In-Person) (For today's meeting) (Added Item 6.9)
- (10) Marie Ferko, respecting homelessness and shelters for people with service animals (In-Person) (For today's meeting) (Added Item 6.10)
- (11) Shivani Chotalia, NRStor Inc., respecting a 100 MW / 400 MWh battery energy storage project we are proposing within Hamilton's Steelport development (In-Person) (For today's meeting) (Added Item 6.11)
- (12) Nadia Pabst, Aypa Power, respecting its Sulphur Springs Battery Energy Storage System (BESS) project (Virtual) (For today's meeting) (Added Item 6.12)

(e) DELEGATIONS (Item 7)

- (i) Rob MacIsaac, Hamilton Health Sciences, respecting Hamilton Hospital Redevelopment (In-Person) (Approved October 4, 2023) (Item 7.1)**

Sharon Pierson, Executive Vice President, Clinical Operations, Chief Operating Officer & Chief Nursing Executive (Hamilton Health Sciences), and John Aldis, Interim President and Senior Vice President Finance and

Corporate Services (St. Joseph's Healthcare Hamilton), addressed the Committee respecting Hamilton Hospital Redevelopment.

The Delegation from Sharon Pierson, Hamilton Health Sciences, and John Aldis, St. Joseph's Healthcare Hamilton respecting Hamilton Hospital Redevelopment, was received.

For further disposition of this matter, refer to Item 5.

(ii) Heather Grand, Luso Canadian Charitable Society, respecting Item 8.2 - Housing Sustainability and Investment Roadmap 2023 Annual Update and 2024 Objective Setting (HSC23028(b) / FCS23055(a) / PED23099(b)) (Virtual) (Added Item 7.5)

Heather Grand, Luso Canadian Charitable Society, addressed the Committee respecting Item 8.2 - Housing Sustainability and Investment Roadmap 2023 Annual Update and 2024 Objective Setting (HSC23028(b) / FCS23055(a) / PED23099(b)).

The delegation from Heather Grand, Luso Canadian Charitable Society, respecting Item 8.2 - Housing Sustainability and Investment Roadmap 2023 Annual Update and 2024 Objective Setting (HSC23028(b) / FCS23055(a) / PED23099(b)), was received.

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

(iii) Michelle Diplock, West End Home Builders' Association, respecting Item 8.2 - Housing Sustainability and Investment Roadmap 2023 Annual Update and 2024 Objective Setting (HSC23028(b) / FCS23055(a) / PED23099(b)) (In-Person) (Added Item 7.6)

Michelle Diplock, West End Home Builders' Association, addressed the Committee respecting Item 8.2 - Housing Sustainability and Investment Roadmap 2023 Annual Update and 2024 Objective Setting (HSC23028(b) / FCS23055(a) / PED23099(b)).

The delegation from Michelle Diplock, West End Home Builders' Association, respecting Item 8.2 - Housing Sustainability and Investment Roadmap 2023 Annual Update and 2024 Objective Setting (HSC23028(b) / FCS23055(a) / PED23099(b)), was received.

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

- (iv) **Victoria Bomberry, Coalition of Hamilton Indigenous Leadership, respecting Item 8.2 - Housing Sustainability and Investment Roadmap 2023 Annual Update and 2024 Objective Setting (HSC23028(b) / FCS23055(a) / PED23099(b)) (In-Person) (Added Item 7.7)**

Victoria Bomberry, Coalition of Hamilton Indigenous Leadership, addressed the Committee respecting Item 8.2 - Housing Sustainability and Investment Roadmap 2023 Annual Update and 2024 Objective Setting (HSC23028(b) / FCS23055(a) / PED23099(b)).

The delegation from Victoria Bomberry, Coalition of Hamilton Indigenous Leadership, respecting Item 8.2 - Housing Sustainability and Investment Roadmap 2023 Annual Update and 2024 Objective Setting (HSC23028(b) / FCS23055(a) / PED23099(b)), was received.

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

- (v) **Sarah Warry, Yous Matter Inc, respecting addiction and people whom are underhoused (In-Person) (Added Item 7.8)**

Sarah Warry, Yous Matter Inc, addressed the Committee, respecting addiction and people whom are underhoused.

The delegation from Sarah Warry, Yous Matter Inc, respecting addiction and people whom are underhoused, was received.

- (vi) **Jeff Anders, Aeon Studio Group, respecting Item 14.3 - Memorandum of Understanding with City and Aeon Studio Group on Barton-Tiffany Land (PED19063(e)) (In-Person) (Added Item 7.9)**

Jeff Anders, Aeon Studio Group, addressed the Committee, respecting Item 14.3 - Memorandum of Understanding with City and Aeon Studio Group on Barton-Tiffany Land (PED19063(e)).

The delegation from Jeff Anders, Aeon Studio Group, respecting Item 14.3 - Memorandum of Understanding with City and Aeon Studio Group on Barton-Tiffany Land (PED19063(e)), was received.

For further disposition of this matter, refer to Item 11.

- (vii) **Tricia Lewis, Hamilton is Home, respecting Item 8.2 - Housing Sustainability and Investment Roadmap 2023 Annual Update and 2024 Objective Setting (HSC23028(b) / FCS23055(a) / PED23099(b)) (In-Person) (Added Item 7.10)**

Tricia Lewis, and Sarah Borde, Hamilton is Home, addressed the Committee respecting Item 8.2 - Housing Sustainability and Investment Roadmap 2023 Annual Update and 2024 Objective Setting (HSC23028(b) / FCS23055(a) / PED23099(b)).

The delegation from Tricia Lewis, and Sarah Borde, Hamilton is Home, respecting Item 8.2 - Housing Sustainability and Investment Roadmap 2023 Annual Update and 2024 Objective Setting (HSC23028(b) / FCS23055(a) / PED23099(b)), was received.

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

- (viii) **Shivani Chotalia, NRStor Inc., respecting a 100 MW / 400 MWh battery energy storage project we are proposing within Hamilton's Steelport development (In-Person) (Added Item 7.12)**

Shivani Chotalia, and Jason Rioux, NRStor Inc., addressed the Committee respecting a 100 MW / 400 MWh battery energy storage project we are proposing within Hamilton's Steelport development.

The delegation from Shivani Chotalia and Jason Rioux, NRStor Inc., addressed the Committee respecting a 100 MW / 400 MWh battery energy storage project we are proposing within Hamilton's Steelport development, was received.

- (ix) **The following delegates were not present when called upon:**

- (1) Nanty H. Abraham, Hannan Foundation Canada, respecting Issues Surrounding Homelessness, Food Banks, and Mental Health and Proposed Collaboration Opportunities with Hannan Foundation Canada (In-Person) (Added Item 7.3)
- (2) Bethany Reed, Respecting Data on the Homeless Population in our Community Being Collected by the Municipality (Virtual) (Added Item 7.4)
- (3) Marie Ferko, respecting homelessness and shelters for people with service animals (In-Person) (Added Item 7.11)

(x) Recess

The General Issues Committee recessed for 30 minutes until 1:30 p.m.

(f) PRIVATE AND CONFIDENTIAL (Item 14)

- (i)** Karen Gordon, Gordon Strategy Inc. was permitted to attend Closed Session respecting Item 14.6 - ATU Local 107 Collective Bargaining Update.
- (ii)** Committee moved into Closed Session pursuant to Section 9.3, Sub-section (d) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-section (d) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to labour relations or employee negotiations.

(iii) ATU Local 107 Collective Bargaining Update (Added Item 14.6)

For disposition of this matter, refer to Item 14.

(g) DELEGATIONS (Item 7) (Continued)

(i) Nadia Pabst, Aypa Power, respecting its Sulphur Springs Battery Energy Storage System (BESS) project (Virtual) (Added Item 7.12)

Nadia Pabst, Aypa Power, addressed the Committee respecting its Sulphur Springs Battery Energy Storage System (BESS) project.

The delegation from Nadia Pabst, Aypa Power, respecting its Sulphur Springs Battery Energy Storage System (BESS) project, was received.

(h) STAFF PRESENTATIONS (Item 8)

(i) Inclusive, Diversity, Equity and Accessibility (IDEA) Update (HUR23016) (City Wide) (Item 8.1)

The staff presentation respecting Report HUR23016, the Inclusive, Diversity, Equity and Accessibility (IDEA) Update, was waived.

For disposition of this matter, refer to Item 1.

(ii) Housing Sustainability and Investment Roadmap 2023 Annual Update and 2024 Objective Setting (HSC23028(b) / FCS23055(a) / PED23099(b)) (City Wide) (Outstanding Business List Item) (Item 8.2)

Justin Lewis, Director, Housing Secretariat provided the Committee with a presentation respecting Report HSC23028(b) / FCS23055(a) / PED23099(b), the Housing Sustainability and Investment Roadmap 2023 Annual Update and 2024 Objective Setting.

- (1)** The staff presentation respecting Report HSC23028(b) / FCS23055(a) / PED23099(b), the Housing Sustainability and Investment Roadmap 2023 Annual Update and 2024 Objective Setting, was received.
- (2)** The report was put on the floor as follows:
 - (a)** That the Housing Secretariat Division 2023 update of progress on the first seven months of the Housing Sustainability and Investment Roadmap attached as Appendix "A" to Report HSC23028(b) / FCS23055(a) / PED23099(b), be received;
 - (b)** That the proposed Housing Secretariat Division 2024 Program of Work for the Housing Sustainability & Investment Roadmap (HSIR) attached as Appendix "B" to Report HSC23028(b) / FCS23055(a) / PED23099(b), be received;
 - (c)** That staff be directed to develop an intake process for receiving, evaluating and prioritizing applications to create additional units of affordable and supportive housing projects for any available City funding, including, but not limited to:
 - (i)** the proceeds from the sale of some surplus City-owned properties identified, as recommended in the Properties and Process for Disposition of Land for Affordable Housing Report (PED17219);
 - (ii)** any available funds through the Housing Accelerator Fund, any funds available in the Affordable Housing Funding Program Reserve Fund; and,
 - (iii)** based on the process and criteria outlined in Appendix "C" to Report HSC23028(b) / FCS23055(a) / PED23099(b); and,

- (d) That staff be directed to report back to the General Issues Committee with the results of the intake process.
- (3) That sub-section (b) to Report HSC23028(b) / FCS23055(a) / PED23099(b), Housing Sustainability and Investment Roadmap 2023 Annual Update and 2024 Objective Setting, **be amended**, by replacing the word received with approved, as follows:
 - (b) That the proposed Housing Secretariat Division 2024 Program of Work for the Housing Sustainability & Investment Roadmap (HSIR) attached as Appendix “B” to Report HSC23028(b) / FCS23055(a) / PED23099(b), be **approved** ~~received~~;

For disposition of this matter, refer to Item 2.

(iii) Housing Services Division Budget Overview (HSC23074) (City Wide) (Item 8.3)

The staff presentation respecting Report HSC23074, the Housing Services Division Budget Overview, was waived.

For disposition of this matter, refer to Item 3.

(i) DISCUSSION ITEMS (Item 10)

- (i) The General Issues Committee meeting of November 15, 2023, was extended past the 5:30 pm curfew, up to an additional 1.5 hours.

(j) MOTIONS (Item 11)

- (i) **Motion to Recess the General Issues Committee Meeting of November 15, 2023 Until November 21, 2023 (Added Item 11.2)**

The General Issues Committee meeting of November 15, 2023, was recessed at 5:50 p.m. until November 21, 2023, immediately following the conclusion of the General Issues Committee (Budget) meeting.

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

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

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

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

Policies and Procedures to Rescue and Safely Transport Stranded Pedestrians and their Mobility Devices

Added: June 15, 2022 - GIC Report 22-012 (Item 10(e))

Current Due Date: September 20, 2023

Proposed New Due Date: March 20, 2023

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

Rob MacIsaac, Hamilton Health Sciences, respecting a request for Hamilton Health Sciences and St Joseph's Healthcare Hamilton to present an update regarding Hamilton hospital redevelopment

Added: June 14, 2023 at GIC (Item 7.2)

Completed: November 15, 2023 at GIC (Item 10.1)

(I) PRIVATE & CONFIDENTIAL (Item 14) (Continued)

(i) Closed Session Minutes – November 1, 2023 (Item 14.1)

The General Issues Committee Closed Session Minutes of November 1, 2023, were approved and remain confidential.

- (ii)** Committee moved into Closed Session pursuant to Section 9.3, Sub-sections (b), (c), (d), (e) and (f) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (b), (c), (d), (e) and (f) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to personal matters about an identifiable individual, including City or local board employees; a proposed or pending acquisition or disposition of land for City or a local board purposes; labour relations or employee negotiations; 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.

(iii) Housing Services Division Organizational Effectiveness Review (HSC23065) (City Wide) (Item 14.2)

For disposition of this matter, refer to Item 10.

(iv) Memorandum of Understanding with City and Aeon Studio Group on Barton-Tiffany Land (PED19063(e)) (Ward 2) (Outstanding Business List Item) (Item 14.3)

For disposition of this matter, refer to Item 11.

Council – November 22, 2023

(v) Legal Advice Regarding Feasibility of Securing Injunction to Prohibit Annual Unsanctioned Events (LS23033) (City Wide) (Added Item 14.4)

For disposition of this matter, refer to Item 12.

(vi) General Litigation Update (LS23027(a)) (City Wide) (Added Item 14.5)

For disposition of this matter, refer to Item 13.

(m) ADJOURNMENT (Item 15)

There being no further business, the General Issues Committee adjourned at 4:52 p.m. on November 21, 2023.

Respectfully submitted,

Deputy Mayor Craig Cassar
Chair, General Issues Committee

Angela McRae
Legislative Coordinator
Office of the City Clerk

Year 2 Program of Work					
DESCRIPTION		LEAD	STATUS		
			Existing	Enhanced	New
INFRASTRUCTURE FOR THE ROADMAP					
1	Continue to emphasize urgency, commitment, and collective will through the relationships created and nurtured in 2023.	City Council, Executive Committee, Housing Secretariat Division		XX	
2	Continue to develop capacity within the Housing Secretariat Division and adjust staffing complement as required through the 2025 budget process.	Housing Secretariat Division		XX	
3	Expand Governance structure to include Indigenous providers and stakeholders to implement a whole of Hamilton approach.	Housing Secretariat Division		XX	
4	By Q4, 2024, finalize the Acquisition Strategy which will be inclusive of all four pillars of the Roadmap for existing private market affordable housing units and vacant or under-utilized properties.	Housing Secretariat Division, Real Estate Office, Finance & Administration			XX
5	By Q4, 2024 deliver a five-year financing strategy and report back to Council annually through the Housing Secretariat's annual reporting in October.	Housing Secretariat Division, Corporate Finance			XX
6	Develop a detailed government relations strategy, including the addition of policy analysis capacity with the Housing Secretariat Division, in partnership with the Mayor's Office and Council that addresses supportive housing, appropriate levels of investment in the homelessness sector, and approaching other orders of government to fund new affordable housing development in aggregate, rather than on a project-by-project basis. Convene a Community Working Group on Government Relations to set key messages and maximize impact.	Housing Secretariat Division, The Mayor's Office			XX

Year 2 Program of Work					
DESCRIPTION		LEAD	STATUS		
			Existing	Enhanced	New
7	Develop and implement a Communications Strategy to facilitate action on the Roadmap. In partnership with Corporate Communications, develop an internet/intranet presence, media plan, quarterly newsletters, and involvement in the Government Relations strategy.	Housing Secretariat Division, Corporate Communications			XX
PILLAR 1: NEW CONSTRUCTION					
8	Ensure the affordable units currently under construction by community stakeholders are completed.	City Council, Housing Secretariat Division, Executive Steering Committee			XX
9	Implementation of the Housing Accelerator Fund workplan (to be approved by City Council).	Housing Secretariat Division, Planning & Economic Development,			XX
10	Use all available municipal levers to move pre-qualified projects through pre-development activities to the point of having a building permit. This will allow projects to be "shovel-ready" when funding is made available.	Housing Secretariat Division, Planning & Economic Development		XX	
PILLAR 2: ACQUISITION					
11	By Q4, 2024, develop an Acquisition Strategy focused on two types of activities: a. the purchase of existing affordable private market rental units that include proposed terms, objectives, and funding envelope with financing strategy; and b. the purchase of vacant or under-utilized land that is suitable for affordable housing development including adjacent properties (land assembly) that maximize available sites.	Housing Secretariat Division, Real Estate Office, Finance & Administration	XX		
PILLAR 3: PRESERVE AND MAINTAIN AFFORDABLE HOUSING					
12	Complete the Building Condition Assessments of community housing inventory and the repair of off-line units. Undertake an asset rationalization to prioritize capital needs and create a 10-year portfolio renewal strategy.	Housing Services Division	XX		
13	Continue to monitor end-of-mortgage agreements and implement a framework and funding formula to protect the city's community housing stock.	Housing Services Division	XX		

Year 2 Program of Work					
DESCRIPTION		LEAD	STATUS		
			Existing	Enhanced	New
14	Conduct a review of municipal funds received from other orders of government (e.g. OPHI, COCHI, Reaching Home) to ensure maximum benefit and alignment with the HSIR and Term of Council priorities related to affordable housing and homelessness.	Housing Services Division, Housing Secretariat Division			XX
15	Monitor the effectiveness of any by-laws created to protect purpose-built rental housing and amend them accordingly. Review best practices from similar jurisdictions that may be applicable to Hamilton.	Planning & Economic Development	XX		
16	Implement Council approved by-laws intended to protect tenants and prevent displacement and/or renovations.	Planning & Economic Development, Housing Services Division			XX
17	Include policies related to tenant protections, end-of-mortgage agreements, rent controls (vacancy de-controls), and adequate income levels for tenants (specifically, increased social assistance rates, or creation of a Housing Benefit) in the Government Relations strategy.	Mayor's Office Housing Secretariat Division, City Manager's Office		XX	
PILLAR 4: PROVISION OF HOUSING-BASED SUPPORTS					
18	Conduct due diligence on and develop a transparent process and criteria to prioritize, recommend, and expedite housing projects that can provide permanent supportive housing for people with mid-high acuity needs who are experiencing chronic homelessness.	Housing Secretariat Division, Planning & Economic Development, Procurement			XX
19	Provide planning and project support to Indigenous-led supportive housing projects to expedite and accelerate projects.	Housing Secretariat Division, Planning & Economic Development		XX	
20	Monitor the modernization of the Residential Care Facility system, including the addition of 100 units to house people who are experiencing homelessness.	Housing Services Division, Public Health Services	XX		
21	Continue to monitor the needs of emergency response and the homelessness service system, and invest as necessary, while shifting to a system more focused on prevention and long-term solutions. The emergency response and homelessness service system is ideally suited to help people whose episodes of homelessness are rare, brief, and non-reoccurring.	Housing Services Division, Housing Secretariat Division	XX		

Comparative Analysis Between Housing Stability Benefit, Rent Ready, and New Revised Program

	Housing Stability Benefit	Rent Ready	Housing Emergency Fund
Eligibility of individuals	<ul style="list-style-type: none"> • Ontario Works recipients • Ontario Disability Support Program recipients • Meets Low-Income Measure threshold 	<ul style="list-style-type: none"> • Ontario Works recipients • Ontario Disability Support Program recipients • Meets Low-Income Measure threshold 	<ul style="list-style-type: none"> • Ontario Works recipients • Ontario Disability Support Program recipients • Meets Low-Income Measure threshold
Comparative Synopsis	<ul style="list-style-type: none"> • Financial eligibility is comparable between programs. • The Ontario Disability Support Program has specific eligibility under the <i>Ontario Disability Support Program Act (1997)</i> to qualify and financial assets may vary among clients at higher thresholds than recipients of Ontario Works. • New Program Rationale: Retain household eligibility criteria to ensure that those who are most in need are receiving this funding. 		
Eligible expenses	<ul style="list-style-type: none"> • New Principal Residence or Maintaining Existing Residence <ul style="list-style-type: none"> ✓ Last month's rent deposit ✓ Rental Arrears ✓ Moving costs ✓ Utility deposits, arrears, or reconnection ✓ Adult beds (includes box spring and mattress) where a bed is not currently owned (up to maximum allowable amount of \$400/bed) ✓ Child beds (includes box spring and mattress) where a bed is not currently owned (up to maximum allowable amount of \$200/bed) ✓ Bedframe for adult and/or child bed(s) where not currently owned (up to maximum allowable amount of \$100/bed) ✓ Mattress encasements (up to \$50 per mattress and/or box spring); ✓ Moats/Interceptors (up to \$25/bed) 	<ul style="list-style-type: none"> • New Principal Residence or Maintaining Existing Residence <ul style="list-style-type: none"> ✓ First and last month's rent ✓ Rental Arrears ✓ Utility Arrears 	<ul style="list-style-type: none"> • New Principal Residence or Maintaining Existing Residence <ul style="list-style-type: none"> ✓ Last month's rent ✓ Rental Arrears ✓ Utility expenses (including reconnection fees, arrears, and deposits)

Comparative Analysis Between Housing Stability Benefit, Rent Ready, and New Revised Program

	Housing Stability Benefit	Rent Ready	Housing Emergency Fund
	<ul style="list-style-type: none"> ✓ The purchase of an appliance (e.g. fridge, stove, washer) necessary for the wellbeing of the household where: <ul style="list-style-type: none"> >There is documentation to support that it is the applicant’s responsibility to provide the appliance 		
Comparative Synopsis	<ul style="list-style-type: none"> • Comparable eligibility expense categories (obtaining new residence, maintaining existing residence, and utility arrears). • Rent Ready had discretion to issue broadly under the three categories of first/last month’s rent, rent (one-time payment), OR rental arrears and utility arrears. • Housing Stability Benefit eligible expenses are more prescriptive under the three eligibility categories. • New Program Rationale: Retain the flexibility of the three broad categories from the Rent Ready program (with the elimination of first month’s rent, which was no longer included as an eligible expense in the 2023 Rent Ready program). Applicants are permitted to apply funds as they are needed. 		
Payment Thresholds/ Limits	<ul style="list-style-type: none"> • \$800 for singles and couples (with no dependent children and/or dependent adults on their benefit unit) once in a 24-month period • \$1500 for families with children (one or more dependent child and/or dependent adults on their benefit unit) once in a 24-month period 	<ul style="list-style-type: none"> • Discretion to issue eligible costs up to \$3,000.00 for single individuals and couples and \$6,000.00 for families with child(ren) • No limit to applying multiple times in any given time period <p>*Not a maximum threshold amount but a trigger threshold for management/supervisor approval if requests exceeded these amounts</p>	<ul style="list-style-type: none"> • Discretion to issue eligible costs based on household size up to: <ul style="list-style-type: none"> - \$3,000.00 for single individuals - \$4,000.00 for a couple - \$5,000.00 for a family of 3 people - \$6,000.00 for a family of 4 people - \$7,000.00 for families of 5+ people <p>*Not a maximum threshold amount but a trigger threshold for management/supervisor approval if requests exceed these amounts</p> <ul style="list-style-type: none"> • Funds to be granted once in a 24-month period
Comparative Synopsis	<ul style="list-style-type: none"> • Rent Ready has significantly higher eligible cost thresholds (4x the amount for families and almost 4x the amount for singles) and no limit to how many times an individual or family could access the benefit. • Housing Stability Benefit is significantly more restrictive financially and includes the limitation of eligibility to apply only once in a 24-month period. 		

Comparative Analysis Between Housing Stability Benefit, Rent Ready, and New Revised Program

	Housing Stability Benefit	Rent Ready	Housing Emergency Fund
	<ul style="list-style-type: none"> New Program Rationale: Retain the higher payment threshold from the Rent Ready program up to the discretionary maximum based on household size. Tying the maximum payment threshold to household size allows for increased benefits, in particular for couples (a demographic in need of increased support in Hamilton) and provides guidance for clients and program administrators in a similar format to Average Market Rent data. 		
Recurrence	<ul style="list-style-type: none"> Benefit maximum within a 24-month period 	<ul style="list-style-type: none"> Unlimited until the expenditure of the funds 	<ul style="list-style-type: none"> Benefit maximum within a 24-month period
Comparative Synopsis	<ul style="list-style-type: none"> Rent Ready offered greater time and financial flexibility thresholds. New Program Rationale: Maintain the benefit maximum within a 24-month period from the Housing Stability Benefit applied to the higher payment threshold and increased flexibility in how funds are applied, up to the maximum from the Rent Ready program. The majority of programs surveyed in the jurisdictional scan have a 24-month eligibility window. This prevents dependency on the program as a full housing subsidy. 		
Payment Administration	<ul style="list-style-type: none"> Payments are to be made directly to the landlord, utility provider or service provider, where possible. 	<ul style="list-style-type: none"> Payments are to be made directly to the landlord, utility provider or service provider, where possible. 	<ul style="list-style-type: none"> Payments are to be made directly to the landlord, utility provider or service provider, where possible. Applications will continue to be processed by the City of Hamilton staff for applicants in receipt of Ontario Works and by the Housing Help Centre for applicants in receipt of the Ontario Disability Support Program or who have income below the Low-Income Measure
Comparative Synopsis	<ul style="list-style-type: none"> Identical between programs. New Program Rationale: Retain administration of funds directly to landlord, utility provider, or service provider, where possible. 		
Program Delivery	<ul style="list-style-type: none"> Applications by people in receipt of Ontario Works administered by City of Hamilton. Applications by people in receipt of the Ontario Disability Support Program or who have 	<ul style="list-style-type: none"> Applications by people in receipt of Ontario Works administered by City of Hamilton. Applications by people in receipt of the Ontario Disability Support Program or who have 	<ul style="list-style-type: none"> Maintain dedicated fund administered by Hamilton Regional Indian Centre to support Indigenous community members Updated Clear eligibility criteria

Comparative Analysis Between Housing Stability Benefit, Rent Ready, and New Revised Program

	Housing Stability Benefit	Rent Ready	Housing Emergency Fund
	income below the Low-Income Measure are administered by Housing Help Centre.	income below the Low-Income Measure are administered by Housing Help Centre. <ul style="list-style-type: none"> Includes \$300,000 administered by Hamilton Regional Indian Centre to support Indigenous community members. 	<ul style="list-style-type: none"> Update resources for staff on alternative supports for those who do not meet eligibility criteria or whose needs are not met by the program alone Program applicants requiring additional supports will be connected to additional Eviction Prevention programs delivered or funded by City of Hamilton and/or the Home Management Program offered through Children’s and Community Services Division.
Comparative Synopsis	<ul style="list-style-type: none"> New Program Rationale: Maintain dedicated housing stability funding for Indigenous community and strengthen integration with Home Management and eviction support programs. 		
Total Reach 2022	<ul style="list-style-type: none"> 1,665 benefit units were approved through City of Hamilton *not unique individuals* 1,754 units were approved through Hamilton Housing Help Centre TOTAL= 3,315 households approved 	<ul style="list-style-type: none"> 1,364 households were approved for Rent Ready through City of Hamilton and Hamilton Housing Help Centre, 127 households approved through Hamilton Regional Indian Centre TOTAL = 1,491 households approved 	<ul style="list-style-type: none"> Anticipated 2,000+ households approved in 2024
Comparative Synopsis	<ul style="list-style-type: none"> No set outcome targets for number of individuals or households served. Rent Ready has significantly higher payment thresholds and therefore represents a greater depth of support. Benefits continue to be applied for at consistent rates through both funding streams. New Program Rationale: All beneficiaries of Rent Ready had also received/maximized Housing Stability Benefit, illustrating the need for deeper financial support needed to prevent homelessness. It is expected that the enhanced revised program will prevent homelessness and stabilize housing for an estimate of 2,000+ households depending on level of support requested. 		

Comparative Analysis Between Housing Stability Benefit, Rent Ready, and New Revised Program

Proportional Allocation of Funds **Housing Stability Benefit**

Year	Expense Category	Amount	Proportion (rounded)
2022	Last Month's Rent	\$618,766.32	22%
	Moving Costs	\$78,802.74	3%
	Rent Arrears	\$812,318.61	29%
	Moats/Interceptors/Encasements	\$41,423.59	1%
	Child Bed/Mattresses	\$311,542.00	11%
	Utility Arrears	\$282,687.11	10%
	Appliances	\$107,379.43	4%
	Other	\$32,080.50	1%
	HHCH Administration	\$382,967.84	14%
	Housing Administration	\$158,863.00	6%
	Total	\$2,826,831.14	

*This chart reflects the calendar year costs and timing differences exist when compared to the Fiscal Year AFR.

Proportional Allocation of Funds **Rent Ready**

Year	Expense Category	Amount	Proportion (rounded)
2022	Last Month's Rent	\$277,059.17	11%
	First Month's Rent	\$394,759.46	16%
	Rent Arrears	\$1,484,759.23	59%
	Utility Arrears	\$361,450.66	14%
	Total	\$2,518,028.52	

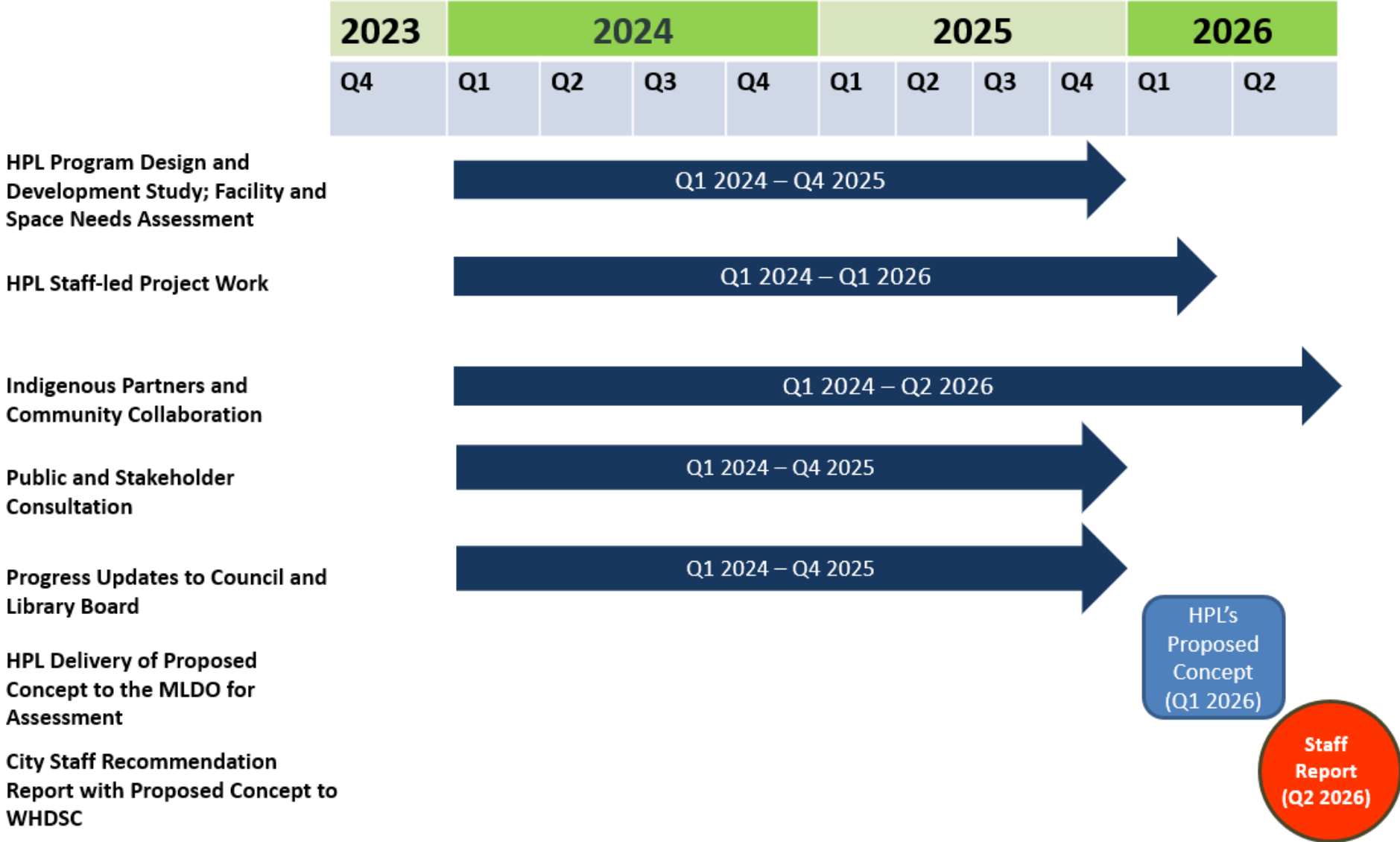
*This chart does not include the \$222,664.57 allocated to the Hamilton Regional Indian Centre for housing support funding.

Comparative Analysis Between Housing Stability Benefit, Rent Ready, and New Revised Program

Summary of Comparative Analysis

- Demand for a flexible and timely housing stability subsidy in Hamilton is significant.
- Sustained affordability is a central tenant for consideration in the development of a housing support program that balances need with time limited supports.
- The financial and time limitations of the Housing Stability Benefit program need to be revisited in relation to the efficacy of housing sustainability in the 2023 housing climate.
- Rent Ready offered greater flexibility for clients to quickly access higher amounts of benefits, which was critical during the COVID-19 pandemic.
- The majority of clients accessed Rent Ready for rental arrears (59%). A significant portion of people received the Rent Ready benefit multiple times for arrears (75% of all repeat applicant expenses), indicating a high depth of need though also risk of overreliance as a full housing subsidy.
- A significant proportion of people received a Rent Ready amount in excess of the Housing Stability Benefit limit of \$800 for singles and \$1,500 for families.
- Budgetary pressures necessitate a focused eligibility scope that balances flexibility with measurable and sustainable housing outcomes.

Hamilton Public Library Work Plan and Timeline





AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 23-018

9:30 a.m.

November 16, 2023

Council Chambers

Hamilton City Hall

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

THE AUDIT, FINANCE AND ADMINISTRATION COMMITTEE PRESENTS REPORT 23-018 AND RESPECTFULLY RECOMMENDS:

1. Stormwater Asset Management – Investigation of Recent Sewage Leaks (AUD23010) (City Wide) (Item 8.1)

- (a) That Report AUD23010, respecting Stormwater Asset Management – Investigation of Recent Sewage Leaks be received;
- (b) That the Management Response, as detailed in Appendix “A” to Audit, Finance and Administration Committee report 23-018, be approved; and
- (c) That the General Manager of Public Works be directed to implement the Management Responses (attached as Appendix “A” to Audit, Finance and Administration Committee report 23-018) and report back to the Audit, Finance and Administration Committee by May 2024 on the nature and status of actions taken in response to the audit report.

2. Fraud and Waste Annual Report (AUD23011) (City Wide) (Item 8.2)

That Appendices “B” and “C” to Audit, Finance and Administration Committee Report 23-018 be received.

3. 2024 Temporary Borrowing and Interim Tax Levy By-laws (FCS23109) (City Wide) (Item 10.1)

- (a) That Appendix “A”, attached to Report FCS23109, “By-law to Authorize the Temporary Borrowing of Monies to Meet Current Expenditures Pending Receipt of Current Revenues for 2024”, be enacted; and
- (b) That Appendix “B”, attached to Report FCS23109, “By-law to Authorize an Interim Tax Levy for 2024”, be enacted.

4. Recommendation for Sustainable Funding for the Hamilton Anti-Racism Resource Centre (CM20007(e)) (City Wide) (Item 10.2)

(Spadafora/Clark)

- (a) That the annualized amount of \$190,000.00 to support the ongoing operations of the Hamilton Anti-Racism Resource Centre be referred for Council's consideration to the 2024 Operating Budget;
- (b) That, if approved as part of the 2024 Operating Budget, any funding from the City of Hamilton for Hamilton Anti-Racism Resource Centre be allocated to Hamilton Anti-Racism Resource Centre annually through a transfer payment agreement facilitated by the Government Relations and Community Engagement division, and that each year's funding be conditional on the submission to the City of an annual report and audited financial statements produced by Hamilton Anti-Racism Resource Centre, and;
- (c) That any City funding for Hamilton Anti-Racism Resource Centre be used for the purposes of advancing education about race, racism, discrimination, racial equality, anti-racist theory and practice within the City of Hamilton, in alignment with Hamilton Anti-Racism Resource Centre mandate and by-laws attached as Appendix "A" and Appendix "B" to Report CM20007(e).

5. Development Charges Stakeholders Sub-Committee Report 23-003 (November 9, 2023) (Added Item 10.5)

(a) 2024 Development Charges Background Study and By-law Update (FCS23040(a)) (City Wide) (Item 11.1)

That the 2024 Development Charges (DC) Background Study, as prepared by Watson & Associates Economists Ltd., be released by staff prior to December 31, 2023.

(b) Exemptions and Policies – 2024 Development Charges Background Study and By-law Update (FCS23103) (City Wide) (Item 11.2)

- (i) That the following policies contained within the existing City of Hamilton Development Charges By-law (19-142) be maintained in the draft 2024 Development Charge By-laws prepared for public consultation:
 - (1) The Adaptive Reuse Exemption for Heritage Buildings (Section 29(f) of By-law 19-142);
 - (2) The Redevelopment of an Existing Residential Facility Limited Exemption (Section 29(e) of By-law 19-142);
 - (3) The Non-Industrial Development Stepped Non-Industrial Rates Exemption within the boundaries of the City's Community Improvement Project Areas (CIPAs) and

- Business Improvement Areas (BIAs) (Section 29(a) of By-law 19-142);
- (4) The 5,000 square foot Non-Industrial Expansion Exemption for Office Developments (Section 29(b) of By-law 19-142);
 - (5) Agricultural Use (Section 25(b) of By-law 19-142);
 - (6) The Place of Worship Exemption (Section 25(b) of By-law 19-142);
 - (7) Transition Policy (Section 41(a) of By-law 19-142);
 - (8) The Parking Exemption, other than Commercial Parking (Section 25(a) of By-law 19-142);
 - (9) The Temporary Building or Structure Exemption (Section 25(b) of By-law 19-142);
 - (10) Section 26 respecting a 70% exemption for Class A Office within the Downtown Community Improvement Area (CIPA) Exemption;
 - (11) Section 28 respecting limitations on stacking discretionary exemptions such that only the higher of any applicable discretionary exemptions apply to each development.
 - (12) The discretionary ERASE Deferral Agreement Policy (Section 34(b) of By-law 19-142);
 - (13) The discretionary Public Hospitals Deferral Policy (Section 34(d) of By-law 19-142);
 - (14) The discretionary Post-Secondary Deferral Policy (Section 34(e) of By-law 19-142);
- (ii) That the following policies contained within the existing City of Hamilton Development Charges By-law (19-142) modified in the draft 2024 Development Charge By-laws prepared for public consultation:
- (1) That the 50% Industrial Detached Expansion Exemption (Sections 21 to 24 of By-law 19-142) be removed;
 - (2) That the Downtown Community Improvement Area (CIPA) Exemption (Sections 26 to 28 of By-law 19-142) be modified in the draft 2024 Development Charge By-laws prepared for public consultation as follows:

- (a) Section 27(a) through (d) respecting a reduction for all other development within the Downtown CIPA be modified to apply a 40% exemption to non-residential development (including the non-residential portion of a mixed-use development) only;
 - (b) Section 27(e) respecting a Downtown Public Art Reallocation Option be removed;
 - (iii) That the Industrial Reduced Rate (Section 9(c) of By-law 19-142) be modified and renamed in the draft 2024 Development Charge By-laws prepared for public consultation such that:
 - (1) it provides a net 37% reduction in the overall Development Charge rate by editing the percentage of the Services Related to a Highway;
 - (2) the reduced rate no longer applies to Industrial Developments;
 - (3) the reduced rate applies to Artists' Studios and Production Studios.
 - (iv) That the discretionary exemptions in the draft 2024 Development Charge By laws prepared for public consultation apply to the net rates after the statutory phase in deduction (Section 5 (6) 4. of the Development Charges Act, 1997) has been applied.
 - (v) That the discretionary Deferral Agreement Policy (Section 34(a) & (c) of By law 19 142) be amended to permit staff to accept payment of DCs as early as building permit issuance where a statutory instalment plan has been legislated.
 - (vi) The Indexing Policy (Section 38 of By-law 19-142) be modified such that the initial indexing occurs on the date that the by-law is implemented and annually thereafter.
 - (vii) The Date By-law Effective (Section 44 of By-law 19-142) be set as June 1, 2024 in the draft 2024 Development Charge By-laws prepared for public consultation.
- (c) Area Specific and Local Service Policy – 2024 Development Charges Background Study and By-law Update (FCS23104) (City Wide) (Item 11.3)**
- (i) That as required by Section 10 (2) (c.1) of the *Development Charges Act, 1997*, the following services continue with a City-wide approach to Development Charges and included in the 2024 Development Charges Background Study prepared for public consultation:

- (1) Transit
- (2) Services Related to a Highway
- (3) Public Works
- (4) Waste Diversion Services
- (5) Policing Services
- (6) Fire Protection Services
- (7) Ambulance Services
- (8) Library Services
- (9) Long-term Care Services
- (10) Parks and Recreation Services
- (11) Public Health Services
- (12) Childcare
- (13) Provincial Offences Act Administration

(ii) That as required by Section 10 (2) (c.1) of the *Development Charges Act, 1997*, the following service continue with an Area Specific Development Charge and included in the 2024 Development Charges Background Study prepared for public consultation:

- (1) Storm Water Services – Calculated on a combined versus separated sewer system;

(iii) That as required by Section 10 (2) (c.1) of the *Development Charges Act, 1997*, the following services continue with a City-wide approach to Development Charges and included in the 2024 Development Charges Background Study prepared for public consultation:

- (1) Water (urban);
- (2) Wastewater Facilities (urban);
- (3) Wastewater Linear (urban);

(iv) That the Special Area Charge for Dundas / Waterdown (wastewater capacity) continue to be applied on an area-specific basis;

(v) That in accordance with Section 59.1(1) and (2) of the *Development Charges Act, 1997*, a Local Service Policy be recommended for inclusion in the 2024 Development Charges Background Study prepared for public consultation and that the draft principles attached as Appendix “A” to Report FCS23104 be approved.

6. Disaster Relief Assistance – Watermain Break (Hyde Park Avenue and Glenside Avenue) on November 12, 2023 (Added Item 11.1)

WHEREAS residents of properties near the intersection of Hyde Park Avenue and Glenside Avenue in the City of Hamilton have experienced flooding as a result of a watermain break on November 12, 2023 and have incurred clean-up costs and property damage or loss;

WHEREAS Council desires to provide a compassionate grant of up to \$1,000 for residents' losses due to water damage and basement flooding for residential properties affected by this watermain break; and

WHEREAS the compassionate grant will rely on the Eligibility Criteria for the Residential Municipal Disaster Relief Assistance Program for Basement Flooding as approved by Council on August 9, 2006, in report FCS06007, respecting Proposed Residential Municipal Disaster Relief Assistance Program for Basement Flooding, except as it relates to the basement flooding arising from a severe rain storm event;

THEREFORE, BE IT RESOLVED:

- (a) That for the purpose of invoking the Residential Municipal Disaster Relief Assistance Program for Basement Flooding, Council declares the watermain break event at the intersection of Hyde Park Avenue and Glenside Avenue of November 12, 2023, as a "Disaster" for all affected residential properties within Ward 1 in the City of Hamilton;
- (b) That payment of claims be based on compassionate grounds only and shall not be construed as an admission of liability on the part of the City of Hamilton;
- (c) That the compassionate grant be payable in an amount being the lesser of \$1,000, the level of the resident's insurance deductible, or the resident's actual expense and loss incurred as a result of flooding, and further that the grant otherwise be determined under the Eligibility Criteria for the Residential Municipal Disaster Relief Assistance Program for Basement Flooding as approved by Council on August 9, 2006, in report FCS06007, respecting Proposed Residential Municipal Disaster Relief Assistance Program for Basement Flooding;
- (d) That the payment of the claims be funded from the Waterworks Reserve (108015); and,
- (e) That staff be authorized, if necessary, to retain independent adjusting services for the administration of claims under the Residential Municipal Disaster Relief Assistance Program for Basement Flooding and that these administrative costs be funded from the Waterworks Reserve (108015).

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

10. DISCUSSION ITEMS

- 10.3 Downtown Hamilton Business Improvement Area Amendment to Schedule of Payments (PED23202) (Ward 2)
 - a. Downtown Hamilton Business Improvement Area Amendment to Schedule of Payments (PED23202) (Ward 2) - **REVISED - subsequently WITHDRAWN**
- 10.4 Barton Village Business Improvement Area Amendment to Schedule of Payments (PED23203) (Wards 2 and 3)
 - a. Barton Village Business Improvement Area Amendment to Schedule of Payments (PED23203) (Wards 2 and 3) - **REVISED - subsequently WITHDRAWN**
- 10.5 Development Charges Stakeholders Sub-Committee Report 23-003 (November 9, 2023)

12. NOTICES OF MOTION

- 12.1 Disaster Relief Assistance – Watermain Break (Hyde Park Avenue and Glenside Avenue) on November 12, 2023

The agenda for the November 16, 2023 Audit, Finance and Administration Committee meeting, was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

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

(i) November 2, 2023 (Item 4.1)

The Minutes of the November 2, 2023 meeting of the Audit, Finance and Administration Committee, were approved, as presented.

(d) STAFF PRESENTATIONS (Item 8)

(i) Stormwater Asset Management – Investigation of Recent Sewage Leaks (AUD23010) (City Wide) (Item 8.1)

Brigitte Minard, Deputy Auditor General, and Jeff Reitsma, 30 Forensics, addressed Committee respecting the Stormwater Asset Management – Investigation of Recent Sewage Leaks, with the aid of a presentation.

The presentation from Brigitte Minard, Deputy Auditor General, and Jeff Reitsma, 30 Forensics, respecting Stormwater Asset Management - Investigation of Recent Sewage Leaks, was received.

For further disposition of this matter, refer to Item 1.

(ii) Fraud and Waste Annual Report (AUD23011) (City Wide) (Item 8.2)

- (1) Charles Brown, Auditor General, and Brigitte Minard, Deputy Auditor General, addressed Committee respecting the Fraud and Waste Annual Report (AUD23011) (City Wide), with the aid of a presentation.

The presentation from Charles Brown, Auditor General, and Brigitte Minard, Deputy Auditor General, respecting the Fraud and Waste Annual Report (AUD23011) (City Wide), was received.

(2)

- (a) That Appendices “A” and “B” to Report AUD23011 be received; and
- (b) That the creation of one Full Time Equivalent (FTE) employee for a Senior Auditor which was previously referred to the 2024 Operating Budget be deferred to the 2025 Operating Budget.

(3)

That Report AUD23011, respecting Fraud and Waste Annual Report, ***was amended*** by deleting subsection (b) in its entirety, as follows:

- (a) That Appendices “A” and “B” to Report AUD23011 be received; and

~~(b) ***That the creation of one Full Time Equivalent (FTE) employee for a Senior Auditor which was previously referred to the 2024 Operating Budget be deferred to the 2025 Operating Budget.***~~

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

(e) NOTICES OF MOTION (Item 12)

- (i) Disaster Relief Assistance – Watermain Break (Hyde Park Avenue and Glenside Avenue) on November 12, 2023 (Added Item 12.1)**

The Rules of Order were waived to allow for the introduction of a motion respecting Disaster Relief Assistance – Watermain Break (Hyde Park Avenue and Glenside Avenue) on November 12, 2023.

For further disposition of this matter, refer to Item 6.

(f) ADJOURNMENT (Item 15)

There being no further business, the Audit, Finance and Administration Committee, was adjourned at 11:35 a.m.

Respectfully submitted,

Councillor Cameron Kroetsch, Chair
Audit, Finance and Administration
Committee

Tamara Bates
Legislative Coordinator
Office of the City Clerk



Hamilton

OFFICE OF THE
AUDITOR GENERAL

Stormwater Asset Management – Investigation of Recent Sewage Leaks

Recommendations and Management Responses

November 16, 2023

**Office of the Auditor General
Nancy Hu, Senior Auditor
Brigitte Minard, Deputy Auditor General
30 Forensic Engineering**

Introduction

As a result of the investigation completed by 30 Forensic Engineering on behalf of the Office of the Auditor General, opportunities for improvement were identified and five recommendations were made (as noted in Appendix “A” to Report AUD23010).

The Office of the Auditor General requested management responses from the Hamilton Water Division in the Public Works Department.

Recommendation 1

The approach prescribed in the Stantec report – which was in many respects already underway within Hamilton Water – be continued, namely:

- The Existing Sewer Lateral Cross-Connection Program.
- Existing passive monitoring and complaints-driven processes to identify and investigate suspected cross-connections and spills;
- Continue and expand the Risk-Based Proactive Pilot Program in the high-risk central Hamilton combined sewer system and use this as a launching pad for a permanent System-wide Unauthorized Discharges Removal and Inspection Program (SUDRIP); and
- Review and revise these programs over time to ensure they remain a good value from a risk-reward program as infrastructure is renewed, cross-connections are repaired, and high-risk areas are cleared.

Management Response

Agree.

Hamilton Water will continue to action the programs highlighted in recommendation one. Hamilton Water took a recommendation report to Public Works Committee on September 8, 2023, recommending the implementation of the System-wide Unauthorized Discharges Removal and Inspection Program (SUDRIP). The recommendations were approved by Council on September 13, (PW22088(b)).

Estimated Completion: Council approved the resources needed to implement the System-wide Unauthorized Discharges Removal and Inspection Program (SUDRIP) program. Hamilton Water is currently working to create the new

positions and begin recruiting. It is expected that the 11 positions will be posted in October or early November of 2023 with the intent to fill them in Q1 2024.

Hamilton Water's quality management systems requires Hamilton Water to continually review its programs and make improvements.

Recommendation 2

Use and refine Hamilton Water's risk-scaled communication and response (for as-yet-undiscovered leaks/cross-connections). As it is likely that residual risk exists that new leaks/spills may be uncovered; therefore, transparency and response planning remain important.

Management Response

Agree.

Council approved the Hamilton Water Sewage Spills Communications Guideline on February 22, 2023 (PW22088(a)). As a result, Hamilton Water created the procedure "PW-WW-P-012-018 - Sewage Spills Communication Plan" under Hamilton Water's wastewater quality management system. Procedures are reviewed at a minimum every 3 years. Since this is a new procedure that is critical to ensuring effective and transparent communication with Council, the community, and the City's partners this procedure is scheduled for a review in Q1 2024.

Estimated Completion: Complete/Ongoing. The new communications procedure is currently in use and will be reviewed in the first quarter of 2024 and at a minimum of every 3 years thereafter or earlier if required.

Recommendation 3

Continue with protocols for the validation and integration of asset management information across the IPS, WIMS, and SPIDER systems during design, construction, and maintenance activities. Long-term establishment of a unified asset management database should remain a priority to facilitate inter-divisional collaboration and communication which were a hallmark of the excellent response to the three identified spills.

Management Response

Agree.

The existing protocols that have been refined over time will continue to be followed for the verification and integration into the different systems noted in

recommendation three. Currently there is a Public Works project to implement an Enterprise Asset Management (EAM) system that will consolidate the various asset management systems used across Public Works. This system is expected to be operational for Hamilton Water by quarter one 2026.

Estimated Completion: EAM is being implemented across the various Divisions of Public Works in a phased approach and is expected to be operational for Hamilton Water by Q1 2026.

Recommendation 4

Consider the incorporation of risk-based inclusion of Hamilton Water and Hamilton ES expertise across divisions on design and construction projects at key milestones (e.g., pre-tender design reviews, pre-construction field surveys, CCTV inspections) to increase the frequency of personnel with optimal and timely expertise being part of projects, particularly those wastewater projects with higher risks of cross-connections, spills, or other community impacts.

Management Response

Agree.

The current Engineering Services Division capital delivery process incorporates cross divisional scope collection and design reviews at key milestones. These activities will continue to evolve as part of an overall effort and commitment to continuous improvement and quality management.

Action Items:

Develop and establish a process for Infor Public Sector (IPS) data collection standard so that all stakeholders undertaking CCTV sewer inspection capture and record the data in IPS.

1. Establish and formalize a process for data collection for CCTV sewer inspection and escalation.
2. Training – Ensure staff are being trained and updated on sewer inspection standards and methodologies.

Estimated Completion: Q4 2024. Lead Responsibility: Engineering Services Division with support from the Hamilton Water Division.

Recommendation 5

Continue to evaluate opportunities for improvement on a cost-benefit basis including costs to the natural environment and community, for policies associated with infrastructure investment and operation as they relate to stormwater management.

Management Response

Agree

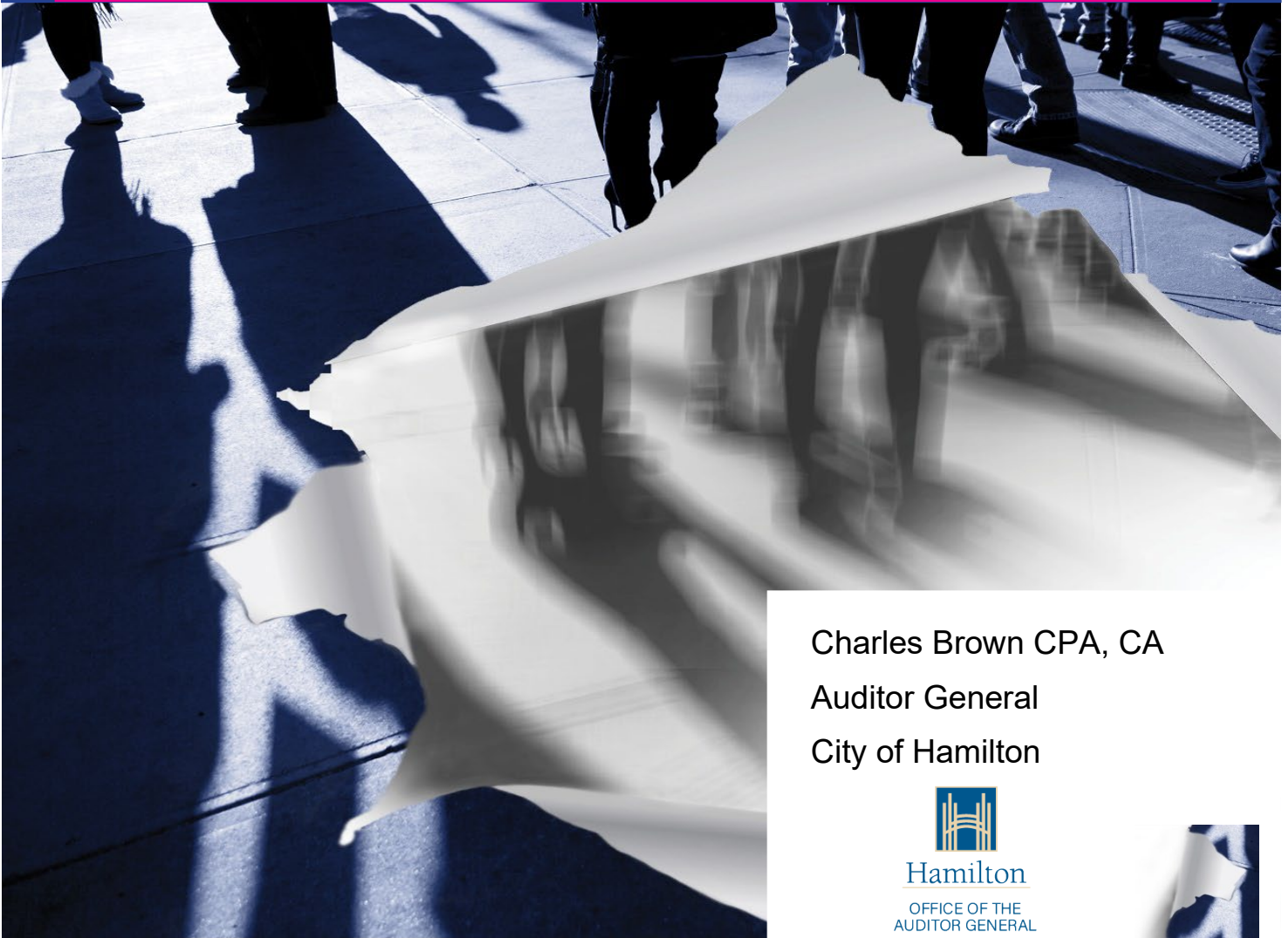
The City will continue to look for and evaluate opportunities for improvement in the areas noted in recommendation five as they relate to stormwater management. This will be done in accordance with Hamilton Water's Wastewater Quality Management System, the City's Water, Wastewater and Stormwater Master Plan and industry best practices.

Estimated Completion: Ongoing.

City of Hamilton
Office of the Auditor General

FRAUD AND WASTE ANNUAL REPORT

July 1, 2022 to June 30, 2023



Charles Brown CPA, CA
Auditor General
City of Hamilton



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Summary and Commentary

This year’s Fraud and Waste Annual Report reflects the fourth year of activity of the hotline since it was launched in July 2019. It provides a summary of the complaints received, the investigations launched, and the results and actions that took place related to allegations of fraud and government waste.

During the first year, July 2019 to June 2020, the volume of reports received by the Office of the City Auditor exceeded initial expectations, with 85 reports being received. For the second year, July 2020 to June 2021, the volume of activity continued to exceed expectations with 80 reports received. For the third year, the volume increased significantly with 107 reports received.

In this fourth year, volume rose to even higher levels, with 159 reports being received, a 49% year over year increase in reports. During the first three months of the fifth year of implementation there were 22 complaints reported. Clearly, the hotline continues to be well used.

With 159 complaints received in the most recent reporting year we have noted that 48% come from self-identified employees and 52% from the public. While most of the complaints we receive are dealt with through referral and report back, a significant number (13), involved investigation by our Office. Overall the substantiation rate of complaints received was 31%. We also continued to follow the approach of the previous year by making it a practice to initiate spontaneous system or process audits in response to issues that could have systemic repercussions. In that regard we launched audits and/or reviews of Stormwater Asset Management – Investigation of Recent Sewage Leaks (AUD23010), and we are in the final stages of fieldwork of a significant audit of Real Estate Leases and Licensing that is expected to be reported to the Audit, Finance, and Administration Committee in Q1 2023. Due the high volume employee benefits fraud reports received by the OAG, an audit of employee extended health and dental benefits administration has also been launched, with audit planning work underway.

The purpose of the hotline and ensuing investigation of complaints is to ensure honesty, integrity and accountability in the operations of the City. One of the significant benefits is that it affords an opportunity to identify systemic problems, themes or emerging issues that can be considered by City management in their operations and Council in their governance.

An item to note is that for losses substantiated, there were more losses due to fraud rather than waste for the first time since the launch for the Fraud and Waste Hotline. This is due, primarily, to a new, and significant issue that came to prominence in this reporting period – employee benefits fraud. There was a total of 10 reports made involving current or former City employees, and their dependents. Some of the matters were investigated by HR, but one complex,

multi-respondent investigation was completed by the OAG for six of these employees, with the expert support of an external forensic firm. There were several instances where benefits fraud was substantiated, with confirmed losses of over \$43,400. Due to the serious nature of the investigation's findings, the OAG considers this to be a high-risk area for the organization, and the OAG has serious concerns about the organization's current profile of fraud risk pertaining to benefits claims.

One issue that OAG is bringing forward for the third year in a row is the apparent difficulty that management experiences in properly dealing with conflict of interest (COI) situations that arise with employees of the City. Since the hotline was implemented, the OAG has investigated no fewer than 19 instances (more if reports where conflict of interest is one of several topics being looked into are considered) where either the disclosure process or the related mitigation of the conflict of interest has been an issue. Conflicts of interests continue to be one of the most persistent, serious, and time-consuming types of complaints received and investigated by the OAG. The OAG does note that a new version of the Code of Conduct for Employees was approved by Council in 2023, and the reporting process for COI's was revamped, but it is too soon for the OAG to comment on the effectiveness of these process changes. Accordingly, we recommend that senior leadership continue its review of its current process to rationalize and improve the effectiveness with which conflicts of interest are both disclosed and mitigated, and most importantly to elevate the importance of proper disclosure of potential conflicts.

In addition to the recurring theme of conflict of interest policies and processes, we also site emerging issues with the veracity of the City's contract management processes. In a previous audit of the Grightmire Arena project we noted needed improvements, and some of those same issues in the lack of vigorous contract oversight have been evident in some of the cases, both in contracted services and also in transfer payments made to third parties. Further, we have continuing concerns over the risks to the City in protecting against cyberfraud as evidenced by the investigation this year in which the City directed over \$52,000 in payments to an imposter vendor.

Finally, in March of this year Council gave its approval for making the Fraud and Waste Hotline permanent. In doing so it gave authorization for the OAG to enter into negotiations with the existing provider of hotline services toward the establishment of a new contract due to expiry of the old one. The hotline annual service cost during the previous contract was fixed at \$12,500 per year and ran for four years. Under a newly negotiated arrangement OAG has agreed to pay the vendor \$14,750 for an initial three year term, with the option of extending for two more years at modest increases. In its approval Council directed that funds previously approved for the pilot be exhausted first so there will be no effect on the tax operating budget until 2025.

About the Fraud and Waste Hotline

The Fraud and Waste Hotline provides City of Hamilton employees, contractors, vendors, and members of the public a convenient, confidential, and anonymous way to report suspicion or proof of wrongdoing. Wrongdoing is defined as any activity that could be illegal, dishonest, wasteful, or violates a City of Hamilton policy.



Fraud encompasses any array of irregularities and illegal acts characterized by intentional deception.



Waste involves taxpayers not receiving reasonable value for money in connection with any government funded activities, due to mismanagement or an inappropriate or careless act or omission by those with control over or access to government resources.



Whistleblower By-law No. 19-181 is intended to help uncover serious wrongdoing at the City, by bringing it to the attention of management and the Auditor General or their designate, and to ensure it is addressed appropriately, including by means of an investigation where required. The City of Hamilton has had a Whistleblower By-law in force since 2010 (previously By-law No. 09-227).

The Fraud and Waste Hotline enables the City of Hamilton to operate with a high level of honesty and integrity. The Fraud and Waste Hotline is managed by the Office of the Auditor General (OAG), an independent and objective office accountable to Council.

The Office of the Auditor General reviews and assesses every Hotline report to ensure it was made in good faith and if necessary, launch an investigation. The Office of the Auditor General conducts an objective and impartial assessment of each report, regardless of the alleged wrongdoer's position, title, length of service, or relationship with the City.

Alignment to the 2016-2025 Strategic Plan

The Fraud and Waste Report supports the following City strategic objectives:

Community Engagement and Participation

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

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

Alignment to 2023-2026 Council Priorities

The Fraud and Waste Report supports the following Council priorities:

Responsiveness & Transparency

Government plays an important role in people’s lives through the provision of vital services, programs and support systems. To fulfill those responsibilities, City Hall must continue to develop its approach to public engagement, respond effectively and efficiently to public need and feedback, and communicate its approach in an accessible and transparent manner.

Outcome 3: Build a high performing public service

Introduction

This is the Fraud and Waste Annual Report on fraud, waste and whistleblower matters at the City of Hamilton and includes information about the activities of the Fraud and Waste Hotline.

It highlights the reports that have been communicated to the Office of the Auditor General from July 2022 to June 2023. It does not represent an overall picture of fraud, waste, or other wrongdoing across the City of Hamilton.

Fraud and Waste Hotline Program

Pilot launched July 2019, made permanent in March 2023

The Fraud and Waste Hotline was established to help protect City of Hamilton assets and reduce losses. Since its launch in July 2019, the cumulative total of actual and potential losses investigated is approximately \$1,287,000, with about \$35,900 recovered via repayments/restitution/asset recovery. Effective March 2023, City Council made the Fraud and Waste Hotline a permanent program. Additionally, the Fraud and Waste Hotline provides the following benefits that cannot be quantified:

- Deterring fraud, waste, and wrongdoing,
- Strengthening internal controls and mitigation of risks,
- Improving policies and standard operating procedures,
- Building a culture of accountability,
- Better value in service delivery through increasing operational efficiencies,
- Using hotline report data to identify trends, manage risks, make results-oriented recommendations to management, and inform future audits for the Office of the Auditor General work plan, along with spontaneous audits for high-risk areas.

No dedicated Fraud and Waste team

The Office of the Auditor General operates the Fraud and Waste program in addition to their other audit assignments. The Office of the Auditor General are a team of professionals who collectively possess the expertise to assess a broad range of reports and conduct investigative work into allegations ranging from simple to complex. When required, the Office of the Auditor General engages outside experts to assist on complex investigations or specialty work due to the small size of the team. Investigation costs are recovered from the home department, per the Fraud Policy and Protocol.

Independent oversight

The Office of the Auditor General also provides independent oversight of management-led investigations by reviewing the adequacy of work performed and evaluating mitigation plans to protect City of Hamilton assets, reduce the risk of future losses, and prevent and deter future fraud, waste, or wrongdoing.

Anonymity of the Fraud and Waste Hotline

Fraud and Waste Hotline intake is independently operated by a third party, Whistleblower Security Inc. Whistleblower Security Inc. provides IntegrityCounts, a Certified Ethics Reporting System, which is a confidential way to report important information and ethical misconduct. Providing any personal information, such as your name, is optional. For any person willing to identify themselves, their information will remain confidential and will not be disclosed unless the Auditor General is compelled to do so by law.

The Office of the Auditor General may have questions or require additional information about a reported incident and will communicate using the Fraud and Waste Hotline anonymous messaging system.

All participants in a fraud and waste investigation are required to keep the investigation details and results confidential.

Role of the Auditor General

The City of Hamilton has appointed the Auditor General as an Auditor General under the Municipal Act (via By-law No. 19-180, and previously No. 12-073) since 2012. This position has the responsibility to assist City Council in holding itself and its administrators accountable for stewardship over public funds and value for money in City operations. This responsibility is fulfilled by completing audits, operating the Fraud and Waste Hotline and conducting investigations as required.

Report Sources

Reports in good faith are made in one of the following ways:



Online at hamilton.ca/fraud



Email to cityofhamilton@integritycounts.ca



Phone 1-888-390-0393



Mail to PO Box 91880, West Vancouver, BC, V7V 4S4



Fax to 1-844-785-0699

Overview

53 Reports
 Directly Received by the
 Office of the Auditor
 General (Proxy)

31 Proxy Reports Sent by
 City Staff, Management,
 HR, Finance, Council
 Members

48% of Reporters
 Self-Identified as an
 Employee

52% of Reporters were
 non-Employees

Total Investigations
 Launched (Current Year)
 13

\$132,000 Loss or
 Waste/Mismanagement
 Substantiated
 (\$1.287M since
 Hotline launch)

Number of Reports

159

Number of Reports
 Since Hotline Launch

431

Number of Reports by Source

58



Online

62



Email

37



Phone/
 In Person

2



Mail

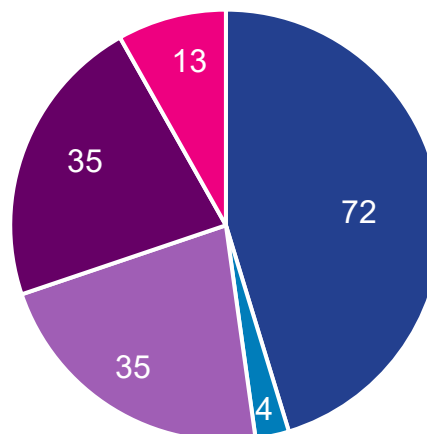
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Fax

Report Types

July 1, 2022 to June 30, 2023



Referral – Response Required – 72

Referral – No Action Required – 35

No Response Required/ Out of Jurisdiction/ Not Enough Information – 35

Investigations Launched (Current Year) - 13

Pending/In Progress - 4

Investigation Type

2



Fraud

3



Waste

5



Combined Fraud and
 Waste/Mismanagement

3

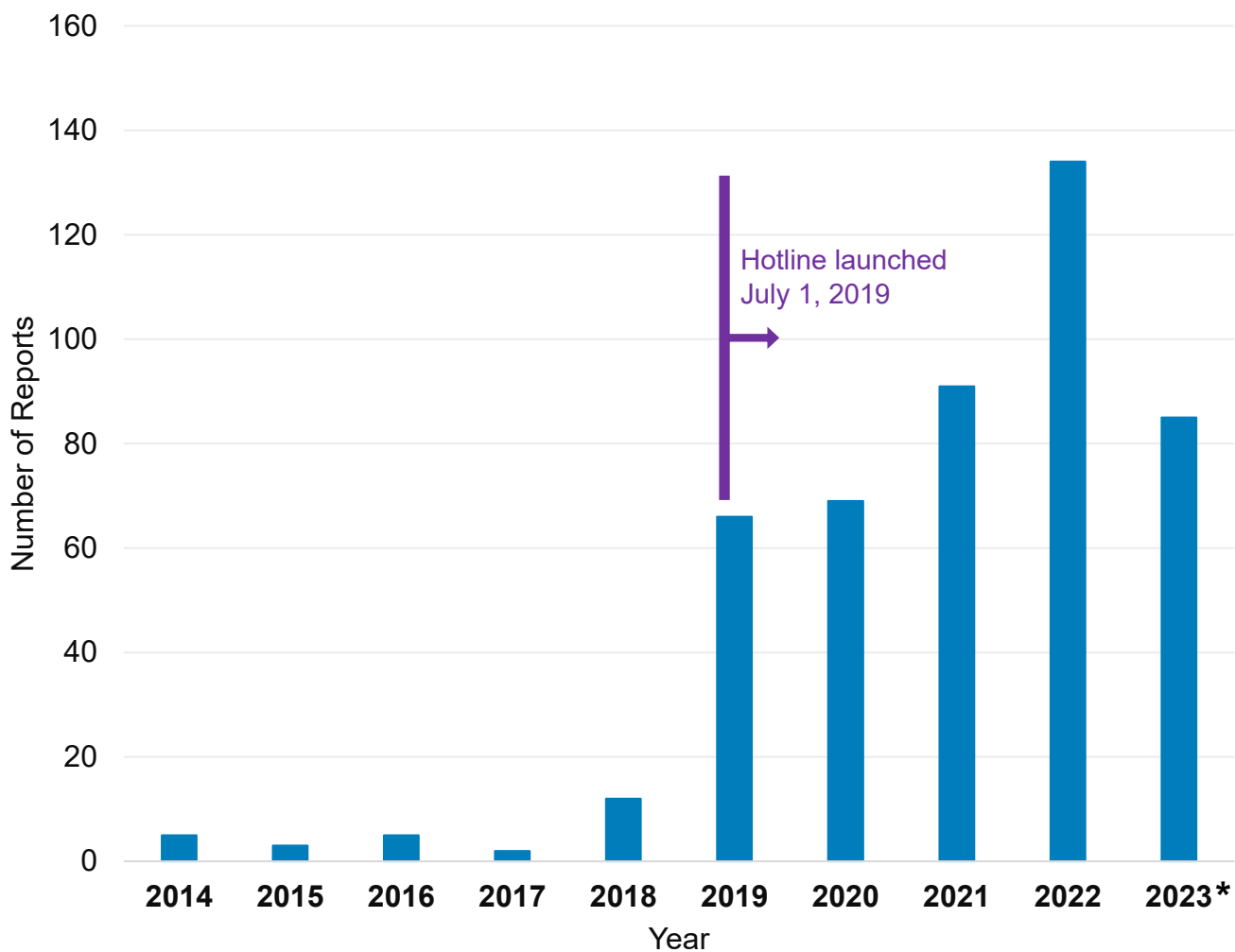


Whistleblower

Historical Volume

This chart depicts the number of fraud, waste, and whistleblower reports from 2014 to June 2023. Between 2018 to 2022, the Office of the Auditor General saw a large increase in reports since the Fraud and Waste Hotline was announced in late 2018 and launched in July 2019. This trend continued into the first half of 2023.

City of Hamilton Fraud, Waste, and Whistleblower Report Volume January 1, 2014 to June 30, 2023



*as at
June 30, 2023

Work Volume

A total of 159 reports were assessed by the Office of the Auditor General in the twelve-month period between July 1, 2022 to June 30, 2023.

There are no staff dedicated solely to the Fraud and Waste Hotline Pilot Program. Existing staff are used to complete assessments and investigations, with some limited usage of external specialty expertise for investigations that require additional support.

In total, about 3,744 hours were spent on Fraud and Waste Hotline administration, assessment, investigations and reporting during this 12-month period. This is approximately equivalent to 2.0 frontline audit FTEs annually (excluding management's time spent on hotline matters). Another way of looking at the resource requirements, the effort is similar to having completed 4 to 5 audits of significant scope and complexity. There are a total of 5 frontline employees in the OAG, when the OAG is fully staffed, there have been significant vacancy and recruiting challenges experienced during this reporting period. It is estimated that management spends between 30-50% of their time on Fraud and Waste matters, depending on the active number of files at any given point in time. Compared to the prior year, a slightly decreased amount of time was spent on Fraud and Waste Hotline matters (prior reporting period was 2.3 FTEs), however this nevertheless had a serious impact as the OAG had 2 of 5 frontline audit FTE positions vacant during this reporting period. The amount of time spent on Hotline matters has been significant in each 12-month reporting period since Hotline's launch.

Reports

From July 2022 to June 2023, a total of 159 reports were received and assessed.

Of the 159 reports received, 106 (67%) reports were received via the third-party hotline operation. Another 53 (33%) reports were received directly by the Office of the Auditor General and were entered as a proxy into the case management system that is provided as part of the IntegrityCounts service contract. Of the 53 proxy reports received directly by the OAG, 29 were made by City staff and management, 22 items were received directly from residents, and two were received directly from City Council members.

For reports received regarding Ontario Works (OW) and Housing Services social services matters, these were referred to OW and Housing Services for assessment and investigation. The investigations were handled by OW/Housing Services, not the OAG. The substantiation status is reported to the OAG for the tracking of aggregate statistics. The OAG reserves the right to investigate any

matter which is not found to be satisfactorily investigated. In this reporting period, there was an uptick in the volume of hotlines cases received by the OAG team relating to OW that were substantiated and actioned by the OW team.

Employee Reports

Seventy-seven (77) of these 159 reports were reported by City of Hamilton employees (48% vs 64% in the prior year). Thirty-four (34) of the 77 employee reports were made anonymously (44% vs 51% prior year). The remaining 43 reports were employees that identified themselves. Many of these 43 reports where the employee identified themselves were employees working in HR, Finance, and Management where they had an awareness of the Fraud Policy and Protocol and of their responsibility to report matters to the Office of the Auditor General as part of their job duties.

The Office of the Auditor General continues to encourage employees and management to submit reports and thanks all those that submitted reports for this reporting period, and for their cooperation during report assessments and investigations.

Reports from the Public

All reports received from the public were assessed and investigated as appropriate. The Office of the Auditor General continues to encourage members of the public to submit reports and thanks all those that submitted reports for this reporting period and for providing additional information as requested.

Anonymous Reports

When a report is made anonymously, it automatically does not qualify as a whistleblower disclosure per the Whistleblower By-law, although it may meet the definition of serious wrongdoing. The vast majority of the reports the Office of the Auditor General received do not qualify as a whistleblower matter due to the fact that they come from citizens or else employees that wish to remain anonymous. In fact, a sizeable proportion of employee reports (34 of 77) do not qualify as a whistleblower disclosure because of anonymity. Overall, 93 of the 159 (59%) reports received for the current 12-month reporting period were anonymous.

It should be noted that anonymous reports are able to be effectively assessed and investigated if the Reporter provides a sufficient level of information. The OAG is able to communicate with an anonymous reporter in the case management system, as long as the Reporter chooses to enable this feature and periodically returns to the online system for exchange of messages. City of Hamilton employees continue to prefer making anonymous reports to the Hotline. While anonymity is not necessarily a constraint to the Office of the Auditor General investigations, the ability to dialogue with a Reporter through the IntegrityCounts online messaging system has proven effective in assisting with investigations.

Reports Involving Whistleblower



3

1

July to December 2022
(Previously Reported)

January to June 2023

Whistleblower Disclosure

By-law 19-181 (Whistleblower By-law), Section 19 - Responsibility of the Auditor General requires reporting to Council semi-annually, in the aggregate, on the number, nature and outcome of disclosures of serious wrongdoing made under this By-law. Activity for July to December 2022 was reported to Council in July 2023.

There were four qualifying Whistleblower disclosures from July 2022 to June 2023.

Three items were reported in the Fraud, Waste, and Whistleblower Semi-Annual Update (AUD23009) covering the period July 2022 to December 2022.

For the first item, the report category is Multiple Categories Applicable (Vendor/Contractor Wrongdoing, Theft/Misuse of Assets and Other-Safety Concerns). The outcome is that the report was partially substantiated.

For the second item, the report category is Conflict of Interest. The outcome is that the report was substantiated, and the (former) employee resigned. For the third item, the report category is Conflict of Interest. The outcome is that the report was unsubstantiated.

There was one report received from January to June 2023. The report's category was Multiple Categories Applicable (Employee Misconduct/Code of Conduct, Fraud) and the outcome is substantiated, and the (former) employee was permitted to resign through a confidential settlement.

Report Categories

A wide variety of reports were received by the Office of the Auditor General for the 12-months covered in this reporting period. The most common report categories were the following:

Top Report Categories (Current Year) Period Summary: July 1, 2022 to June 30, 2023

Multiple Categories Applicable	32
Social Services – Fraud/Wrongdoing	32
Service Complaint/Concern	28
Out of Jurisdiction	19
Time Theft and/or Misconduct	7
Employee Benefits Fraud	6
Conflict of Interest	5
Phishing/Identity Theft	5
Improper Financial Reporting/Budgeting	4
Waste/Mismanagement	4
Theft/Misappropriation	2
Contractor/Vendor Wrongdoing	1
Fraud	1
Public Safety	1
Other Various Categories	12
Total Reports	159

Having the top report category be “Multiple Categories Applicable” is indicative of the growth in complexity of the reports we receive, many of which contain multiple allegations that need to be assessed and investigated (if applicable).

Prior Year Reports

Seventeen open reports were reported at the time the 2021-2022 Fraud and Waste Annual Report was issued. The assessments and investigations were completed by the Office of the Auditor General with the following outcomes: 6 were substantiated, 1 was partially substantiated, 2 were unsubstantiated, 1 had a status "Not Applicable", and 7 are in progress or have an outcome pending.

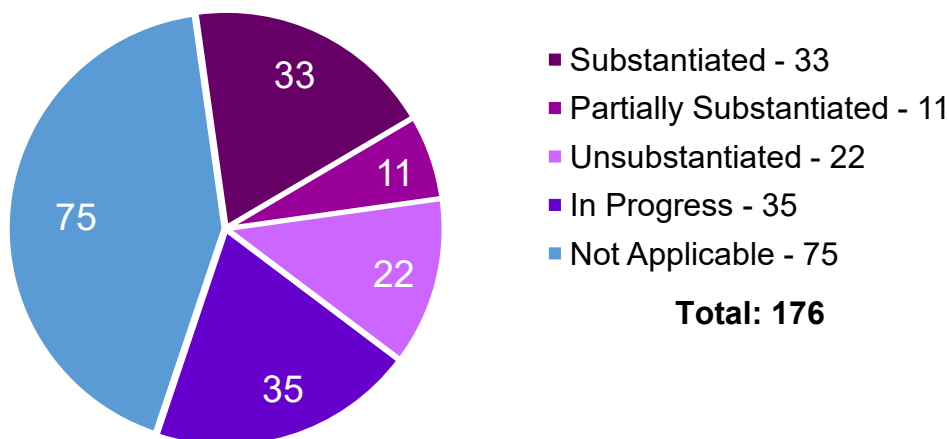
The most common reason for the seven reports being in progress or having an outcome pending are that an audit is in progress, with results expected to be reported in 2024, employees being on leave so the outcome remains as pending, or the OAG is waiting on management to provide information. Outcomes are included in the section above for reports that were closed during the current reporting period.

Substantiation

One way of summarizing outcomes is to report on the volume of reports that were substantiated, that is the number of reports where the allegation(s) were found to have merit and were able to be proven by reviewing evidence or with findings from interviews.

Of the reports received from July 2022 to June 2023 (plus any carryforward reports from prior years) the following is a summary of substantiated status. A substantiation result is not applicable (N/A) if a report was out of jurisdiction, the assessment result was that no action was to be taken, or if the report was to be referred elsewhere with no response required.

Volume of Reports Substantiated



Typically, a result is "pending" if the report is still in process of being assessed and/or investigated. Overall the current substantiation rate including carryforward reports from the previous reporting period (both substantiated and partially substantiated) is 31%.



The City of Hamilton's substantiation rate for the prior reporting period was 32%. For comparative purposes, in the City of Toronto Auditor General's 2022 Annual Report on the Fraud and Waste Hotline, 10% of complaints from 2022 that were investigated were substantiated in whole or in part. In the City of Ottawa's 2022 Report on the Fraud and Waste Hotline, 27% of reports closed in 2022 were substantiated. The substantiation rate will vary annually, depending on the mix of reports received by the OAG and the number of reports in progress at the end of reporting period, which have their substantiation rate counted in the reporting period that the work is completed and the report is closed.

Loss or Waste/ Mismanagement Substantiated

It is difficult to measure or substantiate a precise cost of fraud and waste. Incidents sometimes remain undetected for long periods of time. It is also challenging at times to determine the entire time period that a fraud or waste was occurring, which makes it hard to quantify losses.

\$1.287M
Loss or Waste/
Mismanagement
Substantiated
Since Hotline
Launch

As at October 31, 2023, the amount of confirmed loss or waste substantiated by the Office of the Auditor General since the last Annual Report was issued was \$132,000. Of this amount, \$110,000 was fraud and \$22,000 was waste. Since the launch of the Hotline cumulatively \$1,287,000 of loss or waste has been substantiated. Of this amount \$220,600 was fraud, \$1,009,400 was waste, and for \$57,000 a category could not be determined.



Disciplinary Action

The Office of the Auditor General is not responsible for disciplinary actions (including terminations). Investigation results are shared with Management and Human Resources. The Office of the Auditor General is informed of terminations and disciplinary actions, and this information is tracked and compiled for reporting purposes. The number of disciplinary and other actions will vary from year to year. This number is not controlled by the OAG and is reported for information purposes only.

As at the date of report publication, the following disciplinary actions related to investigations had been confirmed by the Office of the Auditor General:

- 9 Terminations,
- 9 Other Actions Taken (includes 5 employee resignations, 1 retirement and no re-hire condition, 2 non-disciplinary letters issued and 1 discipline issued).

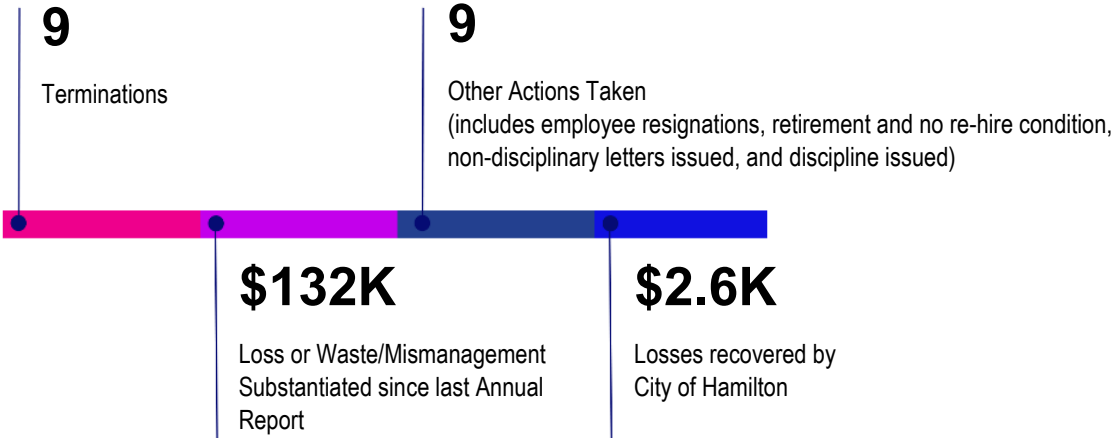
Recoveries and Impact

As at October 31, 2023, the City of Hamilton recovered about \$2,600 of losses since the last Annual Report was issued.

The impact of fraud and waste to an organization goes well beyond financial impact. There are also non-financial impacts such as impact to reputation, impact to other staff working in an affected area. The level of effort to investigate allegations of fraud and waste are quite high.

Sometimes there is a time lag for the completion of an investigation and calculating the losses. As there are 35 open reports at report issuance, there may be additional losses and recoveries that will be reported in the next Fraud and Waste Annual Report.

Report Outcomes



Hotline Service Provider Contract Secured

Council provided direction to the OAG in March 2023 to negotiate, enter into and execute a contract with the OAG's existing hotline and case management service provider, Whistleblower Security Inc. The OAG successfully completed these negotiations and secured advantageous pricing. The hotline's annual services cost during the previous four years was fixed at \$12,500. Under a newly negotiated arrangement OAG has agreed to pay the vendor \$14,750 per year for an initial three year term, with the option of acquiring two additional one-year year terms at modest increases. The new contract came into effect on August 1, 2023.

Report Examples

Introduction

To provide more information about the type of reports that the Office of the Auditor General receives and assesses, several report examples are provided in pages 19 - 29 of this annual report.

The reports included here provide examples of:

- fraud,
- waste/mismanagement; and,
- combined fraud and waste/mismanagement reports.

All items qualifying as a “Serious Matter” per the “Auditor General Reporting of Serious Matters to Council Policy” for the reporting period have been previously reported to Council. There were four items that qualified under this Policy in the 2022-2023 Fraud and Waste Report time period and they were all presented to Council.

1. AUD22009 Auditor General Reporting of Serious Matters to Council (Case #58061 Taxi Scrips)
2. AUD23004 Auditor General Reporting of Serious Matters to Council (Case #60492 Employee Corruption Allegation)
3. AUD23006 Auditor General Reporting of Serious Matters to Council (Case #63146)
4. AUD23007 Auditor General Reporting of Serious Matters to Council (Case #65357)

Report Examples

Multiple Conflicts of Interest due to Social Relationships with a Contractor to the City

It was alleged that a City employee had an undisclosed significant social relationship with a long-time City contractor. Multiple allegations of specific incidents of favourable treatment were reported to the OAG. The initial allegations were regarding one employee, however, during OAG’s preliminary

assessment, two additional City employees were identified as possibly having a similar undisclosed significant social relationship with the same contractor, which may also have resulted in favourable treatment.

The OAG investigated and found that the allegations of an undisclosed conflict of interest (via significant social relationships) were ultimately substantiated for the three employees. The significant social relationships included the receipt of hospitality from the contractor in the form of homemade food (provided at work meetings and for the staff members personally), as well as birthday parties at the contractor's home for the staff members and for the spouse of a staff member. No disclosures of the hospitality were made.

All three employees accepted invitations to the contractor's home that were not in the context of a business meeting or interactions, did not serve a legitimate business purpose, and was not appropriate to the business responsibilities of their positions. Disclosures for any of these events were not made.

It was also investigated and found that the allegation of the contractor being afforded favourable treatment in the assignment of work, pricing, awarding of contracts, and invoice processing was substantiated. As a result of the investigation, it was determined that there was an estimated \$9,000 of waste over a 15-month period as a result of favorable pricing and the contractor submitted duplicate invoices that were processed by one of the employees in question totaling \$800. There were additional compliance issues as the contractor was issued work orders by two employees totaling \$2,000 for work that they were not contractually permitted to be issued.

Additionally, after the contractor was unsuccessful in a competitive RFP procurement process for City of Hamilton work, one of the employees helped facilitate an interview for a job at the City of Hamilton for the owner/operator of this contractor. The proper application/hiring process was not adhered to.

During the investigation, OAG found a mitigating factor to the undisclosed significant social relationships with the contractor was that socializing with this contractor in a non-business setting was prevalent amongst other City staff and appears to have been condoned by management. There were also other factors and/or opportunities within the internal control environment that allowed for these issues to occur unchecked.

OAG made five recommendations which would enable progress to be made towards establishing a tone-at-the top that clearly communicates that undisclosed conflicts of interests are not acceptable and in conjunction with new internal controls, will help establish a culture of accountability. As at the date of report publication, HR had not yet informed the OAG of any disciplinary outcomes for these three employees.

Conflict of Interest Due to Another Job in the Private Sector

In the course of investigating a conflict of interest that was reported in the 2021-2022 Fraud and Waste Annual Report, the OAG received additional information about a second COI in the same service area. This service area is responsible for strategic, sensitive, and often high dollar value acquisitions and dispositions of City assets. It was alleged that while working at the City, the individual was also holding a similar position in the same field in the private sector, the duties of which could conflict with their City role, and which is not permissible due to the competing nature of the job duties and confidential nature of the work. The allegation was found to be substantiated and the employee has resigned from the City.

Conflict of Interest at a Taxpayer Funded Service Provider

OAG received a report alleging that a social services provider receiving substantial transfer payments in the form of capital funding had an internal conflict of interest (COI) with respect to the procurement of one of their major service providers. The Reporter raised value for money concerns, and in addition to the COI, made allegations of persistent single sourcing and a lack of competitive procurement for much of their taxpayer-funded work that was being contracted out.

The OAG requested that management perform a fact finding. They reported back to the OAG and found that the conflict of interest exists but had been disclosed to the organization's governing body, and the organization communicated to City management that they have internal mechanisms in place to handle the COI situation.

Even though there was no evidence of wrongdoing or breach of agreements found in this initial review, the OAG still has concerns regarding the potential impact to value for money in situations of non-competitive procurement by third parties funded by the City and other levels of government. Therefore, an audit is being launched for this class of organizations that receive capital funding. The full scope of the audit will be informed by an audit of transfer payments that is currently underway and will be included in the Term of Council Audit Workplan.

Employee Breach of Trust Allegations

In late November 2022, the OAG received information about a City employee who is a Plans Examiner that had been charged with two counts of breach of trust. The charges followed a Police investigation.

While a review of the circumstances has been initiated in order to understand the details of these incidents, and opportunities for improvement, if any, a full investigation is still pending the outcome of the trial which is currently underway.

OAG has conducted some initial fact finding and reviewed court document details via the Legal Services and Risk Management Division, and various documents from the Building Division. Some City assets have also since been recovered by the OAG, and the OAG has engaged an external forensic firm to conduct an investigation.

Per our review of court documents, two charges were laid against a City employee. Both charges were: “being an official with the City of Hamilton, a Plans Examiner did commit Fraud in connection with the duties of his office by entering false information on City of Hamilton documentation and depriving the City of Hamilton fees owed to it contrary to Section 122 of the Criminal Code”.

The charges have not yet been proven in court. The trial began in October 2023 and is expected to resume in March 2024.

Ultimately the OAG is looking to understand the full extent of what happened, how it happened, and what lessons, if any, can be learned. OAG work will resume once the criminal trial has concluded.

Employee Receiving Cash for Use of City Facility

Human Resources notified the OAG of allegations that a City employee was receiving cash on a regular basis from customers renting a City sports facility, who wanted the benefit of “extra time” at the facility.

The OAG conducted an investigation, and the allegation was found to be substantiated. The OAG estimates that about \$1,000 to \$1,900 in cash was received by this employee from the customer user group over multiple years. The OAG made three recommendations to management to improve operations and HR informed the OAG that the employee was terminated but was able to submit their resignation through a confidential settlement.

False Benefit Claims

Human Resources (HR) brought forward allegations that five employees and one former employee were suspected of having filed false benefits claims for orthotics and compression stockings in a scheme involving an outside party that defrauded the City. Manulife, the City’s benefits administrator, had identified several false/misrepresented claims submitted by the employees. After a review of the information Manulife and HR provided regarding the allegations, the OAG decided to conduct an independent investigation and engaged a forensic expert.

Ultimately the allegations of false benefits claims were found to be substantiated for all 6 employees. The total amount of the false claims that were confirmed across the six people was close to \$31,000. All of the false claims were from the same medical provider for orthotics and compression stockings. The scheme

involved claims being submitted with the involvement and assistance of the medical provider, including falsified medical documents (e.g. gait analysis, orthotic fabrication specifications, etc.) and payment receipts for goods/services rendered, made directly to Manulife on behalf of the employees.

It was substantiated that when Manulife paid the claim/reimbursed the claim to the benefits plan member, the plan member gave a portion of the amount received to the medical provider. Additionally, it was found that the employees did not always receive orthotics or compression stockings from the medical provider as noted on the submitted claims.

The investigation found that all of the benefits plan members personally benefited from these false or misrepresented claims. Based on the evidence reviewed, it was determined that the plan members either knew or should have known that the claims were false.

The OAG provided the investigation findings to HR. Four employees were terminated and for the other two individuals, the OAG has not yet received information regarding any disciplinary actions.

In addition to the above, HR separately investigated four other employees for false benefit claims and informed the OAG of the result as follows:

An employee was found to have presented false claim submissions. The total of the false claims was about \$2,700. The employee has since retired and is not eligible for re-hire.

An employee was found to have filed false claim submissions (35 in all) totalling over \$2,600. The false claims were repaid and the employee (and their dependents) are no longer permitted to submit online claims. HR informed the OAG that the employee was issued discipline.

An employee was found to have filed false claim submissions (50 in all) totalling close to \$4,600. HR informed the OAG that the employee was terminated.

An employee was found to have filed false claim submissions (38 in all) totalling about \$2,800. HR informed the OAG that the employee was terminated.

As a result of these issues OAG is bringing forward in its Audit Workplan, a proposed audit of the processes used to administer benefits claims and protect against fraud.

City Targeted by Imposter Vendor Scam

OAG received notification from City Finance staff of a situation whereby someone posed as an existing vendor to the City – a vendor that was owed substantial monies. The imposter vendor contacted the City to change the

banking details of the legitimate vendor. As a result of a misstep in applying the City's existing procedures for such requests, the banking information was changed, and over \$52,000 was paid into a new bank account as directed by the imposter. The legitimate vendor subsequently contacted the City wondering where their payment was, which led to further enquiries that revealed the diverted payment.

The OAG engaged a forensic investigative firm to assist in looking into the matter, and to report the exact circumstances of the diverting of funds. The OAG also reported the incident to the police and will be making recommendations for process improvement in its final report to management.

Around the same time as the above incident, multiple similar phishing attempts were made regarding vendor payments. None of these additional attempts were successful, and all of them were reported to the OAG. Further, these attempts were provided to the forensic investigative firm engaged by the OAG.

Employee Working Full-Time at Two Different Cities

Through the Fraud and Waste Hotline OAG received an anonymous complaint of a full-time City employee that was allegedly working full-time at a similar job at another municipality. The overlap occurred during the period that COVID-19 working from home policies were in effect. At the time OAG investigators met with the respondent to follow-up on the complaint, the employee had already resigned from the City after management had attempted to meet with them to discuss repeated absences.

The (former) employee admitted to the fact that they occupied two full-time jobs at the same time for two different municipalities, but claimed the duties were executed at different times during the day with no overlap. OAG requested information from the respondent to substantiate this claim, however as of this date it has not been provided, even after many months. OAG has substantiated the allegation that the employee was also working for another municipality without the knowledge of management, and is continuing to investigate the matter.

Hiring Former Employees Via Sole Source Procurement

It was alleged that proper procurement processes were not followed when a sole source contract was awarded to a consulting company, that is owned by a recently retired employee. Based on OAG's review of pertinent documentation it was found that current City policies are silent on hiring previous employees as vendors. The OAG is currently working with HR to recommend process improvements.

Abuse of Short-Term Disability Benefits (2)

Human Resources reported to the Office of the Auditor General (OAG) that they conducted an investigation into suspected Short-Term Disability (sometimes referred to as "sick time") benefits by a City employee. The allegations were substantiated, and Human Resources informed the OAG that the (former) employee was allowed to resign via a confidential settlement. There were no indications of any systemic issues within this work Division.

In another case the OAG received reports alleging that an employee was misusing their short-term disability benefits by working at their own business. The OAG requested that HR investigate. HR investigated, and communicated workplace expectations to the employee numerous times, and there was ongoing, active management of the file for an extended period of time. The matter was concluded when HR informed the OAG that the (former) employee had resigned.

Employee Theft and Other Misconduct

The OAG received a report that an employee allegedly was committing theft of City property and of the general public, along with allegedly operating a Zamboni while under the influence of drugs and alcohol.

Additionally, a separate incident was reported to the Hamilton Police Service, wherein the same employee was apprehended for pilfering a payment card belonging to a member of the public while they were attending a City facility. This incident involved a fraudulent purchase that was substantiated by security footage.

The OAG requested that HR investigate this matter. HR conducted an investigation, which substantiated the report of the pilfered payment card. HR informed the OAG that they negotiated a resignation in exchange for a confidential settlement.

Employee Misuse of City Corporate Account

Human Resources reported to the Office of the Auditor General allegations of misuse of a corporate account at a building supply store, the OAG requested that HR investigate the matter. HR informed the OAG that the allegations were substantiated with six fraudulent purchases made for approximately \$1,400 and that the employee was terminated.

Personal Use of City Assets

The OAG received a report from Management alleging that an employee in a position of trust was utilizing a City asset for significant personal use, and that another employee had knowledge of the personal usage but failed to report it to management. After a preliminary assessment, OAG decided to investigate and several additional issues were identified.

It was ultimately substantiated that one employee was living in and/or making personal use of a vacant City-owned housing unit for an extended period of time without the knowledge or authorization of management. Further, they made unauthorized repairs and other modifications to the unit for their personal use and benefit.

It was further substantiated that another employee accountable for oversight of the unit in question, was aware of the personal usage by the other employee and they did not report it to management.

Other items that were substantiated in this investigation included improper cash handling and mishandling of confidential client files.

Overall waste of about \$9,900 was substantiated. To enable management to establish a robust internal control environment for the impacted processes, the OAG made 15 recommendations such as regular, unannounced checks on City assets, better tracking and inventory management, adequate segregation of duties, review of relevant job duties for the impacted role, to review relevant security technology, and to improve cash handling processes.

HR ultimately informed the OAG that both employees were terminated.

Other Report Examples

Although the Office of the Auditor General may find some reports not to be substantiated, there are reports that show significant control weaknesses. Some unsubstantiated examples are also provided for insight into the varying outcomes that can occur when cases are assessed and investigated.

Vehicle Safety Concerns

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The OAG received a complaint regarding the safety and cost-effectiveness of the fleet of vehicles used by a specific City of Hamilton service area. The allegations included: vehicles being modified seasonally, inappropriate vehicle specifications, non-compliance with Ministry of Transportation (MTO) requirements, and operational inefficiencies.

The OAG retained a fleet management expert to perform a preliminary assessment of the allegations and conduct a site visit. The assessment included consideration of MTO requirements for relevant vehicles, existing operational practices, and any other relevant risk exposures to the City of Hamilton.

Overall, the allegations were found to be unsubstantiated, and no non-compliance with MTO requirements were found. However, the OAG did make four recommendations to management to more assuredly provide for continuing compliance and for process improvement.

Fraudulent Apartment Vacancy Ads

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The Office of the Auditor General received a report of potential fraudulent apartment vacancy advertisements posted on Facebook Market and Kijiji. Although this type of report is out of jurisdiction for the OAG to review, the Reporter was provided with the information regarding how to file a report through Hamilton Police Service and the Canadian Anti-Fraud Centre.

Allegations of Unfair Procurement with Respect to Roster

.....

A business contacted the OAG after being dissatisfied with the response they received from management regarding an issue of their inclusion on the roster for their category of service. Specifically, the business expressed their concerns regarding a particular service that has two categories: residential and commercial. The business told the OAG that they had residential experience, and felt it was unfair that they City decided in mid-2022 to institute a change to only qualify vendors that had commercial experience. The Reporter expressed

concerns that smaller businesses would be excluded from bidding for work that they were experienced in and capable of performing.

The OAG was concerned that waste or inefficiency could arise in this situation, because larger firms tend to have higher overhead costs and more sophisticated machinery that is not necessarily required for the residential category, and this could potentially increase the cost of this service for this City.

The OAG requested that management review this matter and provide a response back to the OAG. The outcome of the management review was that the process was revised, the RFT closing date was extended and the requirement to allow only pre-qualified bidders with commercial experience was removed.



**Allegations of
Unfair
Procurement
Regarding
Single Sourcing**

A business submitted a report to the OAG regarding the fairness of City's procurement processes for the project they submitted a bid for but were not awarded the work. Ultimately for this competitive procurement process, no one was awarded this work.

The OAG reviewed the allegation and determined the complaint was not regarding the Procurement By-law where the bidder was unsuccessful, rather, the business was concerned about not being able to re-bid because the City decided to utilize a single sourced procurement after no bidders met the required benchmark in the original procurement.

The OAG's review of this matter found the By-law (specifically Policy 5.4 Request for Proposal) was not violated and the single sourced procurement approach for this project was properly approved and documented. The OAG provided contact details of the Ontario Ombudsman's office to the business.

OAG did make one observation regarding the composition of Request for Proposal Evaluation Committee members. Specifically, there were two external evaluators from the community on the evaluation committee. Even though this does not technically violate Policy #5.4, there is a need for Section 4.5.4 (3) to be clearly defined, as this approach to include external evaluators was an exception to regular practice and could invite criticism of the City and engender risk of inconsistent administration of procurement practices.

The OAG is concerned that without policy guidance, external evaluators could be seen to have biases, real or perceived, in the evaluation of a proposal, or that practices would vary from the norm. Therefore we made a recommendation to management to clearly define the eligibility and qualifications of evaluation committee members for City of Hamilton procurements.

**Unsubstantiated
Conflict of
Interest**

A concern was reported to the OAG that a City-owned property was being arranged for sale to a City employee without going through the standard disposition process. The OAG investigated the matter and found the report to be unsubstantiated and that, in fact, a competitive process was being used to dispose of the property. In the course of investigating the matter OAG did note some areas for possible improvement and therefore decided to include an audit of real estate acquisitions and disposals on its Audit Workplan.

**Phishing
Attempt**

An individual impersonating a member of City Council sent an email to Payroll staff requesting a change to their payroll direct deposit banking information. The phishing attempt was ultimately unsuccessful and Human Resources reported the incident to the Hamilton Police Service.

**Concerns About
Heritage Tree**

Concerns about heritage trees were reported to the Office of the Auditor General. While the complaint did not raise fraud or waste concerns, the OAG referred the concerns to management. Management completed a review and the OAG found that appropriate action had been taken.

Conclusion

The Fraud and Waste Hotline was launched in July 2019 as a pilot program and was made permanent by Council in March 2023. Overall, the first four years of the Fraud and Waste Hotline operation have seen a high volume reports assessed and investigations launched as appropriate. Over 430 reports have been assessed and investigated.

Without a Fraud and Waste Hotline in place, it is likely that many of these reports would not have been received by the Office of the Auditor General and wrongdoing involving City resource may have continued and the scale of fraud and waste would have remained undisclosed and not publicly reported. Generally speaking, it indicates Hamiltonians and employees alike share the commitment in protecting the City of Hamilton's revenue, property, information and other assets and resources from fraud, waste and other wrongdoing.

**Office of the
Auditor General**

Charles Brown, CPA, CA
Auditor General

Brigitte Minard, CPA, CA, CIA, CGAP, CFE
Deputy Auditor General

Lyn Guo, CMA (US), CIA
Senior Auditor

Nancy Hu, CFE, CIA
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Domenic Pellegrini, CPA, CMA, CIA
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SPEAK UP – Reporting Fraud and Waste

Online: Hamilton.ca/fraud

Phone: 1-888-390-0393

Mail: PO Box 91880, West Vancouver, BC V7V 4S4

Email: cityofhamilton@integritycounts.ca

Fax: 1-844-785-0699

Copies of our audit reports are available at: hamilton.ca/audit

Alternate report formats available upon request.



Hamilton
OFFICE OF THE
AUDITOR GENERAL

FRAUD AND WASTE ANNUAL REPORT

July 1, 2022 to June 30, 2023

Total Reports

Current Year	159
Prior Year Carryforward	17
Reports Since Hotline Launch	431

Number of Reports by Source

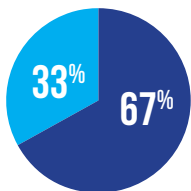


Investigations Launched by Office of the Auditor General	13
Current Year Reports	13
Carryforward Reports from Prior Reporting Period	0

Top Report Categories (Current Year)

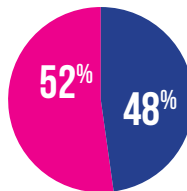
Multiple Categories Applicable	32
Social Services – Fraud/Wrongdoing	32
Service Complaint/Concern	28
Out of Jurisdiction	19
Time Theft and/or Misconduct	7
Employee Benefits Fraud	6
Conflict of Interest	5
Phishing/Identity Theft	5
Improper Financial Reporting/Budgeting	4
Waste/Mismanagement	4
Theft/Misappropriation	2
Contractor/Vendor Wrongdoing	1
Fraud	1
Public Safety	1
Other Various Categories	12
Total Reports	159

Reports Directly Received by the Office of the Auditor General (Proxy)



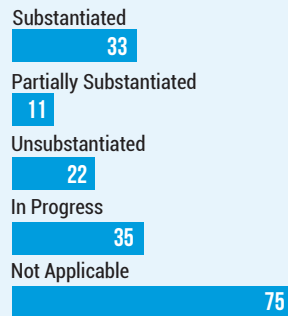
Proxy 53 (33%)
Hotline 106 (67%)

Employee Reports



Self-Identified 77 (48%) as an Employee
Non-Employee 82 (52%)

Volume of Reports Substantiated (Total Current and Carryforward Prior Year Reports)



Overall
Substantiation
Rate
31%

Report Types

Referral – Response Required	72
Referral – No Action Required	35
No Response Required / Not Enough Information / Out of Jurisdiction	35
Investigations Launched (Current Year)	13
In Progress	4

Investigation Type (Current Year)



Loss or Waste Substantiated	\$132,000
Current Year Recovery/Restitution	\$2,600
Loss or Waste Substantiated since Hotline Launch	\$1,287,000



EMERGENCY & COMMUNITY SERVICES COMMITTEE MINUTES 23-014

1:30 p.m.
Thursday, November 16, 2023
Council Chambers
Hamilton City Hall
71 Main Street West

Present: Councillor T. Hwang (Acting Chair), Councillors C. Kroetsch, N. Nann, A. Wilson and M. Wilson

Absent

With Regrets: Councillors B. Clark and T. Jackson – Personal

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. Cardiac Safe City and CPR Training (HSC23048) (City Wide)

(A. Wilson/Kroetsch)

That Report HSC230148, respecting Cardiac Safe City and CPR Training, be received.

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

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

2. Hamilton Veterans Committee 2024 Budget Submission (PED23240) (City Wide) (Item 10.1)

(A. Wilson/M. Wilson)

That the Hamilton Veterans Committee 2024 budget be approved with an increase in the base budget from \$43,000 to \$65,000, attached as Appendix "A" to Report PED23240, and referred to the 2024 budget process for consideration.

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

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

3. Ministry of Health Funding for Pediatric Intensive Care Transport Ambulance(HSC23069) (City Wide) (Item 10.2)

(Nann/Kroetsch)

- (a) That the Chief, Hamilton Paramedic Service, or their designate, be authorized and directed to initiate provision of a second dedicated ambulance to support the Neonatal and Pediatric Intensive Care programs at McMaster Children’s Hospital in accordance with the revised Schedules “B” and “D” (attached as Appendix “A”) to the already existing July 4, 2019 Accountability Agreement Section 5.2 (attached as Appendix “B”);
- (b) That the Chief, Hamilton Paramedic Service, or their designate, be authorized and directed to execute any required ancillary and/or renewal agreements between the Ministry of Health and the City of Hamilton to support the ongoing provision of dedicated interfacility ambulance(s) to support the Neonatal and Pediatric Intensive Care programs at McMaster Children’s Hospital between the City of Hamilton and the Ministry of Health in a form satisfactory to the City Solicitor; and
- (c) That the Hamilton Paramedic Service complement be increased by ten (10) full-time equivalent paramedic positions to cover all staffing and absence backfill requirements for the dedicated inter-facility transport ambulance.

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

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

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

(Nann/A. Wilson)

That the agenda for the November 16, 2023 Emergency and Community Services Committee meeting be approved, as presented.

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

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

(b) DECLARATIONS OF INTEREST (Item 3)

There were no Declarations of Interest.

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

(i) October 19, 2023 (Item 4.1)

(Nann/Kroetsch)

That the Minutes of the October 19, 2023 meeting of the Emergency and Community Services Committee, be approved, as presented.

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

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

(d) ADJOURNMENT (Item 16)

(Kroetsch/Jackson)

That there being no further business, the Emergency and Community Services Committee be adjourned at 1:40 p.m.

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

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

Respectfully submitted,

Councillor T. Hwang
Acting Chair, Emergency and Community
Services Committee

Loren Kolar
Legislative Coordinator
Office of the City Clerk

CITY OF HAMILTON

2024

ADVISORY COMMITTEES

BUDGET SUBMISSION FORM

Hamilton Veterans Committee

PART A: General Information

ADVISORY COMMITTEE MEMBERS:

Mike Rehill, Chair	Steve Waldron
Don Jackson	
Rod Paddon	
Dave Baldry	
Robert Fyfe	
Ed Sculthorpe, Vice Chair	
Terry Ryan	

MANDATE:

Reporting to Council, the Hamilton Veterans Committee oversees the planning and delivery of military remembrance and commemoration activities on behalf of the City of Hamilton. When directed by Council, the Committee provides input on projects and issues that are of concern to Hamilton Veterans.

PART B: Strategic Planning

STRATEGIC OBJECTIVES:

Goals and objectives:

Act as a liaison for the veterans of the City of Hamilton on all matters that fall within Council's jurisdiction.

Coordinate Decoration Day, Remembrance Day Parades, community engagement pieces and Memorial Services in multiple wards.

Maximize the engagement of youth in the act of Remembrance through projects and events.

How will they be achieved:

Coordinate the remembrances for significant anniversaries such as Decoration Day, Remembrance Day, Garrison Parade and including but not limited to parades and memorial services.

Administer all other matters directly relating to or of concern to Hamilton Veterans that fall within Council's jurisdiction. Provide written letters of support for Veterans causes when requested and deemed appropriate.

Veteran's Committee advises on the use and care of cenotaphs in partnership with Heritage Resource Management.

Present opportunities for the engagement of youths in acts of Remembrance in the City of Hamilton through events and community projects

Who will benefit:

All citizens of the City of Hamilton as well as local veterans and active forces. Upward of 2,000 people attend the Remembrance Day services and parades coordinated by the Veterans Committee.

All residents of Hamilton will have the opportunity to show respect for Veterans service to our country.

The Youth of Hamilton will be given the opportunity to be engaged with Acts of Remembrance outside of the classroom setting through hands-on and digital platforms.

ALIGNMENT WITH CORPORATE GOALS:

Please check off which Council approved Strategic Commitments your Advisory Committee supports			
1) Community Engagement & Participation	X	2) Economic Prosperity & Growth	
3) Healthy & Safe Communities	X	4) Clean & Green	
5) Built Environment & Infrastructure		6) Culture & Diversity	X
7) Our People & Performance			

PART C: Budget Request

INCIDENTAL COSTS:

<p>Meeting Costs:</p> <ul style="list-style-type: none"> - postage, printing, parking - 7 general meetings, 4 event planning meetings & 1 meeting with all Veteran Organizations within the City of Hamilton - Name tags & arm bands 	\$500.00
SUB TOTAL	\$500.00

SPECIAL EVENT/PROJECT COSTS:

<p>Ceremonies/Services:</p> <ul style="list-style-type: none"> - Hamilton (Gore Park Cenotaph), 2 ceremonies and parades - Community Ceremonies (Ancaster, Glanbrook, Dundas, Stoney Creek, Waterdown) - Dieppe Veteran's Memorial Service - Decoration Day - 'We Remember' Wreath Project - Communications & Marketing 	<p>\$38,000</p> <p>\$13,000</p> <p>\$ 4,000</p> <p>\$ 4,000</p> <p>\$ 3,500</p> <p>\$ 2,000</p>
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SUB TOTAL	\$64,500
TOTAL COSTS	\$65,000
Funding from Advisory Committee Reserve (only available to Advisory Committees with reserve balances)	\$00,000
TOTAL 2024 BUDGET REQUEST	\$65,000
PREVIOUS YEAR (2023) APPROVED BUDGET (2020 Request \$)	\$43,000

CERTIFICATION:

Please note that this document is a request for a Budget from the City of Hamilton Operating budget. The submission of this document does not guarantee the requested budget amount. Please have a representative sign and date the document below.

Representative's Name: Mike Rehill

Signature:



Date:

September 29, 2023

Telephone # :

905-546-2424 ext 4688 905-973-4005

CITY OF HAMILTON MOTION

Council: November 22, 2023

MOVED BY COUNCILLOR J. BEATTIE.....

SECONDED BY COUNCILLOR C. KROETSCH.....

Amendment to Items 6 and 7 of General Issues Committee Report 23-027 respecting the King West Business Improvement Area Dormancy (PED23198) (Ward 2) and Main West Esplanade Business Improvement Area Dormancy (PED23199) (Ward 2)

WHEREAS, Report PED23198, King West Business Improvement Area Dormancy, and Report PED23199, Main West Esplanade Business Improvement Area Dormancy, were considered at the October 18, 2023 General Issues Committee meeting;

WHEREAS, sub-section (f) in both reports (Items 6 and 7 of General Issues Committee Report 23-027) was included in error, as the applicability of commercial district incentive programs in circumstances involving Business Improvement Area dormancy has previously been addressed in the applicable financial incentive program terms updated through the Revitalizing Hamilton’s Commercial Districts Community Improvement Plan comprehensive review approved by City Council via Report PED21035(a) on September 29, 2021; and

WHEREAS, the current in effect incentive program terms permit the continued availability of incentive programs to properties located in a dormant Business Improvement Area provided the site is located within an applicable Community Improvement Project Area with the exception of any increased incentive maximums afforded properties located in an active Business Improvement Areas.

THEREFORE, BE IT RESOLVED:

- (a) That Item 6 of General Issues Committee Report 23-027 respecting the King West Business Improvement Area Dormancy (PED23198) (Ward 2), be **amended** by deleting sub-section (f), as follows:

6. King West Business Improvement Area Dormancy (PED23198) (Ward 2) (Item 10.1)

- (a) That the Dormant Business Improvement Area Status Procedure, as attached as Appendix “A” to Report PED23198, be adopted;

- (b) That the King West Business Improvement Area become dormant (a non-active Business Improvement Area) for a three-year term and that the King West Business Improvement Area issue a cheque to the City of Hamilton for all monies that are currently in the King West Business Improvement Area bank account(s);
- (c) That Finance staff be directed to create an account to hold the funds of the King West Business Improvement Area;
- (d) That Finance staff be directed to oversee the account and fulfil any financial obligations of the dormant King West Business Improvement Area throughout the term;
- (e) That Public Works staff be directed to store any material assets of the Business Improvement Area and the cost for storage be invoiced to Finance for payment from the Business Improvement Area account; and,
- ~~(f) ***That Commercial Districts and Small Business Section staff be directed to undertake the appropriate program modifications to identify that Financial Incentive Programs are available only to property owners/authorized tenants within the existing active city-wide Business Improvement Areas.***~~

- (a) That Item 7 of General Issues Committee Report 23-027 respecting the Main West Esplanade Business Improvement Area Dormancy (PED23199) (Ward 2), be **amended** by deleting sub-section (f), as follows:

7. Main West Esplanade Business Improvement Area Dormancy (PED23199) (Ward 2) (Item 10.2)

- (a) That the Dormant Business Improvement Area Status Procedure, attached as Appendix "A" to Report PED23199, be adopted;
- (b) That the Main West Esplanade Business Improvement Area become dormant (a non-active Business Improvement Area) for a three-year term and that the Main West Esplanade Business Improvement Area issue a cheque to the City of Hamilton for all monies that are currently in the Main West Esplanade Business Improvement Area bank account(s);
- (c) That Finance staff be directed to create an account to hold the funds of the Main West Esplanade Business Improvement Area;

- (d) That Finance staff be directed to oversee the account and fulfil any financial obligations of the dormant Main West Esplanade Business Improvement Area throughout the term;
- (e) That Public Works staff be directed to store any material assets of the Business Improvement Area and the cost for storage be invoiced to Finance for payment from the Business Improvement Area account; and,
- ~~(f) ***That Commercial Districts and Small Business Section staff be directed to undertake the appropriate program modifications to identify that Financial Incentive Programs are available only to property owners/authorized tenants within the existing active city-wide Business Improvement Areas.***~~

CITY OF HAMILTON MOTION

Council: November 22, 2023

MOVED BY COUNCILLOR C. KROETSCH.....

SECONDED BY COUNCILLOR

Appointment of the Chair and Vice Chair of the Procurement Sub-Committee

WHEREAS, Council has been delegated the power to appoint the chair and vice chair of the Procurement Sub-Committee for the remainder of the 2022-2026 Term of Council.

THEREFORE, BE IT RESOLVED:

- (a) That Councillor J.P. Danko, be appointed Chair of the Procurement Sub-Committee for the remainder of the 2022-2026 Term of Council; and
- (b) That Councillor A. Wilson, be appointed Vice Chair of the Procurement Sub-Committee for the remainder of the 2022-2026 Term of Council.

CITY OF HAMILTON MOTION

Council: November 22, 2023

MOVED BY COUNCILLOR B. CLARK.....

SECONDED BY COUNCILLOR

Amendment to Item 5 of Audit, Finance and Administration Committee Report 23-011 respecting the Fraud, Waste, and Whistleblower Semi-Annual Update (AUD23009) (City Wide)

WHEREAS, on July 14, 2023 Council approved the request for one additional full-time FTE to respond to the growing volume of fraud and waste complaints to be referred to the 2024 Operating Budget within Report AUD23009, Fraud, Waste, and Whistleblower Semi-Annual Update; and

WHEREAS, the Office of the Auditor General is cognizant of the challenges of this year’s budget pressures, and takes seriously the direction to carefully consider such requests in light of Council priorities and the financial impact on residents.

THEREFORE, BE IT RESOLVED:

(a) That Item 5 of Audit, Finance and Administration Committee Report 23-011 respecting the Fraud, Waste, and Whistleblower Semi-Annual Update (AUD23009) (City Wide), be **amended**, as follows:

5. Fraud, Waste, and Whistleblower Semi-Annual Update (AUD23009) (City Wide) (Item 10.2)

- (a) That the Fraud, Waste and Whistleblower Semi-Annual Update be received.
- (b) That the creation of one Full Time Equivalent (FTE) employee for a Senior Auditor be referred to the 2025 Operating Budget.

CITY OF HAMILTON

MOTION

Council: November 22, 2023

MOVED BY COUNCILLOR C. KROETSCH.....

SECONDED BY COUNCILLOR M. WILSON.....

Amendment to Item 1 of Audit, Finance and Administration Committee Report 23-009 respecting the Fraud, Waste, and Whistleblower Semi-Annual Update (AUD23009) (City Wide)

WHEREAS, on June 7, 2023 Council approved the directions to staff respecting Limiting or Prohibiting the Acceptance of Gifts in the Code of Conduct for Employees and the Council Code of Conduct; and

WHEREAS, it is now necessary to include in that review, a gap analysis of the City's policies that apply to staff and not to elected officials;

THEREFORE, BE IT RESOLVED:

(a) That Item 1 of Audit, Finance and Administration Committee Report 23-009 respecting the Fraud, Waste, and Whistleblower Semi-Annual Update (AUD23009) (City Wide), be **amended** by adding a new sub-section (c), as follows:

1. Limiting or Prohibiting the Acceptance of Gifts in the Code of Conduct for Employees and the Council Code of Conduct (Item 9.4)

- (a) That Human Resources staff be directed to conduct a review of the Codes of Conduct for employees at other municipalities and report back to the Audit, Finance and Administration Committee with recommendations respecting limiting or prohibiting the accepting of gifts for employees;
- (b) That the City Clerk be directed to coordinate a review of the Council Codes of Conduct at other municipalities and report back to Audit, Finance and Administration Committee with recommendations respecting limiting or prohibiting the accepting of gifts for elected officials; **and**
- (c) ***That staff be directed to perform a gap analysis of City policies that apply to staff, as employees of the corporation, and not to elected officials, who are not employees of the corporation, and report back to the Audit, Finance and Administration Committee with recommendations on how those policies could be applied to elected officials.***

CITY OF HAMILTON MOTION

Council: November 22, 2023

MOVED BY COUNCILLOR C. KROETSCH.....

SECONDED BY COUNCILLOR M. TADESON.....

Changing the name of the Advisory Committee for Person with Disabilities (ACPD) to the Persons with Disabilities Sub-Committee (PDS)

WHEREAS, the Advisory Committee for Persons with Disabilities is regarded as a Sub-Committee, however, named an advisory committee based on the requirement for the City of Hamilton to establish an accessibility advisory committee, as per the *Accessibility for Ontarians with Disabilities Act, 2005 (AODA)*; and

WHEREAS, the renaming of the Advisory Committee for Persons with Disabilities to Persons with Disabilities Sub-Committee will provide clarity.

THEREFORE, BE IT RESOLVED:

That the Advisory Committee for Persons with Disabilities be renamed Persons with Disabilities Sub-Committee (PDS).

CITY OF HAMILTON MOTION

City Council: November 22, 2023

MOVED BY COUNCILLOR C. CASSAR.....

SECONDED BY COUNCILLOR.....

Resignation from the Selection Committee for Agencies, Boards and Sub-Committees

That Council accept Councillor N. Nann’s resignation from the Selection Committee for Agencies, Boards and Sub-Committees, effective immediately.

CITY OF HAMILTON MOTION

City Council: November 22, 2023

MOVED BY COUNCILLOR M. WILSON.....

SECONDED BY COUNCILLOR.....

One-Time Request for funding to Support Ward 1 Community Safety Needs

WHEREAS, the City of Hamilton, through the Community Safety and Wellbeing Plan has identified addressing rising hate incidents as a priority action and has committed to addressing and reducing hate and identity-based violence including anti-Semitism, Islamophobia, anti-Black and anti-Indigenous racism, xenophobia, transphobia, homophobia and other forms of discrimination;

WHEREAS, an increased atmosphere of identity-based hatred, including but not limited to: antisemitism, Islamophobia, homophobia, transphobia, ableism, and racism, has resulted in real and growing safety concerns for equity-deserving members of our community;

WHEREAS, there have been recent acts of violence against Jewish communal organizations in Canada, including arson attempts on Jewish congregations in Montreal and shots fired at Yeshiva Gedola and Talmud Torah Elementary School, and substantiated threats to Jewish communal organizations in Hamilton;

WHEREAS, Ward 1’s Hamilton Hebrew Academy, Adas Israel Synagogue and Temple Anshe Sholom have identified substantiated increased safety concerns for their students, congregants and tenants that will require increased expenditures on security measures; and

WHEREAS, Hamilton Hebrew Academy, Adas Israel Synagogue and Temple Anshe Sholom is committing to meeting this increased operating expense on a go-forward basis but requires immediate gap funding to implement these measures without service reductions;

THEREFORE, BE IT RESOLVED:

- (a) That up to \$7,500 be allocated from the Ward 1 capital discretionary account (3302109100) to Hamilton Hebrew Academy on a one-time basis to acquire security infrastructure, effective immediately;
- (b) That up to \$7,500 be allocated from the Ward 1 capital discretionary account (3302109100) to Adas Israel Synagogue on a one-time basis for the installation security infrastructure, effective immediately;

- (c) That up to \$7,500 be allocated from the Ward 1 capital discretionary account (3302109100) to Anshe Sholom Temple on a one-time basis for the installation of security and infrastructure, effective immediately;
- (d) 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 2023 and 2024; and
- (e) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

CITY OF HAMILTON MOTION

City Council: November 22, 2023

MOVED BY COUNCILLOR C. KROETSCH.....

SECONDED BY COUNCILLOR N. NANN.....

Hamilton Winter Solstice Festival (Ward 2)

WHEREAS, the Hamilton Winter Solstice Festival was successfully held annually on December 21 in 2017, 2018, and 2019;

WHEREAS, organizers of the Hamilton Winter Solstice Festival wish to hold the fourth annual festival on December 21, 2023; and

WHEREAS, funding for these events was previously allocated from the Ward 2 Non-Property Tax Revenue Account (3301609602);

THEREFORE, BE IT RESOLVED:

- (a) That up to \$6,500 be allocated from the Ward 2 Non-Property Tax Revenue Account (3301609602) to the Corktown Neighbourhood Association for Hamilton Winter Solstice Festival event in Corktown on December 21, 2023; and
- (b) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

CITY OF HAMILTON MOTION

City Council: November 22, 2023

MOVED BY COUNCILLOR A. WILSON.....

SECONDED BY COUNCILLOR

One-Time Request for Funding to Support Community Safety Needs in Ward 13

WHEREAS, the City of Hamilton, through the Community Safety and Wellbeing Plan has identified addressing rising hate incidents as a priority action and has committed to addressing and reducing hate and identity-based violence including anti-Semitism, Islamophobia, anti-Black and anti-Indigenous racism, xenophobia, transphobia, homophobia and other forms of discrimination;

WHEREAS, an increased atmosphere of identity-based hatred, including but not limited to: antisemitism, Islamophobia, homophobia, transphobia, ableism, and racism, has resulted in real and growing safety concerns for equity-deserving members of our community;

WHEREAS, there have been recent acts of violence against Jewish communal organizations in Canada, including arson attempts on Jewish congregations in Montreal and shots fired at Yeshiva Gedola and Talmud Torah Elementary School, and substantiated threats to Jewish communal organizations in Hamilton;

WHEREAS, Hamilton Jewish Family Services (HJFS) has identified substantiated increased safety concerns for their workers and clients that will require increased expenditures on security measures; and

WHEREAS, HJFS is committing to meeting this increased operating expense on a go-forward basis but requires immediate gap funding to implement these measures without service reductions;

THEREFORE, BE IT RESOLVED:

- (a) That \$7,500 be allocated from the Ward 13 Cell Tower/Non-property tax Revenue account (3301609613) to the Hamilton Jewish Family Services on a one time basis to acquire security services for a period of 3 months, effective immediately and ending February 29th, 2024;
- (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 2023 and 2024; 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.

CITY OF HAMILTON

NOTICE OF MOTION

Council: November 22, 2023

MOVED BY COUNCILLOR E. PAULS.....

Reconsideration of a decision that was approved at the July 14, 2023 Council meeting respecting Item 1 of the Public Works Committee Report 23-010, Hamilton Street Railway (HSR) Fare Policies (PW23024(a)) (City Wide)

That Item 1 of Public Works Committee Report 23-010, respecting Hamilton Street Railway (HSR) Fare Policies (PW23024(a)) (City Wide), which was approved by Council on July 14, 2023 and reads as follows, be reconsidered:

- 1. Hamilton Street Railway (HSR) Fare Policies (PW23024(a)) (City Wide) (Item 8.1)**
 - (a) That the General Manager, Public Works or designate, be directed to the suspend the HSR Temporary Transit Fare Special program and the Ontario Works Affordable Transit Pass program, effective December 31st, 2023, to introduce a pilot for HSR Fare Assist program, for the period of January 1, 2024 to June 30, 2026, and;
 - (b) That the total cost over the life of the pilot program, estimated at \$3.28 million including 2 temporary full-time employees, be funded through any available provincial funding and/or the Provincial Gas Tax Reserve (reserve #112204), and;
 - (c) That Council approve the request to expand/extend the contract for Self-Service Benefits Portal, provided by Clark Marketing Communications Contract #C003020, to include HSR Fare Assist program as a benefit for tracking and reporting at a one-time cost of \$24,000 to be funded through the Provincial Gas Tax Reserve (reserve #112204) in 2023, and;
 - (d) That Council approve the transfer of \$248,680 allocated in the Ontario Works Division base levy for the Affordable Transit Pass to the Transit Division during the 2024 budget process, and;
 - (e) That staff report back no later than March 2025 to provide a status update of the Fare Assist Program, including ridership, costs, and effectiveness, and;
 - (f) That staff bring forward a final report to the 2026 budget process with recommendations regarding the status of the Fare Assist program.

CITY OF HAMILTON

NOTICE OF MOTION

Council: November 22, 2023

MOVED BY COUNCILLOR T. McMEEKIN.....

Funding to Support Community Group with User Fee for the Flamborough Santa Claus Parade

WHEREAS, the Flamborough Santa Claus Parade is in need of funds due to user fees;

WHEREAS, user fees are charged by the City of Hamilton to offset costs outside normal service levels, to support events; and

WHEREAS, this group is seeking funding support rental of 40 garbage cans, which includes delivery and pick up as well as disposal of the garbage;

THEREFORE, BE IT RESOLVED:

- (a) That \$2,000.00, to support the costs associated with user fee, to be funded from the Ward 15 Non-Property Tax Revenue Account (3301609615), be approved; and
- (b) That the Mayor and City Clerk be authorized and directed to approve and execute all required agreements and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

CITY OF HAMILTON

NOTICE OF MOTION

Council: November 22, 2023

MOVED BY COUNCILLOR J. BEATTIE.....

Format of the December 14, 2023 Public Update Meeting for the GFL Stoney Creek

WHEREAS, odours from the GFL Stoney Creek Facility have been an ongoing concern to both the local Upper Stoney Creek Community, and broader Stoney Creek and Hamilton Community since the Spring of 2023;

WHEREAS, the Management of the Stoney Creek Facility committed to monthly public update sessions on October 18th, November 16th and December 14th 2023, via Zoom;

WHEREAS, Virtual/Zoom meetings are not universally accessible to all community members; and

WHEREAS, community members have repeatedly requested that an in-person Information Update Meeting be held, including during a recent delegation to Hamilton Council.

THEREFORE, BE IT RESOLVED:

That the Mayor and Council of the City of Hamilton formally request that the next Public Update Meeting for the GFL Stoney Creek Regional Facility, scheduled for December 14th 2023, be held in an in-person or hybrid format.

COUNCIL COMMUNICATION UPDATES



November 3, 2023 to November 16, 2023

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

Item Number	Date	Department	Subject
1	November 3, 2023	Public Works	Encampment Response Update – 24/7 Washroom Location change (ES23016) (City Wide)
2	November 6, 2023	Public Works	Development Related Public Tree Removals - 1190 Main St West (ES23017) (Ward 1)
3	November 6, 2023	Corporate Services	November 2020 Stormwater Fee Request from the Agriculture and Rural Affairs Advisory Committee (City Wide)
4	November 7, 2023	Healthy and Safe Communities	Kanétskare Recreation Centre (Ward 1)
5	November 8, 2023	Planning and Economic Development	Residential Zones Project – Public Engagement (Wards 1 to 12)
6	November 9, 2023 (dated October 17, 2023)	Planning and Economic Development	Vacant Residential Land Area – 2023 Update (City Wide) REVISED
7	November 9, 2023	Healthy and Safe Communities	Update to Report HSC23012(a) – Annual Winter Response Strategy (City Wide)
8	November 10, 2023	Planning and Economic Development	Quarterly Update (July - September 2023) Loans/Grants Approved by the General Manager of Planning and Economic Development (Wards 1 and 2)
9	November 14, 2023	Planning and Economic Development	Hamilton Burlington Society for the Prevention of Cruelty to Animals Negotiation Update (City Wide)
10	November 15, 2023	Public Health	Report on Options for the City of Hamilton's Board of Health Governance (City Wide)



COMMUNICATION UPDATE

TO:	Mayor and Members City Council
DATE:	November 3, 2023
SUBJECT:	Encampment Response Update – 24/7 Washroom Location change (ES23016) (City Wide)
WARD(S) AFFECTED:	City Wide
SUBMITTED BY:	Cynthia Graham Director, Environmental Services Public Works Department
SIGNATURE:	
SUBMITTED BY:	Michelle Baird Director, Housing Services Healthy and Safe Communities Department
SIGNATURE:	

COUNCIL DIRECTION

On August 18, 2023, Council ratified an Encampment Protocol to be used by City staff to respond and manage encampments, tents, or temporary structures within public lands in the City of Hamilton.

As part of the Encampment Protocol, two locations for 24/7 washroom access with cleaning and security were approved and funded.

The August 2023 Encampment Response Update (HSC23066) identified the two locations to be J.C. Beemer Park and Myrtle Park, open for use as of September 6, 2023 and September 14, 2023 respectively. It was identified that the locations for 24/7 washrooms may change over time to respond to conditions such as winterization, maintenance, building conditions and other factors.

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SUBJECT: Encampment Response Update – 24/7 Washroom Location change (ES23016) (City Wide) - Page 2 of 2

The Myrtle Park washroom building is not winterized and so a new location was required to be identified as the weather gets colder into November. Staff have reviewed the park washrooms across the city and have identified Corktown Park as a new location for the 24/7 washroom service. Some minor upgrades have been completed at the washroom building such as high-resolution lighting on the exterior, plumbing upgrades and heaters have been installed. The washroom has been winterized and ready for activation.

The security team will relocate from Myrtle Park to Corktown Park on Wednesday November 15, 2023.

There are no changes to the J.C. Beemer washroom location, and the shower locations at Eastwood Arena and Norman Pinky Lewis Recreation Centre. The change from Myrtle Park to Corktown Park will be communicated directly to encampment residents by the Coordinated Response Team members.


For further information please contact Cynthia Graham, Director of Environmental Services by phone at (905) 546-2424 Ext. 2337, or by email at Cynthia.Graham@hamilton.ca

APPENDICES AND SCHEDULES ATTACHED

N/A



COMMUNICATION UPDATE

TO:	Mayor and Members City Council
DATE:	November 6, 2023
SUBJECT:	Development Related Public Tree Removals - 1190 Main St West (ES23017) (Ward 1)
WARD(S) AFFECTED:	Ward 1
SUBMITTED BY:	Cynthia Graham Director, Environmental Services Public Works Department
SIGNATURE:	

This Communication Update is being provided to Council in advance of construction related to development at 1190 Main Street West.

Public tree removals are permitted after review and assessment by the City of Hamilton Forestry staff in accordance with the Public Tree Protection By-law No. 15-125 and the conditions of the Public Tree Preservation and Sustainability Policy.

1190 Main Street West has proposed development through Site Plan Application DA-20-074 - McMaster Undergraduate Student Residence which the Ontario Land Tribunal conditionally approved on August 26, 2022.

Forestry staff have reviewed the proposed development in relation to all existing public trees. Due to the impacts of this development, the removal of 19 public trees is required, and a Public Tree Permit has been approved.

The public trees to be removed are located:

- 8 along Main Street West
- 1 along Dalewood Avenue
- 7 along Traymore Avenue
- 3 along Forsyth Avenue North

Removals have been approved based on the impacts that will result from development impacts such as the urbanization of the streetscape along Traymore Avenue, and the widening of paved surfaces. Additionally, the construction of the Light Rail Transit (LRT)

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SUBJECT: Development Related Public Tree Removals - 1190 Main Street West (ES23017) (Ward 1) – Page 2 of 2

will result in the removal of many of the trees along Main Street West. The City's Light Rail Transit (LRT) Office is working with Metrolinx on the streetscape design for the Light Rail Transit (LRT) Corridor.

In accordance with the Public Tree Protection By-law No. 15-125 and the conditions of the Public Tree Preservation and Sustainability Policy, the developer is required to compensate the Forestry Section in the amount of \$79,283.15 for the loss of public tree canopy and tree permit fees.

The replanting strategy has not been approved by Forestry staff; however, the proposed plan includes a significant number of replacement trees compared to the number of trees slated for removal. The location of the site is adjacent to the proposed Light Rail Transit (LRT), therefore further design consideration is required. Additionally, staff will ensure the replanting plan maximizes the available plantable space while ensuring species selection and location are appropriate and contribute to the biodiversity, and urban tree canopy of the City of Hamilton. The final landscape plan will be addressed as a condition of site plan approval.

For further information please contact Robyn Pollard, Manager of Forestry and Horticulture by phone at (905) 546-2424 Ext. 3919, or by email at Robyn.Pollard@hamilton.ca

APPENDICES AND SCHEDULES ATTACHED

N/A



COMMUNICATION UPDATE

TO:	Chair and Members Agriculture and Rural Affairs Sub-Committee
DATE:	November 6, 2023
SUBJECT:	November 2020 Stormwater Fee Request from the Agriculture and Rural Affairs Advisory Committee (City Wide)
WARD(S) AFFECTED:	City Wide
SUBMITTED BY:	Brian McMullen Director, Financial Planning, Administration and Policy Corporate Services Department
SIGNATURE:	

This Communication Update provides information to respond to a request from the Agriculture and Rural Affairs Advisory Committee from November 2020 regarding stormwater funding. It includes some historical background information on stormwater funding review and the development of the incentives program.

City of Hamilton Stormwater Funding Review 2019 to Present

On July 12, 2019, Council passed a motion that directed staff to review a Stormwater Rate Program for the City of Hamilton and report back to the General Issues Committee (GIC) with a framework and options for implementation. Report PW19109 was presented to GIC on December 4, 2019 and outlined other municipal stormwater rate programs, as well as, a preliminary fee structure developed from the guiding principles identified within the report.

At the November 24, 2020 meeting of the Agriculture and Rural Affairs Advisory Committee. Hamilton Water staff provided a presentation regarding Information Report PW20081 respecting the Stormwater Rate Program. A motion was passed at the subject meeting:

“That the Agriculture and Rural Affairs Advisory Committee respectfully request that no stormwater management charges be directed to any areas outside the urban boundary, given that the rural area has no direct impact on the City of Hamilton’s storm water management infrastructure.”

At the subsequent Council meeting held on December 16, 2020, the motion was amended that the Agriculture and Rural Affairs Advisory Committee’s request be referred back to staff (for details refer to Appendix “A”).

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SUBJECT: November 2020 Stormwater Fee Request from the Agriculture and Rural Affairs Committee (City Wide) – Page 2 of 4

Around the same time, on November 25, 2020, Council approved the following motion from the General Issues Committee meeting of November 23, 2020:

“That Hamilton Water staff be directed to perform a comprehensive evaluation of all City of Hamilton (City) stormwater programs to identify existing gaps, immediate needs, risks to the City including risks from climate change and extreme weather, outline the levels of service that the City should strive to achieve, quantify funding requirements along with options for long term maintenance, second cycle replacements and financing alternatives and report back to Public Works Committee in the first quarter of 2021 with an information report.”

On December 6, 2021, the Public Works Committee received Information Report PW21074 that provided a gap evaluation which identified and analyzed gaps in the City’s Stormwater Management Program. Subsequently, Council approved the following motion:

“That the appropriate staff report back to the Public Works Committee with a review of the benefits and challenges of various stormwater program funding options including water rates, a dedicated stormwater fee or tax levy or any other options and provide a recommendation for the preferred financing model for the City’s stormwater programs, including a preliminary plan and any resource requirements necessary to conduct a detailed review of the preferred financing model.”

On June 22, 2022, Corporate Services staff provided a report to the Public Works Committee that recommended engaging a consultant to undertake a holistic Stormwater Funding Review (Review). Report FCS22043 outlined three phases for the project including Discovery, Detailed Analysis and Implementation. The estimated timeline to report back with the results of the Review, conduct public consultation and provide a recommended stormwater funding model was June 2024. In addition to approving the engagement of a consultant and related funding, staff was directed to report back to the General Issues Committee to provide Guiding Principles for consideration that would direct the evaluation of alternative stormwater rate funding structures as part of the Review.

On November 30, 2022, the General Issues Committee approved Guiding Principles for the Review as follows:

- Fair and equitable
- Climate resilient and environmentally sustainable
- Affordable and financially sustainable
- Justifiable
- Simple to understand and manage

On January 25, 2023, Council approved the following direction with respect to the Review:

- (a) That staff be directed to report back to the General Issues Committee (GIC) in the second quarter of 2023 on the steps and resources required to implement a dedicated user fee for stormwater services, with an implementation date no later than January 2025; and
- (b) That, in addition to the guiding principles that may be adopted by Council through Report FCS22043(a), staff be directed to include all aspects of the City's stormwater services to be funded from the revenues associated with this dedicated user fee.

The January 2023 Council motion essentially fast tracked the Review timeline a full year from an original reporting timeline of June 2024 to June 2023. An unintended impact of the accelerated timeline was that there was not sufficient time to incorporate a comprehensive public engagement plan regarding the Review results and / or the recommended future funding model (often referred to as the Rate Structure). Staff and the consultant (AECOM) did provide three education sessions with Councillors and the Mayor in early February 2023.

On June 28, 2023, Council approved a Stormwater Rate Structure that will become effective September 1, 2025. Staff has been directed to develop and report back regarding the implementation of a Stormwater Incentives Program once a public engagement has been undertaken. Staff expect to report back on the incentives program in Q1 2024.

Stormwater Incentives Program Engagement

The City of Hamilton is changing its stormwater funding model and is asking property owners and residents for feedback on a new stormwater incentive program. Feedback on the financial incentive program will be considered as part of a change in how stormwater management is funded at the City.

Engagement to help shape plans for the proposed Stormwater Incentive Program will take place from October 31 to December 3, 2023. Individuals can participate by taking a survey, joining a virtual meeting or attending an in-person open house and learn more about the stormwater incentive program and engagement opportunity details by visiting engage.hamilton.ca/StormwaterIncentives.

Take the Survey. An online survey will be open from October 31 to December 3 to gather input and help shape plans for the proposed Stormwater Incentive Program engage.hamilton.ca/StormwaterIncentives.

Join a Virtual Meeting. The project team will provide an overview presentation and answer questions. The virtual events will be held using Zoom.

Two live virtual meetings will be held as follows:

SUBJECT: November 2020 Stormwater Fee Request from the Agriculture and Rural Affairs Committee (City Wide) – Page 4 of 4

- November 7, 2023 – 2:30 to 4:00 p.m. – for industrial, commercial, institutional and multi-residential property owners and operators – https://us06web.zoom.us/webinar/register/WN_bCxT_heiRfKKMsD6qScfTw
- November 7, 2023 – 7:00 to 8:30 p.m. – for residents and residential property owners – https://us06web.zoom.us/webinar/register/WN_fqEF95xpSnOy_CTmp8PUWQ

Attend an Open House. Two in-person open house events will be held. Meet the project team, view project information boards, ask questions and provide feedback on the proposed incentive program. A presentation will be provided.

- November 15, 2023 – 6:30 to 8:30 p.m. – Hamilton City Hall, Council Chambers, 71 Main Street West, Hamilton
- November 16, 2023 – 6:00 to 8:00 p.m. – Ancaster Fairgrounds, 630 Trinity Road South, Ancaster

Individuals with accessibility requirements in order to complete the survey, review materials or participate in the meetings, should email StormwaterFundingReview@hamilton.ca as soon as possible.

Additionally, AECOM will be attending the November 30, 2023 Agriculture and Rural Affairs Sub-Committee meeting to present and receive feedback on the proposed Stormwater Financial Incentives program.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Communication Update – Agriculture and Rural Affairs Advisory Committee Report 20-001 as amended by Council on December 16, 2020

JS/KB/dt



Hamilton

Agriculture and Rural Affairs Advisory Committee REPORT 20-001

AS AMENDED BY COUNCIL ON DECEMBER 16, 2020

Tuesday, November 24, 2020

7:00 p.m.

Due to COVID-19 and the Closure of City Hall, this meeting was held virtually.

Present: Councillors L. Ferguson, B. Johnson and A. VanderBeek

A. Spoelstra (Chair), D. Smith (Vice-Chair), P. Krakar, J. Mantel,
C. McMaster, A. Payne, C. Roberts, R. Shuker, G. Smuk and
M. Switzer

Absent

With Regrets: Councillor B. Clark – City Business
N. Mills and R. Pearce

Also Present: Janice Janiec, Ontario Federation of Agriculture
Shawn Brenn, Chamber of Commerce (Flamborough)

THE AGRICULTURE & RURAL AFFAIRS ADVISORY COMMITTEE PRESENTS REPORT 20-001 AND RESPECTFULLY RECOMMENDS:

1. **Stormwater Rate Program (PW20081) (City Wide) (Item 8.1)**
 - (a) That Report PW20081, respecting the Stormwater Rate Program, be received **and referred to staff.**
 - (b) That the Agriculture and Rural Affairs Advisory Committee respectfully request that no stormwater management charges be directed to any areas outside the urban boundary, given that the rural area has no direct impact on the City of Hamilton's storm water management infrastructure.

FOR INFORMATION:

(a) **APPROVAL OF AGENDA (Item 1)**

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

The agenda for the November 24, 2020 meeting of the Agriculture and Rural Affairs Advisory Committee 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) November 25, 2019 (Item 3.1)

The Minutes of the November 25, 2019 meeting of the Agriculture and Rural Affairs Advisory Committee were approved, as presented.

(d) COMMUNICATIONS (Item 4)

(i) Correspondence from John Groen respecting Resignation from the Agriculture and Rural Affairs Advisory Committee (Item 4.1)

(a) The correspondence from John Groen respecting his Resignation from the Agriculture and Rural Affairs Advisory Committee, was received; *and*,

(b) *The Committee Clerk was directed to prepare a letter of gratitude to be sent to John Groen for his service on behalf of the Committee.*

(e) STAFF PRESENTATIONS (Item 7)

(i) Hamilton Truck Route Master Plan Review (Item 7.1)

Omar Shams, Project Manager, Transportation Planning - New Initiatives, addressed Committee respecting the Hamilton Truck Route Master Plan Review, with the aid of a presentation.

Steve Molloy, Manager, Transportation Planning, was also present and assisted in answering questions of Committee on this matter.

The presentation, respecting the Hamilton Truck Route Master Plan Review, was received.

(ii) Secondary Dwelling Units (SDUs) in the Rural Area (Item 7.2)

Joanne Hickey Evans, Manager, Policy Planning and Zoning By-law Reform, addressed Committee respecting Secondary Dwelling Units (SDUs) in the Rural Area, with the aid of a presentation.

The presentation, respecting Secondary Dwelling Units (SDUs) in the Rural Area, was received.

(f) DISCUSSION ITEMS (Item 8)

(i) Stormwater Rate Program (PW20081) (City Wide) (Item 8.1)

Ryan Doyle, Senior Project Manager, Hamilton Water, addressed Committee respecting Report PW20081, Stormwater Rate Program, with the aid of a presentation.

Andrew Grice, Director, Hamilton Water, was also present and assisted in answering questions of Committee on this matter.

The presentation, respecting Report PW20081, Stormwater Rate Program, was received.

For further disposition of this matter, refer to Item 1.

(a) The following items were deferred to the next Agriculture and Rural Affairs Advisory Committee meeting due to time constraints:

- (i) Presentation from Dan Carter, Canadian Hemp Farmers Alliance, respecting Adopting Hemp into the Canadian Sustainable Development Goals (SDGs) (referred from the General Issues Committee on September 23, 2020) (Item 8.2)**
- (ii) Update on Activities of Mayor's Task Force on Economic Recovery - Agriculture and Circular Economy Working Group (Item 8.3)**
- (iii) Natural Heritage Plans (Item 8.4)**
- (iv) Farm 911 (Item 8.5)**
- (v) Climate Action Working Group Update (Item 8.6)**

(g) ADJOURNMENT (Item 12)

The meeting of the Agriculture & Rural Affairs Advisory Committee was adjourned at 9:20 p.m.

Respectfully submitted,

Andrew Spoelstra, Chair
Agriculture and Rural Affairs
Advisory Committee

Alicia Davenport
Legislative Coordinator
Office of the City Clerk



COMMUNICATION UPDATE

TO:	Mayor and Members City Council
DATE:	November 7, 2023
SUBJECT:	Kanétskare Recreation Centre (Ward 1)
WARD(S) AFFECTED:	Ward 1
SUBMITTED BY:	Steve Sevor Acting Director, Recreation Healthy and Safe Communities Department
SIGNATURE:	

INFORMATION:

On Friday, November 10, 2023, Ryerson Recreation Centre located at 251 Duke Street in Hamilton will be renamed to Kanétskare Recreation Centre (pronounced Ga-nét-sga-re), a Kanien'kéha (pronounced Gah-nyen-geh-hah) word meaning Bay or Inlet. Kanien'kéha translates to People of the Chert/Flint or commonly, Mohawk (English given name). From that date forward, all programming at this facility, including winter registered programs that will be listed online on Monday, November 13, 2023, will be accessible by searching for the new name.

All references to the previous name, Ryerson, will be concurrently removed from the facility and the Hamilton.ca website. The exterior signage on the side of the building is scheduled to be replaced pending the approval and award of sign installation tender (expected in the coming months).

Notice of the upcoming name change, including a Frequently Asked Question sheet created with input from the Indigenous Relations Team that provides context on its importance (Appendix "A"), will be posted to Hamilton.ca and shared via the City's corporate social media channels. Active users of the facility will also be notified via email. Further, the Indigenous Relations team will develop signage to be placed inside the facility with information and a QR code linking to further resources.

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BACKGROUND:

Changing the name of the facility is in line with Council's direction from July 2021 to "remove the name Ryerson from the municipal recreation centre" as part of the City's broader journey towards meaningful reconciliation. This change was also identified by the Indigenous Relations Team, through ongoing Landmarks and Monuments Review work and the [Honouring Our Roots](#) report (HSC21025(a)/PED21149(a)/PW21038(a)), noting the facility as a high-priority site.

On May 11, 2023, the Facility Naming Sub-Committee approved the renaming of this facility to Kanétskare Recreation Centre to match the new name of the adjacent elementary school.

Should you require further information, please contact Dawn Walton, Manager, Business Support, Recreation Division via email at dawn.walton@hamilton.ca or by telephone at (905) 546-2424 ext. 4755.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Kanétskare Recreation Centre FAQ

Frequently Asked Questions (FAQ)



Kanétskare Recreation Centre (pronounced Ga-nét-sga-re)

Background and Context

On November 10, 2023, Ryerson Recreation Centre will be renamed Kanétskare Recreation Centre (pronounced Ga-nét-sga-re). All registered and drop-in programs at this location will be accessible by searching for Kanétskare Recreation Centre.

How can recreation users find programs at this facility?

When the name change takes effect, all mention of Ryerson Recreation Centre online and in registration systems will be replaced with Kanétskare Recreation Centre. This will not affect registration status for any members of the public (anyone already registered in programs will still be signed up, but the facility will now be listed as Kanétskare Recreation Centre).

Why is this facility being renamed?

Due to Egerton Ryerson's relationship to the residential school system, in July of 2021, a motion was approved by City Council to remove the name "Ryerson" from the recreation centre.

Who was the facility originally named after?

Egerton Ryerson was the Chief Superintendent of Education in Upper Canada from 1844 to 1876 and advocated for a school system for Indigenous children that would focus on teaching the Christian religion, and on labour rather than actual education. In his words, the goal of these schools was to "civilize" Indigenous peoples. This framework is widely believed to be the basis for the residential school system.

What was the impact of the residential school system?

The long-lasting impact of the residential school system, and its negative effect on Indigenous peoples across Canada, cannot be denied. The impacts of the residential school system are still being felt by Indigenous peoples and communities today in many ways, some of which are:

- Intergenerational Trauma
- Loss of Language
- Loss of Culture
- Mistrust of Government, Healthcare, and Educational Systems

In May 2021, it was announced that the remains of 215 children were found in unmarked graves at the Kamloops Residential school. The announcement understandably caused massive pain for Indigenous peoples across Canada and overall triggered the start of many politically active movements against figures like Egerton Ryerson. The search for unmarked graves is ongoing at other Residential Schools.

Changing the name to Kanétskare is an amazing example of trying to revitalize Indigenous languages and right some of the wrongs of the past.

City of Hamilton Actions

What are some steps that the City of Hamilton is taking to acknowledge and reconcile this systematic wrongdoing?

In 2021 the City of Hamilton procured First Peoples Group, an Indigenous consulting firm, to do a systematic review of high-priority landmarks and monuments across the City that may be problematic for Indigenous people. First Peoples Group consulted with a Circle of Experts that included Indigenous elders, historians, artists, and leaders which resulted in the creation of a report called [Honouring Our Roots](#) that identified five high-priority problematic sites, with the Ryerson Recreation Centre being one of those five sites.

At the same time, in June 2021, members of the Hamilton Wentworth District School Board (HWDSB) motioned to rename Ryerson Elementary school (which is adjacent to the recreation centre) in consultation with members of the Indigenous community. Following a process led by a Naming Circle created for this purpose, the school's name was changed to Kanétskare (pronounced Ga-nét-sga-re), a Mohawk word meaning "Bay" or "Inlet" in June 2022. The intent from the renaming committee is that this word could be interpreted as "By the Bay" for the Kanétskare school. In May 2023, a motion was approved by Council to rename the recreation centre to match the new name of the elementary school.


More information on the ongoing work at sites across the City of Hamilton is available on the Landmarks & Monuments project page.

What other work is the City of Hamilton's Indigenous Relations Team engaged in?

For more information about the ongoing reconciliation efforts led by the City of Hamilton, visit the [Indigenous Relations Team](#) webpage.



COMMUNICATION UPDATE

TO:	Mayor and Members City Council
DATE:	November 8, 2023
SUBJECT:	Residential Zones Project – Public Engagement (Wards 1 to 12)
WARD(S) AFFECTED:	Wards 1 to 12
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 that Planning staff will be beginning Community Outreach and Engagement on the Residential Zones Project starting in the month of November. Through Reimagining Neighbourhoods, the City's residential zones are changing to support residents' need for more housing options.

The Residential Zones Project will implement Council's direction to provide more housing options to residents across the City. The City of Hamilton aims to provide homeowners, renters, developers, and the general public access to information and planning tools to learn how zoning changes will provide the opportunity for more housing choice and more affordable housing options and more sustainable and equitable growth across the City.

The Residential Zones Project has been presented to Council as part of Reports PED22154 and PED23069. As a note, a future phase of the Residential Zones Project will also encompass new High Density Residential Zones. The City is now in the process of informing and educating the general public about changes to the Low Density Residential Zones and Transit Oriented Corridor Zones and new Mid Rise Residential Zones as a result of the Residential Zones Project, including:

- New permissions for purpose built multiplex development (up to four or six units on a lot) in low density residential areas;

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**SUBJECT: Residential Zones Project – Public Engagement (Wards 1 to 12) -
Page 2 of 3**

- Adding permissions for additional residential uses (single, semi, duplex, and street townhouse dwellings, multiplex) to Low Density Residential designations in Secondary Plan areas;
- Adding intensification opportunities of up to 12 storeys along arterial roads;
- Creating City Wide Green Building Standards; and,
- Updating parking regulations and design standards to implement the City Wide Parking Study.

The Community Outreach and Engagement will utilize a variety of tactics to reach stakeholders, Indigenous communities and residents across the City, using accessible language, graphics, and media to help communicate what a Reimagined Neighbourhood might look like, including:

- Updated project webpage on the City’s website available at www.hamilton.ca/residentialzoning;
- Engage Hamilton page launching on November 17, 2023 available at: www.engage.hamilton.ca;
- Educational Zoning Videos;
- In person engagement at pop-up booths in November 2023 where residents can engage with members of the Project Team to learn more about Reimagining Neighbourhoods (see schedule below);
- Meetings with Advisory Committees and stakeholder groups;
- Public Information Meetings in January 2024; and,
- Regular email blasts, social media posts, and notice in the Hamilton Spectator.

Pop-Up Booth Events

Staff will be holding pop-up booths in and around the City’s neighbourhoods to get in touch with residents where they are. These events are meant to bring attention to the project, engage residents in how the Residential Zones project might impact them and how best they can participate. These events will help build a fulsome project mailing list, identify early issues and answer important questions.

Date	Location	Time
Wednesday, November 22	Stoney Creek Recreation Centre	6:00 to 8:00 p.m.
Wednesday, November 22	Valley Park Recreation Centre	6:00 to 8:00 p.m.
Friday, November 24	Morgan Firestone Arena	6:00 to 8:00 p.m.
Friday, November 24	Limeridge Mall	6:00 to 8:00 p.m.
Saturday, November 25	Limeridge Mall	2:00 to 4:00 p.m.

**SUBJECT: Residential Zones Project – Public Engagement (Wards 1 to 12) -
Page 3 of 3**

Date	Location	Time
Monday, November 27	J.L. Grightmire Arena	6:00 to 8:00 p.m.
Monday, November 27	Sackville Senior's Centre	10:30 a.m. to 1:30 p.m.
Wednesday, November 29	Bernie Morelli Recreation Centre	6:00 to 8:00 p.m.

A Post Card will be distributed in your communities to promote the events listed above and direct residents to the Residential Zones Project website. Please contact staff if you would like copies for your office.

What is to come:

Staff will be available to meet one-on-one with Councillors to review details of proposed changes within each Ward as requested. A brief summary of the Residential Zones Project is attached to include in Ward communications if desired.

The consultation events will evolve into more formal open houses in the new year. A fulsome Consultation Report will be provided to document the outcomes of all of the Reimagining Neighbourhoods consultation events in support of staff's recommendation report which will be presented to Planning Committee.

Please contact Shannon McKie, Manager, Zoning and Committee of Adjustment with any questions or comments or to set up a meeting to discuss the Residential Zones Project at Shannon.Mckie@hamilton.ca or by phone at 905-546-2424 Ext. 1288.

SCHEDULES AND APPENDICES ATTACHED

Appendix "A" - Reimagining Neighbourhoods Ward Communication

WE ARE REIMAGINING NEIGHBOURHOODS



Through the Residential Zones Project, we're reimagining neighbourhoods across the city. The City's Residential Zones project is built on the knowledge that residents need more housing options. Reimagining neighbourhoods means providing the opportunity for people at all stage of life to have choice when it comes to their housing. The City's residential zones will support that, responsibly.

Hamilton's neighbourhoods are where residents call home. While no two neighbourhoods are alike, many share a common trait – they're mainly made up of single-family homes. The City's neighbourhoods are being looked at to reimagine how neighbourhoods can grow to respond to the diverse needs of residents.

What might a reimagined neighbourhood look like:

- A small home built in a backyard
- A larger home converted into more units
- Townhouses
- New triplexes or fourplexes
- Along the edges of the neighbourhood on transit routes, denser housing like townhouses and mid rise buildings

These changes won't happen all at once but through reimagining neighbourhoods, the City's residential zones are changing to provide a greater mix of housing options for residents at various stages of their lives.

LET'S REIMAGINE NEIGHBOURHOODS TOGETHER!

We want to understand your values and the opportunities that expanding housing options across Hamilton can bring to our neighbourhoods. Stay engaged and contribute to the conversation!

STAY UP TO DATE



Check out the Website
or scan the QR Code
for more details!
[www.hamilton.ca/
residentialzoning](http://www.hamilton.ca/residentialzoning)

Email us your questions
and comments!
Register for project
updates here:
reszoning@hamilton.ca


Visit the Project Team at Rec Centres and Lime Ridge Mall across the City this Fall.

Check out the project website to find out what
time we will be at the following locations:

- Stoney Creek Recreation Centre – November 22
- Valley Park Recreation Centre – November 22
- Morgan Firestone Arena – November 24
- Lime Ridge Mall – November 24, 25
- J.L. Grightmire Arena – November 27
- Sackville Senior's Centre – November 27
- Bernie Morelli Recreation Centre – November 29



COMMUNICATION UPDATE

TO:	Mayor and Members City Council
DATE:	October 17, 2023
SUBJECT:	Vacant Residential Land Area – 2023 Update (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 City's current amount of vacant residential land and projected number of dwellings based on existing land use permissions for the pre Official Plan Amendment 167 urban areas. This update also provides an update on additional work being undertaken by the Planning Division related to residential growth and monitoring.

The Planning Division maintains an inventory of vacant residential land by dwelling type which is used to project residential development potential for both intensification and designated greenfield areas. The vacant residential land inventory is updated annually. Attached as Appendix "A" to this Communication Update is the most recent projection for the period ending June, 2023. It is important to note that the table has not yet been updated to include lands added to the urban boundary through Official Plan Amendment 167. A breakdown by community is provided in the table below which combines both residential land within the City's built-up area and Pre Official Plan Amendment 167 designated greenfield areas.

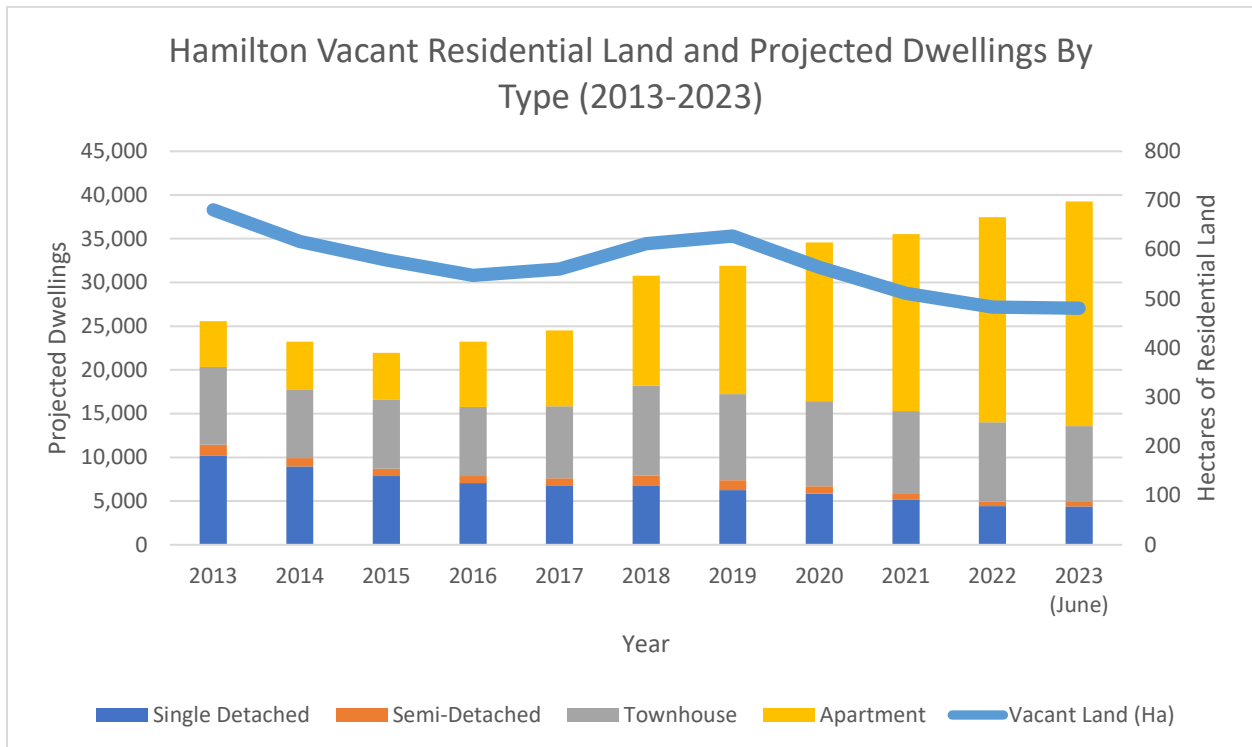
Community	Land Area (Hectares)	Projected Dwellings
Ancaster	41.2	1,459
Dundas	5.2	377
Flamborough	39.4	4,098
Glanbrook	79.9	3,057
Hamilton	126.8	17,562
Stoney Creek	188.7	12,718
TOTAL	481.2	39,271

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As shown in the chart below, the amount of vacant residential land has generally decreased in the past ten years as lands are developed; however, as a result of amendments to the Urban Hamilton Official Plan and Zoning By-law to expand and increase residential land use permissions, in particular for multiple dwellings, the total projected number of dwellings has steadily increased. The increase in vacant residential land between 2017-2018 is attributed to the Fruitland-Winona Secondary Plan area which previously had not been included in the assessment.



Based on the preliminary analysis of the urban boundary expansion areas, the new growth area can accommodate at least 28,000 new residential units.

Annual Housing Monitoring

Official Plan Amendment 167 established new policies in the Urban Hamilton Official Plan (Policies F.3.5.1 and F.3.5.2) for the City to monitor and report annually on the following:

- The residential intensification rate;
- The planned density of the designated greenfield area;
- The planned density of the urban growth centre and other urban nodes;
- Construction activity including the range and mix of housing types;
- The Vacant Residential Land Inventory;

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SUBJECT: Vacant Residential Land Area – 2023 Update (City Wide) - Page 3 of 3

- Comparison of the City’s actual population and employment growth to the forecasted population growth identified in policy A.2.3.1 and employment growth identified in Policy A.2.3.2;
- Employment and land absorption;
- Housing affordability; and,
- Housing and land development costs, including social housing development costs.

Note that these policies were not modified by the Ministry of Municipal Affairs and Housing. The Planning Division retained Dillon Consulting to prepare a framework for preparing the annual housing monitoring report which is currently under review. The Planning Division estimates that the first annual housing report will be submitted to Planning Committee in Q2:2024 using year end 2023 data.

For further information please contact Charlie Toman, Program Lead, Policy Planning & Municipal Comprehensive Review by phone at (905) 546-2424 Ext. 5863, or by email at Charlie.Toman@hamilton.ca.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Vacant Residential Land Inventory – June 2023

Vacant Urban Residential Land Area & Unit Potential, June 2023

Planning Status	Single Detached		Semi-Detached		Townhouse		Apartment		City Total	
	Units	Area (ha)	Units	Area (ha)	Units	Area (ha)	Units	Area (ha)	Units	Area (ha)
Registered/Final Approved										
Ancaster	109	6.9	2	0.1	3	0.0	151	3.4	265	10.4
Dundas	3	0.3	2	0.2	29	0.6	0	0.0	34	1.1
Flamborough	18	1.0	0	0.0	26	0.9	658	4.5	702	6.5
Glanbrook	45	1.9	0	0.0	343	7.5	132	5.0	520	14.4
Hamilton	21	0.8	2	0.0	128	2.0	4,175	8.0	4,326	10.8
Stoney Creek	17	1.3	0	0.0	124	2.4	827	0.7	968	4.3
Total	213	12.2	6	0.3	653	13.4	5,943	21.5	6,815	47.4
Draft Approved										
Ancaster	93	4.1	0	0.0	41	0.8	0	0.0	134	4.9
Dundas	0	0.0	0	0.0	0	0.0	127	0.5	127	0.5
Flamborough	100	3.7	2	0.0	307	4.8	257	1.3	666	9.8
Glanbrook	926	29.2	0	0.0	579	13.7	135	0.9	1,640	43.9
Hamilton	746	34.1	62	1.3	451	10.8	4,685	13.7	5,944	59.9
Stoney Creek	161	7.9	24	0.5	736	15.1	1,349	8.4	2,270	31.9
Total	2,026	79.1	88	1.8	2,114	45.2	6,553	24.8	10,781	150.9
Pending										
Ancaster	40	2.8	0	0.0	104	3.4	170	0.7	314	6.8
Dundas	0	0.0	0	0.0	21	0.5	159	1.0	180	1.5
Flamborough	0	0.0	0	0.0	205	4.0	2,272	13.9	2,477	17.9
Glanbrook	196	6.6	44	0.9	472	9.4	148	2.5	860	19.4
Hamilton	168	6.5	0	0.0	452	8.2	3,967	8.8	4,587	23.5
Stoney Creek	331	12.4	0	0.0	1,502	30.6	3,268	6.6	5,101	49.6
Total	735	28.3	44	0.9	2,756	56.1	9,984	33.5	13,519	118.8
Potential Development										
Ancaster	230	11.6	32	1.1	224	4.7	260	1.7	746	19.1
Dundas	21	1.4	0	0.0	15	0.7	0	0.0	36	2.1
Flamborough	110	4.0	0	0.0	0	0.0	143	1.2	253	5.3
Glanbrook	37	2.1	0	0.0	0	0.0	0	0.0	37	2.1
Hamilton	304	15.7	24	0.6	448	9.7	1,929	6.6	2,705	32.6
Stoney Creek	705	34.8	326	9.2	2,476	47.1	872	11.8	4,379	102.8
Total	1,407	69.7	382	10.8	3,163	62.2	3,204	21.3	8,156	164.0
City Total										
Ancaster	472	25.4	34	1.1	372	8.9	581	5.8	1,459	41.2
Dundas	24	1.7	2	0.2	65	1.8	286	1.5	377	5.2
Flamborough	228	8.8	2	0.0	538	9.6	3,330	21.0	4,098	39.4
Glanbrook	1,204	39.9	44	0.9	1,394	30.7	415	8.4	3,057	79.9
Hamilton	1,239	57.1	88	1.9	1,479	30.7	14,756	37.0	17,562	126.8
Stoney Creek	1,214	56.4	350	9.7	4,838	95.2	6,316	27.4	12,718	188.7
Total	4,381	189.3	520	13.8	8,686	176.9	25,684	101.1	39,271	481.2

Source: City of Hamilton Planning and Economic Development Department GIS, Data as of June 30, 2023

1. Data derived from the City of Hamilton Planning Property Inventory containing various assumptions. Although the data has been captured as accurately as possible, some errors may be present due to insufficient or outdated information.

2. Totals may differ due to rounding.

3. The Urban Area does not include recent OPA167 expansion lands from the November 2022 Provincial approval.

Data as of June 30, 2023



COMMUNICATION UPDATE

TO:	Mayor and Members City Council
DATE:	November 9, 2023
SUBJECT:	Update to Report HSC23012(a) – Annual Winter Response Strategy (City Wide)
WARD(S) AFFECTED:	City Wide
SUBMITTED BY:	Michelle Baird Director Housing Services Division
SIGNATURE:	<i>Michelle Baird</i>

COUNCIL DIRECTION

The purpose of this communication is to provide the Mayor and Members of Council with an update on the City's progress on initiating its Winter Response Strategy and to provide information about warming spaces that are currently available.

On September 13, 2023 Council approved that staff implement an immediate Winter Response Strategy, from December 1, 2023 to March 31, 2024 to support vulnerable individuals within the homelessness serving system.

A Call for Applications (CFA) closed on October 27, 2023 with the successful proponents set to begin operating overnight warming spaces, daytime drop-in spaces, and staff to support operating an overnight warming bus that will serve as a mobile warming centre on December 1, 2023. Extended hours at recreation centres and the Hamilton Public Library Central location will also begin on December 1, 2023.

Staff will bring forward a communication update on or before November 27, 2023 detailing the results of the CFA and service levels for its Winter Response Strategy.

As temperatures continue to drop, recreation centres, libraries and drop-in centres throughout the City are always available to people as warming spaces during operating hours which includes evenings and weekends.

For more information about hours of operation for warming spaces and other community resources please visit: www.hamilton.ca/cold

Any questions please contact Rob Mastroianni, Manager, Homelessness & Housing Support by phone at 905.546.2424 Ext.8035 or by email Rob.Mastroianni@hamilton.ca


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COMMUNICATION UPDATE

TO:	Mayor and Members City Council
DATE:	November 10, 2023
SUBJECT:	Quarterly Update (July - September 2023) Loans/Grants Approved by the General Manager of Planning and Economic Development (Wards 1 and 2)
WARD(S) AFFECTED:	Wards 1 and 2
SUBMITTED BY:	Steve Robichaud Acting General Manager Planning and Economic Development Department
SIGNATURE:	

On September 29, 2021, City Council enacted By-law 21-165, being a by-law to delegate authority to the General Manager of Planning and Economic Development to approve grants/loans to a maximum of \$200,000 per grant/loan under financial incentive programs provided under the Revitalizing Hamilton's Commercial Districts Community Improvement Plan (2021) and the *Ontario Heritage Act*. Programs subject to this delegated authority are:

- Barton/Kenilworth Planning and Building Fees Rebate Program;
- Barton/Kenilworth Revitalization Grant Program;
- Commercial District Housing Opportunities Program;
- Commercial District Revitalization Grant Program;
- Commercial Vacancy Assistance Program;
- Gore Building Improvement Grant Program;
- Hamilton Heritage Conservation Grant Program; and,
- Hamilton Heritage Property Grant Program.

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SUBJECT: Quarterly Update (July - September 2023) Loans/Grants Approved by the General Manager of Planning and Economic Development (Wards 1 and 2) - Page 2 of 2

As of June 7, 2023, the General Manager was also provided delegated authority under By-law 23-108 to approve grants/loans to a maximum of \$200,000 under the following Environmental Remediation and Site Enhancement Community Improvement Plan (2023) Programs respecting environmentally contaminated properties:

- Environmental Remediation and Site Enhancement Affordable Housing Grant Program; and,
- Environmental Remediation and Site Enhancement Commercial District Remediation Loan Program.

On a quarterly basis, staff provide to City Council details of the grants/loans approved by the General Manager over the previous quarter.

During the months of July – September 2023, the General Manager approved the following:

- Four grant applications under the Commercial District Revitalization Grant Program in the total amount of \$44,250.

The total estimated value of the proposed works under the Commercial District Revitalization Grant Program is \$94,890.90. Therefore, the City's grant represents 46.63% of the total improvement costs. The properties that are being improved under the Program are located within the Locke Street Commercial District Community Improvement Project Area and the Downtown Hamilton Commercial District Community Improvement Project Area.

Please refer to Appendix "A", attached to this Communication Update, for a more detailed description of each property and the proposed improvements.

If you require any further information on the above matter, please contact Carlo Gorni, Co-ordinator, Urban Renewal Incentives by e-mail at Carlo.Gorni@hamilton.ca or at (905) 546-2424 Ext. 2755.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Loans / Grants approved by General Manager (July – September 2023)


Loans and Grants Approved by General Manager (July - September, 2023)

Commercial District Revitalization Grant Program

FILE NO.	APPLICANT / BUSINESS	ADDRESS	PROPOSED IMPROVEMENTS	TOTAL VALUE OF PROPOSED WORK	GRANT AMOUNT	DATE OF GM APPROVAL	WARD	Applicable CIPA
LOC 02/23	Applicant/Owner: Muse Properties Ltd. (Kartik Ganatra and Ryan Giles) Business: Vacant	178 Locke Street South, Hamilton	New front façade including new windows, door, kneewall, repair stucco and painting	\$ 21,390.90	\$10,000.00	22-Sep-23	1	Locke Street Commercial District Community Improvement Project Area (Locke Street Business Improvement Area)
LOC 01/23	Applicant: Good Time Barbering Co. (Braeden Arnold, Chelsea Osborn) Owner: Antonio Greco Business: Good Time Barbering Co.	230 1/2 Locke Street South, Hamilton	Painting of mural on south façade of building	\$ 12,500.00	\$6,250.00	27-Sep-23	1	Locke Street Commercial District Community Improvement Project Area (Locke Street Business Improvement Area)
INT 01/23	Applicant/Owner: 2228023 Ontario Inc. (Dan and Paola Gubekjian) Business: Hertz Rent-A-Car	188-190 Main Street East, Hamilton	Installation of murals on west and east façades of building	\$ 36,000.00	\$ 18,000.00	29-Sep-23	2	Downtown Hamilton Commercial District Community Improvement Project Area (International Village Business Improvement Area)
MF 09/23	Applicant/Owner: Eduardo Importing Ltd. (Eduardo Genuardi) Business: Eduardo Importing Ltd.	84-86 James Street North, Hamilton	Installation of mural on north façade of building	\$ 25,000.00	\$ 10,000.00	29-Sep-23	2	Downtown Hamilton Commercial District Community Improvement Project Area
Total				\$94,890.90	\$44,250.00			



COMMUNICATION UPDATE

TO:	Mayor and Members City Council
DATE:	November 14, 2023
SUBJECT:	Hamilton Burlington Society for the Prevention of Cruelty to Animals Negotiation Update (City Wide)
WARD(S) AFFECTED:	City Wide
SUBMITTED BY:	Monica Ciriello Director, Licensing & By-law Services Planning and Economic Development
SIGNATURE:	

The purpose of this Communication Update is to update Council on the status of City staff negotiations with Hamilton Burlington Society for the Prevention of Cruelty to Animals.

On Friday, September 30, 2023, City staff received a letter from legal counsel for the Hamilton Burlington Society for the Prevention of Cruelty to Animals advising that they would be withdrawing from the ongoing negotiation discussions as well as the confidentiality agreement with the City. Members of Council also received a letter on that same day from the Hamilton Burlington Society for the Prevention of Cruelty to Animals requesting assistance with respect to the negotiations with staff.

Despite Hamilton Burlington Society for the Prevention of Cruelty to Animals' letter, City staff continued to re-engage with the Hamilton Burlington Society for the Prevention of Cruelty to Animals, with negotiations resuming on October 18, 2023 and City staff advanced the discussions within the scope of the in-camera instructions provided by Council in April 2023.

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**SUBJECT: Hamilton Burlington Society for the Prevention of Cruelty to Animals
Negotiation Update (City Wide) - Page 2 of 2**

City staff and the Hamilton Burlington Society for the Prevention of Cruelty to Animals have another meeting date set for December 11, 2023, with the goal of settlement in early 2024. At present the negotiations between the parties are productive, with a tentative framework for a settlement. It is anticipated that a settlement recommendation report will be before Council in Q1 2024.

If you require any further information on the above matter, please contact Monica Ciriello, Director of Licensing and By-law Services by e-mail at Monica.Ciriello@hamilton.ca or by phone at (905) 546-2424 Ext. 5809.

APPENDICES AND SCHEDULES ATTACHED

Not Applicable.



Hamilton

COMMUNICATION UPDATE

TO:	Mayor and Members Board of Health
DATE:	November 15, 2023
SUBJECT:	Report on Options for the City of Hamilton's Board of Health Governance (City Wide)
WARD(S) AFFECTED:	City Wide
SUBMITTED BY:	Dr. Elizabeth Richardson, MD, MHSc, FRCPC Medical Officer of Health Public Health Services
SIGNATURE:	

This Update is being provided to all members of Council to be aware of the Governance issues being discussed for local Public Health services at the upcoming Governance Review Sub-Committee and community/media interest in these matters.

Beginning in March 2021, delegations and correspondence were received in support of restructuring the Board of Health to include community representatives with health expertise and lived experience. In February 2023, and further in April 2023, Council directed Public Health Services staff to engage in a broad consultation process to identify issues and opportunities with Hamilton's current Board of Health governance structure and report back with alternate governance options and recommendations.

At the Governance Review Sub-Committee on Friday, November 17, 2023, results from the consultation and recommendations for changes to Hamilton's Board of Health governance will be discussed. A copy of the report detailing the consultation findings and recommendations is available at the following link: <https://pub-hamilton.escribemeetings.com/FileStream.ashx?DocumentId=384880>. The 2023 Board of Health self-evaluation results will also be presented at this meeting, as noted in the Communication Update on October 4, 2023.

Key messages from this report include:

- **Broad Consultation:** MASS LBP, an independent public policy firm, was contracted to lead a consultation over the summer that involved a multi-pronged approach. Over 900 people from across Hamilton participated in a public survey, 50 community members attended a public meeting led by the Hamilton Anti-

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SUBJECT: Restructuring the Board of Health Governance Structure – Public Consultation Update (City Wide) - Page 2 of 2

Racism Resource Centre and the Hamilton Centre for Civic Inclusion, and over 60 meetings and interviews were held with Advisory Committees, community partners, healthcare professionals, and City Council members.

- **Shared Desire to Change the Structure and Membership of Hamilton's Board of Health:** Consultation participants felt that while there are merits of the current governance structure, systemic change requires decision-making to be shared between elected members of City Council and community representatives with health expertise and lived experience.
- **Recommendations:** The report recommends changing the structure and membership of the Board of Health so that it includes City Council members, community representatives, and an education representative, which will require Provincial legislative changes. In the interim, the report recommends changing the Public Health Standing Committee membership to include community representation in governance and decision-making until legislative changes are made. The Office of the Chief Medical Officer of Health of Ontario is supportive of the recommendations, subject to legislative approval.

Should you have any questions in advance of the meeting, please contact Ashley Vanderlaan, Program Manager, Planning & Competency Development, Public Health Services at (905) 546-2424 Ext. 4718 or Ashley.Vanderlaan@hamilton.ca.

APPENDICES AND SCHEDULES ATTACHED

Not Applicable

Authority: Item 4, General Issues Committee Report 23-004 (FCS21017(c))
CM: November 22, 2023 Ward: City Wide
Written approval for this by-law was given by Mayoral Decision MDE-2023 010
dated November 22, 2023

Bill No. 215

CITY OF HAMILTON

A By-law to Establish A Vacant Unit Tax BY-LAW NO. 23-

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 the Minister of Finance enacted Regulation 458/22, thereby designating the City of Hamilton as a municipality that may impose a vacancy tax in accordance with the Act and the applicable regulations;

AND WHEREAS at its meeting of January 25, 2023, Council directed staff to draft a by-law for the purposes of levying and collecting the residential Vacant Unit Tax, effective 2023;

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;

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

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:

“**Administrative Penalty**” means any administrative penalty pursuant to the City of Hamilton’s Administrative Penalties By-law 17-225, as amended or replaced;

“**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 Council of the City of Hamilton;

“**CVA**” means the assessed value of the Residential Property, as determined under the *Assessment Act* for the Taxation Year.

“**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**”: 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**”: the 30th day of April of the year following the Vacancy Year in respect of which the Declaration is made;

“**Deemed Vacant Unit**”: A Residential Unit will be deemed a vacant unit:

A. If an Owner fails to:

- (1) make the Declaration required under this By-law prior to the Late Declaration Cut-off Date; and/or
- (2) provide information or evidence demanded by the City pursuant to 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 11 of this By-law;

“MPAC” means the Municipal Property Assessment Corporation;

“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;

“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” has the meaning described in section 4 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

3. All Owners of a Residential Unit shall submit an annual Declaration to declare the vacancy status of each Unit.

Vacant Unit

4. A Residential Unit is a Vacant Unit if for more than 183 days in a given year, it is not occupied for residential purposes by one or more Occupants and it does not fall under one of the exemptions listed in Section 11 of this By-law.

Vacant Unit Tax

5. The Tax shall be imposed on every Residential Unit that is a Vacant Unit or Deemed Vacant Unit in accordance with this By-law.
6. The Tax shall be levied at a rate of one percent (1%) of the CVA for each Vacancy Year.
7. Every Owner of a Vacant Unit and every Owner of a Deemed Vacant Unit shall pay the Tax on or before the Payment Date.
8. 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.
9. The Tax will be added to the applicable tax roll and collected in the same manner as real property taxes.
10. 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

11. Notwithstanding the above sections, no Tax is payable by an Owner in respect of a Vacant Unit if any 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 applies to the year of death plus one subsequent year after the year of death only.

(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.

12. If a Residential Unit is a Deemed Vacant Unit, it is taxable under this By-law notwithstanding the exemptions.

PART 3 – DECLARATION AND DEEMED VACANCY

Owner Declarations

13. 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.

14. 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.

PART 4– ASSESSMENT AND COLLECTION

15. 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 Tax levied and the Payment Date.
16. The Program Administrator shall make a further determinations of Tax payable under this By-law, 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.
17. The Program Administrator may determine or redetermine any Owner for any Tax payable by the Owner under this By-law for the current Vacancy Year and the last two preceding years, except that where the Program Administrator establishes that an Owner has made any misrepresentation that is attributable to neglect, carelessness or willful default or has committed any fraud in supplying any information under this By-law, or in omitting to disclose any information, then the Director may determine or redetermine, at any time and for any period that the Director considers reasonable, the Tax payable by such Owner.
18. 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.
19. The Program Administrator shall send by mail or registered mail or deliver by hand a Notice of Tax to the Owner at the Owner's last known address or at the address of the Residential Unit, and the notice shall provide the Tax payable by the Payment Date.
20. Liability to pay any amount under this By-law is not affected by an incorrect, incomplete or omitted determination by the Program Administrator.
21. 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, notwithstanding any information that has been delivered or if no information has been delivered, determine the Tax payable.

22. A determination of Tax, subject to being varied or vacated on a complaint or appeal and subject to a redetermination, shall be deemed to be valid and binding despite any error, defect or omission in the determination or in any proceeding related to it.
23. The imposed Tax is payable within the time required by the Notice of Tax regardless of whether a complaint or appeal of the determination of tax is made.

PART 5– INTEREST AND FEES

24. The Tax, or any portion thereof, which is due and payable and remains unpaid is considered a lien on the property and will be subject to the same penalty and interest as real property taxes, pursuant to City of Hamilton By-law 13-136, a By-law to Impose Late Payment Charges for Non-Payment of Taxes, as amended or replaced.
25. Penalties and interest levied for failure to pay the Tax in accordance with this By-law, will be collected as real property taxes and added to the tax roll for the property, pursuant to the applicable provisions of the *Municipal Act, 2001*.
26. Owners who submit a Declaration after the Declaration Due Date and on or before the Late Declaration Cut-off Date, will be charged a Late Declaration Fee outlined in the City's User Fees and Charges By-law, as amended or replaced annually by Council.
27. 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, as amended or replaced.

PART 6 –COMPLAINT PROCESS

28. A complaint regarding the decision of the Program Administrator to impose the Tax ("Notice of Complaint") may be submitted by an Owner who has been charged the Tax, or the Owner's authorized agent ("Complainant").
29. The Notice of Complaint shall be submitted to the Program Administrator in any form approved by the Program Administrator, on one or more of the following grounds:
 - (a) The Owner did not submit a Declaration of the occupancy status of the Residential Property and a Residential Unit was Deemed a Vacant Unit;
 - (b) The Owner made an error or omission in completing the Declaration which resulted in the imposition of the Tax by the Program Administrator;
 - (c) The Residential Unit was found to be a Vacant Unit through a City audit; and/or
 - (d) An error or omission on the part of the City resulted in the imposition of the Tax.

30. A Notice of Complaint may only be submitted within 60 days after the billing date on the Notice of Tax.

31. 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.

32. A Notice of Complaint under this section shall be served by being filed online, being sent by electronic communication, registered mail addressed to the Program Administrator or by such other method of services as the Program Administrator may determine from time to time.

33. 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.

34. Upon receipt of the information required under Section 33, or if no information is required under Section 33, the Program Administrator shall reconsider the Tax and confirm, vacate or vary the Tax determination and shall notify the Complainant in writing of the action taken (the "Notice of Determination").

35. 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

36. A Complainant may appeal the Notice of Determination by serving a notice of appeal to the Director (“Notice of Appeal”) within 60 days of the date of the Notice of Determination.
37. 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.
38. 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.
39. Notwithstanding the above, the Director may review fresh evidence or new issues if under the circumstances the Director deems it fair to do so.
40. 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.
41. The Director shall review the Notice of Appeal and make a decision.
42. 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 (the “Final Determination”) by mail or electronic communication.
43. The Director’s decision regarding the appeal is final.

44. 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 Final Determination and issue any applicable refunds in accordance with the provisions of this By-law.

PART 8 – AUDIT AND INSPECTION

45. 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.
46. 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.
47. The Program Administrator may conduct an audit to verify that the Residential Property continues to meet the requirements set out in this By-law, the information provided in the Declaration is accurate, and the property is, in fact, occupied. For the purposes of this audit, the Program Administrator may request additional information, as further described in the Part 8 and may inspect the property pursuant to its authorities under this By-law and the *Municipal Act, 2001*.
48. 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.
49. 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.
50. 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 Land Registry Office.

(b) Statutory declarations or affidavits regarding the status of the property

Non-Compliance

51. As a result of the audit, if the Program Administrator has determined that the Residential Property has a Vacant Unit, the Owner will receive a Notice of Tax and the Owner shall pay the Tax on or before the Payment Date.
52. 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

53. The administration and enforcement of this By-law is assigned to the Director and the Program Administrator who shall perform all of the functions conferred upon them by this By-law.
54. In administering this By-law, the Program Administrator and/or the Director may issue such interpretation bulletins and guidelines as they, from time to time, determine necessary or advisable.

55. The Program Administrator and/or the Director 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 Program Administrator and/or Director may require for the enforcement and proper administration of this By-law.
56. 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, notwithstanding any information that has been delivered or if no information has been delivered, determine the Tax payable.

Powers of Entry

57. A Program Administrator may inspect a Residential Unit to confirm or determine the status of a Residential Unit and whether the unit is subject to the Tax. The Program Administrator will first send a letter to the Owner at the address appearing on the real property tax roll, advising the time and date of the inspection.
58. A Program Administrator may enter upon land at any time in accordance with section 436 of the *Municipal Act, 2001* for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
- (a) this By-law;
 - (b) a notice issued pursuant to this By-law.
59. For the purpose of an inspection carried out under this By-law, a Program Administrator may:
- (a) require the production of documents or things relevant to the inspection;
 - (b) review and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) require information from any person concerning a matter related to the inspection;
and
 - (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection.

Penalties and Offences

60. No person shall:

- i) Fail to provide the information or submit the evidence in the form and within the time stipulated by the Program Administrator and/or Director;
- ii) hinder or obstruct or attempt to hinder or obstruct any person exercising a power or performing a duty under this By-law;
- iii) make, participate in, assent to or acquiesce in the provision of false information in a declaration, statement, affidavit, application or other document prepared, submitted or filed under this By-law.

61. Every person who contravenes any provision of this By-law is liable to pay to the City an Administrative Penalty in the amount specified in the Administrative Penalties By-law No. 17-225, and shall follow the procedures for payment, screening reviews and hearing reviews as outlined in the City's Administrative Penalty By-law. If a person is required to pay an Administrative Penalty, the person shall not be charged with an offence in respect of the same contravention.

62. Every person who contravenes any provision of this By-law is guilty of an offence and 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.

63. In addition to Section 62, every person who is charged with an offence for a contravention of any provision of this By-law, by the laying of an information under Part III of the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, is guilty of an offence and on conviction is liable to a minimum fine of \$500 and a maximum fine of \$10,000.

General

64. Schedule "A" attached hereto shall be and form a part of this By-law.

65. 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.

66. 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.

67. This By-law shall be deemed to have come into force and effect on January 1, 2023.

PASSED this 22 day of November, 2023.

A. Horwath
Mayor

J. Pilon
Acting City Clerk

Schedule “A” – Eligible Property Codes

PROPERTY CODE	DESCRIPTION
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)

Authority: Item 5, Public Works Committee Report 22-006 (PW22025)
CM: April 27, 2022 Ward: 13
Written approval for this by-law was given by Mayoral Decision MDE-2023 10
dated November 22, 2023

Bill No. 216

CITY OF HAMILTON

BY-LAW NO. 23-

To Permanently Close and Sell a Portion of Kerr Street, Dundas, being Part of Kerr Street on Registered Plan D-16, in the City of Hamilton, Designated as Parts 1 and 2 on Plan 62R-6431, being Part of PIN 17481-0094 (LT)

WHEREAS sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and

WHEREAS section 34(1) of the *Municipal Act, 2001* provides that a by-law permanently closing a highway does not take effect until a certified copy of the by-law is registered in the proper land registry office; and

WHEREAS highways to be closed by by-law are declared to be surplus to the needs of the City of Hamilton under the Sale of Land Policy By-law; and

WHEREAS at its meeting of April 27, 2022, Council approved of Item 5 of Public Works Committee Report 22-006 and authorized the City of Hamilton to permanently close and sell a portion of Kerr Street, Dundas, being: Part of Kerr Street on Registered Plan D-16, in the City of Hamilton. Designated as Parts 1 and 2 on Plan 62R-6431, being Part of PIN 17481-0094 (LT); and

WHEREAS notice to the public of the proposed sale of the part of the road allowance has been given in accordance with the requirements of the Sale of Land Policy By-law.

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

1. The part of Kerr Street, Dundas, set out as follows:

Part of Kerr Street on Registered Plan D-16, in the City of Hamilton. Designated as Parts 1 and 2 on Plan 62R-6431, being Part of PIN 17481-0094 (LT)

is hereby permanently closed.

To Permanently Close and Sell a Portion of Kerr Street, Dundas, being Part of Kerr Street on Registered Plan D-16, in the City of Hamilton, Designated as Parts 1 and 2 on Plan 62R-6431, being Part of PIN 17481-0094 (LT)

Page 2 of 2

2. The soil and freehold of the Parts 1 and 2 on Reference Plan 62R-6431, hereby permanently closed, be sold to 1233735 Ontario Inc.
3. That this by-law shall come into force and effect on the date of its registration in the Land Registry Office for the Land Titles Division of Wentworth (No. 62).

PASSED this 22nd day of November, 2023.

A. Horwath
Mayor

J. Pilon
Acting City Clerk

Authority: Item 2, General Issues Committee Report 23-015 (PED23106)
CM: May 10, 2023 Ward: City Wide
Written approval for this by-law was given by Mayoral Decision MDE-2023 10
dated November 22, 2023

Bill No. 217

CITY OF HAMILTON

BY-LAW NO. 23-

A By-Law to Authorize the Undertaking of Climate Change Mitigation and Adaptation Works on Private Residential Property as Local Improvements Under the Better Homes Hamilton Program

WHEREAS Part III of Ontario Regulation 586/06, Local Improvement Charges - Priority Lien Status, enacted under the *Municipal Act, 2001*, S.O. 2001, c. 25 ("O. Reg. 586/06"), authorizes a municipality to pass a by-law to undertake work on private property as a local improvement for the purpose of raising all or any part of the cost of the work by imposing special charges on lots upon which all or some part of the local improvement is or will be located;

AND WHEREAS Section 36.5(2) of O. Reg. 586/06 states that the by-law may authorize the undertaking of works which satisfy the requirements of a municipal program for which the municipality has given notice under Section 36.6(2)(b) of O. Reg. 586/06;

AND WHEREAS at its meeting of May 10, 2023, City Council adopted the Better Homes Hamilton program.

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

1. Council authorizes the undertaking of Climate Change Mitigation and Adaptation Works on private residential property as local improvements under the Better Homes Hamilton Program, as set out in Schedule "A" to this by-law, for the purpose of raising all or any part of the cost of the work by imposing special charges on lots upon which all or some part of the local improvement is or will be located.
2. Schedule "A" is attached to and forms part of this by-law.
3. Council authorizes the City to enter into Property Owner Agreements as provided for in Schedule "A" hereto with such terms and conditions consistent with Schedule "A" hereon, such additional terms and conditions as required by the Ontario Regulation 586/06 and such additional terms and conditions required by the General Manager of Planning and Economic Development or their designate and the City Solicitor and

A By-Law to Authorize the Undertaking of Climate Change Mitigation and Adaptation Works
on Private Residential Property as Local Improvements Under the
Better Homes Hamilton Program

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in a form acceptable to the City Solicitor and that the General Manager of Planning and Economic Development or their designate be authorized to execute the Property Owner Agreements and such ancillary documents as necessary to facilitate the program described in Schedule "A" hereto.

4. This by-law may be referred to as the "Better Homes Hamilton By-law"
5. This by-law comes in to force on the day of its passing.

PASSED this 22nd day of November, 2023.

A. Horwath
Mayor

J. Pilon
Acting City Clerk

Schedule "A"

Better Homes Hamilton Program

1.0. Overview

The Better Homes Hamilton Program (the "BHH Program") is currently designed to extend municipal financing to participating homeowners for the installation of climate mitigation retrofit measures, including building envelope, mechanical systems and supporting energy efficiency retrofit infrastructure, as well as home energy assessments and permits, as applicable, and to secure payment by imposing a local improvement charge ("**LIC**") on the property, as authorized by Ontario Regulation 586/06, Local Improvement Charges - Priority Lien Status, enacted under the *Municipal Act, 2001*, S.O. 2001, c. 25 (the "**Regulation**"). The BHH Program will begin as a pilot, offering a maximum of fifty (50) loans to be provided to homeowners during the pilot program. Loans will be a maximum of \$20,000 each over a ten (10) to fifteen (15) year term with zero (0) percent interest over the term of the loan. The City of Hamilton (the "**City**") will administer the program alone or in conjunction with a third-party Program Administrator to be selected at a later date.

1.1. Program Eligibility

Registered owners of eligible properties within the geographic boundaries of the City of Hamilton can participate in the BHH Program.

The following residential building types within the City of Hamilton are eligible for the BHH Program:

- Detached houses,
- Semi-detached houses, and
- Townhomes.

All registered owner(s) of the property must consent to participation in the BHH Program.

The property must have a property tax account with the City and the registered owner(s) are responsible for tax payments directly to the City. All property taxes and other payment obligations to the City must also be in good standing.

1.2. Geographic Scope

Any homeowner of an eligible building outlined in Section 1.1 in the City of Hamilton can participate in the BHH program. Marketing for the BHH program may be prioritized to those homes:

- That were built prior to 1990;

- That have above average utility heating fuel costs (natural gas, propane or oil), including in rural areas; and/or
- Are located within neighbourhoods that were identified as having high rates of energy poverty through the Canadian Urban Sustainability Practitioners (CUSP) Energy Poverty Mapping Tool.

The City may work with existing community initiatives or organizations interested in being aligned with the BHH program to achieve efficiencies in terms of program delivery (i.e. marketing and outreach support, education and training).

1.3. Stacking Home Energy Incentives

Homeowners who apply to the BHH program will be encouraged to consider existing incentive programs offered by Enbridge Gas Inc. and the Federal Government and other existing and future programs which may become available

To be eligible for the Enbridge Gas Inc. and Federal Government rebates (with some exceptions), homeowners are required to arrange a home energy assessment through the EnerGuide Rating System.

1.4. Optional Home Energy Assessment

The BHH Program does not require applicants to submit a home energy assessment; however, it is strongly encouraged so that participants can maximize government grants and incentives, as described in Section 1.3.

If participants decide to undertake a home energy assessment that provides a standard measure of a home's energy and greenhouse gas ("GHG") emissions performance, the participant shall provide to the City of Hamilton a copy of both the pre- and the post-retrofit energy assessment report that has been conducted and verified by a Registered Energy Advisory (the "REA"), or equivalent, as Registered by Natural Resources Canada ("NRCan").

1.5. Qualifying Retrofit Measures

Financing is designated for capital costs (not maintenance costs) with an expected useful life of ten (10) to twenty (20) years and for measures that are permanently affixed to a property. The average expected useful life of the retrofit measures implemented within a participating property shall not be less than the ten (10) to fifteen (15) year term of the loan extended to the homeowner.

The following are the current categories of eligible measures, which are subject to change:

- Optional Home Energy Assessments and Applicable Permits: Including pre- and post-retrofit energy assessments and building permits.
- Building Envelope: Including air-sealing/draft proofing, insulation (attic,

basement and walls).

- **Mechanical Systems:** Air Source Heat Pumps (ASHP), including cold-climate air source heat pumps (ccASHP), ductless mini-splits, and high efficiency gas furnaces as a part of hybrid ASHP systems, and supporting smart thermostat/controller.
- **Supporting Infrastructure:** Including breaker panel upgrades and ductwork only when required to support installation of ASHP.

Ineligible retrofits include equipment or products not permanently affixed to the property, previously installed in another home and/or are deemed general maintenance.

By recommending categories of retrofit improvements and associated measures, the City makes no guarantees of the materials, performance, cost-effectiveness or any warranty of the measures supported by the BHH Program.

1.6. Completing the Retrofit through Contractor Engagement

The City of Hamilton will provide LIC financing to homeowners for eligible measures covered by the BHH Program that have been:

- Recommended or identified through the pre-retrofit energy assessment completed by a REA, if one was completed;
- Verified by the City or the assigned Program Administrator; and
- Installed by contractors hired by the homeowner after verification and approval from the City or the assigned Program Administrator.

Homeowners must provide to the City all documentation, including all quotes and all invoices, in order to receive the initial and final disbursements respectively.

The City will not procure contractors to perform home improvements in connection with this program. The homeowner will use the funds disbursed by the City to pay contractors directly. Where contractors require an upfront deposit prior to completing the retrofit, up to 30% of the total LIC financing may be released by the City prior to the contractor starting the work only after the proposed retrofit and renovation quotes have been approved by the City or Program Administrator and after the Property Owner Agreement has been signed by both parties and deemed final and binding, as described in Step 6.A.

The City is not responsible for the work quality of any contractors hired in connection with the BHH Program and assumes no liability for the works undertaken. All retrofit improvements and renovations must adhere to all applicable permitting requirements, codes, laws and by-laws.

The homeowner is responsible for ensuring that hired contractors are licensed,

bonded and insured for the applicable work they will be undertaking. Any issues that may arise relating to the quality of workmanship or post-installation performance of retrofit measures must be dealt with between the homeowner and the contractor.

1.7. Better Homes Hamilton Program Coach

The BHH Program will include access to a Program Coach. The BHH Program Coach is not a REA but rather serves as a source of support to provide guidance to the homeowner throughout the BHH process, in order to improve overall satisfaction with program effectiveness. BHH applicants are solely responsible for the retrofit choices made, and the City does not take any responsibility for the advice provided to the applicant or any work potentially recommended by the BHH Program Coach.

1.8. BHH Program Application Process

The application process is set out below. City staff will periodically review this process to ensure effective program implementation and, where deemed appropriate, the City may make changes to this process, in its sole discretion.

Step 1: BHH Program Application

The property owner must apply online through the BHH website, which includes a self-directed pre-application screening checklist to determine eligibility for the BHH program. Program eligibility requirements include the following:

- Eligible building type
- Property address to confirm location is within the City of Hamilton;
- Property assessment roll number to confirm that all property tax payments are in good standing; and
- Signed attestation that all registered owner(s) consent to program participation.

If a homeowner has one or more outstanding mortgage(s) associated with the property, then the homeowner must inform via mail or email the mortgage lender(s) of its intention to participate in the BHH Program using the City's prescribed letter template form (copying the City). City must receive proof of delivery (e.g. copied on email to lender or received carbon copy of letter mailed to lender) as part of the applicant's funding request package.

Once the homeowner's application has been reviewed and accepted by the City, the City will provide the homeowner with a Notice to Proceed with obtaining an optional pre-retrofit energy assessment and energy efficiency retrofit quotes.

Step 2: Identifying Energy Retrofit Improvements

A. Home Energy Assessment Process (Optional)

If the homeowner decides to proceed with this option, the homeowner will complete the pre-retrofit home energy assessment in accordance with this Section and Section 1.4 - Home Energy Assessments and submit a copy of the REA's NRCan EnerGuide home assessment (Home Energy Assessment report with recommended retrofits) to the City.

The home energy assessment report must include:

- The current NRCan EnerGuide rating for the home, including the rated energy consumption in gigajoules per year (GJ/yr.) and GHG emissions in tonnes per year (GHG(T)/yr.);
- Recommended improvements that have been customized for the home based on existing conditions, which are projected to improve its NRCan EnerGuide rating, including a reduction in energy consumption and/or GHG emissions;
- EnerGuide Homeowner Information Sheet that summarizes the residential building's details, including envelope, mechanical systems, and heated floor area;
- Estimated useful life of the proposed improvement(s); and,
- Potential eligibility for utility existing rebates and incentives offered (e.g. Enbridge Gas, Hydro One, Alectra Utilities, and other applicable programs that may become available to Hamilton residents).

Applicants may wish to review the NRCan EnerGuide Renovation Upgrade Report and Homeowner Information Sheet with the BHH Program Coach provided by the City. This step may help homeowners choose which energy retrofit improvements to undertake based on estimated energy savings that may be realized after installing the recommended improvements, as well as the estimated useful life of the proposed improvements.

A. Homeowner-identified Energy Retrofit Improvements

If the homeowner chooses not to undertake an NRCan EnerGuide home energy efficiency assessment with a REA, the homeowner must identify and propose eligible retrofit measures to the City or Program Administrator. The City of Hamilton or Program Administrator must approve the eligible retrofit measures with a formal Notice to Proceed with Quotes, as described in Step 3.

Step 3: Obtaining Contractor Quotes

Upon approval of the application and after the City or the Program Administrator has issued the Notice to Proceed with Quotes, homeowners will then be responsible for obtaining contractor quotes. The homeowner must engage qualified and licensed, where applicable, contractors selected by the homeowner to implement any

mechanical systems and “supporting infrastructure” retrofit measures, as well as a REA, if applicable. Work and materials installed by homeowners will not be eligible for the loan.

Using the Contractor Quote Template provided to homeowners by the BHH Program Coach, homeowners should contact contractors to obtain estimates. The BHH Program Coach will be available to provide assistance to homeowners, if necessary. Homeowners who completed a pre-retrofit home energy assessment should provide the contractor the NRCan Energuide Homeowner Information Sheet.

Homeowners will be required to submit at least one (1) contractor quote; however, it is strongly encouraged that all homeowners obtain three (3) contractor quotes. All quotes submitted to the City must, as outlined in the prescribed Contractor Quote Template, at minimum include:

- Estimated cost of the retrofits and Specification Sheets, if applicable, for inclusion in the Funding Request Package
- Quotes must be itemized by costs for all labour, parts and equipment, relevant permit fees and energy assessment fees, if applicable, applicable taxes, and include estimated useful life of the work;
- Registered HST Number;
- Proof of Liability Insurance that covers all employees;
- WSIB Certificate of Compliance; and
- Any and all applicable licenses and/or qualification for the prescribed work to be undertaken (e.g. municipal Heating, Cooling, Air Conditioning and Ventilation license; Electrical Contractor License from ESA; Sheet Metal Mechanic License number; G2 Gas Ticket, etc.)

Step 4: Funding Request Form

Within three (3) months of receiving the Notice to Proceed with Quotes, the applicant must submit a completed Funding Request Package that includes:

- Proof of delivery of prescribed Mortgage Lender Notification Letter;
- All copies of the contractor quotes containing the items set out in Step 3 above, including the Contractor Quote Table;
- If, applicable, all documentation from the pre-retrofit home energy assessment; and,
- The amount of contractor prepayment (as indicated in Section 1.6. - Completing the Retrofit through Contractor Engagement) being requested from the City.

Following receipt of the Funding Request Package, the City or its Program Administrator, will:

- Confirm the eligibility of the works in accordance with the criteria set out in Section 1.5. - Qualifying Retrofit Measures;
- Review the work proposed in the Contractor Quote Table and verify the reasonableness of retrofit costs and labour costs by consulting manufacturer pricing and prevailing labour rates; and,
- Render a decision on the acceptability of the applicant's Funding Request Package.

Step 5: Property Owner Agreement (the "POA")

After the City of Hamilton or Program Administrator has confirmed acceptability of the Funding Request Package, the Program Administrator will prepare the Property Owner Agreement ("POA") for the homeowner(s) to review and sign, and the General Manager of Planning and Economic Development or his designate to sign.

Upon signing of the POA, the homeowner will commence with providing the City with (access to) utility usage and bills or other applicable fuel receipts for the time period commencing two calendar years prior to the date of signing of the POA and ending five (5) years thereafter, in order to assist staff calculating GHG emissions and energy savings.

Step 6: Completing Retrofit Measures and Funding Disbursement

A. Initial Funding Disbursement

Following execution by both parties and certification of the POA by the City Clerk as final and binding and verification that the property is free of construction liens and writs of execution, the City will provide the homeowner with the initial disbursement agreed upon and pursuant to the terms outlined in the POA. A maximum disbursement of 30% of the total amount approved by the City may be used by the homeowner to pay any upfront deposits required by the contractor.

Following the release of any upfront deposits, the homeowner shall begin work within three (3) months of receiving the funds from the City. Pursuant to the terms of the POA, the homeowner will be obligated to repay the initial disbursement to the City, should the homeowner not begin the retrofits within the time specified.

B. Project Completion Package

The agreed upon retrofits must be completed within six (months) upon signing the POA. The homeowner can request an extension, if required. The extension will be granted at the sole discretion by the City of Hamilton or Program Administrator.

Within fourteen (14) days upon completion of the agreed upon retrofits, the applicant must prepare and submit the City's prescribed Project Completion Package, which includes:

- Details of the actual eligible energy retrofit measures implemented and actual costs incurred;
- All copies of contractor invoices (and receipts) for the approved Work(s) completed; and,
- If, applicable, all documentation from the post-retrofit home energy assessment.

C. Final Funding Disbursement

As detailed in the POA, the City will provide the final disbursement after:

- The homeowner has provided the City with (access to) utility usage and bills or other applicable fuel receipts for the time period commencing two calendar years prior to the date of signing of the POA.
- If applicable, the homeowner has provided the City with the post-retrofit home energy assessment documentation from the REA; and,
- The homeowner has submitted the Project Completion Package to the City's satisfaction following completion of the Work, for determination by the City, in accordance with the POA, of any Final Disbursement for which the Property qualifies.

Step 7: Local Improvement Charge Repayment

Following the City Treasurer's, Deputy Treasurer (or delegated authority) periodic certification of the local improvement roll (which occurs after the improvements on a given set of properties are complete and the final amounts of funding are confirmed), a by-law will be presented to City Council pursuant to Section 36.14 of O.Reg. 586/06 that imposes the special charges on the participating properties.

For each property included in the by-law, the Treasurer, Deputy Treasurer (or delegated authority) will then add to the City of Hamilton's tax account for that property each year that portion of the imposed special charge that is due in that year. These collective steps will provide priority lien status for the annual amount that the Treasurer, Deputy Treasurer (or delegated authority) adds to the tax account and will ensure that any subsequent property, who was not a party to the POA, is bound to pay that amount.

At any time, a homeowner can make a one-time payment of the total outstanding commuted value of the LIC charge. Failure to make payments is treated with the same remedy as uncollected property taxes, which may include penalties and interest charges. Unpaid LIC will be subject to the City's tax collection policy.

1.9. Local Improvement Charge Disclosure

As stated in O.Reg 518/06, the special charge imposed on the homeowner's property constitutes a special lien that is binding on all future owners, even though future owners are not parties to the original POA. In addition to the notice that the City of Hamilton will be providing in accordance with the provisions of O.Reg. 586/06, the POA will require an assignment agreement when a property with an LIC loan is transferred. The City of Hamilton may also update the Tax Certificate to include the amount payable in the current year and outstanding amounts owing. The City maintains the option to post information on their website to communicate the special charge by-law.

1.10. Quality Control

As a means of additional oversight to confirm that the funded improvements have been completed as approved, the POA will indicate that the City reserves the right to have a City official or third-party contractor enter the property to inspect the completion of the work for up to five (5) years following completion. The homeowner is responsible for keeping original copies of contractor invoices and also photos of installed measures (particularly for measures that are difficult to inspect, such as insulation), and shall disclose this information to the City upon request.

1.11. Measurement and Verification

Pursuant to the POA, the homeowner must agree to provide the City with access to the property's utility usage data, or other fuel purchases as applicable, in order to monitor results and evaluate the program's effectiveness for a period of up to five (5) years after completion of the retrofit. The homeowner must also agree to participate in surveys and other follow-up activities to help the City evaluate the effectiveness and improve the program process and outcomes.

Authority: Item 5, Planning Committee Report 23-019 (PED23232)
CM: November 22, 2023 Ward: 11
Written approval for this by-law was given by Mayoral Decision MDE-2023 10
dated November 22, 2023

Bill No. 218

CITY OF HAMILTON

BY-LAW NO. 23-

To Adopt Official Plan Amendment No. 195 to the Urban Hamilton Official Plan Respecting 2080 Rymal Road (Glanbrook)

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

1. Amendment No. 195 to the Urban Hamilton Official Plan consisting of Schedule “1”, hereto annexed and forming part of this by-law, is hereby adopted.

PASSED this 22nd day of November, 2023.

A. Horwath
Mayor

J. Pilon
Acting City Clerk

DRAFT Urban Hamilton Official Plan Amendment No. 195

The following text, together with Appendix “A” – Volume 2: Map B.5.2-1 Rymal Road Secondary Plan – Land Use Plan attached hereto, constitutes Official Plan Amendment No. 195 to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose of this Amendment is to amend the Rymal Road Secondary Plan by redesignating the subject lands from "Institutional" (Public Elementary School), "Low Density Residential 2g", and "Medium Density Residential 2b" to "Low Density Residential 2h" and "Medium Density Residential 2c" to permit the development of 37 street townhouse dwellings, 189 block townhouse dwellings, and a multiple dwelling containing up to 80 units.

2.0 Location:

The lands affected by this Amendment are known municipally as 2080 Rymal Road East, in the former Township of Glanbrook.

3.0 Basis:

The basis for permitting this Amendment is:

- The proposed development supports the policies of the Urban Hamilton Official Plan and the Rymal Road Secondary Plan, as it contributes to the range of housing forms and the efficient use of land;
- The proposed development supports Residential Intensification policies of the Urban Hamilton Official Plan by providing residential units adjacent to existing commercial uses and in proximity to existing transit; and,
- The proposed Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

4.0 Actual Changes:

4.1 Volume 2 – Secondary Plan

Maps

4.1.1 Map

a. That Volume 2: Map B.5.2-1 – Rymal Road Secondary Plan – Land Use Plan be amended by:

- i) Redesignating certain lands from "Institutional" (Public Elementary School) to "Low Density Residential 2h";
- ii) Redesignating certain lands from "Low Density Residential 2g" to "Low Density Residential 2h";
- iii) Redesignating certain lands from "Medium Density Residential 2b" to "Low Density Residential 2h"; and,
- iv) Redesignating certain lands from "Institutional" (Public Elementary School) to "Medium Density Residential 2c";

as shown on Appendix "A", attached to this Amendment.

5.0 Implementation:

An implementing Zoning By-Law Amendment, Draft Plan of Subdivision and Site Plan will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule "1" to By-law No. 23-218 passed on the 22nd day of November, 2023.

The City of Hamilton

A. Horwath
Mayor

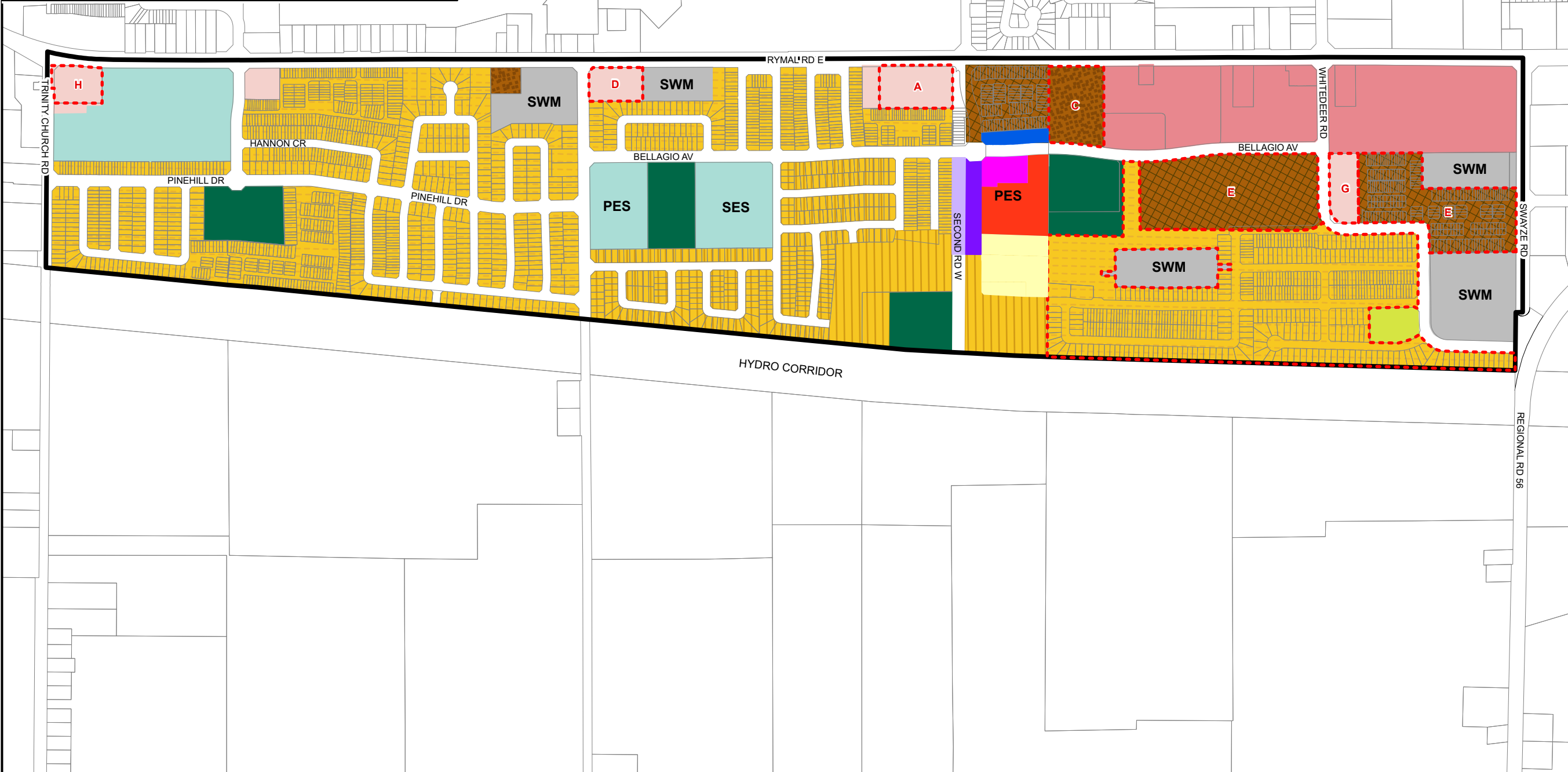
J. Pilon
Acting City Clerk

Appendix A
 APPROVED Amendment No.195
 to the Urban Hamilton Official Plan

- Lands to be redesignated from "Institutional (Public Elementary School)" to "Medium Density Residential 2c"
- Lands to be redesignated from "Institutional (Public Elementary School)" to "Low Density Residential 2h"
- Lands to be redesignated from "Medium Density Residential 2b" to "Low Density Residential 2h"
- Lands to be redesignated from "Low Density Residential 2g" to "Low Density Residential 2h"
- Lands to be removed from identification as part of the road for Second Road West and to be designated as "Low Density Residential 2h"
- Lands to be removed from the "Institutional" designation and identified as part of the road for "Kingsborough Drive"

(2080 Rymal Rd E, Glanbrook)

Date: Oct. 13, 2023	Revised By: JVR/NB	Reference File No.: OPA-U-195(G)
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Legend

Residential Designations

- Low Density Residential 2g
- Low Density Residential 2h
- Medium Density Residential 2b
- Medium Density Residential 2c

Commercial and Mixed Use Designations

- Local Commercial
- Mixed Use - Medium Density
- District Commercial

Parks and Open Space Designations

- Parkette
- Neighbourhood Park

Other Designations

- Institutional
- PES** Public Secondary School
- SES** Separate Elementary School
- PSS** Public Secondary School
- Utility
- SWM** Storm Water Management

Other Features

- Area or Site Specific Policy
- Proposed Roads
- Secondary Plan Boundary

Council Adopted: July 9, 2009
 Ministerial Approval: March 16, 2011
 Effective Date: August 16, 2013

Urban Hamilton Official Plan
Rymal Road Secondary Plan
 Land Use Plan
 Map B.5.2-1

Date: January 2021



Not To Scale



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Authority: Item 5, Planning Committee Report 23-019 (PED23232)

CM: November 22, 2023 Ward: 11

Written approval for this by-law was given by Mayoral Decision MDE-2023 10 dated November 22, 2023

Bill No. 220

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

**To Amend Zoning By-law No. 464 (Glanbrook)
Respecting Lands Located at 2080 Rymal Road East**

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

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

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

AND WHEREAS Zoning By-law No. 464 (Glanbrook) was enacted on the 16th day of March, 1992, and approved by the Ontario Land Tribunal on the 31st day of May, 1993;

AND WHEREAS Council, in adopting Item 5 of Report 23-019 of the Planning Committee at its meeting held on the 22nd day of November, 2023, recommended that Zoning By-law No. 464 (Glanbrook), be amended as hereinafter provided;

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan, upon finalization of Official Plan Amendment No. 195.

NOW THEREFORE the Council of the City of Hamilton amends Zoning By-law No. 464 (Glanbrook) as follows:

1. That Schedule “H” appended to and forming part of Zoning By-law No. 464 (Glanbrook) is amended as follows:
 - (a) by changing the zoning from Residential Multiple “RM2-182” Zone, Modified to Residential Multiple “RM3-323” Zone, Modified (shown as Block 1 on Schedule “A”);
 - (b) by changing the zoning from Residential Multiple “RM2-173” Zone, Modified to Residential Multiple “RM4-325” Zone, Modified (shown as Block 2 on Schedule “A”);

- (c) by changing the zoning from Institutional "I-173" Zone, Modified to Residential Multiple "RM4-325" Zone, Modified (shown as Block 3 on Schedule "A");
- (d) by changing the zoning from Residential Multiple "RM2-173" Zone, Modified to Residential Multiple "RM3-324" Zone, Modified (shown as Block 4 on Schedule "A");
- (e) by changing the zoning from Institutional "I-173" Zone, Modified to Residential Multiple "RM3-324" Zone, Modified (shown as Block 5 on Schedule "A");
- (f) by changing the zoning from Residential Multiple "RM2-182" Zone, Modified to Residential Multiple "RM3-324" Zone, Modified (shown as Block 6 on Schedule "A");
- (g) by changing the zoning from Residential "R4-173(B)" Zone, Modified to Residential Multiple "RM3-324" Zone, Modified (shown as Block 7 on Schedule "A"); and,
- (h) by changing the zoning from the Residential "R4-182" Zone, Modified to Residential Multiple "RM3-324" Zone, Modified (shown as Block 8 on Schedule "A");

For the lands known as 2080 Rymal Road East, the extent and boundaries of which are shown on Schedule "A" to this By-law.

- 2. That SECTION 44: EXCEPTIONS TO THE PROVISIONS OF THIS BY-LAW, be amended as follows:

"RM3-323" – 2080 Rymal Road East (Block 1)

- 1. In addition to SECTION 4: DEFINITIONS, that for the purposes of the Residential Multiple "RM3-323" Zone, Modified, the following definitions shall also apply:
 - (a) That all exterior lot/block lines shall be deemed to be the lot lines, and regulations including but not limited to lot area, lot frontage, lot coverage, building setbacks, landscaped areas, parking requirements and accessory buildings, shall be from the exterior boundaries of the townhouse block according to the unregistered final plan of subdivision and not from individual properties or boundaries created by registration of a condominium plan, through a Consent or created by Part Lot Control.
 - (b) That Notwithstanding the Definition of Front Yard – Kingsborough Drive shall be deemed the Front Yard for the purposes of determining the Front Yard.

2. In addition to the regulations of SECTION 7: GENERAL PROVISIONS FOR ALL ZONES, Subsection 7.23 – SPECIAL SETBACK REQUIREMENTS FROM STREETS, shall not apply.
3. Notwithstanding the regulations of SUBSECTION 7.35 MINIMUM PARKING REQUIREMENTS, Clauses (a)(vi), (a)(vii), (a)(xii), and (a)(xiii), the following provisions shall apply:
 - (a) No direct access shall be provided to each parking space within a garage.
 - (b) Minimum Parking Space Size 3.0 metres x 5.8 metres.
 - (d) A minimum 1.45 metres wide landscaped area shall be provided adjacent to Kingsborough Drive. A minimum 2.6 metres wide landscaped area shall be provided along the Hypotenuse of the Daylight Triangle.
4. Notwithstanding SECTION 19: RESIDENTIAL MULTIPLE “RM3” Zone, Subsection 19.2 – REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 19.1, Clauses (c), (d), (f), (g), (j), (m), and (n)(ii), the following regulations shall apply for the lands zoned Residential Multiple “RM3-323” Zone, Modified:

- (c) Maximum Lot Coverage.....33 percent
- (d) Maximum Density.....43 dwelling units per hectare
- (f) Minimum Side and Rear Yards
 - (i) Side Yard.....2.5 metres
 - (ii) Rear Yard.....7.1 metres
 - (iii) Exterior Side Yard.....7.6 metres
- (g) Minimum Separation Distance.....2 metres between two end units
- (j) Minimum Landscaped Area.....36 percent of the lot area
- (m) Minimum Amenity AreaN/A
- (n) Minimum Parking Requirements
 - (ii) No parking space or area shall be located closer to a street line than 1.45 metres.

“RM3-324” – 2080 Rymal Road East (Blocks 4, 5, 6, 7 and 8)

1. In addition to SECTION 4: DEFINITIONS, that for the purposes of the Residential Multiple “RM3-324” Zone, Modified, the following definitions shall also apply:

- (a) That all exterior lot/block lines shall be deemed to be the lot lines, and regulations including but not limited to lot area, lot frontage, lot coverage, building setbacks, landscaped areas, parking requirements and accessory buildings, shall be from the exterior boundaries of the townhouse block according to the unregistered final plan of subdivision and not from individual properties or boundaries created by registration of a condominium plan, through a Consent or created by Part Lot Control.
 - (b) That Notwithstanding the Definition of Front Lot Line, Citadella Drive shall be considered the Front Lot Line.
 - (c) That Notwithstanding the Definition of Rear Lot Line, Bellagio Avenue shall be considered the Rear Lot Line.
 - (d) That Notwithstanding the Definitions of Interior Side Lot Line and Exterior Side Lot Line, all other Lot Lines shall be considered Side Lot Lines.
2. In addition to the regulations of SECTION 7: GENERAL PROVISIONS FOR ALL ZONES, Subsection 7.23 – SPECIAL SETBACK REQUIREMENTS FROM STREETS, shall not apply.
3. Notwithstanding the regulations of SUBSECTION 7.35 MINIMUM PARKING REQUIREMENTS, Clauses (a)(vi), (a)(vii), (a)(xii), and (a)(xiii), and (b) the following provisions shall apply:
 - (a) No direct access shall be provided to each parking space within a garage.
 - (b) Minimum Parking Space Size 3.0 metres x 5.8 metres.
 - (c) A minimum Landscaped Area width of 2 metres, which may include a sidewalk shall be provided abutting a Residential Zone.
 - (d) 2 spaces for each dwelling unit plus 0.3 visitor parking spaces per unit shall be required.
4. Notwithstanding SECTION 19: RESIDENTIAL MULTIPLE “RM3” ZONE, Subsection 19.1 PERMITTED USES for those lands zoned “RM3-324”, Zone, Modified, by this By-law, only the following uses shall be permitted:
 - (a) Block Townhouse Dwelling.
 - (b) Back-to-back Townhouse Dwelling.
 - (c) Uses, buildings and structures accessory thereto.
5. In addition to the definitions of SECTION 4: DEFINITIONS, the following definition shall apply:

“DWELLING, BACK TO BACK TOWNHOUSE” shall mean a building containing a minimum of eight and no more than 16 dwelling units that is divided vertically and where each unit is divided by common walls, including a common rear wall without a rear yard setback, and whereby each unit has an independent entrance to the unit at grade.

6. Notwithstanding SECTION 19: RESIDENTIAL MULTIPLE “RM3” Zone, Subsection 19.2 – REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 19.1, Clauses (c), (d), (e), (f), (g), (i), (j), and (m), the following regulations shall apply for uses listed in subsection 2 above, for the lands zoned Residential Multiple “RM3-324” Zone, Modified:

(c)	Maximum Lot Coverage.....	31 percent
(d)	Maximum Density.....	43 dwelling units per hectare
(e)	Minimum Front Yard.....	5.0 metres
(f)	Minimum Side and Rear Yards	
(i)	Side Yard (easterly).....	7.4 metres
(ii)	Side Yard (westerly) for buildings 12, 16 and 17..... of Special Figure 3 of Section 50	2.0 metres
(iii)	Side Yard (westerly) for buildings 25, 26 and 27..... of Special Figure 3 of Section 50	7.7 metres
	Side Yard (abutting Block 3).....	1.75 metres
(ii)	Rear Yard.....	3.5 metres
(g)	Minimum Separation Distance.....	2 metres between two end units
(i)	Maximum Height.....	12.0 metres
	Maximum Height abutting Easterly Property Line.....	10.7 metres
(j)	Minimum Landscaped Area.....	34 percent of the lot area
(m)	Minimum Amenity Area	N/A

“RM4-325” – 2080 Rymal Road East (Blocks 2 and 3)

1. Notwithstanding the regulations of SUBSECTION 7.35 MINIMUM PARKING REQUIREMENTS, Clause (b) the following provisions shall apply:
- (a) 1.05 spaces per residential unit, inclusive of visitor parking.

2. Notwithstanding SECTION 20: RESIDENTIAL MULTIPLE “RM4” Zone, Subsection 20.2 – REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 20.1, Clauses (e), (f), (g), and (i) the following for the lands zoned Residential Multiple “RM4-325” Zone, Modified:
- (e) Maximum Density.....127 dwelling units per hectare
 - (f) Minimum Front Yard.....11 metres
 - (g) Minimum Side and Rear Yards
 - (i) Exterior Side Yard.....4.5 metres
 - (ii) Side Yard.....35.0 metres
 - (iii) Rear Yard.....27.3 metres
 - (i) Maximum Height.....22.0 metres
3. That SECTION 50: SPECIAL FIGURES, be amended by adding Figure 3: 2080 Rymal Road.
4. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Residential Multiple “RM3-323” Zone, Modified, the Residential Multiple “RM3-324” Zone, Modified, and the Residential Multiple “RM4-325” Zone, Modified provisions, subject to the special requirements as referred to in Sections 2 and 3 of this By-law.
5. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

PASSED this 22nd day of November, 2023.

A. Horwath
Mayor

J. Pilon
Acting City Clerk












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

 Mayor

 Clerk

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

- Subject Property**
 2080 Rymal Road East
-  Block 1 - Change in Zoning from the Residential Multiple "RM2-182" Zone, Modified to the "Residential Multiple "RM3-323" Zone, Modified
 -  Block 2 - Change in Zoning from the Residential Multiple "RM2-173" Zone, Modified to the "Residential Multiple "RM4-325" Zone, Modified
 -  Block 3 - Change in Zoning from the Institutional "I-173" Zone, Modified to the "Residential Multiple "RM4-325" Zone, Modified
 -  Block 4 - Change in Zoning from Residential Multiple "RM2-173" Zone, Modified, to the Residential Multiple "RM3-324" Zone, Modified
 -  Block 5 - Change in Zoning from the Institutional "I-173" Zone, Modified to Residential Multiple "RM3-324" Zone, Modified
 -  Block 6 - Change in Zoning from the Residential Multiple "RM2-182" Zone, Modified to the Residential Multiple "RM3-324" Zone, Modified
 -  Block 7 - Change in Zoning from the Residential "R4-173(B)" Zone, Modified to the Residential Multiple "RM3-324" Zone, Modified
 -  Block 8 - Change in Zoning from the Residential "R4-182" Zone, Modified to the Residential Multiple "RM3-324" Zone, Modified
 -  Refer to By-law No. 05-200


Scale: N.T.S	File Name/Number: ZAC-20-015 & UHOPA-20-011 & 25T-200303R	
Date: October 2, 2023	Planner/Technician: JV/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		




Special Figure 3: 2080 Rymal Road East

Date:
 October 30, 2023

Legend

-  2080 Rymal Road East
-  Buildings 25, 26 & 27, 7.7 metre setback

-  Buildings 12, 16 & 17, 2 metre setback



Authority: Item 3, Planning Committee Report 23-019 (PED23210)
CM: November 22, 2023 Ward: 11
Written approval for this by-law was given by Mayoral Decision MDE-2023 10
dated November 22, 2023

Bill No. 222

CITY OF HAMILTON

BY-LAW NO. 23-

To Adopt Official Plan Amendment No. 196 to the Urban Hamilton Official Plan Respecting 3169 Fletcher Road (Glanbrook)

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

1. Amendment No. 196 to the Urban Hamilton Official Plan consisting of Schedule “1”, hereto annexed and forming part of this by-law, is hereby adopted.

PASSED this 22nd day of November, 2023.

A. Horwath
Mayor

J. Pilon
Acting City Clerk

Urban Hamilton Official Plan Amendment No. 196

The following text, together with Appendix “A” – Volume 2: Map B.5.1.1 – Binbrook Village Secondary Plan – Land Use Plan constitutes Official Plan Amendment No. “196” to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to redesignate the subject lands from “Low Density Residential 2h” to “Low Density Residential 3c” within the Binbrook Village Secondary Plan, to permit the development of block townhouse and back-to back townhouse dwellings with a maximum density of 49 dwelling units per net residential hectare.

2.0 Location:

The lands affected by this Amendment are known municipally as 3169 Fletcher Road, in the former Township of Glanbrook.

3.0 Basis:

The basis for permitting this Amendment is:

- The proposed development maintains the general intent of the policies of the Urban Hamilton Official Plan and Binbrook Village Secondary Plan.
- The proposed development will be integrated and compatible with the proposed subdivision to the west of the subject lands and introduces a new housing type that is compatible with planned housing in the area.
- The Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

4.0 Actual Changes:

4.1 Volume 2 – Secondary Plans

Maps

4.1.2 Map

- a. That Volume 2: Map B.5.1-1 – Binbrook Village Secondary Plan – Land Use Plan be amended by redesignating lands from “Low Density Residential 2h” to “Low Density Residential 3c”, as shown on Appendix “A” attached to this amendment.

5.0 Implementation:

An implementing Zoning By-Law Amendment, Draft Plan of Subdivision, and Site Plan will give effect to the intended uses on the subject lands.


This Official Plan Amendment is Schedule “1” to By-law No. 23-222 passed on the 22nd day of November, 2023.

The City of Hamilton

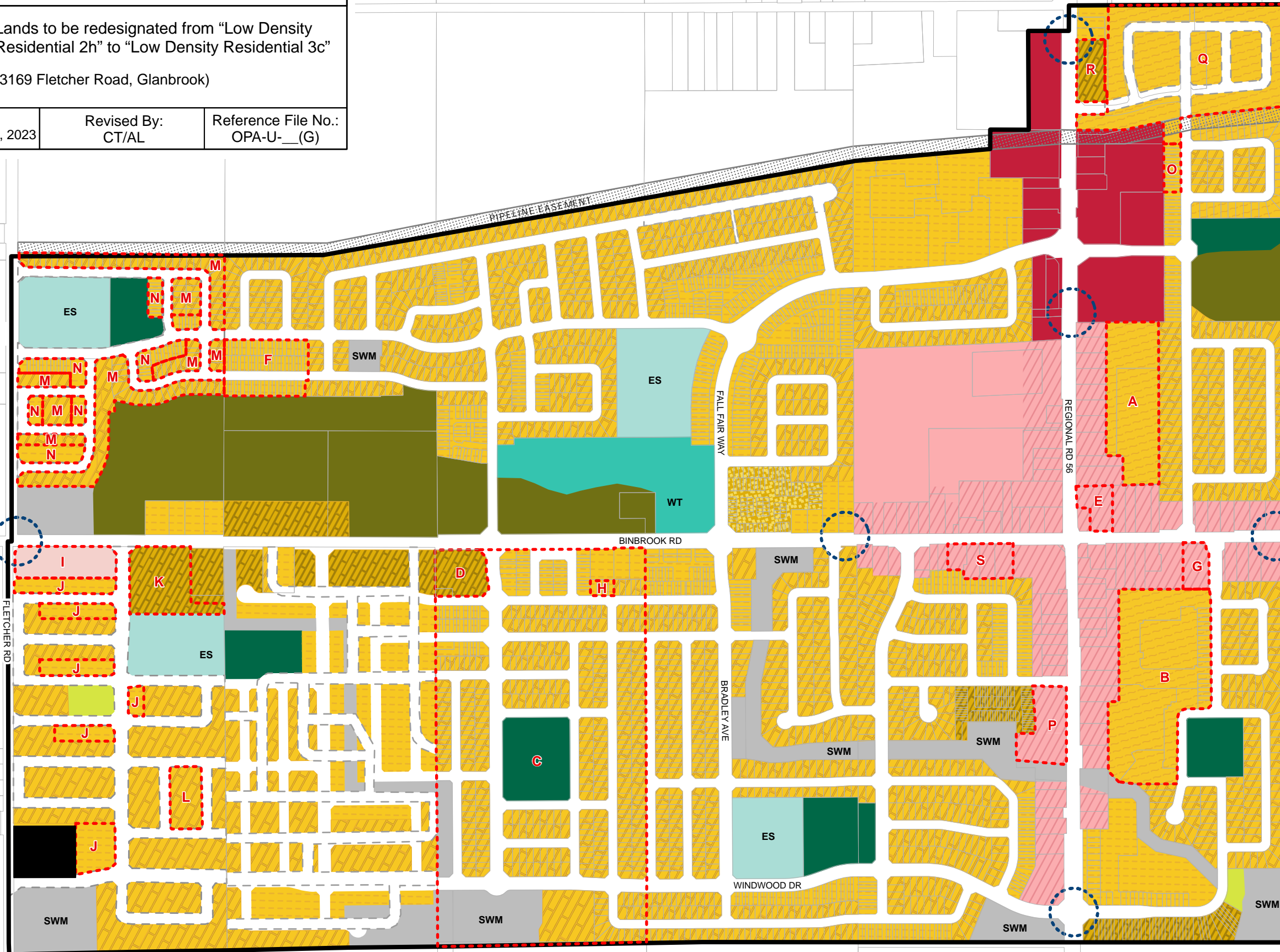
A. Horwath
Mayor

J. Pilon
Acting City Clerk

Appendix A
Approved Amendment No.196
to the Urban Hamilton Official Plan






 Lands to be redesignated from "Low Density Residential 2h" to "Low Density Residential 3c"
(3169 Fletcher Road, Glanbrook)

Date: September 13, 2023	Revised By: CT/AL	Reference File No.: OPA-U-__(G)
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Legend






Residential Designations

-  Low Density Residential 2d
-  Low Density Residential 2e
-  Low Density Residential 2h
-  Low Density Residential 3c
-  Low Density Residential 3e



Commercial and Mixed Use Designations

-  Local Commercial
-  District Commercial
-  Mixed Use - Medium Density
-  Mixed Use - Medium Density - Pedestrian Focus






Parks and Open Space Designations

-  Parkette
-  Neighbourhood Park
-  Community Park
-  General Open Space
-  Natural Open Space

Other Designations

-  Institutional
- ES** Elementary School
-  Utility
- SWM** Storm Water Management

Other Features

-  Area or Site Specific Policy
-  Gateway
- WT** Storm Water Management
-  Pipeline
-  Proposed Roads
-  Secondary Plan Boundary

Council Adopted: July 9, 2009
Ministerial Approval: March 16, 2011
Effective Date: August 16, 2013

Urban Hamilton Official Plan
Binbrook Village
Secondary Plan
Land Use Plan Map
Map B.5.1-1

Date: May 2022



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Authority: Item 7, Planning Committee Report 23-019 (PED23234)
CM: November 22, 2023 Ward: 12
Written approval for this by-law was given by Mayoral Decision MDE-2023 10
dated November 22, 2023

Bill No. 224

CITY OF HAMILTON

BY-LAW NO. 23-

To Adopt Official Plan Amendment No. 193 to the Urban Hamilton Official Plan

Respecting:

**1225 Old Golf Links Road
(Ancaster)**

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

1. Amendment No. 193 to the Urban Hamilton Official Plan consisting of Schedule “1”, hereto annexed and forming part of this by-law, is hereby adopted.

PASSED this 22nd day of November, 2023.

A. Horwath
Mayor

J. Pilon
Acting City Clerk

Urban Hamilton Official Plan Amendment No. 193

The following text, together with:

Appendix “A”	Volume 1: Schedule E-1 – Urban Land Use Designations
Appendix “B”	Volume 2: Map B.2.4-1 – Meadowlands Mixed Use Secondary Plan – Land Use Plan

attached hereto, constitutes Official Plan Amendment No. 193 to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to re-designate the subject lands from “Open Space” to “Mixed Use – Medium Density” and to re-designate from “General Open Space” to “Mixed Use – Medium Density”.

2.0 Location:

The lands affected by this Amendment are known municipally as 1225 Old Golf Links Road, in the former Town of Ancaster.

3.0 Basis:

The basis for permitting this Amendment is:

- The Amendment will help facilitate the continued extension of an urbanized streetscape and services; and,
- The Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

4.0 Actual Changes:

4.1 Volume 1 – Parent Plan

Schedules and Appendices

4.1.1 Schedule

- a. That Volume 1: Schedule E-1 – Urban Land Use Designations be amended by redesignating the subject lands from “Open Space” to “Mixed Use – Medium Density”, as shown on Appendix “A”, attached to this Amendment.

4.2 Volume 2 – Secondary Plans

Maps

4.2.1 Map

- a. That Volume 2: Map B.2.4-1 – Meadowlands Mixed Use Secondary Plan – Land Use Plan be amended by:
 - i) redesignating the subject lands from “General Open Space” to “Mixed Use – Medium Density”.

5.0 Implementation:

An implementing Zoning By-Law Amendment and Site Plan will give effect to the intended uses on the subject lands.


This Official Plan Amendment is Schedule “1” to By-law No. 23-224 passed on the 22nd day of November, 2023.

The City of Hamilton

A. Horwath
Mayor

J. Pilon
Acting City Clerk

Appendix A
DRAFT Amendment No. 193
to the Urban Hamilton Official Plan

 Lands to be redesignated from "Open Space" to "Mixed Use - Medium Density"
(1225 Old Golf Links Road, Ancaster)


Date:
September 28, 2023

Revised By:
JL/NB

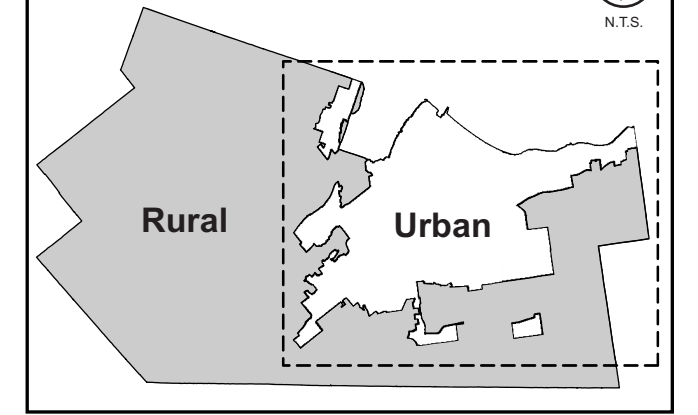
Reference File No.:
OPA-U-193(A)

APPEALS

UHOPA NO. 69 APPEALS - PL171450



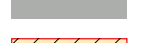
-  - 3011 Homestead Drive (Glanbrook), Appellant # 4
- 237 Upper Centennial Parkway (Stoney Creek), Appellant # 14

Key Map








Note: For Rural Land Use Designations, refer to Schedule D of the Rural Hamilton Official Plan.

Legend

-  Neighbourhoods
-  Open Space
-  Institutional
-  Utility
-  Urban Expansion Area - Neighborhoods
-  Urban Expansion Area - Employment






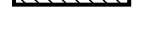
Commercial and Mixed Use Designations

-  Downtown Mixed Use Area
-  Mixed Use - High Density
-  Mixed Use - Medium Density
-  District Commercial
-  Arterial Commercial

Employment Area Designations

-  Industrial Land
-  Business Park
-  Airport Employment Growth District
-  Shipping & Navigation

Other Features

-  Rural Area
-  John C. Munro Hamilton International Airport
-  Niagara Escarpment
-  Urban Boundary
-  Municipal Boundary
-  Lands Subject to Non Decision 113 West Harbour Setting Sail

Council Adoption: July 9, 2009
Ministerial Approval: March 16, 2011
Effective Date: August 16, 2013

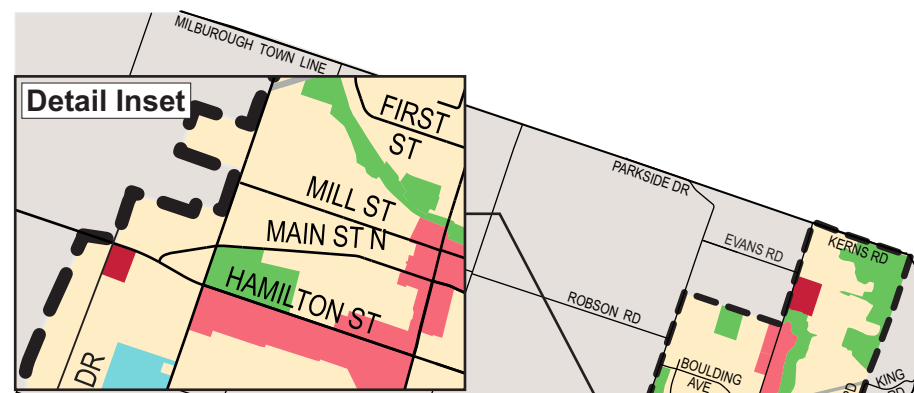
Urban Hamilton Official Plan
Schedule E-1
Urban Land Use Designations



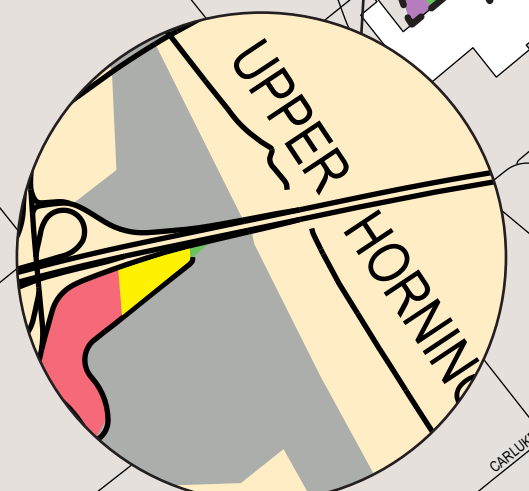
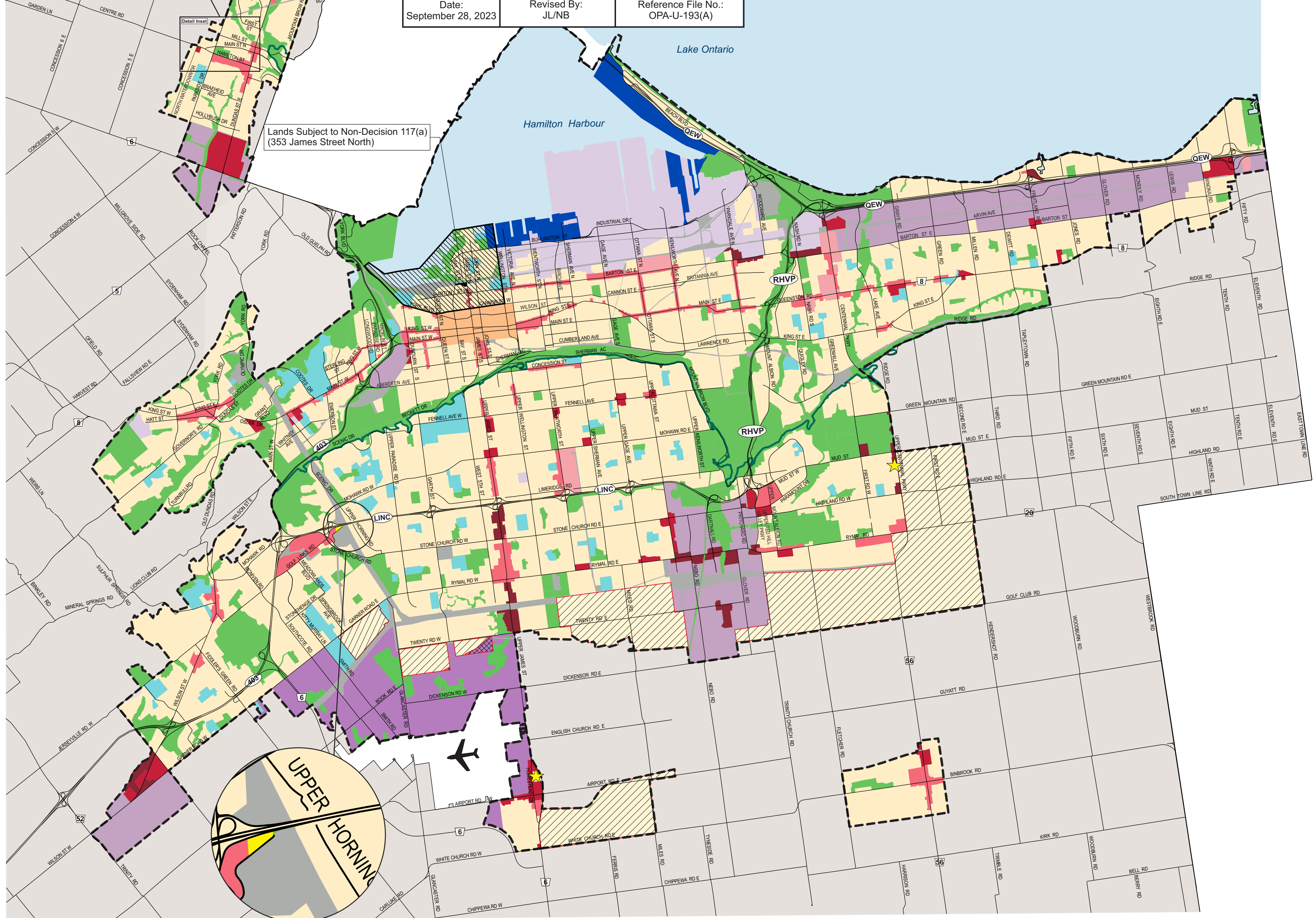
Date: Sept. 2023

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Lands Subject to Non-Decision 117(a)
(353 James Street North)



Appendix B
 DRAFT Amendment No. 193
 to the Urban Hamilton Official Plan

 Lands to be redesignated from "General Open Space" to "Mixed Use - Medium Density"

 Lands to be identified as
 Site Specific Policy Area C
 (1225 Old Golf Links Road, Ancaster)

Date:
 Sept. 28, 2023




Revised By:
 JL/NB

Reference File No.:
 OPA-U-193(A)





Legend



Residential Designations

-  Low Density Residential 2c
-  Medium Density Residential 1a
-  Medium Density Residential 2c




Parks and Open Space Designations

-  Natural Open Space
-  General Open Space

Other Designations

-  Mixed Use - Medium Density
-  Institutional

Other Features

-  Area or Site Specific Policy
-  Access Point/Intersection
-  Secondary Plan Boundary

Council Adopted: July 9, 2009
 Ministerial Approval: March 16, 2011
 Effective Date: August 16, 2013

Urban Hamilton Official Plan
Meadowlands Mixed Use
Secondary Plan
 Land Use Plan
 Map B.2.4-1

Date: August 2013



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Authority: Item 7, Planning Committee Report 23-019 (PED23234)
CM: November 22, 2023 Ward: 12
Written approval for this by-law was given by Mayoral Decision MDE-2023 10
dated November 22, 2023

Bill No. 224

CITY OF HAMILTON

BY-LAW NO. 23-

To Adopt:

Official Plan Amendment No. 193 to the Urban Hamilton Official Plan

Respecting:

**1225 Old Golf Links Road,
(Ancaster)**

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

1. Amendment No. 193 to the Urban Hamilton Official Plan consisting of Schedule “1”, hereto annexed and forming part of this by-law, is hereby adopted.

PASSED this 22nd day of November, 2023.

A. Horwath
Mayor

J. Pilon
Acting City Clerk

Urban Hamilton Official Plan Amendment No. 193

The following text, together with:

Appendix “A”	Volume 1: Schedule E-1 – Urban Land Use Designations
Appendix “B”	Volume 2: Map B.2.4-1 – Meadowlands Mixed Use Secondary Plan – Land Use Plan

attached hereto, constitutes Official Plan Amendment No. 193 to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to redesignate the subject lands from “Open Space” to “Mixed Use – Medium Density” within the Urban Hamilton Official Plan and to redesignate the subject lands from “General Open Space” to “Mixed Use – Medium Density” within the Meadowlands Mixed Use Secondary Plan with a maximum building height of five storeys.

2.0 Location:

The lands affected by this Amendment are known municipally as 1225 Old Golf Links Road, in the former Town of Ancaster.

3.0 Basis:

The basis for permitting this Amendment is:

- The Amendment provides consistency between the Urban Hamilton Official Plan and the implementation of the amending Zoning By-law;
- The Amendment will help facilitate the continued extension of an urbanized streetscape and services; and,
- The Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

4.0 Actual Changes:

4.1 Volume 1 – Parent Plan

Schedules and Appendices

4.1.1 Schedule

- a. That Volume 1: Schedule E-1 – Urban Land Use Designations be amended by redesignating the subject lands from “Open Space” to “Mixed Use – Medium Density”, as shown on Appendix “A”, attached to this Amendment.

4.2 Volume 2 – Secondary Plans

Text

4.2.1 Chapter B.2.0 – Ancaster Secondary Plans – Section B.2.4 – Meadowlands Mixed Use Secondary Plan

- a. That Volume 2: Chapter B.2.0 – Ancaster Secondary Plans, Section B.2.4 Meadowlands Mixed Use Secondary Plan be amended by adding a new Site Specific Policy, as follows:

“Site Specific Policy – Area C

B.2.4.12.3 For the lands located at 1225 Old Golf Links Road, designated Mixed Use Medium Density, and identified as Site Specific Policy – Area C on Map B.2.4-1 – Meadowlands Mixed Use Secondary Plan – Land Use Plan, the following policies shall apply:

- a) Notwithstanding Policy B.2.4.3 of Volume 2, a building with a maximum height of five storeys shall be permitted.”

Maps and Appendices

4.2.2 Map

- a. That Volume 2: Map B.2.4-1 – Meadowlands Mixed Use Secondary Plan – Land Use Plan be amended by:
 - i) redesignating the subject lands from “General Open Space” to “Mixed Use – Medium Density”; and,
 - ii) identifying the subject lands as Site Specific Policy – Area “C”, as shown on Appendix “B”, attached to this Amendment.

5.0 Implementation:

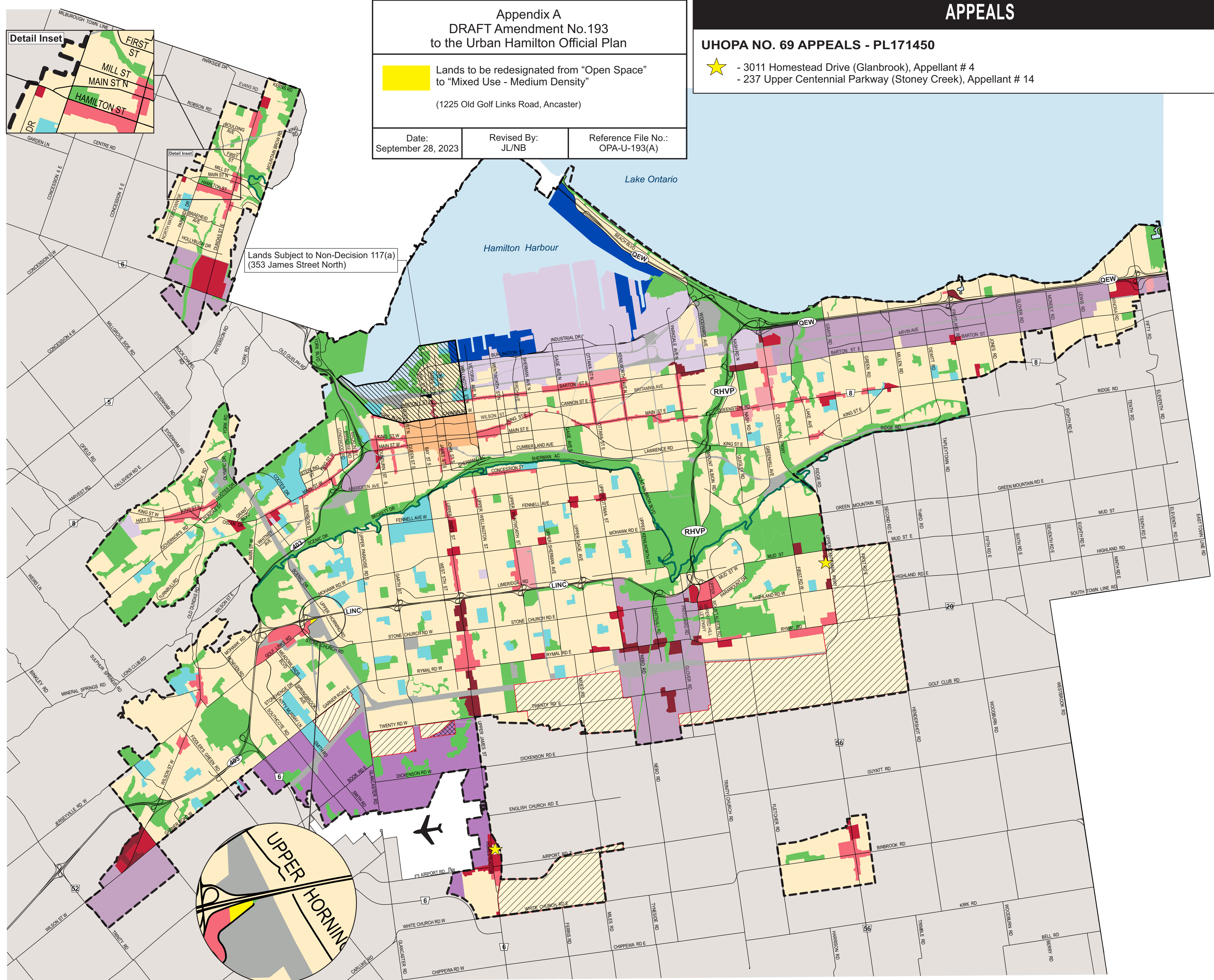
An implementing Zoning By-Law Amendment and Site Plan will give effect to this Amendment.

This Official Plan Amendment is Schedule “1” to By-law No. 23-224 passed on the 22nd day of November, 2023.

The City of Hamilton

A. Horwath
Mayor

J. Pilon
Acting City Clerk



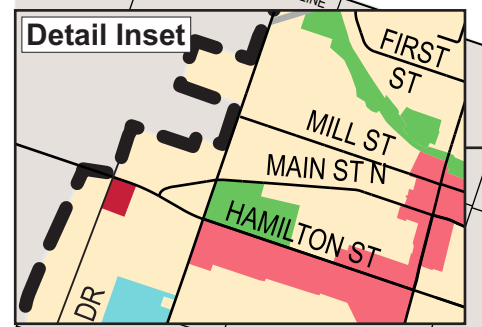
Appendix A
DRAFT Amendment No. 193
 to the Urban Hamilton Official Plan

Lands to be redesignated from "Open Space" to "Mixed Use - Medium Density"
 (1225 Old Golf Links Road, Ancaster)

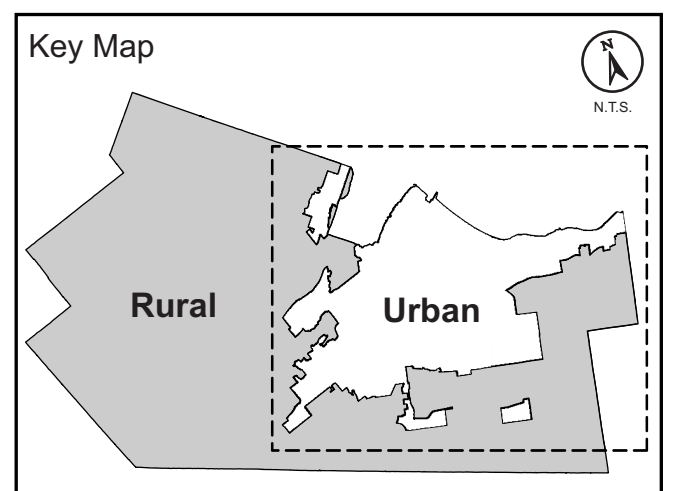
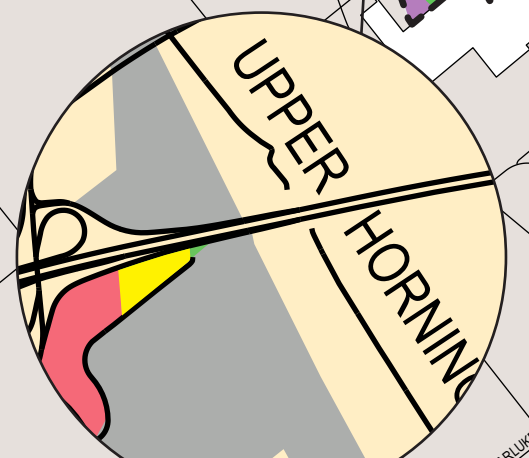
Date: September 28, 2023	Revised By: JL/NB	Reference File No.: OPA-U-193(A)
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UHOPA NO. 69 APPEALS - PL171450

- 3011 Homestead Drive (Glanbrook), Appellant # 4
 - 237 Upper Centennial Parkway (Stoney Creek), Appellant # 14



Lands Subject to Non-Decision 117(a)
 (353 James Street North)



Note: For Rural Land Use Designations, refer to Schedule D of the Rural Hamilton Official Plan.

- Legend**
- Neighbourhoods
 - Open Space
 - Institutional
 - Utility
 - Urban Expansion Area - Neighborhoods
 - Urban Expansion Area - Employment
- Commercial and Mixed Use Designations**
- Downtown Mixed Use Area
 - Mixed Use - High Density
 - Mixed Use - Medium Density
 - District Commercial
 - Arterial Commercial
- Employment Area Designations**
- Industrial Land
 - Business Park
 - Airport Employment Growth District
 - Shipping & Navigation
- Other Features**
- Rural Area
 - John C. Munro Hamilton International Airport
 - Niagara Escarpment
 - Urban Boundary
 - Municipal Boundary
 - Lands Subject to Non Decision 113 West Harbour Setting Sail


Council Adoption: July 9, 2009
 Ministerial Approval: March 16, 2011
 Effective Date: August 16, 2013

Urban Hamilton Official Plan
Schedule E-1
Urban Land Use Designations



Appendix B
 DRAFT Amendment No. 193
 to the Urban Hamilton Official Plan

 Lands to be redesignated from "General Open Space" to "Mixed Use - Medium Density"

 Lands to be identified as
 Site Specific Policy Area C
 (1225 Old Golf Links Road, Ancaster)

Date:
 Sept. 28, 2023




Revised By:
 JL/NB

Reference File No.:
 OPA-U-193(A)





Legend



Residential Designations

-  Low Density Residential 2c
-  Medium Density Residential 1a
-  Medium Density Residential 2c




Parks and Open Space Designations

-  Natural Open Space
-  General Open Space

Other Designations

-  Mixed Use - Medium Density
-  Institutional

Other Features

-  Area or Site Specific Policy
-  Access Point/Intersection
-  Secondary Plan Boundary

Council Adopted: July 9, 2009
 Ministerial Approval: March 16, 2011
 Effective Date: August 16, 2013

Urban Hamilton Official Plan
Meadowlands Mixed Use
Secondary Plan
 Land Use Plan
 Map B.2.4-1

Date: August 2013



Not To Scale



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
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 THIS IS NOT A PLAN OF SURVEY.

Authority: Item 7, Planning Committee Report 23-019 (PED23234)

CM: November 22, 2023 Ward: 12

Written approval for this by-law was given by Mayoral Decision MDE-2023 10 dated November 22, 2023

Bill No. 225

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

**To Amend Zoning By-law No. 05-200, Respecting Lands Located at
1225 Old Golf Links Road, Ancaster**

WHEREAS Council approved Item 7 of Report 23-019 of the Planning Committee, at its meeting held on November 14, 2023;

AND WHEREAS this By-law conforms to the Urban Hamilton Official Plan upon the approval of Official Plan Amendment No. 193;

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

1. That Map Nos. 1178 and 1179 of Schedule "A" – Zoning Maps are amended by adding the Mixed Use Medium Density (C5, 876, H161) Zone for the lands known as 1225 Old Golf Links Road, Ancaster, the extent and boundaries of which are shown on Schedule "A" to this By-law.
2. That Schedule "C" – Special Exceptions is amended by adding the following new Special Exception:
 - "876. Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Map Nos. 1178 and 1179 of Schedule "A" – Zoning Maps and described as 1225 Old Golf Links Road, Ancaster, the following special provisions shall apply:
 - a) Notwithstanding Section 4.23 e) as it relates to the setback from the Lincoln Alexander Parkway, a minimum setback of 1.0 metre from the Lincoln Alexander Parkway right-of-way, excluding access ramps.
 - b) Notwithstanding Section 10.5.3 b), 10.5.3 d) ii), and 10.5.3 g) vii)
 1. the following special provisions shall apply:
 - i) Minimum Rear Yard Setback 1.0 metre.

- | | | |
|------|-----------------------|---|
| ii) | Maximum
Height | 18.8 metres. |
| iii) | Principal
Entrance | A principal entrance shall be permitted to face westerly and include a direct connection to the street. |

3. That Schedule “D” – Holding Provisions be amended by adding the additional Holding Provision as follows:

“161 Notwithstanding Section 10.5 of this By-law, within lands zoned Mixed Use – Medium Density (C5) Zone, identified on Map No. 1178 and 1179 of Schedule “A” – Zoning Maps and described as 1225 Old Golf Links Road, no development shall be permitted until such time as:

- i) The Owner submits a revised Functional Servicing Report in accordance with the City’s standards, to the satisfaction of the Director of Growth Management and Chief Development Engineer demonstrating that the increased wastewater generated from the proposed development will not adversely impact the hydraulic performance of the City’s sanitary sewer system by completing a sanitary sewer analysis to demonstrate that there is a residual capacity in the system to support the proposed development;
- ii) The Owner submits a revised Stormwater Management Report demonstrating that there is a suitable storm outlet for the proposed development, to the satisfaction of the Director of Growth Management and Chief Development Engineer;
- iii) The Owner submits a Watermain Hydraulic Analysis, to the satisfaction of the Director of Growth Management and Chief Development Engineer.
- iv) The Owner makes satisfactory arrangements with the City’s Growth Management Division and enters into an External Works Agreement with the City for the design and construction of any required improvements to the municipal infrastructure at the Owner’s cost, all to the satisfaction of the Director of Growth Management and Chief Development Engineer.
- v) The Owner submits an acoustical report prepared by a qualified Professional Engineer containing the recommended noise control measures to the satisfaction of the Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner and

shall be submitted to the satisfaction of the City of Hamilton,
Director of Planning and Chief Planner.

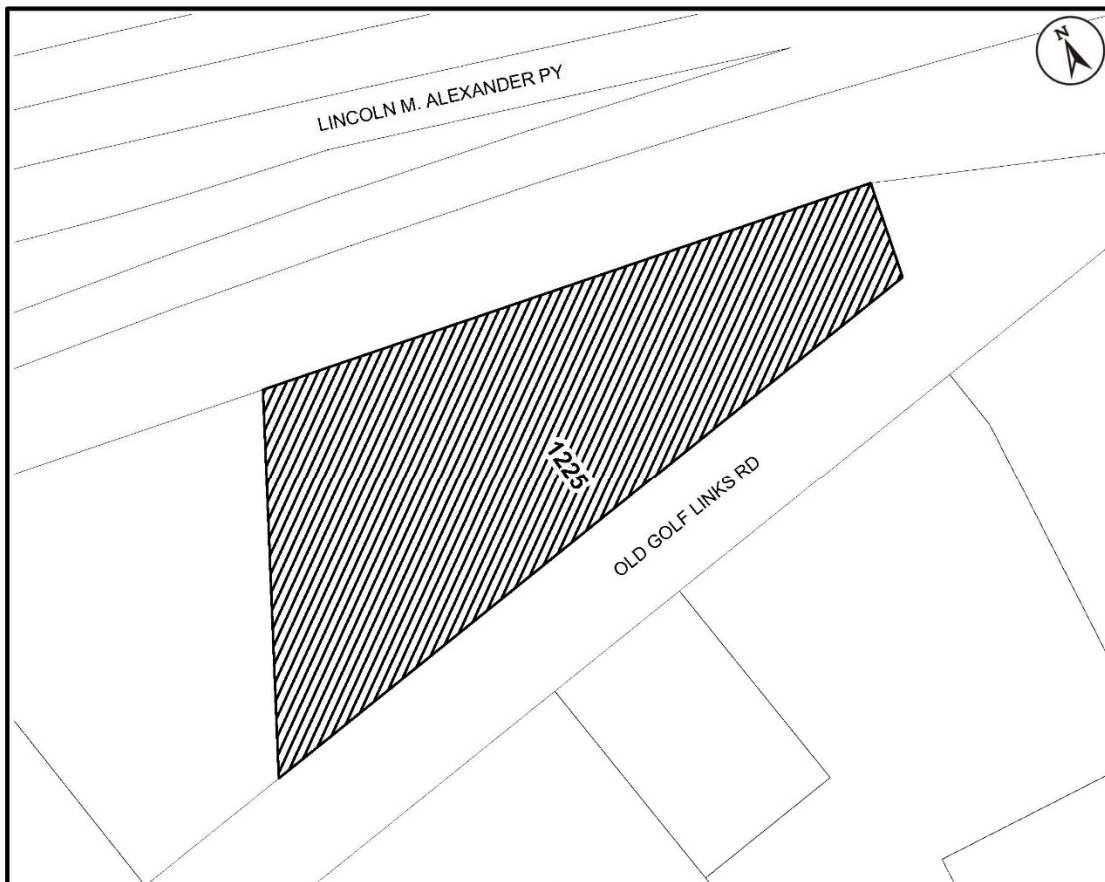
- vi) The Owner submits a revised Tree Protection Plan that addresses the protection of the trees inventoried within the City's right-of-way and finalizes the justification for the removal of the identified trees, to the satisfaction of the Director of Planning and Chief Planner. The resubmission must include the applicable Tree Protection Plan review fee payable to the City of Hamilton.
 - vii) The Owner satisfying all requirements of Hydro One Corporation including lot grading and drainage and entering into a Site Plan Agreement with the City, to the satisfaction of the Director of Planning and Chief Planner.
4. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the provisions of the Mixed Use Medium Density (C5, 876, H161) Zone, subject to the special requirements referred to in Section No. 2 and 3 of this By-law.
5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

PASSED this 22nd day of November, 2023.

A. Horwath
Mayor

J. Pilon
Acting City Clerk

ZAC-23-041



<p>This is Schedule "A" to By-law No. 23-</p> <p>Passed the day of, 2023</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<p>Schedule "A"</p> <p>Map forming Part of By-law No. 23-_____</p> <p>to Amend By-law No. 05-200 Maps 1178 & 1179</p>	<p>Subject Property</p> <p>1225 Old Golf Links Road, Ancaster (Ward 12)</p> <p> Change in zoning from the Public ("P-242") Zone to the Mixed Use Medium Density (C5, 876, H161) Zone</p>
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<p>Scale: N.T.S</p>	<p>File Name/Number: ZAC-23-041 & UHOPA-23-016</p>	
<p>Date: November 22, 2023</p>	<p>Planner/Technician: JL/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

Authority: Item 3(a), Audit, Finance and Administration Committee Report 23-018 (FCS23109)
CM: November 22, 2023 Ward: City Wide
Written approval for this by-law was given by Mayoral Decision MDE-2023 10
dated November 22, 2023
Bill No. 226

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

**To Authorize the Temporary Borrowing of Monies to Meet Current
Expenditures Pending Receipt of Current Revenues for 2024**

WHEREAS the Council for the City of Hamilton deems it necessary to pass and enact a by-law to authorize the temporary borrowing of monies by the City to meet current budget expenditures for the year 2024 pending receipt of current revenues; and,

WHEREAS section 407(1) of the *Municipal Act, 2001*, provides as follows:

"At any time during a fiscal year, a municipality may authorize temporary borrowing, until the taxes are collected and other revenues are received, of the amounts that the municipality considers necessary to meet the expenses of the municipality for the year and of the amounts, whether or not they are expenses for the year, that the municipality requires in the year"; and,

WHEREAS Section 407(2) of the *Municipal Act, 2001*, imposes certain limitations on the amounts that may be borrowed at any one time.

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

1. (a) The City of Hamilton is hereby authorized to borrow from a Bank or person by way of Promissory Notes or Bankers Acceptances from time to time a sum or sums of monies not exceeding at any one time the amounts specified in subsection 407(2) of the *Municipal Act, 2001* to pay off temporary bank overdrafts for the current expenditures of the City for the year 2024, including amounts for sinking funds, principal and interest falling due within such fiscal year and the sums required by law to provide for the purposes of the City.
- (b) The amount of monies that may be borrowed at any one time for the purposes of subsection 407(1) of the *Municipal Act, 2001*, together with the total of any similar borrowings that have not been repaid, shall not, except with the approval of the Ontario Municipal Board, exceed the prescribed percentages of the total of the estimated revenues of the City as set forth in the estimates adopted for the year, which percentages are set out in section 407 of the *Municipal Act, 2001* as it may be amended from time to time.
2. (a) Until estimates of revenue of the City for the 2024 year are adopted,

borrowing shall be limited to the estimated revenues of the City as set forth in estimates adopted for the next preceding year.

- (b) The total estimated revenues of the City, including the amounts levied for Education purposes, adopted for the year 2024 are One Billion, Nine Hundred Million Dollars (\$1,900,000,000).
3. All sums borrowed pursuant to the authority of this By-law, together with any and all similar borrowings in the current year and in previous years that have not been repaid shall, together with interest thereon, be a charge upon the whole of the revenues of the City for the current year and for all preceding years, as and when such revenues are collected or received.
 4. The Treasurer shall, and is hereby authorized and directed to, apply in payment of all sums borrowed pursuant to this By-law, together with interest thereon, all of the monies thereafter collected or received for the current and preceding years, either on account or realized in respect of taxes levied for the current year and preceding years or from any other sources which may lawfully be applied for such purpose.
 5. That the Mayor and failing such person, the Deputy Mayor of the City Council and failing such person, the City Manager, together with the Treasurer or any one of the Temporary Acting Treasurers be authorized and directed to sign and execute the aforesaid Promissory Notes and Bankers Acceptances, hypothecations, agreements and such other documents, writings and papers which shall give effect to the foregoing.
 6. This By-law shall come into force and effect on the 1st day of January 2024 and shall remain in force and effect until December 31, 2024.

PASSED this 22nd day of November, 2023.

A. Horwath
Mayor

J. Pilon
Acting City Clerk

Authority: Item 8, Planning Committee Report 23-019 (PED22031(a))
CM: November 22, 2023 Ward: 2
Written approval for this by-law was given by Mayoral Decision MDE-2023 10
dated November 22, 2023

Bill No. 229

CITY OF HAMILTON

BY-LAW NO. 23-

To Adopt:

**Official Plan Amendment No. 251 to the
City of Hamilton Official Plan**

Respecting:

**65 Guise Street East (Pier 8, Block 16)
(Hamilton)**

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

1. Amendment No. 251 to the City of Hamilton Official Plan consisting of Schedule "1", hereto annexed and forming part of this by-law, is hereby adopted.

PASSED this 22nd day of November, 2023.

A. Horwath
Mayor

J. Pilon
Acting City Clerk

Amendment No. 251
to the
City of Hamilton Official Plan

The following text, together with:

Appendix “A”	Schedule M-2: General Land Use
Appendix “B”	Schedule M-4: Building Height

attached hereto, constitutes Official Plan Amendment No. 251 to the City of Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to amend the West Harbour (Setting Sail) Secondary Plan by changing the designation of the subject lands from “Institutional” to “Mixed Use” and establishing a Special Policy Area to permit a mixed use building with a maximum building height of 45 storeys.

2.0 Location:

The lands affected by this Amendment are located at 65 Guise Street East (Pier 8, Block 16) in the City of Hamilton.

3.0 Basis:

The basis for permitting the Amendment is as follows:

- The proposed development addresses innovation in the areas of sustainability, quality of life and design excellence and creates a landmark and visual anchor at Pier 8 that is emblematic of the Harbour's renewal.
- The proposal results in additional family sized units contributing to a broader range of housing types within the West Harbour Secondary Plan area.
- The Amendment is consistent with the Provincial Policy Statement, 2020 and the A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

4.0 Changes:

4.1 Text Changes:

4.1.1 That Section A.6.3.5.1.11 be amended by adding Policy No. A.6.3.5.1.11.1 as follows:

"A.6.3.5.1.11.1 The following policies shall apply to lands known municipally as 65 Guise Street East (Pier 8, Block 16), designated Mixed Use and identified as Special Policy Area 16 on Schedule M-2: General Land Use Plan of the West Harbour Secondary Plan:

Vision

- i) Pier 8, Block 16 is considered a prominent site of strategic importance within the overall Pier 8 development. Future development of the site shall reflect the positive attributes of the unique waterfront context and create a regional level landmark and visual anchor at Pier 8 that is emblematic of the Harbour's renewal;
- ii) A tall building on Pier 8, Block 16 shall be a singular exception to the mid-rise built form character of Pier 8 intended to create variety and interest in the urban fabric;
- iii) The design of development on Pier 8, Block 16 shall achieve placemaking that is built on quality of life, sustainability, and design excellence and include publicly accessible open spaces;
- iv) Development shall support families through the provision of family sized and affordable housing units;
- v) Promote development that will achieve a high standard of design as it relates to energy efficiency, water conservation and air quality through certifications such as

LEED, WELL, and EnergyStar;

Implementation

- vi) In addition to Policies A.6.3.5.1.11 i) and ii), commercial, community and live / work uses shall be permitted on the ground and second floor of a multiple dwelling;
- vii) Policies A.6.3.5.1.11 iv) and v) shall not apply;
- viii) The maximum building height shall be 45 storeys and no building, including mechanical penthouse, shall exceed a geodetic elevation of 224.0 metres;
- ix) Residential development shall include family sized units as required in the implementing Zoning By-law. Family sized units shall mean dwelling units with two or more bedrooms;
- x) No less than five percent of residential units on the entire Pier 8 lands shall meet the definition of Affordable Housing as defined by the City of Hamilton Municipal Housing Facilities By-law No. 16-233 and as required by the applicable development agreement between the City and the developer. The inclusion of Affordable Housing in the Block 16 development shall be encouraged;
- xi) The maximum number of dwelling units permitted on the entire Pier 8 lands, inclusive of Block 16, shall be in accordance with the Zoning By-law;
- xii) Development shall achieve the environmental sustainability targets set out in the Pier 8 – Block 16 Sustainability Report submitted by the developer in consultation with the City. The intent of the sustainability measures is to set a high standard for environmental sustainability and raise

expectations for future development; and,

- xiii) Development shall be consistent with the Pier 8 Block 16 Urban Design Guidelines.

4.2 Map / Schedule Changes:

4.2.1 That Schedule M-2: General Land Use, of the West Harbour (Setting Sail) Secondary Plan is amended by:

- a) redesignating the subject lands from “Institutional” to “Mixed Use”; and,
- b) identifying the subject lands as “Special Policy Area 16”,

as shown on Appendix “A” to this Amendment.

4.2.2 That Schedule M-4: Building Heights, of the West Harbour (Setting Sail) Secondary Plan is amended by changing the building height category for the subject lands from “2-4 storeys” to “Height is governed by the Secondary Plan Policies”, as shown on Appendix “B” to this Amendment.

5.0 Implementation:

An implementing Zoning By-law Amendment and Site Plan Control application will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule “1” to By-law No. 23-229 passed on the 22nd day of November, 2023.

The City of Hamilton

A. Horwath
Mayor

J. Pilon
Acting City Clerk

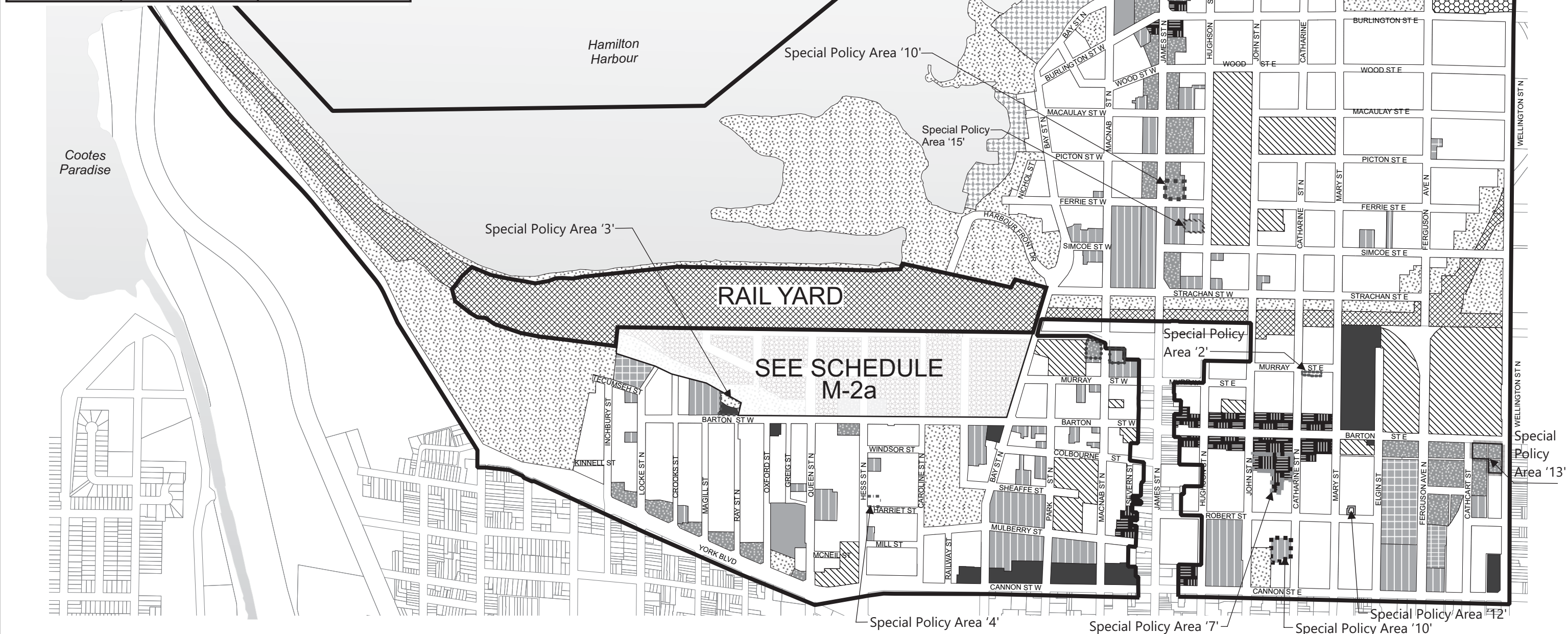
Appendix A
Approved Amendment No.251
to the City of Hamilton Official Plan

- Lands to be redesignated from "Institutional" to "Mixed Use"
- Lands to be identified as Special Policy Area "16"
(65 Guise Street North, Hamilton)

Date:
Sept. 21, 2023

Revised By:
MK/NB

Reference File No.:
OPA-251-(H)



Legend			
Low Density Residential	High Density Residential	Institutional	Marine Recreational
Medium Density Residential 1	Mixed Use	Prime Retail	Waterfront Commercial
Medium Density Residential 2	Local Commercial	Open Space	Shipping & Navigation
		Utilities and Transportation	Special Policy Area
		Study Area Boundary	

Special Policy Area '1'	Special Policy Area '7'	Special Policy Area '12'
Special Policy Area '2'	Special Policy Area '8'	Special Policy Area '13'
Special Policy Area '3'	Special Policy Area '9'	Special Policy Area '15'
Special Policy Area '4'	Special Policy Area '10'	




Hamilton West Harbour Planning Area Study



Schedule M-2: General Land Use
West Harbour Secondary Plan

Waterfront
November 2022

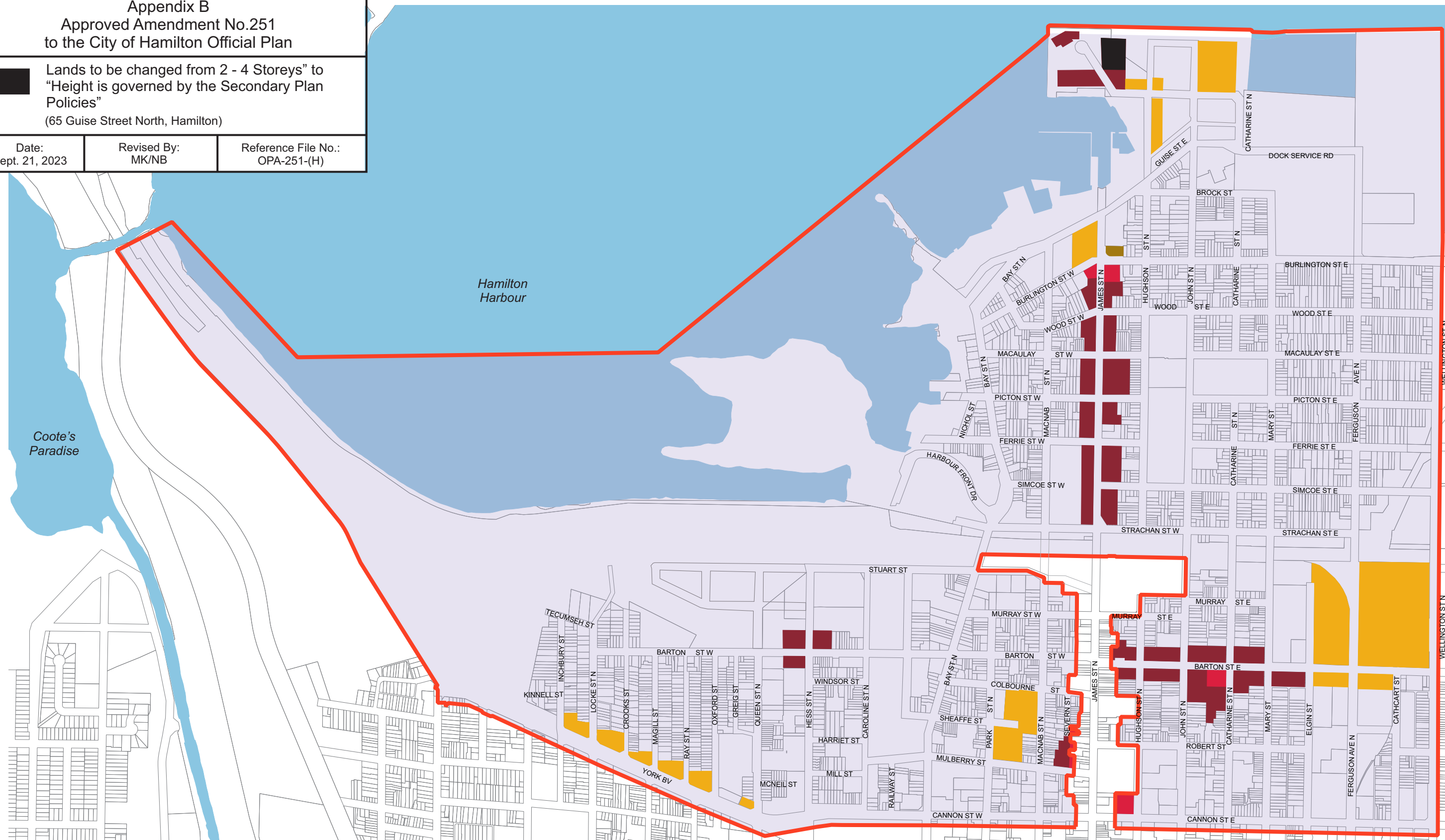
Appendix B
Approved Amendment No.251
to the City of Hamilton Official Plan

 Lands to be changed from 2 - 4 Storeys” to
 “Height is governed by the Secondary Plan
 Policies”
 (65 Guise Street North, Hamilton)

Date:
Sept. 21, 2023

Revised By:
MK/NB

Reference File No.:
OPA-251-(H)



Legend

-  2-4 Storeys
-  4-6 Storeys
-  Height is governed by the Secondary Plan Policies
-  3-5 Storeys
-  7-9 Storeys
-  Study Area



Hamilton West Harbour
Planning Area Study



Schedule M-4: Building Heights
West Harbour Secondary Plan

Waterfront
August 2021

Authority: Item 8, Planning Committee Report 23-019 (PED22031(a))
CM: November 22, 2023 Ward: 2
Written approval for this by-law was given by Mayoral Decision MDE-2023 10
dated November 22, 2023

Bill No. 230

CITY OF HAMILTON

BY-LAW NO. 23-

To Amend Zoning By-law No. 05-200 Respecting Lands Located at 130 Haida Avenue (formerly 65 Guise Street East), Hamilton

WHEREAS Council approved Item 8 of Report 23-019 of the Planning Committee, at its meeting held on November 22, 2023;

AND WHEREAS this By-law conforms to the City of Hamilton Official Plan, upon the adoption of the City of Hamilton Official Plan Amendment No. 251;

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

1. That Section 14.0 E) is amended by replacing the words “Blocks 1 through 16” with the words “Blocks 1 through 17.”
2. That Schedule “A” – Zoning Maps, Map Nos. 787 and 827 are amended by changing the zoning from the Community Institutional (I2, 486, H94) Zone to the Waterfront – Mixed Use (WF2, 819, H94, H130) Zone, for the lands known as 130 Haida Avenue, the extent and boundaries of which are shown on Schedule “A” attached to this By-law.
3. That Schedule “C” – Special Exceptions is amended by adding the following new Special Exception:

“819. Within the lands zoned Waterfront – Mixed Use (WF2, 819, H94, H130) Zone, identified on Map Nos. 787 and 827 of Schedule “A” – Zoning Maps, the following special provisions shall apply:

- a) Notwithstanding Section 3 as it relates to the definition of Gross Floor Area, the following shall apply:

Gross Floor Area

Shall mean the aggregate horizontal area measured from exterior faces of the exterior walls of all floors of a building (excluding any cellar) within all buildings on a lot, including any area devoted to mechanical

equipment but not including
balconies.

b) In addition to Section 4.6 and Notwithstanding Section 4.6 (d), the following shall apply:

- i) A second floor terrace shall be permitted to encroach a maximum 1.5 metres into a required setback but shall not be closer than 0.5 metres from a lot line.
- ii) A porch, deck, canopy or retaining wall may encroach a maximum 4.0 metres into the required easterly side yard.

c) Notwithstanding Section 14.2.1.1, the following shall apply:

- | | |
|-----------------|--|
| Restricted Uses | 1. In addition to Section 14.2.1, Commercial and Institutional uses shall only be permitted on the ground and second floors. |
| | 2. Residential units shall be in accordance with Figure 14 of Schedule F: Special Figures. |

d) Notwithstanding Section 14.2.3, the following regulations shall apply:

- | | |
|---|--|
| i) Minimum Landscaped Area | 20% of the lot area. |
| ii) Minimum Unit Width for Ground Level Live / Work or Dwelling Units | 5.0 metres |
| iii) Minimum Amenity Area for Multiple Dwellings | 1. An area of 2.0 square metres located indoors for each dwelling unit; and,

2. An area of 2.0 square metres located outdoors for each dwelling, which may include balconies. |
| iv) Maximum Gross Floor Area | 1. 38,200 square metres.

2. The maximum Gross Floor Area for each floor within a building shall be: |

- A. 850 square metres for floors 4 to 30; and
 - B. 650 square metres for floors 31 and above.
 - v) Minimum Setback from a Lot Line
 - 1. 7.5 metres from the easterly lot line; and,
 - 2. 1.5 metres from all other lot lines.
 - 3. In addition to 1. and 2. above, the following minimum setbacks shall be required for any portion of a building exceeding a height of three storeys or 11.0 metres:
 - A. 12.5 metres from the easterly and northerly lot lines; and,
 - B. 3.0 metres from all other lot lines.
 - vi) Building Height
 - Shall be provided in accordance with Figure 12 of Schedule F: Special Figures.
- 4. That Schedule “D” – Holding Provisions is amended by adding the following new provision:
 - “130. Notwithstanding Section 14.2 of this By-law, on those lands zoned Waterfront – Mixed Use (WF2, 819) Zone, identified on Maps Nos. 787 and 827 of Schedule “A” – Zoning Maps and described as 130 Haida Avenue, no development shall be permitted until such time as:
 - i) The Owner submitting and receiving conditional site plan approval, which shall implement the Pier 8 Block 16 Urban Design Guidelines, the Pier 8 – Block 16 Sustainability Report, and the preferred tower design as determined through the Implementation Process for a Tall Building Proposal – Pier 8, Block 16, that addresses innovation in the areas of sustainability, quality of life and design excellence, and to demonstrate net zero carbon, high efficiency building standards, Pier 8 Block 16 will use the CaGBC’s Zero Carbon Building v3 Design Certification, to the satisfaction of the Director of Planning and Chief Planner.

5. That Schedule “F” – Special Figures be amended as follows:

- a) That Figure 10: Waterfront Block Plan be replaced with the Figure 10 attached as Schedule “B” to this By-law.
- b) That Figure 12: Waterfront Zones – Building Heights be amended as follows:
 - i) That a new row 9) be added to Table WF.2, as follows:

Table WF.2		a)	b)	c)
		Minimum Building Height	Maximum Building Height	
9)	Block 17	9.0 metres	45 storeys and 147.0 metres measured to the top of the mechanical penthouse.	

- ii) That the existing row 9) of Table WF.2 be amended by adding the words “Except where otherwise indicated,” before the words “Building heights”; and, be renumbered as “10)” so that it reads:

“10)	Except where otherwise indicated, building heights will not be calculated with any mechanical penthouse or any portion of a building designed, adapted or used for such features as a chimney, smokestack, fire wall, stair tower, fire tower, water tower, tank, elevator bulkhead, ventilator, skylight, cooling tower, derrick, conveyor, antenna, or any such requisite appurtenance, or a flagpole, display sign, ornamental figure, parapet, bell tower or other similar structure.”
------	--

- c) That Figure 14: Waterfront Zones – Residential Unit Restrictions be amended as follows:

- i) That a new row 9) be added to Table WF.4 as follows:

Table WF.4		a)	b)	c)
		Minimum Residential Unit Total	Maximum Residential Unit Total	
9)	Block 17	No Minimum	No Maximum	

- ii) That the existing row 9) of Table WF.4 be amended by replacing the

words “Blocks 3, 4, 6, 9 and 8” with the words “Blocks 3, 4, 6, 8, 9 and 17” and replacing the words “Blocks 1 through 16” with the words “Blocks 1 through 17” and be renumbered as “10)” so that it reads as follows:

“10)	Notwithstanding there being no unit restrictions on Blocks 3, 4, 6, 8, 9 and 17 in Figure 10 of this by-law, a maximum of 1,645 units are permitted within the geographic area comprised of Blocks 1 through 17 as illustrated on Schedule A.”
------	--

- iii) That the existing row 10) of Table WF.4 be amended by replacing the words “At least 15% of all units” with the words “At least 15% of all units plus 150 units”, replacing the words “Blocks 1 through 16” with the words “Blocks 1 through 17”, and renumbering as “11)” so that it reads as follows:

“11)	At least 15% of all units plus 150 units, within the geographic area comprised of Blocks 1 through 17 as illustrated on Schedule A shall have 2 or more bedrooms.”
------	--

6. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Waterfront – Mixed Use (WF2, 819, H94, H130) Zone, subject to the special provisions referred to in Sections 3 to 5 of this By-law.
7. That the clerk is hereby authorized and directed to proceed with the giving of notice of the passing of the By-law in accordance with the *Planning Act*.

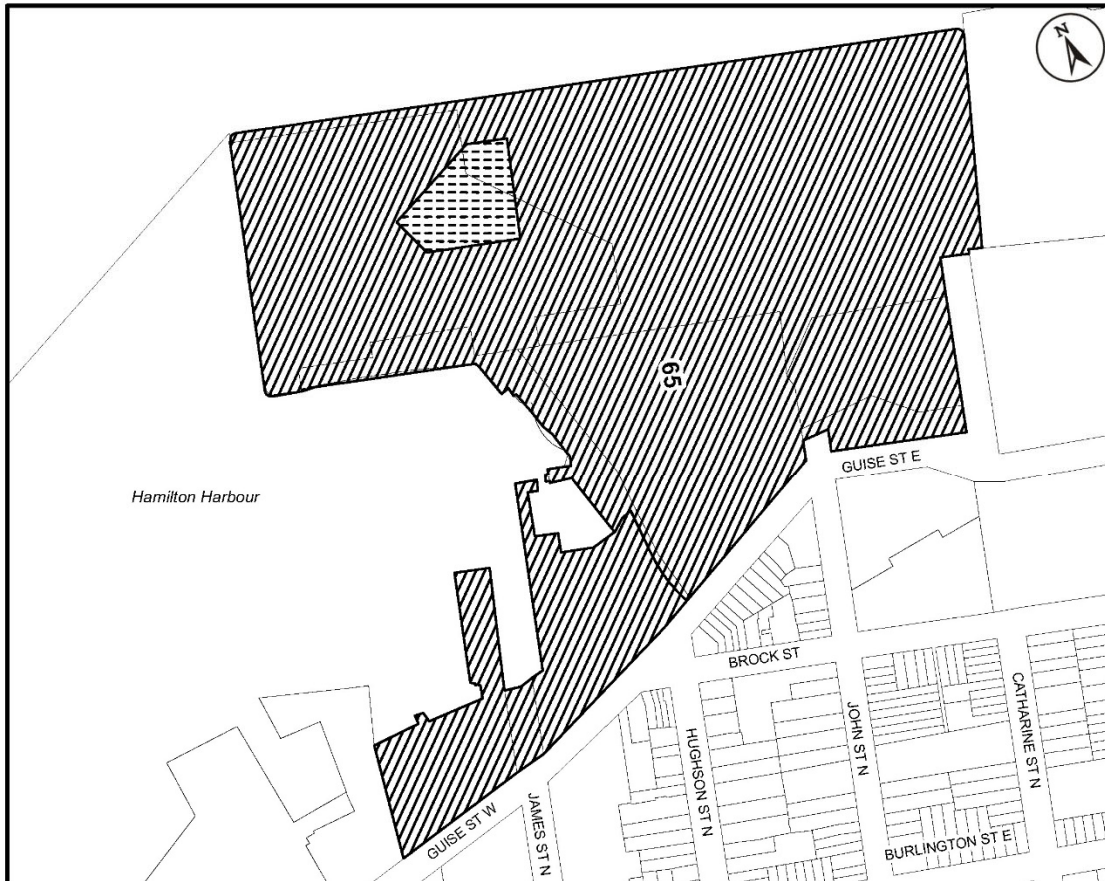
PASSED this 22nd day of November, 2023.

A. Horwath
Mayor

J. Pilon
Acting City Clerk

ZAC-22-003
UHOPA-22-001

To Amend Zoning By-law No. 05-200
 Respecting Lands Located at 130 Haida Avenue
 (formerly 65 Guise Street East), Hamilton



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

 Mayor


 Clerk


Schedule "A"

Map forming Part of
 By-law No. 23-_____

to Amend By-law No. 05-200
 Map 787 & 827

Subject Property

 130 Haida Avenue – Change in Zoning from the Community Institutional (I2, 486, H94) Zone to the Waterfront – Mixed Use (WF2, 819, H94, H130) Zone

 Additional lands owned by owner

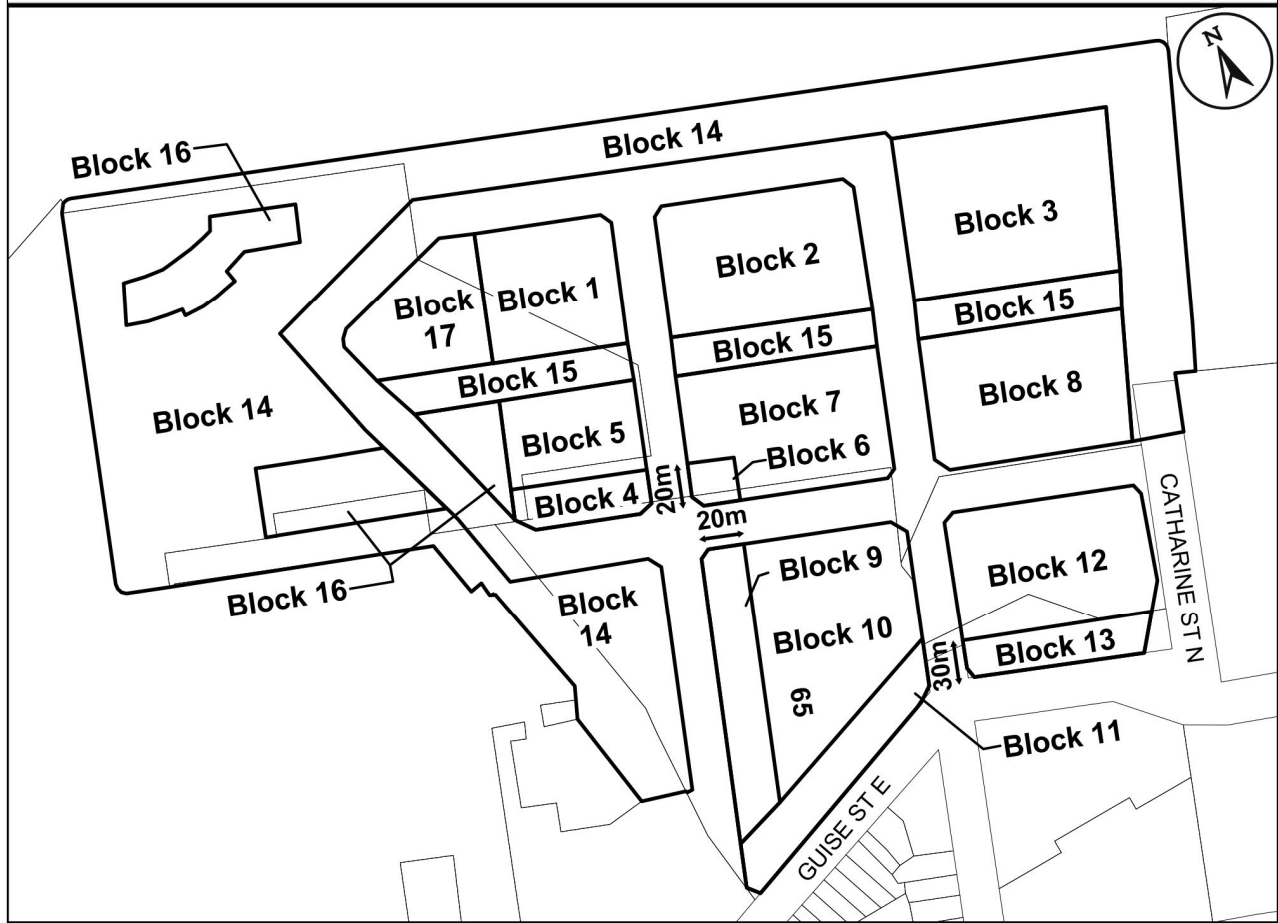
Scale: N.T.S	File Name/Number: ZAC-22-003/UHOPA-22-001
Date: October 24, 2023	Planner/Technician: MK/NB



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Schedule "B"

Figure 10: Waterfront Block Plan



Written approval for this by-law was given by Mayoral Decision MDE-2023 10 dated November 22, 2023

Bill No. 231

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

To Confirm the Proceedings of City Council at its meeting held on November 22, 2023.

**THE COUNCIL OF THE
CITY OF HAMILTON
ENACTS AS FOLLOWS:**

1. The Action of City Council at its meeting held on the 22nd day of November 2023, in respect of each recommendation contained in

General Issues Committee (Special) Report 23-030 – November 9, 2023,
Public Health Committee Report 23-011 – November 13, 2023,
Public Works Committee Report 23-017 – November 13, 2023,
Planning Committee Report 23-019 – November 14, 2023,
General Issues Committee Report 23-031 – November 15, 2023, and November 21, 2023,
Audit, Finance and Administration Committee Report 23-018 – November 16, 2023,
and
Emergency and Community Services Committee Report 23-014 – November 16, 2023

considered by City of Hamilton Council at the said meeting, and in respect of each motion, resolution and other action passed and taken by the City Council at its said meeting is hereby adopted, ratified and confirmed.

2. The Mayor of the City of Hamilton and the proper officials of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required, and except where otherwise provided, the Mayor and the City Clerk are hereby directed to execute all documents necessary in that behalf, and the City Clerk is hereby authorized and directed to affix the Corporate Seal of the Corporation to all such documents.

PASSED this 22nd day of November, 2023.

A. Horwath
Mayor

J. Pilon
Acting City Clerk