



City of Hamilton

CITY COUNCIL AGENDA

24-013

Wednesday, June 26, 2024, 9:30 A.M.

Council Chambers

Hamilton City Hall

71 Main Street West

Call to Order

1. APPROVAL OF AGENDA

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

2. DECLARATIONS OF INTEREST

3. CEREMONIAL ACTIVITIES

4. APPROVAL OF MINUTES OF PREVIOUS MEETING

4.1 June 12, 2024

5. COMMUNICATIONS

5.1 Correspondence from the Town of Blue Mountains requesting support for their resolution in support of the migration of ride-share regulations and licensing from the municipal level to the provincial level.

Recommendation: Be received.

- 5.2 Correspondence from the Township of Larder Lake requesting support for their resolution calling upon the province of Ontario to provide financial assistance to municipalities to complete the Asset Retirement Obligations (ARO).
Recommendation: Be received.
- 5.3 Correspondence from Viv Saunders respecting All things Water.
Recommendation: Be received and referred to the General Manager of Public Works and the General Manager of Finance and Corporate Services for appropriate action.
- 5.4 Correspondence from Matt Johnston, Urban Solutions respecting Rental Housing Protection Policy Review (PED22091(a)).
Recommendation: Be received and referred to the consideration of Item 6 of Planning Committee Report 24-009.
- 5.5 Correspondence from the Ministry of Natural Resources respecting the Streamlining of approvals under the Aggregate Resources Act and supporting policy.
Recommendation: Be received and referred to the General Manager of Planning and Economic Development for appropriate action.
- 5.6 Correspondence from Heidi Wilton respecting Heritage Designation for 84 York Blvd - Philpott Church.
Recommendation: Be received and referred to the consideration of Item 9 of Planning Committee Report 24-009.
- 5.7 Correspondence from the Municipality of West Nipissing requesting support for their resolution respecting the Champlain Bridge Rehabilitation.
Recommendation: Be received.
- 5.8 Correspondence from Tim Duke, a member of Hamilton ACORN and tenant in Ward 15, respecting the implementation of a strong Rental Housing Protection Bylaw that protects tenants against demoviction.
Recommendation: Be received and referred to the consideration of Item 6 of Planning Committee Report 24-009.
- 5.9 Correspondence from Steven Kaszab respecting Use the Public Roads: You Better be licensed and insured.
Recommendation: Be received.
- 5.10 Correspondence from Lynda Yorkston respecting 150 Mohawk Rd. E. construction project.
Recommendation: Be received and referred to the consideration of Item 4 of Planning Committee Report 24-009.

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

- 5.11 Correspondence from Marvin Largo resigning from their position as a member of the Committee of Adjustment effective immediately.

Recommendation: Be received and referred to the Selection Committee for Agencies, Boards and Sub-Committees to fill the citizen appointee vacancy on the Committee of Adjustment.

6. COMMITTEE REPORTS

- 6.1 Selection Committee for Agencies, Boards and Sub-Committees Report 24-004, June 11, 2024
- 6.2 Public Works Committee Report 24-008, June 17, 2024
- 6.3 Planning Committee Report 24-009, June 18, 2024

6.4 General Issues Committee Report 24-011, June 19, 2024

Due to the size of the Appendices to Item 1, the links to the Appendices have been provided, as follows:

Appendix A - <https://pub-hamilton.escribemeetings.com/filestream.ashx?DocumentId=411508>

Appendix B - <https://pub-hamilton.escribemeetings.com/filestream.ashx?DocumentId=411509>

Appendix C - <https://pub-hamilton.escribemeetings.com/filestream.ashx?DocumentId=411510>

Appendix D - <https://pub-hamilton.escribemeetings.com/filestream.ashx?DocumentId=411511>

Appendix E - <https://pub-hamilton.escribemeetings.com/filestream.ashx?DocumentId=411512>

Appendix F - <https://pub-hamilton.escribemeetings.com/filestream.ashx?DocumentId=411513>

Appendix G - <https://pub-hamilton.escribemeetings.com/filestream.ashx?DocumentId=411514>

Appendix H - <https://pub-hamilton.escribemeetings.com/filestream.ashx?DocumentId=411515>

Appendix I - <https://pub-hamilton.escribemeetings.com/filestream.ashx?DocumentId=411516>

Appendix J - <https://pub-hamilton.escribemeetings.com/filestream.ashx?DocumentId=411517>

Appendix K - <https://pub-hamilton.escribemeetings.com/filestream.ashx?DocumentId=411518>

Appendix L - <https://pub-hamilton.escribemeetings.com/filestream.ashx?DocumentId=411519>

Appendix M - <https://pub-hamilton.escribemeetings.com/filestream.ashx?DocumentId=411520>

Appendix N - <https://pub-hamilton.escribemeetings.com/filestream.ashx?DocumentId=411521>

6.5 Audit, Finance and Administration Committee Report 24-012, June 20, 2024

6.6 Emergency and Community Services Committee Report 24-005, June 20, 2024

6.7 City of Hamilton Integrity Commissioner's Report Regarding Citation: Frisina, Anthony (Re) – DGB-HamiltonICI-2024-04 dated June 20, 2024.

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

- 6.8 Hamilton Utilities Corporation Shareholder Annual General Meeting Report 24-002, June 24, 2024
- 6.9 Hamilton Enterprises Holding Corporation Shareholder Annual General Meeting Report 24-001, June 24, 2024

7. MOTIONS

- 7.1 St. Lawrence the Martyr Parish Community Hall Repair (Ward 2)
- 7.2 Ottawa Street BIA Pride Rainbow Roller Rink
- 7.3 2024 It's Your Festival Support
- 7.4 Council Representation on the Seniors Advisory Committee

8. NOTICES OF MOTIONS

9. STATEMENT BY MEMBERS (non-debatable)

10. COUNCIL COMMUNICATION UPDATES

- 10.1 June 7, 2024 to June 20, 2024

11. PRIVATE AND CONFIDENTIAL

- 11.1 Closed Session Minutes - June 12, 2024

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

12. BY-LAWS AND CONFIRMING BY-LAW

- 12.1 104

To Authorize the Signing of a Municipal Funding Agreement for the Transfer of the Housing-Enabling Water Systems Fund Program Between the Ministry of Infrastructure and the City of Hamilton
Ward: 1, 2

- 12.2 105
To Amend By-law No. 01-218, as amended, Being a By-law to Regulate On-Street Parking
Schedule 6 (Time Limit Parking)
Schedule 8 (No Parking Zones)
Schedule 12 (Permit Parking Zones)
Schedule 14 (Wheelchair Loading Zones)
Schedule 15 (Commercial Vehicle Loading Zones)
Ward: 2, 3, 4, 5, 15
- 12.3 106
To Establish City of Hamilton Land Described as Block 111 on Plan 62M-1209 as Part of Aquasanta Crescent
Ward: 8
- 12.4 107
To Amend Zoning By-law No. 05-200 with Respect to Lands Located at 2481 Barton Street East, Hamilton
ZAC-23-023
Ward: 5
- 12.5 108
To Amend Zoning By-law No. 05-200 with Respect to Lands Located at 150 Mohawk Road East, Hamilton
ZAC-23-015
Ward: 8
- 12.6 109
Rental Housing Protection By-law
Ward: City Wide
- 12.7 110
To Amend By-law No. 12-282, as amended by By-law Nos. 19-108, 19-197, 21-079, 22-222 and 23-031 Respecting Tariff of Fees
Ward: City Wide
- 12.8 111
To Amend By-law No. 22-101, a Demolition Control Area By-law
Ward: City Wide
- 12.9 112
To Amend By-law No. 24-055, a Renovation Licence and Relocation By-law
Ward: City Wide

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

- 12.10 113
To Adopt Official Plan Amendment No. 210 to the Urban Hamilton Official Plan respecting Alignment with Parks Master Plan and Bill 23
Ward: City Wide
- 12.11 114
To Adopt Official Plan Amendment No. 252 to the City of Hamilton Official Plan respecting Alignment with Parks Master Plan and Bill 23
Ward: City Wide
- 12.12 115
To Adopt Official Plan Amendment No. 40 to the Rural Hamilton Official Plan respecting Alignment with Parks Master Plan and Bill 23
Ward: City Wide
- 12.13 116
To Amend By-law No. 17-225, a By-law to Establish a System of Administrative Penalties
Table 10 (By-law No. 07-170 To Licence and Regulate Various Businesses)
Table 14 (By-law No. 23-162 Property Standards By-law)
Table 28 (By-law No. 23-161 Vital Services By-law)
Table 30 (By-law No. 24-054 Safe Apartment Buildings By-law)
Table 31 (By-law No. 24-055 Renovation Licence and Relocation By-law)
Ward: City Wide
- 12.14 117
To Adopt Official Plan Amendment No. 207 to the Urban Hamilton Official Plan respecting 118 King Street West, Stoney Creek
Ward: 5
- 12.15 118
To Amend Zoning By-law No. 05-200 with Respect to Lands Located at 118 King Street West, Stoney Creek
UHOPA-23-014/ZAC-23-031
Ward: 5
- 12.16 120
To Confirm the Proceedings of City Council

13. ADJOURNMENT

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



CITY COUNCIL MINUTES 24-012

9:30 a.m.
June 12, 2024
Council Chamber
Hamilton City Hall
71 Main Street West

Present: Mayor A. Horwath
Deputy Mayor T. Hwang
Councillors J. Beattie, C. Cassar, B. Clark, J.P. Danko, M. Francis, 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 Council of the following changes to the agenda:

5. COMMUNICATIONS

- 5.9 Correspondence from Watson & Associates Economists Ltd. respecting an Assessment of Bill 185, Cutting Red Tape to Build More Homes Act, 2024.

Recommendation: Be received.

- 5.10 Correspondence from Nicholas Charitsis, Chair, Justice of the Peace Appointments Advisory Committee respecting a notice of Justice of the Peace Vacancies.

Recommendation: Be received.

- 5.11 Correspondence from Pride Hamilton respecting the motion which proposes prohibiting the closure of pathways at Pier 4 Park during the Pride Hamilton event and replacing the planned fencing with additional security and signage:

- (a) Stephanie Adams, Co-Director of Fund Development
- (b) Michael Harper, Director of Finance
- (c) Bonnie Barlow, Board Administrator
- (d) Matt Sbrissa, Co-Director of Fund Development
- (e) Kiel Hughes, Chair, Director of Events
- (f) Adrian DiPietro, Director of Outreach/Vendors

Recommendation: Be received and referred to the June 20, 2024 Emergency and Community Services Committee meeting.

- 5.12 Correspondence from Durmalouk Kesibi and Tarek Malouhi in opposition to the development and rezoning under ZAC-24-006 and UHOP 24-002.

Recommendation: Be received and referred to the consideration of Item 1 of Planning Committee Report 24-008.

- 5.13 Correspondence from Tim Potocic, President, Sonic Unyon Records respecting use of Pier 4 Park during the upcoming Because Beer Craft Beer Festival (July 12-14, 2024).

Recommendation: Be received and referred to the June 20, 2024 Emergency and Community Services Committee meeting.

- 5.14 Correspondence from Alia Karim, Senior Research Officer, CUPE National Office urging the City of Hamilton to declare Hamilton as a "No Paid Plasma Zone".

Recommendation: Be received and referred to the consideration of Item 10 of Public Health Committee Report 24-005.

- 5.15 Correspondence from Greg Dunnett, President & CEO, Hamilton Chamber of Commerce respecting the Stormwater Fee Financial Incentive Program.

Recommendation: Be received and referred to the consideration of Item 1 of General Issues Committee Report 24-010.

7. MOTIONS

- 7.8 Access to the Waterfront Pathway through Pier 4 Park During Special Events (Ward 2) **WITHDRAWN**

- 7.10 Amendment to By-law 16-290, Council Code of Conduct

8. NOTICES OF MOTION

- 8.1 Amendment to Item 7 of the Emergency and Community Services Report 24-004, respecting Ward 2 Community Grants - Food Insecurity Programming Q1 and Q2 2024 (Ward 2), which was approved by Council on May 22, 2024

(Pauls/Spadafora)

That the agenda for the June 12, 2024 meeting of Council be approved, as amended.

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

- YES - Ward 10 Councillor Jeff Beattie
- YES - 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 - Deputy Mayor - Ward 4 Councillor Tammy Hwang
- YES - Ward 6 Councillor Tom Jackson
- YES - Ward 2 Councillor Cameron Kroetsch
- YES - Ward 15 Councillor Ted McMeekin
- NOT PRESENT - Ward 3 Councillor Nrinder Nann
- YES - Ward 7 Councillor Esther Pauls
- YES - Ward 14 Councillor Mike Spadafora
- YES - Ward 11 Councillor Mark Tadeson
- YES - Ward 13 Councillor Alex Wilson
- YES - Ward 1 Councillor Maureen Wilson

DECLARATIONS OF INTEREST

Councillor J. Beattie declared a disqualifying interest to Item 1 of the General Issues Committee Report 24-010 respecting Stormwater Fee Financial Incentives Program (FCS22043(c)) (City Wide) (Item 8.1), as he is the owner of an agricultural business.

Councillor J.P. Danko declared a disqualifying interest to Item 6.2 respecting City of Hamilton Integrity Commissioner's Report Regarding Private Complaint re: Councillor Danko Tweet (Re) - DGB-HamiltonICI-2024-01 dated May 27, 2024 as he is the subject matter of the report.

M. Wilson declared a non-disqualifying interest to Item 2 of the General Issues Committee Report 24-010 respecting Affordable Housing Development Project Stream Evaluation Process (HSC23028(d) / FCS23055(b) / PED23099(d)) (Item 8.2), as her husband is the President and CEO of the Hamilton Community Foundation, which is mentioned in the report.

APPROVAL OF MINUTES OF PREVIOUS MEETING

4.1 May 22, 2024

(Hwang/Spadafora)

That the Minutes of the May 22, 2024 meeting of Council be approved, as presented.

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

YES - Ward 10 Councillor Jeff Beattie
YES - 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 - Deputy Mayor - Ward 4 Councillor Tammy Hwang
YES - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
NOT PRESENT - Ward 3 Councillor Nrinder Nann
YES - 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

(Hwang/Jackson)

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

- 5.1 Correspondence from the City of Belleville respecting their resolution requesting that the Province of Ontario take immediate action to ensure family physicians are properly compensated with immediate fee increases.
- Recommendation: Be received.
- 5.2 Correspondence from the Town of Halton Hills requesting support for their resolution respecting Niagara Escarpment Enforcement.
- Recommendation: Be **endorsed**.
- 5.3 Correspondence from Joshua Weresch respecting air conditioners for tenants.
- Recommendation: Be received and referred to the consideration of Item 6 of Public Health Committee Report 24-005.
- 5.4 Correspondence from the Niagara Region requesting support for their resolution Reaffirming Niagara Region's Commitment to the Expansion of All-day, Two-way GO Train Service.
- Recommendation: Be endorsed.
- 5.5 Correspondence from the Niagara Peninsula Conservation Authority respecting the NPCA Comments on Proposed Regulation Detailing Minister's Permit and Review Powers - ERO Posting 019-8320.

Recommendation: Be received.

- 5.6 Correspondence from Daniel P. Chin, President, Hamilton and District Apartment Association respecting Adequate Temperature By-law.

Recommendation: Be received and referred to the consideration of Item 6 of Public Health Committee Report 24-005.

- 5.7 Correspondence from the Honourable Lisa Thompson, Minister of Agriculture, Food and Rural Affairs respecting proposed changes to stormwater and other fees.

Recommendation: Be received and referred to the consideration of Item 1 of the General Issues Committee Report 24-010.

- 5.8 Correspondence from Ahmed Ali respecting 1866 Rymal Road East, ZAC-24-006/UHOP-24-002.

Recommendation: Be received and referred to the consideration of Item 1 of Planning Committee Report 24-008.

- 5.9 Correspondence from Watson & Associates Economists Ltd. respecting an Assessment of Bill 185, Cutting Red Tape to Build More Homes Act, 2024.

Recommendation: Be received.

- 5.10 Correspondence from Nicholas Charitsis, Chair, Justice of the Peace Appointments Advisory Committee respecting a notice of Justice of the Peace Vacancies.

Recommendation: Be received.

- 5.11 Correspondence from Pride Hamilton respecting the motion which proposes prohibiting the closure of pathways at Pier 4 Park during the Pride Hamilton event and replacing the planned fencing with additional security and signage:

- (a) Stephanie Adams, Co-Director of Fund Development
- (b) Michael Harper, Director of Finance
- (c) Bonnie Barlow, Board Administrator
- (d) Matt Sbrissa, Co-Director of Fund Development
- (e) Kiel Hughes, Chair, Director of Events
- (f) Adrian DiPietro, Director of Outreach/Vendors

Recommendation: Be received and referred to the June 20, 2024 Emergency and Community Services Committee meeting.

- 5.12 Correspondence from Durmalouk Kesibi and Tarek Malouhi in opposition to the development and rezoning under ZAC-24-006 and UHOP 24-002.

Recommendation: Be received and referred to the consideration of Item 1 of Planning Committee Report 24-008.

- 5.13 Correspondence from Tim Potocic, President, Sonic Unyon Records respecting use of Pier 4 Park during the upcoming Because Beer Craft Beer Festival (July 12-14, 2024).

Recommendation: Be received and referred to the June 20, 2024 Emergency and Community Services Committee meeting.

- 5.14 Correspondence from Alia Karim, Senior Research Officer, CUPE National Office urging the City of Hamilton to declare Hamilton as a "No Paid Plasma Zone".

Recommendation: Be received and referred to the consideration of Item 10 of Public Health Committee Report 24-005.

- 5.15 Correspondence from Greg Dunnett, President & CEO, Hamilton Chamber of Commerce respecting the Stormwater Fee Financial Incentive Program.

Recommendation: Be received and referred to the consideration of Item 1 of General Issues Committee Report 24-010.

Result: Motion on the Communication Items, As Amended CARRIED by a vote of 15 to 0, as follows:

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

(Hwang/McMeekin)

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

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

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

**SELECTION COMMITTEE FOR AGENCIES, BOARDS AND SUB-COMMITTEES
REPORT 24-003**

(Cassar/Tadeson)

That Selection Committee for Agencies, Boards and Sub-Committees Report 24-003, being the meeting held on Tuesday, May 21, 2024, be received and the recommendations contained therein, be approved.

Result: Motion on the Selection Committee for Agencies, Boards and Sub-Committees Report 24-003, CARRIED by a vote of 15 to 0, as follows:

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

**CITY OF HAMILTON INTEGRITY COMMISSIONER'S REPORT
DGB-HAMILTONICI-2024-01**

(Jackson/Pauls)

That the City of Hamilton Integrity Commissioner's Report Regarding Private Complaint re: Councillor Danko Tweet (Re) - DGB-HamiltonICI-2024-01 dated May 27, 2024, be received.

Result: Motion on the City of Hamilton Integrity Commissioner's Report Regarding Private Complaint re: Councillor Danko Tweet (Re) - DGB-HamiltonICI-2024-01 dated May 27, 2024, CARRIED by a vote of 14 to 0, as follows:

YES - Ward 10 Councillor Jeff Beattie
YES - Ward 12 Councillor Craig Cassar
NOT PRESENT - Ward 9 Councillor Brad Clark
CONFLICT - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Deputy Mayor - 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 HEALTH COMMITTEE REPORT 24-005
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(M. Wilson/Tadeson)

That Public Health Committee Report 24-005, being the meeting held on Monday, June 3, 2024, be received and the recommendations contained therein, be approved.

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

6. Heat Response Strategy (BOH24010) (City Wide) (Item 10.1(a))

- (a) That the Heat Response Strategy attached as Appendix "A" to Report BOH24010, with the exception of Action Numbers 6, 7, 9 and 10 be approved, as amended by including the following actions with proposed timelines for implementation:
 - (i) To expand and align the eligibility of the existing Ontario Works air conditioner subsidy of \$350 available to Social Assistance households, to include all low-income households who are most vulnerable to heat because of a severe medical condition, toward the purchase an energy efficient air conditioner; and that this expansion be funded through the Climate Change Reserve #108062 at an upset limit, including contingency, not to exceed \$52,500.00;
 - (e) That staff be directed to undertake an analysis of the expanded air conditioner subsidy program to further inform the work of the city's extreme heat response and report back to the Public Health Committee by Q4 2024.

Result: Motion on Item 6 of the Public Health Committee Report 24-005, CARRIED by a vote of 12 to 3, as follows:

- YES - Ward 10 Councillor Jeff Beattie
- YES - Ward 12 Councillor Craig Cassar
- NOT PRESENT - Ward 9 Councillor Brad Clark
- NO - Ward 8 Councillor John-Paul Danko
- NO - Ward 5 Councillor Matt Francis
- YES - Mayor Andrea Horwath
- YES - Deputy Mayor - 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
- NO - 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 Public Health Committee Report 24-005, CARRIED by a vote of 15 to 0, as follows:

- YES - Ward 10 Councillor Jeff Beattie
- YES - Ward 12 Councillor Craig Cassar
- 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 - Deputy Mayor - 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 24-007

(Spadafora/A. Wilson)

That Public Works Committee Report 24-007, being the meeting held on Monday, June 3, 2024, be received and the recommendations contained therein, be approved.

Result: Motion on the Public Works Committee Report 24-007, CARRIED by a vote of 15 to 0, as follows:

- YES - Ward 10 Councillor Jeff Beattie
- YES - 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 - Deputy Mayor - 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 24-008

(Cassar/M. Wilson)

That Planning Committee Report 24-008, being the meeting held on Tuesday, June 4, 2024, be received and the recommendations contained therein be approved.

(Tadeson/Francis)

WHEREAS, the property located at 1320 Woodburn Road, Glanbrook is a candidate for designation under Part IV of the *Ontario Heritage Act* and is on the Council-directed high priority list for review for designation by January 1, 2025;

WHEREAS, the property at 1320 Woodburn Road, Glanbrook, is not under any perceived threat of demolition or significant alteration that would require its immediate protection through designation; and

WHEREAS, there are concerns regarding the designation pre-consultation process and more fulsome consultation between staff, the property owners and the Ward 11 Councillor on the recommendation to designate would be prudent;

THEREFORE, BE IT RESOLVED:

That Item 3(1), respecting the Hamilton Municipal Heritage Committee Report 24-004, Recommendation to Designate 1320 Woodburn Road, Glanbrook (Edmonds House), under Part IV of the *Ontario Heritage Act* (PED24090) (Ward 11) (Item 8.1) of Planning Committee Report 24-008, be **amended**, as follows:

3. Hamilton Municipal Heritage Committee Report 24-004 (Item 11.1)

- (1) Recommendation to Designate 1320 Woodburn Road, Glanbrook (Edmonds House), under Part IV of the *Ontario Heritage Act* (PED24090) (Ward 11) (Item 8.1)**
 - (a) *That the motion recommending the designation of 1320 Woodburn Road, Glanbrook (Edmonds House) under Part IV of the Ontario Heritage Act, be referred back to staff to allow for more fulsome consultation with the property owners and the Ward 11 Councillor; and***

(b) That staff report back to Planning Committee by January 1, 2025.

Result: Amendment to Item 3(1) of the Planning Committee Report 24-008, CARRIED, by a vote of 15 to 0, as follows:

YES - Ward 10 Councillor Jeff Beattie
YES - 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 - Deputy Mayor - 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 Planning Committee Report 24-008, As Amended, CARRIED, by a vote of 15 to 0, as follows:

YES - Ward 10 Councillor Jeff Beattie
YES - Ward 12 Councillor Craig Cassar
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 - Deputy Mayor - 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 24-010

(Hwang/Nann)

That General Issues Committee Report 24-010, being the meeting held on Wednesday, June 5, 2024, be received and the recommendations contained therein, be approved.

Due to a declared conflict, Item 1 was voted on separately, as follows:

**1. Stormwater Fee Financial Incentives Program (FCS22043(c)) (City Wide)
(Outstanding Business List Item) (Item 8.1)**

- (i) (a) That the effective date of the Stormwater Rate Structure outlined in Appendix "A" to Report FCS22043(b) be revised from September 1, 2025 to April 1, 2026;
- (ii) (b) That the Residential Stormwater Subsidy Program, as outlined in Appendix "A" to General Issue Committee Report 24-010 be approved effective January 1, 2025, with a funding source referred to the 2025 Water, Wastewater and Stormwater Rate Supported Budget;
- (c) That the Stormwater Credit Program as outlined in Appendix "B" to General Issue Committee Report 24-010 be approved effective April 1, 2026, with a funding source referred to the 2026 Water, Wastewater and Stormwater Rate Supported Budget;
- (d) That staff develop the 2026-2035 Water, Wastewater and Stormwater Rate Supported Budget incorporating the Stormwater Rate Structure and the Stormwater Fee Financial Incentives Program;
- (e) That the Hamilton Water Divisional staff complement be increased by one (1) Full Time Equivalent (FTE) for a Project Manager position at an annualized cost of \$124K up to an upset limit of \$250K, be funded by the Storm Sewer Reserve (108010) up to December 31, 2025, and thereafter, that funding be incorporated into the 2026 Water, Wastewater and Stormwater Rate Supported Budget;
- (f) That the City Solicitor be authorized and directed to prepare all necessary by-laws, for Council approval, in order to implement Recommendations (a) through (c) of Report FCS22043(c);
- (g) That the single source procurement of Green Venture as the program administrator for the Residential Stormwater Subsidy Program, pursuant to Procurement Policy #11 – Non-competitive Procurements be approved;
- (h) That the General Manager, Public Works, be authorized to negotiate, enter into and execute a contract and any ancillary documents required to procure Green Venture as the administrator of the Residential Stormwater Subsidy Program in a form satisfactory to the City Solicitor;
- (i) That the development and implementation of a Communications strategy with an upset limit of \$100K be funded from the Storm Sewer Reserve (108010);

- (j) That temporary Corporate Services staffing with an upset limit of \$25K be funded from the Storm Sewer Reserve (108010)
- (k) That the single source procurement of AECOM Canada Ltd as external consultants for the Stormwater Funding implementation be extended through to December 31, 2026, with an upset limit of \$50K be funded from the Storm Sewer Reserve (108010);
- (l) That the subject matter regarding the implementation of a Stormwater Incentive Program be identified as complete and removed from the General Issues Committee Outstanding Business List.

Result: Motion on Item 1 of the General Issues Committee Report 24-010, CARRIED by a vote of 10 to 5, as follows:

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

Result: Motion on the balance of the General Issues Committee Report 24-010, CARRIED by a vote of 16 to 0, as follows:

YES - Ward 10 Councillor Jeff Beattie
YES - Ward 12 Councillor Craig Cassar
YES - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Deputy Mayor - 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 24-011

(Hwang/Spadafora)

That Audit, Finance and Administration Committee Report 24-011, being the meeting held on Thursday, June 6, 2024, be received and the recommendations contained therein, be approved.

Upon Council’s request, Item 1(i) was voted on separately as follows:

1. Tax and Rate Operating Budgets Variance Report as at December 31, 2023 – Budget Control Policy Transfers (FCS22063(b)) (Item 8.1)

- (i) (e) That, subject to finalization of the 2023 audited financial statements, the disposition of the 2023 year-end operating budget surplus transfer to the Police Reserve in the amount of \$2,840,220 be approved as detailed in Table 1.

Table 1

DISPOSITION / RECONCILIATION OF YEAR-END SURPLUS/ (DEFICIT)		
Corporate Surplus from Tax Supported Operations		\$ 7,440,069
Disposition to/from Self-Supporting Programs & Agencies		\$ (1,598,974)
Less: Police (Transfer to Police Reserve)	\$ (2,840,220)	
Add: Library (Transfer from Library Reserve)	\$ 1,299,228	
Less: Farmers Market (Transfer to Farmers Market Reserve)	\$ (57,982)	
Balance of Corporate Surplus		\$ 5,841,095
Less: To transfer Ward Office Budget surpluses to Ward Minor Maintenance Accounts		\$ (216,275)
Less: Transfer to fund shortfall in Development Charge Exemptions		\$ (596,810)
Less: Transfer to Flamborough Capital Reserve		\$ (1,160,967)
Less: Transfer to Tax Stabilization Reserve		\$ (3,867,043)
Balance of Tax Supported Operations		\$ 0
Corporate Surplus from Rate Supported Operations		\$ 3,341,776
Less: Transfer to the Rate Supported Water Reserve		\$ (2,921,351)
Less: Transfer to the Rate Supported Wastewater/Stormwater Reserve		\$ (420,425)
Balance of Rate Supported Operations		\$ 0

Result: Motion on Item 1(i) of the Audit, Finance and Administration Committee Report 24-011, CARRIED by a vote of 12 to 4, as follows:

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

YES - Ward 11 Councillor Mark Tadeson
NO - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

Result: Motion on the balance of the Audit, Finance and Administration Committee Report 24-011, CARRIED by a vote of 16 to 0, as follows:

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

(Hwang/M. Wilson)

That Council rise from Committee of the Whole.

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

YES - Ward 10 Councillor Jeff Beattie
YES - Ward 12 Councillor Craig Cassar
YES - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Deputy Mayor - 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 Amendment to Item 5 of the Audit, Finance and Administration Committee Report 20-013, respecting Parklane Workplace Management System (HUR20013) (City Wide), which was approved by Council on December 16, 2020

(Hwang/Spadafora)

WHEREAS, it is necessary to amend Parklane Computer Systems to Parklane Systems Inc. in the Audit, Finance and Administration Committee Report 20-013, in order to finalize the contract documents.

THEREFORE, BE IT RESOLVED:

That Item 5 of the of the Audit, Finance and Administration Committee Report 20-013, respecting Parklane Workplace Management System (HUR20013) (City Wide), be **amended**, as follows:

5. Parklane Workplace Management System (HUR20013) (City Wide) (Item 10.3)

- (a) That the request to move from single source-procurement to standardization for a five (5) year term (January 1, 2021 to December 31, 2025), pursuant to Procurement Policy #14 – Standardization, for access to, and use of the Parklane Workplace Management System, be approved; and,
- (b) That the Executive Director, Human Resources be authorized to negotiate, enter into and execute the extension of the current agreement and any ancillary documents required to give effect thereto with Parklane **Systems Inc.**, in a form satisfactory to the City Solicitor.

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

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

7.2 Rosedale Tennis Club – Replacement of Electrical Service Vault**(Nann/Hwang)**

WHEREAS, Council received and referred the request from the Rosedale Tennis Club (Item 5.2) for funding for the replacement of the outdated electrical service vault to the General Manager of Finance and Corporate Services at their meeting on May 22, 2024;

WHEREAS, the existing electrical vault which services part of Gage Park, Rosedale Tennis Club and Rosedale Lawn Bowling, is outdated and must be replaced as per the Electrical Safety Authority (ESA); and

WHEREAS, the Ward 3 and Ward 4 Councillors are prepared to fund the \$230,000 for the replacement of the outdated electrical service vault at the Rosedale Tennis Club from their Capital Infrastructure Reserves;

THEREFORE, BE IT RESOLVED:

- (a) That the costs associated with the replacement of the existing electrical service vault at the Rosedale Tennis Club, be funded equally from Ward 3 Capital Infrastructure Reserve 108053 and Ward 4 Capital Infrastructure Reserve 108054 at an upset limit, including contingency, not to exceed \$230,000; and
- (b) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

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

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

Mayor Horwath relinquished the Chair to Deputy Mayor Hwang in order to introduce the following motion:

7.3 Appointment of the City Clerk

(Horwath/Hwang)

- (a) That Matthew Trennum be appointed Clerk for the City of Hamilton, effective July 2, 2024;
- (b) That By-law 23-150, a By-law to appoint an Acting City Clerk for the City of Hamilton, be repealed, effective July 2, 2024;
- (c) That a By-law to Appoint the Clerk for the City of Hamilton be prepared and enacted by Council;
- (d) That Janet Pilon be reappointed Deputy Clerk for the City of Hamilton, effective July 2, 2024;
- (e) That a By-law to Appoint the Deputy Clerk for the City of Hamilton be prepared and enacted by Council; and,
- (f) That By-law 24-021, a By-law to appoint an Acting Deputy Clerk for the City of Hamilton, be repealed, effective July 2, 2024.

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

YES - Ward 10 Councillor Jeff Beattie
YES - Ward 12 Councillor Craig Cassar
YES - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Deputy Mayor - 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
NOT PRESENT - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

Mayor Horwath assumed the Chair.

7.4 Amendment to Item 4 of the Board of Health Report 23-002, respecting Advancing a Whole-Community Harm Reduction Framework**(M. Wilson/Nann)**

WHEREAS, at its meeting of February 22, 2023, City Council approved Item 4 of Board of Health Report 23-002, respecting Advancing a Whole-Community Harm Reduction Framework;

WHEREAS, Counts of opioid-related and substance-related harms can exhibit significant variability quarter to quarter, resulting in difficulty identifying meaningful changes in trends on a quarterly basis. Analysis of trends among subgroups (e.g. age and sex groups) on a quarterly basis is also limited by small counts for many groups;

WHEREAS, Local drug alerts will be communicated to City Council on a go forward basis to ensure that Council are notified of time sensitive information related to unusual local overdose activity. Hamilton Public Health collaborates with community partners to initiate drug alerts through weekly monitoring of surveillance trends and reports from the community and community partners about unusual substances and overdose symptoms.

WHEREAS, The Hamilton Opioid Information System is updated every week, with indicators updated as data are made available. Indicators include opioid-related EMS calls (weekly updates), naloxone distribution (quarterly to semi annual updates), opioid-related ED visits and hospitalizations (monthly updates), opioid-related deaths (monthly updates), and suspect drug-related deaths (monthly updates). The Hamilton Opioid Information System is accessible at <https://www.hamilton.ca/people-programs/public-health/alcohol-drugs-gambling/hamilton-opioid-information-system>; and,

THEREFORE, BE IT RESOLVED:

That Item 4 of the Board of Health Report 23-002, respecting Advancing a Whole-Community Harm Reduction Framework, **be amended**, to read as follows:

4. Advancing a Whole-Community Harm Reduction Framework (Item 11.1)

- (a) That City staff be directed to provide **Semi Annual** reports on opioid-related harms and all deaths related to toxic drugs to the Board of beginning in Q4 2024; and
- (b) That City staff be directed to:
 - (i) Convene with local stakeholders, including people with lived and living experience, health, and drug policy experts, to develop an evidence-based harm reduction action plan for the purpose of addressing high rates of opioid-related deaths with a completion and report back to the Board of Health on June 12, 2023; and

- (ii) That these consultations and action plan specifically consider how to implement safer use spaces and other evidence-based harm reduction strategies both in the City and in the Houseless serving sector.

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

YES - Ward 10 Councillor Jeff Beattie
YES - Ward 12 Councillor Craig Cassar
YES - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Deputy Mayor - 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
NOT PRESENT - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

7.5 Supporting the Mountainview Neighbourhood Watch Initiative in Waterdown

(McMeekin/Jackson)

WHEREAS, vehicle thefts and break and enters (some violent) are on the rise in parts of Ward 15;

WHEREAS, public safety has become the predominant concern of the Mountainview community in Southeast Waterdown;

WHEREAS, the Mountainview community, working with the Ward 15 Community Council and the Hamilton Police Services have developed a pilot community-based 'Neighbourhood Watch' program;

WHEREAS. the Ward 15 Community Council at its May 23rd meeting reviewed the proposal from the Mountainview Neighbourhood and based on that review supported this program initiative as a community priority; and

WHEREAS, the Mountainview Neighbourhood proposal is to promote and administer this initiative.

THEREFORE, BE IT RESOLVED:

- (a) That the Mountainview Neighbourhood Watch Initiative be funded from the Ward 15 Non-Property Tax Revenue Account# 3301609615 at an upset limit, including contingency, not to exceed \$10,000; and

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

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

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

7.6 2024 aPHa Conference and Annual General Meeting

(Hwang/Nann)

WHEREAS, Councillor Maureen Wilson is the Vice Chair of the Public Health Committee; and

WHEREAS, aPHa scheduled its Conference and Annual General Meeting on June 5-7, 2024;

THEREFORE, BE IT RESOLVED:

That Council assume all costed associated with Councillor M. Wilson's attendance at the 2024 aPHa Conference and Annual General Meeting from the General Legislative Budget (300100).

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

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

7.7 City of Hamilton Advocacy at the Association of Municipalities of Ontario (AMO) Annual Conference taking place in Ottawa, Ontario in August, 2024

(Tadeson/McMeekin)

WHEREAS, the Association of Municipalities of Ontario (AMO) works to make municipal governments stronger and more effective, which supports and enhances strong and effective municipal government in Ontario;

WHEREAS, through AMO, Ontario's 444 municipalities work together to achieve shared goals and meet common challenges; and

WHEREAS, through AMO's policy development, cost-saving programs, conferences and training opportunities, AMO provides municipal officials with tools to succeed, and programs to help maximize taxpayer dollars.

THEREFORE, BE IT RESOLVED:

- (a) That Councillors Hwang, Kroetsch, Cassar and Nann be selected as the City of Hamilton's representatives at the Association of Municipalities of Ontario (AMO) Annual Conference taking place in Ottawa, Ontario in August 18-21, 2024; and,
- (b) That Council assumes all costs associated with Councillors Hwang, Kroetsch, Cassar and Nann's attendance at the Association of Municipalities of Ontario (AMO) Annual Conference in Ottawa, Ontario from the General Legislative Budget (300100).

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

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

7.9 Amendment to Item 3 of the Public Work Committee Report 22-001, respecting Natural Gas Waste Collection Trucks (PW22003) (City Wide), which was approved by Council on January 19, 2022

(Spadafora/Jackson)

WHEREAS, Council approved the Policy #11 – Non-competitive Procurement through Report PW22003, for the supply, installation, and management of compressed natural gas and mobile refuelling equipment; and

WHEREAS, through Report PW22003, the City was approved to enter into a single-source procurement with Envoy Energy Fuels Inc. However, Envoy Energy Fuels Inc. has changed its legal entity to Compression Technology Corporation.

THEREFORE, BE IT RESOLVED:

That Item 3 of the Public Work Committee Report 22-001, respecting Natural Gas Waste Collection Trucks (PW22003) (City Wide), be **amended**, as follows:

3. Natural Gas Waste Collection Trucks (PW22003) (City Wide) (Item 10.3)

- (a) That the following appendices attached to Public Works Committee Report 22-001 be received:
 - (i) City of Hamilton Compressed Natural Gas (CNG) Packer Truck Fuelling Study Report as identified in Appendix “A” attached to Public Works Committee Report 22-001;
 - (ii) City of Hamilton Compressed Natural Gas (CNG) Packer Truck Fuelling Supplemental Study Report as identified in Appendix “B” attached to Public Works Committee Report 22-001;
 - (iii) City of Hamilton Compressed Natural Gas (CNG) Packer Truck Fuelling 2nd Supplemental Study Report as identified in Appendix “C” attached to Public Works Committee Report 22-001;
- (b) That Council approve funding to support the cost premium of 10 CNG waste collection trucks and related facility ancillary requirements in the amount of \$700,000 to the Fleet Project ID 4942151100 from:
 - (i) Unallocated Capital Reserve (#108020) in the amount of \$200,000;
 - (ii) Appropriate from Capital Project 5121855137 Waste Management R&D Program in the amount of \$10,000;
 - (iii) Internal Loan from the Energy Conservation Initiatives Reserve

112272 in the amount of \$490,000 amortized over 7 years;

- (c) That the estimated fuel savings of \$70,000 per year from the new CNG vehicles funded in Recommendation (b) be used to repay the funds borrowed, plus applicable interest, to the Energy Conservation Initiatives Reserve (112272) as indicated in Appendix "D" attached to Public Works Committee Report 22-001 from the Public Works Waste Division Dept ID 512560;
- (d) That a new Capital Project be set up with a budget of \$490,000 funded from the Energy Conservation Initiatives Reserve #112272 to fund future incremental costs from Fleet and Facilities for projects and/or purchases which qualify according to the Corporate Energy and Sustainability Policy as determined by the Manager, Energy Initiatives; and
- (e) That the Goods and Services be procured through a Purchase Order, a formal Contract or any other process as approved by the Director of Financial Services and Corporate Controller and that the General Manager of Public Works, or their designate, be authorized to negotiate and enter into a single source procurement and execute the completion of all associated documents with ~~Envoy Energy Fuels Inc.~~ **Compression Technology Corporation** for the supply, installation and management of CNG mobile refuelling equipment, commodity and operational requirements for the life of the 10 CNG vehicles to be procured, in a form satisfactory to the City Solicitor.

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

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

7.10 Amendment to By-law 16-290, Council Code of Conduct**(i) (Kroetsch/Nann)**

That staff be directed to prepare an amendment to By-law 16-290, Council Code of Conduct, to include the following and renumbering the remaining sub-sections accordingly:

SECTION 14: STANDARDS RELATING TO COMMUNICATION

14.1 Members are responsible for making honest statements. No member shall make a statement, including through social media, when they know that statement is false or are reckless as to whether it is true. No member shall make a statement with the intent of misleading Council or members of the public.

14.2 Members will conduct their communications with each other and members of the public, including by means of social media, in ways that maintain public confidence in the office to which they have been elected or appointed, are open and honest, focus on issues rather than personalities, and avoid threatening, intimidating, offensive or abusive conduct.

(ii) (Francis/Danko)

That the motion respecting an Amendment to By-law 16-290, Council Code of Conduct, be REFERRED to the Governance Review Sub-Committee for further discussion.

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

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

(Nann/Hwang)

That Council recess for 50 minutes until 12:45 p.m.

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

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

7.11 Amendment to Item 7 of the Emergency and Community Services Report 24-004, respecting Ward 2 Community Grants - Food Insecurity Programming Q1 and Q2 2024 (Ward 2), which was approved by Council on May 22, 2024

(Kroetsch/A. Wilson)

WHEREAS, Tastebuds Hamilton was initially named as the recipient of program funding for breakfast programming at Hess Street School; and

WHEREAS, program funding for Food Insecurity Programming must be provided to the umbrella organization (Social Planning and Research Council of Hamilton), which was not named in the original motion.

THEREFORE, BE IT RESOLVED:

That Item 7 of the Emergency and Community Services Report 24-004, respecting Ward 2 Community Grants - Food Insecurity Programming Q1 and Q2 2024 (Ward 2), be **amended** by deleting "Tastebuds Hamilton" from sub-section (c), and inserting "Social Planning and Research Council of Hamilton", to read as follows:

- 7. Ward 2 Community Grants - Food Insecurity Programming Q1 and Q2 2024 (Ward 2)**
 - (a) That free school-wide pizza lunch to the Dr. J. E. Davey School Council be funded from the Ward 2 Non-Property Tax Revenue Account 3301609602 at an upset limit, including contingency, not to exceed \$750;

- (b) That purchase of supplies for a breakfast program to the Hamilton Downtown Mosque be funded from the Ward 2 Non-Property Tax Revenue Account 3301609602 at an upset limit, including contingency, not to exceed \$5,000;
- (c) That breakfast programming at Hess Street School to ~~Tastebuds Hamilton~~ **Social Planning and Research Council of Hamilton** be funded from the Ward 2 Non-Property Tax Revenue Account 3301609602 at an upset limit, including contingency, not to exceed \$5,000;
- (d) That purchase of supplies for their foodbank to Living Rock Ministries be funded from the Ward 2 Non-Property Tax Revenue Account 3301609602 at an upset limit, including contingency, not to exceed \$5,000; 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.

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

YES - Ward 10 Councillor Jeff Beattie
YES - 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 - Deputy Mayor - 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

NOTICES OF MOTION

8.1 Amendment to Item 7 of the Emergency and Community Services Report 24-004, respecting Ward 2 Community Grants - Food Insecurity Programming Q1 and Q2 2024 (Ward 2), which was approved by Council on May 22, 2024

(Kroetsch/A. Wilson)

That the Rules of Order be waived to allow for the introduction of a motion respecting an Amendment to Item 7 of the Emergency and Community Services Report 24-004, respecting Ward 2 Community Grants - Food Insecurity Programming Q1 and Q2 2024 (Ward 2), which was approved by Council on May 22, 2024.

Result: Motion CARRIED by a 2/3rds vote of 14 to 0, as follows:

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

For further disposition of this matter, refer to Item 7.11

STATEMENTS BY MEMBERS

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

COUNCIL COMMUNICATION UPDATES

(Hwang/Tadeson)

That the listing of Council Communication Updates from May 17, 2024 to June 6, 2024, be received.

Result: Motion on the Council Communication Updates from May 17, 2024 to June 6, 2024 CARRIED by a vote of 13 to 0, as follows:

- YES - Ward 10 Councillor Jeff Beattie
- YES - Ward 12 Councillor Craig Cassar
- NOT PRESENT - Ward 9 Councillor Brad Clark
- YES - Ward 8 Councillor John-Paul Danko
- NOT PRESENT - Ward 5 Councillor Matt Francis
- YES - Mayor Andrea Horwath
- YES - Deputy Mayor - 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 Item 11.1 was not required in Closed Session; therefore, the matter was addressed in Open Session, as follows:

11.1 Closed Session Minutes – May 22, 2024**(Cassar/Tadeson)**

That the Closed Session Minutes dated May 22, 2024 be approved, as presented, and remain confidential.

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

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

(Hwang/Spadafora)

That Bryson Tan, Shannon Parker, Andy Potter and Kristen Davies of Deloitte LLP be permitted to attend the Closed Session portion of the Council Meeting respecting the Update on a Cyber Security Incident.

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

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

(Hwang/Cassar)

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

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

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

11.2 Update on a Cyber Security Incident

(Cassar/Tadeson)

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

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

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

BY-LAWS AND CONFIRMING BY-LAW

(Hwang/McMeekin)

That Bills No. 24-079 to No. 24-090 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:

- 079 To Permanently Close and Sell a Portion of the Unassumed Alleyway Abutting 81 East 18th Street, Hamilton, namely Part of the Lane on Registered Plan 541, designated as Part 2 on Plan 62R-22033, being part of PIN 17053-0079 (LT)
Ward: 7
- 080 To Appoint a Clerk for the City of Hamilton
Ward: City Wide
- 081 To Appoint a Deputy City Clerk for the City of Hamilton
Ward: City Wide
- 082 To Designate Property Located at 419 Wilson Street East, Ancaster, City of Hamilton as Property of Cultural Heritage Value
Ward: 12
- 083 To Designate Property Located at 380-386 Wilson Street East, Ancaster, City of Hamilton as Property of Cultural Heritage Value
Ward: 12
- 084 To Designate Property Located at 1166 Garner Road West, Ancaster, City of Hamilton as Property of Cultural Heritage Value
Ward: 12
- 085 To Amend By-law No. 01-218, as amended, Being a By-law To Regulate On-Street Parking
Schedule 6 (Time Limit Parking)
Schedule 8 (No Parking Zones)
Schedule 9 (Alternate Side Parking)
Schedule 12 (Permit Parking Zones)
Schedule 13 (No Stopping Zones)
Schedule 14 (Wheelchair Loading Zones)
Ward: 1, 2, 3, 4, 5, 6, 10, 12
- 086 To Amend Zoning By-law No. 6593 with Respect to Lands Located at 253 and 259 Limeridge Road West, Hamilton
Ward: 8
ZAC-23-014

- 087 To Adopt Official Plan Amendment No. 212 to the Urban Hamilton Official Plan, Respecting 1866 Rymal Road East (former Township of Glanbrook)
Ward: 9
- 088 To Amend Zoning By-law No. 05-200 with Respect to Lands Located at 1866 Rymal Road East, Glanbrook
Ward: 9
ZAC-24-006/UHOPA-24-002
- 089 Being a By-law to Permanently Close a Portion of Ship Street, Niagara Street and Hillyard Street, Hamilton, established by Registered Plan 32, in the City of Hamilton, designated as Parts 3, 4 and 5 on Reference Plan 62R-21658, being Part of PIN 17576-0102 (LT), All of PIN 17576-0103 (LT), and Part of PIN 17575-0041 (LT), City of Hamilton
Ward: 3
- 090 To Confirm the Proceedings of City Council

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

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

(Tadeson/Spadafora)

That, there being no further business, City Council be adjourned at 2:08 p.m.

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

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

Respectfully submitted,

Mayor Andrea Horwath

Janet Pilon
Acting City Clerk



The Town of The Blue Mountains
Council Meeting

5.1

Title: Councillor Ardiel Notice of Motion Re: Ride-Sharing Services
Date: Monday, June 3, 2024

Moved by: Councillor Ardiel
Seconded by: Deputy Mayor Bordignon

WHEREAS the Town of The Blue Mountains faces challenges related to limited access to transportation, and there exists a pressing need for a ride-sharing service to address transportation gaps within our community; AND WHEREAS Rideshare services are increasingly relied upon by seniors, students, visitors and tourists, and residents looking for safe, affordable, convenient, and reliable ways to travel; AND WHEREAS the standardization and consistency of regulations across municipalities, particularly in Ontario, can improve the efficiency and effectiveness of the regulatory framework; AND WHEREAS transferring the responsibility of ride-share regulations and licensing to the provincial level would contribute to a more streamlined and uniform governance structure, while eliminating associated red tape and unnecessary administrative costs; THEREFORE BE it RESOLVED THAT the Town of The Blue Mountains Council hereby expresses its support for the migration of ride-share regulations and licensing from the municipal level to the provincial level; BE IT FURTHER RESOLVED THAT the Town of The Blue Mountains Council formally requests the Government of Ontario to initiate the transfer of responsibilities in the interest of creating a more coherent and standardized regulatory framework for ride-sharing services across the province; BE IT FURTHER RESOLVED THAT that copies of this motion be distributed to the Honourable Doug Ford, Premier of Ontario; the Honourable Prabmeet Sarkaria, Minister of Transportation; the Honourable Paul Calandra, Minister of Municipal Affairs and Housing; the Honourable David Piccini, Member of Provincial Parliament for Northumberland-Peterborough South; the Association of Municipalities of Ontario (AMO); and all Ontario municipalities, including Grey County

YES: 6

NO: 0

CONFLICT: 0

ABSENT: 1

The motion is Carried

YES: 6

Mayor Matrosovs
Councillor McKinlay

Deputy Mayor Bordignon
Councillor Porter

Councillor Ardiel

Councillor Hope

NO: 0

CONFLICT: 0

ABSENT: 1 Councillor Maxwell

THE CORPORATION OF THE TOWNSHIP OF LARDER LAKE

69 Fourth Avenue, Larder Lake, ON
 Phone: 705-643-2158 Fax: 705-643-2311



MOVED BY:

- Thomas Armstrong
- Patricia Hull
- Paul Kelly
- Lynne Paquette

SECONDED BY:

- Thomas Armstrong
- Patricia Hull
- Paul Kelly
- Lynne Paquette

Motion #: 12

Resolution #:

Date: June 11, 2024

WHEREAS, the Public Sector Accounting Board (PSAB) establishes accounting standards for the public sector which must be followed by all Ontario municipalities; And

WHEREAS, the Municipal Act, 2001 section 294.1 states that a municipality shall, for each fiscal year, prepare annual financial statements for the municipality in accordance with generally accepted accounting principles for local governments as recommended, from time to time, by the Public Sector Accounting Board of the Chartered Professional Accountants of Canada; And

WHEREAS, PS 3280 is a new accounting standard covering asset retirement obligations (ARO) that was approved by PSAB in March 2018; And

WHEREAS, the standard must be applied by all public sector entities who prepare their financial statements under PSAB, including all Canadian municipalities; And

WHEREAS, many small municipalities do not have accountants or engineers on staff to complete the ARO obligations and this major accounting change will force small municipalities to hire consultants to complete this work and cause a significant financial burden to municipalities;

NOW THEREFORE BE IT RESOLVED THAT The Corporation of the Township of Larder Lake hereby calls upon the province of Ontario to provide financial assistance to municipalities to complete the ARO; And

FINALLY, THAT a copy of this resolution be forwarded to the Honourable Paul Calandra, Minister of Municipal Affairs and Housing, the Association of Municipal Clerks and Treasurers

Recorded vote requested:

	For	Against
Tom Armstrong		
Patricia Hull		
Paul Kelly		
Lynne Paquette		
Patty Quinn		

I declare this motion

<input type="checkbox"/> Carried
<input type="checkbox"/> Lost / Defeated
<input type="checkbox"/> Deferred to: _____ (enter date)
Because:
<input type="checkbox"/> Referred to: _____ (enter body)
Expected response: _____ (enter date)

Disclosure of Pecuniary Interest*

Chair: _____

*Disclosed his/her (their) interest(s), abstained from discussion and did not vote on this question.

THE CORPORATION OF THE TOWNSHIP OF LARDER LAKE

69 Fourth Avenue, Larder Lake, ON

Phone: 705-643-2158 Fax: 705-643-2311



MOVED BY:

- Thomas Armstrong
- Patricia Hull
- Paul Kelly
- Lynne Paquette

SECONDED BY:

- Thomas Armstrong
- Patricia Hull
- Paul Kelly
- Lynne Paquette

Motion #: 13

Resolution #:

Date: June 11, 2024

of Ontario (AMCTO), the Timiskaming Municipal Association (TMA), the Federation of Ontario Municipalities (FONOM), and all municipalities within the District of Timiskaming.

Recorded vote requested:

	For	Against
Tom Armstrong		
Patricia Hull	✓	
Paul Kelly	✓	
Lynne Paquette	✓	
Patty Quinn	✓	

I declare this motion

<input checked="" type="checkbox"/> Carried
<input type="checkbox"/> Lost / Defeated
<input type="checkbox"/> Deferred to: _____ (enter date)
Because:
<input type="checkbox"/> Referred to: _____ (enter body)
Expected response: _____ (enter date)

Disclosure of Pecuniary Interest*

Chair:

*Disclosed his/her (their) interest(s), abstained from discussion and did not vote on this question.

Pilon, Janet

Subject: All things Water

From: Viv Saunders
Sent: June 15, 2024 2:19 PM
To: clerk@hamilton.ca
Cc: Beattie, Jeff <Jeff.Beattie@hamilton.ca>
Subject: All things Water

Dear Honourable Mayor & Council

I'm writing today to request you consider a few tweaks to recently approved changes and for you to consider net impacts to residents when you deliberate on future related issues.

1. Senior's Utility Rebate:

A \$145 'utility' rebate on a low income seniors property tax bill instead of a rebate on their utility bill results in a negative impact to that individual's finances.

I've looked at one such client's situation and a reduction of a claim of \$145 for 'property taxes' will result in a loss of \$186 per year in provincial Trillium benefits (property tax component only).

In other words, it costs the low-income senior \$41 net per year .

Please consider applying the 'utility rebate' to eligible recipients' utility bill and/or issuing non-property tax rebate cheques.

If this is not possible, then Council should reconsider the rebate program since it hurts rather than helps those in need plus results in a loss of revenue to the city / increases property taxes for the rest of us.

In addition, I'm baffled as to why a 'utility' rebate is only available to owners.

There are low-income senior renters who pay rent plus utilities. Why are they excluded from this 'utility' rebate program?

And what about homeowners who rent ADU to low income seniors? Should that group be included?

2. Water Consumption Tiered rates:

I believe that the intent of block rates is to incentivize water consumption for the greater good as well as provide a means for a win-win.

I do know people who conserve water & are making efforts to reduce their monthly expenses but the system doesn't reflect (financial reward) conservation efforts to the degree I would have thought.

I reviewed the billings for one such household recently and over the course of the last 12 months this household consumed 104 m3.

For reference, an average 2 person household consumes 155 m3 per year.

So while this family's usage was 50m3 less than the average 2 person household and 16m3 less than the annual Block 1 consumption rates (10m3 *per month x12*), they paid Block 2 rates for 31m3 in the last 12 months.

I would ask that Council considers:

(a) Aligning Consumption Blocks, which are presently monthly, to daily consumption similar to the Water Fixed charge which is daily & paid based on # of days between readings.

I noted that in 6 of the 12 months of billing, the days between readings exceeded 31 days and only 2 bills were an "actual" month between readings. For your information, this is one month more than the previous 12 month period. The last bill, June 2024 was 35 days (5 weeks) which results in 1 full week's of usage being at the higher rate (200% higher) monthly or annually even though June/July might average out to 10m3 per month.;

For example, Block 1 is 10m3 monthly and could be set at 0.33 daily to ensure equitable charges for all users; or,

c) Replacing "Block" tiered rates with a flat rate system.

If we had a flat rate system, there would no need to implement a change from 'monthly' consumption to daily consumption in order to accommodate the fact that reading dates vary, are random and are inconsistent; and

(b) Implementing an annual rebate program.

One which "thanks" (rewards) those households who at the end of a 12 month period consumed well below the average & make a significant difference on our infrastructure & on the environment; and/or

3. Stormwater Fees: (new system)

I noted that the cost for the Conservation Authorities will be removed from the General Levy and allocated to water utility bills.

I appreciate that this new system will result in a new revenue source now that previously exempt properties (non-profit housing providers, religious organizations etc) will provide a larger pool of contributors towards our water/wastewater/stormwater budgets, however for the same reason outlined above in point #1, please reconsider this particular shift since not all of the operating costs for CAs I believe, is 'water'.

I have no way to calculate if this shift is beneficial or not to low income households but please keep in mind that if a 1% reduction in property taxes (due to \$10M shift) results in 1% increase in utilities bills, the net impact is a greater reduction in provincial Trillium benefits (property tax credits) for lower income households as well as increased costs for properties/facilities/homes exempt from property taxes.

I also noted that there are incentives for certain properties but none for residential properties with less than 7 units who already slow water down and soak it up on their property. Those of us that have been proactive and/or reside on properties where 90+% of the stormwater does **not** flow to a system maintained by the City have no means for credits and/or rebates from what I can see. As an example, my home & most of my neighbours' homes. Majority of stormwater is captured on our land, with very little slowly flowing to Lake Ontario via private properties. Any 'maintenance' costs have been and will continue to be absorbed privately. There is zero cost (no ditches, culverts, storm pipes) to the City for stormwater management on 90% of my land yet there is no program or means to apply for a credit/reduction. There are some unique properties that will not ever be burden on the stormwater infrastructure which I believe should not see an increase in costs; albeit slight.

I would ask that Council consider a reduced rate (not a full exemption) for homes that do not have and never will have a municipal stormwater connection, plus already have backwater valves, disconnected downspouts. and 90%+ water is captured onsite.

Thank you for your consideration of the above items.

Respectfully,

Viv Saunders



June 17, 2024

033-14

Via Email

Melanie Pham, MCIP, RPP
Community Planning Program Lead, Sustainable Communities
Planning and Economic Development Department

City of Hamilton
71 Main Street West, 4th Floor
Hamilton, ON L8P 4Y5

**RE: RENTAL HOUSING PROTECTION POLICY REVIEW (PED22091(a))
Comment Response to Staff Report No. PED22091(a)**

Dear Ms. Pham,

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultant acting on behalf of The Effort Trust Company Ltd. (Effort Trust). Effort Trust is an established landowner in the City of Hamilton with a strong real estate portfolio comprised primarily of rental units. This portfolio includes Kensington Apartments (115 Main Street East), Fontainebleau Apartments (121 Hunter Street West), and Charwal Apartments (155 Charlton Avenue East), each subject to active condominium conversion applications approved under the existing condominium conversion policies of Section B.3.2.5.1 of the Urban Hamilton Official Plan (UHOP). On their behalf, UrbanSolutions is pleased to submit these written comments in response to the City's Rental Housing Protection Policy Review contained within Staff Report No. PED22091(a).

The existing condominium conversion policies contained within Section B.3.2.5.1 of the UHOP currently state that conversion to condominium of rental apartment or townhouse buildings or groups of buildings comprised of six or more units shall be permitted if any one of three general criteria are met, outlined as a), b), and c) below:

- a) " all the following criteria are met:
 - i. the rental vacancy rate by dwelling unit and structure type for the City and the respective local housing market zone, as identified on Schedule G – Local Housing Market Zones and based on CMHC data, has been at or above 2.0% for the preceding twenty-four months; and,
 - ii. the proposed conversion shall not reduce the rental vacancy rate by dwelling unit and structure type to below 2.0% for the City and the respective local housing market zone; and,
 - iii. the existing market rent levels for the units proposed to be converted are not significantly (approximately 10%) below the average market rent levels for the City and the respective local housing market zone for rental units of a similar dwelling unit and structure type and size; and,

- iv. for vacant rental units, the last market rent levels charged prior to vacancy for the units proposed to be converted were not significantly (approximately 10%) below the average market rent levels at the time for the City and the respective local housing market zone for rental units of a similar dwelling unit and structure type and size; or,
- b) at least 75% of the current tenants support the conversion to condominium, as demonstrated to the satisfaction of the City; or,
- c) the subject building or group of buildings is a protected heritage property on the date of application.”

Report No. PED22091(a) proposes an Official Plan Amendment (OPA) with recommended changes to Section B.3.2.5.1 and the introduction of the Rental Housing Protection By-law. The OPA seeks to increase the minimum rental vacancy rate from 2% to 3% to permit Condominium Conversions within local housing market zones and the overall City where the rental vacancy rate has been at or above 3% for the preceding 2 years, and also ensure that the conversion will not adversely affect the supply of affordable rental housing units of a similar dwelling unit structure, size, and type for the city and respective local housing market zone. Furthermore, the criteria that would require at least 75% of current tenants being in support of the conversion is proposed to be removed.

The City’s existing condominium conversion policies play an important role in the provision of affordable ownership opportunities in the City. This is because condominium conversion policies act as a transitory mechanism intended to help facilitate the transition of rental units into affordable home ownership opportunities. The existing policies aim to preserve a strong rental housing stock across the City while creating ownership opportunities for current renters within their own building or neighbourhood, with renters having the right of first refusal for their rental units which are converted into a condominium unit.


The proposed new condominium conversion policies in the OPA and the Rental Housing Protection By-law may undermine the intent of the existing condominium conversion policies by making this transition from rental units to affordable ownership more difficult. The City’s condominium conversion policies play a critical role in the provision of affordable home ownership opportunities across the City, and the recommended changes discussed in Staff Report No. PED22091(a) may hamper some of the benefits provided by these applications. Further consideration of these implications to ensure policies effectively balance the interests of all involved parties is recommended.

We trust the enclosed is in order, however, please feel free to contact the undersigned with any questions.

Sincerely,
UrbanSolutions



Matt Johnston, MCIP, RPP
Principal



Stefano Rosatone, BES
Planner

Cc: The Effort Trust Company Ltd. c/o Mr. David Horwood

Ministry of Natural Resources

Resource Development Section
Development and Hazard Policy Branch
Policy Division
300 Water Street
Peterborough, ON K9J 3C7

Ministère des Richesses Naturelles

Section du développement des ressources
Direction general de l'elaboration et des
politiques sur les risqué
Division de l'élaboration des politiques
300, rue Water
Peterborough (Ontario) K9J 3C7



RE: Streamlining of approvals under the *Aggregate Resources Act* and supporting policy

Greetings,

Further to my letter dated May 29th, 2023, I am writing to inform you that a decision notice has been posted regarding the “Proposed changes to the *Aggregate Resources Act*, Ontario Regulation 244/97 to expand self-filing activities and a new policy regarding amendments to existing aggregate approvals” (ERO #[019-6767](#)).

The Ministry of Natural Resources has made changes under the *Aggregate Resources Act* to expand the list of small or routine site plan changes to an existing pit or quarry that can be self-filed (subject to conditions). The ministry has also implemented a new policy for amending an existing aggregate licence, permit or site plan where approval by the ministry is required.

On August 18, 2023, Ontario Regulation 244/97 was amended to add additional site plan changes that can be made without ministry approval when certain conditions and eligibility criteria are met. For a complete list of these changes, conditions and eligibility criteria, please refer to section 7.2 of the regulation, which can be viewed at: <https://www.ontario.ca/laws/regulation/970244>

In addition, the ministry has introduced a new amendment policy that clarifies the requirements and approach to public notification and consultation, as well as provides direction on the requirements when applying for an amendment, and guides ministry decision-making for amendment applications (including what constitutes significant and non-significant amendments). Effective immediately, this policy replaces 14 existing aggregate policies and procedures. For a complete list, please refer to the decision notice.

To view the complete details of this decision, please click on the link above or visit the Environmental Registry of Ontario at ero.ontario.ca and search for ERO number 019-6767.

If you have any questions regarding these changes, please contact us by email at aggregates@ontario.ca.

Sincerely,

Jennifer Keyes,
Director, Development and Hazard Policy Branch

Pilon, Janet

Subject: Subject: Heritage Designation for 84 York Blvd – Philpott Church

From: Heidi Wilton

Sent: Sunday, June 16, 2024 10:11 PM

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

Cc: Qureshi, Uzma <Uzma.Qureshi@hamilton.ca>; Lowe, Sarah <Sarah.Lowe@hamilton.ca>

Subject: Subject: Heritage Designation for 84 York Blvd – Philpott Church

Dear Mayor Howarth,

I am reaching out regarding Tuesday's meeting to discuss the proposed Heritage designation of the property at 84 York Blvd, currently in use by Philpott Church. I am a longstanding member of Philpott Church and contrary to what one might expect, **I do not support the current motion to designate the building.**

I have deep ties to the Philpott community. My grandfather was on staff at the church. My parents met and married there. As a young adult I spent much time participating in and running numerous Philpott activities. This church community surrounded my family with love and care while my father battled numerous medical challenges. I met my husband at the church, and we too married there. His family also has 4 generations who have attended Philpott. His grandparents were married by P. W Philpott in the current building. His parents were financially supported by Philpott Church for over 30 years while doing work as educators in Africa. My husband and I continue to attend Philpott, and now have 3 children who were all baptized at Philpott's Easter morning service this year. I remain actively involved with the church programs and I am excited to be a part of the heritage of the Philpott community, but I do not believe that this building has sufficient merit to warrant designation.

I know this building intimately. In my years at the church and while participating in various committees, I've used every nook and cranny to try to facilitate programming. Our church has been challenged trying to use a facility no longer fit for purpose to endeavor to run dynamic programs. We have experienced financial burdens and struggles when trying to maintain a safe and secure environment with a facility built under different standards. Extensive study from Engineering experts has documented significant issues with the facility. Despite my personal history and sense of "home" that comes from a lifetime of weekly participation in the ministry and activities at 84 York Blvd, **I know the limitations of this aging facility.**

It concerns me greatly that opinions offered from people who have never interacted with the facility, are being given such prominence in these significant Heritage discussions. **The insights from those most familiar with the facility deserve to be considered.** Difficult though it was, our church membership decided that the facility is a limitation, and it can no longer function to deliver the kind of programs that are needed to service the Hamilton core. At this time the city has urgent priorities to increase development and expand housing. This is a far more pressing need than saving the empty shell of an aging facility which is too costly to maintain, and which if Heritage designated, will become a blight on the core as it falls into further disrepair.

As I close this letter **I'd respectfully ask you to consider if the reasons for proposing the Heritage designation status are in the best interests of the people of Hamilton.** I would argue that our city's infrastructure needs to be planned with a vision to deliver services to current and future Hamiltonians using the best models and with fiscal responsibility. We need to look for ways to build and sustain a vibrant core in Hamilton. Despite my personal ties to 84 York Blvd, and perhaps **because of the insights gleaned from many years lived in this building, I strongly advocate that designating this facility at 84 York Blvd does not serve to benefit the people of Hamilton.**

I thank you for taking the time to reflect on this letter as you prepare for further discussion on this matter.

Respectfully submitted,
Heidi Wilton



Council - Committee of the Whole

Resolution # 2024-147
Title: Resolution seeking support re: Champlain Bridge Rehabilitation
Date: June 4, 2024

Moved by: Councillor Georges Pharand
Seconded by: Councillor Roch St. Louis

WHEREAS the Champlain Bridge, located on the King's Highway 17, west of the Town of Sturgeon Falls in the Municipality of West Nipissing is integral infrastructure to the Trans-Canada Highway network and also serves as a connecting link to Highway 64;

AND WHEREAS Highway 17 is a critical link in the Trans-Canada highway network, with Average Annual Daily Traffic (AADT) of over 14,000 travelers;

AND WHEREAS the majority of the traffic is provincial traffic, using the Trans-Canada highway for transporting goods and services in Ontario which, if shut down or restricted, would result in a 123km detour.

AND WHEREAS in 2021 an agreement was entered into between the Municipality and the Ministry of Transportation for the design of the rehabilitation or replacement of the Champlain Bridge, which design indicated that the bridge should be replaced at the anticipated cost of \$30,000,000.

AND WHEREAS Municipality of West Nipissing does not have the financial resources to undertake a project of this magnitude without assistance;

AND WHEREAS the Province has previously recognized the financial burden placed on municipalities, forced to maintain Provincial Infrastructure, by removing the burden of the Don Valley Parkway, and the Gardner Express Way from the City of Toronto;

BE IT THEREFORE RESOLVED THAT the Province of Ontario recognize the Champlain Bridge as critical provincial infrastructure and assume responsibility for its replacement;

BE IT FURTHER RESOLVED THAT if the assumption of the Bridge by the province cannot be undertaken, that the Province provide financial and operational assistance to the Municipality of West Nipissing for the undertaking of the replacement of the Champlain Bridge;

BE IT FURTHER RESOLVED THAT all northeastern municipalities served by the Highway 17 as well as the Association of Municipalities of Ontario (AMO), Rural Ontario Municipalities Association (ROMA), Ontario Good Roads Association (OGRA) and the Federation of Northern Ontario Municipalities (FONOM) be requested to support the Municipality of West Nipissing's request by submitting letters of support to the Ministry of Transportation.

CARRIED

Hello City Councillors and City Staff,

My name is Tim Duke and I am a member of Hamilton ACORN and a tenant in Ward 15.

I am writing to call on the Planning Committee to implement a strong Rental Housing Protection Bylaw that protects tenants against demoviction!

I live in a mobile home park, and have done so for more than 20 years. Last year, I was informed that my lot was slated to be demolished and that I would have to move my mobile home. Then the option of moving my home was cancelled and I was told I would be paid \$3,000. and my home would be demolished as allowed under the LTB. This caused me a lot of stress and made my existing health conditions worse. Finally, after a year, an agreement was made that allowed me to stay in the park.

I think the Landlord Tenant Act needs to be updated to reflect the different times we live in now that there is a housing shortage. Tenants should be offered alternate living quarters if Landlords want to renovate or demolish their homes

Thank you for your time,

T. Duke

Pilon, Janet

Subject: Use the Public Roads: You Better be Licensed and Insured!

From: steven kaszab

Sent: Wednesday, June 19, 2024 10:08 AM

To: clerks@hamilton.ca <clerks@hamilton.ca>; MR - City Hall - Council Chambers (seats 70) <CityHall.CouncilChambers@hamilton.ca>; Office of the Mayor <Officeofthe.Mayor@hamilton.ca>

Subject: Use the Public Roads: You Better be Licensed and Insured!

Mayor and Council Members
City of Hamilton

please consider....

Driving in your local town or city has always been a challenge, but since the pandemic our roads have become stiffing, overloaded, encrusted with construction stops, and one other item. Yes you have seen them driving on our walkways, pathways, sidewalks and local roads. Motorized scooters, wheelchairs, mini bikes, adult bikes of every type. I once saw a motorized bike carrying a reasonably large chair. Am I complaining? You bet I am.

While your driving you look all ways, using all mirrors available. At least that is what your suppose to be doing. Added to the mix are hordes of people at cross walks, people walking out from behind parked cars along the road and the crazy items mentioned above. You cannot license and insure a person who is walking can you. Wish we could. The most distinct and common accident on our local roads happen when some child, senior or adult sprints out onto the road from a side walk. Some times there is no time to stop. Injury and death happen and lives are changed forever.

1. May I suggest two solutions that will benefit all, as well as the drivers and riders of these motorized vehicles. And that is the point. If you go onto the road and have a motor in/on your vehicle it should be licensed and insured. Car drivers need not be the only ones carrying the cost of using our roads. Driving/riding is a privilege that should be paid for, since your using a publicly managed road policed and maintained by the locality. Half the motorized vehicles mentioned are made in China, which means there are no warranties or guarantees they will perform to North American Standards. Furthermore, those who drive or ride on these need to be properly trained to use them. It's all about safety for all.

2, The parking of vehicles on the side of roads during the day should be disallowed. Far to many people take chances trying to get to the other side of the road, and those drivers in vehicles often unprepared for these spontaneous jump outs. Sure there is not enough parking place for our cars, but that is not the locals fault. You need to plan your visit and parking options. Simple. I bought a home with a long drive way accepting up to six cars. Preplanning works. This may upset you. But think about the latest fatality in a collision caused by a street jumper. Could be a child, a senior or your neighbor perhaps.

These ideas can be initiated in your local. Why not? As of June 15th Serbia has instituted a law requiring all electric scooters and travel devices that participate in traffic to be licensed and their drivers to be trained in all aspects of the Traffic Safety Agency. How about it folks?

Public roads are not a place for bikes or motorized vehicles other than cars and trucks. If these products should be allowed, they must be licensed and insured for personal injury and collision. You want to use the roads, pay up.

Steven Kaszab

Pilon, Janet

Subject: June 18 Public Meeting at 9:30am about 150 Mohawk Rd E construction project

From: Lynda Yorkston

Date: 2024-06-14 11:09 p.m. (GMT-05:00)

To: clerk@hamilton.ca

Subject: June 18 Public Meeting at 9:30am about 150 Mohawk Rd E construction project

I have a number of questions regarding this proposed construction of an 11 story residential building on the site of 150 Mohawk Rd E.

Is there a projected start date for this construction?

What is the expected length of time for the duration of this construction?

Will there be security on the property during this construction?

Will there be any security cameras utilized during the construction?

Will security cameras be installed as part of the new build? Will these be covering the parking areas?

Since parking is already very tight, I am hoping that there will NOT be any construction workers parking onsite. How will the workers parking be handled?

With the addition of 161 new units, how will this impact the already busy traffic at the corner of Mohawk and Upper Wellington?

How will the additional vehicles impact the traffic patterns on the property? Pick up and drop off areas will be quite a lot busier.

How will accessible parking be handled during the construction?

Will the parking be assigned during construction? After?

Will the parking be separated new building one area, the existing building in another area?

Will all of the parking be controlled? Be under lock and key? Gated? First come first served?

How will snow removal be handled?

Will there be someone controlling the flow of construction vehicles?

Will the residents of the existing building have plenty of notice if there is water shut off, electricity cuts, traffic rerouting?

Will emergency vehicles be able to access the existing building easily during construction?

Is the existing building vulnerable to damage due to vibrations, construction noises, etc.?

Will the tenants of the existing building be able to access any amenities built into the new construction?

I'm sure over the course of this project more questions will arise. For now these are the most pressing ones and I hope that they can be addressed during the June 18 meeting of the Planning Committee

Thank you in advance,

Lynda Yorkston

[Redacted]

April 14th, 2024

Jamila Sheffield
Secretary Treasurer
Committee of Adjustment
Planning and Economic Development
Planning, City of Hamilton

Dear Jamila Sheffield,

I am writing to formally resign from my position as a member of the Committee of Adjustment, effective immediately.

[Redacted]

[Redacted]

Thank you for the opportunity to contribute to the Committee of Adjustment. I wish the Committee continued success in all its endeavors.

Sincerely,

Marvin J. Largo

Marvin J. Largo



Hamilton

**SELECTION COMMITTEE
FOR
AGENCIES, BOARDS AND SUB-COMMITTEES
REPORT 24-004
12:00 p.m.
June 11, 2024
Room 264, 2nd Floor,
City Hall**

Present: Councillor C. Cassar (Chair), T. Jackson C. Kroetsch, M. Tadeson, A. Wilson and M. Wilson

Absent with

Regrets: Councillor B. Clark – Personal

THE SELECTION COMMITTEE FOR AGENCIES, BOARDS AND SUB-COMMITTEES PRESENTS REPORT 24-004, AND RESPECTFULLY RECOMMENDS:

1. **Deliberation of Applicants to the Public Health Sub-Committee (Item 4.2)**
 - (a) That the directions provided to staff in Closed Session respecting the Recruitment to the Public Health Sub-Committee Planning Meeting, be approved; and
 - (b) That the details of the Recruitment to the Public Health Sub-Committee Planning Meeting remain confidential.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 1)

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

The agenda for the June 11, 2024 meeting of the Selection Committee for Agencies, Boards and Sub-Committees was approved, as presented.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no Declarations of Interest.

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

(i) May 21, 2024 (Item 3.1)

The Minutes of the May 21, 2024 meeting of the Selection Committee for Agencies, Boards and Sub-Committees, were approved, as presented.

(d) PRIVATE & CONFIDENTIAL (Item 4)

Committee determined that discussion of Item 4.1 was not required in Closed Session; therefore, the matter was addressed in Open Session, as follows:

(ii) Closed Session Minutes – May 21, 2024 (Item 4.1)

The Closed Session Minutes of the May 21, 2024 meeting of the Selection Committee for Agencies, Boards and Sub-Committees, were approved, as presented and remain confidential.

(ii) The Committee moved into Closed Session for Item 4.2, respecting the Deliberation of Applicants to the Public Health Sub-Committee (Item 4.2), Pursuant to Section 9.3 sub-section (b) of the City's Procedural By-law 21-021, as amended, and Section 239(3) Sub-section (b) 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.

For further disposition, refer to Item 1.

(e) ADJOURNMENT (Item 6)

There being no further business, the Selection Committee adjourned at 1:01 p.m.

Respectfully submitted,

Councillor C. Cassar, Chair
Selection Committee

Loren Kolar
Legislative Coordinator
Office of the City Clerk



PUBLIC WORKS COMMITTEE REPORT 24-008

1:30 p.m.
Monday, June 17, 2024
Council Chambers
Hamilton City Hall
71 Main Street West

Present: Councillors M. Spadafora (Chair), A. Wilson (Vice-Chair) J. Beattie, C. Cassar, J.P. Danko, M. Francis, T. Jackson, C. Kroetsch, T. McMeekin and M. Tadeson

**Absent with
Regrets:** Councillors N. Nann and E. Pauls - Personal

THE PUBLIC WORKS COMMITTEE PRESENTS REPORT 24-008 AND RESPECTFULLY RECOMMENDS:

1. **Woodward Water Treatment Plant Phase 2 Upgrades (PW22078(a)) (City Wide) (Item 8.1)**
 - (a) That the Hamilton Water Divisional staff complement be increased by four new permanent Full-Time Equivalents as detailed in Appendix "A" Public Works Committee Report 24-008 to deliver the Woodward Water Treatment Plant Phase 2 Upgrades Capital Program;
 - (b) That the four Full-Time Equivalents identified in recommendation (a) to Report PW22078(a) be funded from the Water, Wastewater and Stormwater Rate Capital Program (Project ID No. 5142166110 and 5143066110) at an approximate annual cost of \$622K;
 - (c) That three permanent Full-Time Equivalents be included in the recommended 2025 Water, Wastewater and Stormwater Rate Budget to provide operational support for the Woodward Water Treatment Plant Phase 2 Upgrades and other large capital upgrades occurring at the City's two wastewater treatment facilities.

2. 2023 Year End Report on Community Bookings at Tim Hortons Field (PW18075(c)) (Ward 3) (Item 9.1)

That Report PW18075(c), respecting 2023 Year End Report on Community Bookings at Tim Hortons Field, be received.

3. Waste Management Sub-Committee Report 24-002 - May 30, 2024 (Item 9.2)

That Waste Management Sub-Committee Report 24-002 – May 30, 2024, be received.

4. Housing-Enabling Water Systems Fund (PW24038) (Item 11.1)

- (a) That the General Manager, Finance and Corporate Services, and the General Manager, Public Works, be authorized to delegate the appropriate person to be duly authorized to submit all necessary documentation to support the City of Hamilton’s application, attached as Appendix “B” to Public Works Committee Report 24-008, for the Housing-Enabling Water Systems Fund;
- (b) That the Mayor and City Clerk be authorized to execute and/or amend all necessary documentation, including Funding Agreements, to receive funding under the Housing-Enabling Water Systems Fund with content satisfactory to the General Manager, Finance and Corporate Services, and in a form satisfactory to the City Solicitor, provided the City’s application is successful; and
- (c) That the City Solicitor be authorized and directed to prepare any necessary by-laws for Council approval, for the purpose of giving effect to the City’s acceptance of funding from the Housing-Enabling Water Systems Fund.

5. Urban Waste Vacuum Cleaner Manufacturer Standardization (PW24042) (City Wide) (Item 11.2)

- (a) That Council approve the standardization of the Glutton Urban Waste Vacuum Cleaner manufactured by Glutton and the single sourcing of the supply, parts, and maintenance for the equipment with the licensed distributor Joe Johnson Equipment until May 1, 2029 for the Waste Management Division, Pursuant to Procurement Policy #14 – Standardization and Policy #11 – Non-Competitive Procurement;
- (b) That the General Manager, Public Works, or their designate, be authorized to negotiate, enter into, and execute any required contract and ancillary documents required to give effect thereto with licensed distributor Joe Johnson Equipment, in a form satisfactory to the City Solicitor; and

- (c) That the General Manager, Public Works, or their designate, be authorized to amend any contracts executed and any ancillary documents as required if the manufacturer or licensed distributor identified in this Report undergoes a name change, in a form satisfactory to the City Solicitor.

6. Policy 11 - Compressed Natural Gas Mobile Refuelling Equipment (PW22003(a)) (City Wide) (Item 11.3)

- (a) That Council approves the expansion of the Policy #11 – Non-competitive Procurement, previously approved through Report PW22003, for the supply, installation, and management of compressed natural gas and mobile refuelling equipment. This expansion is estimated to cost \$300K annually for a three-year period for a total of \$900K and will support the operational requirements of the Compressed Natural Gas Waste Collection Trucks;
- (b) That the General Manager, Public Works, or their designate, be authorized to negotiate, enter into, and execute a contract and any ancillary documents required to give effect thereto with Compression Technology Corporation, in a form satisfactory to the City Solicitor;
- (c) That the General Manager, Public Works, or their designate, be authorized and directed to submit and sign an application with supporting documentation relating to applicable grant funding opportunities, including but not limited to the Green Initiative grant funding application with supporting documentation including an application attestation and final agreement, on behalf of the City of Hamilton;
- (d) That the General Manager of Finance and Corporate Services, or their designate, be authorized and directed to confirm the City of Hamilton's funding contribution, on behalf of the City of Hamilton and sign the required proof of funding forms related to Green Initiative grant funding; and any resulting funding agreements and associated ancillary documents that may also include a contribution to funding, in a form acceptable to the City Solicitor; and
- (e) That the City Solicitor be authorized and directed to prepare any necessary by-laws for Council approval, for the purpose of giving effect to the City's acceptance of grant funding opportunities.

7. Strachan Open Space Redevelopment (Ward 2) (Item 12.1)

WHEREAS the Strachan Open Space located along the south side of Strachan Street West between Bay Street North and Ferguson Avenue North, provides a valuable asset for the community as a green corridor of mature trees and sod areas;

WHEREAS this area contains an underutilized surface parking lot that could be repurposed for much needed public amenities;

WHEREAS, as the site is adjacent to an active rail line, the Ward Councillor has met with representatives from CN Railway to discuss any requirements they may have;

WHEREAS the community is supportive of maintaining this space for public use subject to consultation with the Ward Councillor;

WHEREAS there are city wide parks in the area and the neighbours would benefit from a more community focused park area with amenities;

WHEREAS there is an active transportation route through the site allowing ease of movement through the space;

WHEREAS there are some activations that can commence without added Capital funds such as benches, picnic tables, and parkland signs and staff will work with the Ward Councillor for these additions; and

WHEREAS future improvements that would enhance the space for more neighbourhood uses would require budget and work prioritization.

THEREFORE, BE IT RESOLVED:

That staff be directed to submit a capital detail sheet for the first phase of the Strachan Open Space improvement project for Council consideration as part of an upcoming budget process.

8. Fencing Installation for Gage Park Community Garden Located at 1000 Main Street East, Hamilton (Ward 3) (Item 12.2)

WHEREAS, the Gage Park Community Garden located at 1000 Main Street East Hamilton, has been operating in its current location since 2011 and provides opportunities for residents to grown their own food, beautify an area of the park and gather and make connections with fellow community members;

WHEREAS, the recent construction activities at the adjacent Rosedale Tennis Club has reconfigured the existing fencing that borders the community garden; and

WHEREAS, the existing garden fencing is in disrepair and needs to be replaced and reconfigured to connect to the new tennis club fencing.

THEREFORE, BE IT RESOLVED:

That an allocation of \$6,749 be made from the Ward 3 Discretionary Funds (Project ID#3302309300) to fund the installation of new fencing along the southern portion of the Gage Park Community Garden located at 1000 Main Street East, Hamilton.

9. Installation of Speed Cushions as a Traffic Calming Measure on Various Roadways in Ward 10 (Ward 10) (Item 12.3)

WHEREAS, the City of Hamilton has adopted Vision Zero approach which considers human error as part of the roadway safety equation; and

WHEREAS, Ward 10 residents on a number of roadways have repeatedly advocated for traffic calming measures in their neighbourhoods to address roadway safety concerns as a result of speeding and cut-through traffic.

THEREFORE, BE IT RESOLVED:

- (a) That the Transportation Division be authorized and directed to install 2 speed cushions on Grays Road between Frances Avenue and Lakepointe Place as part of Transportation's 2024 Traffic Calming program for fall implementation, to be funded through the Ward 10 Capital Re-Investment Reserve #108070 at an upset limit, including contingency, not to exceed \$10,000;
- (b) That the Transportation Division be authorized and directed to install 4 speed cushions on Memorial Avenue between Glen Castle Drive and Birchlawn Drive as part of Transportation's 2024 Traffic Calming program for fall implementation, to be funded through the Ward 10 CP Minor Maintenance #4031911610 at an upset limit, including contingency, not to exceed \$20,000; and
- (c) That the General Manager of Public Works 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.

10. Installation of Speed Cushions as a Traffic Calming Measure on Howard Boulevard (Ward 15) (Item 12.4)

WHEREAS, the City of Hamilton has adopted a Vision Zero approach which considers human error as part of the roadway safety equation; and

WHEREAS, Ward 15 residents on Howard Boulevard have repeatedly advocated for traffic calming in their neighbourhood to address roadway safety concerns as a result of speeding and cut-through traffic;

THEREFORE, BE IT RESOLVED:

- (a) That the Transportation Division be authorized and directed to install 1 speed cushion on Howard Boulevard between Orchard Avenue and Mays Crescent as part of Transportation's 2024 Traffic Calming program for fall implementation;
- (b) That all costs associated with the installation of traffic calming measures be completed through Ward 15 CP Minor Maintenance #4031911615 at an upset limit, including contingency, not to exceed \$5,000; and
- (c) That the General Manager of Public Works 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.

11. Installation of Speed Cushions as a Traffic Calming Measure on Frederick Avenue (Ward 4) (Item 12.5)

WHEREAS, the City of Hamilton has adopted a Vision Zero approach which considers human error as part of the roadway safety equation; and

WHEREAS, Ward 4 residents on Frederick Avenue have advocated for traffic calming in their neighbourhood to address roadway safety concerns as a result of speeding and cut-through traffic.

THEREFORE, BE IT RESOLVED:

- (a) That the Transportation Division be authorized and directed to install up to 2 speed cushions on Frederick Avenue between Roxborough Avenue and Cannon Street East as part of the Transportation's 2024 Traffic Calming program for fall implementation;
- (b) That all costs associated with the installation of traffic calming measures be funded from the Ward 4 Capital Re-Investment Reserve #108054 at an upset limit, including contingency, not to exceed \$10,000; and
- (c) That the General Manager of Public Works 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.

12. Installation of Speed Cushions as a Traffic Calming Measure on Huntington Avenue (Ward 6) (Item 12.6)

WHEREAS, residents on Huntington Avenue in Ward 6 have advocated for the installation of speed cushions to address roadway safety concerns as a result of speeding; and

WHEREAS, signatures were collected from residents resulting in support by 19 of 34 (56%) homes on Huntington Avenue for the installation of speed cushions as a traffic calming measure.

THEREFORE, BE IT RESOLVED:

- (a) That the Transportation Division be authorized and directed to install up to 2 speed cushions as a traffic calming measure on Huntington Avenue between Brentwood Drive and Kingslea Drive as part of Transportation's 2024 Traffic Calming Program for fall implementation;
- (b) That all costs associated with the installation of traffic calming measures at be completed through the Ward 6 Capital Re-Investment Reserve #108056 at an upset limit, including contingency, not to exceed \$10,000; and
- (c) That the General Manager of Public Works 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.

13. Installation of Speed Cushions as a Traffic Calming Measure Around Chedoke Elementary School and Mountview Elementary School (Ward 14) (Item 12.7)

WHEREAS, the City of Hamilton has adopted a Vision Zero approach which considers human error as part of the roadway safety equation; and

WHEREAS, Ward 14 residents have advocated for traffic calming in their neighbourhoods in proximity to Chedoke and Mountview Elementary Schools to address roadway safety concerns as a result of speeding and cut-through traffic.

THEREFORE, BE IT RESOLVED:

- (a) That the Transportation Division be authorized and directed to install 2 speed cushions on Bendemere Avenue between W 25th Street and W 27th Street and 2 speed cushions on W 27th Street between Bendamere Avenue and Leslie Avenue as part of Transportation's 2024 Traffic Calming program for fall implementation;

- (b) That the Transportation Division be authorized and directed to install 1 speed cushion on San Antonio Drive between Argo Street and Karen Crescent and 2 speed cushions on Karen Crescent between San Antonio Drive and San Pedro Drive as part of Transportation's 2024 Traffic Calming program for fall implementation;
- (c) That all costs associated with the installation of traffic calming measures be completed through the Ward 14 Capital Re-Investment Reserve #108064 at an upset limit, including contingency, not to exceed \$35,000; and
- (d) That the General Manager of Public Works 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.

14. Hamilton Beach Strip Open Space, Adjacent to Lakeside Avenue (Ward 5) (Item 12.8)

WHEREAS, the Hamilton Beach Rescue unit previously operated from the area at the Hamilton Beach Strip, adjacent to Lakeside Avenue;

WHEREAS, an aged boat lift is a remnant from previous operations of this group, and is no longer needed and at its end of life;

WHEREAS, Voluntary Hamilton Beach Rescue Unit are not able assist with the removal of this infrastructure;

WHEREAS, a motion was approved at the October 16, 2023 Public Works Committee to fund the removal, to the amount of \$4,000;

WHEREAS, a further procurement process was undertaken after the original contractor declined the proposed removal work; and

WHEREAS, an additional \$5,900 to remove the structure is required to complete the works. The total cost for the removal will be \$9,900.

THEREFORE, BE IT RESOLVED:

- (a) That additional funding for the removal of the Hamilton Beach Rescue Lift located at the Hamilton Beach Strip, adjacent to Lakeside Avenue, be approved from Hamilton Beach Rescue Reserve #110005 at an upset limit, including contingency, not to exceed \$5,900; and

- (b) That the General Manager of Public Works or designate be authorized and directed to approve and execute any and all required agreements and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

FOR INFORMATION:

(a) CEREMONIAL ACTIVITIES (Item 1)

(i) June 16 – 22 is Waste and Recycling Workers Week! (Item 1.1)

Chair Spadafora announced that June 16 – 22 is Waste and Recycling Workers Week which recognizes and celebrates all those who work in the waste and recycling industry as front-line responders.

Chair Spadafora also congratulated the City's Waste Management team on their recognition as leaders in waste education. The City of Hamilton received four awards for waste promotion and education at the Municipal Waste Association's Spring Workshop on May 29. The City of Hamilton received a Gold award for the "Off-Campus Student Move-in Waste Education" initiative, a second Gold award for the Multi-Language Postcard, and a Silver award for the Waste Management Open House and Facility Tours held during Waste Reduction Week.

(b) 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 June 3, 2024

6. DELEGATION REQUESTS

6.2 Delegation Requests respecting the Hamilton Street Railway (HSR) Fare Policies (For today's meeting)

- (a) Mary Love, Council of Canadians Hamilton Chapter (In Person)
- (b) Katie King, HCBN (In Person)
- (c) Tim Nolan, Accessibility Hamilton Alliance (In Person)
- (d) Brad Evoy, Disability Justice Network of Ontario (In Person)

- (e) Chelsea MacDonald (Virtually) - WITHDRAWN

8. STAFF PRESENTATIONS

- 8.1 Woodward Water Treatment Plant Phase 2 Upgrades (PW22078(a)) (City Wide)
 - (a) Woodward Water Treatment Plant Phase 2 Upgrades (PW22078(a)) (City Wide) - REVISED PRESENTATION

The Agenda for the June 17, 2024, Public Works Committee meeting was approved, as amended.

(c) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

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

(i) June 3, 2024 (Item 4.1)

The Minutes of the June 3, 2024, meeting of the Public Works Committee were approved, as presented.

(e) DELEGATION REQUESTS (Item 6)

The following Delegation Requests were approved for today's meeting:

- (i) Jake Maurice respecting the HSR Front Boarding Policy (In Person) (Item 6.1)
- (ii) Delegation Requests respecting the Hamilton Street Railway (HSR) Fare Policies (Item 6.2):
 - (a) Mary Love, Council of Canadians Hamilton Chapter (In Person) (Added Item 6.2(a))
 - (b) Katie King, HCBN (In Person) (Added Item 6.2(b))
 - (c) Tim Nolan, Accessibility Hamilton Alliance (In Person) (Added Item 6.2(c))
 - (d) Brad Evoy, Disability Justice Network of Ontario (In Person) (Added Item 6.2(d))

(f) DELEGATIONS (Item 7)

- (i) James Kemp respecting concerns regarding the HSR's front door entry policy for people with disabilities and lack of accessible fare payment options regarding Presto (Virtually) (Approved June 3, 2024) (Item 7.1)**

James Kemp addressed Committee respecting concerns regarding the HSR's front door entry policy for people with disabilities and lack of accessible fare payment options regarding Presto.

- (ii) Jake Maurice respecting the HSR Front Boarding Policy (In Person) (Item 7.2)**

Jake Maurice addressed Committee respecting the HSR Front Boarding Policy.

- (iii) Delegations respecting the Hamilton Street Railway (HSR) Fare Policies (Added Item 7.3)**

The following delegates addressed Committee respecting the Hamilton Street Railway (HSR) Fare Policies:

- (a) Mary Love, Council of Canadians Hamilton Chapter (In Person) (Added Item 7.2(a))
- (b) Katie King, HCBN (In Person) (Added Item 7.2(b))
- (c) Tim Nolan, Accessibility Hamilton Alliance (In Person) (Added Item 7.2(c))
- (d) Brad Evoy, Disability Justice Network of Ontario (In Person) (Added Item 7.2(d))

The following delegations were received:

- (i) James Kemp respecting concerns regarding the HSR's front door entry policy for people with disabilities and lack of accessible fare payment options regarding Presto (Virtually) (Item 7.1)
- (ii) Jake Maurice respecting the HSR Front Boarding Policy (In Person) (Item 7.2)
- (iii) Delegations respecting the Hamilton Street Railway (HSR) Fare Policies (Added Item 7.3)

- (a) Mary Love, Council of Canadians Hamilton Chapter (In Person) (Added Item 7.2(a))
- (b) Katie King, HCBN (In Person) (Added Item 7.2(b))
- (c) Tim Nolan, Accessibility Hamilton Alliance (In Person) (Added Item 7.2(c))
- (d) Brad Evoy, Disability Justice Network of Ontario (In Person) (Added Item 7.2(d))

(g) STAFF PRESENTATIONS (Item 8)

(i) Woodward Water Treatment Plant Phase 2 Upgrades (PW22078(a)) (City Wide) (Item 8.1)

Stuart Leitch, Manager - Capital Delivery, addressed Committee respecting Report PW22078(a), Woodward Water Treatment Plant Phase 2 Upgrades, with the aid of a PowerPoint presentation.

The presentation from Stuart Leitch, Manager - Capital Delivery, respecting Report PW22078(a), Woodward Water Treatment Plant Phase 2 Upgrades, was received.

For further disposition of this matter, refer to Item 1.

(h) MOTIONS (Item 12)

Councillor Spadafora relinquished the Chair to Councillor A. Wilson in order to introduce the following Motion:

(i) Installation of Speed Cushions as a Traffic Calming Measure Around Chedoke Elementary School and Mountview Elementary School (Ward 14) (Item 12.7)

For disposition of this matter, refer to Item 13.

Councillor Spadafora assumed the Chair.

(i) ADJOURNMENT (Item 16)

There being no further business, the Public Works Committee meeting adjourned at 3:55 p.m.

Respectfully submitted,

Councillor M. Spadafora, Chair,
Public Works Committee

Carrie McIntosh
Legislative Coordinator
Office of the City Clerk

Woodward Water Treatment Plant Capital Program - Business Case Summary

Department: Public Works

Capital Delivery Staff	Description of Program Enhancement	Total Expenditure	Net	FTE Impact	Annualized Amount
Manager	Oversee the capital delivery of Phase 2A and 2B WTP upgrades, other active/future capital projects, program and staffing management.	\$ 46,250	\$ -	1	\$ 185,000
Senior Project Manager	Provide project management for the capital delivery services for the Filter Building components within the Phase 2A and 2B upgrades and other active and future capital projects at the plant. Duties will also include supervisory role for both Project Manager and Engineering Technologist.	\$ 42,250	\$ -	1	\$ 169,000
Project Manager	Provide project management for the capital delivery services for the Chlorine Building components within the WTP Phase 2A and 2B upgrades and other active and future capital projects at the Water Treatment Plant.	\$ 39,250	\$ -	1	\$ 157,000
Engineering Technologist	Address multiple day-to-day requests received and provide project/program support, maintain a document management system and provide project controls for the various capital projects.	\$ 27,750	\$ -	1	\$ 111,000
TOTAL		\$ 155,500		4	\$ 622,000

CITY OF HAMILTON
Woodward Water Treatment Plant Capital Program
BUSINESS CASE #1

BUSINESS CASE OVERVIEW

Request Title	Manager, Capital Delivery, Woodward Water Treatment Plant Program		
Department/Division	Public Works - Hamilton Water - Capital Delivery		
Request Driver	Woodward Water Treatment Plant Phase 2 Capital Program		
Funding Source	Project ID No. 5142166110 and 5143066110		
Proposed Start Date	Q4 2024		
Strategic Plan Priorities	Built Environment & Infrastructure		y
Do you Require the Use of External Consultants?	no		

2024 OPERATING BUDGET FINANCIAL IMPACTS

DESCRIPTION	2024 AMOUNT	ANNUALIZED AMOUNT
Salary/Wages	\$37,500	\$150,000
Benefits	\$8,750	\$35,000
Total Expenditures	\$46,250	\$185,000
Capital Funding	\$46,250	\$185,000
Total Revenue	\$46,250	\$185,000
Net Impact	\$0	\$0
Full Time Equivalent (FTE)	1.0	1.0
Capital Budget Impact	\$46,250	\$185,000

BUSINESS CASE DETAILS

1. Reason for Request:

There is currently no dedicated Manager resource for the management of the Water Treatment Plant large capital program. The responsibilities of the Manager will be to oversee the overall project management of the Phase 2A and 2B Water Treatment Plant upgrades along with the overall Capital Program and staffing management. The Manager will also be responsible for the sponsorship oversight for the Senior Project Manager led capital projects within the Water Treatment Plant Capital Program.

- What are the objectives of the request?** The recommended resource structure for the Water Treatment Plant Phase 2 Upgrade for the staffing request will provide a dedicated Capital staff.
- What are the expected outcomes of the request and the actions that will create these expected outcomes?** - A new Manager will provide a dedicated focus on further advancing this large capital project into the next phase of the project, including issuing the RFP for engineering design and contract administration service.
- What is the challenge or opportunity that this request proposes to solve?** The staffing recommendations will ensure that Hamilton Water has the required staff resources to successfully design, construct, and commission an extremely complex capital rehabilitation and upgrade program at the City's most critical water facility.
- What value will the City gain from this request?** The recommendations in Report PW22078(a) will ensure that Hamilton Water has the required staff resources to successfully design, construct, and commission an extremely complex capital rehabilitation and upgrade program at the City's most critical water facility.
- Does the request provide value for money (efficiency and effectiveness) to a program or service?** There is ample evidence across municipalities that capital projects and programs with higher levels of staff turn-over result in projects that experience delays, increased overall project costs, and increased operational risk.

2. Implications if Request not permitted:

Not having this dedicated position will significantly increase risks including schedule and variances for the program, which has project timelines that are estimated to carry through to 2035 for the construction of both WTP Phases 2A & 2B.

- What impacts will this request have on the community or organization, in terms of service delivery, legal or policy requirements, daily operations or customer service?** Increased risk of infrastructure failure is accompanied by increased risk of regulatory non-compliance, fines, and exposes the City to significant liability. Mayor and Council, and senior members of City staff may also be exposed to personal liability under the Standard of Care Provisions within the Ontario Safe Drinking Water Act.
- What will be the risk, impact or consequence if the request is not approved?** if this request is not permitted, it would impact the existing water, wastewater and stormwater capital program resulting in increased risk of infrastructure failures, loss of water, wastewater or stormwater services, adverse public health impacts, adverse environmental impacts, and requiring expensive and unplanned emergency interventions.

3. Alternatives (if any):

Alternative 1: Staff could be directed to resource the Water Treatment Plant Phase 2 Capital Program by re-allocating existing Hamilton Water capital program staff. This alternative is not recommended because it would impact the existing water, wastewater and stormwater capital program resulting in increased risk of infrastructure failures, loss of water, wastewater or stormwater services, adverse public health impacts, adverse environmental impacts, and requiring expensive and unplanned emergency interventions.

Alternative 2: the new position could be approved on a temporary basis expiring at the end of the Water Treatment Plant Phase 2 Capital Program. This alternative is not recommended because it adds significant risk to the capital program resulting from increased staff turn-over. The Water Treatment Plant Phase 2 Capital Program represents a \$543M investment in the City's most critical water asset, with an accompanying 10-year program schedule. There is ample evidence across municipalities that capital projects and programs with higher levels of staff turn-over result in projects that experience delays, increased overall project costs, and increased operational risk.

4. Performance Measures:

Performance Measures will be based on the following:

- Is there baseline data available?** KPI targets for monitoring cashflows, schedules and budgets are currently in place.
- What target(s) in relation to a baseline demonstrate progress in achieving the expected outcome(s) of the request?** Established KPI targets and outcomes include meeting the estimated project schedule and budget established in 2024 rate budget process. The performance will be measured, tracked and updated on a monthly basis.
- How will the performance of this request be measured and evaluated?** The performance of the Manager will be measured on the overall success of the Water Treatment Plant Capital program KPI target expectations, along with successful management of the staffing complement.

CITY OF HAMILTON Woodward Water Treatment Plant Capital Program BUSINESS CASE #2

BUSINESS CASE OVERVIEW

Request Title	Senior Project Manager, Capital Delivery, Woodward Water Treatment Plant Program	
Department/Division	Public Works - Hamilton Water - Capital Delivery	
Request Driver	Woodward Water Treatment Plant Phase 2 Capital Program	
Funding Source	Project ID No. 5142166110 and 5143066110	
Proposed Start Date	Q4 2024	
Strategic Plan Priorities	Built Environment & Infrastructure	y
Do you Require the Use of External Consultants?	no	

2024 OPERATING BUDGET FINANCIAL IMPACTS

DESCRIPTION	2024 AMOUNT	ANNUALIZED AMOUNT
Salary/Wages	\$34,100	\$136,400
Benefits	\$8,150	\$32,600
Add item here		
Total Expenditures	\$42,250	\$169,000
Capital Funding	\$42,250	\$169,000
Total Revenue	\$42,250	\$169,000
Net Impact	\$0	\$0
Full Time Equivalent (FTE)	1.0	1.0
Capital Budget Impact	\$42,250	\$169,000

BUSINESS CASE DETAILS

1. Reason for Request:

There is currently no dedicated Senior Project Manager resource for the Water Treatment Plant Capital Projects. The responsibilities of the Senior Project Manager will be to provide oversight for the investigative, design, construction, commissioning, and warranty services for the Filter Building components within the Water Treatment Plant Phase 2A and 2B upgrades. This position will require the qualifications and experience to project manage complex, large capital projects. The Senior Project Manager will also be responsible for the sponsorship oversight for the Project Manager led capital projects within the Water Treatment Plant Capital Program.

What are the objectives of the request? The recommended resource structure for the Water Treatment Plant Phase 2 Upgrade for the staffing request will provide a dedicated Capital staff.

What are the expected outcomes of the request and the actions that will create these expected outcomes? - A new Senior Project Manager will provide a dedicated focus on further advancing this large capital project into the next phase of the project, including issuing the RFP for engineering design and contract administration service.

What is the challenge or opportunity that this request proposes to solve? The staffing recommendations will ensure that Hamilton Water has the required staff resources to successfully design, construct, and commission an extremely complex capital rehabilitation and upgrade program at the City's most critical water facility.

What value will the City gain from this request? The recommendations in Report PW22078(a) will ensure that Hamilton Water has the required staff resources to successfully design, construct, and commission an extremely complex capital rehabilitation and upgrade program at the City's most critical water facility.

Does the request provide value for money (efficiency and effectiveness) to a program or service? There is ample evidence across municipalities that capital projects and programs with higher levels of staff turn-over result in projects that experience delays, increased overall project costs, and increased operational risk.

2. Implications if Request not permitted:

Not having this dedicated position will significantly increase risks including schedule and variances for the program, which has project timelines that are estimated to carry through to 2035 for the construction of both WTP Phases 2A & 2B.

What impacts will this request have on the community or organization, in terms of service delivery, legal or policy requirements, daily operations or customer

service? Increased risk of infrastructure failure is accompanied by increased risk of regulatory non-compliance, fines, and exposes the City to significant liability. Mayor and Council, and senior members of City staff may also be exposed to personal liability under the Standard of Care Provisions within the Ontario Safe Drinking Water Act.

What will be the risk, impact or consequence if the request is not approved? if this request is not permitted, it would impact the existing water, wastewater and stormwater capital program resulting in increased risk of infrastructure failures, loss of water, wastewater or stormwater services, adverse public health impacts, adverse environmental impacts, and requiring expensive and unplanned emergency interventions.

3. Alternatives (if any):

Alternative 1: Staff could be directed to resource the Water Treatment Plant Phase 2 Capital Program by re-allocating existing Hamilton Water capital program staff. This alternative is not recommended because it would impact the existing water, wastewater and stormwater capital program resulting in increased risk of infrastructure failures, loss of water, wastewater or stormwater services, adverse public health impacts, adverse environmental impacts, and requiring expensive and unplanned emergency interventions.

Alternative 2: the new position could be approved on a temporary basis expiring at the end of the Water Treatment Plant Phase 2 Capital Program. This alternative is not recommended because it adds significant risk to the capital program resulting from increased staff turn-over. The Water Treatment Plant Phase 2 Capital Program represents a \$543M investment in the City's most critical water asset, with an accompanying 10-year program schedule. There is ample evidence across municipalities that capital projects and programs with higher levels of staff turn-over result in projects that experience delays, increased overall project costs, and increased operational risk.

4. Performance Measures:

Performance Measures will be based on the following:

Is there baseline data available? KPI targets for monitoring cashflows, schedules and budgets are currently in place.

What target(s) in relation to a baseline demonstrate progress in achieving the expected outcome(s) of the request?

Established KPI targets and outcomes include meeting the estimated project schedule and budget established in 2024 rate budget process. The performance will be measured, tracked and updated on a monthly basis.

How will the performance of this request be measured and evaluated? The performance of the Manager will be measured on the overall success of the Water Treatment Plant Capital program KPI target expectations, along with successful management of the staffing complement.

CITY OF HAMILTON

Woodward Water Treatment Plant Capital Program

BUSINESS CASE #3

BUSINESS CASE OVERVIEW		
Request Title	Project Manager, Capital Delivery, Woodward Water Treatment Plant Program	
Department/Division	Public Works - Hamilton Water - Capital Delivery	
Request Driver	Woodward Water Treatment Plant Phase 2 Capital Program	
Funding Source	Project ID No. 5142166110 and 5143066110	
Proposed Start Date	Q4 2024	
Strategic Plan Priorities	Built Environment & Infrastructure	y
Do you Require the Use of External Consultants?	no	

2024 OPERATING BUDGET FINANCIAL IMPACTS		
DESCRIPTION	2024 AMOUNT	ANNUALIZED AMOUNT
Salary/Wages	\$31,625	\$126,500
Benefits	\$7,625	\$30,500
Add item here		
Total Expenditures	\$39,250	\$157,000
Capital Funding	\$39,250	\$157,000
Total Revenue	\$39,250	\$157,000
Net Impact	\$0	\$0
Full Time Equivalent (FTE)	1.0	1.0
Capital Budget Impact	\$39,250	\$157,000

BUSINESS CASE DETAILS

1. Reason for Request:

There is currently no dedicated Project Manager resource for the Water Treatment Plant Capital Projects. The responsibilities of the Project Manager will be to provide oversight for the investigative, design, construction, commissioning, and warranty services for the Chlorine Building components within the Water Treatment Plant Phase 2A and 2B upgrades.

What are the objectives of the request? The recommended resource structure for the Water Treatment Plant Phase 2 Upgrade for the staffing request will provide a dedicated Capital staff.

What are the expected outcomes of the request and the actions that will create these expected outcomes? - A new Project Manager will provide a dedicated focus on further advancing this large capital project into the next phase of the project, including issuing the RFP for engineering design and contract administration service.

What is the challenge or opportunity that this request proposes to solve? The staffing recommendations will ensure that Hamilton Water has the required staff resources to successfully design, construct, and commission an extremely complex capital rehabilitation and upgrade program at the City's most critical water facility.

What value will the City gain from this request? The recommendations in Report PW22078(a) will ensure that Hamilton Water has the required staff resources to successfully design, construct, and commission an extremely complex capital rehabilitation and upgrade program at the City's most critical water facility.

Does the request provide value for money (efficiency and effectiveness) to a program or service? There is ample evidence across municipalities that capital projects and programs with higher levels of staff turn-over result in projects that experience delays, increased overall project costs, and increased operational risk.

2. Implications if Request not permitted:

Not having this dedicated position will significantly increase risks including schedule and variances for the program, which has project timelines that are estimated to carry through to 2035 for the construction of both WTP Phases 2A & 2B.

What impacts will this request have on the community or organization, in terms of service delivery, legal or policy requirements, daily operations or customer

service? Increased risk of infrastructure failure is accompanied by increased risk of regulatory non-compliance, fines, and exposes the City to significant liability. Mayor and Council, and senior members of City staff may also be exposed to personal liability under the Standard of Care Provisions within the Ontario Safe Drinking Water Act.

What will be the risk, impact or consequence if the request is not approved? if this request is not permitted, it would impact the existing water, wastewater and stormwater capital program resulting in increased risk of infrastructure failures, loss of water, wastewater or stormwater services, adverse public health impacts, adverse environmental impacts, and requiring expensive and unplanned emergency interventions.

3. Alternatives (if any):

Alternative 1: Staff could be directed to resource the Water Treatment Plant Phase 2 Capital Program by re-allocating existing Hamilton Water capital program staff. This alternative is not recommended because it would impact the existing water, wastewater and stormwater capital program resulting in increased risk of infrastructure failures, loss of water, wastewater or stormwater services, adverse public health impacts, adverse environmental impacts, and requiring expensive and unplanned emergency interventions.

Alternative 2: the new position could be approved on a temporary basis expiring at the end of the Water Treatment Plant Phase 2 Capital Program. This alternative is not recommended because it adds significant risk to the capital program resulting from increased staff turn-over. The Water Treatment Plant Phase 2 Capital Program represents a \$543M investment in the City's most critical water asset, with an accompanying 10-year program schedule. There is ample evidence across municipalities that capital projects and programs with higher levels of staff turn-over result in projects that experience delays, increased overall project costs, and increased operational risk.

4. Performance Measures:

Performance Measures will be based on the following:

Is there baseline data available? KPI targets for monitoring cashflows, schedules and budgets are currently in place.

What target(s) in relation to a baseline demonstrate progress in achieving the expected outcome(s) of the request?

Established KPI targets and outcomes include meeting the estimated project schedule and budget established in 2024 rate budget process. The performance will be measured, tracked and updated on a monthly basis.

How will the performance of this request be measured and evaluated? The performance of the Manager will be measured on the overall success of the Water Treatment Plant Capital program KPI target expectations, along with successful management of the staffing complement.

CITY OF HAMILTON
Woodward Water Treatment Plant Capital Program
BUSINESS CASE #4

BUSINESS CASE OVERVIEW	
Request Title	Engineering Technologist, Capital Delivery, Woodward Water Treatment Plant Program
Department/Division	Public Works - Hamilton Water - Capital Delivery
Request Driver	Woodward Water Treatment Plant Phase 2 Capital Program
Funding Source	Project ID No. 5142166110 and 5143066110
Proposed Start Date	Q4 2024
Strategic Plan Priorities	Built Environment & Infrastructure y
Do you Require the Use of External Consultants?	no

2024 OPERATING BUDGET FINANCIAL IMPACTS		
DESCRIPTION	2024 AMOUNT	ANNUALIZED AMOUNT
Salary/Wages	\$21,925	\$87,700
Benefits	\$5,825	\$23,300
Add item here		
Total Expenditures	\$27,750	\$111,000
Add item here		
Capital Funding	\$27,750	\$111,000
Add item here		
Total Revenue	\$27,750	\$111,000
Net Impact	\$0	\$0
Full Time Equivalent (FTE)	1.0	1.0
Capital Budget Impact	\$27,750	\$111,000

BUSINESS CASE DETAILS

1. Reason for Request:

There is currently no dedicated Engineering Technologist resource for assisting with the Water Treatment Plant Capital Projects. The responsibilities of the Engineering Technologist will be to address the number of day-to-day requests received. This position is also required to provide project and program support, maintain a document management system and provide project controls for the various capital projects within the Water Treatment Plant Phase 2A and 2B upgrades and Program related tasks.

What are the objectives of the request? The recommended resource structure for the Water Treatment Plant Phase 2 Upgrade for the staffing request will provide a dedicated Capital staff.

What are the expected outcomes of the request and the actions that will create these expected outcomes? - A new Engineering Technologist will provide a dedicated focus on further advancing this large capital project into the next phase of the project, including issuing the RFP for engineering design and contract administration service.

What is the challenge or opportunity that this request proposes to solve? The staffing recommendations will ensure that Hamilton Water has the required staff resources to successfully design, construct, and commission an extremely complex capital rehabilitation and upgrade program at the City's most critical water facility.

What value will the City gain from this request? The recommendations in Report PW22078(a) will ensure that Hamilton Water has the required staff resources to successfully design, construct, and commission an extremely complex capital rehabilitation and upgrade program at the City's most critical water facility.

Does the request provide value for money (efficiency and effectiveness) to a program or service? There is ample evidence across municipalities that capital projects and programs with higher levels of staff turn-over result in projects that experience delays, increased overall project costs, and increased operational risk.

2. Implications if Request not permitted:

Not having this position will delay the implementation of Capital Projects currently budgeted for issuance and ensure our capital investment for water/wastewater/storm infrastructure renewal into the future.

What impacts will this request have on the community or organization, in terms of service delivery, legal or policy requirements, daily operations or customer service? This position will assist in supporting the needs maintaining our capital program, ensuring our facilities meet regulatory compliance expectations, create more reliable assets to provide drinking water, wastewater and storm services to the public.

What will be the risk, impact or consequence if the request is not approved? If the Capital SPM position is not approved, the program will not be able to operate as planned, resulting in these delay of the implementation, and certain aspects of this program will be not be supported. Not having this support, there is the potential for HW's capital improvements to vertical infrastructure would be at risk, resulting in stations failing unexpectedly.

3. Alternatives (if any):

Not having this dedicated position will significantly increase risks including schedule and variances for the program, which has project timelines that are estimated to carry through to 2035 for the construction of both WTP Phases 2A & 2B.

What impacts will this request have on the community or organization, in terms of service delivery, legal or policy requirements, daily operations or customer service? Increased risk of infrastructure failure is accompanied by increased risk of regulatory non-compliance, fines, and exposes the City to significant liability. Mayor and Council, and senior members of City staff may also be exposed to personal liability under the Standard of Care Provisions within the Ontario Safe Drinking Water Act.

What will be the risk, impact or consequence if the request is not approved? if this request is not permitted, it would impact the existing water, wastewater and stormwater capital program resulting in increased risk of infrastructure failures, loss of water, wastewater or stormwater services, adverse public health impacts, adverse environmental impacts, and requiring expensive and unplanned emergency interventions.

4. Performance Measures:

Performance Measures will be based on the following:

- Is there baseline data available?** KPI targets for monitoring cashflows, schedules and budgets are currently in place.
- What target(s) in relation to a baseline demonstrate progress in achieving the expected outcome(s) of the request?** Established KPI targets and outcomes include meeting the estimated project schedule and budget established in 2024 rate budget process. The performance will be measured, tracked and updated on a monthly basis.
- How will the performance of this request be measured and evaluated?** The performance of the Manager will be measured on the overall success of the Water Treatment Plant Capital program KPI target expectations, along with successful management of the staffing complement.

Housing-Enabling Water Systems Fund Project Submission – Financials

Project Title and Description	Eligible Budget	Maximum Provincial Contribution	Minimum Municipal Contribution
<p>York Boulevard and Cannon Street West Watermain Upgrades 700m of a new 500mm watermain and valve chambers on York Blvd at Locke to Cannon at Caroline</p>	\$5.82M	\$4.25M	\$1.57M
<p>Locke St and Margaret Street Watermain Upgrades Upsized watermains on Locke St (from King to York), Margaret St (King to Main), King St (Locke to Margaret), new 300mm watermain interconnected with future Locke St 500mm watermain, new 500mm watermain on Locke St (Main to York)</p>	\$7.10M	\$5.18M	\$1.92M
Total	\$12.92M	\$9.43M	\$3.49M



**PLANNING COMMITTEE
REPORT
24-009**

June 18, 2024
9:30 a.m.

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

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

Also in Attendance: Councillor B. Clark

THE PLANNING COMMITTEE PRESENTS REPORT 24-009 AND RESPECTFULLY RECOMMENDS:

1. Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED24067) (City Wide) (Item 9.1)

That report PED24067 respecting Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications, be received.

2. Application for a Zoning By-law Amendment for Lands Located at 2481 Barton Street East, Hamilton (PED24096) (Ward 5) (Item 10.1)

- (a) That Zoning By-law Amendment Application ZAC-23-023 by GSP Group Inc. (c/o Brenda Khes) on behalf of Barton Street Development Inc. (c/o Rajan Banwait), Owner, for a change in zoning from the "JJ" (Restricted Light Industrial) District to the Transit Oriented Corridor Mixed Use High Density (TOC4, 899, H174) Zone, to permit the development of a 17 storey mixed use building consisting of 207 dwelling units, 473.2 square metres of commercial gross floor area and 176 parking spaces, for lands located at 2481 Barton Street East, as shown on Appendix "A" attached to Report PED24096, be APPROVED on the following basis:

- (i) That the draft By-law, as amended, attached as Appendix “B” to Report PED24096, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- 3(e) That no development within the subject site can proceed until the City completes the design and construction of the Battlefield Trunk Sewer twinning, unless it is confirmed that there is capacity available in the existing Battlefield Sanitary Trunk to accommodate the proposed development, to the satisfaction of the Director of Development Engineering;
- (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 Centennial Neighbourhoods Secondary Plan;
- (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 symbol “H174” to the proposed Transit Oriented Corridor Mixed Use High Density (TOC4, 899) Zone;

The Holding Provision ‘H174’ is to be removed conditional upon:

- (1) That the owner submit and receive approval of a revised Tree Protection Plan (and applicable review fee) to evaluate the retention of additional trees on the subject lands, to the satisfaction of the Director of Heritage and Urban Design;
- (2) That the owner submit and receive completion of a signed Record of Site Condition being submitted to the satisfaction of the Director of Development Planning or enters into a conditional building permit agreement with respect to completing a Record of Site Condition. The Record of Site Condition must include a notice of acknowledgement of the Record of Site Condition by the Ministry of the Environment, Conservation and Parks, and submission of the City of Hamilton’s current Record of Site Condition administration fee;
- (3) The Owner submit and receive approval of a revised Functional Servicing Report to demonstrate that there is a suitable sanitary sewer outlet with sufficient capacity available, including but not limited to, improvements to the existing sanitary sewer along Barton Street from the subject site to the Battlefield Trunk sewer, to service the proposed development, to the satisfaction of the Director of Development Engineering;

- (4) That the Owner enter into and register an External Works Agreement with the City on the title of the lands for the design and construction of any required sanitary sewer improvements to the municipal infrastructures in accordance with City's Financial Policy to support this development, to the satisfaction of the Director of Development Engineering;
 - (5) That no development within the subject site can proceed until the City completes the design and construction of Battlefield trunk sewer twining, to the satisfaction of the Director of Development Engineering;
 - (6) That the owner submit and receive approval of an updated Pedestrian Wind Study, to the satisfaction of the Director of Heritage and Design;
 - (7) That the owner enter into and register an External Works Agreement on title with the City's Growth Management Division for the design and construction of an extension of the existing raised median island, to the satisfaction of the Director of Transportation Planning and Parking;
- (b) That approval be given for a modification to the Transit Oriented Corridor Mixed Use High Density (TOC4) Zone in the Hamilton Zoning By-law No. 05-200, to permit a reduction in the number of required Electric Vehicle ready parking spaces for a, 17 storey mixed use building for lands located at 2481 Barton Street East, Hamilton, as shown on Appendix "A" to Report PED24096, subject to the following:
- (i) That the draft By-law, attached as Appendix "H" to Report PED24096, be held in abeyance until such time as By-law No. 24-052, being a by-law to establish the Parking Regulations Zones is in force and effect;
 - (ii) That staff be directed to bring forward the draft By-law, attached as Appendix "H" to Report PED24096, for enactment by City Council, once By-law No. 24-052 is in force and effect.

3. Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 118 King Street West, Stoney Creek (PED24069) (Ward 5) (Item 10.2)

- (a) That Official Plan Amendment Application UHOPA-23-014, by IBI Group (c/o Jared Marcus), on behalf of 1970752 Ontario Inc., Owner, to redesignate the subject lands from "Neighbourhoods" to "Mixed Use - Medium Density" in the Urban Hamilton Official Plan and from "Local

Commercial” to “Mixed Use - Medium Density” in the Old Town Secondary Plan, with a Site Specific Policy to permit the development of a 12-storey mixed use building consisting of 124 residential units, 190 square metres of commercial and 124 parking spaces, for the lands located at 118 King Street West, as shown on Appendix “A” attached to Report PED24069, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED24069, 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-23-031, by IBI Group (c/o Jared Marcus), on behalf of 1970752 Ontario Inc., Owner, for a change in zoning from the Community Commercial (C3, 579) Zone to the Mixed Use Medium Density (C5, 893, H170) Zone, to permit a 12-storey mixed use building consisting of 124 residential units, 190 square metres of commercial and 124 parking spaces (74 underground spaces, 14 covered parking spaces at grade and 36 surface parking spaces), for lands located at 118 King Street West, as shown on Appendix “A” attached to Report PED24069, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED24069, 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 property by including the Holding symbol ‘H’ to the Mixed Use Medium Density (C5, 893, H170) Zone:

The Holding Provision ‘H170’ is to be removed conditional upon:

- (1) That the Owner submit to the Director of Development Engineering for review and approval, a revised Functional Servicing Report to demonstrate:

- (a) That there is a suitable sanitary sewer outlet with sufficient capacity available, including but not limited to improvements to the existing sanitary sewer / trunk sewer systems from the subject property along King Street West and Nash Road northerly to the Red Hill Valley Ramp in accordance with the Centennial Neighbourhood Water Distribution and Wastewater Collection Servicing Study, to service the proposed development;
 - (b) That as part of the future Site Plan Control application, the owner will enter into and register an External Works Agreement with the City on the title of the lands for the design and construction of any required sanitary sewer improvements to the municipal infrastructures identified in the Centennial Neighbourhood Water Distribution and Wastewater Collection Servicing Study, in accordance with the City's Financial Policy to support this development;
- (2) That no development within the subject site can proceed until the City completes the Centennial Neighbourhood Water Distribution and Wastewater Collection Servicing Study and the required sanitary sewer improvements to the municipal infrastructure are in place and operational, to the satisfaction of the Director of Development Engineering;
- (3) That the Owner submit and receive approval of a Hydrogeological Brief conducted by a qualified professional that discusses the soil/groundwater conditions to properly characterize the potential dewatering needs, to the satisfaction of the Director of Hamilton Water;
- (4) That the existing centre median island along Centennial Parkway South be extended as per the Traffic Impact Brief by Paradigm Transportation Solutions Limited dated November 3, 2022, to the satisfaction of the Manager of Transportation Planning. All costs associated with these works, including but not limited to the detailed design drawings and construction will be at the expense of an Owner;
- (5) That the Owner submit and receive approval of a revised Tree Protection Plan addressing the protection of trees, including submission of written confirmation from the abutting owner of 5 and 7 Orlanda Road for permission to

remove tree 235 as identified on the Vegetation Management Plan prepared by IBI Group dated December 9, 2022, to the satisfaction of the Director of Heritage and Urban Design;

- (6) That the necessary legal agreements and easements be created and registered on title of the lands municipally known as 102, 110 and 118 King Street West, for the proposed shared access and parking areas, to the satisfaction of the Director of Transportation Planning and Parking and the Director of Development Planning.

4. Application for a Zoning By-law Amendment for Lands Located at 150 Mohawk Road East, Hamilton (PED24063) (Ward 8) (Item 10.3)

- (a) That Amended Zoning By-law Amendment Application ZAC-23-015, by UrbanSolutions Planning & Land Development Consultants Inc. c/o Matt Johnston on behalf of Wellington Square Apts., owner, for a change in zoning from the “E-2/S-6” (Multiple Dwellings) District, Modified, to the Transit Oriented Corridor Multiple Residential (TOC3, 879) Zone, to permit the development of an 11 storey multiple dwelling with 161 residential units and 381 parking spaces on lands located at 150 Mohawk Road East, Hamilton, as shown on Appendix “A” attached to Report PED24063, be APPROVED on the following basis:

- (i) That the draft By-law, as amended, attached as Appendix “B” to Report PED24063, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

- i) Building Setback from a Street Line Minimum 2.5 metres, except 13.5 metres for a portion of a building greater than 13.5 metres in height.
- ii) Minimum Rear Yard 5.0 metres, except 16.0 metres for a portion of a building greater than 8.0 metres in height and 30.0 metres for a portion of a building greater than 13.5 metres in height and 2.0 metres for a stairwell.
- iii) Minimum Interior Side Yard 7.5 metres, except 32.0 metres for a portion of a building greater than 8.0 metres in height and 3.0 metres for a stairwell.

iv) Maximum Building Height 36.0 metres.

(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.

5. Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 399 Greenhill Avenue, Hamilton (PED24093) (Ward 5) (Item 10.4)

(a) That Amended Official Plan Amendment Application UHOPA-22-016, by Bousfields Inc. (c/o Anna Wynveen) on behalf of Medallion Developments (c/o Luka Kot), Owner, to establish a Site Specific Policy to permit local commercial uses to front onto and have access to a local road and to permit a principal entrance of a new local commercial use to face a local road, for lands located at 399 Greenhill Avenue, as shown on Appendix “A” attached to Report PED24093, be APPROVED on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED24093, 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 Amended Zoning By-law Amendment Application ZAC-22-030, by Bousfields Inc. (c/o Anna Wynveen) on behalf of Medallion Developments (c/o Luka Kot), Owner, for a change in zoning from the Community Commercial (C3) Zone to the Mixed Use Medium Density (C5, 897, H172) Zone, to permit 553 multiple dwelling units and 975 square metres of commercial gross floor area within four buildings including two 12 storey buildings and two four storey buildings, along with 502 parking spaces, for lands located at 399 Greenhill Avenue, as shown on Appendix “A” attached to Report PED24093, be APPROVED on the following basis:

(i) That the draft By-law, as amended, attached as Appendix “C” to Report PED24093, 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 including the Holding “H172” to the proposed Mixed Use Medium Density (C5, 897) Zone:

The Holding Provision ‘H172’ is to be removed conditional upon:

- (1) The owner submit and receive approval of a Tree Protection Plan (and applicable review fee), to the satisfaction of the Director of Heritage and Urban Design;
- (2) The owner submit a signed Record of Site Condition to the satisfaction of the Director of Development Planning or enters into a conditional building permit agreement with respect to completing a Record of Site Condition. The Record of Site Condition must include a notice of acknowledgement of the Record of Site Condition by the Ministry of the Environment, Conservation and Parks, and submission of the City of Hamilton’s current Record of Site Condition administration fee;
- (3) The owner submit and receive approval of an updated Pedestrian Wind Study, to the satisfaction of the Director of Heritage and Urban Design;
- (4) The owner submit and receive approval of an updated Environmental Noise Study, to the satisfaction of the Director of Development Planning;
- (5) The owner submitting a revised Functional Servicing Report, to the satisfaction of the Director of Development Engineering for review and acceptance, which demonstrates:
 - (aa) That through a sanitary sewer capacity analysis, there is a suitable sanitary sewer outlet with sufficient capacity available, including but not limited to improvements to the existing sanitary sewer on Harrisford Street to support the proposed increase in wastewater capacity in accordance with the City’s standards;

- (bb) The owner enters into and registers an External Works Agreement with the City on the title of the lands for the design and construction of any required sanitary sewer improvements to the municipal infrastructures identified in accordance with the recommendations of the sanitary sewer capacity analysis;
 - (cc) That the owner submits an updated Watermain Hydraulic Analysis (WHA), identify the modelled system pressures at pressure district levels under various boundary conditions and demand scenarios, to demonstrate that the municipal system can provide for required flows to support the proposed development;
 - (6) That the owner submit and receive approval of an updated Transportation Impact Study, prepared by a qualified Professional Traffic Engineer, to the satisfaction of the Director of Transportation Planning and Parking.
- (c) That approval be given for a modification to the Mixed Use Medium Density (C5) Zone in the Hamilton Zoning By-law No. 05-200, to permit a 12 storey mixed use development for lands located at 399 Greenhill Avenue, Hamilton, as shown on Appendix “A” attached to Report PED24093, subject to the following:
 - (i) That the draft By-law, attached as Appendix “J” to Report PED24093, be held in abeyance until such time as By-law No. 24-052, being a by-law to establish the Parking Regulations Zones, is in force and effect;
 - (ii) That staff be directed to bring forward the draft By-law, attached as Appendix “J” to Report PED24093, for enactment by City Council, once By-law No. 24-052 is in force and effect.

**6. Rental Housing Protection Policy Review (PED22091(a)) (City Wide)
(Outstanding Business List Item) (Item 10.5)**

- (a) That the Urban Hamilton Official Plan Amendment, attached as Appendix “A” to Report PED22091(a), to revise policies establishing limitations to conversions and demolitions of rental housing, be approved, in accordance with the requirements of the Planning Act on the following basis:

- (i) That the draft Urban Hamilton Official Plan Amendment, attached as Appendix “A” to Report PED22091(a), which has been prepared in a form satisfactory to the City Solicitor, be held in abeyance until the date that the Rental Housing Protection By-law comes into effect, being January 1, 2025;
- (b) That the City of Hamilton Official Plan Amendment (West Harbour Secondary Plan area), attached as Appendix “J” to Report PED22091(a), to establish policies for conversions and demolitions of rental housing consistent with the Urban Hamilton Official Plan, be approved, in accordance with the requirements of the Planning Act on the following basis:
 - (i) That the draft City of Hamilton Official Plan Amendment, attached as Appendix “J” to Report PED22091(a), which has been prepared in a form satisfactory to the City Solicitor, be held in abeyance until the date that the Rental Housing Protection By-law comes into effect, being January 1, 2025;
- (c) That the Rental Housing Protection By-law, attached as Appendix “B” to Report PED22091(a), prepared under the authority of the Municipal Act, be enacted, with an effective date of January 1, 2025;
- (d) That the Rental Housing Protection Reserve be established and the Rental Housing Protection Reserve Fund Policy, attached as Appendix “C” to Report PED22091(a), be approved;
- (e) That the amending By-law to By-law No. 12-282 (Tariff of Fees), as amended, attached as Appendix “D” to Report PED22091(a), to establish new fees for a Permit to convert or demolish rental housing, be approved on the following basis:
 - (i) That public notice of a proposal to amend the Tariff of Fees By-law to establish a new fee has been provided in accordance with the City’s Public Notice By-law No. 07-351;
 - (ii) That the draft By-law, attached as Appendix “D” to Report PED22091(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council, with an effective date of January 1, 2025;
- (f) That the amending By-law to By-law No. 22-101 (Demolition Control Area By-law), attached as Appendix “E” to Report PED22091(a), to remove the delegated authority of the Chief Building Official to approve a demolition permit where the Rental Housing Protection By-law applies to a demolition, be approved on the following basis:

- (i) That the draft By-law, attached as Appendix “E” to Report PED22091(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council, with an effective date of January 1, 2025;
- (g) That the Tenant Relocation and Assistance Guideline, attached as Appendix “F” to Report PED22091(a) be approved, and that the General Manager of the Planning and Economic Development or their designate be granted the authority to make minor modifications to the Guideline if needed;
- (h) That the amending By-law to By-law No. 24-055 (Renovation Licence and Relocation By-law), attached as Appendix “H” to Report PED22091(a), to ensure consistency between the application of the Renovation Licence and Relocation By-law and the Rental Housing Protection By-law, be approved on the following basis:
 - (i) That the draft By-law, attached as Appendix “H” to Report PED22091(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council, with an effective date of January 1, 2025;
- (i) That staff be directed to prepare the necessary documents required to implement the permit process prior to the effective date of the Rental Housing Protection By-law, including but not limited to a screening form, an application form, a legal agreement template, report templates and guidance materials for tenant relocation and assistance requirements, as well as any assistive explanatory documents, web page material and template letters;
- (j) That Item 22K on the Planning Committee Outstanding Business List be removed;
- (k) That staff be directed to take any steps necessary to enforce the Rental Housing Protection By-law attached as Appendix “B” to Report PED22091(a), including enforcement actions by Municipal Law Enforcement and the City Solicitor;
- (l) That if regulations are enacted pursuant to Section 99.1 of the Municipal Act, staff be directed to report back on the changes and any necessary amendments to the Rental Housing Protection By-law attached as Appendix “B” to Report PED22091(a);

- (m) That staff be directed to monitor the implementation of the Rental Housing Protection By-law and report back in two years on any updates or revisions that may be needed to improve the By-law or the permit process;
- (n) That staff be directed to amend the “Non-profit Affordable Housing Fee Exemption Form” to reflect exemptions from Rental Housing Protection By-law permit fees for non-profit housing, in accordance with the proposed Tariff of Fees By-law attached as Appendix “D” to Report PED22091(a);
- (o) That the costs of any exemptions from Rental Housing Protection By-law permit fees be accommodated through an adjustment to the Planning and Economic Development Department, Planning Division Base Budget, if needed.

7. Official Plan Amendments - Alignment with Parks Master Plan and Bill 23 (PED24060) (City Wide) (Item 10.6)

- (a) That approval be given to Official Plan Amendment No. XX to the Urban Hamilton Official Plan Amendment, Official Plan Amendment No. XX to the Rural Hamilton Official Plan and Official Plan Amendment No. XX to the former City of Hamilton Official Plan (CI-23-O) to amend the Parkland policies to reflect the recommendations of the Parks Master Plan and to ensure consistency with the Planning Act, 1990 as amended by Bill 23, on the following basis:
 - (i) That the Draft Urban Hamilton Official Plan Amendment, attached as Appendix “A” to Report PED24060, be adopted by Council;
 - (ii) That the Draft Rural Hamilton Official Plan, attached as Appendix “B” to Report PED24060, be adopted by Council;
 - (iii) That the Draft City of Hamilton Official Plan, attached as Appendix ‘C’ to Report PED24060, be adopted by Council;
 - (iv) That Council direct staff to update the Parkland Dedication By-law to reflect the changes to the Planning Act.

8. Expanding Administrative Penalties (APS By-law No. 17-225 to include new penalties for the Licensing, Property Standards, Vital Services, Safe Apartment Buildings and Renovation Licence and Relocation By-laws (PED24091) (City Wide) (Item 11.1)

- (a) That the amending by-law to the Administrative Penalties (APS) By-law No. 17-225 to incorporate various offences contained within the Property Standards By-law No. 23-162, Vital Services By-law No. 23-161, Safe Apartment Buildings By-law No. 24-054, Renovation Licence and

Relocation By-law No. 24-055 and Schedule 32 (Short-term Rentals) of the Licensing By-law No. 07-170, as described in Report PED24091 and attached as Appendix "A" to Report PED24091, be approved.

9. Notices of Objection to the Notice of Intention to Designate 84 York Boulevard, Hamilton, under Part IV of the Ontario Heritage Act (PED24077) (Ward 2) (Item 11.2)

- (a) That the five Notices of Objection to the Notice of Intention to Designate 84 York Boulevard, Hamilton, under Part IV of the *Ontario Heritage Act*, attached as Appendices "A" through "E" to Report PED24077, be received;
- (b) That Council does not withdraw the Notice of Intention to Designate 84 York Boulevard, Hamilton, under Part IV of the *Ontario Heritage Act*;
- (c) That the draft By-law to designate 84 York Boulevard, Hamilton under Part IV of the *Ontario Heritage Act*, attached as Appendix "F" to Report PED24077, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

10. Hamilton's Biodiversity Action Plan (PED21065(d)/PW24040) (City Wide) (Item 11.3)

- (a) That the "Hamilton Biodiversity Action Plan", attached as Appendix "A" to Report PED21065(d)/PW24040, be approved as the guiding document for City of Hamilton actions to improve biodiversity across all communities in the City;
- (b) That the Consultation Summary Report, attached as Appendix "B" to Report PED21065(d)/PW24040, be received;
- (c) That the Planning and Economic Development Department Biodiversity Action Plan Resourcing Plan, attached as Appendix "C" to Report PED21065(d)/PW24040, be received, and that implementation of actions requiring financial resources be referred to future departmental budget requests, as necessary in accordance with the anticipated timeframes for initiation;
- (d) That the Planning Division staff complement be increased by 1 Full Time Equivalent position to support the implementation of actions outlined in the Planning and Economic Department Biodiversity Action Plan Resourcing Plan, attached as Appendix "C" to PED21065(d)/PW24040, as well as other natural heritage policy related special projects, and that financial requirements associated with this new position be referred to the 2025 budget process;

- (e) That the Public Works Department Biodiversity Action Plan Resourcing Plan, attached as Appendix “D” to PED21065(d)/PW24040, be received, and that implementation of actions requiring financial resources be referred to future departmental budget requests, as necessary in accordance with the anticipated timeframes for initiation;
- (f) That the Public Works Department staff complement be increased by 4 Full Time Equivalent positions to support actions outlined in the Public Works Department Biodiversity Action Plan Resourcing Plan, attached as Appendix “D” to PED21065(d)/PW24040, for a total annual cost of \$560,000.00, to be referred to the 2025 budget process;
- (g) That Planning and Economic Development Department staff consider the findings of the Municipal Protected Areas Project and the Natural Areas Inventory Update in the Urban Hamilton Official Plan and Rural Hamilton Official Plan through future Official Plan Amendments;
- (h) That Planning and Economic Development Department staff be authorized to undertake an interim role to assist in coordinating the implementation of the Biodiversity Action Plan until such a time that the Full Time Equivalent position in the Planning Division referred to in Recommendation (d) is created, and that financial resources in the amount of up to \$30,000.00 be allocated from the Planning Division, Sustainable Communities Section’s existing Official Plan Review capital budget to support the administrative, communication and consultation expenses;
- (i) That all future staff reports related to the Biodiversity Action Plan be referred to the General Issues Committee;
- (j) That staff from the Planning and Economic Development Department and the Public Works Department be directed to coordinate an annual Communication Update to Council regarding the status of the City’s actions outlined in the Biodiversity Action Plan.

11. Appeal of Committee of Adjustment Decision respecting 14 Belvidere Avenue (Added Item 14.1)

- (a) That legal staff file an appeal of Committee of Adjustment lot severance and variance approvals for 14 Belvidere Avenue (HM/B-22:133 and A-24:93), on the basis of the following reasons, and report back to Planning Committee on the status of the appeal:
 - (i) Reliance on shared access easement roadway for the creation of new lots.
 - (ii) Non-compliance with City policy for new lot creation without direct access to a public roadway.

- (iii) Non-compliance with City policy for private waste collection.
- (iv) Inadequate consideration of staff recommendation to defer a decision due to environmental protections including tree protection and proximity to the mountain brow.
- (v) Inadequate consideration of proposed development details including lot coverage, landscape area and parking layout.

12. 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(a)) (Ward 7) (Item 15.1)

- (a) That the directions to staff in Closed Session respecting Report LS23031(a) be approved;
- (b) That closed session recommendations (a), (b), and (c) to Report LS23031(a) be approved and remain confidential until made public as the City's position before the Ontario Land Tribunal; and,
- (c) That the balance of Report LS23031(a) remain confidential.

13. Appeal to the Ontario Land Tribunal for Lands Located at 1065 Paramount Drive, Stoney Creek for Official Plan Amendment (UHOPA-23-005) and Zoning By-law Amendment Applications (ZAC-23-006) (LS24014) (Ward 9) (Added Item 15.2)

- (a) That the directions to staff in closed session respecting Report LS24014, be approved;
- (b) That the directions to staff in closed session respecting Report LS24014 be released to the public, following approval by Council; and,
- (c) That the balance of Report LS24014, including Appendix "A", remain confidential.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

5. COMMUNICATIONS

- 5.1 Correspondence from Vanessa Scali respecting Hamilton's Biodiversity Action Plan (Item 11.3)

Recommendation: Be received and referred to the consideration of Item 11.3.

6. DELEGATION REQUESTS

6.1 Delegations respecting the Biodiversity Action Plan (Item 11.3) (For today's meeting)

(iii) Jen Baker, Hamilton Naturalists Club

(iv) Tys Theysmeyer, Royal Botanical Gardens Canada

6.2 Delegations respecting 84 York Boulevard (Item 11.2) (For today's meeting)

(ii) David Falletta, Bousfields Inc.

10. PUBLIC HEARINGS

10.1 Application for a Zoning By-law Amendment for Lands Located at 2481 Barton Street East, Hamilton (PED24096) (Ward 5)

(a) Added Staff Presentation

10.2 Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 118 King Street West, Stoney Creek (PED24069) (Ward 5)

(a) Added Staff Presentation

10.3 Application for a Zoning By-law Amendment for Lands Located at 150 Mohawk Road East, Hamilton (PED24063) (Ward 8)

(a) Added Staff Presentation

(b) Added Written Submissions:

(i) Mark McGinty

(ii) Darlene Prestayko

(iii) Grace Spadano

(c) Added Registered Delegations:

(i) Barbara Miller

10.4 Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 399 Greenhill Avenue, Hamilton (PED24093) (Ward 5)

(a) Added Registered Delegations:

(ii) Mary Sodergard

(b) Added Written Submissions:

(ii) Michelle Wiatrowski

(iii) Sandra Willett

(iv) Lorene Knowles

(v) Rick Dobrucki

(vi) Mike Cadieux

(vii) Colleen Long

(viii) Mary Sodergard

(c) Added Staff Presentation

10.5 Rental Housing Protection Policy Review (PED22091(a)) (City Wide) (Outstanding Business List Item)

(a) Added Registered Delegations:

(i) Damien Ash, ACORN (virtual)

(ii) Christine Neale, ACORN (in-person)

(iii) Karl Andrus (in-person)

(iv) Katie King (virtual)

(v) Marni Williams-Oram, ACORN (in-person)

(vi) Gordon Smyth, ACORN (in-person)

(vii) Pauline Roberts, ACORN (in-person)

(viii) Timothy Duke, ACORN (virtual)

(ix) Esther Stam (pre-recorded)

(x) Kier Williamson (pre-recorded)

(xi) Susan McArthur (pre-recorded)

(xii) Merima Menzildzic (virtual)

(b) Added Written Submissions:

(i) Larissa Rickli, ACORN

(ii) Kayla Leet, ACORN

(iii) Rhonda Coleman, ACORN

(iv) ACORN, Hamilton

(v) Terry MacBride

(vi) Mervyn Shurland, ACORN

- (vii) Shelly Taylor, ACORN
- (viii) Souma Khilsa, ACORN
- (ix) Althea Samuel, ACORN
- (x) Rebecca Thomas, ACORN
- (xi) Linda Boos, ACORN

(c) Staff Presentation

10.6 Official Plan Amendments - Alignment with Parks Master Plan and Bill 23 (PED24060) (City Wide)

(a) Staff Presentation

11. DISCUSSION ITEMS

11.3 Hamilton' Biodiversity Action Plan (PED21065(d)/PW24040) (City Wide)

(a) Staff Presentation

15. PRIVATE AND CONFIDENTIAL

15.2 Appeal to the Ontario Land Tribunal for Lands Located at 1065 Paramount Drive, Stoney Creek for Official Plan Amendment (UHOPA-23-005) and Zoning By-law Amendment Applications (ZAC-23-006) (LS24014) (Ward 9)

The agenda for the June 18, 2024, Planning Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

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

(i) June 4, 2024 (Item 4.1)

The Minutes of the June 4, 2024 meeting were approved, as presented.

(d) COMMUNICATIONS (Item 5)

(i) The following communication item, was approved as follows:

Correspondence from Vanessa Scali respecting Hamilton's Biodiversity Action Plan (Item 11.3) (Added Item 5.1)

Recommendation: Be received and referred to the consideration of Item 11.3.

(e) DELEGATION REQUESTS (Item 6)

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

The following Delegation Requests (Items 6.1 and 6.2), were approved for today's meeting:

(a) Delegation Requests respecting the Biodiversity Action Plan (Item 11.5) (Item 6.1)

- (1) Brian McHattie (in-person) (Item 6.1 (i))
- (2) Peter Appleton (virtual) (Item 6.1 (ii))
- (3) Jen Baker, Hamilton Naturalists Club (in-person) (Added Item 6.1 (iii))
- (4) Tys Theysmeyer, Royal Botanical Gardens Canada (in-person) (Added Item 6.1 (iii))

(b) Delegations respecting 84 York Boulevard (Item 11.2) (Item 6.2)

- (1) Russell Bartlett (in-person) (Item 6.2) (i))
- (2) David Falletta, Bousfields Inc. (in-person) (Added Item 6.2 (ii))

(f) DELEGATIONS (Item 7)

(a) Delegations respecting the Biodiversity Action Plan (Item 11.5) (Added Item 7.1)

(i) The following Delegations addressed the Committee respecting the Biodiversity Action Plan (Item 11.5):

- (1) Brian McHattie (in-person) (Added Item 7.1 (i))
- (2) Peter Appleton (virtual) (Added Item 7.1 (ii))
- (3) Jen Baker, Hamilton Naturalists Club (in-person) (Added Item 7.1 (iii))
- (4) Tys Theysmeyer, Royal Botanical Gardens Canada (Added Item 7.1 (iii))

(ii) Tys Theysmeyer, Royal Botanical Gardens Canada, was provided with an additional 10 minutes to complete their delegation.

(iii) The following Delegations respecting the Biodiversity Action Plan (Item 11.5) (Item 7.1), were received:

- (1) Brian McHattie (Added Item 7.1 (i))
- (2) Peter Appleton (Added Item 7.1 (ii))

- (3) Jen Baker, Hamilton Naturalists Club (Added Item 7.1 (iii))
- (4) Tys Theysmeyer, Royal Botanical Gardens Canada (Added Item 7.1 (iii))

(b) Delegations respecting 84 York Boulevard (Item 11.2) (Added Item 7.2)

(i) The following Delegations addressed the Committee respecting 84 York Boulevard (Item 11.2):

- (1) Russell Bartlett, (Added Item 7.2) (i))
- (2) David Falletta, Bousfields Inc. (Added Item 7.2 (ii))

(ii) The following Delegations respecting 84 York Boulevard (Item 11.2) (Item 7.2), were received:

- (1) Russell Bartlett (Added Item 7.2) (i))
- (2) David Falletta, Bousfields Inc. (Added Item 7.2 (ii))

(g) PUBLIC HEARINGS (Item 10)

In accordance with the *Planning Act*, Chair C. Cassar advised those viewing the meeting that the public had been advised of how to pre-register to be a delegate at the Public Meetings on today's agenda.

In accordance with the provisions of the *Planning Act*, Chair C. Cassar advised that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Development applications before the Committee today, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Land Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

(i) Application for a Zoning By-law Amendment for Lands Located at 2481 Barton Street East, Hamilton (PED24096) (Ward 5) (Item 10.1)

- (a) The staff presentation was waived.
- (b) Brenda Khes with GSP Group was in attendance and indicated support for the staff report.

The presentation from Brenda Khes with GSP Group, was received.

Chair Cassar called three times for public delegations and no one came forward.

- (c) (a) There were no public submissions received regarding this matter; and,
- (b) The public meeting was closed.
- (d) (a) That Zoning By-law Amendment Application ZAC-23-023 by GSP Group Inc. (c/o Brenda Khes) on behalf of Barton Street Development Inc. (c/o Rajan Banwait), Owner, for a change in zoning from the “JJ” (Restricted Light Industrial) District to the Transit Oriented Corridor Mixed Use High Density (TOC4, 899, H174) Zone, to permit the development of a 17 storey mixed use building consisting of 207 dwelling units, 473.2 square metres of commercial gross floor area and 176 parking spaces, for lands located at 2481 Barton Street East, as shown on Appendix “A” attached to Report PED24096, be APPROVED on the following basis:
 - (i) That the draft By-law, attached as Appendix “B” to Report PED24096, 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 Centennial Neighbourhoods Secondary Plan;
 - (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 symbol “H174” to the proposed Transit Oriented Corridor Mixed Use High Density (TOC4, 899) Zone;

The Holding Provision ‘H174’ is to be removed conditional upon:

- (1) That the owner submit and receive approval of a revised Tree Protection Plan (and applicable review fee) to evaluate the retention of additional trees on the subject lands, to the satisfaction of the Director of Heritage and Urban Design;

- (2) That the owner submit and receive completion of a signed Record of Site Condition being submitted to the satisfaction of the Director of Development Planning or enters into a conditional building permit agreement with respect to completing a Record of Site Condition. The Record of Site Condition must include a notice of acknowledgement of the Record of Site Condition by the Ministry of the Environment, Conservation and Parks, and submission of the City of Hamilton's current Record of Site Condition administration fee;
- (3) The Owner submit and receive approval of a revised Functional Servicing Report to demonstrate that there is a suitable sanitary sewer outlet with sufficient capacity available, including but not limited to, improvements to the existing sanitary sewer along Barton Street from the subject site to the Battlefield Trunk sewer, to service the proposed development, to the satisfaction of the Director of Development Engineering;
- (4) That the Owner enter into and register an External Works Agreement with the City on the title of the lands for the design and construction of any required sanitary sewer improvements to the municipal infrastructures in accordance with City's Financial Policy to support this development, to the satisfaction of the Director of Development Engineering;
- (5) That no development within the subject site can proceed until the City completes the design and construction of Battlefield trunk sewer twining, to the satisfaction of the Director of Development Engineering;
- (6) That the owner submit and receive approval of an updated Pedestrian Wind Study, to the satisfaction of the Director of Heritage and Design;

- (7) That the owner enter into and register an External Works Agreement on title with the City's Growth Management Division for the design and construction of an extension of the existing raised median island, to the satisfaction of the Director of Transportation Planning and Parking;
- (b) That approval be given for a modification to the Transit Oriented Corridor Mixed Use High Density (TOC4) Zone in the Hamilton Zoning By-law No. 05-200, to permit a reduction in the number of required Electric Vehicle ready parking spaces for a, 17 storey mixed use building for lands located at 2481 Barton Street East, Hamilton, as shown on Appendix "A" to Report PED24096, subject to the following:
 - (i) That the draft By-law, attached as Appendix "H" to Report PED24096, be held in abeyance until such time as By-law No. 24-052, being a by-law to establish the Parking Regulations Zones is in force and effect;
 - (ii) That staff be directed to bring forward the draft By-law, attached as Appendix "H" to Report PED24096, for enactment by City Council, once By-law No. 24-052 is in force and effect.
- (e) Appendix "B", sub-section 3(e) in Report PED24096 was **amended** by adding wording, as follows:
 - (e) That no development within the subject site can proceed until the City completes the design and construction of the Battlefield Trunk Sewer twinning, ***unless it is confirmed that there is capacity available in the existing Battlefield Sanitary Trunk to accommodate the proposed development***, to the satisfaction of the Director of Development Engineering;

For disposition of this matter, refer to Item 2.

- (ii) **Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 118 King Street West, Stoney Creek (PED24069) (Ward 5) (Item 10.2)**
 - (a) The staff presentation was waived.

- (b) Jared Marcus with Arcadis Inc., was in attendance and indicated support for the staff report.

The presentation from Jared Marcus with Arcadis Inc., was received.

- (c) Chair Cassar called three times for public delegations and the following members of the public came forward:

- (i) Pauline Roberts (Added Item 10.2 (b)(i)) – Opposed to the proposal

- (d) (a) The following public submission regarding this matter was received and considered by the Committee:

- (i) Pauline Roberts (Added Item 10.2 (b)(i)) – Opposed to the proposal

- (b) The public meeting was closed.

For disposition of this matter, refer to Item 3.

(iii) Application for a Zoning By-law Amendment for Lands Located at 150 Mohawk Road East, Hamilton (PED24063) (Ward 8) (Item 10.3)

- (a) The staff presentation was waived.

- (b) Matthew LeBlanc with UrbanSolutions Planning & Land Development Consultants Inc. was in attendance and indicated support for the staff report, with the addition of suggested modifications.

The presentation from Matthew LeBlanc with UrbanSolutions Planning & Land Development Consultants Inc., was received.

- (c) Registered Delegations:

The following delegation addressed the Committee:

- (i) Barbara Miller (Added Item 10.3 (c)(i)) – Concerns with the proposal

- (d) Chair Cassar called three times for public delegations and the following member of the public came forward:

- (i) Lynda Yorkston (Added Item 10.3 (c)(ii)) – Concerns with the proposal
- (e) (a) The following public submissions regarding this matter were received and considered by the Committee:
 - (1) Delegations:
 - (i) Barbara Miller (Added Item 10.3 (c)(i)) – Concerns with the proposal
 - (ii) Lynda Yorkston (Added Item 10.3 (c)(ii)) – Concerns with the proposal
 - (2) Written Submissions:
 - (i) Mark McGinty (Added Item 10.3 (b)(i)) – Opposed to the proposal
 - (ii) Darlene Prestayko (Added Item 10.3 (b)(ii)) – Concerns with the proposal
 - (iii) Grace Spadano (Added Item 10.3 (b)(iii)) – Opposed to the proposal
- (b) The public meeting was closed.
- (f) (a) That Amended Zoning By-law Amendment Application ZAC-23-015, by UrbanSolutions Planning & Land Development Consultants Inc. c/o Matt Johnston on behalf of Wellington Square Apts., owner, for a change in zoning from the “E-2/S-6” (Multiple Dwellings) District, Modified, to the Transit Oriented Corridor Multiple Residential (TOC3, 879) Zone, to permit the development of an 11 storey multiple dwelling with 161 residential units and 381 parking spaces on lands located at 150 Mohawk Road East, Hamilton, as shown on Appendix “A” attached to Report PED24063, be APPROVED on the following basis:
 - (i) That the draft By-law, attached as Appendix “B” to Report PED24063, 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.

Appendix “B”, sub-section 2(f) to Report PED24063, was **amended** as follows:

- | | | |
|------|-------------------------------------|--|
| i) | Building Setback from a Street Line | Minimum 2.5 metres, except 13.5 metres for a portion of a building greater than 12.5 13.5 metres in height. |
| ii) | Minimum Rear Yard | 5.0 metres, except 16.0 metres for a portion of a building greater than 7.0 8.0 metres in height and 30.0 metres for a portion of a building greater than 12.5 13.5 metres in height and 2.0 metres for a stairwell. |
| iii) | Minimum Interior Side Yard | 7.5 metres, except 32.0 metres for a portion of a building greater than 7.0 8.0 metres in height and 3.0 metres for a stairwell. |
| iv) | Maximum Building Height | 35.0 36.0 metres. |

For disposition of this matter, refer to Item 4.

(iv) Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 399 Greenhill Avenue, Hamilton (PED24093) (Ward 5) (Item 10.4)

- (a)** Daniel Barnett, Planner II, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

- (b)** Anna Wyveen with Bousfields Inc. was in attendance and indicated support for the staff report.

The presentation from Anna Wyveen with Bousfields Inc., was received.

- (c)** Registered Delegations:

The following delegations addressed the Committee:

- (1) Fayne Downie - Opposed (Item 10.4 (a)(i))
- (2) Mary Sodergard – Opposed (Added Item 10.4 (a)(ii))

- (d) Chair Cassar called three times for public delegations and the following members of the public came forward:
 - (1) Lorene Ross- Opposed (Added Item 10.4 (a)(iii))
 - (2) Richard Groff - Opposed (Added Item 10.4 (a)(iv))

- (e) (a) The following public submissions regarding this matter were received and considered by the Committee:
 - (i) Delegations:
 - (1) Fayne Downie– Opposed (Item 10.4(a)(i))
 - (2) Mary Sodergard – Opposed (Added Item 10.4 (a)(ii))
 - (3) Lorene Ross- Opposed (Added Item 10.4 (a)(iii))
 - (4) Richard Groff - Opposed (Added Item 10.4 (a)(iv))

 - (ii) Written Submissions:
 - (1) Danka Gates - Opposed (Item 10.1(b)(i))
 - (2) Michelle Wiatrowski – Concerns with the proposal (Item 10.1(b)(ii))
 - (3) Sandra Willett - Opposed (Item 10.1(b)(iii))
 - (4) Lorene Knowles - Opposed (Item 10.1(b)(iv))
 - (5) Rick Dobrucki – Concerns with the proposal (Item 10.1(b)(v))
 - (6) Mike Cadieux - Opposed (Item 10.1(b)(vi))
 - (7) Colleen Long – Concerns with the proposal (Item 10.1(b)(vii))
 - (8) Mary Sodergard - Opposed (Item 10.1(b)(viii))

- (b) The public meeting was closed.

- (f) (a) That Amended Official Plan Amendment Application UHOPA-22-016, by Bousfields Inc. (c/o Anna Wynveen) on behalf of Medallion Developments (c/o Luka Kot), Owner, to establish a Site Specific Policy to permit local commercial uses to front onto and have access to a local road and to permit a principal entrance of a new local commercial use to face a local road, for lands located at 399 Greenhill Avenue, as shown on Appendix “A” attached to Report PED24093, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED24093, 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 Amended Zoning By-law Amendment Application ZAC-22-030, by Bousfields Inc. (c/o Anna Wynveen) on behalf of Medallion Developments (c/o Luka Kot), Owner, for a change in zoning from the Community Commercial (C3) Zone to the Mixed Use Medium Density (C5, 897, H172) Zone, to permit 553 multiple dwelling units and 975 square metres of commercial gross floor area within four buildings including two 12 storey buildings and two four storey buildings, along with 502 parking spaces, for lands located at 399 Greenhill Avenue, as shown on Appendix “A” attached to Report PED24093, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED24093, 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. ;
 - (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 including the Holding “H172” to the proposed Mixed Use Medium Density (C5, 897) Zone:

The Holding Provision ‘H172’ is to be removed conditional upon:

- (1) The owner submit and receive approval of a Tree Protection Plan (and applicable review fee), to the satisfaction of the Director of Heritage and Urban Design;

- (2) The owner submit a signed Record of Site Condition to the satisfaction of the Director of Development Planning or enters into a conditional building permit agreement with respect to completing a Record of Site Condition. The Record of Site Condition must include a notice of acknowledgement of the Record of Site Condition by the Ministry of the Environment, Conservation and Parks, and submission of the City of Hamilton's current Record of Site Condition administration fee;
- (3) The owner submit and receive approval of an updated Pedestrian Wind Study, to the satisfaction of the Director of Heritage and Urban Design;
- (4) The owner submit and receive approval of an updated Environmental Noise Study, to the satisfaction of the Director of Development Planning;
- (5) The owner submitting a revised Functional Servicing Report, to the satisfaction of the Director of Development Engineering for review and acceptance, which demonstrates:
 - (aa) That through a sanitary sewer capacity analysis, there is a suitable sanitary sewer outlet with sufficient capacity available, including but not limited to improvements to the existing sanitary sewer on Harrisford Street to support the proposed increase in wastewater capacity in accordance with the City's standards;
 - (bb) The owner enters into and registers an External Works Agreement with the City on the title of the lands for the design and construction of any required sanitary sewer improvements to the municipal infrastructures identified in accordance with the recommendations of the sanitary sewer capacity analysis;

- (cc) That the owner submits an updated Watermain Hydraulic Analysis (WHA), identify the modelled system pressures at pressure district levels under various boundary conditions and demand scenarios, to demonstrate that the municipal system can provide for required flows to support the proposed development;
- (c) That approval be given for a modification to the Mixed Use Medium Density (C5) Zone in the Hamilton Zoning By-law No. 05-200, to permit a 12 storey mixed use development for lands located at 399 Greenhill Avenue, Hamilton, as shown on Appendix “A” attached to Report PED24093, subject to the following:
 - (i) That the draft By-law, attached as Appendix “J” to Report PED24093, be held in abeyance until such time as By-law No. 24-052, being a by-law to establish the Parking Regulations Zones, is in force and effect;
 - (ii) That staff be directed to bring forward the draft By-law, attached as Appendix “J” to Report PED24093, for enactment by City Council, once By-law No. 24-052 is in force and effect.
- (g) Report PED24093, sub-section (b)(3) and Holding Provision ‘H172’ in Appendix “C” were **amended** by adding a new sub-section 6, as follows:
 - (6) ***That the owner submit and receive approval of an updated Transportation Impact Study, prepared by a qualified Professional Traffic Engineer, to the satisfaction of the Director of Transportation Planning and Parking.***
- (h) That Appendix “C” to Report PED24093 be **amended** to include the following wording:

Notwithstanding the definition of Amenity Area, a dog park shall not be permitted.

The above **Amendment** was WITHDRAWN.

For disposition of this matter, refer to Item 5.

- (v) The Committee recessed from 1:45 p.m. to 2:15 p.m.
- (vi) **Rental Housing Protection Policy Review (PED22091(a)) (City Wide)
(Outstanding Business List Item) (Item 10.5)**
 - (a) Melanie Pham, Program Lead, Community Planning, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

- (b) Registered Delegations (Added Item 10.5 (a)):

The following delegations were not in attendance when called upon during the meeting:

- (v) Marni Williams-Oram, ACORN (in-person)
- (viii) Timothy Duke, ACORN (virtual)

The following delegations (Added Item 10.5 (a)) addressed the Committee:

- (i) Damien Ash, ACORN (virtual)
- (ii) Christine Neale, ACORN (in-person)
- (iii) Karl Andrus (in-person)
- (iv) Katie King (virtual)
- (vi) Gordon Smyth, ACORN (in-person)
- (vii) Pauline Roberts, ACORN (in-person)
- (ix) Esther Stam (pre-recorded)
- (x) Kier Williamson (pre-recorded)
- (xi) Susan McArthur (pre-recorded)
- (xii) Merima Menzildzic (virtual)

Chair Cassar called three times for public delegations and no one came forward.

- (c) (a) The following public submissions regarding this matter were received and considered by the Committee:

- (1) Registered Delegations:

- (i) Damien Ash, ACORN (virtual)

- (ii) Christine Neale, ACORN (in-person)
 - (iii) Karl Andrus (in-person)
 - (iv) Katie King (virtual)
 - (vi) Gordon Smyth, ACORN (in-person)
 - (vii) Pauline Roberts, ACORN (in-person)
 - (ix) Esther Stam (pre-recorded)
 - (x) Kier Williamson (pre-recorded)
 - (xi) Susan McArthur (pre-recorded)
 - (xii) Merima Menzildzic (virtual)
- (2) Written Submissions:
- (i) Larissa Rickli, ACORN
 - (ii) Kayla Leet, ACORN
 - (iii) Rhonda Coleman, ACORN
 - (iv) ACORN, Hamilton
 - (v) Terry MacBride
 - (vi) Mervyn Shurland, ACORN
 - (vii) Shelly Taylor, ACORN
 - (viii) Souma Khilsa, ACORN
 - (ix) Althea Samuel, ACORN
 - (x) Rebecca Thomas, ACORN
 - (xi) Linda Boos, ACORN

(b) The public meeting was closed.

For disposition of this matter, refer to Item 6.

(vii) Official Plan Amendments - Alignment with Parks Master Plan and Bill 23 (PED24060) (City Wide) (Item 10.6)

(a) The staff presentation was waived.

Chair Cassar called three times for public delegations and no one came forward.

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

For disposition of this matter, refer to Item 7.

(h) DISCUSSION ITEMS (Item 11)

(i) Hamilton's Biodiversity Action Plan (PED21065(d)/PW24040) (City Wide) (Item 11.3)

Lauren Vraets, Senior Planner, Melanie Pham, Program Lead, Community Planning, and Kasey Livingston, Senior Program Coordinator addressed the Committee, respecting Hamilton's Biodiversity Action Plan, with the aid of a PowerPoint presentation.

The presentation from Lauren Vraets, Senior Planner, Melanie Pham, Program Lead, Community Planning, and Kasey Livingston, Senior Program Coordinator addressed the Committee, respecting Hamilton's Biodiversity Action Plan, was received.

For disposition of this matter, refer to Item 10.

(i) NOTICES OF MOTION (Item 13)

(i) Appeal of Committee of Adjustment Decision respecting 14 Belvidere Avenue (Added Item 13.1)

The Rules of Order were waived to allow for the introduction of a Motion respecting Appeal of Committee of Adjustment Decision respecting 14 Belvidere Avenue.

For disposition of this matter, refer to Item 11.

(j) PRIVATE & CONFIDENTIAL (Item 15)

Committee moved into Closed Session for Item 15.1 and 15.2 pursuant to Section 9.3, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021, as amended; and Section 239(2), Sub-sections (e), (f) and (k) of the *Ontario Municipal Act*, 2001, as amended as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

Councillor Cassar relinquished the Chair to Councillor M. Wilson for the remainder of the meeting.

The Planning Committee meeting of June 18, 2024, was extended past the 5:30 p.m. curfew, to 6:00 p.m.

- (i) 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(a)) (Ward 7) (Added Item 15.1)**

For disposition of this matter, refer to Item 12.

- (ii) Appeal to the Ontario Land Tribunal for Lands Located at 1065 Paramount Drive, Stoney Creek for Official Plan Amendment (UHOPA-23-005) and Zoning By-law Amendment Applications (ZAC-23-006) (LS24014) (Ward 9)**

For disposition of this matter, refer to Item 13.

(k) ADJOURNMENT (Item 16)

There being no further business, the Planning Committee adjourned at 5:52 p.m.

Councillor C. Cassar, Chair
Planning Committee

Councillor M. Wilson, Vice Chair
Planning Committee

Lisa Kelsey
Legislative Coordinator



GENERAL ISSUES COMMITTEE REPORT 24-011

9:30 a.m.

June 19, 2024

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

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

Absent: Councillor B. Clark – Personal

THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 24-011 AND RESPECTFULLY RECOMMENDS:

1. **Asset Management Plans (PW23073(b)) (City Wide) (Item 8.1)**
 - (a) That the Corporate Asset Management Plans, attached as appendices “A”, “B”, “C”, “D”, “E”, “F”, “G”, “H”, “I”, “J”, “K”, “L”, “M” and “N” to Report PW23073(b), be approved as required by Ontario Regulation 588/17: Asset Management for Municipal Infrastructure;
 - (b) That the Asset Management Plans, attached as appendices “A”, “B”, “C”, “D”, “E”, “F”, “G”, “H”, “I”, “J”, “K”, “L”, “M” and “N” to Report PW23073(b), subject to the approval of recommendation (a), be posted in a designated area on the City’s website, as required under Ontario Regulation 588/17.
2. **Cybersecurity Incident Impact Update (CM24004) (City Wide) (Item 8.2)**

That Report CM24004, respecting the Cybersecurity Incident Impact Update, be received.
3. **CONSENT ITEMS**

That the following Consent Items, be received:

 - (a) **Hamilton-Wentworth District School Board (HWDSB) Liaison Committee Report 24-001 - May 27, 2024 (Item 9.1)**

- (b) **Response to the Office of the Chief Coroner Ontario Forensic Pathology Service (HSC24026) (City Wide) (Item 9.2)**
 - (c) **Shelter Inspection Feasibility (HSC24013) (City Wide) (Item 9.3)**
- 4. West Harbour Development Sub-Committee Report 24-001 - May 29, 2024 (Item 10.1)**
 - (1) **West Harbour Re-Development Plan - Status Update (PED17181(g)) (Ward 2) (Item 8.1)**

That Report PED17181(g), respecting West Harbour Re-Development Plan - Status Update, be received.
- 5. Community Benefits Protocol Sub-Committee Report 24-001 - May 28, 2024 (Item 10.2)**
 - (1) **Procurement Pilots Undertaken Utilizing Social Value (FCS24035) (City Wide) (Outstanding Business List Item) (Item 9.1)**

That Report FCS24035 respecting Procurement Pilots Undertaken Utilizing Social Value, be received.
- 6. Contractual Obligations and Substandard Tenant Conditions (HSC24009) (City Wide) (Item 10.3)**
 - (a) That Housing Services and Municipal Law Enforcement staff be directed to develop a process to review and respond to property standard violations as they relate to rent subsidy units, with the results reported annually in the Social Housing Update Report.
 - (b) That the Outstanding Business list item concerning the contractual relationship with landlords be considered complete and removed from the Outstanding Business List.
- 7. Authority to Enter into Rent Supplement Agreements Under Various Programs (HSC24005) (City Wide) (Item 10.4)**
 - (a) That the City provide rent supplements and enter into Rent Supplement Agreements under the Ontario Community Housing Assistance Program and Commercial Rent Supplement Program with Housing Providers determined by the General Manager of the Healthy and Safe Communities Department and subject to:
 - (i) The terms and conditions contained in Appendix "A" to Report HSC24005;

- (ii) Additional terms and conditions as determined by the General Manager of the Healthy and Safe Communities Department and the City Solicitor that do not conflict with those in Appendix “A” to Report HSC24005;
 - (iii) In a form satisfactory to the City Solicitor; and
 - (iv) That the General Manager of Healthy and Safe Communities Department be authorized and directed to execute the agreements and any ancillary documents thereto and enter into and execute any ancillary agreements thereto;
- (b) That the General Manager of Healthy and Safe Communities Department be authorized to amend any Rent Supplement Agreement entered into as a result of the approval of Recommendation (a) of Report HSC24005 so long as the terms and conditions are consistent with said recommendation; and
- (c) That, subject to the availability of funding, the General Manager of Healthy and Safe Communities Department be authorized to extend the term of any Rent Supplement Agreements entered into as a result of the approval of Recommendation (a) of Report HSC24005 on the same terms and conditions and any additional terms not inconsistent with Appendix “A” of Report HSC24005 for such period of time not exceeding five years and be authorized to make further extensions within the same parameters as the General Manager of Healthy and Safe Communities Department deems appropriate.

8. Reducing Homelessness and Managing Encampments (HSC24027) (City Wide) (Item 10.7)

- (1) (a) That staff report back with the results of a call for information on the feasibility and costs associated with creating new shelter beds with 25% being pet friendly, in the following bed numbers: Men’s singles: 110, Women’s singles: 50, Couple’s: 55.
- (b) That Council approve enhancements to the homeless-serving system for an approximate cost of \$1,556,000 between August 1 and December 31, 2024, to be funded first from any available government funding, then from any 2024 Housing Services Division surplus, then from any 2024, Healthy and Safe Communities Departmental Surplus, and lastly from any 2024, Corporate Surplus or any source deemed appropriate by the General Manager of Corporate Services; and that those enhancements are as follows:
- (i) approximately \$940,000 be added to enhance existing shelter operator contracts by 25% to rectify historic underfunding;

- (ii) approximately \$266,000 in additional funding to enhance the Hamilton Regional Indian Centre's indigenous drop-in program;
 - (iii) approximately \$210,000 to enhance Rapid Rehousing and Intensive Case Management supports to improve outflow from shelters into permanent housing;
 - (iv) approximately \$40,000 be approved for one full-time equivalent for Housing Service Division to provide tax filing support for those experiencing homelessness; and
 - (v) approximately \$100,000 to be provided to housing landlords for exceptional unit damage as a result of housing an individual from City-funded case management programs.
- (c) That staff be directed to prepare a motion to amend the Encampment Protocol to mitigate impacts on those living in and around encampments as outlined in Appendix "A", which was approved by Council on August 18, 2023, including:
- (i) removing the following provision from Section D, indicating the removal of encampments, temporary shelters, or tents "on or within 50 metres of the Hamilton Alliance for Tiny Shelters model site. For the purpose of this site the full length of the Strachan Linear Park, Bay Street North to Ferguson Street North, will be considered the site.";
 - (ii) Establishing a minimum distance of 100m for additional sensitive uses, specifically around funeral homes and long-term care residencies as well as spaces that are designed and programmed for children as an amendment to the encampment protocol;
 - (iii) Amending the requirement to keep 5 metres from sidewalks during the winter months to be a full year requirement, and to include walkways and pathways in this requirement; and
 - (iv) Establishing a minimum 25m distance from active construction sites

- (d) That Council approve additional investments into encampment management, for an approximate cost of \$286,000 between August 1 and December 31, 2024, to be funded first from any available government funding, then from any 2024, Housing Services Division surplus, then from any 2024, Healthy and Safe Communities Departmental Surplus, and lastly from any 2024, Corporate Surplus or any source deemed appropriate by the General Manager of Corporate Services; and that those enhancements are as follows:
 - (i) approximately \$108,000 be approved to increase Housing-Focused Street Outreach support;
 - (ii) One permanent FTE to provide program coordination, at an approximate cost of \$48,000;
 - (iii) Make permanent one Community Services Program Analyst FTE supporting the Housing Focused Outreach Team, at an approximate cost of \$42,500;
 - (iv) approximately \$130,000 to provide two Social Navigator Paramedic by Hamilton Paramedic Service; and
- (e) That the following items be referred to the 2025 municipal tax operating budget for an annual cost of \$4,186,000
 - (i) approximately \$2,255,000 be added to enhance existing shelter operator contracts by 25% to rectify historic underfunding;
 - (ii) approximately \$400,000 for ongoing operations of the Hamilton Regional Indian Centre's indigenous drop-in program;
 - (iii) approximately \$500,000 for enhanced Rapid Rehousing and Intensive Case Management supports to improve outflow from shelters into permanent housing;
 - (iv) approximately \$90,000 for one permanent full-time equivalent for Housing Service Division to provide tax filing support for those experiencing homelessness;
 - (v) approximately \$250,000 for exceptional unit damage because of housing an individual from City-funded case management programs;
 - (vi) approximately \$266,000 for increased Housing-Focused Outreach support;

- (vii) One permanent FTE to provide program coordination, at an approximate cost of \$115,000;
 - (viii) Make permanent one Community Services Program Analyst FTE supporting the Housing Focused Outreach Team, at an approximate cost of \$100,000;
 - (ix) approximately \$310,000 to provide enhancements for two Social Navigator Paramedics by Hamilton Paramedic Service; and
- (f) That the appropriate General Managers of Public Works and the Healthy and Safe Communities Department or their designate be directed and authorized, on behalf of the City of Hamilton, to enter into, execute and administer all agreements and documents necessary to implement recommendations (a) and (b), inclusive of all sub-sections, outlined above on terms and conditions satisfactory to the respective General Manager or their designate and in a form satisfactory to the City Solicitor.
- (g) That two Outstanding Business items be removed from the list including:
- (i) A 2023 OBL item respecting increasing beds in Residential Care Facilities
 - (ii) A 2023 OBL Item respecting reporting back on a proposed investment ratio for Housing Services Division
- (2)** That the following Encampment Protocol distance proposals be referred to staff for review and report back on implications including any legal considerations to the August 12, 2024 General Issues Committee meeting:
- (i) Private Property Line minimum distance increase from 10m to 25m;
 - (ii) Construction Site minimum distance increase from 25m to 100m
 - (iii) Funeral Home minimum distance change from classification of Funeral Home to Active Business
 - (iv) Pathways minimum distance increase from 5m to 50m
 - (v) Heritage Designation distance increase from 5m to 50m and add monuments & memorials to the classification.

9. Affordable Housing Development Project Stream Q1 2024 Results (HSC23028(e) / FCS23055(c) / PED23099(e)) (City Wide) (Item 10.8)

- (a) That Report HSC23028(e) / FCS23055(c) / PED23099(e), respecting Affordable Housing Development Project Stream Q1 2024 Results, be received; and,
- (b) That Appendix “A” to Report HSC23028(e) / FCS23055(c) / PED23099(e), respecting Affordable Housing Development Project Stream Q1 2024 Results, be received and remain confidential.

10. Dishwasher for the Community Room at 120 Strathcona Avenue North (Ward 1) (Item 11.1)

WHEREAS, residents of CityHousing Hamilton properties deserve dignified and safe, affordable housing; and,

WHEREAS, improvements to the interiors of CityHousing Hamilton community room helps prevent the negative impact of social isolation and promotes a healthy and engaged community;

THEREFORE, BE IT RESOLVED:

That the purchase and installation of a new dishwasher in the Community Room at 120 Strathcona Avenue North by CityHousing be funded from the Ward 1 Capital Discretionary Account Number 3302309100 at an upset limit, including contingency, not to exceed \$1,250.

11. Impacts of Encampments on Businesses and Customers (Added Item 11.2)

That Planning and Economic Development staff consult with the business community, including Business Improvement Areas, regarding the impacts of encampments on both their businesses and customers and report back to the August 12, 2024 General Issues Committee meeting on the results of the consultation.

12. Repurchase of Land in the City of Hamilton (PED23132(a)) (Ward 10) (Item 14.2)

- (a) That the direction provided to staff in Closed Session, respecting Report PED23132(a) be approved;
- (b) That the sum of \$15,000 be funded from Project ID Account No. 47702-3561850200 and be credited to Dept. ID Account No. 812036 (Real Estate – Admin Recovery) for recovery of expenses including real estate and legal fees and costs;

- (c) That the City Solicitor be authorized and directed to complete the Repurchase of Land in the City of Hamilton, on behalf of the City, including paying any necessary expenses, including but not limited to, disbursements, Land Transfer Tax and property taxes, amending the closing, due diligence and other dates, and amending and waiving terms and conditions on such terms deemed reasonable;
 - (d) That the City Solicitor be authorized and directed to execute all necessary documents to complete the transaction for the Repurchase of Land in the City of Hamilton, in a form satisfactory to the City Solicitor;
 - (e) That the complete Report PED23132(a), respecting the Repurchase of Land in the City of Hamilton, located in Ward 10, remain confidential until completion of the real estate transaction.
- 13. Lease Agreement – 35-39 Market Street South, Dundas, ON (PED24095) (Ward 13) (Item 14.3)**
- (a) That the direction provided to staff in Closed Session, be approved;
 - (b) That the Closed Session recommendations contained within Report PED24095, respecting the subject Lease Agreement – 35-39 Market Street South, Dundas, ON, remain confidential until completion of the subject Lease Agreement;
 - (c) That the balance of Report PED24095 and the appendices, respecting the Lease Agreement – 35-39 Market Street South, Dundas, ON, remain confidential.
- 14. Multi Use Path Agreement, City of Hamilton (PED24104) (Ward 8) (Item 14.4)**
- (a) That the Corporate Real Estate Office be authorized and directed to negotiate the acquisition of licence interest in the lands shown attached in Appendix “A” to Report PED24104 and described in Appendix “B” to Report PED24104, based substantially on the Terms and Conditions attached as Appendix “B” to Report PED24104, and such other terms and conditions deemed appropriate by the General Manager of the Planning and Economic Development Department or designate.
 - (b) That the sum of \$2,500 be funded from Project ID Account No. 59806-3561850200 and be credited to Dept. ID Account No. 59806-812036 (Real Estate – Admin Recovery) for recovery of expenses including real estate and legal fees and cost;

- (c) That the City Solicitor be authorized and directed to complete the acquisition of land in the City of Hamilton, located in Ward 8, on behalf of the City, including paying any necessary expenses, amending the closing, due diligence and other dates, and amending and waiving terms and conditions on such terms deemed reasonable;
- (d) That the Mayor and City Clerk be authorized and directed to execute all necessary documents for the acquisition of land in the City of Hamilton, located in Ward 8, in a form satisfactory to the City Solicitor;
- (e) That the complete Report PED24104, respecting the licensing of land in the City of Hamilton, located in Ward 8, remain confidential.

15. Canadian Union of Public Employees Local 1041, Ratification of Collective Agreement (HUR24015) (City Wide) (Added Item 14.5)

- (a) That the tentative agreement reached on May 27, 2024 between the City of Hamilton and Canadian Union of Public Employees (CUPE) Local 1041 representing approximately 350 front-line Supervisors and Project Managers employees, be ratified by Council.
- (b) That Report HUR24015 respecting City of Hamilton and Canadian Union of Public Employees (CUPE) Local 1041 Ratification of Collective Agreement remain confidential.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

5. COMMUNICATIONS

5.1 Correspondence respecting Encampments, from the following individuals:

- (a) Amanda Weegar - REVISED
- (e) Nancy Hindmarsh
- (f) Ryan Bukoski, Butlers Management Services
- (g) David Carnovale, Arbor Memorial Inc.
- (h) Lauren Mackenzie
- (i) Julie Gordon
- (j) Susie Braithwaite, International Village BIA
- (k) Sandra Hudson
- (l) Dina D'Ermo
- (m) Frances Fuccillo

- (n) Mary-Lynn O'Hagan
- (o) Jo-Anne Ballarano
- (p) Meredith Evans
- (q) Andrew Tziatis
- (r) Ali M. Gardezi

Recommendation: Be received.

- 5.2 Correspondence respecting Item 10.5 - Major Hosted Tourism Event Opportunities (PED23129(b)), from the following individuals:
- (a) Greg Dunnett, President and CEO, Hamilton Chamber of Commerce
 - (b) Tim Potocic, President Sonic Unyon Records

Recommendation: Be received and referred to consideration of Item 10.5.

- 5.3 Correspondence from Joshua Weresch, respecting Item 7.2 - Circle of Beads request for an elected seat on the City's Council for Indigenous Peoples

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

6. DELEGATION REQUESTS

- 6.2 Delegation Requests respecting Encampments, for today's meeting, from the following individuals:

- (c) Dave Edwards (In-Person)
- (d) Jordan Nicholson (Pre-Recorded Video)
- (e) Jodi Formosi (In-Person)
- (f) Margaret Kneulman (In-Person)
- (g) Mark Rotsaert (In-Person)
- (h) Nancy Hindmarsh (In-Person)
- (i) Christine O'Brien (In-Person) - WITHDRAWN
- (j) Michael Norman (In-Person)
- (k) Shelly Hong (In-Person)

- 6.3 Kojo Dampsey, respecting Item 7.2 - Delegation on Indigenous Elected Seat on Council (In-Person) (For today's meeting)

7. DELEGATIONS

- 7.1 Hafeez Hussain, respecting Putting Taxpayers First - Navigating City Hall (Virtually) (Approved June 5, 2024) - The Delegate has requested that their delegation be moved to the July 8, 2024 General Issues Committee meeting.
- 7.4 Delegations respecting Encampments, from the following individuals:
 - (d) Denise Hancock – WITHDRAWN

12. NOTICES OF MOTION

- 12.1 Declaration of Emergency in the Area of Affordability
- 12.2 Representation by the Urban Indigenous Community at City Council

14. PRIVATE AND CONFIDENTIAL

- 14.5 Canadian Union of Public Employees Local 1041, Ratification of Collective Agreement (HUR24015) (City Wide)
- 14.6 Confidential Appendix “A” to Item 10.8 - Cybersecurity Incident Impact Update (CM24004) (City Wide)

The agenda for the June 19, 2024 General Issues Committee meeting, was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

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

(i) June 5, 2024 (Item 4.1)

The minutes of the June 5, 2024 General Issues Committee, were approved, as presented.

(d) COMMUNICATIONS (Item 5)

Communication Items 5.1 to 5.3, were approved, as presented, as follows:

(i) Correspondence respecting Encampments, from the following individuals:

- (a) Amanda Weegar - REVISED (Item 5.1(a))
- (b) Darcy Field (Item 5.1(b))

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- (c) Phil Pidgeon (Item 5.1(c))
- (d) Guylaine Spencer (Item 5.1(d))
- (e) Nancy Hindmarsh (Added Item 5.1(e))
- (f) Ryan Bukoski, Butlers Management Services (Added Item 5.1(f))
- (g) David Carnovale, Arbor Memorial Inc. (Added Item 5.1(g))
- (h) Lauren Mackenzie (Added Item 5.1(h))
- (i) Julie Gordon (Added Item 5.1(i))
- (j) Susie Braithwaite, International Village BIA (Added Item 5.1(j))
- (k) Sandra Hudson (Added Item 5.1(k))
- (l) Dina D'Ermo (Added Item 5.1(l))
- (m) Frances Fuccillo (Added Item 5.1(m))
- (n) Mary-Lynn O'Hagan (Added Item 5.1(n))
- (o) Jo-Anne Ballarano (Added Item 5.1(o))
- (p) Meredith Evans (Added Item 5.1(p))
- (q) Andrew Tziatis (Added Item 5.1(q))
- (r) Ali M. Gardezi (Added Item 5.1(r))

Recommendation: Be received.

(ii) Correspondence respecting Item 10.5 - Major Hosted Tourism Event Opportunities (PED23129(b)), from the following individuals:

- (a) Greg Dunnett, President and CEO, Hamilton Chamber of Commerce (Added Item 5.2(a))
- (b) Tim Potocic, President Sonic Unyon Records (Added Item 5.2(b))

Recommendation: Be received and referred to consideration of Item 10.5.

(iii) Correspondence from Joshua Weresch, respecting Item 7.2 - Circle of Beads request for an elected seat on the City's Council for Indigenous Peoples (Added Item 5.3)

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

(e) DELEGATION REQUESTS (Item 6)

- (i) Jelena Vermilion, Sex Workers' Action Program (SWAP), respecting the City of Hamilton Integrity Commissioner's Report Regarding Private Complaint re: Councillor Danko Tweet (Re) - DGB-HamiltonICI-2024-01 (June 12, 2024 Council Agenda Item 6.2) (In-Person) (For a future meeting) (Item 6.1)**

The delegation request from Jelena Vermilion, Sex Workers' Action Program (SWAP), respecting the City of Hamilton Integrity Commissioner's Report Regarding Private Complaint re: Councillor Danko Tweet (Re) - DGB-HamiltonICI-2024-01 (June 12, 2024 Council Agenda Item 6.2), was approved for a future meeting.

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(ii) Delegation Requests respecting Encampments (Item 6.1):

The following delegation requests respecting Encampments, were approved, for today's meeting:

- (1) Kelly Oucharek (In-Person) (Item 6.2(a))
- (2) Jacqueline Stagen (Virtually) (Item 6.2(b))
- (3) Dave Edwards (In-Person) (Added Item 6.2(c))
- (4) Jordan Nicholson (Pre-Recorded Video) (Added Item 6.2(d))
- (5) Jodi Formosi (In-Person) (Added Item 6.2(e))
- (6) Margaret Kneulman (In-Person) (Added Item 6.2(f))
- (7) Mark Rotsaert (In-Person) (Added Item 6.2(g))
- (8) Nancy Hindmarsh (In-Person) (Added Item 6.2(h))
- (9) Michael Norman (In-Person) (Added Item 6.2(j))
- (10) Shelly Hong (In-Person) (Added Item 6.2(k))

(iii) Kojo Damphey, respecting Item 7.2 – Delegation on Indigenous Elected Seat on Council (In-Person) (For today's meeting) (Added Item 6.3)

The delegation request from Kojo Damphey, respecting Item 7.2 – Delegation on Indigenous Elected Seat on Council, was approved for today's meeting.

(f) DELEGATIONS (Item 7)

(i) NaWalka Geeshy Meegwun (Lyndon George) and Audrey Davis, Circle of Beads - City of Hamilton Urban Indigenous Community Consultation Circle, respecting Elected Indigenous Council Seat Request - conversation (In-Person) (Approved June 5,2024) (Item 7.2)

The delegate was provided with an addition 15 minutes to complete their delegation.

NaWalka Geeshy Meegwun (Lyndon George) and Audrey Davis, Circle of Beads - City of Hamilton Urban Indigenous Community Consultation Circle, joined by Beth Dockstator, Manager of Indigenous Relations; Amy Vukosa, Ontario Native Women's Association; Brenda Jacobs, Hamilton Regional Indian Centre; and Antoinette Laffranier, Health and Wellbeing Programs Manager addressed the Committee respecting Elected Indigenous Council Seat Request - conversation.

The delegation from NaWalka Geeshy Meegwun (Lyndon George) and Audrey Davis, Circle of Beads - City of Hamilton Urban Indigenous Community Consultation Circle, joined by Beth Dockstator, Manager of Indigenous Relations; Amy Vukosa, Ontario Native Women's Association; Brenda Jacobs, Hamilton Regional Indian Centre; and Antoinette Laffranier, Health and Wellbeing Programs Manager respecting Elected Indigenous Council Seat Request - conversation, was received.

(ii) Rachel Moore, Love to Live, respecting a Request for Audience to Address Systemic Injustice and Lack of Support for Individuals with Disabilities in Hamilton (In-Person) (Approved June 5, 2024) (Item 7.3)

Rachel Moore, Love to Live, addressed the Committee respecting a Request for Audience to Address Systemic Injustice and Lack of Support for Individuals with Disabilities in Hamilton.

The delegation from Rachel Moore, Love to Live, respecting a Request for Audience to Address Systemic Injustice and Lack of Support for Individuals with Disabilities in Hamilton, was received.

(iii) Delegations respecting Encampments (Item 7.4)

(1) The following delegates addressed the Committee respecting Encampments:

- (a) Barbara Weigelt (In-Person) (Approved June 5, 2024) (Item 7.4(a))
- (b) Stephen Felker (In-Person) (Approved June 5, 2024) (Item 7.4(c))
- (c) Kelly Oucharek (In-Person) (Added Item 7.4(e))

Kelly Oucharek was provided with an additional 2 minutes to complete their delegation.

- (d) Jacqueline Stagen (Virtually) (Added Item 7.4(f))
- (e) Dave Edwards (In-Person) (Added Item 7.4(g))
- (f) Jordan Nicholson (Pre-Recorded Video) (Added Item 7.4(h))
- (g) Jodi Formosi (In-Person) (Added Item 7.4(i))

Jodi Formosi was provided with an additional 2 minutes to complete their delegation.

- (h) Margaret Kneulman (In-Person) (Added Item 7.4(j))
- (i) Mark Rotsaert (In-Person) (Added Item 7.4(k))
- (j) Nancy Hindmarsh (In-Person) (Added Item 7.4(l))
- (k) Michael Norman (In-Person) (Added Item 7.4(m))
- (l) Shelly Hong (In-Person) (Added Item 7.4(n))

(2) The following delegate was not present when called upon:

- (a) Mike Rinaldi, Short Straw Productions (In-Person) (Approved June 5, 2024) (Item 7.4(b))

(3) The following delegations, respecting Encampments, were received:

- (a) Barbara Weigelt (In-Person) (Approved June 5, 2024) (Item 7.4(a))
- (b) Stephen Felker (In-Person) (Approved June 5, 2024) (Item 7.4(c))
- (c) Kelly Oucharek (In-Person) (Added Item 7.4(e))
- (d) Jacqueline Stagen (Virtually) (Added Item 7.4(f))
- (e) Dave Edwards (In-Person) (Added Item 7.4(g))
- (f) Jordan Nicholson (Pre-Recorded Video) (Added Item 7.4(h))
- (g) Jodi Formosi (In-Person) (Added Item 7.4(i))
- (h) Margaret Kneulman (In-Person) (Added Item 7.4(j))
- (i) Mark Rotsaert (In-Person) (Added Item 7.4(k))
- (j) Nancy Hindmarsh (In-Person) (Added Item 7.4(l))
- (k) Michael Norman (In-Person) (Added Item 7.4(m))
- (l) Shelly Hong (In-Person) (Added Item 7.4(n))

(iv) **Kojo Dampthey, respecting Item 7.2 – Delegation on Indigenous Elected Seat on Council (In-Person) (Added Item 7.5)**

Kojo Dampthey addressed the Committee respecting Item 7.2 – Delegation on Indigenous Elected Seat on Council.

The delegation from Kojo Dampthey, respecting Item 7.2 – Delegation on Indigenous Elected Seat on Council, was received.

(v) **Recess**

The General Issues Committee recessed for 30 minutes until 1:02 p.m.

(g) **PRESENTATIONS (Item 8)**

(i) **CHANGE TO THE ORDER OF ITEMS**

Item 10.7 - Affordable Housing Development Project Stream Q1 2024 Results (HSC23028(e) / FCS23055(c) / PED23099(e)) (City Wide), was moved up the agenda to be considered immediately following Item 81. - Change to the Orde Asset Management Plans (PW23073(b)) (City Wide).

(ii) **Asset Management Plans (PW23073(b)) (City Wide) (Item 8.1)**

Carlyle Khan, General Manager, Public Works introduced Andrea Vargas, Manager, Departmental Programs and Initiatives; Dan Leake, Senior Program Analyst; and Amber Dewar, Senior Program Analyst; who provided the presentation to Committee respecting Report PW23073(b), Asset Management Plans.

The staff presentation respecting Report PW23073(b), Asset Management Plans, was received.

For disposition of this matter, refer to Item 1.

(h) DISCUSSION ITEMS (Item 10)

**(i) Reducing Homelessness and Managing Encampments (HSC24027)
(City Wide) (Item 10.7)**

- (1)** The Recommendations were placed on the floor, as follows:
- (a)** That staff report back with the results of a call for information on the feasibility and costs associated with creating new shelter beds with 25% being pet friendly, in the following bed numbers: Men's singles: 110, Women's singles: 50, Couple's: 55.
 - (b)** That Council approve enhancements to the homeless-serving system for an approximate cost of \$1,556,000 between August 1 and December 31, 2024, to be funded first from any available government funding, then from any 2024 Housing Services Division surplus, then from any 2024, Healthy and Safe Communities Departmental Surplus, and lastly from any 2024, Corporate Surplus or any source deemed appropriate by the General Manager of Corporate Services; and that those enhancements are as follows:
 - (i)** approximately \$940,000 be added to enhance existing shelter operator contracts by 25% to rectify historic underfunding;
 - (ii)** approximately \$266,000 in additional funding to enhance the Hamilton Regional Indian Centre's indigenous drop-in program;
 - (iii)** approximately \$210,000 to enhance Rapid Rehousing and Intensive Case Management supports to improve outflow from shelters into permanent housing;
 - (iv)** approximately \$40,000 be approved for one full-time equivalent for Housing Service Division to provide tax filing support for those experiencing homelessness; and
 - (v)** approximately \$100,000 to be provided to housing landlords for exceptional unit damage as a result of housing an individual from City-funded case management

programs.

- (c) That staff be directed to prepare a motion to amend the Encampment Protocol to mitigate impacts on those living in and around encampments as outlined in Appendix “A”, which was approved by Council on August 18, 2023, including:
 - (i) removing the following provision from Section D, indicating the removal of encampments, temporary shelters, or tents “on or within 50 metres of the Hamilton Alliance for Tiny Shelters model site. For the purpose of this site the full length of the Strachan Linear Park, Bay Street North to Ferguson Street North, will be considered the site.”;
 - (ii) adding an exclusion from allowing encampments, temporary shelters, or tents for the full length of the Strachan Linear Park, Bay Street North to Ferguson Street North until further park development options can be explored;
 - (iii) Establishing a minimum distance of 100m for additional sensitive uses, specifically around funeral homes and long-term care residencies as well as spaces that are designed and programmed for children as an amendment to the encampment protocol;
 - (iv) Amending the requirement to keep 5 metres from sidewalks during the winter months to be a full year requirement, and to include walkways and pathways in this requirement; and
 - (v) Establishing a minimum 25m distance from active construction sites
- (d) That Council approve additional investments into encampment management, for an approximate cost of \$286,000 between August 1 and December 31, 2024, to be funded first from any available government funding, then from any 2024, Housing Services Division surplus, then from any 2024, Healthy and Safe Communities Departmental Surplus, and lastly from any 2024, Corporate Surplus or any source deemed appropriate by the General Manager of Corporate Services; and that those enhancements are as follows:
 - (i) approximately \$108,000 be approved to increase Housing-Focused Street Outreach support;

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- (ii) One permanent FTE to provide program coordination, at an approximate cost of \$48,000;
 - (iii) Make permanent one Community Services Program Analyst FTE supporting the Housing Focused Outreach Team, at an approximate cost of \$42,500;
 - (iv) approximately \$130,000 to provide two Social Navigator Paramedic by Hamilton Paramedic Service; and
- (e) That the following items be referred to the 2025 municipal tax operating budget for an annual cost of \$4,186,000
- (i) approximately \$2,255,000 be added to enhance existing shelter operator contracts by 25% to rectify historic underfunding;
 - (ii) approximately \$400,000 for ongoing operations of the Hamilton Regional Indian Centre's indigenous drop-in program;
 - (iii) approximately \$500,000 for enhanced Rapid Rehousing and Intensive Case Management supports to improve outflow from shelters into permanent housing;
 - (iv) approximately \$90,000 for one permanent full-time equivalent for Housing Service Division to provide tax filing support for those experiencing homelessness;
 - (v) approximately \$250,000 for exceptional unit damage because of housing an individual from City-funded case management programs;
 - (vi) approximately \$266,000 for increased Housing-Focused Outreach support;
 - (vii) One permanent FTE to provide program coordination, at an approximate cost of \$115,000;
 - (viii) Make permanent one Community Services Program Analyst FTE supporting the Housing Focused Outreach Team, at an approximate cost of \$100,000;
 - (ix) approximately \$310,000 to provide enhancements for two Social Navigator Paramedics by Hamilton Paramedic Service; and

- (f) That the appropriate General Managers of Public Works and the Healthy and Safe Communities Department or their designate be directed and authorized, on behalf of the City of Hamilton, to enter into, execute and administer all agreements and documents necessary to implement recommendations (a) and (b), inclusive of all sub-sections, outlined above on terms and conditions satisfactory to the respective General Manager or their designate and in a form satisfactory to the City Solicitor.
- (g) That two Outstanding Business items be removed from the list including:
 - (i) A 2023 OBL item respecting increasing beds in Residential Care Facilities
 - (ii) A 2023 OBL Item respecting reporting back on a proposed investment ratio for Housing Services Division
- (2) That sub-section (c)(ii) to Report HSC24027, Reducing Homelessness and Managing Encampments, **be deleted**, as follows:
 - (c) That staff be directed to prepare a motion to amend the Encampment Protocol to mitigate impacts on those living in and around encampments as outlined in Appendix “A”, which was approved by Council on August 18, 2023, including:
 - ~~(ii) adding an exclusion from allowing encampments, temporary shelters, or tents for the full length of the Strachan Linear Park, Bay Street North to Ferguson Street North until further park development options can be explored;~~

For further disposition of this matter, refer to Item 8.

(ii) **DEFERRAL OF AGENDA ITEMS**

Item 10.5 - Major Hosted Tourism Event Opportunities (PED23129(b)) (City Wide) and Item 10.6 - Pier 8 Development: Waterfront Shores Development Agreement, Greenway Strata Title, and Delegated Authority (PED23039(a)) (Ward 2), were DEFERRED to the July 8, 2024 General Issues Committee Meeting.

(i) PRESENTATIONS (Item 8) (Continued)

(i) Cybersecurity Incident Impact Update (CM24004) (City Wide) (Item 8.2)

- (1)** Marnie Cluckie, City Manager provided an overview and introduced Andy Potter, Kirsten Davies, and Bryson Tan of Deloitte LLP, who provided the Committee with a presentation respecting Report CM24004, Cybersecurity Incident Impact Update.

The presentation respecting Report CM24004, Cybersecurity Incident Impact Update, was received.

For disposition of this matter, refer to Item 2.

(j) DISCUSSION ITEMS (Item 10) (Continued)

(i) Extend Curfew

The General Issues Committee meeting of June 19, 2024 was extended past the 5:30 pm curfew, up to an additional 1.5 hours.

(k) NOTICES OF MOTION (Item 12)

Councillor Spadafora introduced the following notice of motion:

(i) Declaration of Emergency in the Area of Affordability (Added Item 12.1)

WHEREAS, the City of Hamilton acknowledges that the challenges of affordability can be precursors to poor physical and mental health outcomes, barriers to higher learning, facilitating addictions, participation in crime, and homelessness;

WHEREAS, the City of Hamilton acknowledges that the challenges of affordability arise from the increased cost of living, inflation, and various taxes from the federal, provincial, and municipal levels of government;

WHEREAS, Mayor Andrea Horwath, in her Mayoral Directive to Staff on August 31, 2023, recognized the high cost of living in an inflationary time;

WHEREAS, Tax Freedom Day – the day of the year when the average Canadian family has earned enough money to pay the various taxes imposed on it from the federal, provincial, and municipal government upfront – was even later this year, on Monday, June 19;

WHEREAS, according to the Bank of Canada, Ontario CPI (Total) recently peaked at 8.1% in June 2022 – representing a 39-year high dating back to 1983 – and is currently now at 2.7%;

WHEREAS, according to the Hamilton Family Health Team, nearly 12% of Hamilton households report food insecurities with nearly 20,000 Hamiltonians accessing a food bank every month, including 6,000 children;

WHEREAS, according to Hamilton Food Share, the number of Hamilton households that access food banks and hunger relief programs increased by approximately 40% from 2022 to 2023 resulting in the City of Hamilton allocating \$1.25 million in the 2024 budget and over \$600,000 in grant funding for food banks and hunger relief programs;

WHEREAS, the Federation of Canadian Municipalities has passed a motion urging the federal government to provide emergency funding to food banks and food rescue agencies as well as recognize the system issues involved in food bank usage, including affordability;

WHEREAS, an analysis of Hamilton real estate prices over the past 10 years on Listing.ca shows an increase of 95.4% – essentially a doubling in just one decade – resulting in fewer Hamiltonians being able to afford either a mortgage downpayment and/or ongoing mortgage payments;

WHEREAS, according to the Canada Mortgage and Housing Corporation (CMHC), the median household income after taxes in Hamilton is \$66,103;

WHEREAS, a recent Zoocasa study on housing affordability has found the Hamilton-Burlington area to be the third least affordable region in Canada and the tenth least affordable region in North America;

WHEREAS, the REALTORS Association of Hamilton-Burlington report that the median sale price for single detached homes has risen to \$880,000 in the first quarter of 2024;

WHEREAS, fewer and fewer Hamiltonians can afford to purchase a home using various housing affordability metrics to determine affordability including the Housing Affordability Index, Gross Debt Service (GDS) ratio, and Total Debt Service (TDS) ratio;

WHEREAS, Equifax Canada indicates that, in Ontario, mortgage delinquency rates soared by 135.2% above pre-COVID-19 pandemic levels, that in the first quarter of 2024 the total mortgage balance reaching severe delinquency – which is 90 days or more without payment – has surpassed \$1 billion for the first time ever, that mortgage borrowers filing for bankruptcy have ballooned by 76.4%, and that those who renewed their mortgage in the fourth quarter of 2023 saw their monthly mortgage payment increase on average by \$680;

WHEREAS, the federal government recently passed a motion in the House of Commons on Tuesday, June 11, 2024, that raised the capital gains inclusion tax rate from 50% to 67% for not only corporations and trusts, but for individuals who have annual capital gains in excess of \$250,000, an amount that is much more easily attainable given the high cost of homes compared to the time period of 1988 to 1989, the last time the capital gains inclusion tax rate was at 67% and when the average cost of a home in Hamilton was under \$150,000 according to the Canada Mortgage and Housing Corporation (CMHC);

WHEREAS, the CBC has reported that since the federal government's fuel levy was introduced in 2019, the carbon tax has added 17.6 cents to the cost of a litre of gasoline;

WHEREAS, the City of Hamilton recognizes that municipal emergencies in Ontario are declared by the head of council as per the process detailed in the Emergency Management and Civil Protections Act; and

WHEREAS, the City of Hamilton acknowledges that the declaration of an emergency does not immediately result in a municipality receiving any additional funds or resources from senior levels of government.

THEREFORE, BE IT RESOLVED:

- (a) That the Mayor formally issue a declaration of emergency in the area of affordability, as per the procedure outlined in the Emergency Management and Civil Protection Act;
- (b) That the Mayor send correspondence to the Premier of Ontario requesting that the provincial government commit to fully funding gaps, including but not limited to, the areas of social services, affordable housing, transportation, and other infrastructure;

- (c) That the Mayor send correspondence to the Prime Minister of Canada requesting the federal government commit to fully funding gaps, including but not limited to, the areas of affordable housing, housing for refugees, transportation, and other infrastructure.

Councillor Kroetsch introduced the following notice of motion:

(ii) Representation by the Urban Indigenous Community at City Council (Added Item 12.2)

WHEREAS City Council is currently made up of 15 Councillors and 1 Mayor, a total of 16 members;

WHEREAS members of the urban Indigenous community, represented by the Circle of Beads, have asked the City of Hamilton to support their request for the City to ask the Province of Ontario to have changes made to the Municipal Act to permit a member of Hamilton's urban Indigenous community to be a voting member of City Council;

WHEREAS the Circle of Beads has asked, while Council awaits word from the Province about that request, that it establish an interim advisory seat (non voting) on Council for a member of Hamilton's urban Indigenous community;

WHEREAS there are governance, legal, and other implications to honouring these requests that the municipality must fully explore before Council formally considers them;

WHEREAS First Nations in Canada have specific and distinct relationships with the Federal and Provincial levels of governments through the Indian Act;

WHEREAS according to the National Association of Friendship Centres, as of 2021, approximately 88% of Indigenous people in Ontario live in urban settings, which means that a majority of Indigenous peoples live their lives with no direct local representation with respect to the services they access most;

WHEREAS City Council approved the Urban Indigenous Strategy (UIS) presented to, endorsed, and fully supported by the General Issues Committee on July 8, 2019 and committed to "having a trusting relationship with Indigenous communities where we communicate and work together appropriately to address the unique needs and issues of Indigenous people";

WHEREAS, within the UIS, there was direct acknowledgement of ongoing and historical oppression including many unique barriers related to health, poverty, justice, employment, and intergenerational trauma;

WHEREAS City Council has made a commitment to supporting Indigenous rights and history;

WHEREAS Land Theme Action 8 in the UIS, a short term goal meant to be achieved by the City in 1-2 years, reads, “Understand how concepts such as the Doctrine of Discovery affect municipal decision making and develop tools to reform those processes”;

WHEREAS the City of Halifax, Nova Scotia, after approving a motion to its Regional Council on October 23, 2023, is currently investigating and considering the development of an Indigenous council seat, specifically a Mi'kmaw seat; and

WHEREAS the Province of Nova Scotia has set a precedent by the addition of a Provincial seat in their legislature for a Mi'kmaw representative since 1992.

THEREFORE, BE IT RESOLVED:

That City staff in the Indigenous Relations and Legal Services Divisions report back to a future General Issues Committee on recommendations and information related to the following:

- (a) The City’s statutory responsibilities to Indigenous communities, the responsibilities of the Provincial and Federal governments, and an identification of any limitations in the Municipal Act and other legislation including an analysis that addresses the requests made by the Circle of Beads to Council on February 14 and June 19, 2024;
- (b) The outstanding actions in the Urban Indigenous Strategy (UIS) that include an identification of any ongoing work towards closer collaboration and involvement throughout the municipal decision making process as it relates to the urban Indigenous community and other Indigenous leaders and representative organizations; and
- (c) The ongoing work the City is doing with respect to Truth and Reconciliation best practices including a scan of the work being done by other municipalities across Canada and ongoing work through the Federation of Canadian Municipalities with respect to urban Indigenous communities and other Indigenous leaders and representative organizations.

Council – June 26, 2024

(l) **GENERAL INFORMATION / OTHER BUSINESS (Item 13)**

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

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

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

Hamilton Police Services and Hamilton Public Library Surpluses and Deficits

Added: October 5, 2023 at AF&A (Item 11.1)

Completed: June 5, 2024 at GIC (Item 10.5)

(m) **PRIVATE & CONFIDENTIAL (Item 14)**

Committee determined that discussion of Item 14.1 was not required in Closed Session; therefore, the matter was addressed in Open Session, as follows:

(i) **Closed Session Minutes – June 5, 2024 (Item 14.1)**

The Closed Session minutes of the June 5, 2024 General Issues Committee meeting, were approved and remain confidential.

(ii) Committee moved into Closes Session for Items 14.2, 14.3, 14.4, and 14.5 pursuant to Section 9.3, Sub-sections (c), and (d) of the City's Procedural By-law 21-021, as amended, and Section 239(2) sub-sections (c), and (d) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to a proposed or pending acquisition or disposition of land for City or a local board purposes; and labour relations or employee negotiations.

(iii) **Repurchase of Land in the City of Hamilton (PED23132(a)) (Ward 10) (Item 14.2)**

For disposition of this matter, refer to Item 12.

(iv) **Lease Agreement – 35-39 Market Street South, Dundas, ON (PED24095) (Ward 13) (Item 14.3)**

For disposition of this matter, refer to Item 13.

(v) **Multi Use Path Agreement, City of Hamilton (PED24104) (Ward 8) (Item 14.4)**

For disposition of this matter, refer to Item 14.

- (vi) **Canadian Union of Public Employees Local 1041, Ratification of Collective Agreement (HUR24015) (City Wide) (Added Item 14.5)**

For disposition of this matter, refer to Item 15.

- (n) **ADJOURNMENT (Item 15)**

There being no further business, the General Issues Committee adjourned at 6:19 p.m.

Respectfully submitted,

Deputy Mayor Tammy Hwang
Chair, General Issues Committee

Angela McRae
Legislative Coordinator
Office of the City Clerk



AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 24-012

9:30 a.m.
June 20, 2024
Council Chambers
Hamilton City Hall

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

Also

Present: Councillor N. Nann

Absent with

Regrets: Councillor B. Clark – Personal

THE AUDIT, FINANCE AND ADMINISTRATION COMMITTEE PRESENTS REPORT 24- 012 AND RESPECTFULLY RECOMMENDS:

1. **Financial Impact of the Losses of Hamilton Renewable Power Inc. on the City of Hamilton (FCS24011) (City Wide) (Outstanding Business List Item) (Item 9.1)**

That Report FCS24011, respecting Financial Impact of the Losses of Hamilton Renewable Power Inc. on the City of Hamilton, be received.

2. **Request to Single Source Professional Implementation Services for a Point-of-Sale Solution to Replace Legend (Excluding Recreation and Culture) (FCS24037) (City Wide) (Item 10.1)**

- (a) That Council approves the single source procurement of professional implementation services for a Microsoft Point of Sale solution, pursuant to Procurement Policy #11 – Non-competitive Procurements and that the General Manager, Corporate Services, or their designate, be authorized to negotiate, enter into and execute a contract and any ancillary documents required to give effect thereto with Visionet Systems Inc., in a form satisfactory to the City Solicitor;
- (b) That the General Manager, Corporate Services, or their designate, be authorized to amend any Contract executed and any ancillary documents as required if the vendor identified in Report FCS24037 undergoes a name change, in a form satisfactory to the City Solicitor; and

- (c) The negotiated contract cost be publicly reported in the applicable quarterly status report for Emergency and Non-competitive Procurements.

**3. To Exempt Luso Canadian Charitable Society from Municipal Taxation
(Added Item 11.1)**

WHEREAS the Luso Canadian Charitable Society is a registered charity within the meaning of the Income Tax Act (Canada);

WHEREAS the Luso Canadian Charitable Society owns the lands municipally known as 922 Main St. East and is in the course of developing a facility to provide not-for-profit day services and residential accommodation for people living with physical or developmental disabilities;

WHEREAS the Luso Canadian Charitable Society applied for special legislation to authorize the City of Hamilton to exempt certain land from taxation for municipal and school purposes; and

WHEREAS, the Luso Canadian Charitable Society Act (Tax Relief), 2024 received Royal Assent on April 25, 2024

THEREFORE, BE IT RESOLVED:

- (a) That the *Luso Canadian Charitable Society Act (Tax Relief), 2024*, S.O. 2024, C.PR8 – Bill PR8, which seeks a municipal tax exemption, be endorsed by the City of Hamilton; and
- (b) That the City Solicitor be authorized and directed to prepare all necessary by-laws, for Council approval, for the purposes of exempting 922 Main St. East from municipal property taxes.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

12. NOTICES OF MOTION

12.1 To Exempt Luso Canadian Charitable Society from Municipal Taxation

(A request to waive the rules will be introduced)

The agenda for the June 20, 2024 Audit, Finance and Administration Committee meeting, was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

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

(i) Approval of Minute of Previous Meetings (Item 4.1)

The Minutes of June 6, 2024, were approved, as presented.

(d) DELEGATION REQUESTS (Item 6)

(i) Bozica Sajatovic, respecting partial payment of taxes without an extension agreement in tax arrears certificate cancellation (for a future meeting) (Item 6.1)

The delegation request from Bozica Sajatovic, respecting partial payment of taxes without an extension agreement in tax arrears certificate cancellation, was approved for a future meeting.

(e) NOTICES OF MOTION (Item 12)

(i) To Exempt Luso Canadian Charitable Society from Municipal Taxation (Added Item 12.1)

The Rules of Order were waived to allow for the introduction of a motion respecting To Exempt Luso Canadian Charitable Society from Municipal Taxation.

For further disposition of this matter, refer to Item 3.

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

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

(Hwang/A. Wilson)

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

(1) Items Considered Completed and To Be Removed:

(a) Constituent Relationship Software

Added February 16, 2023

Addressed as Item 10.2 on the June 6, 2024 agenda

(b) Financial Impact of the Hamilton Renewable Power Inc.'s Losses on the City of Hamilton

Added: October 25, 2023

Addressed as Item 9.1 on today's agenda

(g) PRIVATE AND CONFIDENTIAL (Item 14)

(i) Closed Minutes – June 6, 2024 (Item 14.1)

- (a) The Closed Session Minutes of June 6, 2024, were approved, as presented; and
- (b) The Closed Session Minutes of June 6, 2024 shall remain confidential.

(h) ADJOURNMENT (Item 15)

There being no further business, the Audit, Finance and Administration Committee, was adjourned at 9:56 a.m.

Respectfully submitted,

Councillor Mike Spadafora, Vice Chair
Audit, Finance and Administration
Committee

Tamara Bates
Legislative Coordinator
Office of the City Clerk



EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 24-005

1:30 p.m.
Thursday, June 20, 2024
Council Chambers
Hamilton City Hall
71 Main Street West

Present: Councillors A. Wilson (Chair), T. Jackson, T. Hwang, N. Nann and M. Wilson

Also Present: Councillor E. Pauls

**Absent with
Regrets:** Councillors B. Clark and C. Kroetsch – Personal

THE EMERGENCY AND COMMUNITY SERVICES COMMITTEE PRESENTS REPORT 24-005 AND RESPECTFULLY RECOMMENDS:

1. Consent Items (Items 9.1 to 9.3(h))

That the following Consent Items, be received:

- (i) Indigenous Relations Updates (HSC21001(b)) (City Wide) (Item 9.1)
- (ii) Minutes of the Hamilton Veterans Committee (Item 9.2)
 - (a) June, 27, 2023 (Item 9.2(a))
 - (b) September 26, 2023 (Item 9.2(b))
 - (c) November 28, 2023 (Item 9.2(c))
 - (d) April 30, 2024 (Item 9.2(d))
- (iii) Minutes of the Seniors Advisory Committee (Item 9.3)
 - (a) July 13, 2023 (Item 9.3(a))

- (b) September 8, 2023 (Item 9.3(b))
- (c) October 6, 2023 (Item 9.3(c))
- (d) November 3, 2023 (Item 9.3(d))
- (e) December 1, 2023 (Item 9.3(e))
- (f) January 5, 2024 (Item 9.3(f))
- (g) April 5, 2024 (Item 9.3(g))
- (h) May 3, 2024 (Item 9.3(h))

2. Non-Competitive Procurement of Linen Supply for Hamilton Paramedic Service(HSC24014) (City Wide) (Item 10.1)

(Jackson/Nann)

- (a) That Council approve the single source procurement, pursuant to City Procurement By-law No. 20-205, as amended, Procurement Policy Section 4.11 Policy #11 – Non-competitive Procurements, with Ecotex Healthcare Linen Service LP (Ecotex), or for any successor company following transfer of ownership or sale of Ecotex Healthcare Linen Service LP, for the supply, delivery, cleaning, and replacement of linen including sheets, towels, pillowcases, and blankets for the Hamilton Paramedic Service for a period not extending beyond December 31, 2029; and
- (b) That the Chief, Hamilton Paramedic Service, or designate, be authorized, and directed to enter into and sign, on behalf of the City of Hamilton, any negotiated agreement along with any ancillary documents required to give effect thereto with Ecotex Healthcare Linen Service LP, in a form satisfactory the City Solicitor; and
- (c) That the Chief, Hamilton Paramedic Service, or designate, be authorized to amend any agreements along with and any ancillary documents identified in (a) through (b) above as required if a supplier(s) identified in Report HSC24014 undergoes a name change.

3. Recreation Funding Agreements for Annual Operating Grants (HSC24023) (City Wide) (Item 10.2)

- (a) That the General Manager of Healthy and Safe Communities be authorized and directed to enter into a new five year Funding Agreement with CANUSA Games, effective June 12, 2024, to provide an annual operating grant to support the hosting and administration of the CANUSA Games, the amount of which will be subject to Council approval, determined as part of the City's annual operating budget process, on terms and conditions satisfactory to the General Manager of Healthy and Safe Communities and in a form satisfactory to the City Solicitor;

- (b) That the General Manager of Healthy and Safe Communities be authorized and directed to enter into a new five year Funding Agreement with the Catholic Youth Organization of the Diocese of Hamilton, effective June 12, 2024 to provide an annual operating grant to support the operation of Camp Marydale, the amount of which will be subject to Council approval, determined as part of the City's annual operating budget process, on terms and conditions satisfactory to the General Manager of Healthy and Safe Communities and in a form satisfactory to the City Solicitor;
- (c) That the General Manager of Healthy and Safe Communities be authorized and directed to enter into a new five year Funding Agreement with Hamilton East Kiwanis Boys' & Girls' Club operating as BGC Hamilton-Halton, effective June 12, 2024, to provide an annual operating grant to support the operation of after school programming, the amount of which will be subject to Council approval, determined as part of the City's annual operating budget process, on terms and conditions satisfactory to the General Manager of Healthy and Safe Communities and in a form satisfactory to the City Solicitor;
- (d) That the General Manager of Healthy and Safe Communities be authorized and directed to enter into a new five year Funding Agreement with The Jewish Social Services of Hamilton Inc., effective June 12, 2024, to provide an annual operating grant to support the operation of programming for seniors, the amount of which will be subject to Council approval, determined as part of the City's annual operating budget process, on terms and conditions satisfactory to the General Manager of Healthy and Safe Communities and in a form satisfactory to the City Solicitor;
- (e) That the General Manager of Healthy and Safe Communities be authorized and directed to enter into a new five year Funding Agreement with Wesley Urban Ministries Inc. operating as Wesley, effective June 12, 2024, to provide an annual operating grant to support the hosting and operation of after school programming at the Queen Street Youth Centre, the amount of which will be subject to Council approval, determined as part of the City's annual operating budget process, on terms and conditions satisfactory to the General Manager of Healthy and Safe Communities and in a form satisfactory to the City Solicitor;
- (f) That the General Manager of Healthy and Safe Communities be authorized and directed to enter into a new five year Funding Agreement with International Children's Games Hamilton, effective June 12, 2024, to provide an annual operating grant to assist in sending athletes to the International Children's Games, the amount of which will be subject to Council approval, determined as part of the City's annual operating budget process, on terms and conditions satisfactory to the General Manager of Healthy and Safe Communities and in a form satisfactory to the City Solicitor; and

- (g) That the General Manager of Healthy and Safe Communities be authorized and directed to enter into a new five year Funding Agreement with Sport Hamilton, effective June 12, 2024, to provide an annual operating grant to assist in the execution of the Breakfast of Champions recognition event, the amount of which will be subject to Council approval, determined as part of the City's annual operating budget process, on terms and conditions satisfactory to the General Manager of Healthy and Safe Communities and in a form satisfactory to the City Solicitor.

4. Recreation Funding Agreements for Annual Operating Grants - Rural Subcommittees (HSC24024) (Wards 13 and 15) (Item 10.3)

- (a) That the General Manager of Healthy and Safe Communities be authorized and directed to enter into and execute a new five year Funding Agreement with the executive members of the Freelon Rural Subcommittee, on their own behalf and in trust for the membership of the Freelon Rural Subcommittee, effective June 12, 2024, to provide an annual operating grant for the maintenance and operation of certain parks and recreation facilities within the community, the amount of which will be subject to Council approval, determined annually as part of the City's annual operating budget, on terms and conditions satisfactory to the General Manager of Healthy and Safe Communities and in a form satisfactory to the City Solicitor;
- (b) That the General Manager of Healthy and Safe Communities be authorized and directed to enter into and execute a new five year Funding Agreement with the executive members of the Lynden-Troy Rural Subcommittee, on their own behalf and in trust for the membership of the Lynden-Troy Rural Subcommittee, effective June 12, 2024, to provide an annual operating grant for the maintenance and operation of specific parks and recreation facilities within the community, the amount of which will be subject to Council approval, determined annually as part of the City's annual operating budget process, on terms and conditions satisfactory to the General Manager of Healthy and Safe Communities and in a form satisfactory to the City Solicitor;
- (c) That the General Manager of Healthy and Safe Communities be authorized and directed to enter into and execute a new five year Funding Agreement with the executive members of the Millgrove Rural Subcommittee, on their own behalf and in trust for the membership of the Millgrove Rural Subcommittee, effective June 12, 2024, to provide an annual operating grant for the maintenance and operation of specific parks and recreation facilities within the community, the amount of which will be subject to Council approval, determined annually as part of the City's annual operating budget process, on terms and conditions satisfactory to the General Manager of Healthy and Safe Communities and in a form satisfactory to the City Solicitor;

- (d) That the General Manager of Healthy and Safe Communities be authorized and directed to enter into and execute a new five year Funding Agreement with the executive members of the Rockton-Beverly Rural Subcommittee, on their own behalf and in trust for the membership of the Rockton-Beverly Rural Subcommittee, effective June 12, 2024, to provide an annual operating grant for the maintenance and operation of specific parks and recreation facilities within the community, the amount of which will be subject to Council approval, determined annually as part of the City's annual operating budget process, on terms and conditions satisfactory to the General Manager of Healthy and Safe Communities and in a form satisfactory to the City Solicitor;
- (e) That the General Manager of Healthy and Safe Communities be authorized and directed to enter into a new five year Funding Agreement with the executive members of the Sheffield Rural Subcommittee, on their own behalf and in trust for the membership of the Sheffield Rural Subcommittee, effective June 12, 2024, to provide an annual operating grant for the maintenance and operation of specific parks and recreation facilities within the community, the amount of which will be subject to Council approval, determined annually as part of the City's annual operating budget process, on terms and conditions satisfactory to the General Manager of Healthy and Safe Communities and in a form satisfactory to the City Solicitor;
- (f) That the General Manager of Healthy and Safe Communities be authorized and directed to enter into a new five year Funding Agreement with the executive members of the Strabane Rural Subcommittee, on their own behalf and in trust for the membership of the Strabane Rural Subcommittee, effective June 12, 2024, to provide an annual operating grant for the maintenance and operation of specific parks and recreation facilities within the community, the amount of which will be subject to Council approval, determined annually as part of the City's annual operating budget process, on terms and conditions satisfactory to the General Manager of Healthy and Safe Communities and in a form satisfactory to the City Solicitor; and
- (g) That the General Manager of Healthy and Safe Communities be authorized and directed to enter into a new five year Funding Agreement with the executive members of the Valens Rural Subcommittees, on their own behalf and in trust for the membership of the Valens Rural Subcommittees, effective June 12, 2024, to provide an annual operating grant for the maintenance and operation of specific parks and recreation facilities within the community, the amount of which will be subject to Council approval, determined annually as part of the City's annual operating budget process, on terms and conditions satisfactory to the General Manager of Healthy and Safe Communities and in a form satisfactory to the City Solicitor.

- 5. Macassa Lodge Development Agreement (HSC20050(d)/PW24036) (Ward 7) (Item 10.4)**
- (a) That the increased project cost for Macassa Lodge Redevelopment Project (the “Project”) of \$33.6M be approved and added to the originally approved amount of \$27.8M, for a total project cost of \$61.4M under Capital Project ID #6302141102;
 - (b) That the financing plan for the project be amended and approved from the following sources;
 - (i) \$16.4M from Development Charges Reserves (an increase of \$9.2M from the previously approved amount of \$7.3M);
 - (ii) \$1.6M from the Construction Funding Subsidy grant from the Ministry of Long-Term Care (Ministry);
 - (iii) \$1M from the previously approved Development Grant;
 - (iv) \$42.3M from Tax Supported debt replacing the previously approved loan of \$19.3M from the Unallocated Capital Levy Reserve;
 - (c) That funding from the Ministry be applied to Capital Project ID, #6302141102 from the following sources:
 - (i) The new one-time funding of \$1.6M through the Construction Funding Subsidy grant receivable following start of construction;
 - (ii) The new Construction Funding Subsidy Top-Up of approximately \$146K per annum funded over 25 years for a total of \$3.7M which will be applied against the repayment of the loan required to fund this capital project;
 - (d) That the estimated increase of \$2,998,003 related to the annual debt repayment be referred to the 2025 budget process for consideration;
 - (e) That an estimated annualized increase of \$607,500 for an additional 8.0 permanent full-time equivalent be added to the Macassa Lodge 2026 Operating Budget for operating impacts of capital, be approved;
 - (f) That an additional 1.0 temporary full-time equivalent required to provide Project Coordinator support for up to 48 months in Corporate Facilities and Energy Management, be approved, with no additional levy impact as staffing costs are included in capital project costs as submitted;
 - (g) That an estimated annualized increase of \$912,058 related to facility operating impacts of capital once construction is complete in 2026, be approved;

- (h) That the General Manager, Healthy and Safe Communities Department, or their designate, be authorized and directed to negotiate, enter, execute, and amend any documents with funders or other levels of government (and any ancillary documents), including executing the Development Agreement and subsequent Approval to Construct with the Ministry, with such terms and conditions in a form satisfactory to the City Solicitor;
- (i) That the General Manager, Healthy and Safe Communities Department, or their designate, be authorized and directed to negotiate, enter, execute, and amend any Service Accountability Agreement(s) (and any ancillary documents) with the Ministry or Ontario Health, or such other party as directed by the Ministry;
- (j) That the General Manager, Finance and Corporate Services, be authorized and directed to negotiate and confirm the terms for the placement and issuance of all debenture issue(s), in either a public or private market and / or bank loan agreements and debenture issue(s), in and / or variable interest rate bank loan agreement and debenture issue(s), in an amount not to exceed \$42,297,000 Canadian currency;
- (k) That the General Manager, Finance and Corporate Services, be authorized to engage the services of all required professionals to secure the terms and issuance of the debenture issue(s) described in recommendation (j) including, but not limited to, external legal counsel and fiscal agents;
- (l) That the General Manager, Finance and Corporate Services, be authorized and directed, on behalf of the City of Hamilton, to enter into and / or execute, all agreements and necessary ancillary documents to secure the terms and issuance of the debenture issue(s) described in recommendation (j), on terms satisfactory to the General Manager, Finance and Corporate Services and in a form satisfactory to the City Solicitor; and,
- (m) That pursuant to Procurement Policy #11 – Council approves a contract extension for additional consultancy services, construction services and work for the Macassa Lodge Redevelopment Project as presented in this Report, and that the General Manager, Healthy and Safe Communities Department be authorized to negotiate and execute amendment(s) to the City’s existing agreement(s) and any ancillary documents required to give effect thereto with:
 - (i) Pomerleau Inc., C13-23-23 Construction Manager for the Macassa Lodge, Long Term Care Home – B Wing Expansion;
 - (ii) Salter Pilon Architecture Inc., C11-18-22 - Proposal for Prime Consultant Services for Macassa Lodge B Wing Expansion, and that the negotiated costs be publicly reported in the applicable quarterly status reports as required by Procurement By-Law.

6. Citizen Committee Report: Seniors Advisory Committee respecting a Request for a Coroner's Inquest (Item 10.5 and Added Item 14.1)

- (a) That the direction provided to Staff in Closed Session, be approved and remain confidential; and
- (b) That the Citizen Committee Report: Seniors Advisory Committee, respecting a Request for a Coroner's Inquest, be received.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

6. DELEGATION REQUESTS

- 6.1 Josie D'Amico, Campaign for Adequate Welfare and Disability Benefits, respecting Social Assistance Rates (for today's meeting)
- 6.2 Kiel Hughes, Pride Hamilton, respecting Pride Hamilton Events (for today's meeting)
- 6.3 Bonnie-Jean Barlow, Pride Hamilton, respecting Pride Events (for today's meeting)

14. PRIVATE AND CONFIDENTIAL

- 14.1 Legal Advice respecting Citizen Committee Report: Seniors Advisory Committee respecting a Request for a Coroner's Inquest (Item 10.5)

CHANGE IN ORDER OF AGENDA:

That Item 10.5, Citizen Committee Report: Seniors Advisory Committee respecting a Request for a Coroner's Inquest, be considered following the Closed Session portion of the meeting.

The agenda for the June 20, 2024 Emergency and Community Services Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no Declarations of Interest.

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

(i) May 16, 2024 (Item 4.1)

The Minutes of the May 16, 2024 meeting of the Emergency and Community Services Committee, were approved, as presented.

(d) COMMUNICATIONS (Item 5)

The following Communications were approved, as presented:

- (i) Correspondence from Pride Hamilton, respecting the motion which proposes prohibiting the closure of pathways at Pier 4 Park during the Pride Hamilton event and replacing the planned fencing with additional security and signage Stephanie Adams, Co-Director of Fund Development, Pride Hamilton (Item 5.1).

(a) Michael Harper, Director of Finance, Pride Hamilton (Item 5.1(a))

(b) Bonnie Barlow, Board Administrator, Pride Hamilton (Item 5.1(b))

(c) Matt Sbrissa, Co-Director of Fund Development, Pride Hamilton (Item 5.1(c))

(d) Kiel Hughes, Chair, Director of Events, Pride Hamilton (Item 5.1(d))

(e) Adrian DiPietro, Director of Outreach/Vendors, Pride Hamilton (Item 5.1(e))

(f) Jennifer Barrett, Pride Hamilton, Director of Inclusion, Youth & Family (Item 5.1(f))

Recommendation: Be received.

- (ii) Tim Potocic, President, Sonic Unyon Records, respecting use of Pier 4 Park during the upcoming Because Beer Craft Beer Festival (July 12-14, 2024) (Item 5.2)

Recommendation: Be received.

(e) DELEGATION REQUESTS (Item 6)

The following Delegation Requests were approved, for today's meeting:

- (i) Josie D'Amico, Campaign for Adequate Welfare and Disability Benefits, respecting Social Assistance Rates (Added Item 6.1)

- (ii) Kiel Hughes, Pride Hamilton, respecting Pride Hamilton Events (Added Item 6.2)

- (iii) Bonnie-Jean Barlow, Pride Hamilton, respecting Pride Events (Added Item 6.3)

(f) DELEGATIONS (Item 7)

- (i) **Dr. S. Palmer, Hamilton Social Work Action Committee, respecting Social Assistance Rates (Item 7.1)**

Dr. Sally Palmer, Hamilton Social Work Action Committee, addressed Committee respecting Social Assistance Rates, with the aid of a PowerPoint presentation.

- (ii) **Josie D'Amico, Campaign for Adequate Welfare and Disability Benefits, respecting Social Assistance Rates (for today's meeting) (Added Item 7.2)**

Josie D'Amico, Campaign for Adequate Welfare and Disability Benefits, addressed Committee respecting Social Assistance Rates.

- (iii) **Kiel Hughes, Pride Hamilton, respecting Pride Hamilton Events (for today's meeting) (Added Item 7.3)**

Kiel Hughes, Pride Hamilton, addressed Committee respecting Pride Hamilton Events.

- (iv) **Bonnie-Jean Barlow, Pride Hamilton, respecting Pride Events (for today's meeting) (Added Item 7.4)**

Bonnie-Jean Barlow, Pride Hamilton, addressed Committee respecting Pride Hamilton Events.

- (v) The following Delegations were received:

- (i) Dr. S. Palmer, Hamilton Social Work Action Committee, respecting Social Assistance Rates (Item 7.1)

- (ii) Josie D'Amico, Campaign for Adequate Welfare and Disability Benefits, respecting Social Assistance Rates (Added Item 7.2)

- (iii) Kiel Hughes, Pride Hamilton, respecting Pride Hamilton Events (Added Item 7.3)

- (iv) Bonnie-Jean Barlow, Pride Hamilton, respecting Pride Events (Added Item 7.4)

(g) PRIVATE AND CONFIDENTIAL (Item 14)

- (i) Committee moved into Closed Session for Item 14.1 Pursuant to Section 9.3 sub-section (f) of the City's Procedural By-law 21-021, as amended, and Section 239(3) Sub-section (f) of the *Ontario Municipal Act, 2001*, as amended, for advice that is subject to solicitor-client privilege, including communications necessary for that purpose.
- (ii) **Citizen Committee Report: Seniors Advisory Committee respecting a Request for a Coroner's Inquest (Item 10.5 and Added Item 14.1)**

For disposition of these Items, refer to Item 6.

(h) ADJOURNMENT (Item 15)

There being no further business, the Emergency and Community Services Committee be adjourned at 3:22 p.m.

Respectfully submitted,

Councillor A. Wilson, Chair
Emergency and Community Services
Committee

Loren Kolar
Legislative Coordinator
Office of the City Clerk

CITY OF HAMILTON INTEGRITY COMMISSIONER, DAVID G. BOGHOSIAN

Citation: Frisina, Anthony (Re) – DGB-HamiltonICI-2024-04

Date: June 20, 2024

REPORT ON COMPLAINT

Introduction

[1] On May 24, 2024, I received a Complaint from Michelle Martin, Manager, Accessible Transportation Services, with the City of Hamilton, regarding allegations made against her to herself and others by Anthony Frisina, a Hamilton resident, prominent disability activist and member of the City’s Advisory Committee for Persons with Disabilities (“the Committee”). The Complaint alleges that Mr. Frisina maliciously and falsely impugned her professional reputation contrary to s. 12 of the City’s Code of Conduct for Local Boards (“COCLB”).

[2] Mr. Frisina is a person with disabilities who requires the use of a wheelchair for mobility. His publicly displayed website says that he was born with Spina Bifida and Hydrocephalus. He is a regular user of DARTS (Disabled and Aged Regional Transit Service), a transit service contracted by the City of Hamilton. Mr. Frisina has been in a longstanding dispute with DARTS regarding a number of its policies, including with respect to bringing bundle buggies onto DARTS vehicles. He has been the subject of several written warnings concerning his refusal to abide by DARTS policies and procedures relating to its customers dating back to at least 2021, and for verbally abusing DARTS employees.

Complaint

[3] On March 19, 2024, Mr. Frisina sent Ms. Martin an email request regarding the number and size of bags allowed by clients on DARTS vehicles. Ms. Martins sent him the requested policy information. Mr. Frisina then responded requesting the original policy document, which Ms. Martin provided after requesting a copy of the most recent iteration from the DARTS Executive Director who scanned and sent it to her. Ms. Martin saved a copy of the scanned PDF with a password to protect against editing (because policy documents are controlled documents) and sent the protected document to Mr. Frisina.

[4] Mr. Frisina sent an email to Ms. Martin on March 20, 2024 that included a screenshot of the document properties for the PDF she had created and sent to Mr. Frisina the day before, which matched the dates and times the policy document was scanned by DARTS and when she created the protected version. Mr. Frisina's email was copied to various Councillors, Committee members and staff reporting to Ms. Martin.

[5] Mr. Frisina then sent an email on March 22, 2024, that included the following:

“I have realized i cannot compete with the tampering or forging of policy related documents in an effort to assert some authoritative power, strong-arming the most vulnerable in our community, in hopes we're not smart enough to figure out the truth. This ableism, discrimination and elitist mentality has no place in Hamilton. In 2020, when i was named to the Order of Hamilton, i thought we would for sure be on an upward trend, clearly, I was mistaken and thru the efforts of Tom Foolery we've been taken advantage of.... My health and safety means more than a liability. The bureaucracy needs to stop. If we want to have a diverse community we all need to matter, clearly your actions prove otherwise.”

[6] The attachments to the foregoing email included the scanned policy document she had sent him on March 19th and the screenshot of the document properties Mr. Frisina had sent her on March 20th. This email was copied to four City Councillors; 3 current Committee members, including one who is the Chair of the DARTS Board of Directors; 1 former Committee member; the Director of Transit; the Executive Director of DARTS; and two staff persons who report to Ms. Martin.

[7] On April 3, 2024, Mr. Frisina sent an email with the subject line "Manipulation" which stated the following:

“The fact that we uncovered the truth about what happens at ATS and DARTS for you to get your way is and basically apprehend my quality of life is despicable. Resorting to manipulation of documents is not only illegal as it is fraud and tampering it is down right dirty trick that has gone on for far too long. It's no secret you are taking quality of life away from people with disabilities and violating the Integrated Accessibility Standards and Regulations... The simple reason is there in lies no other option, so you can bully the disability community. I've questioned morals and ethics and now with validation, it makes me question all the work done for accessibility and inclusion and if you're really allies at DARTS and ATS, is your work obligatory or intentional. Time for accountability and an apology. I love Hamilton, I hope you do too!”

[8] The foregoing email also included, as an attachment, an image of a famous actor with the quote: “'Manipulation' is when they blame you for your reaction to their toxic behaviour, but never discuss their disrespect that triggered you." This email was copied to three City Councillors, three Committee members (including one who is the Chair of the DARTS Board of Directors), the Director of Transit and a former Committee member.

[9] On May 3, 2024, a meeting was held that involved Mr. Frisina, Ms. Martin, Jodi Koch (Director, Talent and Diversity, HR, City of Hamilton), Kathy McVicars (DARTS), Jessica Bowen (City of Hamilton), Councillor Mark Tadeson, Tim Nolan (Committee member) and two members of the public invited by Mr. Frisina. The purpose of the meeting was to discuss Mr. Frisina's ongoing request for DARTS Operators to handle his personal carry-on items in

contravention of policy and to explore accommodation possibilities that align with existing policy and with DARTS' collective bargaining agreement with CUPE. At the end of the meeting, [10] Ms. Koch indicated to those in attendance that she and Ms. Bowen had compared the document Mr. Frisina alleged Ms. Martin had forged with the original policy document, and that there was no evidence of tampering with the contents of the policy. Mr. Frisina apologized but did not direct the apology to Ms. Martin personally or offer to correct the disparaging emails sent.

[11] In an email sent by Mr. Frisina in the early morning of May 9, 2024, addressed to all in attendance at the May 3 meeting as well as to the Director of Transit, he stated as follows: “I received an email from [Ms. Bowen] yesterday pertaining to the inaccurate document i was sent on February 22nd [sic]. I'm still not convinced as stills only give so much information, when I presented information to [Ms. Koch] I shared my screen validating information presented in the email. Your urgent response is appreciated.”

[12] In response to the foregoing email, Ms. Koch replied to all in an email the same day which stated: “With respect to the documents, we provided you with the policy in question from 2022 as per your request. The content is identical to the version [Ms. Martin] provided you recently. I encourage you to compare the documents to fully satisfy your concern that the recent document had been altered. As I explained on our call a few weeks ago, making accusations towards staff suggesting they altered or forged content is not acceptable. I ask that you refrain from continuing this approach or we will need to take further formal action to address.”

[13] Mr. Frisina responded to Ms. Koch’s email shortly thereafter, replying to all, stating: “Acknowledging I made a bold statement and I'm happy to retract with apologies *when the time comes. I have some concerns with respect to the email sent March 20/24 that requires more attention.*” [emphasis added]

[14] In her Complaint, Ms. Martin expressed concern about the damage to her reputation as a public servant and to the reputation of her employer given the number of persons copied on the emails from Mr. Frisina, especially given that Mr. Frisina has a high profile in the community and has already gone to the media on the matter of the policy in question. She stated she was concerned about how many people Mr. Frisina has forwarded or otherwise communicated his allegation to and who may give it credence due to his profile in the community, especially given that he seems to be holding fast to his false view despite the information provided to him by her colleagues.

[15] She also noted that Mr. Frisina ought to know that the document she originally sent to him on March 19th was accurate given that this policy was discussed in detail at the Transportation Working Group meeting on November 23, 2021 at which he was present and again at a meeting of the Committee on December 14, 2021 at which he was also present.

Mr. Frisina’s Response

[16] On May 25, 2024, I sent Mr. Frisina a copy of the Complaint together with the text of Rule 12: Conduct Respecting Staff of the COCLB. I requested a response from him within 15 days.

[17] Prior to submitting his written Response, Mr. Frisina called me on May 28th and I returned his call later the same day. At his request, I explained my process of investigation to him. He also raised the issue of the fact that he had previously contacted me about the very subject-matter of

[18] Ms. Martin's complaint, requesting that I investigate *her* conduct. The brief email exchange between us in that regard on March 21, 2024 was as follows:

From Mr. Frisina to Me on Thursday, March 21, 2024 8:13 AM:

My name is Anthony Frisina, a citizen of the city of Hamilton. Since 2019 I've been wronged in terms of the way I've been treated by Darts Transit and accessible transportation services, like many people with disabilities are. Yesterday I was sent a document with a revised date of December 2020 allegedly, only to go into the document properties and notice it was actually created yesterday. They are trying to impede my ability to work and go shopping. I welcome the opportunity to chat with you about it.

From Me to Mr. Frisina on Thu, Mar 21, 2024, 9:35 a.m:

Hi Mr. Frisina:

Are you writing to me in my capacity as Hamilton's Integrity Commissioner?

In that role, I am limited to investigating complaints against City Councillors and members of Hamilton Boards and Committees.

I would suggest that you contact your local Councillor's constituency office to ask for their assistance in resolving your complaint.

From Mr. Frisina to Me on Thu, Mar 21, 2024, 9:43 a.m.:

Hi David

Thanks for your email, I'm looking for support getting down to the bottom of a city of Hamilton staff member frauding documents in an effort to strong arm and bully people with disabilities as it pertains to Darts and bundle buggies.

[19] I did not respond to Mr. Frisina any further after the foregoing exchange. I note that at the time of this exchange, I did not know anything about Mr. Frisina other than what he revealed in his email, including the fact he was on the Committee, was a prominent disability advocate and that he had his own cable TV show.

[20] On May 27th, the day before he called me, Mr. Frisina forwarded the March 21st email chain and reminded me that he had made this complaint to me before. I simply acknowledged that this was the case. During our call on May 28th, he expressed frustration that I would not investigate his complaint against Ms. Martin yet here I was investigating her complaint against him, and appeared to suggest that I was in a conflict in connection with investigating him because of the

foregoing exchange. I will address this concern at the outset of the Findings section of this Report below.

[21] Mr. Frisina sent me a detailed written Response by email received by me in the evening of June 5, 2024. My summary of the points he set out in his defence are as follows:

- As an individual with a disability and a wheelchair user, I have long dealt with systemic barriers, societal ableism and discrimination that have significantly impacted my quality of life. Unfortunately, these long-term effects have sometimes caused me to respond emotionally and defensively when I perceive that my access and rights are being compromised. These emotional and defensive responses are referred to as involuntary triggered stress responses. The matter at hand has been ongoing, has caused undue hardship, is continuing to prevent me from reaching my full potential and has limited my access to the public and transportation. It is noted that Mr. Frisina provided no evidence to support a link between his disability and his emotional/defensive response to Ms. Martin's communications;
- On February 22, 2024, a specific policy was implemented against me by DARTS as the "designated passenger" which required me to travel with an additional person when using a bundle buggy, which undermines my dignity and independence in working and doing errands and which I regard as discrimination and a violation of Section 7.2 b. of The Integrated Standards and Regulations;
- I had written to you, as the IC, [on March 21st] formally to address the situation prior to Ms. Martin's complaint. In your response to my initial concern as Hamilton's Integrity Commissioner, you explained your limitations and that I needed to address the issue of "fraud" with the relevant councilors and DARTS Management. I began my statement to you "as a citizen of Hamilton." While I understand now that Ms. Martin prefers one-on-one communication, my intention to involve additional parties aligns with your direction, as well as Jodi Koch and in Ms. Martin's own words" to ensure privacy I generally respond directly to ATS customers without copy to others, so the decision to include others in the correspondence is always up to the customer". It is noted that my only suggestion to Mr. Frisina when he first wrote to me was to speak to his local councillor's office, not DARTS management or to include multiple other parties in his dispute;
- In my email on March 22, 2024, I made remarks of document tampering, fraud and ableism. This was an emotional reaction rather than a measured response, and I deeply regret the emotional language used. My tone was directed at the situation and not a personal attack towards Ms. Martin. I understand now and I can see how she may have taken it that way.

- The email I sent on April 3, 2024, with the subject line “Manipulation,” contained further derogatory remarks. These were influenced by my emotional state and misunderstanding of the situation. I regret any harm my words may have caused;
- During the meeting on May 3, 2024, I did apologize, but I realize it was not directed personally to Ms. Martin, but rather everyone as a whole. Had I known then how personally affected she was by all of this, I would have taken the opportunity to address her directly and express my regret for any distress caused;
- My email on May 9, 2024, I indicated my ongoing disbelief despite evidence provided. Upon further review of the document in the word file it does indicate a creation date of Dec 2020. I regret not fully relying on the information provided to me at the time of the incident. Instead of reviewing the corresponding word file, I focused solely on the details found in the pdf document. If I had taken the time to review both files, I would have promptly issued an apology. I take full responsibility for my oversight and sincerely apologize to Ms. Martin and all those impacted by my mistake. He then immediately goes on to state, “Clear communication regarding the creation process of documents would have helped me avoid this error. Despite mentioning the attached pdf for comparison, the use of the term "document" was too broad and led to confusion on my part.”;
- I acknowledge that I was present during discussions about the policy updates in 2021. My failure to recall these details accurately contributed to misunderstanding. It has been a few years since that meeting and now. It is reasonable to think that policies do get changed and/or updated. I requested the information as a customer, not within my role on the committee and my response was due to the ongoing barriers I face as a wheelchair user. Quoting Ms. Martin’s own words which shows the understanding that I am communicating with her/ATS as a customer, “to ensure privacy I generally respond directly to ATS customers without copy to others, so the decision to include others in the correspondence is always up to the customer” [emphasis added by Mr. Frisina];
- Ms. Martin made reference to [my] high profile in this community and I acknowledge that, our correspondence cordially in the past few years consists of many emails on accountability, specifically that accountability is best achieved when those seeking accountability, show accountability. With a high profile in the community, comes an even higher level of responsibility. I try to be upfront for my actions, good, bad or indifferent. I deeply regret any offense taken by my actions and words towards the situation and indirectly towards Ms. Martin as a public servant. I understand now that she has taken it personally and I am committed to repairing this, please consider this my formal apology to Ms. Martin;

- I recognize that my responses were driven by the long-term effects of societal ableism and the systemic barriers that I along with many members of the disability community face daily. Moving forward, I am committed to seeking further teaching to address these impacts on my mental health. I believe this will help me respond more constructively in the future and avoid similar misunderstandings and emotional, involuntary triggered stress responses;
- I sincerely apologize to Ms. Martin (directly), the staff, Councilors, and all others involved. I hope to work collaboratively towards a more equitable and understanding environment for all. It is noted that Mr. Frisina provided no evidence to the IC of having sent any apology to Ms. Martin and I confirmed with her by email on June 8th that he had not sent her any apology directly.

Investigation

[22] I decided to initially interview Cllr. Mark Tadeson and Jodi Koch regarding the May 3rd meeting and other contacts they may have had with Mr. Frisina regarding the subject-matter of the Complaint and then determine whether there were others I should interview after speaking with them. It turned out that, in my assessment, both were open, comprehensive and objective regarding their involvement and observations, such that I determined it was not necessary to interview anyone else.

Interview with Councillor Mark Tadeson

[23] Cllr. Tadeson sits on the Committee with Mr. Frisina. He is not his Ward councillor. He has been to maybe 8-10 events related to the disability community at Mr. Frisina's invitation and has interacted with him at these events. He has also occasionally interacted with Mr. Frisina as a "sounding board" in other settings outside of the Committee.

[24] He is aware of the background between Mr. Frisina and DARTS in that Mr. Frisina felt its rules (such as the use of bundle buggies on its vehicles) were restricting his independence. He felt that perhaps Mr. Frisina's anger and frustration with DARTS and its insistence on strictly enforcing its policies spilled over into his interactions with Ms. Martin.

[25] He receives a lot of emails and does not have the time to read them all in detail. With respect to the emails he was copied on relating to the subject complaint, that was the case; however, one of his office staff did read them in detail and felt they were "over the line" and that Mr. Frisina "needs to be told" that his comments were not appropriate. Cllr. Tadeson did speak with Mr. Frisina about the fact that his communications were inappropriate (after the communications that are the subject of this complaint), to which Mr. Frisina attributed his behavior to his "Italian blood," or words to that effect.

[26] Regarding the May 3rd meeting referred to by Ms. Martin at which he was in attendance, his recollection of the discussion was the same as what is summarized in paras. [9] and [10] above.

He did not recall hearing Mr. Frisina make any apology at that meeting, certainly not one directly to Ms. Martin.

Interview with Jodi Koch

[27] I met with Ms. Koch virtually on June 6th. She is the Director, Talent and Diversity, in the Human Resources Department of the City of Hamilton.

[28] Ms. Koch has been dealing with Mr. Frisina for a number of years. Her responsibilities include overseeing complaints related to the City to the Human Rights Tribunal and over the past several years, Mr. Frisina has filed 3 human rights tribunal cases against DARTS and the City of Hamilton, all of which remain ongoing. She has also previously had responsibility for coordinating the advisory committees, including the Committee during a period in which Mr. Frisina was a member.

[29] Sometime in March 2024, Mr. Frisina reached out to her wishing to make a complaint about Ms. Martin. After hearing his issue, she told him he did not have a valid complaint. He also brought up his ongoing issue with bringing his bundle buggy on DARTS vehicles.

[30] She met with him one-on-one virtually on April 11, 2024, once again about the bundle buggy issue. At that time, she expressed concern about the tone and content of the emails he had sent regarding Ms. Martin and told him to desist immediately. She also reassured him at that time that the DARTS policy Ms. Martin had sent him had not been altered and that he could verify that himself.

[31] She agreed to participate in a larger, group meeting to discuss his accommodation request and attempt to resolve the human rights tribunal proceedings. This meeting ultimately took place on May 3, 2024. In addition to her, Ms. Martin, some of Ms. Martin's subordinates and Mr. Frisina, the latter had invited a number of ACPD Committee members, City councillors (only one, Cllr. Tadeson, attended the meeting) and some fellow DARTS users to the meeting. As had always been the case, at the meeting, Mr. Frisina rejected every proposed solution, insisting that he would only be satisfied if DARTS drivers carried his bundle buggy on and off DARTS vehicles, contrary to policy.

[32] When I told her that Mr. Frisina had indicated that she had told him that she understood why he had thought Ms. Martin had forged the document, she vehemently denied saying anything of the sort, indicating that she told him that all he had to do was to compare the full policy with the excerpt Ms. Martin had sent him to satisfy himself that the two were identical.

[33] She noted that between late February and early May of this year, Mr. Frisina sent approximately 60 emails regarding his complaints about DARTS which she has received or been copied on, all of which were also copied to numerous others including the Mayor and members of Council, Committee members and members of the disability community. Overall, he consumes a disproportionate amount of time and energy of her department to the detriment of other similarly-situated residents.

[34] She believes the emails regarding Ms. Martin are part of a "pattern of behavior" and that Mr. Frisina is relentless in attempting to get his way by any means. She regards the accusations

against Ms. Martin as lashing out over his frustrations with the City's refusal to meet his demands, and that it is just another aspect of the bullying tactics he has repeatedly used with City staff and DARTS drivers to get his way.¹ She also believes that Mr. Frisina is leveraging his role as an ACPD member to try to get his way.

[35] It has upset her to see how distressed Ms. Martin has been due to the serious allegations made to a very wide audience and she believes it amounts to harassment of staff.

[36] The last question I ask Ms. Koch was whether Mr. Frisina apologized to Ms. Martin at the May 3rd meeting for falsely accusing her. She advised that one of her staff took notes of the May 3rd meeting and they reflect the following on this issue:

Jodi Koch: I want to thank everyone for joining. I want to address one more item before the end of the meeting. AF, you had raised concerns about the bundle buggy policy and that the document you were most recently provided had been changed. You expressed concern that MM may have altered it. The document has not been altered. We went through the document word for word and there have been no changes from the version you were provided. You can do the same exercise. We will send those documents to you.

Anthony Frisina: I apologize, if that is in fact true. If that is proven to be the case. I'm showing my respect towards accountability.

[37] Ms. Koch noted that Ms. Martin was visibly upset by the equivocal nature of Mr. Frisina's apology and its lack of direction to her, such that Ms. Koch followed up with Ms. Martin after the meeting to check on her.

Notes of May 3, 2024 Meeting

[38] Having learned of the existence of notes of the meeting from my interview with Ms. Koch, I asked her to send them to me and she did. I reviewed the notes and am satisfied that there is nothing in them of relevance to my investigation other than the portion excerpted above in the summary of my interview with Ms. Koch.

Applicable COCLB Provision

Rule 12: Conduct Respecting Staff

...

No Member shall maliciously or falsely impugn or injure the professional or ethical reputation or the prospects or practice of staff, and all Members shall show respect for the professional capacities of the staff of the City.

¹ Ms. Koch went into considerable detail regarding particulars of Mr. Frisina's past behaviour toward City and DARTS staff which I will not delve into here but she noted that the City has video of him verbally abusing DARTS drivers when they would not accede to his demands in breach of DARTS policies.

Findings

Preliminary Issue #1 – Am I In a Conflict of Interest on Account of My Email Exchange with Mr. Frisina on March 21, 2024?

[39] I am satisfied that I am not in a conflict of interest with respect to investigating and reporting on this Complaint against Mr. Frisina. I received no information of a confidential nature from Mr. Frisina in our earlier email exchange. I did not undertake any investigative steps with respect to his complaint, merely advising him that I had no jurisdiction over it. I am satisfied that I have no conflict of interest, nor is there any reasonably objective basis for any perception of a conflict, in investigating the present complaint against Mr. Frisina on account of my earlier, brief exchange with him. While Mr. Frisina may be upset or frustrated that I have jurisdiction over Ms. Martin’s complaint but not his, that does not thereby put me in a conflict of interest.

Preliminary Issue #2 – Is the Accessibility Committee for Persons with Disabilities a Local Board within the Meaning of the COCLB?

[40] In *Goderich (Town of) (Re)*, the Ombudsman for Ontario set out a four-part test to determine whether an entity is a “local board”:

1. The entity must be carrying on the “affairs of the municipality”;
2. There is a direct link between the entity and the municipality (either by way of legislation or authority from the municipality);
3. There must be a connection to or control by the municipality; and
4. There must be an element of autonomy.

1. Affairs of the Municipality

[41] According to the *Goderich* decision, this has generally been defined in the negative. The following factors generally indicate that the board is not carrying on municipality affairs:

- the body has an object of carrying on operations for a private, rather than a public municipal purpose (for example, the benefit of its shareholders);
- the body is independent;
- the body is created by another level of government;
- the body is not responsible to the municipality; and
- the body requires the approval of another entity before acting.

[42] Section 29 of the *Accessibility for Ontarians with Disabilities Act* requires that municipalities with populations greater than 10,000 establish an accessibility advisory committee. The committee is to, among other things, advise council about the requirements and

implementation of accessibility standards and prepare accessibility reports. Council's duties include seeking advice from the committee on whether buildings it purchases or constructs are accessible.

[43] In light of the foregoing, I am of the opinion that the Accessibility Committee carries on the affairs of the municipality by providing advice and reports directly to Council. Its purpose is ensuring that municipal structures are accessible. It's not independent as it must report, and is responsible, to, and was created by, Council.

2. Direct Link

[44] The Committee is one of several advisory committees established by the City for the purpose of addressing issues of equity and inclusion faced by the City. As set out in the City's Equity and Inclusion Policy:

The Advisory Committees to Council provide advice and recommendations to City Councillors, management and staff in order to address the specific issues and concerns facing diverse communities. They provide advice for formulating policies, key directions and decisions intended to improve the quality of life for everyone. Council recruits and/or appoints people to these Committees who reflect the diversity of the City's communities in order to enhance public engagement in the City's business.

[45] The City's By-Law No. 18-270 gives the City authority to establish advisory committees. The By-Law explicitly requires that members of advisory committees abide by a code of conduct.

[46] I am satisfied based on the foregoing that there is a sufficiently direct link between the Committee and Council that this criterion is satisfied.

3. Connection to the Municipality

[47] The Terms of Reference for the Committee indicate that the committee will have access to municipal staff from Transit, Housing, Planning, Building, Recreation, Public Health as a resource to fulfill its mandate. I am satisfied that there is a direct connection between the municipality and the Committee on this basis.

4. Autonomy

[48] According to *Goderich*, this factor differentiates advisory committees without decision-making function from an entity with some level of independent authority. *Goderich* concerned a Recreation Board of Management which oversaw a YMCA. It had been created pursuant to an agreement between the YMCA and the Town. The Board of Management was able to provide oversight to the Y's programming, facilities and employees, which was considered autonomous actions.

[49] The terms of reference of the Committee are as follows:

In accordance with the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA), Ontario Human Rights Code (OHRC), and all applicable legislation, regulations, standards, policies and guidelines:

- (i) Advise Council and staff on barriers affecting full participation of persons with disabilities in the City.
- (ii) Advise Council and staff, annually about the preparation, implementation, and effectiveness of its accessibility plan required pursuant to the AODA.
- (iii) Ensure that the right of access for persons with disabilities to programs and services provided by the City is sustained, maintained, and/or improved.
- (iv) Review and comment to Council and other levels of government on pertinent reports, proposed legislation and studies which affect all persons with disabilities;
- (v) Provide a forum where persons with disabilities and service representatives can express their concerns, identify barriers, share information and recommend improvements to the existing level of City services, goods, facilities and spaces, for persons with disabilities, while taking into consideration a wide spectrum of disabilities in discussions and decision making.
- (vi) Educate and increase awareness to City Council and staff on issues which affect people with disabilities.
- (vii) Regularly review the progress and measure the success of the committee and its activities.

[50] The Committee is also authorized to establish working groups to complete specific tasks and may host an annual “ability first” fair.

[51] It is clear from the foregoing that the Committee does not simply undertake discreet tasks as directed by the City but has complete autonomy in determining what it will look into and how it goes about fulfilling its mandate. I therefore find that the Committee possesses the requisite autonomy from Council to be classified as a local board.

Conclusions Regarding Preliminary Issue #2

[52] In *Kroetsch v. Integrity Commissioner for the City of Hamilton*, the Divisional Court reviewed my predecessor’s decision concerning Cllr. Kroetsch’s conduct as Chair of Hamilton’s Lesbian, Gay, Bisexual, Transgender and Queer Advisory Committee. Cllr. Kroetsch challenged the decision on the basis of jurisdiction, arguing that the advisory committee was not a local board. The Divisional Court found the IC’s interpretation of “local board” and its finding that Hamilton’s Lesbian, Gay, Bisexual, Transgender and Queer Advisory Committee was a local

board was reasonable. Of note, the LGBTQ advisory committee at issue only had the ability to advise; it did not have decision making power. This makes it similar to the Advisory Committee for Persons with Disabilities.

[53] Based on the application of the test from the *Goderich* case, the Divisional Court decision in *Kroetsch*, the Terms of Reference of the Committee and the fact that Bylaw 18-270 explicitly requires that members of advisory committees abide by a code of conduct, I am satisfied that the COCLB applies to members of the Committee.

Preliminary Issue #3 – Was the Conduct of Mr. Frisina Sufficiently Connected to his Role as a Committee Member to Fall under the COCLB?

[54] Not all conduct of a member of an advisory committee automatically falls within the COCLB. In my view, there must be a sufficient connection between the conduct complained of and membership on the Committee in order to trigger application of the COCLB.

[55] I find the following sections of the COCLB to be instructive in considering the issue posed above:

Part 1

General Introduction, Framework, and Interpretation

...

This Code of Conduct is to be given broad, liberal interpretation in accordance with applicable legislation and the definitions set out herein.

...

Guiding Principles

...

Members are expected to perform their duties as a member of the Local Board and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny.

[56] While these general principles are not independently enforceable sections of the Code,² they do inform the content of the enforceable provisions of the Code. What these provisions indicate to me is that where there is a sufficiently close nexus between the member’s “private affairs” and his or her role as a member of the Committee, the conduct is captured by the Code.³

² See the reasoning in this regard set out in my decision in Private Complaint re: Councillor Danko Tweet (Re) – DGB-HamiltonICI-2024-01, paras. 11-15.

³ A similar approach was adopted by the integrity commissioner in *Gogos v Jones*, 2022 ONMIC 7 (CanLII).

[57] In the present case, while Mr. Frisina was complaining about his personal experience as a user of DARTS, I find that his conduct was sufficiently identified with his role as a member of the Committee such as to fall under the Code. I say this for the following reasons:

- the subject-matter of his concern was the very subject-matter overseen by the Committee;
- his communications were with a City staff person who he dealt with regularly in his capacity as a Committee member and as a member of the Transportation Working Group on which he served due to his status as a member of the Committee;
- he repeatedly copied his communications with Ms. Martin to his fellow Committee members as well as some City councillors, suggesting that he regarded the subject of his communications to be official Committee business;
- he attacked Ms. Martin regarding one of the very tasks she was required to fulfill related to her role with the Committee, namely, communicating and educating about accessible transportation services policies.

[58] I reject Mr. Frisina's assertion that not only were the subject communications made only as a customer of DARTS but that this was understood to be the case by Ms. Martin. While his communications may have initially started out solely in his capacity as a DARTS user, once he began including multiple other Committee members, councillors and staff, including Ms. Martin's subordinates, and members of the public, his communications crossed the line into the realm of that of a Committee member.

[59] For these reasons, I find that Mr. Frisina's conduct is sufficiently connected with his service as a member of the Committee such as to be subject to review under the COCLB.

Did Mr. Frisina Breach the Code of Conduct for Local Boards?

[60] The statements Mr. Frisina made as set out in paragraphs [5], [7] and [11] above are without a doubt false and defamatory. They falsely accuse Ms. Martin of forging provisions of the DARTS policy and falsely accuse her of fraud and intentionally attempting to inflict mental distress upon him. He made the statements repeatedly, even after being assured by others that the content of the document Ms. Martin sent him was a verbatim copy of the original policy. He repeatedly made these accusations to other members of the committee, members of Council, City staff, including subordinates of Ms. Martin, and members of the public who Ms. Martin has to deal with in her private life. I find that he did so knowing the emotional distress he was inflicting on Ms. Martin, or willfully blind to the pain he was inflicting, in his zeal to advance his personal, political agenda.

[61] I find that Mr. Frisina's communications which are the subject of this Report constitute malicious and false communications with respect to Ms. Martin's professional and ethical reputation, in breach of s. 12 of the COCLB.

Appropriate Penalty

[62] The extent to which Mr. Frisina impugned Ms. Martin's competence and integrity was extreme. Moreover, he included other members of the Committee, members of Council, Ms. Martin's colleague's and superiors and members of the public in his initial email where he first accused Ms. Martin of serious wrongdoing and doubled down on his false allegations in his subsequent emails which he also copied to numerous third party recipients. Even after being reassured by multiple other City staff that Ms. Martin had not committed the forgery he had accused her of, he still claimed to refuse to believe it, indicating that he needed to investigate further, and refusing to provide an immediate apology. That is where things stood when I received Ms. Martin's Complaint. Only after receiving her Complaint did he purport to acknowledge his error.

[63] I am truly sympathetic to Mr. Frisina's frustration with systemic barriers faced by the disability community. I am by no means passing judgment in this Report on the merits of his disputes with the City and DARTS. This does not, however, give him a license to maliciously impugn the integrity of staff or otherwise direct his frustration at them. I accept Ms. Koch's evidence that Mr. Frisina has directed his wrath at other employees, including DARTS drivers and other City staff. These are serious aggravating factors.

[64] Regardless whether Mr. Frisina's actions "were driven by the long-term effects of societal ableism and the systemic barriers that [he] along with many members of the disability community face daily," Mr. Frisina must take full responsibility for his actions, which I am not persuaded he has done. He has still not apologized directly to Ms. Martin for his behavior and only acknowledged he was wrong about the forgery allegation in his Response to the Complaint.

[65] Finally, the severe emotional distress he has caused Ms. Martin cannot be overlooked.

[66] In light of these circumstances and in accordance with Part 3 of the COCLB, I recommend the following:

1. Mr. Frisina forthwith be removed as a member of the Advisory Committee for Persons with Disabilities;
2. Mr. Frisina not be eligible for reappointment as a member of the Committee until after October 26, 2026, the date of the next municipal elections;
3. Mr. Frisina be required to publicly apologize to Ms. Martin for his false and defamatory allegations against her. If he does not, the period during which he cannot be reappointed as a member of the Committee should be continued indefinitely until such time as he does so;
4. If and when Mr. Frisina does re-apply to become a member of the Committee, he be required to supply evidence that he has successfully undertaken mental health treatment to avoid similar misunderstandings and

involuntary triggered stress responses in the future as a condition to his reappointment to the Committee.⁴

Concluding Remarks

[67] I have carefully considered the penalty set out in para. [66] above and am satisfied it is appropriate in the circumstances, having regard to the need for not only individual behavior correction but also denunciation, deterrence of such conduct in the future by others as well as justice for the victim of his conduct, who must continue to serve the Committee in her role with the City and who has had an unacceptable degree of emotional distress inflicted upon her.

[68] This concludes my investigation.

Respectfully Submitted,



David G. Boghosian,
Integrity Commissioner,
City of Hamilton

⁴ As he himself has acknowledged he requires: see para. [21] above, 2nd-last bullet.



**HAMILTON UTILITIES CORPORATION SHAREHOLDER
ANNUAL GENERAL MEETING
REPORT 24-002**

9:30 am

June 24, 2024

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

Present: Deputy Mayor T. Hwang (Chair)
Councillors J. Beattie, C. Cassar, J. P. Danko, M. Francis, T. McMeekin,
N. Nann, E. Pauls, M. Spadafora, M. Tadeson, and M. Wilson

Absent: Mayor A. Horwath and Councillor A. Wilson – City Business
Councillors B. Clark, T. Jackson, and C. Kroetsch – Personal

**THE HAMILTON UTILITIES CORPORATION SHAREHOLDER PRESENTS REPORT
24-002 AND RESPECTFULLY RECOMMENDS:**

- 1. Shareholder Resolutions: Audited Consolidated Financial Statements of Hamilton Utilities Corporation - Year Ended December 31, 2022; Alectra Inc. Audited Consolidated Financial Statements and Shareholder Report - Year Ended December 31, 2022; Appointment and Remuneration of Auditor; Confirmation of Alectra Inc. Directors; and Number of Directors of the Corporation (Item 6.1)**

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

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

- (a) AUDITED CONSOLIDATED FINANCIAL STATEMENTS – YEAR ENDED DECEMBER 31, 2023**

BE IT RESOLVED that the Audited Consolidated Financial Statements of the Corporation for the year ended December 31, 2023 (attached hereto as Appendix “A”), as approved by the Board of Directors of the Corporation, be received and approved by the Sole Shareholder.

(b) ALECTRA INC. AUDITED CONSOLIDATED FINANCIAL STATEMENTS AND SHREHOLDER REPORT – YEAR ENDED DECEMBER 31, 2023

BE IT RESOLVED that the Audited Consolidated Financial Statements of Alectra Inc. and Shareholder Report for the year ended December 31, 2023, as approved by the Board of Directors of Alectra Inc. (attached hereto as Appendix “B”), be received by the Sole Shareholder.

(c) APPOINTMENT AND REMUNERATION OF AUDITOR

BE IT RESOLVED that the present auditor of the Corporation, KPMG LLP, be appointed as the auditor of the Corporation for the 2024 fiscal year of the Corporation at a remuneration to be fixed by the Directors of the Corporation, the Directors of the Corporation being hereby authorized to fix such remuneration.

(d) CONFIRMATION OF ALECTRA INC. DIRECTORS

BE IT RESOLVED that the following persons are confirmed as Directors of Alectra Inc. (“Alectra”) as nominees of the Corporation, subject to their respective terms as determined by the process set out in Subsection 2.6(6) of Alectra’s Unanimous Shareholders’ Agreement dated January 1, 2019 (the “USA”) or until their successors are elected or their resignations are received by Alectra, as provided for in the USA:

- (i) Sean Donnelly; and,
- (ii) Andrea Horwath.

(e) DIRECTORS OF THE CORPORATION

WHEREAS it has heretofore been resolved that the Corporation shall have five (5) Directors;

AND WHEREAS at the 2021 Annual General Meeting of the Corporation Greg McCamus was elected as a Private Director of the Corporation for a three (3) year term expiring on June 30, 2024;

AND WHEREAS it is desirable to re-elect Greg McCamus as a Private Director of the Corporation for a three (3) year term commencing on July 1, 2024 and expiring on June 30, 2027 and the Nominating Committee of the Corporation has prepared a written recommendation in support of such action, attached hereto as Appendix “C” (“Recommendation A”);

BE IT RESOLVED:

- (i) that Recommendations A be and the same is hereby received by the Sole Shareholder;
- (ii) that the recommendation in Recommendation A is hereby approved and Greg McCamus, being a resident Canadian and having previously consented to act as a Private Director of the Corporation, is re-elected as a Private Director of the Corporation to hold office for a three (3) year term commencing on July 1, 2024 and expiring on June 30, 2027 and thereafter until their successor is duly elected or appointed; and
- (iii) that the Sole Shareholder approves the preparation of all necessary documents and/or agreements to give effect to the foregoing and the Corporation's President (or designate) is hereby authorized and directed to execute, on behalf of the Corporation, all such necessary documents and/or agreements or to take any action deemed necessary in respect of any of the foregoing.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 1)

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

CHANGE TO THE ORDER OF ITEMS

Item 5.2 - Hamilton Utilities Corporation will be moved up the agenda as the first presentation, to be immediately followed by Item 5.1 - Alectra Inc. - 2023 Year In Review.

The agenda for the June 24, 2024 Utilities Corporation Shareholder was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

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

(i) April 15, 2024 (Item 3.1)

The Minutes of the April 15, 2024 Hamilton Utilities Corporation Shareholder meeting, were approved, as presented.

(d) PRESENTATIONS (Item 5)

(i) Hamilton Utilities Corporation - Annual General Meeting 2024 (Item 5.2)

Laurie Tugman, Chairman of the Board, Hamilton Utilities Corporation; and, Jeff Cowan, President and CEO of Hamilton Utilities Corporation, addressed Committee and provided a presentation respecting the Hamilton Utilities Corporation – Annual General Meeting 2024.

The presentation respecting, Hamilton Utilities Corporation – Annual General Meeting 2024, was received.

(ii) Alectra Inc. Corporation - 2023 Year in Review (Item 5.1)

Brian Bentz, President & CEO, Alectra Inc., addressed Committee and provided a presentation respecting Alectra Inc. Corporation – 2023 Year in Review.

The presentation respecting, Alectra Inc. Corporation – 2023 Year in Review, was received.

(e) ADJOURNMENT (Item 8)

There being no further business, the Hamilton Utilities Corporation Shareholder meeting adjourned at 10:22 a.m.

Deputy Mayor Tammy Hwang
Chair, Hamilton Enterprises Holding
Corporation Shareholder

Angela McRae
Legislative Coordinator
Office of the City Clerk



**HAMILTON ENTERPRISES HOLDING CORPORATION
SHAREHOLDER
ANNUAL GENERAL MEETING
REPORT 24-001**

10:32 a.m.

June 24, 2024

Council Chambers, 2nd Floor

Hamilton City Hall

71 Main Street West, Hamilton, Ontario

Present: Deputy Mayor T. Hwang (Chair)
Councillors J. Beattie, C. Cassar, J. P. Danko, M. Francis, T. McMeekin,
N. Nann, E. Pauls, M. Spadafora, M. Tadeson, and M. Wilson

Absent: Mayor A. Horwath – City Business
Councillors B. Clark, T. Jackson, C. Kroetsch and A. Wilson – Personal

**THE HAMILTON ENTERPRISES HOLDING CORPORATION SHAREHOLDER
PRESENTS REPORT 24-001 AND RESPECTFULLY RECOMMENDS:**

1. **Audited Consolidated Financial Statements - Year Ended December 31, 2023; Appointment and Remuneration of Auditor; Directors of the Corporation (Item 6.1)**

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

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

- (a) **AUDITED CONSOLIDATED FINANCIAL STATEMENTS – YEAR ENDED DECEMBER 31, 2023**

BE IT RESOLVED that the Audited Consolidated Financial Statements of the Corporation for the year ended December 31, 2023 (attached hereto as Appendix “A”), as approved by the Board of Directors of the Corporation, be received and approved by the Sole Shareholder.

(b) APPOINTMENT AND REMUNERATION OF AUDITOR

BE IT RESOLVED that the present auditor of the Corporation, KPMG LLP, be appointed as the auditor of the Corporation for the 2024 fiscal year of the Corporation at a remuneration to be fixed by the Directors of the Corporation, the Directors of the Corporation being hereby authorized to fix such remuneration.

(c) DIRECTORS OF THE CORPORATION

WHEREAS it has heretofore been resolved that the Corporation shall have seven (7) Directors;

AND WHEREAS at the 2021 Annual General Meeting of the Corporation Greg McCamus was elected as a Private Director of the Corporation for a three (3) year term expiring on June 30, 2024;

AND WHEREAS it is desirable to re-elect Greg McCamus as a Private Director of the Corporation for a three (3) year term commencing on July 1, 2024 and expiring on June 30, 2027 and the Nominating Committee of the Corporation has prepared a written recommendation in support of such action, attached hereto as Appendix "B" ("Recommendation A");

AND WHEREAS at the 2023 Annual General Meeting of the Corporation Anna Ventresca was elected as a Private Director of the Corporation for a one (1) year term expiring on June 30, 2024;

AND WHEREAS it is desirable to elect Anna Ventresca as a Private Director of the Corporation for a three (3) year term commencing on July 1, 2024 and expiring on June 30, 2027 and the Nominating Committee of the Corporation has prepared a written recommendation in support of such action, attached hereto as Appendix "C" ("Recommendation B");

BE IT RESOLVED:

- (i) that Recommendations A and B be and the same are hereby received by the Sole Shareholder;
- (ii) that the recommendation in Recommendation A is hereby approved and Greg McCamus, being a resident Canadian and having previously consented to act as a Private Director of the Corporation, is re-elected as a Private Director of the Corporation to hold office for a three (3) year term commencing on July 1, 2024 and expiring on June 30, 2027 and thereafter until their successor is duly elected or appointed;

- (iii) that the recommendations in Recommendation B are hereby approved and Anna Ventresca, being a resident Canadian and having previously consented to act as a Private Director of the Corporation, is re-elected as a Private Director of the Corporation to hold office for a three (3) year term commencing on July 1, 2024 and expiring on June 30, 2027 and thereafter until their successor is duly elected or appointed; and
- (iv) that the Sole Shareholder approves the preparation of all necessary documents and/or agreements to give effect to the foregoing and the Corporation's President (or designate) is hereby authorized and directed to execute, on behalf of the Corporation, all such necessary documents and/or agreements or to take any action deemed necessary in respect of any of the foregoing.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 1)

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

The agenda for the June 24, 2024 Hamilton Enterprises Holding Corporation Annual General Meeting, was approved, as presented.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

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

(i) June 8, 2023 (Items 3.1)

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

(d) COMMUNICATIONS (Item 4)

(i) Correspondence from Hamilton Enterprises Holding Corporation, respecting Hamilton Enterprises Holding Corporation Executive Overview 2024 (Item 4.1)

The correspondence from Hamilton Enterprises Holding Corporation, respecting Hamilton Enterprises Holding Corporation Executive Overview 2024, was received.

(e) PRESENTATIONS (Item 6)

(i) Hamilton Enterprises Holding Corporation - Annual General Meeting 2024 (Item 5.1)

Laurie Tugman, Chairman of the Board, Hamilton Enterprises Holding Corporation; and, Jeff Cowan, President and CEO of Hamilton Enterprises Holding Corporation, addressed Committee and provided a presentation respecting the Hamilton Enterprises Holding Corporation.

The presentation respecting, Hamilton Enterprises Holding Corporation – Annual General Meeting 2024, was received.

(f) ADJOURNMENT (Item 8)

There being no further business, the Hamilton Enterprises Holding Corporation Shareholder meeting adjourned at 11:32 a.m.

Respectfully submitted,

Deputy Mayor Tammy Hwang
Chair, Hamilton Enterprises
Holding Corporation Shareholder

Angela McRae
Legislative Coordinator
Office of the City Clerk

CITY OF HAMILTON MOTION

Council: June 26, 2024

MOVED BY COUNCILLOR C. KROETSCH.....

SECONDED BY COUNCILLOR T. HWANG.....

St. Lawrence the Martyr Parish Community Hall Repair (Ward 2)

WHEREAS, St. Lawrence the Martyr Parish, as a not-for-profit and faith based institution, does not have sufficient funding to take on emerging capital repairs;

WHEREAS, damage to the original plaster and lath ceiling in the St. Lawrence the Martyr Parish Community Hall has made it an unsafe space for community gathering;

WHEREAS, St. Lawrence the Martyr Parish is a building with community and historical significance to the North End neighbourhood, constructed in 1890 and is the third Catholic church building constructed in the City of Hamilton; and

WHEREAS, St. Lawrence the Martyr Parish hired Artisan Pro Construction to provide an estimate for repairing the Community Hall ceiling at an upset limit of \$4,500.

THEREFORE, BE IT RESOLVED:

- (a) That a grant up to \$4,500 be allocated from the Ward 2 Capital Re-Investment Reserve #108052 to St. Lawrence the Martyr Parish for costs associated with repairing the Community Hall ceiling; 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

Council: June 26, 2024

MOVED BY COUNCILLOR T. HWANG.....

SECONDED BY COUNCILLOR N. NANN.....

Ottawa Street BIA Pride Rainbow Roller Rink

WHEREAS, June is the start of Pride Season, which takes place over the summer (June to September) so that Two Spirit, lesbian, gay, bisexual, trans, queer, questioning, intersex, asexual, and those for whom letters cannot fully yet describe (2SLGBTQIA+) and their allies can celebrate their contributions to the community and their talents;

WHEREAS, the Ottawa Street BIA is hosting a free Pride event called Rainbow Roller Rink on Saturday June 22, 2024, which celebrates the 2SLGBTQIA+ communities' relationship with roller skating;

WHEREAS, the event will be serviced with accessible portable toilets, hand washing stations, and a first aid station, and that SUSO Skate Co. was hired to provide skate and protective wear rentals; and

WHEREAS, the Ottawa Street BIA requested \$1,000 to help fund the event to foster joy and belonging along this vital commercial community corridor in both Ward 3 and Ward 4.

THEREFORE, BE IT RESOLVED:

- (a) That a grant at an upset limit not to exceed \$1,000 be provided to the Ottawa Street BIA to subsidize costs for its Rainbow Roller Rink event, including accessible portable toilets, hand washing stations, and first aid stations, and be funded equally by the Ward 3 Non-Property Tax Revenue Account (3301609603) and the Ward 4 Capital Discretionary Account (3302309400);
- (b) That any funds allocated and distributed 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 for the years 2024 and 2025; and
- (c) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

CITY OF HAMILTON MOTION

Council: June 26, 2024

MOVED BY COUNCILLOR N. NANN.....

SECONDED BY COUNCILLOR

2024 It's Your Festival Support

WHEREAS, It's Your Festival is one of Ontario's largest multicultural festivals and has taken place in Gage Park on the Canada Day weekend since 1969;

WHEREAS, the festival has traditionally been the largest Canada Day celebration in the Province of Ontario operated solely by volunteers, many of whom are Ward 3 residents;

WHEREAS, It's Your Festival celebrates diverse cultures from around the world, specifically on Canada Day, to foster a sense of belonging in Hamilton;

WHEREAS, It's Your Festival is predominantly organized by elders of the diverse equity-deserving communities that are celebrated at the festival;

WHEREAS, It's Your Festival provides an opportunity to showcase local community to the rest of the City and tourists that come from the GTA, Niagara, London, and beyond;

WHEREAS, the usual attendance for this festival over 3 days is 150000 people; and

WHEREAS, It's Your Festival provides an annual Parade of Cultures, Canadian Citizenship Ceremony and many performance groups from different cultures.

THEREFORE, BE IT RESOLVED:

- (a) That \$10,000 be allocated from the Ward 3 Non-Property Tax Revenue Account (3301609603) to Hamilton Folk Arts Heritage Council; 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

Council: June 26, 2024

MOVED BY COUNCILLOR M. WILSON.....

SECONDED BY COUNCILLOR

Council Representation on the Seniors Advisory Committee

WHEREAS, the Advisory Committee review currently being undertaken exempted the Seniors Advisory Committee, who have continued to meet; and

WHEREAS, the Council representatives to the Advisory Committees provide advice to the advisory committee from a council perspective when attending a meeting, they are counted for the purposes of quorum and are a non-voting members.

THEREFORE, BE IT RESOLVED:

That Councillors Jackson and Pauls be appointed as Council's representatives on the Seniors Advisory Committee, effective immediately, for the remainder of the 2022-2026 Term of Council pending the results of the Advisory Committee review.

COUNCIL COMMUNICATION UPDATES


June 7, 2024 to June 20, 2024

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

Item Number	Date	Department	Subject
1	June 7, 2024	Corporate Services	Vacant Unit Tax – June Mailout (City Wide)
2	June 7, 2024	Corporate Services	Affordable Housing Exemption (City Wide)
3	June 11, 2024	Planning and Economic Development	Commencement of the Comprehensive Review of the Hamilton LEEDing the Way Community Improvement Plan and Associated LEED Grant Program (City Wide)
4	June 11, 2024	Public Works	Urban Forest Invasive Species Management (ES2404) (City Wide)
5	June 12, 2024	Healthy and Safe Communities	Air Conditioning Benefit Program Expansion
6	June 14, 2024	City Manager's Office	Engagement Web Updates – “Engaging with your City”
7	June 19, 2024	Planning and Economic Development	Update Regarding the 2024 Housing Emergency Fund Implementation (City Wide)
8	June 20, 2024	Planning and Economic Development	Bill 185, Cutting Red Tape to Build More Homes Act, 2024 (City Wide)



COMMUNICATION UPDATE

TO:	Mayor and Members City Council
DATE:	June 7, 2024
SUBJECT:	Vacant Unit Tax – June Mailout (City Wide)
WARD(S) AFFECTED:	City Wide
SUBMITTED BY:	Kirk Weaver, Acting Director, Financial Planning, Administration and Policy Corporate Services Department
SIGNATURE:	

Following Council's approval of the Vacant Unit Tax By-law on April 24, 2024, the City has developed a communications plan to inform property owners of the details of the program. The purpose of this Communication Update is to advise Council that, as part of that communications plan, property owners will receive the attached buck slip with information on the Vacant Unit Tax with the property tax bill in June 2024.

Throughout 2024, the City will conduct a communication campaign through various channels such as direct mail, neighbourhood mail and social media, to inform property owners of the details of the upcoming program. The City will mail a letter to property owners in December 2024 with instructions on how to complete the mandatory occupancy declaration, which can be submitted online, by phone or by mail.

The Vacant Unit Tax is one of the multiple measures that Council has approved to address the City's housing crisis. By discouraging property owners from leaving units vacant, the City aims to increase housing availability at a time when housing is greatly needed.

Beginning in 2025, all residential property owners must submit a mandatory occupancy declaration annually to determine if their property is subject to the tax. A principal residence will not be subject to the Vacant Unit Tax but is still required to submit an occupancy declaration annually. Properties that have been vacant for more than 183 days in a year will be subject to a tax of one percent of the assessed value of the property. Net revenues resulting from this tax will be reinvested in housing initiatives.

OUR Vision: To be the best place to raise a child and age successfully.

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

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SUBJECT: Vacant Unit Tax – June Mailout (City Wide) – Page 2 of 2

There are some instances where a vacant property may be exempt from the Vacant Unit Tax (VUT):

- Death of an owner (exemption applies to year of death plus one subsequent year only).
- Major renovations provided a building permit has been issued.
- Sale of the property (the exemption applies in the year of the sale if the transfer is to an unrelated individual or corporation).
- Principal resident is in a hospital or long-term care facility.
- A court order that prohibits the occupancy of the unit.
- The residential unit is a non-profit housing unit.

City Staff estimate that 99% of properties, with completed annual declarations, will not be charged with the VUT, resulting in approximately 1,135 properties, or 1 %, subject to the VUT.

Key Dates

December 2024:	Instructions to make the declaration will be mailed
March 31, 2025:	Mandatory declaration deadline
April 1-30, 2025:	Late mandatory declarations will be accepted with a fee
First week of June 2025:	VUT bills are mailed out with Final Property Tax bills
June 30, 2025:	First VUT payment due
July 2, 2025:	Complaint/appeal period begins
September 30, 2025:	Second VUT payment due

For more information about the Vacant Unit Tax, visit www.hamilton.ca/VacantUnitTax or contact vacantunittax@hamilton.ca.

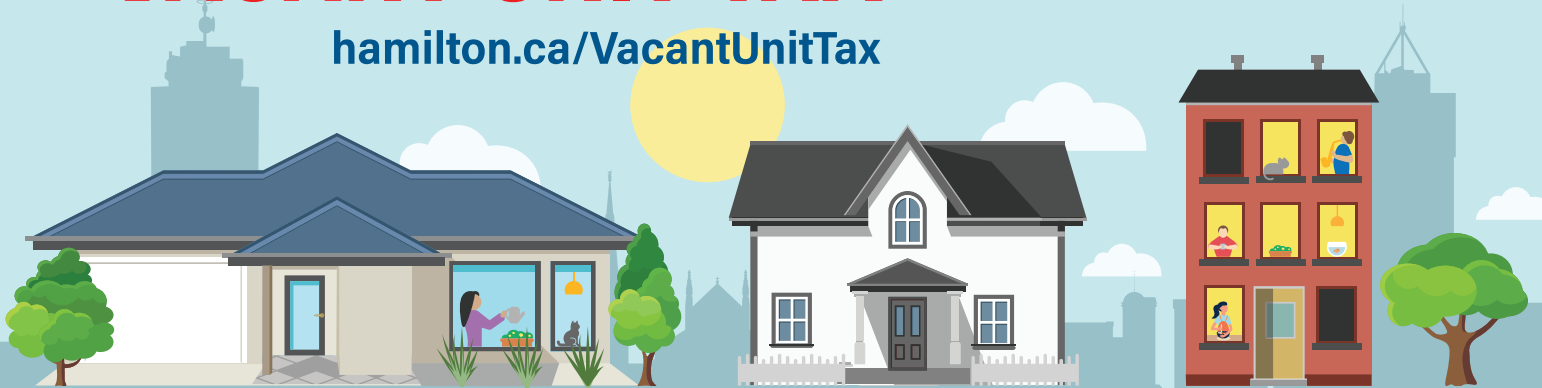
APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Communication Update – June Buck Slip

Coming January 2025

VACANT UNIT TAX

hamilton.ca/VacantUnitTax



Coming January 2025

VACANT UNIT TAX



The City of Hamilton is implementing a Vacant Unit Tax starting in 2025.

The Vacant Unit Tax is intended to support the City's housing efforts by encouraging owners to rent out or sell vacant properties.

What residential property owners need to know

- The Vacant Unit Tax (VUT) is an annual tax on residential units that have been vacant for more than 183 days in the previous calendar year.
- **All residential property owners must submit a mandatory occupancy declaration annually starting in January 2025 to determine if their property is subject to the tax.**
- Residential property owners will be able to submit declarations online, by phone, or by mail.
- If an occupancy declaration is not submitted, the property will be considered vacant and the VUT will be charged.
- A principal residence will not be subject to the VUT but is still required to submit an occupancy declaration annually.
- The tax rate of 1% of the property's assessed value will be charged to properties considered vacant.

Key Dates

December 2024 Instructions to make the declaration will be mailed

March 31, 2025 Mandatory declaration deadline

April 1-30, 2025 Late mandatory declarations will be accepted with a fee

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June 30, 2025 First VUT payment due


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For more information, please visit hamilton.ca/VacantUnitTax or email vacantunittax@hamilton.ca



COMMUNICATION UPDATE

TO:	Mayor and Members City Council
DATE:	June 7, 2024
SUBJECT:	Affordable Housing Exemption (City Wide)
WARD(S) AFFECTED:	City Wide
SUBMITTED BY:	Kirk Weaver Acting Director, Financial Planning, Administration and Policy Corporate Services Department
SIGNATURE:	

The purpose of this Communication Update is to provide Council with an update on the implementation of the affordable housing exemption of Development Charges (DC), Community Benefit Charges (CBC) and Parkland Dedication Cash-In-Lieu fees (Parkland) for rented and purchased residential units which meet thresholds of affordability set by the Province of Ontario (the Province).

LEGISLATIVE BACKGROUND

On April 10, 2024, the Province announced that the DC, CBC and Parkland exemption of affordable housing units, introduced through the Bill 23, *More Homes, Built Faster Act, 2022*, and amended through Bill 134, *Affordable Homes and Good Jobs Act, 2023* will come into force on June 1, 2024. The Minister of Municipal Affairs and Housing has published the “Affordable Residential Units for the Purposes of the *Development Charges Act, 1997* Bulletin” (the Bulletin) to determine the dollar threshold for a unit to be considered affordable. The Bulletin is accessible on the Province’s website: <https://www.ontario.ca/page/municipal-development-and-community-benefits-charges-and-parklands#section-4>

Table 1 provides a high-level summary of the exemption criteria from Section 4.1 of the *Development Charges Act, 1997* (the DC Act) for rented and purchased residential units to be eligible for the mandatory affordable housing exemption.

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Table 1
Development Charges Act, 1997 Affordable Housing Exemption Criteria

Rental Criteria	Purchase Criteria
Tenant is arm's length from landlord	Purchaser is arm's length from seller
Rent is no greater than the lesser of: 1. income-based affordable rent for the residential unit (rent equivalent to 30% of a 60 th percentile renter income); and 2. the average market rent for the residential unit	Purchase price is no greater than the lesser of: 1. income-based affordable purchase price (annual accommodation costs equivalent to 30% of a 60 th percentile gross annual income); and 2. 90% of the average purchase price for the residential unit
Remains affordable for 25 years from the date the unit is first rented	Remains affordable for 25 years from the date the unit is first sold

The DC Act requires municipalities and the landlord/seller to enter into a 25-year agreement to maintain affordability of a residential unit. The Province has the ability to establish standardized agreements which must be utilized by municipalities. As of the date of this Communication Update, the Province has not released a standard form agreement.

The *Planning Act, 1990*, contains language in the CBC and Parkland sections which exempts residential units from CBCs and Parkland if the units meet the affordable housing criteria in the DC Act.

AFFORDABLE RESIDENTIAL UNIT BULLETIN

The Bulletin published by the Ministry of Municipal Affairs and Housing provides detailed guidelines and metrics to determine if a residential unit qualifies as affordable under the DC Act. The bulletin is expected to be updated annually and published on the Province's website.

On May 1, 2024, the Province published the first Bulletin which took effect on June 1, 2024. Table 2 outlines the exemption criteria specific to the City for building permits issued beginning June 1, 2024 and ending May 31, 2025.

Table 2
2024-2025 Affordable Housing Exemption Thresholds for the City of Hamilton

	Rental Thresholds	Purchase Thresholds
Basis for eligibility (lesser metric from Table 1)	Average market rent	Income-based affordable purchase price
Detached house		\$370,100
Semi-detached house		\$370,100
Row/ townhouse		\$370,100
Condominium apartment		\$370,100
Bachelor unit	\$1,017	
1-bedroom unit	\$1,326	
2-bedroom unit	\$1,543	
3+ bedroom unit	\$1,670	

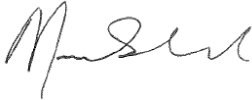
Units which meet the thresholds established through the Bulletin will be exempt from DCs, CBCs and Parkland.

EXEMPTION IMPLEMENTATION

Financial Planning, Administration & Policy staff is working in collaboration with the Legal Services Division and the Housing Secretariat staff to establish and implement appropriate processes for the affordable housing exemption that came into effect on June 1, 2024.



COMMUNICATION UPDATE

TO:	Mayor and Members City Council
DATE:	June 11, 2024
SUBJECT:	Commencement of the Comprehensive Review of the Hamilton LEEDing the Way Community Improvement Plan and Associated LEED Grant Program (City Wide)
WARD(S) AFFECTED:	City Wide
SUBMITTED BY:	Norm Schleeahn Director, Economic Development Planning and Economic Development Department
SIGNATURE:	

The purpose of this Communication Update is to advise Council that Economic Development Division staff have commenced a comprehensive review of the current Hamilton LEEDing the Way Community Improvement Plan (Leadership in Energy and Environmental Design) and the LEED Grant Program and to provide information about current and upcoming community and stakeholder engagement and outreach.

Background

The Hamilton 'LEED'ing the Way Community Improvement Plan (the Plan) and associate LEED Grant Program (the Program) provide an economic catalyst to incentivize the development/redevelopment of sustainable industrial, commercial, mixed-use, and multi residential buildings to meet the Leadership in Energy and Environmental Design rating system of the Canadian Green Building Council.

The Program is available to properties throughout the urban area and provides annual grants equal to 75% of the municipal property tax uplift generated to the City as a result of development/redevelopment. Grants are provided for five years or until the program eligible costs required to achieve LEED certification are recovered, whichever comes first.

Maximum grants under the program are based on the anticipated additional construction costs required to achieve the LEED certification as well as any additional

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SUBJECT: Commencement of the Comprehensive Review of the Hamilton LEEDing the Way Community Improvement Plan and Associated LEED Grant Program (City Wide) - Page 2 of 3

soft costs required to achieve LEED certification such as energy modelling and consulting services.

Since program inception, over 530,000 square feet (49,239 square metres) of new industrial floor area has been created and certified for environmental sustainability with the support of the Program including:

- Maple Leaf Foods' production facility at 440 Glover Road, Glanbrook in Ward 11 which achieved a LEED Silver certification in 2023; and,
- Stryker Canada's manufacturing facility at 2 Medicorum Place, Waterdown in Ward 15 which achieved a LEED Silver certification in 2021.

Comprehensive Plan Review and Engagement

Arising from Council's approval of the 2021-2025 Economic Development Action Plan approved in 2022, staff have initiated this comprehensive review with the goal of identifying recommendations for Program changes and updates that will:

- Ensure the Program is providing property owners with effective and meaningful financial incentives to encourage environmentally sustainable development including the reduction of greenhouse gas emissions;
- Further support new investment and assessment growth, particularly with respect to industrial and commercial development through sustainable development;
- Continue to be financially sustainable for the City; and,
- Further align the Plan and Program with community and Council priorities and support strategic initiatives being undertaken by the City respecting environmental sustainability and climate change.

Stakeholder and public consultations are actively underway and include:

- The creation of the project's Engage Hamilton page at www.engage.hamilton.ca/LEEDCIPReview where the public and stakeholders can learn more about the review, its goals, fill out a survey, ask questions and make suggestions to the project team as well as keep apprised of scheduled public consultation events and project milestones;

SUBJECT: Commencement of the Comprehensive Review of the Hamilton LEEDing the Way Community Improvement Plan and Associated LEED Grant Program (City Wide) - Page 3 of 3

- A virtual public workshop scheduled for Tuesday, June 18, 2024 from 6:00 to 8:00pm for staff to present initial ideas and to hear community and stakeholder feedback and ideas;
- Outreach and one-on-one meetings with key internal and external stakeholders; and,
- A social media campaign providing on both the City of Hamilton and Economic Development's Invest in Hamilton channels.

In addition, the review will include collaborating internally with staff from City Divisions and Departments currently working on sustainable development initiatives including, but not limited to, the City's Green Development Standards and Low Impact Development Guideline. Staff's focus will be to identify opportunities where existing and/or proposed incentive programs could further the implementation and achievement of any voluntary development standard being planned. Note staff's review will not seek to incentivize the meeting of any initiative/standard intended to be mandatory for new development.

Staff currently anticipate bringing recommendations for program changes forward for Council consideration in late 2024.


For more information or to discuss any questions or ideas for the review, please reach out to the project leads Phil Caldwell, Senior Project Manager – Urban Renewal by e-mail at Phil.Caldwell@hamilton.ca or at (905) 546-2424 Ext. 2359 and Johnpaul Loiacono, Senior Planner – Economic Development by e-mail at Johnpaul.Loiacono@hamilton.ca or at (905) 546-2424 Ext. 5134.

APPENDICES AND SCHEDULES ATTACHED

Not applicable.



COMMUNICATION UPDATE

TO:	Mayor and Members City Council
DATE:	June 11, 2024
SUBJECT/REPORT NO:	Urban Forest Invasive Species Management (ES2404) (City Wide)
WARD(S) AFFECTED:	City Wide
SUBMITTED BY:	Cynthia Graham Director, Environmental Services Public Works Department
SIGNATURE:	

This Communication Update aims to inform Council of action related to pests and pathogens expected to impact Hamilton's urban forest.

At this time, the three major forest pests and pathogens of concern are hemlock woolly adelgid, spotted lanternfly, and oak wilt. In previous years, emerald ash borer and *Lymantria dispar dispar* moth have been a significant threat; a combination of natural pest and pathogen lifecycles and the successful implementation of management programs has led to lower population levels of these two pests. Ongoing monitoring programs will continue to identify population trends and guide the management of these two pests.

Hemlock Woolly Adelgid

To date, there has only been one identified infestation of hemlock woolly adelgid in Hamilton. In 2024, City staff and the Royal Botanical Gardens will implement a treatment program at this location. The infested hemlock trees will be treated using a registered insecticide.

To facilitate early detection of other infestations, Forestry will work through 2024 to gather a complete inventory of eastern hemlock trees in high-priority City parks, cemeteries, and open spaces, and assess for the presence of hemlock woolly adelgid. Hemlock trees identified as having an infestation of hemlock woolly adelgid will be assessed and either treated with insecticide or removed if severely infested.

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This work will be funded through the Forestry Operating Budget and grant funding received through a successful application to the Invasive Species Action Fund.

Spotted Lanternfly

Spotted lanternfly has not been detected in Canada. To prevent the spread into Canada, the Canadian Food Inspection Agency continues to monitor areas of the Niagara region, due to the threat to grape, tree fruit, wine, and ornamental nurseries.

Staff have begun to assess the City's tree inventory to identify locations of the host tree species Tree of Heaven, *Ailanthus altissima*, within the right-of-way, parks, and cemeteries which will assist with future monitoring if detected in Canada. This work will be funded through the Forestry Operating Budget.

Oak Wilt

Oak wilt was first detected in Canada in 2023 in Niagara Falls, Niagara-on-the-Lake, and Springwater. For 2024, Forestry staff will be assisting the Ministry of Natural Resources and Forestry with early oak wilt detection in Hamilton by setting up two traps for a four-week monitoring program. This work will be funded through the Forestry Operating Budget.

Future Detection

In April, the Canadian Food Inspection Agency will implement and oversee a general surveillance program using Lindgren funnel traps. Six traps have been installed within the wooded area of Dundurn Castle to attract wood-boring insects. Dundurn Castle is a good location to monitor because it has a variety of tree species and is adjacent to heavily trafficked areas including the Harbour and Highway 403. This information will be shared with Forestry staff and used to assist in future management plans.

For further information, please contact Robyn Pollard, Manager of Forestry and Horticulture at Robyn.Pollard@hamilton.ca

For more information about urban forest pests and pathogens visit:

- <https://www.hamilton.ca/home-neighbourhood/house-home/gardens-trees/invasive-species>
- <https://www.invasivespeciescentre.ca/>
- <https://inspection.canada.ca/en/plant-health/invasive-species>

APPENDICES AND SCHEDULES ATTACHED

N/A



COMMUNICATION UPDATE

TO:	Mayor and Members City Council
DATE:	June 12, 2024
SUBJECT:	Air Conditioning Benefit Program Expansion
WARD(S) AFFECTED:	City Wide
SUBMITTED BY:	Stuart Beumer Director, Ontario Works Healthy and Safe Communities Department
SIGNATURE:	

The purpose of this Communication Update is to advise Council that applications for the temporary Expansion of Subsidy for Air-Conditioners to Low Income Households (BOH24010(a)) as approved by Council on Wednesday June 12, 2024 will be available to residents starting Thursday June 13, 2024 at 8:00am.

The temporary expansion of the current provincial Social Assistance program to eligible low income residents would require households to meet the Statistic Canada's Low Income Measure threshold (as outlined on the Special Supports page of the City website), and provide medical documentation of a severe medical condition where, without an air conditioner the symptoms of the medical condition are likely to deteriorate, increase, become episodic or cause hospitalization. The air conditioner benefit will be available from June 13th until September 30, 2024. There is limited additional funding allocated for this low-income expansion, and we will be administering the program on a first come, first served basis, to support up to 150 eligible households.

Eligible City of Hamilton applicants will receive a one-time, \$350.00 financial subsidy per household to purchase an energy efficient air conditioner to assist with cooling an area within their residence. They will also be required to provide proof of purchase within 30 days. A survey questionnaire will be sent to eligible residents in September 2024 as part of evaluating the expansion of the program.

More information about the benefit, eligibility and how to apply is available on the City's website at [Special Supports Program | City of Hamilton](#) and/or by calling the Special Supports Program at 905-546-2590.

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SUBJECT: Air Conditioning Benefit Program Expansion (City Wide) - Page 2 of 2

Should you require further information on the Air Conditioning Benefit Program Expansion, please reach out to the Erica Brimley, Manager – Human Services via email at erica.brimley@hamilton.ca or cellular 905-973-0545

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COMMUNICATION UPDATE

TO:	Mayor and Members City Council
COMMITTEE DATE:	June 14, 2024
SUBJECT/REPORT NO:	Engagement Web Updates – “Engaging with your City”
WARD(S) AFFECTED:	City Wide
SUBMITTED BY:	Jessica Chase Acting Director Government Relations and Community Engagement Division City Manager’s Office
SIGNATURE:	

The purpose of this Communication Update is to provide Council with updates to the City’s website and the City’s Engage Hamilton website, which demonstrates the City’s commitment to meaningful public engagement.

Council Priorities and Public Engagement

Improved public engagement is a key component and outcome of 2022-2026 Council priorities. In January 2024, Council approved Hamilton’s first [Public Engagement Policy](#). The Community Initiatives team within the City Manager’s Office continues to lead significant progress within this area, including:

- Launching a new corporate-wide public engagement lending library that can be accessed by staff to reserve key engagement materials (including branded tent, banners, iPads, easels and comment cards);
- Implementing the 2024 public engagement learning series (through the internal Public Engagement Community of Practice that includes over 170 staff from across the Corporation); and,
- Supporting over 100 cross-departmental engagement activities planned for 2024 (as identified through the annual Public Engagement Survey).

Launch of New Web Page: "Engaging with Your City"

The Public Engagement Policy and related engagement initiatives are now featured on

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**SUBJECT: Engagement Web Updates – Engaging with your City
(City Wide) - Page 2 of 2**

a new web page titled “[Engaging with your City](http://www.hamilton.ca/engagement)” (www.hamilton.ca/engagement). This page provides community members with information on how they can get involved with the City through:

- **Public Engagement:** Describing Hamilton’s new approach to offering consistent and meaningful engagement activities for City-led projects.
- **Community Engagement:** Highlighting the importance of intentional relationship-building to make Hamilton the best place to raise a child and age successfully.
- **Civic Engagement:** Explaining how residents can participate in the democratic process by attending public meetings, volunteering for advisory committees, and connecting with their elected official(s).

Updates to Engage Hamilton Platform

Additional updates have been made to Hamilton’s online engagement platform, [Engage Hamilton](#) to better reflect the City of Hamilton’s commitment to meaningful, consistent, and inclusive engagement activities. Key additions include:

- Defining Hamilton’s three levels of public engagement: Consult, Involve, Collaborate;
- Explanation of how community feedback will be utilized in projects; and,
- Commitment from staff to share and use community feedback effectively.

On June 14, 2024, the City of Hamilton will be celebrating the fourth anniversary of the Engage Hamilton platform on the City’s social media channels. Ongoing promotion of Engage Hamilton and the recently launched online [Engaging with Pride](#) campaign will also continue as a part of the City’s regularly scheduled social media content rotation.


These updates and initiatives reinforce Hamilton’s commitment to fostering meaningful public engagement and ensuring that community voices are heard and valued. Should you require additional information, please contact Jessica Chase, Acting Director (Jessica.Chase@hamilton.ca).

APPENDICES AND SCHEDULES ATTACHED

Not applicable



COMMUNICATION UPDATE

TO:	Mayor and Members City Council
DATE:	June 19, 2024
SUBJECT:	Update Regarding the 2024 Housing Emergency Fund Implementation (City Wide)
WARD(S) AFFECTED:	City Wide
SUBMITTED BY:	Al Fletcher, Alr.Fletcher@Hamilton.ca Acting Director, Housing Services Division Healthy and Safe Communities Department
SIGNATURE:	

COUNCIL DIRECTION

On November 15, 2023, Council approved General Issues Committee Report HSC23067, which directed that staff implement the transformation of the Housing Stability Benefit and Rent Ready programs into the Housing Emergency Fund to better support low-income individuals and families to maintain housing stability.

On February 15, 2024, Council approved budget enhancements for the proposed Housing Emergency Fund.

INFORMATION

This Communication Update provides information on the implementation of the Council approved Housing Emergency Fund.

The Housing Emergency Fund launch date is planned for July 1, 2024 with the existing Rent Ready and Housing Stability Benefit Programs ending on June 30, 2024. As a reminder, key changes for the new Housing Emergency Fund program will include:

1. Funding categories:
 - a. ODSP and OW recipients can receive help with last month's rent, rent arrears, and utility arrears.
 - b. People with low income (based on the Statistics Canada Low-Income Measure) can receive help with utility and rent arrears.

2. Changes to eligibility criteria:

Housing Emergency Fund eligibility criteria:

- Higher maximum benefit amounts: Based on household size for social assistance and determination for eligibility, approved applicants are eligible for a maximum amount of money in a 24-month period, as outlined in the below table:

Benefit Unit/Household Size	Maximum Payment
Single	\$3,000
Couple	\$4,000
Family (3 people)	\$5,000
Family (4 people)	\$6,000
Family (5+ people)	\$7,000

- Accommodation costs do not exceed 95% of income.
- Funds are to be used for establishing or remaining in housing within the City of Hamilton.
- Circumstances meet a situation outlined in the application (i.e., being evicted, have a disconnection notice for utilities, moving to new or more affordable housing).


As with the previous Housing Stability Benefit and Rent Ready programs, Ontario Works recipients can apply for the Housing Emergency Fund through the Housing Services Division or through their Ontario Works Case Manager, Low-Income and Ontario Disability Support Program clients can apply through Housing Help Centre Hamilton, and Indigenous clients can apply through either of the above options or directly to the Hamilton Regional Indian Centre, based on their preference.

Details on the Housing Emergency Fund can be found on the City of Hamilton's website at the following page: www.hamilton.ca/HousingEmergencyFund (NOTE: This webpage is scheduled to come live on July 2, 2024).

For more information, please contact Rob Mastroianni, Manager Homelessness & Housing Support, at Rob.Mastroianni@hamilton.ca or 905-546-2424 ext.8035.



COMMUNICATION UPDATE

TO:	Mayor and Members City Council
DATE:	June 20, 2024
SUBJECT:	Bill 185, <i>Cutting Red Tape to Build More Homes Act, 2024</i> (City Wide)
WARD(S) AFFECTED:	City Wide
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

The purpose of this Communication update is to provide Council with an update on Bill 185, *Cutting Red Tape to Build More Homes Act, 2024* which received Royal Assent on June 6, 2024. On April 10, 2024, the province introduced Bill 185, *Cutting Red Tape to Build More Homes Act, 2024*. The Environmental Registry of Ontario postings were open for public comment until May 10, 2024. Staff submitted comments on the following Environmental Registry of Ontario postings on May 10, 2024:

- 019-8366 - Regulatory Changes to Remove Barriers from Additional Dwelling Units;
- 019-8368 - Proposed Amendments to Ontario Regulation 73/23: Municipal Data Reporting;
- 019-8369 - Proposed *Planning Act* and *Municipal Act* Changes; and,
- 019-8370 - Proposed Changes to Regulations under the *Planning Act* and *Development Charges Act*.

Staff provided a response to the proposed changes at the May 14, 2024, Planning Committee (PED24097) which assessed the amendments to the *Planning Act* (Schedule 12 of Bill 185) and the *Municipal Act* (Schedule 9 of Bill 185) and confirmed Council's support of staff comments by letter to the Minister of Municipal Affairs and Housing on June 5, 2024.

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On May 31, 2024, following the Report to Council, Bill 185 was amended to change the definition of “public body” to allow landowners to submit an appeal on an Official Plan Amendment and Zoning By-law Amendment if the amendment affects their lands. Bill 185 received third reading on June 5, 2024.

Royal Assent was received on June 6, 2024, and Bill 185 came into force and effect the same day for most of the amendments, including changes to the *Planning Act*.

Transition regulations apply related to refunds associated with development applications (Site Plan Control, Zoning By-Law Amendment applications) received prior to June 6, 2024. As a result, those applications currently under review will be subject to the applicable fee refunds for the 60, 90 and 120 day timelines.

Summary of Bill 185, Cutting Red Tape to Build More Homes Act, 2024

The amendments made to the *Planning Act* are summarized as follows:

1. Appeal Limitations for Official Plan Amendments / Zoning By-law Amendments*;
2. Repeal of Bill 109 Fee Refunds;
3. Use It or Lose It;
4. Elimination of Mandatory Pre-Consultation;
5. Elimination of Parking Requirements within the Major Transit Station Areas;
6. Additional Residential Unit Regulations;
7. Minister’s Zoning Order Framework; and,
8. *Planning Act* Exemptions for Post Secondary Institutions.

*Bill 185 was updated to continue to provide appeal rights to landowners where the City initiates amendments to the Official Plan and/or Zoning By-law and provided additional transition permissions for appeals already submitted to the Ontario Land Tribunal.

A Transition Regulation was added relating to the repeal of Bill 109 Fee Refunds. While the City is processing applications that would fall under the Transition Regulation (i.e. applications submitted prior to Bill 185 being enacted on June 6, 2024), none of the current applications were beyond the 60, 90, 120 day timelines and no fee refunds will be required.

The amendments made to the *Municipal Act* are summarized into the following categories:

1. Bonusing; and,
2. Allocation of Services.

To date, associated Ontario Regulations have not been provided to support Bill 185.

NEXT STEPS

As a result of the legislative changes staff will be reviewing the impacts on staffing, processing and associated fees, and over the next few months, will be bringing forward the necessary reports to implement the legislative changes.

Please contact Shannon McKie, Acting Director of Development Planning with any questions at Shannon.McKie@hamilton.ca or at (905) 546-2424 Ext. 1288.

APPENDICES AND SCHEDULES ATTACHED

Not applicable.

Authority: Item 4, Public Works Committee Report 24-0080 (PW24038)
CM: June 26, 2024 Ward: 1, 2

Bill No. 104

CITY OF HAMILTON

BY-LAW NO. 24-

To Authorize the Signing of a Municipal Funding Agreement for the Transfer of the Housing-Enabling Water Systems Fund Program Between the Ministry of Infrastructure and the City of Hamilton

WHEREAS the Council of the City of Hamilton wishes to enter into a Municipal Funding Agreement in order to participate in the Municipal Funding Agreement for the Transfer of the Housing-Enabling Water Systems Fund.

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

1. The Mayor and City Clerk are hereby authorized to execute a municipal funding agreement for the transfer of Housing-Enabling Water Systems Fund between the Ministry of Infrastructure and the City of Hamilton, in a form satisfactory to the City Solicitor and with content acceptable to the General Manager of Finance and Corporate Services.
2. That Mayor and City Clerk are hereby authorized to execute any other funding extensions, agreements or documentation required to receive funding from the Housing-Enabling Water Systems Fund in a form satisfactory to the City Solicitor and with content acceptable to the General Manager of Finance and Corporate Services.
3. This by-law shall come into force on the day it is passed.

PASSED this 26th day of June 2024.

A. Horwath
Mayor

J. Pilon
Acting City Clerk

Authority: Item 14, Committee of the Whole Report 01-003 (FCS01007)
CM: February 6, 2001 Ward: 2,3,4,5,15

Bill No. 105

CITY OF HAMILTON

BY-LAW NO. 24-

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

WHEREAS *Section 11(1)1 of the Municipal Act, S.O. 2001, Chapter 25*, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating parking and traffic on highways subject to the *Highway Traffic Act*;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-218 to regulate on-street parking;

AND WHEREAS it is necessary to amend By-law No. 01-218, as amended.

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

1. By-law No. 01-218, as amended, is hereby further amended by adding/deleting from the identified Schedules and Sections noted in the table below as follows:

Schedule	Section	Highway	Side	Location	Duration	Times	Days	Adding/ Deleting
6 - Time Limit	E	Barlake	North	commencing at a point 414 feet west of the north-south leg of Barlake to a point 164 feet westerly therefrom	3 hr	8 am - 8 am (24 hrs)	Mon - Sun	Deleting
6 - Time Limit	E	Barlake Avenue	North	33 metres east of Violet Drive to 50 metres east thereof	3 hr	Anytime	Anyday	Adding

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

Schedule	Section	Highway	Side	Location	Times	Adding/ Deleting
8 - No Parking	E	Barlake	East	Eastview to northerly end	Anytime	Deleting
8 - No Parking	E	Barlake	East	Eastview to southerly end	Anytime	Deleting
8 - No Parking	E	Barlake	North	commencing at a point 41 feet east of the east curb line of Violet to a point 40 feet easterly therefrom	Anytime	Deleting
8 - No Parking	E	Barlake	North	Violet to westerly end	Anytime	Deleting
8 - No Parking	E	Barlake	North	80 feet east of Violet to 29 ft. easterly	Anytime	Deleting
8 - No Parking	E	Barlake	North	West street line of Hollydene to 60 ft. west	Anytime	Deleting
8 - No Parking	E	Barlake	South	Hollydene to Violet	Anytime	Deleting
8 - No Parking	E	Bold	North	from 51.5m west of Park to 10m westerly	Anytime	Deleting
8 - No Parking	E	Delawana	North	From 376 ft. east of Grandville to 444 ft. west of Grandville	Anytime	Deleting
8 - No Parking	E	Delawana	North	From 100 ft. east of Grandville to 100 ft. west of Grandville	Anytime	Deleting
8 - No Parking	E	Delawana	North	200 ft. east of Centennial to 254ft. easterly	Anytime	Deleting
8 - No Parking	E	Eastview	South	Lake to Barlake	Anytime	Deleting
8 - No Parking	E	Niagara	East	Burlington to Ship	8 am - 12 noon 3rd Tues each month APRIL - NOV	Deleting
8 - No Parking	E	Violet	East	Barlake to 228 feet southerly	Anytime	Deleting
8 - No Parking	E	Violet	North	Centennial to northerly leg of Violet	Anytime	Deleting
8 - No Parking	E	Violet	North	West street line of Violet to 163 ft. west	Anytime	Deleting
8 - No Parking	E	Violet	South	Grandville to 50 feet east	Anytime	Deleting
8 - No Parking	E	Violet	South	Centennial to 100 ft. east	Anytime	Deleting

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

8 - No Parking	E	Violet	South	Grandville to 95 ft. east	Anytime	Deleting
8 - No Parking	E	Violet	South	Grandville to 97 ft. west	Anytime	Deleting
8 - No Parking	E	Violet	South & East	commencing 229 feet east of Grandville and extending to a point 300 feet south of Barlake	Anytime	Deleting
8 - No Parking	E	Violet	West	North street line of Violet to 44 ft. north	Anytime	Deleting
8 - No Parking	E	Barlake Avenue	North	24 metres east of Violet Drive to 9 metres east thereof	Anytime	Adding
8 - No Parking	E	Barlake Avenue	East	Eastview Avenue to notherly end, including the cul-de-sac	Anytime	Adding
8 - No Parking	E	Delawana Drive	North	Centennial Parkway North to Grandville Avenue	Anytime	Adding
8 - No Parking	E	Niagara Street	East	Burlington Street East to Land Street	8 am - 12 noon 3rd Tues each month APRIL - NOV	Adding
8 - No Parking	C	Riverwalk Drive	East	84 metres south of Dundas Street East to 33 metres south thereof	Anytime	Adding
8 - No Parking	C	Riverwalk Drive	West	95 metres south of Dundas Street East to 12 metres south thereof	Anytime	Adding
8 - No Parking	E	Violet Drive	South	Centennial Parkway North to 31 metres east thereof	Anytime	Adding
8 - No Parking	E	Violet Drive	South & East	69 metres east of Grandville Avenue to 91 metres south of Barlake Avenue	Anytime	Adding
8 - No Parking	E	Violet Drive	North	Centennial Parkway North to 59 metres east thereof	Anytime	Adding
8 - No Parking	E	Violet Drive	North	127 metres east of Centennial Parkway North to 124 metres east thereof	Anytime	Adding
8 - No Parking	E	Violet Drive	North & West	273 metres east of Centennial Parkway North to 58 metres east and north thereof	Anytime	Adding

Schedule	Section	Highway	Side	Location	Times	Adding/Deleting
12 - Permit	E	Cannon Street East	North	41 metres west of Barnesdale Avenue North to 10 metres west thereof	Anytime	Deleting

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

12 - Permit	E	Fairfield	West	from 43.3m south of Vansitmart to 6m southerly	Anytime	Deleting
12 - Permit	E	Hughson Street North	West	32 metres south of Ferrie Street East to 6 metres south thereof	Anytime	Adding

Schedule	Section	Highway	Side	Location	Times	Adding/Deleting
14 - Wheelchair LZ	E	Barlake	South	30 feet 152 feet east of Violet	7:00 am - 6:00 pm Monday to Saturday	Deleting
14 - Wheelchair LZ	E	Barlake Avenue	South	46 metres east of Viloet Drive to 10 metres east thereof	7:00 a.m. to 6:00 p.m. Monday to Friday	Adding

Schedule	Section	Highway	Side	Location	Times	Adding/Deleting
15 - Comm Veh LZ	E	Violet	East	12.2m 56.1m south of Barlake	2:30 p.m. - 5:00 p.m. Wednesdays	Deleting

2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-218, including all Schedules thereto, as amended, is hereby confirmed unchanged.
3. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED this 26th day of June 2024.

A. Horwath
Mayor

JAP Holland
Acting City Clerk

Authority: Item 3, Public Works Committee Report 22-004 (PW22013)
CM: March 30, 2022 Ward: 8

Bill No. 106

CITY OF HAMILTON

BY-LAW NO. 24-

To Establish City of Hamilton Land Described as Block 111 on Plan 62M-1209 as Part of Aquasanta Crescent

WHEREAS sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and

WHEREAS section 31(2) of the *Municipal Act, 2001* provides that land may only become a highway by virtue of a by-law establishing the highway.

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

1. The land, owned by and located in the City of Hamilton, described as Block 111 on Plan 62M-1209, is established as a public highway, forming part of Aquasanta Crescent.
2. The General Manager of Public Works or their authorized agent is authorized to establish the said land as a public highway.
3. This By-law comes into force on the date of its registration in the Land Registry Office (No. 62).

PASSED this 26th day of June, 2024.

A. Horwath
Mayor

J. Pilon
Acting City Clerk

Authority: Item 2, Planning Committee Report 24-009 (PED24096)
CM: June 26, 2024 Ward: 5

Bill No. 107

CITY OF HAMILTON

BY-LAW NO. 24-

To Amend Zoning By-law No. 05-200 with Respect to Lands Located at 2481 Barton Street East, Hamilton

WHEREAS Council approved Item 2 of Report 24-009 of the Planning Committee, at its meeting held on June 26, 2024;

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan.

NOW THEREFORE Council of the City of Hamilton amends Zoning By-law No. 05-200 as follows:

1. That Map No. 1094 of Schedule "A" - Zoning Maps, appended to and forming part of Zoning By-law No. 05-200 (Hamilton), is amended by adding the lands as Transit Oriented Corridor Mixed Use High Density (TOC4, 899, H174) Zone, the extent, and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. That Schedule "C" – Special Exceptions is amended by adding the following new Special Exceptions:
 - "899. Within the lands zoned Transit Oriented Corridor Mixed Use High Density (TOC4, 899, H174) Zone, on Map No. 1094 of Schedule "A" – Zoning Maps and described as 2481 Barton Street East, the following special provisions shall apply:
 - a) Notwithstanding Section 11.4.3 b), c), d) ii), and g) x), and in addition to Section 11.4.3 a), the following regulations shall apply:
 - i) Minimum Building Setback from a Street 4.9 metres for any portion of the building exceeding a height of 19.6 metres.
 - ii) Minimum Rear Yard 17.5 metres.

- | | |
|--|--|
| iii) Minimum Easterly Interior Side Yard | A) 13.6 metres from the easterly lot line.

B) In addition to 2. a), iii), A) above, 20.5 metres from any portion of a building exceeding a height of 19.6 metres, from the easterly lot line. |
| iv) Minimum Westerly Interior Side Yard | A) 3.0 metres from the westerly lot line.

B) In addition to 2. a), iv), a) above, 18.0 metres from any portion of the building exceeding a height of 19.6 metres, from the westerly lot line, except for an enclosed stairwell. |
| v) Maximum Building Height | 57.5 metres. |
| vi) First Storey Height | Minimum 3.6 metres and a maximum of 5.0 metres. |
| vii) Percentage of Two and Three Bedroom Units | A minimum of 39.0 percent (82 dwelling units) of the Dwelling Units shall be units with two bedrooms and a minimum of 3.9 percent (8 dwelling units) of the Dwelling Units shall be units with three or more bedrooms. |

3. That Schedule “D” – Holding Provisions be amended by adding the additional Holding Provision as follows:

“174. Notwithstanding Section 11.4 of this By-law, within lands zoned Transit Oriented Corridor Mixed Use High Density (TOC4, 899, H174) Zone, on Map No. 1094 of Schedule “A” – Zoning Maps and described as 2481 Barton Street East, no development shall be permitted until such time as:

- a) That the owner submit and receive approval of a revised Tree Protection Plan (and applicable review fee) to evaluate the retention of additional trees on the subject lands, to the satisfaction of the Director of Heritage and Urban Design;
- b) That the owner submit and receive completion of a signed Record of Site Condition being submitted to the satisfaction of the Director

of Development Planning or enters into a conditional building permit agreement with respect to completing a Record of Site Condition. The Record of Site Condition must include a notice of acknowledgement of the Record of Site Condition by the Ministry of the Environment, Conservation and Parks, and submission of the City of Hamilton's current Record of Site Condition administration fee;

- c) The Owner submit and receive approval of a revised Functional Servicing Report to demonstrate that there is a suitable sanitary sewer outlet with sufficient capacity available, including but not limited to, improvements to the existing sanitary sewer along Barton Street from the subject site to the Battlefield Trunk sewer, to service the proposed development, to the satisfaction of the Director of Development Engineering;
 - d) That the Owner enter into and register an External Works Agreement with the City on the title of the lands for the design and construction of any required sanitary sewer improvements to the municipal infrastructures in accordance with City's Financial Policy to support this development, to the satisfaction of the Director of Development Engineering;
 - e) That no development within the subject site can proceed until the City completes the design and construction of the Battlefield Trunk Sewer twinning, unless it is confirmed that there is capacity available in the existing Battlefield Sanitary Trunk to accommodate the proposed development, to the satisfaction of the Director of Development Engineering;
 - f) That the owner submit and receive approval of an updated Pedestrian Wind Study, to the satisfaction of the Director of Heritage and Design;
 - g) That the owner enter into and register an External Works Agreement on title with the City's Growth Management Division for the design and construction of an extension of the existing raised median island, to the satisfaction of the Director of Transportation Planning and Parking;
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 Transit Oriented Corridor Mixed Use High Density (TOC4, 899, H174) Zone subject to the special requirements referred to in Section No. 2 and 3 of this By-law.

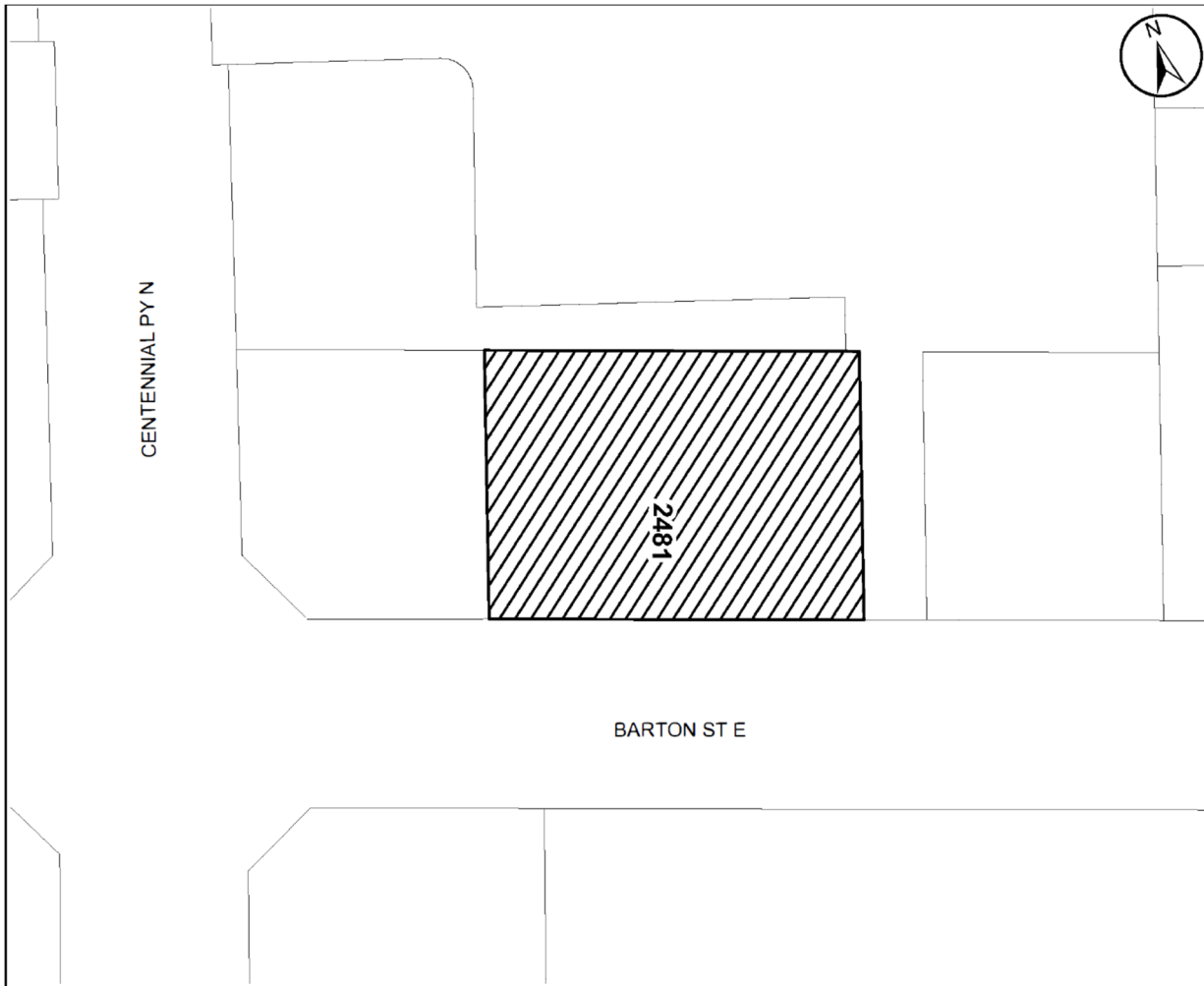
5. That the clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

PASSED this 26th day of June, 2024.

A. Horwath
Mayor

J. Pilon
Acting City Clerk

ZAC-23-023



This is Schedule "A" to By-law No. 24- Passed the day of, 2024	----- Mayor ----- Clerk
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<h2 style="margin: 0;">Schedule 'A'</h2> <p style="margin: 5px 0;">Map forming part of By-law No. 24-_____</p> <p style="margin: 5px 0;">to Amend By-law No. 05-200 Map 1094</p>	<p>Subject Property 2481 Barton Street East, Hamilton</p> <p> Lands to be added as the Transit Oriented Corridor Mixed Use High Density (TOC4, 899, H174) Zone</p>
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Scale: N.T.S.	File Name/Number: ZAC-23-023	
Date: May 2, 2024	Planner/Technician: DB/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

Authority: Item 4, Planning Committee Report 24-009 (PED24063)
CM: June 26, 2024 Ward: 8

Bill No. 108

CITY OF HAMILTON

BY-LAW NO. 24-

To Amend Zoning By-law No. 05-200 with Respect to Lands Located at 150 Mohawk Road East, Hamilton

WHEREAS Council approved Item 4 of Report 24-009 of the Planning Committee, at its meeting held on June 26, 2024;

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

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

1. That Schedule "A" – Zoning Maps, Map No. 1184 is amended by adding the Transit Oriented Corridor Multiple Residential (TOC3, 879) Zone, for the lands known as 150 Mohawk Road East, Hamilton, 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:
 - "879. Within the lands zoned Transit Oriented Corridor Multiple Residential (TOC3) Zone, identified on Map No. 1184 of Schedule "A" – Zoning Maps and described as 150 Mohawk Road East, Hamilton the following special provisions shall apply:
 - a) In addition to Section 4.6, the following regulations shall apply:
 - i) A stairwell to a parking garage may encroach into a required rear yard to a maximum of 3.0 metres.
 - b) Notwithstanding Section 5.1 a) v), the regulation shall not apply.
 - c) Notwithstanding Section 5.2 a) i), the following regulations shall apply:
 - i) A minimum 1.1 metre wide landscape strip which shall contain a visual barrier in accordance with Section 4.19 of this By-law.
 - d) Notwithstanding Section 5.2 h), the regulation shall not apply.
 - e) In addition to Section 11.3.2, the following regulation shall apply:

- i) The 12 storey Multiple Dwelling existing at the date of passing of this by-law shall be deemed to conform.
- f) Notwithstanding Sections 11.3.2 a) i), 11.3.2 b), 11.3.2 c), 11.3.2 e), 11.3.2 f) iii), 11.3.2 f) iv), and 11.3.2 f) v), the following regulations shall apply:
 - i) Building Setback from a Street Line Minimum 2.5 metres, except 13.5 metres for a portion of a building greater than 13.5 metres in height.
 - ii) Minimum Rear Yard 5.0 metres, except 16.0 metres for a portion of a building greater than 8.0 metres in height and 30.0 metres for a portion of a building greater than 13.5 metres in height and 2.0 metres for a stairwell.
 - iii) Minimum Interior Side Yard 7.5 metres, except 32.0 metres for a portion of a building greater than 8.0 metres in height and 3.0 metres for a stairwell.
 - iv) Maximum Building Height 36.0 metres.

3. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the provisions of the Transit Oriented Corridor Multiple Residential (TOC3, 879) Zone, subject to the special requirements referred to in Section No. 2 of this By-law.

4. 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 26th day of June, 2024

A. Horwath
Mayor

J. Pilon
Acting City Clerk



This is Schedule "A" to By-law No. 24-

Passed the day of, 2024

Mayor


Clerk

Schedule "A"

Map forming Part of
By-law No. 24-_____

to Amend By-law No. 05-200
Map 1184

Subject Property
150 Mohawk Road East

 Lands to be added to Zoning By-law No. 05-200 as
Transit Oriented Corridor Multiple Residential
(TOC3, 879) Zone

Scale:
N.T.S

File Name/Number:
ZAC-23-015

Date:
November 16, 2023

Planner/Technician:
MM/AL

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT



Authority: Item 5, Planning Committee Report 24-009 (PED22091(a))
CM: June 26, 2024 Ward: City Wide

Bill No. 109

CITY OF HAMILTON

BY-LAW NO. 24-

Rental Housing Protection By-law

WHEREAS Subsection 8(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (“Municipal Act”) provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on a municipality to enable it to govern its affairs as it considers appropriate;

AND WHEREAS Subsection 11(2) of the *Municipal Act* provides that a local municipality may adopt by-laws for the economic, social and environmental well-being of the municipality and for the health, safety and well-being of persons;

AND WHEREAS under Sections 20 to 24 of the *Municipal Act* the City may delegate its powers and duties under the Act to an officer or employee of the City;

AND WHEREAS, without limiting the broad municipal powers, Section 99.1 of the *Municipal Act* provides municipalities with the authority to prohibit and regulate the demolition of residential rental properties and the conversion of residential rental properties to a purpose other than the purpose of a residential rental property;

AND WHEREAS the City wishes to exercise its powers under Section 99.1 of the *Municipal Act* to protect residential rental housing in order to meet the needs of current and future residents;

AND WHEREAS the City wishes to protect those residential rental properties where a landlord has given notice of a demolition or conversion pursuant to Section 50 of the *Residential Tenancies Act, 2006*, S.O. 2006, c.17;

AND WHEREAS under Sections 425 and 429 of the *Municipal Act* the City may pass by-laws to create offences and a system of fines for offences, that are designed to eliminate or reduce any economic advantage or gain from contravening the by-law;

AND WHEREAS Section 436 of the *Municipal Act* provides that a municipality may

pass by-laws to authorize inspections to determine compliance with a by-law;

AND WHEREAS Subsection 391(1) (a) of the *Municipal Act* provides that the City may pass by-laws imposing fees or charges on persons for services or activities provided or done by or on behalf of it;

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

PART 1 - DEFINITIONS

1. For the purposes of this By-law, the following definitions and interpretations shall govern:
 - a) **“Application”** means the application referred to in Section 8 of this By-law;
 - b) **“Average Market Rent”** or **“AMR”** means, in respect of a **Rental Unit**, rent that is at or below the average market rent by type of unit in the City of Hamilton as established annually by the **CMHC**;
 - c) **“Building Code Act, 1992”** means the *Building Code Act, 1992 S.O. 1992, c. 23* as may be amended;
 - d) **“By-law”** means this by-law No. 24-109, as may be amended;
 - e) **“Chief Building Official”** means the person appointed under Subsection 3(2) of the *Building Code Act, 1992*, as the Chief Building Official for the City of Hamilton;
 - f) **“City”** means the City of Hamilton;
 - g) **“City Official”** means a person who is an employee of the City, and who has been appointed by Council of the City to administer and/or enforce all or part of this By-law on behalf of the City, and shall include any and all municipal by-law enforcement officers;
 - h) **“CMHC”** means the Canada Mortgage and Housing Corporation;
 - i) **“Condominium Act, 1998”** means the *Condominium Act, 1998, S.O. 1998, c. 19*, as may be amended;
 - j) **“Conversion”** or **“Convert”** means conversion of a **Residential Rental Property** to a purpose other than a **Residential Rental Property** and includes:
 - i. A **Conversion** as a result of a consent to sever land under

Section 53 of the ***Planning Act***;

- ii. A **Conversion** to:
 - 1. A non-residential use;
 - 2. A living accommodation other than **Dwelling Units**;
 - 3. A **Co-ownership**, a condominium or a building organized as a **Life Lease Project**; and
- iii. **Conversion to Co-ownership** is deemed to occur when the first lease or sale of an interest in **Residential Rental Property** or of a share in a corporation owning or leasing any interest in **Residential Rental Property** takes place that carries with it the right to occupy a specific unit in the **Residential Rental Property** or when a **Residential Rental Property** is transferred or leased to a corporation of the type described in s. 1(j)(ii);
- k) “**Co-ownership**” means an equity co-operative or other co-ownership form of housing where the residential property is owned or leased or otherwise held, directly or indirectly by:
 - i. more than one person where any such person, or a person claiming under such person, has the right to present or future exclusive possession of a **Dwelling Unit** in the residential property; or
 - ii. a corporation having more than one shareholder or member, where any such shareholder or member, or a person claiming under such shareholder or member, by reason of the ownership of shares in or being a member of the corporation, has the right to present or future exclusive possession of a **Dwelling Unit** in the residential property;

For greater certainty, a **Co-ownership** does not include a condominium, a residential building that is organized as a **Life Lease Project**, or a non-profit housing co-operative under the *Co-operative Corporations Act*, R.S.O. 1990, c. C. 35, as may be amended;
- l) “**Demolition**” or “**Demolish**” means to do anything that will result in the removal of a building or any material part thereof and includes, but is not limited to, interior renovations or alterations that will result in a change to the number of:

- i. **Dwelling Units** in the building; or
 - ii. **Dwelling Unit Types** in the building;
- m) “**Director**” means the Director of Planning and Chief Planner for the City or their designate;
- n) “**Dwelling Unit**” means one (1) or more habitable rooms designed, occupied or intended to be occupied as self-contained living quarters and shall, at a minimum, contain:
- i. sanitary facilities;
 - ii. accommodation for sleeping; and
 - iii. one (1) kitchen;

For greater certainty, a Dwelling Unit shall not cease to be a Dwelling Unit due to any vacancy thereof.

- o) “**Dwelling Unit Type**” references the number of bedrooms within a **Dwelling Unit** and includes a bachelor unit, a one (1) bedroom unit, a two (2) bedroom unit, and a unit with three (3) or more bedrooms;
- p) “**Guidelines**” means guidelines for **Applications** to permit **Demolition** or **Conversion** under this By-law as developed by the **Director** pursuant to Subsection 36 b) of this By-law;
- q) “**Heritage Act**” means the *Ontario Heritage Act, R.S.O. 1990, c. O. 18*, as may be amended;
- r) “**Life Lease Project**” means a life lease project as described in paragraph 1 of Subsection 3(1) of Ontario Regulation 282/98, under the *Assessment Act, R.S.O. 1990, c. A. 31*;
- s) “**Person**” includes, but is not limited to, an individual, sole proprietorship, partnership, association, or corporation;
- t) “**Planning Act**” means the *Planning Act, R.S.O. 1990, c. P.13*, as may be amended;
- u) “**Planning Committee**” means the Standing Committee of Council as constituted and governed by the City’s Council Procedure By-Law 10-053, as may be amended or replaced;
- v) “**Regulated Property**” means a **Residential Rental Property** containing six (6) or more **Dwelling Units**;

- w) “**Related Planning Application**” means:
- i. An application that provides for the **Demolition** of **Residential Rental Property** or the **Conversion** of **Residential Rental Property** to a purpose other than a **Residential Rental Property**, expressly or by necessary implication;
 - ii. For greater certainty, paragraph (i) includes, but is not limited to, an application for the following:
 1. A permit under Section 8 or 10 of the ***Building Code Act, 1992***;
 2. A consent or permit to alter part of a property or to demolish or remove a building or structure under Section 33, 34, 34.5 or 42 of the ***Heritage Act***;
 3. Approval or registration of a description for a proposed condominium or exemption from approval for a proposed condominium, under Section 9 of the ***Condominium Act, 1998***;
 4. An amendment to the Official Plan under Section 22 of the ***Planning Act***;
 5. A zoning by-law amendment under Section 34 of the ***Planning Act***;
 6. A minor variance under Section 45 of the ***Planning Act***;
 7. Approval of plans and drawings under Subsection 41(4) of the ***Planning Act***;
 8. Approval of a plan of subdivision under Section 51 of the ***Planning Act***;
 9. A consent under Section 53 of the ***Planning Act***; and
 10. A demolition permit under Section 33 of the ***Planning Act***;
 - iii. Despite subparagraph (ii.)5., paragraph (i) does not include a City-initiated general zoning by-law amendment to implement area land use studies and other general policies, except for any site-specific exemptions or other site-specific provisions made at the request of a land owner;
- x) “**Related Buildings**” means:

- i. Buildings that are under the same ownership and on the same parcel of land (as defined in Section 46 of the ***Planning Act***); or
 - ii. Buildings that form part of the same **Application** under this By-law or under a **Related Planning Application**;
- y) “**Rental Unit**” means a **Dwelling Unit** used, or intended for use, for residential rental purposes, including a **Dwelling Unit** in a **Co-ownership** that is or was last used for residential rental purposes, but does not include:
- i. a **Dwelling Unit** in a condominium registered under Section 2 of the ***Condominium Act, 1998***;
 - ii. a **Dwelling Unit** in a building organized as a **Life Lease Project** where the right to occupy the **Dwelling Unit** is based on a life lease interest; or
 - iii. a **Dwelling Unit** in a Mobile Home (as defined in City of Hamilton Zoning By-law 05-200) which is only occupied on a seasonal basis;
- z) “**Rent-Geared-to-Income Unit**” means a dwelling unit with subsidized rent where rents are geared to income as per O. Reg. 316/19, as amended, under Section 50 of the *Housing Services Act, 2011, S.O. 2011, c. 6, Sched. 1* as may be amended;
- aa) “**Residential Tenancies Act, 2006**” means the *Residential Tenancies Act, 2006, S.O. 2006, c. 17* as may be amended;
- bb) “**Residential Rental Property**” means a building or **Related Buildings** containing one or more **Rental Units** and includes all common areas and services and facilities available for the use of its residents;
- cc) “**Section 99.1 Permit**” means the permit to be issued by the **Director** or Council, as applicable, after the approval of an **Application** made under this By-law;
- dd) “**Social Housing**” means living accommodation produced, operated and/or financed, in whole or in part, through government programs;
- ee) “**Structure Type**” means the type of housing structure as reported by the **CMHC**, and includes an apartment and row houses; and
- ff) “**Vacancy Rate**” means the average percentage of all available

Rental Units for a **Dwelling Unit Type** or **Structure Type** that are vacant or unoccupied at a particular time within a designated geographical area in the City.

PART II – SCOPE

2. This By-law shall apply to all **Regulated Properties** in the City, being **Residential Rental Properties** containing six (6) or more **Dwelling Units** and no **Regulated Property** shall be **Demolished** or **Converted** without obtaining a permit under this By-law;
3. Notwithstanding Section 2 of this By-law, this By-law does not apply to a **Residential Rental Property** that is:
 - a) a condominium governed by the ***Condominium Act, 1998***;
 - b) organized as a **Life Lease Project**;
 - c) described in Section 5 (Exemptions from Act) of the ***Residential Tenancies Act, 2006***, other than Subsection 5(c), a member unit of a non-profit housing co-operative;
 - d) described in Section 7 (1) (1.)(2.) and (5.) (Exemptions related to social, etc., housing) of the ***Residential Tenancies Act, 2006***; or
 - e) required for the implementation of a municipal, provincial, or federal government project previously approved by City Council or a provincial or federal authority and for which an environmental assessment has been conducted pursuant to the ***Environmental Assessment Act, R.S.O. 1990, c. E.18***, with the exception of a **Residential Rental Property** that is designated as a property of cultural heritage value or interest under the ***Heritage Act***.

PART III – DEMOLITION & CONVERSION PROHIBITED WITHOUT A PERMIT

Demolition

4. Except as provided herein, no person shall **Demolish**, or cause to be **Demolished**, the whole or any part of a **Regulated Property** unless the person has been issued a **Section 99.1 Permit** and except in accordance with the terms and conditions of the issued **Section 99.1 Permit**.

Conversion

5. No person shall **Convert** a **Regulated Property**, or cause a **Regulated Property** to be **Converted**, unless the person has been issued a **Section 99.1**

Permit and except in accordance with the terms and conditions of the issued **Section 99.1 Permit**.

When Section 99.1 Permit is Not Required

6. Notwithstanding Sections 4 and 5 of this By-law, a **Section 99.1 Permit** is not required if only a part of a **Regulated Property** is proposed for **Demolition** and that part does not contain any part of a **Dwelling Unit**.
7. Notwithstanding Section 5 of this By-law, a **Section 99.1 Permit** is not required if a **Regulated Property** is subject to an application for a consent to sever under Section 53 of the **Planning Act**, provided that after the proposed conveyance:
 - a) each parcel of land resulting from the severance will have six (6) or more **Rental Units**; or
 - b) one (1) or more parcels of land resulting from the severance will have six (6) or more **Rental Units** and all the other parcels of land at the time of the application contained no **Dwelling Units**.

PART IV – APPLICATION FOR SECTION 99.1 PERMIT

8. An **Application** shall include the following information:
 - a) a description of the proposed **Demolition** or **Conversion**;
 - b) the number of existing **Dwelling Units**;
 - c) the number of existing and proposed **Rental Units** categorized by **Dwelling Unit Type** and including floor area;
 - d) the rents roll(s), including utilities, for the **Regulated Property**, categorized by **Dwelling Unit Type**;
 - e) a list of the names and mailing addresses of all tenants of the **Residential Rental Property** proposed for **Demolition** or **Conversion**;
 - f) an identification of any **Related Planning Applications**, including, but not limited to, plans, drawings, studies, or reports submitted in support of such **Related Planning Application**;
 - g) where applicable, a proposal for the replacement or retention of the **Rental Units** proposed for **Demolition**;

- h) a proposal for tenant engagement by the owner or applicant, which shall include at least one meeting for all tenants of the **Regulated Property**, as required by Section 11 of this By-law; and
 - i) any additional information or documentation required to evaluate the **Application**, as specified by the **Director**.
9. The **Director** may request that the required **Application** information be verified by a person who, in the **Director's** opinion, is qualified to do so.

Tenant Notification

10. An applicant for a **Section 99.1 Permit** shall provide written notice of the **Application** to the tenants of the **Regulated Property** within fourteen (14) days of the **Director** advising the applicant that the **Application** is complete or within such other time period as determined by the **Director**. Such notice shall include:
- a) the date that the notice was delivered to the tenant(s); and
 - b) a notification to the tenants of the rights of tenants under the **Residential Tenancies Act, 2006** in connection with the **Demolition** or **Conversion**, as the case may be.
11. An applicant for a **Section 99.1 Permit** shall hold a meeting for all tenants of the **Regulated Property** within thirty days (30) days after the notice of the **Application** referred to in Section 10 is delivered to the tenants of the **Regulated Property**, for the purpose of providing information and education on the proposed **Demolition** and **Conversion**. The applicant shall ensure a record of such meeting is provided to the **Director** which includes, but is not limited to, the following information:
- a) a copy of the notice of the meeting;
 - b) a copy of the meeting sign-in-sheet;
 - c) a copy of all information distributed or presented at the meeting, if any;
 - d) a copy of the meeting minutes; and
 - e) a copy of all comments received in relation to the meeting, if any.

Fees and Charges

12. The applicant shall pay the applicable fee for the **Application** for a **Section**

99.1 Permit as specified in the City's Tariff of Fees By-law No. 12-282, as may be amended, and such fee shall be paid at the time the **Application** is submitted to the City.

13. If Section 8 or 10 of the ***Building Code Act, 1992*** apply to the proposed **Demolition** or **Conversion**, the applicant must also pay the fees required for such an application as specified in the City's By-law 15-058, as amended.
14. All fees collected by the City under this By-law shall be used for the purpose of processing the **Application**.
15. All fines and charges collected by the City under this By-law shall be provided to the City's Healthy and Safe Communities Department for the purpose of replacing, renewing or creating affordable housing in the City in accordance with the Urban Hamilton Official Plan.

Related Planning Application

16. If a **Related Planning Application** is made with respect to a **Residential Rental Property** for which a **Section 99.1 Permit** is required to be issued, the applicant shall provide written notice of the **Application** to the applicable approval authority and, in the case of an appeal or referral, to the Ontario Land Tribunal or court.
17. The notice required under Section 16 of this By-law shall include a statement that the **Demolition** or **Conversion** is not permitted unless a **Section 99.1 Permit** has been issued for the **Demolition** or **Conversion** pursuant to this By-law.
18. The notice required under Section 16 of this By-law shall be filed with the approval authority or, in the case of an appeal or referral, with the Ontario Land Tribunal or court.

Withdrawal of Application

19. If an applicant does not provide all the documentation required for the **Application** to the **Director** within one (1) year from the date that the **Application** is submitted to the City, the applicant shall be deemed to have withdrawn the **Application** as at the one (1) year anniversary date of the **Application** and shall not be entitled to any refunds of any payments made with respect to the **Application**.
20. Despite Section 19 of this By-law, the **Director** may extend the date for the completion of the **Application** where the **Director** determines that the applicant is actively taking steps to finalize the **Application**.
21. If the **Application** is withdrawn, or deemed to have been withdrawn under

Section 19 of this By-law, before the **Director** or Council makes a decision, no further **Application** under this By-law to approve any **Demolition** or **Conversion** of the **Residential Rental Property** may be made within two (2) years after the date of the withdrawal, unless Council gives its consent to such **Application**.

Consideration for Approval

22. An **Application** shall not be considered for approval until the **Application** is considered complete to the satisfaction of the **Director**.
23. Once the **Director** considers the **Application** to be complete, the **Director** shall give written notice to the applicant within 20 days that the **Application** is complete.
24. A copy of the notice referred to in Section 10 of this By-law shall be provided to the **Director** within five (5) days after the delivery of the notice to the tenants and the **Director** shall not review the **Application** until the **Director** is in receipt of a copy of the said notice.

PART V – ROUTINE APPROVAL OF SECTION 99.1 PERMIT

25. The **Director** or Council, as applicable, shall approve an **Application** for a **Section 99.1 Permit** when:
 - a) the **Application** demonstrates any one of the following criteria (1 - 4) , as at the date that the **Application** is considered to be complete, are met; and
 - b) the **Application** satisfies the conditions imposed by the **Director** or Council, as the case may be, pursuant to Section 30 of this By-law;
- (1) The **Residential Rental Property** at the time of the **Application** has six or more **Dwelling Units**, but less than six (6) **Rental Units**;
- (2) Where a **Conversion** is proposed, all of the following criteria are met:
 - a) the rental **Vacancy Rate** by **Dwelling Unit Type** and **Structure Type**, for the City and the respective local housing market zone (as identified in Volume 1, Schedule G of the Urban Hamilton Official Plan), if the property is located in a local housing market zone, has been at or above 3.0 percent for the preceding two (2) years;
 - b) the existing market rent levels for all **Rental Units** proposed for **Conversion** are above 100 percent of the:

- i. **Average Market Rent** levels for the City, and
 - ii. the **Average Market Rent** levels for the respective local housing market zone in the City (as identified in Volume 1, Schedule G of the Urban Hamilton Official Plan), if the property is located in a local housing market zone, for **Rental Units** of a similar **Dwelling Unit Type, Structure Type** and size; and
 - c) for all vacant **Rental Units** proposed for **Conversion**, the last market rent levels charged prior to vacancy for the **Rental Units** proposed to be **Converted** were above 100 percent of the:
 - i. **Average Market Rent** levels at the time for the City; and
 - ii. the **Average Market Rent** levels for the respective local housing market zone in the City (as identified in Volume 1, Schedule G of the Urban Hamilton Official Plan), if the property is located in a local housing market zone, for **Rental Units** of a similar **Dwelling Unit Type, Structure Type** and size; or
- (3) Where a **Demolition** is proposed, all of the following criteria are met:
- a) the **Rental Units** are outside of the Downtown Hamilton Secondary Plan area (as identified in Volume 2 of the Urban Hamilton Official Plan);
 - b) the rental vacancy rate by **Dwelling Unit Type** and **Structure Type**, for the City and the respective local housing market zone in the City (as identified in Volume 1, Schedule G of the Urban Hamilton Official Plan), if the property is located in a local housing market zone, has been at or above 3.0 percent for the preceding two (2) years;
 - c) the existing market rent levels for all units proposed to be **Demolished** are above 100 percent of the:
 - i. **Average Market Rent** levels for the City; and
 - ii. the **Average Market Rent** levels for the respective local housing market zone in the City (as identified in Volume 1, Schedule G of the Urban Hamilton Official Plan), if the property is located in a local housing market zone, for **Rental Units** of a similar **Dwelling Unit Type** and **Structure Type** and size; and

- d) for all vacant **Rental Units**, the last market rent levels charged prior to vacancy for the **Rental Units** proposed to be **Demolished** were above 100 percent of the:
 - i. **Average Market Rent** levels at the time for the City; and
 - ii. the **Average Market Rent** levels for the respective local housing market zone in the City (as identified in Volume 1, Schedule G of the Urban Hamilton Official Plan), if the property is located in a local housing market zone, for **Rental Units** of a similar **Dwelling Unit Type** and **Structure Type** and size; or
- (4) Where a **Conversion** is proposed by way of a consent to sever under Section 53 of the **Planning Act**, that such **Conversion** will not result in an alteration of the form of **Dwelling Unit**.
- 26. For the purposes of Subsections 25(2)(c) and 25(3)(d) of this By-law, where the last market rents are unknown, the last market rents shall be deemed to be 90 percent of the **Average Market Rent**.
- 27. Where an applicant is unable to satisfy the requirements of Section 25 of this By-law, an **Application** for a **Section 99.1 Permit** may be approved in accordance with the provisions contained in Part VI of this By-law.

PART VI – DISCRETIONARY APPROVAL SECTION 99.1 PERMIT

- 28. Subject to Section 39 of this By-law, the **Director** is authorized to approve an **Application** for a **Section 99.1 Permit** when:
 - a) The Applicant satisfies all criteria in Section 29, where applicable to the **Application**;
 - b) the **Application** satisfies the conditions imposed by the **Director** or Council, as the case may be, pursuant to Section 30 of this By-law; and
- 29. One or more of the following criteria, as applicable to the **Application**, must be met by the applicant as a prerequisite for the consideration of approval of a **Section 99.1 Permit** under this Part of the By-law, and the **Director** may request that the **Application** include any of the following information required to make a determination under this Section 29:
 - (1) Where a **Conversion** is proposed, it is demonstrated to the satisfaction of the **Director** that:
 - a) repair or retrofitting has been ordered pursuant to the **Residential**

Tenancies Act, 2006, Building Code Act, 1992 or any other applicable provincial legislation; and

- b) income received from rent and available from government funding programs, is not capable of supporting the capital repairs and maintenance work required.
- (2) Where **Conversion**, including a conversion of **Social Housing** is proposed, the proposed Conversion is consistent with all applicable provincial legislation;
 - (3) Where a **Demolition**, including a demolition of **Social Housing** is proposed, the proposed **Demolition** is consistent with all applicable provincial legislation.
 - (4) Where a **Demolition** is proposed that reduces the total number of units through internal renovations to an existing building:
 - a) The rental **Vacancy Rate** by **Dwelling Unit Type** and **Structure Type**, for the City and the respective local housing market zone (as identified in Volume 1, Schedule G of the Urban Hamilton Official Plan), if the property is located in a local housing market zone, has been at or above 3.0 percent for the preceding two (2) years; and
 - b) The total area of living space in the existing building is not reduced.
 - (5) Where a **Demolition** is proposed, the building (or buildings) proposed to be Demolished is confirmed to be structurally unsound by way of a structural audit, performed by a qualified professional, with the conclusions of such audit deemed acceptable by the City.
 - (6) Where a **Demolition** is proposed, the demolished units will be replaced, in accordance with any conditions of approval.
30. The conditions referred to in Section 25 b) and Section 28 b) of this By-law which may be imposed by the **Director** or Council, as the case may be, may include, but are not limited to:
- a) Where a **Demolition** is proposed in the area comprising the Downtown Hamilton Secondary Plan (as identified in Volume 2 of the Urban Hamilton Official Plan), conditions may be imposed requiring:
 - i. **Rental Units** to be replaced on-site with Rental Units of a similar size and number of bedrooms; and
 - ii. a tenant relocation and assistance plan addressing the right to return to occupy the replacement **Rental Units** at similar

rents, the provision of alternative temporary accommodation at similar rents and other assistance as appropriate;

- b) Where a **Demolition** is proposed outside of the area comprising the Downtown Hamilton Secondary Plan (as identified in Volume 2 of the Urban Hamilton Official Plan), conditions may be imposed requiring:
 - i. **Rental Units** to be replaced on-site or off-site in a comparable location with **Rental Units** of a similar size and number of bedrooms; and
 - ii. a tenant relocation and assistance plan addressing the right to return to occupy the replacement **Rental Units** at similar rents, the provision of alternative temporary accommodation at similar rents and other assistance as appropriate;
- c) requirements to retain proposed **Converted** units as **Rental Units** at similar rental rates and for a defined term;
- d) requirements to offer tenants in a **Converted** unit a right of first refusal to purchase a condominium unit to be developed as a result of a successful property **Conversion** in accordance with section 51(5) of the **Residential Tenancies Act, 2006**;
- e) requirements that the owner of the **Regulated Property**, or the owner's authorized agent, provide written notice of the provisions in the **Residential Tenancies Act, 2006** relating to **Conversion** or **Demolition**, as the case may be, to all tenants who reside in the **Rental Units** of the **Regulated Property** affected by the **Application**;
- f) Where **Demolition** or **Conversion** of **Social Housing** is proposed, conditions may be imposed requiring:
 - i. full replacement of all **Rent-Geared-to-Income Units**;
 - ii. a tenant relocation and assistance plan addressing the provision of temporary alternative accommodation for tenants at similar rents, including rent-geared-to-income subsidies, right-of-first-refusal to occupy one of the replacement subsidized units, and other assistance to mitigate the potential for hardship, to the satisfaction of the **Director**;

- g) the following, in accordance with any **Guidelines**, where applicable:
- i. requirements securing tenants' right to return to the replaced or retained **Rental Units** at similar rents, and associated notification requirements;
 - ii. requirements for tenant relocation and assistance including but not limited to the following:
 1. alternative temporary accommodation for displaced tenants at similar rents and in a comparable location acceptable to the City until tenants return to the replacement **Rental Units**; and
 2. financial assistance and such other support as many be necessary to reduce hardships to tenants resulting from a **Demolition** or **Conversion**;
- h) requirements that the owner of the **Residential Rental Property**, or the owner's authorized agent, provide information from time to time sufficient to verify that the terms of an agreement, as referred to in Section 31 of this By-law are being met;
- i) provisions concerning the applicant's entitlement to claim or act under any of the following until any of the other conditions imposed herein have been satisfied or secured, to the satisfaction of the **Director**:
- i. a permit under Subsection 8(1) or Section 10 of the **Building Code Act, 1992** for construction, **Demolition** or **Conversion** of a building;
 - ii. a permit for demolition under Section 33 of the **Planning Act**;
 - iii. a consent or permit to alter part of a property or to demolish or remove a building or structure under Section 34, 34.5 or 42 of the **Heritage Act**;
 - iv. approval or registration of a description for a proposed condominium under Section 51 of the **Planning Act**, or an exemption from approval for a condominium, under Section 9 the **Condominium Act, 1998**; and
 - v. a consent under Section 53 of the **Planning Act**, except for provisional consent that is conditional upon issuance of a

Section 99.1 Permit under this By-law.

- j) requirements to provide a plan to assist existing tenants with achieving homeownership, such as down payment assistance or rent-to-own payment options;
 - k) requirements to provide specified amenities for replacement **Rental Units**;
 - l) any other requirements or provisions reasonably related to minimizing the impact of the **Demolition** or **Conversion** on the City's rental housing supply and on existing tenants;
 - m) requirements for the provision and implementation of an ongoing consultation and information plan with tenants of the Residential Rental Property, in accordance with any **Guidelines**;
 - n) requirements that the owner of the **Regulated Property** provide information from time to time sufficient to verify that the terms of an agreement are being met;
 - o) for any of the conditions above, any requirements for timelines or deadlines as required by the **Director**; and
 - p) conditions providing for the lapsing of the approval.
31. Where conditions are imposed under this By-law, the owner of the **Regulated Property** to which the **Application** relates shall, as a condition of the issuance of a **Section 99.1 Permit**, enter into to an agreement with the City securing the imposed conditions.
32. The agreement referenced in Section 31 of this By-law shall be registered on title to each property to which the agreement applies and may be enforced against the owner and any subsequent owners of the **Regulated Property**. The registration of the agreement shall be to the satisfaction of the City Solicitor and with such priority as may be required to ensure its proper enforcement by the City.
33. Conditions imposed under Subsections 30 a), b), and f) of this By-law may require the **Rental Units** proposed for **Demolition** be replaced:
- a) on-site;
 - b) on a comparable off-site location to the **Regulated Property**; or
 - c) a combination of Subsections 33 a) and b), above.

34. Comparable, for the purposes of Section 33 b) of this By-law, includes but is not limited to consideration of the following factors:
- a) type of **Residential Rental Property**;
 - b) proximity to existing and proposed transportation options, including transit service;
 - c) proximity to community infrastructure such as, recreational facilities, libraries, police stations, schools and places of religious assembly;
 - d) proximity to commercial services and amenities;
 - e) number of bedrooms; and
 - f) size of **Rental Units**.
35. Conditions imposed under Section 30 of this By-law requiring on-site or off-site replacement units may also specify a timeframe within which those units must be constructed, subject to the discretion of the **Director** or any details described in an agreement as permitted by Section 31 of this By-law, any may also specify penalties for failure to do so.

PART VII REFERRALS, REVISIONS AND ISSUANCE OF SECTION 99.1 PERMIT

Delegated Authority

36. The **Director** is delegated the authority to:
- a) Approve **Section 99.1 Permits**, subject to the requirements of this By-law and any referral to Council under Section 39; and
 - b) develop **Guidelines** to assist applicants with the **Application**, in accordance with the **Municipal Act** and any regulations thereunder.

Council Notification and Referral to Council by Director

37. The **Director** shall advise Council of every **Application** upon such **Application** becoming complete. This notice to Council shall be provided by way of notice to **Planning Committee** within 60 days of the **Application** becoming complete.
38. The notice to Council under Section 37 of this By-law shall indicate whether the **Application** is referred to **Planning Committee** for Council's approval, or whether approval of the **Application** is delegated to the **Director**.

39. The **Director** shall refer an **Application** to **Planning Committee** for Council's approval if:
- a) in the **Director's** opinion, the **Application** should be considered by Council with a **Related Planning Application**;
 - b) the **Application** has implications for more than one Ward or is of City-wide interest; or
 - c) a request is made by Council or the **Planning Committee** for the **Application** to be considered by Council.
40. Where the **Director** refers the **Application** under Section 39 of this By-law, the **Director** shall submit a report respecting the **Application** to the **Planning Committee** after the review of the **Application** has been completed.
41. Where the **Application** is not referred to **Planning Committee** for Council's approval within the said (60) day period or at the time that notice is provided to Council, the **Application** shall be considered by the **Director**.
42. Where the **Application** is referred to **Planning Committee**, the **Planning Committee** shall recommend to Council whether to refuse, approve or amend the **Application**, including any conditions and Council may refuse the **Application**, approve the **Application**, or amend the **Application**.

Application for Revision to Conditions

43. If the owner of a **Regulated Property** applies for revisions to the conditions imposed pursuant to Section 30 of this By-law, the **Director** may treat the request as a new **Application** under this By-law or may otherwise require the owner to comply with the notice and meeting requirements of this By-law.
44. Where the **Director** has referred the **Application** to the **Planning Committee**, the **Planning Committee** shall consider and make recommendations to Council on the proposed revisions only after a report has been submitted to the **Planning Committee** by the **Director**.

Section 99.1 Permit Issuance

45. Subject to Section 46 of this By-law, if Council or the **Director** approves a **Section 99.1 Permit**, the **Director** is authorized to issue the **Section 99.1 Permit** after all the conditions have been satisfied or secured to the satisfaction of the **Director**.
46. Where **Applications** for **Demolition** or **Conversion** are also subject to Section 8 or 10 of the **Building Code Act, 1992** or to a demolition control by-law under Section 33 of the **Planning Act**, the **Director** may designate the **Chief**

Building Official to issue the **Section 99.1 Permit**, which shall only be issued after approval for the **Section 99.1 Permit** is given and together with all other applicable requirements related to the **Demolition**.

Amendments to Issued Section 99.1 Permit

47. Where an applicant wishes to amend an issued **Section 99.1 Permit**, the process shall be commenced by way of a new **Application** under the provisions of this By-law. In the event that a new as amended **Section 99.1 Permit** is issued, then same shall take effect on the date of issuance.

Revocation of an Issued Section 99.1 Permit

48. The **Director** may revoke an issued **Section 99.1 Permit** if:
- a) the **Section 99.1 Permit** was issued on mistaken, false or incorrect information;
 - b) the conditions to the issued **Section 99.1 Permit** are not complied with; or
 - c) the owner of the **Regulated Property** or other holder of an issued **Section 99.1 Permit** has contravened this By-law.
49. Where a **Section 99.1 Permit** for **Demolition** has been issued under this By-law and the building permit for the new construction is revoked under the **Building Code Act, 1992**, the **Section 99.1 Permit** shall be deemed to be revoked and this By-law shall apply to any subsequent **Application** for a **Demolition** of the **Regulated Property** for which the original **Section 99.1 Permit** was issued.
50. Section 49 of this By-law does not apply if the **Regulated Property** has been **Demolished** under a **Section 99.1 Permit** before the building permit for the new construction pursuant to the **Building Code Act, 1992** was revoked.

Council or Director Decision Final

51. Council's or the **Director's** decision to approve, refuse or revoke a **Section 99.1 Permit**, or impose or revise conditions on a **Section 99.1 Permit** in accordance with this By-law is final, without any further right of appeal.

PART VIII – ENFORCEMENT

Harassment of Tenant

52. No owner of **Regulated Property** or person acting on the owner's behalf shall

interfere with a tenant's reasonable enjoyment of a **Rental Unit** in the **Regulated Property** with the intent of discouraging the participation of the tenant in the **Application** or approval process described herein or with the intent of otherwise facilitating the obtaining of the approval of Council or the **Director** on an **Application** made under this By-law.

Powers of Entry and Inspection

53. Any **City Official** may at any reasonable time enter upon any land for the purpose of carrying out an inspection to determine whether the following are being complied with:
- a) this By-law;
 - b) any direction or order issued under this By-law;
 - c) any **Section 99.1 Permit** condition imposed under this By-law; and
 - d) an order issued under Section 431 of the ***Municipal Act***.
54. Subject to the requirements under Section 437 of the ***Municipal Act*** related to entry to dwellings, submission of an **Application** for a **Section 99.1 Permit** is deemed to be the consent of the owner for any **City Official** to enter at any reasonable time onto the **Residential Rental Property** for the purpose of carrying out an inspection.
55. Where an inspection is conducted under this By-law, any **City Official** may:
- a) require the production of documents and things that may be relevant to the inspection;
 - b) inspect and remove documents or things which may be relevant to the inspection for the purpose of making copies;
 - c) require information from any person concerning a matter related to the inspection, including but not limited to name(s), address(es), contact information, and proof of identity or other identification; and
 - d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take photographs necessary for the purpose of the inspection.
56. No person shall hinder or obstruct, or attempt to hinder or obstruct, any **City Official** from exercising any power or authority, or performing a duty as permitted under this By-law.

57. No person shall decline or neglect to give, produce or deliver any access, information, document or other thing that is requested by any **City Official** pursuant to this By-law.
58. Every person from whom information, or any other thing, has been requested in relation to an inspection conducted under this By-law shall identify themselves to any **City Official** and failure to identify shall constitute hindering and/or obstructing under Section 56 of this By-law.

Offences

59. Every person, either by their own actions or through the action of any other person, who contravenes any Section of this By-law, including an Order issued pursuant to this By-law or Sections 444 or 445 of the **Municipal Act** 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, as amended and the **Municipal Act**.
60. Every director or officer of a corporation who knowingly concurs in a contravention of this By-law by the corporation is guilty of an offence.
61. Every person who knowingly furnishes false or misleading information in any **Application** pursuant to Section 8 of this By-law is guilty of an offence.
62. Every person who fails to comply with a term or condition of a **Section 99.1 Permit** under this By-law is guilty of an offence.
63. All contraventions of this By-law or an Order issued pursuant to this By-law are designated multiple and continuing offences pursuant to Subsection 429(2) of the **Municipal Act**.
64. For greater certainty, a separate offence may be charged under this By-law for each or any **Rental Unit** within a single **Regulated Property**.

Penalty

65. Every person who is charged with an offence under this By-law upon conviction is liable as follows:
 - a) the maximum fine for an offence is \$100,000;
 - b) in the case of a continuing offence, in addition to the penalty mentioned in Subsection 65(a) of this By-law, for each day or part of a day that the offence continues, the maximum fine shall be \$10,000, and the total of all daily fines for the offence is not limited to \$100,000;

- c) in the case of a multiple offence, including offences as described in Section 65 of this By-law, for each offence included in the multiple offence, the maximum fine shall be \$10,000 and the total of all fines for each included offence is not limited to \$100,000; and
- d) if a person is convicted of an offence under this By-law, the potential for economic advantage acquired by or that accrued to the person as a result of the commission of the offence may be considered an aggravating factor for sentencing purposes which may attract a special fine and the maximum amount of the special fine may exceed \$100,000 or such other maximum amount permitted by the ***Municipal Act***;

66. If any Section of this By-law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by this By-law, the Court in which the conviction has been entered and any Court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted.

PART IX – TRANSITION

Effective Date

67. This By-law will come into force on January 1, 2025.

Applicability

68. This By-law applies to a proposal for **Demolition** or **Conversion** of a Regulated **Property** in any **Related Planning Application** made on or after January 1, 2025, except where:

- a) a determination on the **Related Planning Application** is made by the applicable approval authority before the Effective Date; or
- b) the **Related Planning Application** relates to development applications for site-specific official plan amendments under Section 22 of the ***Planning Act*** and/or site-specific zoning bylaw amendments under Section 34 of the ***Planning Act*** that were approved or appealed to the Ontario Land Tribunal prior to January 1, 2025.

69. Notwithstanding Section 68 of this By-law, where a draft plan of condominium is approved prior to January 1, 2025, this By-law shall apply where the draft plan is not registered within one (1) year of the Effective Date.

70. In the case of applications under Section 8 of the ***Building Code Act, 1992***,

for interior renovations as described in the definition of **Demolition** in Subsection 1(l), this By-law applies to any **Application** made after the Effective Date.

PART X – GENERAL

71. Any Section of this By-law, or any part thereof, that is found by a court of competent jurisdiction to be invalid shall be severable, and the remainder of the By-law shall continue to be valid.
72. In this By-law, unless the context otherwise requires, words imparting the singular number shall include the plural, and words imparting the masculine gender shall include the feminine and further, the converse of the foregoing also applies where the context so requires.
73. References in this By-law to any legislation (including but not limited to regulations and by-laws) or any provision thereof include such legislation or provision thereof as amended, revised, re-enacted and/or consolidated from time to time and any successor legislation thereto.
74. This By-law may be referred to as the “Rental Housing Protection By-law”.

PASSED this 26th day of June, 2024.

A. Horwath
Mayor

J. Pilon
Acting City Clerk

Bill No. 110

**CITY OF HAMILTON
BY-LAW NO. 24-110**

To Amend By-law No. 12-282, as amended by By-law Nos. 19-108, 19-197, 21-079, 22-222 and 23-031 Respecting Tariff of Fees

WHEREAS Section 69 of the Planning Act, R.S.O. 1990, Chapter 13, as amended, authorizes municipalities to enact a by-law to prescribe a Tariff or Fees for the processing of applications made in respect of planning matters;

AND WHEREAS Section 391 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, authorizes municipalities to enact by-laws to impose fees on any class of person for services or activities provided or done by or on behalf of the municipality;

AND WHEREAS Council has approved a By-law under the authority of Section 99.1 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, to prohibit the Conversion and Demolition of Residential Rental Properties without a permit;

AND WHEREAS Council deems it necessary to add new fees to cover the costs related to processing permits to Convert or Demolish Residential Rental Properties;

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

1. The amendments in this By-law include any necessary grammatical, numbering and lettering changes.
2. That Schedule "A" to By-law No.12-282, as amended, be updated to include the following new fees in Schedule "A":

Permit to Convert or Demolish a Residential Rental Property

Permit to Demolish	\$7,500
i) Plus additional cost per unit	\$300
Permit to Demolish – Delegated Approval	\$1,500
i) Plus additional cost per unit	\$75
Permit to Convert	\$4,500
i) Plus additional cost per unit	\$75

Permit to Convert – Delegated Approval	\$1,500
i) Plus additional cost per unit	\$75

3. That Schedule “A” to By-law No. 12-282 be further amended by adding the following note to the “Planning Fees”:

“The Permit to Demolish fee shall be waived for all charitable and not-for-profit organizations proposing to demolish and replace Rent-Geared-to-Income (RGI) rental housing units, which shall be confirmed at the discretion of the Director of Planning and Chief Planner.”

4. The new fees for a Permit to Convert or Demolish a Residential Rental Property are hereby approved and adopted.
5. The fees shall be paid at the time of the submission of a permit application.
6. No application for a Permit to Convert or Demolish a Residential Rental Property shall be deemed to have been made, provided or completed, and no application shall be received, unless the appropriate fees are paid in accordance with this By-law.
7. The amount of the fees for a Permit to Convert or Demolish a Residential Rental Property shall be adjusted annually by the percentage change during the preceding year of the Consumer Price Index (CPI) for Toronto, and the resulting figures shall be rounded off to the nearest five (\$5.00) dollar interval.
8. This By-law shall be deemed to have come into force on January 1, 2025.

PASSED this 26th day of June, 2024.

A. Horwath
Mayor

J. Pilon
Acting City Clerk

Authority: Item 6, Planning Committee Report 24-009 (PED22091(a))
CM: June 26, 2024 Ward: City Wide

Bill No. 111

CITY OF HAMILTON
BY-LAW NO. 24-

To Amend By-law No. 22-101 a Demolition Control Area By-law

WHEREAS Council enacted a Demolition Control Area By-law No. 22-101;

AND WHEREAS Council has approved a By-law under the authority of Section 99.1 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, to prohibit the Conversion and Demolition of Residential Rental Properties without a permit;

AND WHEREAS this By-law provides for an amendment to By-law No. 22-101 to ensure effective implementation of the By-law approved under the authority of Section 99.1 of the Municipal Act, 2001, S.O. 2001, c. 25, as may be amended;

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

1. The amendments in this By-law include any necessary grammatical, numbering and lettering changes, including punctuation.
2. That a new Subsection (d) be added to Part 7 of By-law No. 22-101:
 7. The delegation of authority set out in this Demolition Control Area By-law does not include the authority to:
 - (d) issue a Demolition Control Approval where the City of Hamilton Rental Housing Protection By-Law 24-109, as may be amended, applies to the demolition of a residential property, unless a permit has been approved and issued under By-law 24-109.
3. This By-law shall be deemed to have come into force on January 1, 2025.

PASSED this 26th day of June, 2024.

A. Horwath
Mayor

J. Pilon
Acting City Clerk

Authority: Item 6, Planning Committee Report 24-009 (PED22091(a))
CM: June 26, 2024 Ward: City Wide

Bill No. 112

CITY OF HAMILTON
BY-LAW NO. 24-

To Amend By-law No. 24-055, a Renovation Licence and Relocation By-law

WHEREAS Council enacted a Renovation Licence and Relocation By-law No. 24-055;

AND WHEREAS Council has approved a By-law under the authority of Section 99.1 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, to prohibit the Conversion and Demolition of Residential Rental Properties without a permit;

AND WHEREAS this By-law provides for an amendment to By-law No. 24-055 to ensure effective implementation of the By-law approved under the authority of Section 99.1 of the Municipal Act, 2001, S.O. 2001, c. 25, as may be amended;

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

1. That a new Section 58 be added to By-law No. 24-055:

58. In a building with six or more dwelling units, where any renovations would have the effect of changing the number of bedrooms within a Rental Housing Unit, this shall be considered a dwelling unit demolition and a Section 99.1 Permit under the *Municipal Act, 2001* shall be required in accordance with Rental Housing Protection By-law 24-109.

2. This By-law shall be deemed to have come into force on January 1, 2025.

PASSED this 26th day of June, 2024.

A. Horwath
Mayor

J. Pilon
Acting City Clerk

Authority: Item 7, Planning Committee Report 24-009 (PED24060)
CM: June 26, 2024 Ward: City Wide

Bill No. 113

CITY OF HAMILTON

BY-LAW NO. 24-

To Adopt:

**Official Plan Amendment No. 210 to the
Urban Hamilton Official Plan**

Respecting:

Alignment with Parks Master Plan and Bill 23

(City Wide)

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

1. Amendment No. 210 to the Urban Hamilton Official Plan consisting of Schedule “1”, hereto annexed and forming part of this by-law, is hereby adopted.

PASSED this 26th day of June, 2024.

A. Horwath
Mayor

J. Pilon
Acting City Clerk

Urban Hamilton Official Plan Amendment No. 210

The following text constitutes Official Plan Amendment No. 210 to the Urban Hamilton Official Plan.

1.0 **Purpose and Effect:**

The purpose and effect of this Amendment is to:

- Amend the Urban Design Policies of Volume 1 to allow temporary and permanent road closures to support public gathering and open space programming;
- Amend the Parkland Policies of Volume 1 to incorporate social equality factors into the determination of parkland amount and type and reduce the Minimum Service Radius / Walking Distance to Neighbourhood Parks; and,
- Amend the Parkland Dedication Policies of Volume 1 to change the density and unit number standards used for the calculation of parkland dedication for residential uses and to establish parkland dedication rates for plans of subdivision based on land area, to align with the changes to the Planning Act made by Bill 23.

2.0 **Location:**

The lands affected by this Amendment are located within the Urban Area of the City of Hamilton.

3.0 **Basis:**

The basis for permitting this Amendment is:

- The Amendment implements the recommendations of the City of Hamilton Parks Master Plan (September 2023);
- The Amendment is consistent with amendments made to the *Planning Act* through Bill 23, *More Homes Built Faster Act, 2022*; 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

Text

4.1.1 Chapter B – Communities

a. That Table 3.5.3.1 and Policies B.3.3.2.10, B.3.5.3.11 and B.3.5.3.16 of Volume 1: Chapter B – Communities be amended, as outlined in Appendix “A” attached to this amendment.

4.1.2 Chapter F – Implementation

a. That Policy F.1.18.1 of Volume 1: Chapter F – Implementation be amended, as outlined in Appendix “B” attached to this amendment.

5.0 Implementation:

An implementing amendment to the City’s Parkland Dedication By-law will give effect to the amendments to the Urban Hamilton Official Plan.

This Official Plan Amendment is Schedule “1” to By-law No. 24-113 passed on the 26th day of June, 2024.

**The
City of Hamilton**

A. Horwath
Mayor

J. Pilon
Acting City Clerk

Appendix “A” – Volume 1, Chapter B – Communities

Proposed Change	Proposed New / Revised Policy																								
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<p>B.3.3.2.10 Streets shall be designed not only as a transportation network but also as important public spaces and shall include, where appropriate:</p> <p>a) adequate and accessible space for pedestrians, <i>active transportation</i>, as well as transit, other vehicles, and utilities; (OPA 167)</p> <p>b) continuous sidewalks;</p> <p>c) landscaping such as street trees and landscaped boulevards;</p> <p>d) pedestrian amenities such as lighting, seating, way-finding signage, and <i>urban braille</i>;</p> <p>e) on-street parking;</p> <p>f) public art; and,</p> <p>g) amenities and spaces that encourage social interaction, pedestrian activity and animate the streetscape such as public gathering places, patios and sidewalk cafés. (OPA 167); and,</p> <p>h) allowances for temporary and permanent road closures that support public gathering, open space programming and naturalization.</p>	<p>B.3.3.2.10 Streets shall be designed not only as a transportation network but also as important public spaces and shall include, where appropriate:</p> <p>a) adequate and accessible space for pedestrians, <i>active transportation</i>, as well as transit, other vehicles, and utilities; (OPA 167)</p> <p>b) continuous sidewalks;</p> <p>c) landscaping such as street trees and landscaped boulevards;</p> <p>d) pedestrian amenities such as lighting, seating, way-finding signage, and <i>urban braille</i>;</p> <p>e) on-street parking;</p> <p>f) public art;</p> <p>g) amenities and spaces that encourage social interaction, pedestrian activity and animate the streetscape such as public gathering places, patios and sidewalk cafés. (OPA 167); and,</p> <p>h) allowances for temporary and permanent road closures that support public gathering, open space programming and naturalization.</p>																								
<p>Table 3.5.3.1 – Parkland Standards</p>	<p>Table 3.5.3.1 – Parkland Standards</p>																								
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Proposed Change	Proposed New / Revised Policy
<p>Grey highlighted strikethrough text = text to be deleted</p>	<p>Bolded text = text to be added</p>
<p>B.3.5.3.15 Notwithstanding Policy B.3.5.3.11, and the standards contained in Table 3.5.3.1 - Parkland Standards:</p> <p>a) the City may consider a lower parkland standard where a Neighbourhood and Community Park may be feasibly combined on the same site.; and,</p> <p>b) a greater Minimum Service Radius/Walking Distance for a Neighbourhood Park may be deemed acceptable by the City where another park which provides an equivalent function to a Neighbourhood Park, as described in Policy B.3.5.3.4 b), is located within the 500 metre service radius.</p>	<p>B.3.5.3.15 Notwithstanding Policy B.3.5.3.11 and the standards contained in Table 3.5.3.1 - Parkland Standards:</p> <p>a) the City may consider a lower parkland standard where a Neighbourhood and Community Park may be feasibly combined on the same site.; and,</p> <p>b) a greater Minimum Service Radius/Walking Distance for a Neighbourhood Park may be deemed acceptable by the City where another park which provides an equivalent function to a Neighbourhood Park, as described in Policy B.3.5.3.4 b), is located within the 500 metre service radius.</p>
<p>B.3.5.3.16 Through the preparation of secondary plans or neighbourhood plans, the City shall determine the amount and type of park required based on the following considerations:</p> <p>a) the parkland standards in Policy B.3.5.3.11;</p> <p>b) projected population;</p> <p>c) the location of other parks in adjacent areas;</p> <p>d) the feasibility of locating parks near schools and Natural Open Spaces;</p> <p>e) the feasibility of providing a range of parkland spaces for all residents within a safe walking distance; and,(OPA 167)</p> <p>f) site characteristics (slope, natural features, frontage in a public road) as defined by the Parks and Open Space Development Guide, adopted by Council.; and, (OPA 167)</p> <p>g) Social equity factors such as the proportion of-potential low-income households and consideration of the availability of private amenity space.</p>	<p>B.3.5.3.16 Through the preparation of secondary plans or neighbourhood plans, the City shall determine the amount and type of park required based on the following considerations:</p> <p>a) the parkland standards in Policy B.3.5.3.11;</p> <p>b) projected population;</p> <p>c) the location of other parks in adjacent areas;</p> <p>d) the feasibility of locating parks near schools and Natural Open Spaces;</p> <p>e) the feasibility of providing a range of parkland spaces for all residents within a safe walking distance; (OPA 167)</p> <p>f) site characteristics (slope, natural features, frontage in a public road) as defined by the Parks and Open Space Development Guide, adopted by Council; and,(OPA 167)</p> <p>g) Social equity factors such as proportion the of potential low-income households and consideration of the availability of private amenity space.</p>

Appendix “B” – Volume 1: Chapter F – Implementation

Proposed Change	Proposed New / Revised Policy
<p>Grey highlighted strikethrough text = text to be deleted</p>	<p>Bolded text = text to be added</p>
<p>F.1.18.1 In considering any <i>development/redevelopment</i> proposal, plan of subdivision or consent to sever, Council shall determine whether to require the dedication of parkland or require cash-in-lieu of such dedication.</p> <p>a) Council shall require a parkland dedication in an amount not exceeding 5% for residential proposals, or alternatively, shall not exceed a rate of 1.0 hectare for each 300 600 dwelling units proposed where land is dedicated or 1.0 hectare for each net 1,000 dwelling units where cash-in-lieu of payment is provided.</p> <p>The rate to be applied will be that which yields the greater amount of either land or cash-in-lieu), or a combination thereof for developments or redevelopment that contain a mix of residential densities. The maximum parkland dedication shall also include any reductions required by the <u>Planning Act</u> for affordable or attainable residential units or non-profit housing development.</p> <p>For the purposes of calculating parkland dedication on the basis of the number of units, the following rates shall apply to any dedication of parkland or cash-in-lieu as a condition of residential <i>development or redevelopment</i>:</p> <p>i) For land designated to permit residential development or redevelopment with a density less than 20 units per hectare, dedication of land not to exceed an amount of 5% of the net land areas to be developed.</p> <p>ii) For land designated to permit residential development or redevelopment with a density of 20 to 75 units per hectare, parkland shall be dedicated at a rate not to exceed 1 hectare for each 300 dwelling units proposed;</p> <p>iii) For land designated to permit residential development or redevelopment with a density of 75 to 120 units per hectare, parkland shall</p>	<p>F.1.18.1 In considering any <i>development/redevelopment</i> proposal, plan of subdivision or consent to sever, Council shall determine whether to require the dedication of parkland or require cash-in-lieu of such dedication.</p> <p>a) Council shall require a parkland dedication in an amount not exceeding 5% for residential proposals, or alternatively, shall not exceed a rate of 1.0 hectare for each 600 dwelling units proposed where land is dedicated or 1.0 hectare for each net 1,000 dwelling units where cash-in-lieu of payment is provided.</p> <p>The rate to be applied will be that which yields the greater amount of either land or cash-in-lieu), or a combination thereof for developments or redevelopment that contain a mix of residential densities. The maximum parkland dedication shall also include any reductions required by the <u>Planning Act</u> for <i>affordable</i> or attainable residential units or non-profit housing <i>development</i>.</p> <p>For the purposes of calculating parkland dedication on the basis of the number of units, the following rates shall apply to any dedication of parkland or cash-in-lieu as a condition of residential <i>development or redevelopment</i>:</p> <p>i) Notwithstanding Policy F.1.18.1 b), regardless of the density of development, a maximum land dedication of 5% of the net land area shall apply to developments of single or semi-detached lots, or duplexes.</p> <p>ii) In the case of lands to be developed for an individual single detached dwelling in a rural area, the parkland dedication shall be based on an amount not to exceed 2.5% of a 0.4 hectare lot. This policy is not applicable to designated Rural Settlement Areas.</p>

Proposed Change	Proposed New / Revised Policy
<p>Grey highlighted strikethrough text = text to be deleted</p>	<p>Bolded text = text to be added</p>
<p>be dedicated at a rate not to exceed 0.6 hectares for each 300 dwelling units proposed;</p> <p>iv) Notwithstanding Policy F.1.18.1 a) and Policy F.1.18.1 a) ii) for land designated to permit residential development or redevelopment with a density of 20 to 75 units per hectare where cash-in-lieu payment applies, the rate for calculating parkland dedication shall not exceed a rate of 1.0 hectare for each 500 dwelling units proposed. (OPA 73)</p> <p>v) For land designated to permit residential development or redevelopment with a density greater than 120 units per hectare, parkland shall be dedicated at a rate not to exceed 0.5 hectares for each 300 dwelling units proposed.</p> <p>vi) i) Notwithstanding Policy F.1.18.1 b), regardless of the density of development, a maximum land dedication of 5% of the net land area shall apply to developments of single or semi-detached lots, or duplexes.</p> <p>vii) ii) In the case of lands to be developed for an individual single detached dwelling in a rural area, the parkland dedication shall be based on an amount not to exceed 2.5% of a 0.4 hectare lot. This policy is not applicable to designated Rural Settlement Areas.</p> <p>viii) iii) Notwithstanding Policy F.1.18.1 a) i) to</p>	<p>iii) Notwithstanding Policy F.1.18.1 a) i) and ii), Council may consider reducing the residential parkland dedication rate for: dwellings within specific geographic areas of the City; specific dwelling unit types; and, certain types of charitable, non-profit or social/affordable housing, as provided for in the Parkland Dedication By-law.</p>

Proposed Change	Proposed New / Revised Policy
<p>Grey highlighted strikethrough text = text to be deleted</p>	<p>Bolded text = text to be added</p>
<p>F.1.18.5 Notwithstanding Policy F.1.18.1 a), the maximum alternative parkland dedication shall also be limited by any maximums required by the <i>Planning Act</i>.</p>	<p>F.1.18.5 Notwithstanding Policy F.1.18.1 a), the maximum alternative parkland dedication shall also be limited by any maximums required by the <i>Planning Act</i>.</p>

Authority: Item 7, Planning Committee Report 24-009 (PED24060)
CM: June 26, 2024 Ward: City Wide

Bill No. 114

CITY OF HAMILTON

BY-LAW NO. 24-

To Adopt:

**Official Plan Amendment No. 252 to the
City of Hamilton Official Plan**

Respecting:

**Alignment with Parks Master Plan and Bill 23
(Ward 2)**

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

1. Amendment No. 252 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 26th day of June, 2024.

A. Horwath
Mayor

J. Pilon
Acting City Clerk

Amendment No. 252 to the City of Hamilton Official Plan

The following text constitutes Official Plan Amendment No. 252 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 to allow temporary and permanent road closures to support public gathering and open space programming and establish a minimum service radius/walking distance standard for neighbourhood parkland; and,
- Amend the Municipal Land Acquisition Policies to change the density and unit number standards used for the calculation of parkland dedication for residential uses and to establish parkland dedication rates for plans of subdivision based on land area, to align with the changes to the Planning Act made by Bill 23.

2.0 Location:

The lands affected by this amendment are located within the West Harbour (Setting Sail) Secondary Plan area.

3.0 Basis:

The basis for permitting this Amendment is:

- The Amendment implements a recommendation of the City of Hamilton Parks Master Plan (September 2023); 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 Changes:

4.1 Text Changes

4.1.1 That Section A.6.3.2 – Planning Principles be amended by adding Policy No. A.6.3.2.5 ix) as follows:

“A.6.3.2.5 ix) Enable the use of temporary and permanent road closures to support public gathering, open space programming and naturalization.”

4.1.2 That Section A.6.3.3 – General Policies be amended by adding Policy Nos. A.6.3.3.2.17, A.6.3.3.2.18 and A.6.3.3.2.19 as follows:

“A.6.3.3.2.17 Notwithstanding Policy C.1.1.1, to ensure the provision of an adequate amount of parkland, a minimum service radius/walking distance standard of 500 metres shall be used in the determination of neighbourhood parkland needs within the West Harbour Secondary Plan.

A.6.3.3.2.18 In addition to Policy A.6.3.3.2.17, the provision of parkland shall also consider social equity factors such as the proportion of potential low-income households and consideration of the availability of private amenity space.

A.6.3.3.2.19 Notwithstanding Policy A.6.3.3.2.17, a greater minimum service radius/walking distance for a Neighbourhood Park may be deemed acceptable by the City where another park which provides an equivalent function to a Neighbourhood Park is located within the 500 metre service radius.”

4.1.3 That Section D.5 – Municipal Land Acquisition Policies be amended by deleting Policy Nos. D.5.8 and D.5.9 and adding Policy Nos. D.5.12 to D.5.13 as follows:

“D.5.12 In accordance with the Planning Act, and in considering any development/redevelopment proposal, plan of subdivision or consent to sever, Council shall determine whether to require the dedication of parkland or require cash-in-lieu of such dedication.

- i) Council shall require a parkland dedication in an amount not exceeding 5% for residential proposals, or alternatively, shall not exceed a rate of 1.0 hectare for each 600 dwelling units proposed where land is

dedicated or 1.0 hectare for each net 1,000 dwelling units where cash-in-lieu of payment is provided.

The rate to be applied will be that which yields the greater amount of either land or cash-in-lieu. The maximum parkland dedication shall also include any reductions required by the Planning Act for affordable or attainable residential units or non-profit housing development.

For the purposes of calculating parkland dedication on the basis of the number of units, the following rates shall apply to any dedication of parkland or cash-in-lieu as a condition of residential development or redevelopment:

- a) Regardless of the density of development, a maximum land dedication of 5% of the net land area shall apply to developments of single or semi-detached lots, or duplexes.
- b) Council shall require a parkland dedication in the amount not exceeding 2% for commercial purposes except as exempted in the Parkland Dedication By-law.
- c) Council shall require a parkland dedication in an amount not exceeding 5% for institutional proposals, and all other land use proposals other than residential and commercial uses, subject to any exemption as set out in the Parkland Dedication By-law.
- d) Council shall require a combination of dedication rates as defined in Policy D.5.12 applicable to specific use and/or density for any development including a subdivision containing lands proposed for a variety of land uses.
- e) Notwithstanding Policy D.5.12 i), Council may consider reducing the residential parkland dedication rate for: dwellings within specific geographic areas of the City; specific dwelling unit types; and, certain types of charitable, non-profit or

social/affordable housing, as provided for in the Parkland Dedication By-law.

D.5.13 Notwithstanding Policy D.5.12, the maximum alternative parkland dedication shall also be limited by any maximums required by the Planning Act.”

5.0 Implementation:

An implementing amendment to the City’s Parkland Dedication By-law will give effect to the amendments to the City of Hamilton Official Plan.

This Official Plan Amendment is Schedule “1” to By-law No. 24-114 passed on the 26th day of June, 2024.

**The
City of Hamilton**

A. Horwath
Mayor

J. Pilon
Acting City Clerk

Authority: Item 7, Planning Committee Report 24-009 (PED24060)
CM: June 26, 2024 Ward: City Wide

Bill No. 115

CITY OF HAMILTON

BY-LAW NO. 24-

To Adopt:

**Official Plan Amendment No. 40 to the
Rural Hamilton Official Plan**

Respecting:

Alignment with Parks Master Plan and Bill 23

(City Wide)

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

1. Amendment No. 40 to the Rural Hamilton Official Plan consisting of Schedule “1”, hereto annexed and forming part of this by-law, is hereby adopted.

PASSED this 26th day of June, 2024.

A. Horwath
Mayor

J. Pilon
Acting City Clerk

Rural Hamilton Official Plan Amendment No. 40

The following text constitutes Official Plan Amendment No. 40 to the Rural Hamilton Official Plan.

1.0 **Purpose and Effect:**

The purpose and effect of this Amendment is to:

- Amend the Parkland Policies of Volume 1 to incorporate social equality factors into the determination of parkland amount and type and reduce the Minimum Service Radius/ Walking Distance to Neighbourhood Parks; and,
- Amend the Parkland Dedication Policies of Volume 1 by increasing the number of units for the calculation of parkland dedication for residential uses and to establish parkland dedication rates for plans of subdivision based on land area.

2.0 **Location:**

The lands affected by this Amendment are located within the Rural Area of the City of Hamilton.

3.0 **Basis:**

The basis for permitting this Amendment is:

- The Amendment implements the recommendations of the City of Hamilton Parks Master Plan (September 2023);
- The Amendment is consistent with amendments made to the *Planning Act* through Bill 23, *More Homes Built Faster Act, 2022* 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**

Text

4.1.1 Chapter B – Communities

- a. That Policies B.3.5.3.9 and B.3.5.3.14 of Volume 1: Chapter B – Communities be amended, as outlined in Appendix “A” attached to this amendment.

4.1.2 Chapter F – Implementation

- a. That Policy F.1.18.1 of Volume 1: Chapter F – Implementation be amended, as outlined in Appendix “B” attached to this amendment.

5.0 Implementation:

An implementing amendment to the City’s Parkland Dedication By-law will give effect to the amendments to the Rural Hamilton Official Plan.

This Official Plan Amendment is Schedule “1” to By-law No. 24-115 passed on the 26th day of June, 2024.

**The
City of Hamilton**

A. Horwath
Mayor

J. Pilon
Acting City Clerk

Appendix “A” – Volume 1, Chapter B – Communities

Proposed Change	Proposed New / Revised Policy																		
<p>Grey highlighted strikethrough text = text to be deleted</p>	<p>Bolded text = text to be added</p>																		
<p>B.3.5.3.9 To ensure the provision of an adequate amount of parkland, the following standards shall be used in the determination of parkland needs:</p> <p>a) Rural Settlement Areas (as defined on Schedule D – Rural Land Use Designations, and Maps 1 to 19 in Volume 2 of this Plan)</p> <table border="1" data-bbox="203 640 803 940"> <thead> <tr> <th>Park Classification</th> <th>Per 1,000 Population (Ratios)</th> <th>Minimum Service Radius/ Walking Distance</th> </tr> </thead> <tbody> <tr> <td>Neighbourhood Parks</td> <td>0.7 ha/1000</td> <td>800 m 500 m</td> </tr> <tr> <td>Community Parks</td> <td>0.7 ha/1000</td> <td>n/a</td> </tr> </tbody> </table> <p>i) Any park with an equivalent function to a Neighbourhood Park, as described in Policy B.3.5.3.4 a) and as determined by the City, shall satisfy the 500 metre Minimum Service Radius / Walking Distance standard established in Policy B.3.5.3.9 a).</p>	Park Classification	Per 1,000 Population (Ratios)	Minimum Service Radius/ Walking Distance	Neighbourhood Parks	0.7 ha/1000	800 m 500 m	Community Parks	0.7 ha/1000	n/a	<p>B.3.5.3.9 To ensure the provision of an adequate amount of parkland, the following standards shall be used in the determination of parkland needs:</p> <p>a) Rural Settlement Areas (as defined on Schedule D – Rural Land Use Designations, and Maps 1 to 19 in Volume 2 of this Plan)</p> <table border="1" data-bbox="828 640 1429 940"> <thead> <tr> <th>Park Classification</th> <th>Per 1,000 Population (Ratios)</th> <th>Minimum Service Radius/ Walking Distance</th> </tr> </thead> <tbody> <tr> <td>Neighbourhood Parks</td> <td>0.7 ha/1000</td> <td>500 m</td> </tr> <tr> <td>Community Parks</td> <td>0.7 ha/1000</td> <td>n/a</td> </tr> </tbody> </table> <p>i) Any park with an equivalent function to a Neighbourhood Park, as described in Policy B.3.5.3.4 a) and as determined by the City, shall satisfy the 500 metre Minimum Service Radius / Walking Distance standard established in Policy B.3.5.3.9 a).</p>	Park Classification	Per 1,000 Population (Ratios)	Minimum Service Radius/ Walking Distance	Neighbourhood Parks	0.7 ha/1000	500 m	Community Parks	0.7 ha/1000	n/a
Park Classification	Per 1,000 Population (Ratios)	Minimum Service Radius/ Walking Distance																	
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Community Parks	0.7 ha/1000	n/a																	
<p>B.3.5.3.14 Through the review and preparation of Rural Settlement Area Plans, the City shall determine the amount and type of park required based on the following considerations:</p> <p>a) The parkland standards in Section B.3.5.3.9;</p> <p>b) Projected population;</p> <p>c) The location of other parks in adjacent areas;</p> <p>d) The feasibility of locating parks near schools and Natural Open Spaces; and</p> <p>e) Site characteristics (slope, natural features, frontage in a public road) as defined by the Landscape Manual for Parks, adopted by Council. (OPA 5) (OPA 23); and,</p>	<p>B.3.5.3.14 Through the preparation of Rural Settlement Area Plans, the City shall determine the amount and type of park required based on the following considerations:</p> <p>a) The parkland standards in Section B.3.5.3.9;</p> <p>b) Projected population;</p> <p>c) The location of other parks in adjacent areas;</p> <p>d) The feasibility of locating parks near schools and Natural Open Spaces;</p> <p>e) Site characteristics (slope, natural features, frontage in a public road) as defined by the Landscape Manual for Parks, adopted by Council. (OPA 5) (OPA 23); and,</p>																		

Proposed Change	Proposed New / Revised Policy
Grey highlighted strikethrough text = text to be deleted	Bolded text = text to be added
f) Social equity factors such as the proportion of-potential low-income households and consideration of the availability of private amenity space.	f) Social equity factors such as the proportion of-potential low-income households and consideration of the availability of private amenity space.

Appendix “B” – Volume 1: Chapter F – Implementation

Proposed Change	Proposed New / Revised Policy
Grey highlighted strikethrough text = text to be deleted	Bolded text = text to be added
<p>F.1.18.1 In accordance with the <i>Planning Act</i>, and in considering any <i>development/redevelopment</i> proposal, plan of subdivision or consent to sever, Council shall determine whether to require the dedication of parkland or require cash-in-lieu of such dedication.</p> <p>a) Council shall require a parkland dedication in an amount not exceeding 5% for residential proposals, or alternatively, shall not exceed a rate of 1.0 hectare for each 300 600 dwelling units proposed where land is dedicated or 1.0 hectare for each 1,000 net dwelling units where cash-in-lieu of payment is provided.</p> <p>The rate to be applied will be that which yields the greater amount of either land or cash-in-lieu, or a combination thereof for <i>developments or redevelopment</i> that contain a mix of residential densities. The maximum parkland dedication shall also include any reductions required by the <u>Planning Act</u> for affordable or attainable residential units or non-profit housing development.</p> <p>For the purposes of calculating parkland dedication on the basis of the number of units, the following rates shall apply to any dedication of parkland or cash-in-lieu as a condition of residential <i>development or redevelopment</i>:</p> <p>i) In the case of lands to be developed for an individual single detached dwelling in a rural area, the parkland dedication shall be based on an amount not to exceed 2.5% of a 0.4 hectare lot. This policy is not applicable to designated Rural Settlement Areas.</p>	<p>F.1.18.1 In accordance with the <i>Planning Act</i>, and in considering any <i>development/redevelopment</i> proposal, plan of subdivision or consent to sever, Council shall determine whether to require the dedication of parkland or require cash-in-lieu of such dedication.</p> <p>a) Council shall require a parkland dedication in an amount not exceeding 5% for residential proposals, or alternatively, shall not exceed a rate of 1.0 hectare for each 600 dwelling units proposed where land is dedicated or 1.0 hectare for each net 1,000 dwelling units where cash-in-lieu of payment is provided.</p> <p>The rate to be applied will be that which yields the greater amount of either land or cash-in-lieu. The maximum parkland dedication shall also include any reductions required by the <u>Planning Act</u> for <i>affordable</i> or attainable residential units or non-profit housing development.</p> <p>For the purposes of calculating parkland dedication on the basis of the number of units, the following rates shall apply to any dedication of parkland or cash-in-lieu as a condition of residential <i>development or redevelopment</i>:</p> <p>i) In the case of lands to be developed for an individual single detached dwelling in a rural area, the parkland dedication shall be based on an amount not to exceed 2.5% of a 0.4 hectare lot. This policy is not applicable to designated Rural Settlement Areas.</p>

Proposed Change	Proposed New / Revised Policy
<p>Grey highlighted strikethrough text = text to be deleted</p>	<p>Bolded text = text to be added</p>
<p>ii) Notwithstanding Policy F.1.18.1 a) i), Council may consider reducing the residential parkland dedication rate for: dwellings within specific geographic areas of the City; specific dwelling unit types; and, certain types of charitable, non-profit or social/<i>affordable</i> housing, as provided for in the Parkland Dedication By-law. (OPA 13)</p> <p>b) Council shall require a parkland dedication in the amount not exceeding 2% for commercial purposes except as exempted in the Parkland Dedication By-law.</p> <p>c) Council shall require a parkland dedication in an amount not exceeding 5% for institutional proposals, and all other land use proposals other than residential and commercial uses, subject to any exemption as set out in the Parkland Dedication By-law. (OPA 13)</p> <p>d) Council shall require a combination of dedication rates as defined in Policy F.1.18.1 applicable to specific use and/or density for any <i>development</i> including a subdivision containing lands proposed for a variety of land uses.</p> <p>e) Notwithstanding Policy F.1.18.1 a) and Policy F.1.18.1 a) i), the maximum alternative parkland dedication shall also be limited by any maximums required by the <i>Planning Act</i>.</p>	<p>ii) Notwithstanding Policy F.1.18.1 a) i), Council may consider reducing the residential parkland dedication rate for: dwellings within specific geographic areas of the City; specific dwelling unit types; and, certain types of charitable, non-profit or social/<i>affordable</i> housing, as provided for in the Parkland Dedication By-law. (OPA 13)</p> <p>b) Council shall require a parkland dedication in the amount not exceeding 2% for commercial purposes except as exempted in the Parkland Dedication By-law.</p> <p>c) Council shall require a parkland dedication in an amount not exceeding 5% for institutional proposals, and all other land use proposals other than residential and commercial uses, subject to any exemption as set out in the Parkland Dedication By-law. (OPA 13)</p> <p>d) Council shall require a combination of dedication rates as defined in Policy F.1.18.1 applicable to specific use and/or density for any <i>development</i> including a subdivision containing lands proposed for a variety of land uses.</p> <p>e) Notwithstanding Policy F.1.18.1 a) and Policy F.1.18.1 a) i), the maximum alternative parkland dedication shall also be limited by any maximums required by the <i>Planning Act</i>.</p>

Authority: Item 8, Planning Committee Report 24-009 (PED24091)
CM: June 26, 2024 Ward: City Wide

Bill No. 116

CITY OF HAMILTON

BY-LAW NO. 24-

To Amend By-law 17-225, a By-law to Establish a System of Administrative Penalties

WHEREAS Council enacted a By-law to Establish a System of Administrative Penalties, being By-law No. 17-225; and

WHEREAS this By-law amends By-law No. 17-225;

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

1. The amendments in this By-law include any necessary grammatical, numbering, and lettering changes.
2. That By-law 17-225 be amended by adding the following items to Table 10: By-law No. 07-170 To License and Regulate Various Businesses, in Schedule A of By-law No.17-225:

TABLE 10: BY-LAW NO. 07-170 TO LICENSE AND REGULATE VARIOUS BUSINESSES				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
30	07-170	Sch. 32 Sec. 3.1	Operate Short-Term Rental without a licence	\$400.00
31	07-170	Sch. 32 Sec. 3.2	Operate Short-Term Rental that is not Principal Residence	\$300.00
32	07-170	Sch. 32 Sec. 3.3	Operate as Short-Term Rental Broker – no licence	\$400.00
33	07-170	Sch. 32 Sec. 3.4 (a)	Provide or advertise Short-Term Rental without displaying Operator's licence number	\$300.00

TABLE 10: BY-LAW NO. 07-170 TO LICENSE AND REGULATE VARIOUS BUSINESSES				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
34	07-170	Sch. 32 Sec. 3.4 (b)	Provide or advertise Short-Term Rental without displaying Max. overnight guests	\$300.00
35	07-170	Sch. 32 Sec. 3.5	Fail to remove an advertisement for Short-Term Rental as ordered	\$300.00
36	07-170	Sch. 32 Sec.3.6	Provide or advertise Short-Term Rental to number of guests that is in excess of guest limit	\$300.00
37	07-170	Sch. 32 Sec. 3.7	Provide or advertise Short-Term Rental with unlicensed Short-Term Rental Broker	\$300.00
38	07-170	Sch. 32 Sec. 4.7	Operator rent/advertise a Short-Term Rental not on Principal Residence	\$300.00
39	07-170	Sch. 32 Sec. 4.11	Operator fail to post fire escape plan on all floors of their building in conspicuous place	\$300.00
40	07-170	Sch. 32 Sec. 4.13	Operator fail to keep records as required	\$300.00
41	07-170	Sch. 32 Sec. 4.14	Operator fail to disclose records as required	\$300.00
42	07-170	Sch. 32 Sec. 4.15	Operator fail (provide) to have information package in residential unit as required	\$300.00
43	07-170	Sch. 32 Sec. 5.9	Short-Term Rental Broker fail to disclose records as required	\$400.00
44	07-170	Sch. 32 Sec. 5.13	Short-Term Rental Broker fail to convey communication to Operators as required	\$400.00

3. That By-law 17-225 be amended by repealing Table 14: By-law 10-221 Property Standards By-law and replacing it with the following Table 14: By-law 23-162 Property Standards By-law in Schedule A of By-law 17-225:

TABLE 14: BY-LAW 23-162 Property Standards By-law				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
1	23-162	5(7)	Owner fail to disconnect utilities in vacant building that has been vacant for more than 90 days	\$200.00

TABLE 14: BY-LAW 23-162 Property Standards By-law				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
2	23-162	7(1)	Owner fail to keep water in private swimming pool clean and in a sanitary condition	\$150.00
3	23-162	7(1)	Occupant fail to keep water in private swimming pool clean and in a sanitary condition free from obnoxious odours	\$150.00
4	23-162	7(3)	Owner - principal entrance of building fail to have a walkway/driveway/hard surface leading to road	\$150.00
5	23-162	7(4)	Owner fail to have concrete wheel stops at parking spaces	\$200.00
6	23-162	7(5)	Owner - area used for vehicular traffic/parking fail to be surfaced with suitable dust free material and maintained	\$200.00
7	23-162	7(6)	Owner fail to maintain walkways/ driveways/ parking lots to afford safe passage	\$200.00
8	23-162	7(7)	Owner fail to maintain stone surface free of dust	\$200.00
9	23-162	7(7)	Occupant - crushed stone surface spillover onto sidewalk/grass	\$150.00
10	23-162	7(7)	Owner - crushed stone surface spillover onto sidewalk/grass	\$150.00
11	23-162	8(1)	Owner fail to maintain garage as to prevent gas fumes/carbon monoxide from entering dwelling/unit from garage	\$200.00
12	23-162	8(1)	Occupant fail to maintain garage as to prevent gas fumes/carbon monoxide from entering dwelling/unit from garage	\$200.00
13	23-162	10(1)	Owner - storm water discharge creating standing water	\$150.00
14	23-162	10(1)	Occupant - storm water discharge creating standing water	\$150.00
15	23-162	10(1)	Owner - storm water discharge creating erosion/damage to property	\$150.00
16	23-162	10(1)	Occupant - storm water discharge creating erosion/damage to property	\$150.00
17	23-162	10(1)	Owner - storm water discharge directed/draining onto adjoining property	\$150.00

TABLE 14: BY-LAW 23-162 Property Standards By-law				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
18	23-162	10(1)	Occupant - storm water discharge directed/draining onto adjoining property	\$150.00
19	23-162	10(2)	Owner - water discharge from sump-pump/air conditioner to adjoining property/sidewalk/road/stairway	\$150.00
20	23-162	10(2)	Occupant - water discharge from sump-pump/air conditioner to adjoining property/sidewalk/road/stairway	\$150.00
21	23-162	10(3)(a)	Owner - eavestrough/downspout not watertight/free from leaks	\$150.00
22	23-162	10(3)(b)	Owner - eavestrough/downspout not free from obstruction	\$150.00
23	23-162	10(3)(c)	Owner - eavestrough/downspout not stable/securely fastened	\$150.00
24	23-162	10(3)(d)	Owner - eavestrough/downspout not perform its intended function	\$150.00
25	23-162	11(1)	Owner - fence/barrier/retaining wall not maintained to perform intended function	\$150.00
26	23-162	12(1)	Owner - exterior surfaces not of resistant materials/coatings to protect deterioration by weather	\$150.00
27	23-162	12(2)	Owner - fail to remove/repair/replace free/loose/insufficiently secured, rotten, warped or broken materials/objects on exterior structures	\$200.00
28	23-162	12(2)	Occupant- fail to remove/repair/replace free/loose/insufficiently secured, rotten, warped or broken materials/objects on exterior structures	\$200.00
29	23-162	12(3)(a)	Owner - exterior of building not maintained to prevent the entry of vermin/birds	\$200.00
30	23-162	12(4)(a)	Owner - fail to maintain/prevent deterioration of exterior wall by painting/restoring or repairing wall/coping/flushing or waterproofing	\$200.00
31	23-162	12(4)(b)	Owner - fail to repair vandalism/damage of exterior wall	\$150.00
32	23-162	12(5)	Owner - fail to maintain/repair roof/all components to properly perform intended function, weather-tight condition	\$200.00

TABLE 14: BY-LAW 23-162 Property Standards By-law				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
33	23-162	13(4)	Owner - fail to maintain basement/crawl space in a watertight condition	\$200.00
34	23-162	14(1)(a)	Owner - fail to ensure door/window/hatch or other opening properly maintained to perform intended function	\$200.00
35	23-162	14(1)(a)	Occupant - fail to ensure door/window/hatch or other opening properly maintained to perform intended function	\$200.00
36	23-162	14(1)(a)	Owner - fail to repair or replace door/window/hatch or other opening to minimize drafts	\$150.00
37	23-162	14(1)(a)	Occupant - fail to repair or replace door/window/hatch or other opening to minimize drafts	\$150.00
38	23-162	14(2)	Owner - fail to ensure lock on opening properly performs intended function	\$200.00
39	23-162	14(2)	Owner- fail to repair/replace damaged lock	\$200.00
40	23-162	14(3)	Owner - door/entrance to dwelling/dwelling unit without lock capable of securing from outside and inside	\$200.00
41	23-162	14(4)	Owner - window not able to be locked/secured from inside	\$200.00
42	23-162	14(5)	Owner - fail to have/maintain appropriate window screens to perform intended function	\$200.00
43	23-162	14(5)	Occupant - fail to have/maintain appropriate window screens to perform intended function	\$200.00
44	23-162	14(7)	Owner - voice communication system not maintained in good repair	\$150.00
45	23-162	15(1)	Owner - exterior/interior stairway/landing/balcony/porch/ramp or access/egress not maintained and free of holes/cracks and other defects	\$200.00
46	23-162	15(1)	Occupant - exterior/interior stairway/landing/balcony/porch/ramp or access/egress not maintained and free of holes/cracks and other defects	\$200.00

TABLE 14: BY-LAW 23-162 Property Standards By-law				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
47	23-162	15(2)	Owner - exterior stairway/landing/balcony/porch/ramp not free of furniture/appliance	\$200.00
48	23-162	15(2)	Occupant- exterior stairway/landing/balcony/porch/ramp – not free of furniture/appliance	\$200.00
49	23-162	15(3)	Owner - fail to repair/replace treads and risers of exterior/interior stairway	\$200.00
50	23-162	15(4)(a)	Owner - fail to have handrail for exterior/interior stairway	\$200.00
51	23-162	15(4)(a)	Owner - fail to replace/repair exterior/interior handrail	\$200.00
52	23-162	15(4)(b)	Owner - fail to have partial/short wall at exterior stairway	\$200.00
53	23-162	15(4)(b)	Owner - fail to repair/replace partial/short wall at exterior stairway	\$200.00
54	23-162	15(5)	Owner - fail to keep common areas clean and free of hazards	\$200.00
55	23-162	16(4)	Owner - floor not smooth/level that may create unsafe condition/surface	\$200.00
56	23-162	16(5)	Owner - floor covering worn/torn not repaired/replaced	\$200.00
57	23-162	16(6)	Owner - fail to have water resistant floor covering in bathroom/kitchen/laundry or shower	\$200.00
58	23-162	16(7)	Owner – fail to maintain wall/ceiling in a condition free from holes/open cracks/loose coverings other defects	\$200.00
59	23-162	16(8)	Owner - fail to repair wall or ceiling to have a similar finish to that of the original and comparable to surrounding finishes	\$200.00
60	23-162	17(1)	Owner - fail to have working lighting in stairway/exterior exit and entrance doorway, bath or shower room/toilet room/kitchen/ corridor/ basement/ laundry room and utility room	\$200.00
61	23-162	17(2)	Owner - fail to have lighting in hallway/stairway/common area and underground parking	\$200.00

TABLE 14: BY-LAW 23-162 Property Standards By-law				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
62	23-162	18(2)	Owner - fail to maintain vent to prevent entry of rain, snow and vermin	\$200.00
63	23-162	19(1)	Owner - heating system not capable of maintaining a temperature of 20 degrees C	\$400.00
64	23-162	19(2)(a)	Owner - heating system not operating/maintained to properly perform intended function	\$400.00
65	23-162	19(2)(b)	Owner - heating system not free from unsafe condition	\$400.00
66	23-162	19(3)	Owner - furnace/boiler located in hallway or access/egress	\$200.00
67	23-162	19(4)	Owner - portable heating equipment primary source of heat	\$400.00
68	23-162	21(1)	Owner -plumbing system/fixture not maintained to perform its intended function	\$400.00
69	23-162	21(1)	Owner - plumbing system/fixture not maintained and free from leaks/defects	\$400.00
70	23-162	21(2)	Owner -piping for suppling/draining water not protected from freezing	\$200.00
71	23-162	21(3)	Owner- plumbing fixture not connected by water seal trap to sewage system	\$400.00
72	23-162	21(5)(a)	Owner fail to provide piping for hot water at 43 degrees C	\$200.00
73	23-162	21(5)(a)	Owner fail to provide piping for cold water to kitchen/bath/shower/laundry room	\$200.00
74	23-162	21(5)(b)	Owner fail to have piping for cold water connected to toilet/hose bib	\$200.00
75	23-162	21(6)	Owner fail to provide potable water to dwelling/dwelling unit from approved source	\$400.00
76	23-162	21(7)(a) (i)	Owner fail to provide a hand wash basin in lodging house	\$200.00
77	23-162	21(7)(a) (ii)	Owner fail to provide a toilet in a lodging house	\$200.00
78	23-162	21(7)(a) (iii)	Owner fail to provide a bathtub or shower in lodging house	\$200.00
79	23-162	21(7)(b) (i)	Owner fail to provide a kitchen sink in a residential care facility/dwelling unit	\$200.00
80	23-162	21(7)(b) (ii)	Owner fail to provide a toilet in a residential care facility/dwelling unit	\$200.00

TABLE 14: BY-LAW 23-162 Property Standards By-law				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
81	23-162	21(7)(b)(iii)	Owner fail to provide a hand wash basin in a residential care facility/dwelling unit	\$200.00
82	23-162	21(7)(b)(iv)	Owner fail to provide a bathtub or shower in a residential care facility/dwelling unit	\$200.00
83	23-162	22(1)(a)	Owner fail to provide sink serviced with potable running water and water and grease resistant splash back in kitchen	\$400.00
84	23-162	22(1)(b)	Owner fail to provide work surface at least .74 m ² impervious to grease/water in kitchen	\$150.00
85	23-162	22(1)(c)	Owner fail to provide storage facilities of at least .8 m ³ in kitchen	\$150.00
86	23-162	22(1)(d)	Owner fail to provide cooking range/countertop range/refrigerator in kitchen	\$150.00
87	23-162	22(1)(e)	Owner fail to maintain cupboard/kitchen fixture/fitting in good repair and working order	\$150.00
88	23-162	22(2)	Owner bath/shower/toilet room not minimum height of 0.9m, water-resistant and readily cleaned	\$200.00
89	23-162	22(3)(a)	Owner bath/shower/toilet room not accessible from interior of building	\$200.00
90	23-162	22(3)(b)	Owner bath/shower/toilet room not fully enclosed with door for privacy	\$200.00
91	23-162	22(3)(c)	Owner bath/shower/toilet room with no working artificial lighting fixture	\$200.00
92	23-162	22(3)(d)	Owner bath/shower/toilet room not maintained to perform intended function	\$200.00
93	23-162	22(4)	Owner fail to provide handwash basin in same room as toilet or adjoining bath or shower room	\$200.00
94	23-162	22(5)	Owner - toilet or urinal located in habitable room used for living, eating or sleeping	\$200.00
95	23-162	22(7)	Landlord fail to maintain appliance in good state of repair and safe operable condition in rental unit	\$200.00

TABLE 14: BY-LAW 23-162 Property Standards By-law				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
96	23-162	23(1)	Owner - waste storage area/waste chute/disposal room/ container/ receptacles not kept clean/sanitary free from odour	\$200.00
97	23-162	23(1)	Occupant - waste storage area/waste chute/ disposal room/ container/ receptacles not kept clean/sanitary free from odour	\$200.00
98	23-162	23(2)	Owner - waste chute not operational at all times	\$200.00
99	23-162	24(3)(i)	Owner - fail to keep elevator clean and free of dirt and defacements	\$200.00
100	23-162	24(3)(ii)	Owner - fail to have working lights/elevator buttons/floor indicators and ventilation in elevator	\$200.00
101	23-162	25(1)	Owner - fail to keep dwelling or dwelling unit free of infestation of pests	\$400.00
102	23-162	25(1)	Occupant - fail to keep dwelling or dwelling unit free of infestation of pests	\$400.00
103	23-162	25(2)	Owner fail to keep urban property free of infestation of pests	\$400.00
104	23-162	26(3)	Owner – one-person bedroom not having floor area of 5.6 m ²	\$200.00
105	23-162	26(3)	Owner - two or more-person bedroom not having floor area of 3.3 m ² per person	\$200.00
106	23-162	26(4)	Owner - bedroom fail to be 1.8m in width	\$200.00
107	23-162	27(1)(a)	Owner - interior and exterior heritage attributes not maintained to prevent deterioration	\$375.00
108	23-162	27(1)(a)	Occupant - interior and exterior heritage attributes not maintained to prevent deterioration	\$375.00
109	23-162	27(1)(b)	Owner - interior and exterior heritage attributes not repaired from damage	\$375.00
110	23-162	28(2)	Owner - vacant heritage property (more than 90 days) – fail to ensure appropriate utilities are connected	\$375.00
111	23-162	31(1)(b)	Owner - fail to comply with an order	\$400.00

TABLE 14: BY-LAW 23-162 Property Standards By-law				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
	112	23-162		

4. That By-law 17-225 be amended by repealing Table 28: By-law 09-190 Requiring the Supply of Vital Services and replacing it with the following Table 28: By-law 23-161 to Require the Supply of Vital Services in Schedule A of By-law 17-225:

TABLE 28: BY-LAW 23-161 Vital Services By-law				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
	1	23-161		
2	23-161	11	Operator fail to provide Tenant proper notice re shut-off of Vital Service	\$400.00
3	23-161	12	Landlord cause/ allow the cessation of Vital Services	\$400.00

5. That By-law 17-225 be amended by adding the following Table 30: By-law 24-054 Safe Apartment Buildings By-law to Schedule A in By-law 17-225:

TABLE 30: BY-LAW 24-054 Safe Apartment Buildings By-law				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
	1	24-054		
2	24-054	11	Owner fail to notify Director within 7 days of change in information	\$400.00
3	24-054	14	Owner fail to display registration in Common Area visible to tenants	\$400.00
4	24-054	26	Owner fail to erect or install a notification board in prominent location inside Common Area	\$400.00
5	24-054	26	Operator fail to erect or install a notification board in prominent location inside Common Area	\$400.00
6	24-054	29	Owner fail to provide a copy of Evaluation upon request	\$400.00

7	24-054	29	Operator fail to provide a copy of Evaluation upon request	\$400.00
8	24-054	30	Owner fail to maintain list of Tenants who may need assistance during periods of evacuation, elevator disruption and/or temporary discontinuance of Vital Services	\$300.00
9	24-054	30	Operator fail to maintain list of Tenants who may need assistance during periods of evacuation, elevator disruption and/or temporary discontinuance of Vital Services	\$300.00
10	24-054	41	Owner fail to provide Tenant with copy of pest management plan prior to treating infestation within their Rental Unit	\$400.00
11	24-054	41	Operator fail to provide Tenant with copy of pest management plan prior to treating infestation within their Rental Unit	\$400.00
12	24-054	42	Owner fail to post a pest management plan in the lobby prior to treating infestation in Common Area	\$400.00
13	24-054	42	Operator fail to post a pest management plan in the lobby prior to treating infestation in Common Area	\$400.00
14	24-054	43	Owner fail to reinspect area treated for Pests between 15-30 days from date of completion of initial treatment	\$400.00
15	24-054	43	Operator fail to reinspect area treated for Pests between 15-30 days from date of completion of initial treatment	\$400.00
16	24-054	50	Owner fail to identify with posters in Common Areas the location for the deposit of garbage bulk waste, debris, recycling, and organic material	\$300.00
17	24-054	50	Operator fail to identify with posters in Common Areas the location for the deposit of garbage bulk waste, debris, recycling, and organic material	\$300.00
18	24-054	51	Owner fail to maintain information/records related to waste management plan	\$300.00
19	24-054	51	Operator fail to maintain information/records related to waste management plan	\$300.00
20	24-054	70	Owner fail to provide a copy of a Plan to a Tenant upon written request	\$400.00
21	24-054	70	Operator fail to provide a copy of a Plan to a Tenant upon written request	\$400.00

22	24-054	77	Owner rent out Rental Unit when active property standards order against that Rental Unit	\$400.00
23	24-054	77	Operator rent out Rental Unit when active property standards order against that Rental Unit	\$400.00
24	24-054	78	Owner rent out Rental Unit to where there is a discontinuance of Vital Service in the Rental Unit	\$400.00
25	24-054	78	Operator rent out Rental Unit to where there is a discontinuance of Vital Service in the Rental Unit	\$400.00

6. That By-law 17-225 be amended by adding the following Table 31: By-law 24-055 Renovation Licence and Relocation By-law to Schedule “A” in By-law 17-225:

TABLE 31: BY-LAW 24-055 Renovation Licence and Relocation By-law				
ITEM	COLUMN 1 DESIGNATED BY- LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
1	24-055	9	Landlord perform/cause to perform renovations/repairs without licence	\$400.00
2	24-055	9	Operator perform/cause to perform renovations/repairs without licence	\$400.00
3	24-055	17	Landlord transferred or assigned their licence	\$400.00
4	24-055	17	Operator transferred or assigned their licence	\$400.00

7. That in all other respects, By-law 17-225 is confirmed; and,
8. That the provisions of this by-law shall become effective on the date approved by City Council.

PASSED this 26th day of June, 2024.

A. Howarth
Mayor

J. Pilon
Acting City Clerk

Authority: Item 3, Planning Committee Report 24-009 (PED24069)
CM: June 26, 2024 Ward: 5

Bill No. 117

CITY OF HAMILTON

BY-LAW NO. 24-

To Adopt:

**Official Plan Amendment No. 207 to the
Urban Hamilton Official Plan**

Respecting:

**118 King Street West
Stoney Creek**

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

1. Amendment No. 207 to the Urban Hamilton Official Plan consisting of Schedule “1”, hereto annexed and forming part of this by-law, is hereby adopted.

PASSED this 26th day of June, 2024.

A. Horwath
Mayor

J. Pilon
Acting City Clerk

Urban Hamilton Official Plan Amendment No. 207

The following text, together with:

Appendix “A”	Volume 1: Schedule E-1 – Urban Land Use Designations
Appendix “B”	Volume 2: Map B.7.2-1 Old Town Secondary Plan – Land Use Plan

attached hereto, constitutes Official Plan Amendment No. 207 to the Urban Hamilton Official Plan.

1.0 **Purpose and Effect:**

The purpose and effect of this Amendment is to redesignate the lands to “Mixed Use–Medium Density” and add a new Site Specific Policy to the Old Town Secondary Plan to permit the development of a multiple dwelling with ground floor commercial with a maximum height of 12 storeys on the subject lands.

2.0 **Location:**

The lands affected by this Amendment are known municipally as 118 King Street West, in the former City of Stoney Creek.

3.0 **Basis:**

The basis for permitting this Amendment is:

- The proposed development supports the policies of the Urban Hamilton Official Plan and Old Town Secondary Plan, as it contributes to a range of housing types and makes efficient use of land;
- The proposed development implements the Residential Intensification policies of the Urban Hamilton Official Plan; 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

Text

4.1.1 Schedule

a. That Volume 1: Schedule E-1 – Urban Land Use Designations be amended by redesignating the subject lands from “Neighbourhoods” 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.7.0 – Stoney Creek Secondary Plans – Section B.7.2 – Old Town Secondary Plan

a. That Volume 2: Chapter B.7.0 – Stoney Creek Secondary Plans, Section B.7.2 – Old Town Secondary Plan be amended by adding a new Site Specific Policy, as follows:

“Site Specific Policy – Area K

B.7.2.8.11 For the lands identified as Site Specific Policy - Area K on Map B.7.2-1 – Old Town Secondary Plan – Land Use Plan, designated Mixed Use – Medium Density, and known as 118 King Street West, the following policy shall apply:

a) Notwithstanding Policy B.7.2.4.2 c), a maximum building height of 12 storeys shall be permitted.”

Maps

4.2.2 Map

a. That Volume 2: Map B.7.2-1 – Old Town Secondary Plan – Land Use Plan be amended by:

i) redesignating lands from “Local Commercial” to “Mixed Use – Medium Density”; and,

ii) identifying the subject lands as Site Specific Policy – Area K
as shown on Appendix “B”, attached to this Amendment.

**The
City of Hamilton**

A. Horwath
Mayor

J. Pilon
Acting City Clerk

APPEALS

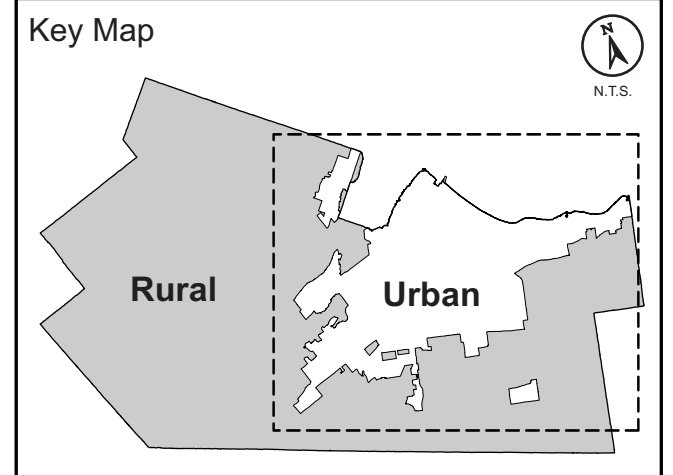
UHOPA NO. 69 APPEALS - PL171450

- ★ - 3011 Homestead Drive (Glanbrook), Appellant # 4
- 237 Upper Centennial Parkway (Stoney Creek), Appellant # 14

Appendix A APPROVED Amendment No. 207 to the Urban Hamilton Official Plan

Lands to be redesignated from "Neighbourhoods" to "Mixed Use - Medium Density"
 (118 King Street West, Stoney Creek)

Date: Feb. 15, 2024	Revised By: AB/NB	Reference File No.: OPA-U-207(S)
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Note: For Rural Land Use Designations, refer to Schedule D of the Rural Hamilton Official Plan.

Legend

- Neighbourhoods
- Open Space
- Institutional
- Utility

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

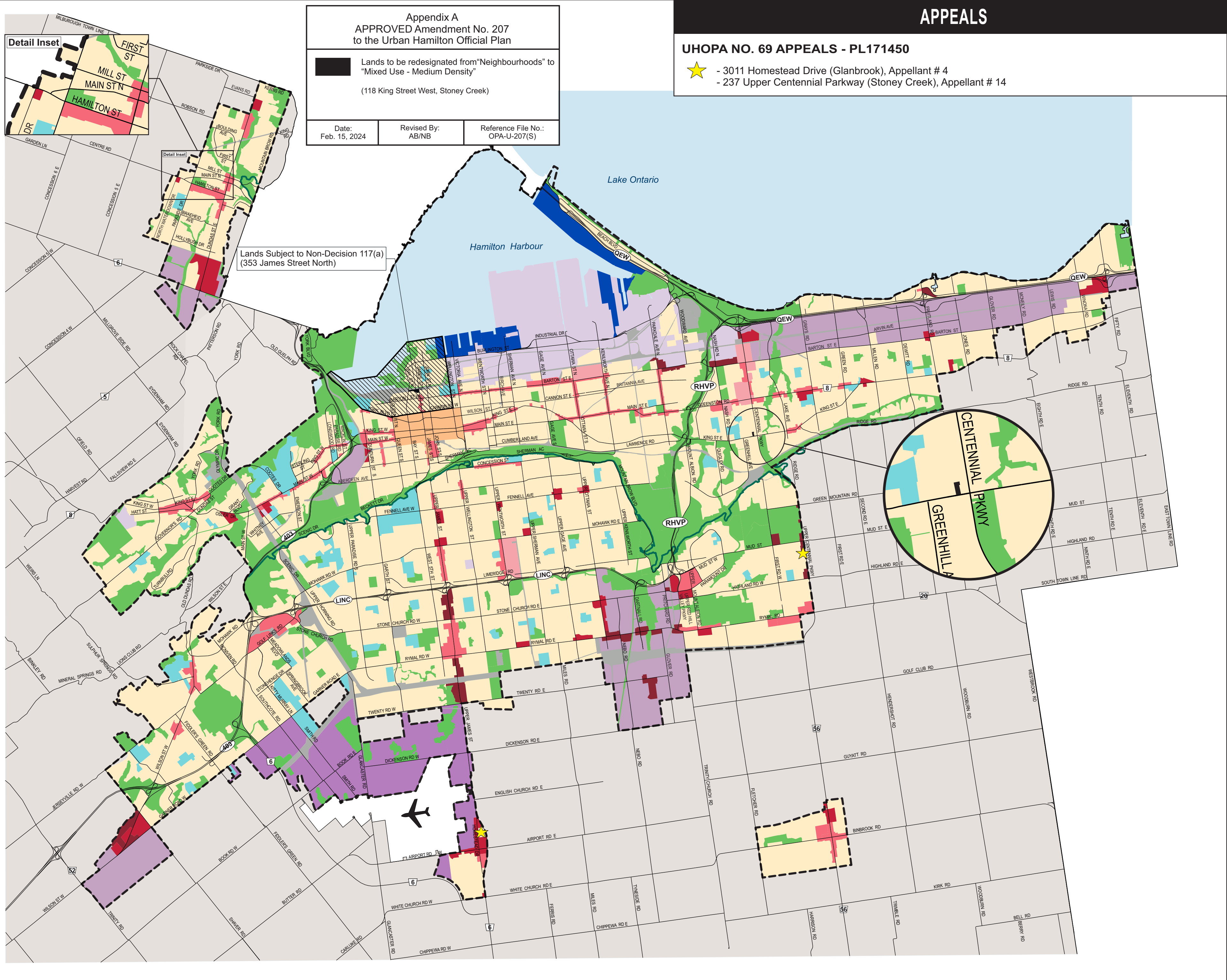
Urban Hamilton Official Plan Schedule E-1 Urban Land Use Designations

Not To Scale

Date: Dec. 14, 2023

PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT

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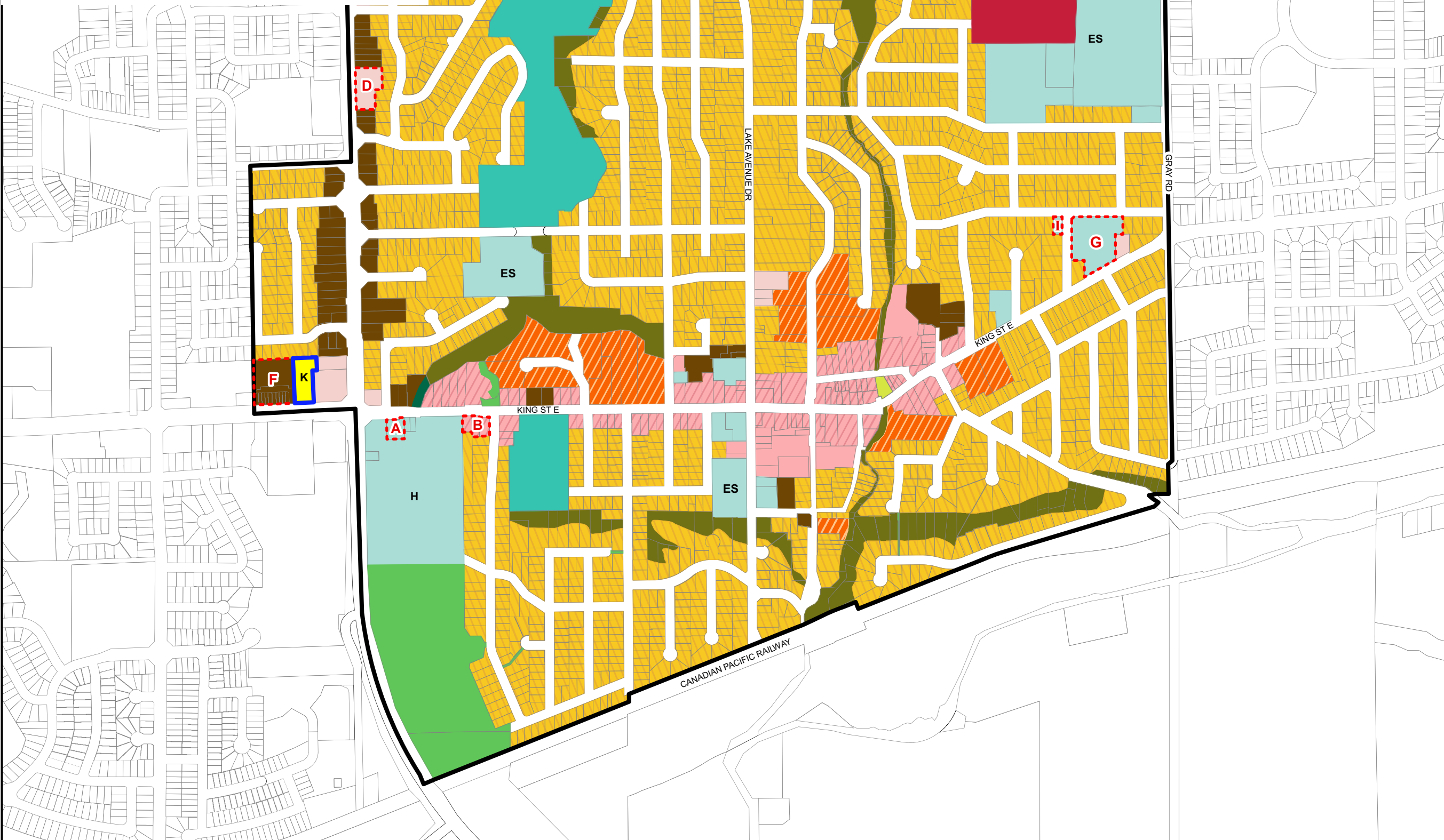
Lands Subject to Non-Decision 117(a)
(353 James Street North)

CENTENNIAL
GREENHILL
PKWY

Appendix B
 APPROVED Amendment No. 207
 to the Urban Hamilton Official Plan

- K Lands to be identified as Site Specific Policy Area "K"
- Lands to be redesignated from "Local Commercial" to "Mixed Use - Medium Density"
 (118 King Street West, Stoney Creek)



Date: February 15, 2024	Revised By: AB/NB	Reference File No.: OPA-U-207(SC)
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- ### Legend
- Residential Designations**
- Low Density Residential 2a
 - Medium Density Residential 3
 - High Density Residential 1
- Commercial and Mixed Use Designations**
- Local Commercial
 - Mixed Use - Medium Density
 - Mixed Use - Medium Density - Pedestrian Focus
 - Mixed Use - High Density
 - District Commercial
- Parks and Open Space Designations**
- Parkette
 - Neighbourhood Park
 - Community Park
 - General Open Space
 - Natural Open Space
- Other Designations**
- Institutional
 - ES** Elementary School
 - H** Historic Site
- Other Features**
- Area or Site Specific Policy
 - Secondary Plan Boundary

Council Adopted: July 9, 2009
 Ministerial Approval: March 16, 2011
 Effective Date: August 16, 2013

Urban Hamilton Official Plan
Old Town Secondary Plan
 Land Use Plan
 Map B.7.2-1

Date: September 2023	
 Not To Scale	

Authority: Item 3, Planning Committee Report 24-009 (PED24069)
CM: June 26, 2024 Ward: 5

Bill No. 118

CITY OF HAMILTON

BY-LAW NO. 24-

To Amend Zoning By-law No. 05-200 with Respect to Lands Located at 118 King Street West, Stoney Creek

WHEREAS Council approved Item 3 of Report 24-009 of the Planning Committee, at its meeting held on June 26, 2024;

AND WHEREAS this By-law complies with the Urban Hamilton Official Plan upon adoption of Official Plan Amendment No. 207;

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

1. That Schedule “A” – Zoning Maps, Map No. 1247 is amended by changing the zoning from the Community Commercial (C3, 579) Zone to the Mixed Use Medium Density (C5, 893, H170) Zone, for the lands known as 118 King Street West, Stoney Creek 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:

“893. Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Map No. 1247 of Schedule “A” – Zoning Maps and described as 118 King Street West, Stoney Creek, the following special provisions shall apply:

- a) Notwithstanding Sections 5.2 a), 10.5.3 a) ii), 10.5.3 c), 10.5.3 d) ii) and iii), 10.5.3 i) and Section 10.5.3 j), the following shall apply:

- | | |
|--|---|
| <ol style="list-style-type: none">i) Landscape Strip and Visual Barrier Requirement for Parking Lot Adjacent to a Residential Zone | A minimum 1.0 metre landscape strip with no visual barrier shall be provided and maintained along the westerly lot line and a minimum 1.5 metre landscape strip and a Visual Barrier in |
|--|---|

accordance with Section 4.19 shall be provided and maintained along the northerly lot line.

- | | | |
|------|-------------------------------------|--|
| ii) | Building Setback from a Street Line | Maximum 5.3 metres, except where a visibility triangle is required for a driveway access. |
| iii) | Minimum Interior Side Yard | 6 metres to the building and 4.5 metres to a support column. |
| iv) | Building Height | (1) Maximum 37.5 metres;
and,

(2) In addition to Section 10.5.3d)i) and notwithstanding Section 10.5.3d)ii), any building height above 11.0 metres may be equivalently increased as the yard increases beyond the minimum yard requirement established in Section 10.5.3 b) when abutting a Residential or Institutional Zone to a maximum of 37.5 metres. |
| v) | Planting Strip Requirements | A minimum 1.5 metre wide Planting Strip shall be provided and maintained along the northerly lot line and a 1.0 metre wide Planting Strip shall be provided and maintained along the westerly lot line. |
| vi) | Visual Barrier Requirement | A visual barrier shall be required along the northerly lot line. |

3. That Schedule “D” – Holding Provisions is amended by adding the additional Holding Provision as follows:

“170. Notwithstanding Section 10.5.1 of this By-law, within lands zoned Mixed Use Medium Density (C5, 893) Zone, identified on Map No. 1247 of Schedule A – Zoning Maps and described as 118 King Street West, Stoney Creek, no development shall be permitted until such time as:

- a) That the Owner submit to the Director of Development Engineering for review and approval, a revised Functional Servicing Report to demonstrate:
 - I. That there is a suitable sanitary sewer outlet with sufficient capacity available, including but not limited to improvements to the existing sanitary sewer / trunk sewer systems from the subject property along King Street West and Nash Road northerly to the Red Hill Valley Ramp in accordance with the Centennial Neighbourhood Water Distribution and Wastewater Collection Servicing Study, to service the proposed development.
 - II. That as part of the future Site Plan Control application, the owner will enter into and register an External Works Agreement with the City on the title of the lands for the design and construction of any required sanitary sewer improvements to the municipal infrastructures identified in the Centennial Neighbourhood Water Distribution and Wastewater Collection Servicing Study, in accordance with the City's Financial Policy to support this development;
- b) That no development within the subject site can proceed until the City completes the Centennial Neighbourhood Water Distribution and Wastewater Collection Servicing Study and the required sanitary sewer improvements to the municipal infrastructure are in place and operational, to the satisfaction of the Director of Development Engineering;
- c) That the Owner submit and receive approval of a Hydrogeological Brief conducted by a qualified professional that discusses the soil/groundwater conditions to properly characterize the potential dewatering needs, to the satisfaction of the Director of Hamilton Water;
- d) That the existing centre median island along Centennial Parkway South to restrict driveway access to right-in/right-out vehicular movements only be completed as per the Traffic Impact Brief by Paradigm dated November 3, 2022, to the satisfaction of the Manager of Transportation Planning. All costs associated with these works, including but not limited to the detailed design

drawings and construction shall be finalized through a future External Works Agreement;

- e) That the Owner submit and receive approval of a revised Tree Protection Plan addressing the protection of trees, including submission of written confirmation from the abutting owner of 5 and 7 Orlanda Road for permission to remove tree 235 as identified on the Vegetation Management Plan prepared by IBI Group dated December 9, 2022, to the satisfaction of the Director of Heritage and Urban Design; and,
 - f) That the necessary legal agreements and easements be created and registered on title of the lands municipally known as 102, 110 and 118 King Street West, for the proposed shared access and parking areas to the satisfaction of the Director of Transportation Planning and Parking and the Director of Development Planning.
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, 893, H170) Zone, subject to the special requirements referred to in Sections 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 June 26, 2024

A. Horwath
Mayor

J. Pilon
Acting City Clerk

UHOPA-23-014 and ZAC-23-031



This is Schedule "A" to By-law No. 24- Passed the day of, 2024	----- Mayor ----- Clerk
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<h2 style="margin: 0;">Schedule 'A'</h2> <p style="margin: 5px 0;">Map forming part of By-law No. 24-_____</p> <p style="margin: 5px 0;">to Amend By-law No. 05-200 Map 1247</p>	<p>Subject Property</p> <p>118 King Street West, Stoney Creek</p> <div style="display: flex; align-items: center; margin-top: 10px;"> <div style="width: 20px; height: 10px; border: 1px solid black; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px); margin-right: 5px;"></div> <p style="font-size: small; margin: 0;">Change in zoning from Community Commercial (C3, 579) Zone to Mixed Use Medium Density (C5, 893, H170) Zone</p> </div>
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Scale: N.T.S.	File Name/Number: ZAC-23-031 & UHOPA-23-014
Date: March 14, 2024	Planner/Technician: AB/AL
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	



**CITY OF HAMILTON
BY-LAW NO. 24-**

To Confirm the Proceedings of City Council at its meeting held on June 26, 2024.

**THE COUNCIL OF THE
CITY OF HAMILTON
ENACTS AS FOLLOWS:**

The Action of City Council at its meeting held on the 26th day of June 2024, in respect of each recommendation contained in

Selection Committee for Agencies, Boards and Sub-Committees Report 24-004 – June 11, 2024,
Public Works Committee Report 24-008 – June 17, 2024,
Planning Committee Report 25-009 – June 18, 2024,
General Issues Committee Report 24-011 – June 19, 2024,
Audit, Finance and Administration Committee Report 24-012 – June 20, 2024,
Emergency and Community Services Committee Report 24-005 – June 20, 2024,
City of Hamilton Integrity Commissioner’s Report Regarding Citation: Frisina, Anthony
(Re) – DGB-HamiltonICI-2024-04 dated June 20, 2024
Hamilton Utilities Corporation Shareholder Annual General Meeting Report 24-002 – June 24, 2024
and
Hamilton Enterprises Holding Corporation Shareholder Annual General Meeting Report 24-001 – June 24, 2024

considered by the City of Hamilton Council at the said meeting, and in respect of each motion, resolution and other action passed and taken by the City Council at its said meeting is hereby adopted, ratified and confirmed.

1. 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 26th day of June, 2024.

A. Horwath
Mayor

J. Pilon
Acting City Clerk