



**General Issues Committee
REPORT 12-019
9:30 a.m.
Monday, July 9, 2012
Council Chambers
Hamilton City Hall
71 Main Street West**

Present: Deputy Mayor L. Ferguson (Chair)
Mayor R. Bratina
Councillors C. Collins, S. Duvall, J. Farr, T. Jackson,
B. Johnson, B. McHattie, S. Merulla, B. Morelli, J. Partridge,
R. Pasuta, M. Pearson, R. Powers, T. Whitehead

Absent with Regrets: B. Clark – Personal

Also Present: C. Murray, City Manager
R. Rossini, General Manager, Finance and Corporate
Services
G. Davis, General Manager, Public Works
T. McCabe, General Manager, Planning and Economic
Development
J. A. Priel, General Manager, Community and Social
Services
Dr. E. Richardson, Medical Officer of Health
D. Fisher, Acting City Solicitor
N. Everson, Director, Economic Development
C. Biggs, Legislative Co-ordinator

**THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 12-019 AND
RESPECTFULLY RECOMMENDS:**

1. Hamilton Police Services Board Monthly Report (PSB 12-061) (Item 5.1)

That Hamilton Police Services Board Monthly Report PSB 12-061 be received.

2. Treasurer's Apportionment of Land Taxes for Properties in Flamborough and Stoney Creek (FCS12005(d)) (Wards 10 and 15) (Item 5.3)

- (a) That the 2012 land taxes in the amount of \$1,630 for Plan 62M1125 Block 95, Flamborough (Roll #2518 303 420 23105 0000) be apportioned and split amongst the twenty newly-created parcels as set out in Appendix "A" attached hereto;
- (b) That the 2012 land taxes in the amount of \$1,528 for Plan 62M1125 Block 96, Flamborough (Roll #2518 303 420 23110 0000) be apportioned and split amongst the ten newly created parcels as set out in Appendix "A" attached hereto;
- (c) That the 2012 land taxes in the amount of \$2,608 for 442 Millen Rd., Stoney Creek (Roll #2518 003 130 23437 0000) be apportioned and split amongst the thirty newly created parcels as set out in Appendix "A" attached hereto.

3. Tax Appeals under Section 357 and 358 of the Municipal Act (2001) (FCS12007(e)) (City Wide) (Item 5.4)

- (a) That Appendix "B" attached hereto respecting the "Tax Write-Offs processed under Section 357 of the Municipal Act, 2001", in the amount of \$84,304 be approved;
- (b) That Appendix "C" attached hereto respecting the "Tax Appeals due to a Gross or Manifest Clerical Error, Pursuant to Section 358 of the Municipal Act, 2001", in the amount of \$154,780 be approved.

4. Methods of Payment of Municipal Taxes (FCS12054) (City Wide) (Outstanding Business List – 2012 Budget Deliberations) (Item 5.5)

That Report FCS12054, respecting Methods of Payment of Municipal Taxes, be received.

5. Monthly Status Report of Tenders and Requests for Proposals for May 12, 2012 to June 6, 2012 (FCS12018(d)) (City Wide) (Item 5.6)

That Report FCS12018(d) respecting Monthly Status Report of Tenders and Requests for Proposals for May 12, 2012 to June 6, 2012, be received.

6. City of Hamilton/Ministry of Transportation Dedicated Gas Tax Funding Agreement (FCS12058) (City Wide) (Item 5.7)

- (a) That the Mayor and City Treasurer be authorized and directed to enter into an Agreement between the City of Hamilton and the Province of Ontario, related to the funding commitment made by the Province of Ontario to the Municipality under the Dedicated Gas Tax Funds For Hamilton's Public Transportation Program;
- (b) That the Mayor and City Treasurer be authorized and directed to execute the Letter of Agreement attached hereto as Appendix "D";
- (c) That the By-law authorizing and directing the Mayor and City Treasurer to sign a Letter of Agreement between the City of Hamilton and the Province of Ontario with respect to funding under the Dedicated Gas Tax Funds for Public Transportation Program, be passed;
- (d) That, upon being passed, a certified copy of the By-law together with a signed Letter of Agreement be forwarded to the Ministry of Transportation.

7. Freedom of Information Quarterly Report (January 1 to March 31, 2012) (CL12004) (City Wide) (Item 5.8)

(Pearson/Bratina)

That Report CL12004 respecting "Freedom of Information Quarterly Report", be received.

8. Hamilton Downtown Property Improvement Grant Program – 40 Bay Street South – HDPIGP 03-12 (PED12134) (Ward 2) (Item 5.9)

- (a) That a Hamilton Downtown Property Improvement Grant Program (HDPIGP) application submitted by 132 Main Street West Inc. (Darko Vranich), owner of the property at 40 Bay Street South, for a HDPIGP grant estimated at \$875,619.94 over a maximum of a five (5) year period and based upon the incremental tax increase attributable to the redevelopment of 40 Bay Street South, be authorized and approved in accordance with the terms and conditions of the Program;
- (b) That the Mayor and City Clerk be authorized and directed to execute the Grant Agreement, attached as Appendix "A" to Report PED12134, in a form satisfactory to the City Solicitor.

- 9. Hamilton-Wentworth District School Board (HWDSB) Surplus Land – Located at 1460 Upper James Street, described as Part of Lot 15, Concession 8 (formerly Township of Barton) City of Hamilton (PED12116) (Ward 8) (Item 5.10)**
- (a) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to advise the Hamilton-Wentworth District School Board (HWDSB) that the City of Hamilton has no interest in the property located at 1460 Upper James Street, described as Part of Lot 15, Concession 8, as shown on Appendix “A” attached to Report PED12116;
 - (b) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to advise the Hamilton-Wentworth District School Board (HWDSB) of the City of Hamilton’s site requirements for the site as set out in Appendix “B” attached to Report PED12116.
- 10. Agreement to Accept Compensation, Section 30, Expropriations Act, 280 Fifty Road (NE corner of Fifth road and Highway 8), Stoney Creek, being Part 1 on Plan 62R-15996 (LS12014/ PED12132) (Ward 11) (Item 5.11)**
- (a) That a Full and Final Release resulting from the provisions of Section 30 of the Ontario Expropriations Act, for vacant lands known as part of Lot 2, Concession 2 in the geographic Township of Saltfleet, all shown as Part 1 on Plan 62R-15996, being PIN 17371-0016(LT), comprising an area of 0.394 hectare (0.974 acre), having a frontage of 41.224 metres (135.25 feet) along the east limit of Fifty Road, known municipally as 280 Fifty Road, in the former City of Stoney Creek, now in the City of Hamilton, as shown on Appendix “A” to Report LS12014 / PED12132 attached, in the amount of \$63,269.37, be approved and completed;
 - (b) That the final settlement payment of \$63,269.37, being the difference between the settlement amount of \$99,769.37 (\$82,000 including the owner’s legal and appraisal costs plus \$17,769.37 interest on unpaid land value) and the original Section 30 payment of \$36,500, be charged to Capital Budget Item 59259-3620374100 (SC–Storm Drainage Works-Watercourse) and that the City make a payment to Manfred Rudolph in Trust for the Owner, the sum of \$63,269.37 on the closing of this Agreement;
 - (c) That an amount of \$12,000, as administrative compensation to the Real Estate Section for staff time on this transaction and appraisal fees, plus all Legal Service fees and disbursements, be funded from Capital Budget No. 3620374100 (SC-Storm Drainage Works-Watercourse) and credited to Account 45408-3560150200 (Property Purchases and Sales);

- (d) That the Mayor and Clerk be authorized and directed to execute all necessary documents in a form satisfactory to the City Solicitor.
- 11. Hamilton LEEDing the Way, LEED Grant Program Application (LGP 12-02) – 2227667 Ontario Ltd., 41 Bittern Street, Ancaster, Ontario (PED12133) (Ward 12) (Item 5.12)**
- (a) That Hamilton LEEDing the Way, LEED Grant Program Application LGP-12-02, submitted by 2227667 Ontario Ltd., for the property at 41 Bittern Street, for a LEED Grant not to exceed \$543,600 payable to 2227667 Ontario Ltd. over a maximum of five (5) years, be authorized and approved in accordance with the terms and conditions of the LEED Grant Program Agreement;
- (b) That the Mayor and Clerk be authorized and directed to execute, on behalf of the City, the LEED Grant Agreement with 2227667 Ontario Ltd., referred to in subsection (a) with respect to the development of 41 Bittern Street, and all necessary associated documents, all in a form satisfactory to the City Solicitor.
- 12. 2012 Green Venture Base Funding (CM12010) (City Wide) (Item 5.13)**
- (a) That the City of Hamilton enter into an agreement to provide base funding for Hamilton-Wentworth Green Venture Incorporated (Green Venture) in the amount of \$40,000 per year, as approved in the 2012 budget;
- (b) That the Mayor and City Clerk be authorized to execute the said agreement, in a form satisfactory to the City Solicitor, on behalf of the City.
- 13. Centennial Parkway CNR Underpass Cost Sharing (PW12038) (Ward 5) (Item 5.14)**
- (a) That the General Manager of Public Works be authorized and directed to enter into a cost-sharing agreement with Canadian National Railways (CNR) in a form satisfactory to the City Solicitor, for the design, tender and reconstruction for the City components of CNR Centennial Parkway Underpass project;
- (b) That staff report back on final cost sharing amounts as part of the 2013 budget process.

14. Hamilton Downtown Multi-Residential Property Investment Program – 40 Bay Street South HDMRPIP12/02 (PED12113) (Ward 2) (Item 8.2)

- (a) That a conditional loan commitment totaling \$8,896,486 for Hamilton 132 Main Street Inc., (Darko Vranich) the registered owner of the property at 40 Bay Street South, be authorized and approved in accordance with the terms and conditions of the Hamilton Downtown Multi-Residential Property Investment Program;
- (b) That the Mayor and City Clerk be authorized and directed to execute a loan agreement together with any ancillary documentation required, to effect recommendation (a), above, in a form satisfactory to the City Solicitor;
- (c) That the General Manager of the Planning and Economic Development Department be authorized to approve and execute any loan amending agreements, together with any ancillary amending documentation, if required, provided that the terms and conditions of the Hamilton Downtown Multi-Residential Property Investment Program.

15. Procurement Service Delivery Model Change (FCS12049/PW12054) (City Wide) (Item 8.3)

That staff be authorized to proceed with the staff reorganization; converting a Specification Clerk position (Public Works) to a Procurement Specialist position (Corporate Services) in accordance with the procurement service delivery model change outlined in Report FCS12049/PW12054.

16. Tax and Rate Operating Budget Variance Report to April 30, 2012 (FCS12050) (City Wide) (Item 8.4)

That Report FCS12050 respecting “Tax and Rate Operating Budget Variance Report to April 30, 2012”, be received.

17. License Agreement with St. Demetrious Church, c/o Nathan Hondronicols (Licensee) – Field House, Victoria Park, 516 King Street West, Hamilton (CS121027/PED12131) (Ward 1) (Item 8.5)

- (a) That a License Agreement between the City of Hamilton (Licensor) and St. Demetrious Church (Licensee), for the City owned Field House situated on lands known as Victoria Park, municipally known as 516 King Street West, Hamilton, as shown on Appendix “A” attached to Report CS12027/PED12131, be approved and completed;

- (b) That the term of the License, being for a period of two (2) years at an annual rent of \$2, be paid on the first day of commence and thereafter, and be credited to Deptid 791514 (Victoria Park Pool) Account No. 46083 Rent/Fees – Civic Property;
- (c) That the Licensee will be responsible for costs relating to tenant fit ups and for paying all operating costs, utilities, and property taxes;
- (d) That the Licensor and Licensee may cancel this Agreement with no penalty upon thirty (30) days written notice to the other party;
- (e) That the Licensee utilizes the demised premises for the proposed use as a non-profit Café and for no other use without written consent of the Licensor;
- (f) That the Mayor, General Manager of Finance and Corporate Services, and City Clerk be authorized and directed to execute the License Agreement in a form satisfactory to the Acting City Solicitor.

18. Pan Am Stadium Land Use Agreement (PW12055) (Ward 3) (Item 8.6)

- (a) That the General Manager of Public Works be authorized and directed to negotiate with the Hamilton Wentworth District School Board and finalize a Land Use Agreement and any other auxiliary agreements respecting the acquisition of 0.92 acres of land situated at the north east corner of Melrose Avenue North and Cannon Street East by the City for the purpose of constructing the Pan Am Stadium and Parking Facility in a form satisfactory to the City Solicitor;
- (b) That the area of the lands to be leased to the Hamilton Wentworth District School Board for parking purposes within the Pan Am precinct be declared surplus in accordance with the Procedural By-law for the Sale of Land, being By-law 04-299;
- (c) That the Mayor and City Clerk, and appropriate City staff, as the case may be, be authorized and directed to sign the Land Use Agreement and any other documentation between the City and the Hamilton Wentworth District School Board required, in the opinion of the City Solicitor, to implement Recommendation (a) in Report PW12055.

19. Pan Am Stadium Precinct Sub-Committee Report 12-004 – June 25, 2012 (Item 8.7)

Stadium Precinct Community Work - Rossetti

That in order to build the stadium as a facility that operates year round, City staff be directed to ensure that the final plans for the new Pan Am Stadium include social, recreational and community uses that represent a substantial “net gain” in terms of the availability of these uses (locally and across the City).

20. Hamilton Future Fund Board of Governors Report 12-001 – June 26, 2012 (Item 8.8)

(a) Resignation of Vincent Raso from the Hamilton Future Fund Board of Governors

- (i) That the resignation of Vincent Raso from the Hamilton Future Fund Board of Governors be received;
- (ii) That the membership of the Hamilton Future Fund Board of Governors be reduced from 16 to 15 members for the remainder of the 2010-2014 term.

(b) Hamilton Future Fund Reserve Status and Project Funding as of December 31, 2011 (FCS12053 City Wide) (Item 5.1)

That Report FCS12053 respecting Hamilton Future Fund Reserve Status and Project Funding as of December 31, 2011, be received.

(c) Request for Return of Future Fund Velodrome Grant

That the Future Fund grant of \$5 million allocated towards the Velodrome be returned to the Future Fund.

21. Greater Bay Area Sub-Committee Report 12-001 – June 22, 2012 (Item 8.9)

- (a) That Councillor Brian McHattie be appointed as the City of Hamilton Co-Chair to the Greater Bay Area Sub-Committee for the 2010-2014 term of City Council;
- (b) That Councillor Rick Craven, be appointed as the City of Burlington Co-Chair to the Greater Bay Area Sub-Committee for the 2010-2014 term of City Council.

22. Request for All-Way Stop Control at the Intersection of Creanona Blvd. and Baseline Rd. (Ward 11) (Item 9.2)

- (a) That an all-way stop sign control be implemented at the intersection of Creanona Boulevard and Baseline Road;
- (b) That the appropriate amendment to the City of Hamilton's Traffic By-law No. 01-215 be passed.

23. Beasley Neighbourhood Gardens – Ward 2 Infrastructure Improvement Reserve (Item 10.4)

That the following commitments be funded through the Ward 2 Infrastructure Improvement Reserve Account No. 108052:

- (a) \$10,000 toward the capital costs of the Beasley Neighbourhood Gardens;
- (b) Up to \$6,500 for improvements to the Beasley Skateboard Park;
- (c) Up to \$3,000 for fencing/gates for the protection of residents;
- (d) Up to \$6,000 for fencing for residents affected during the demolition of 245 Catharine Street North.

24. Litigation – Development Charges By-law Appeals (LS12019) (Item 12.3)

- (a) That Report LS12019 respecting Litigation – Development Charges By-law Appeals, be received;
- (b) That Report LS12019, including Appendices “A” and “B” thereto, remain confidential;
- (c) That staff be directed to settle the OMB appeals of DC By-laws 09-143/09-144/11-173/11-174 and 11-175 by Parkside Hills Inc. and Silverwood Homes Limited in accordance with the draft Minutes of Settlement attached as Appendix “B” to report LS12019;
- (d) That the City Solicitor, or designate, be authorized to execute the said Minutes of Settlement on behalf of the City.

25. Litigation – St. Mary's Cement – NAFTA Claims (LS12020) (Item 12.4)

- (a) That Report LS12020 respecting “Litigation – St. Mary's Cement – NAFTA Claims”, be received;
- (b) That Report LS 12020, together with Appendices “A” and “B” thereto, remain confidential;

- (c) That the Mayor and City Solicitor be authorized and directed to execute the Agreement attached as Appendix “B” to report LS12020;
- (d) That the Mayor and the City Solicitor, as the case may be, be authorized to execute such additional documentation that is required, in the opinion of the City Solicitor, to facilitate the defence of the matter.

FOR THE INFORMATION OF COUNCIL:

Tim McCabe introduced Ed VanderWindt, recently appointed to the position of Director of Building Services and Chief Building Official for the City of Hamilton. Mr. VanderWindt brings to the City 27 years of experience in building area, including 16 years as Chief Building Official with the Town of Ancaster and then with Haldimand County.

(a) CHANGES TO THE AGENDA (Item 1)

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

ADDED NOTICES OF MOTION

- (i) Request for Implementation of Two-way Traffic for a 100-metre Stretch on Stuart Street, north of Barton Street East (Added as Item 10.1)
- (ii) Enbridge Inc. Pipeline Flow Reversal Project (Added as Item 10.2)
- (iii) Ontario Lottery and Gaming Corporation – Establishment of a Gaming Facility (Added as Item 10.3)
- (iv) Beasley Neighbourhood Gardens – Ward 2 Infrastructure Improvement Reserve (Added as Item 10.4)

On a motion, the agenda was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None

(c) APPROVAL OF PREVIOUS MINUTES

On a motion, the June 20 and June 25 (special), 2012 minutes of the General Issues Committee meeting were approved, as presented.

(d) DELEGATION REQUESTS**(i) Delegation Request from Gary Beveridge, Good Shepherd Centre Hamilton, respecting Loan Request (Item 4.1)**

On a motion, the delegation request from Gary Beveridge, Good Shepherd Centre Hamilton, respecting Loan request, was approved, and that the rules of order were waived to allow Mr. Beveridge to address the Committee at today's meeting.

(e) CONSENT ITEMS**(i) Minutes of Sub-Committees:**

On a motion, the following Sub-Committee Minutes were received:

- (aa) Arts Advisory Commission – February 28, 2012
- (bb) Arts Advisory Commission – March 27, 2012
- (cc) Open for Business Sub-Committee – May 23, 2012

(ii) Hamilton-Wentworth District School Board (HWDSB) Surplus Land – Located at 1480 Upper James Street, described as Part of Lot 15, Concession 8 (formerly township of Barton), City of Hamilton (PED12118) (Ward 8)

The Motion **CARRIED** on the following recorded vote:

Yeas:	Bratina, Ferguson, Pearson, Johnson, Powers, Pasuta, Partridge, Duvall, Jackson, Merulla, Morelli, Farr, McHattie
Total Yeas:	13
Nays:	Whitehead
Total Nays:	1
Absent:	Clark, Collins
Total Absent:	2

(h) PRESENTATIONS**(i) Gary Beveridge, Good Shepherd Centre, respecting \$5 Million Loan Request for Good Shepherd Square, Hamilton**

Gary Beveridge appeared before the Committee to speak to the \$5 million loan request from the Good Shepherd Centre to put toward Good Shepherd Square. Mr. Beveridge also acknowledged the attendance of members of their Board to respond to questions of the Committee.

With the assistance of a power point presentation, Mr. Beveridge spoke to the following:

- “Our Request” - \$5 million loan to be repaid over years at 0% rate of interest, as in the Downtown Multi-Residential Investment Program; purpose of loan is to bridge pledges from their Capital Campaign; loan is not to be used for current operations; to be used to replace interim financing
- Benefits of Good Shepherd Square.

Mr. Beveridge concluded his presentation with the request for continued support in serving Hamiltonians i.e., 5-year loan at 0%, to be repaid from pledges received.

A copy of the presentation was submitted to the Clerk for the public record and is available on the City of Hamilton’s website.

On a motion, the presentation from Gary Beveridge on behalf of Good Shepherd Centre Hamilton respecting \$5 million loan request, was received.

(g) DISCUSSION ITEMS

(i) Good Shepherd Centre’s Request for a Loan from the City of Hamilton (FCS12035) (Ward 1)

On a motion, the \$5 million loan request from the Good Shepherd Centre Hamilton was referred to the Hamilton Future Fund for their consideration and report back to the General Issues Committee.

The Motion to Refer **CARRIED** on the following unanimous vote:

Yeas:	Bratina, Ferguson, Pearson, Johnson, Powers, Pasuta, Partridge, Duvall, Jackson, Merulla, Collins, Morelli, Farr, McHattie, Whitehead
Total Yeas:	15
Nays:	
Total Nays:	0
Absent:	Clark
Total Absent:	1

(h) MOTIONS

(i) Hamilton Health Sciences Urgent Care Centre in West Hamilton – Reduction to Hours of Operation (Item 9.1)

Councillor McHattie advised that he would retain this as a Motion until the August meeting of the General Issues Committee.

(ii) Enbridge Inc. Pipeline Flow Reversal (Item 10.2)

On a motion, staff was directed to investigate the Enbridge Inc. pipeline flow reversal project and the potential impact

The Motion **CARRIED** on the following recorded vote:

Yeas: Bratina, Ferguson, Pearson, Johnson, Powers, Whitehead,
Duvall, Jackson, Merulla, Farr, McHattie

Total Yeas: 11

Nays: Pasuta, Partridge

Total Nays: 2

Absent: Clark, Collins, Morelli

Total Absent: 3

(i) NOTICES OF MOTION

(i) Councillor B. McHattie introduced the following Notice of Motion:

Request for Implementation of Two-way Traffic for a 100-metre stretch on Stuart Street, north of Barton Street East

Whereas Stuart Street, from Bay Street to Queen Street North, features two-way traffic flow with the exception of a short 100-metre stretch just north of Barton Street;

And Whereas an important and expanding Hamilton business, AVL Manufacturing, operates on Stuart Street just north of Barton Street and requires two-way traffic to facilitate goods movement.

Therefore be it resolved:

- (a) That staff work with the Ward 1 Councillor and AVL Manufacturing to make the change from one-way to two-way traffic along the remaining 100-metre stretch of Stuart Street, north of Barton Street East;
- (b) That an appropriate amendment to the City of Hamilton Traffic By-law 01-215, be approved.

(ii) Councillor B. McHattie introduced the following Notice of Motion:

Enbridge Inc. Pipeline Flow Reversal Project

Whereas Enbridge Inc. has submitted a proposal to reverse the flows of their pipeline from Hamilton to Sarnia (with the Village of Westover in Flamborough being the local hub) so it can carry diluted tar sands bitumen (dilbit) toward the east coast;

And Whereas the Hearing on that application has recently occurred in London;

And Whereas, the change in pipeline flow is being challenged by Environmental Defence, the Pembina Institute and Equiterre, as well as a Cambridge community newspaper;

And Whereas if approved, Enbridge Inc. states that Line 9 will transport between 50,000 and 90,000 barrels per day, but acknowledges that it is capable of carrying “beyond 150,000 bpd”;

And Whereas an environmental assessment document by Enbridge Inc. notes the presence of two environmentally-significant areas and a Provincially-significant wetland near the Westover installations, as well as portions of both Spencer Creek and Fairchild Creek;

And Whereas, there have been a number of spills of bitumen from pipeline accidents in recent months throughout Alberta, with the Government of Alberta launching a special inquiry.

Therefore be it resolved:

That staff be directed to investigate the Enbridge Inc. pipeline flow reversal project and the potential impacts on Hamilton, and report back to the General Issues Committee.

On a motion, the rules of order were waived in order to allow for the introduction of a motion respecting Enbridge Inc. Pipeline Flow Reversal.

See Information Item (h)(ii) for the disposition of this item.

- (iii) Councillor S. Merulla introduced the following Notice of Motion:

Ontario Lottery and Gaming Corporation (OLGC) – Establishment of a Gaming Facility

Whereas City Council on April 11, 2012 confirmed its support for Flamboro Downs Slots and Race Track as Council's number one priority and requested the Provincial Government to explore new formulas to keep operations such as Flamboro Downs Slots and Race Track sustainable to the benefit of our community;

And Whereas the Ontario Lottery and Gaming Corporation (OLGC) has identified Gaming Zones as geographic areas where regulated private-sector providers will be allowed to operate a single gaming facility, subject to approvals;

And Whereas the OLG has identified Hamilton/Burlington as one of the 29 Gaming Zones;

And Whereas inside gaming zones, each operator will be allowed to establish a new facility, operate the current facility, or relocate existing facilities within the boundaries of the zone, subject to relevant approvals, including:

- (i) OLG's approval of business case;
- (ii) Municipal approval from the host municipality for the establishment and operation of a gaming facility in that municipality;

And Whereas the citizens of the City of Hamilton should be afforded the opportunity to voice their say in this matter.

Therefore Be It Resolved:

That the Province be requested to put a moratorium on the selection process of a casino in the Hamilton/Burlington area pending the results of a question being placed on the 2014 Municipal Election Ballot in the City of Hamilton gauging public support.

- (iv) Councillor J. Farr introduced the following Notice of Motion:

Beasley Neighbourhood Gardens – Ward 2 Infrastructure Improvement Reserve

Whereas in 2012 Council approved the Area Rating Capital Re-Investment Policy;

And Whereas each of the affected Wards has a total of \$1.26 million for consideration in 2012;

And Whereas for 2012, through the Area Rating Capital Re-Investment Policy report, staff recommended that any projects being considered through the Special Capital Re-Investment be directed through formal reporting to General Issues Committee for consideration and approval;

And Whereas the guidelines with respect to the process and the nature of investments identified that the Special Capital Re-Investment may be targeted at infrastructure and/or one-time funding of a principally-capital nature to address the infrastructure deficit/shortfall within affected Wards, in addition to funding of a one-time nature, which may include funding that is committed, in an effort to leverage similar funding from outside organizations or senior levels of government;

And Whereas the Beasley Neighbourhood Gardens are expected to require a total investment of about \$28,000, and currently has financial support from a number of funding sources/donators.

Therefore Be It Resolved:

That the following commitments be funded through the Ward 2 Infrastructure Improvement Reserve Account No. 108052:

- (a) \$10,000 toward the capital costs of the Beasley Neighbourhood Gardens;
- (b) Up to \$6,500 for improvements to the Beasley Skateboard Park;
- (c) Up to \$3,000 for fencing/gates for the protection of residents;
- (d) Up to \$6,000 for fencing for residents affected during the demolition of 245 Catharine Street North.

On a motion, the rules of order were waived in order to allow for the introduction of a motion respecting Beasley Neighbourhood Gardens – Ward 2 Infrastructure Improvement Reserve.

See Item 23 for the disposition of this item.

(j) OTHER BUSINESS

(i) Outstanding Business List (Item 11.1)

On a motion, the revised due dates for the following items on the Outstanding Business List were approved:

Public Works

- (i) Item B: Waterdown Aldershot East-West Transportation Corridor – Noise and Lighting Mitigation
Due Date: September 19, 2012
Revised Due Date: December 5, 2012
- (ii) Item C: HWDSB Surplus Land at 161 Meadowlands Blvd.
Due Date: August 13, 2012
Revised Due Date: Q1 2013

On a motion, the following item was removed from the Outstanding Business List:

2012 Budget

- (i) Methods of Payment of Municipal Taxes (FCS12054) (City Wide) (Outstanding Business List – 2012 Budget Deliberations)

(k) PRIVATE & CONFIDENTIAL**12.1 Minutes of Closed Session Meetings – June 25, 2012**

On a motion, the Minutes of the Closed Session Meeting of the General Issues Committee held on June 25, 2012 were approved. These Minutes will remain confidential and restricted from public disclosure in accordance with the exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

On a motion, the Committee, moved into closed session pursuant to sub-sections 8.1(c), (e) and (f) of the City's Procedural By-law and Sections 239.2(c), (e) and (f) of the Municipal Act as the subject matters pertain to:

- (d) personal matters about an identifiable individual, including municipal or local board employees respecting the Tourism and Culture Division, Planning and Economic Development Department; and
 - (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board
- and
- (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose, respecting: Litigation – Development Charges By-law Appeals; and Litigation – St. Mary's Cement – NAFTA Claims.

The Committee reconvened in Open Session.

(i) Tourism and Culture Division, Planning and Economic Development Department (Item 12.2)

No action to report.

(ii) Litigation – Development Charges By-law Appeals (LS12019) (Item 12.3)

See Item 24 for the disposition of this item.

(iii) Litigation – St. Mary's Cement – NAFTA Claims (LS12020) (Item 12.4)

See Item 25 for the disposition of this item.

(I) ADJOURNMENT

There being no further business, the Committee adjourned at 12:30 p.m.

Respectfully submitted

Councillor L. Ferguson
Deputy Mayor

Carolyn Biggs
Legislative Co-ordinator
July 9, 2012

APPORTIONMENT OF TAXES

That the original 2012 land taxes recorded against;

- (a) **Roll #2518 303 420 23105 0000** – (Plan 62M1125 Block 95, Flamborough) in the amount of \$1,629.76 be split amongst the twenty newly created lots listed below:

YEAR	ADDRESS	ROLL NUMBER	APPORTIONED ASSESSMENT	TAX AMOUNT
2012	49 Nisbet Blvd.	2518 303 420 23105	6,584	\$ 83.82
2012	47 Nisbet Blvd.	2518 303 420 23201	6,352	80.88
2012	45 Nisbet Blvd.	2518 303 420 23202	6,352	80.88
2012	43 Nisbet Blvd.	2518 303 420 23203	6,352	80.88
2012	41 Nisbet Blvd.	2518 303 420 23204	6,464	82.30
2012	39 Nisbet Blvd.	2518 303 420 23205	6,464	82.30
2012	37 Nisbet Blvd.	2518 303 420 23206	6,352	80.88
2012	35 Nisbet Blvd.	2518 303 420 23207	6,352	80.88
2012	33 Nisbet Blvd.	2518 303 420 23208	6,352	80.88
2012	31 Nisbet Blvd.	2518 303 420 23209	6,464	82.30
2012	160 Truedell Circle	2518 303 420 23210	6,408	81.58
2012	158 Truedell Circle	2518 303 420 23211	6,352	80.88
2012	156 Truedell Circle	2518 303 420 23212	6,352	80.88
2012	154 Truedell Circle	2518 303 420 23213	6,352	80.88
2012	152 Truedell Circle	2518 303 420 23214	6,464	82.30
2012	148 Truedell Circle	2518 303 420 23215	6,464	82.30
2012	146 Truedell Circle	2518 303 420 23216	6,352	80.88
2012	144 Truedell Circle	2518 303 420 23217	6,352	80.88
2012	142 Truedell Circle	2518 303 420 23218	6,352	80.88
2012	140 Truedell Circle	2518 303 420 23219	6,464	82.30
		Total	128,000	\$ 1,629.76

- (b) **Roll #2518 303 420 23110 0000** – (Plan 62M1125 Block 96, Flamborough) in the amount of \$1,527.91 be split amongst the ten newly created lots listed below:

YEAR	ADDRESS	ROLL NUMBER	APPORTIONED ASSESSMENT	TAX AMOUNT
2012	136 Truedell Circle	2518 303 420 23110	12,084	\$153.83
2012	134 Truedell Circle	2518 303 420 23220	11,873	151.17
2012	132 Truedell Circle	2518 303 420 23221	11,873	151.17
2012	130 Truedell Circle	2518 303 420 23222	11,873	151.17
2012	128 Truedell Circle	2518 303 420 23223	11,558	147.16
2012	27 Nisbet Blvd.	2518 303 420 23224	12,294	156.54
2012	25 Nisbet Blvd.	2518 303 420 23225	12,084	153.86
2012	23 Nisbet Blvd.	2518 303 420 23226	12,084	153.86
2012	21 Nisbet Blvd.	2518 303 420 23227	11,978	152.51
2012	19 Nisbet Blvd.	2518 303 420 23228	12,299	156.61
		Total	120,000	\$ 1,527.91

- (c) **Roll #2518 003 130 23437 0000** – (442 Millen Rd., Stoney Creek) in the amount of \$2,607.90 be split amongst the thirty newly created lots listed below:

YEAR	ADDRESS	ROLL NUMBER	APPORTIONED ASSESSMENT	TAX AMOUNT
2012	442 Millen Rd., Unit 52	2518 003 130 23525	2,500	\$ 86.93
2012	442 Millen Rd., Unit 53	2518 003 130 23526	2,500	86.93
2012	442 Millen Rd., Unit 54	2518 003 130 23527	2,500	86.93
2012	442 Millen Rd., Unit 55	2518 003 130 23528	2,500	86.93
2012	442 Millen Rd., Unit 56	2518 003 130 23529	2,500	86.93
2012	442 Millen Rd., Unit 57	2518 003 130 23530	2,500	86.93
2012	442 Millen Rd., Unit 58	2518 003 130 23531	2,500	86.93
2012	442 Millen Rd., Unit 59	2518 003 130 23532	2,500	86.93
2012	442 Millen Rd., Unit 60	2518 003 130 23533	2,500	86.93
2012	442 Millen Rd., Unit 61	2518 003 130 23534	2,500	86.93
2012	442 Millen Rd., Unit 62	2518 003 130 23535	2,500	86.93
2012	442 Millen Rd., Unit 63	2518 003 130 23536	2,500	86.93

YEAR	ADDRESS	ROLL NUMBER	APPORTIONED ASSESSMENT	TAX AMOUNT
2012	442 Millen Rd., Unit 64	2518 003 130 23537	2,500	86.93
2012	442 Millen Rd., Unit 65	2518 003 130 23538	2,500	86.93
2012	442 Millen Rd., Unit 66	2518 003 130 23539	2,500	86.93
2012	442 Millen Rd., Unit 67	2518 003 130 23540	2,500	86.93
2012	442 Millen Rd., Unit 68	2518 003 130 23541	2,500	86.93
2012	442 Millen Rd., Unit 69	2518 003 130 23542	2,500	86.93
2012	442 Millen Rd., Unit 70	2518 003 130 23543	2,500	86.93
2012	442 Millen Rd., Unit 71	2518 003 130 23544	2,500	86.93
2012	442 Millen Rd., Unit 72	2518 003 130 23545	2,500	86.93
2012	442 Millen Rd., Unit 73	2518 003 130 23546	2,500	86.93
2012	442 Millen Rd., Unit 74	2518 003 130 23547	2,500	86.93
2012	442 Millen Rd., Unit 75	2518 003 130 23548	2,500	86.93
2012	442 Millen Rd., Unit 76	2518 003 130 23549	2,500	86.93
2012	442 Millen Rd., Unit 77	2518 003 130 23550	2,500	86.93
2012	442 Millen Rd., Unit 78	2518 003 130 23551	2,500	86.93
2012	442 Millen Rd., Unit 79	2518 003 130 23552	2,500	86.93
2012	442 Millen Rd., Unit 80	2518 003 130 23553	2,500	86.93
2012	442 Millen Rd., Unit 81	2518 003 130 23554	2,500	86.93
		Total	75,000	\$ 2,607.90

City of Hamilton
 Corporate Services Department
 Taxation Division
 Section "357" Appeals of the Municipal Act, 2001

Appeal No.	Property Address	Roll Number	Explanation	YEAR	Amount
357-09-271	21 King St W	020124000100000	Exempt City leasing the 11th floor now a Capital Facility	2009	-1,760.18
357-10-290	28 Rebecca St	020154500400000	Exempt main theatre smaller theatre does not meet the correct criteria	2010	-14,438.57
357-11-033	164 Kensington Ave n	040282528200000	Exempt - Place of Worship	2011	-7,321.52
357-11-074	1209-1213 Main St E	040312584500000	Exempt - Place of Worship	2011	-6,921.27
357-11-093	1 Charlton Ave E	020130506800000	Tax Class Conversion now used as residential	2011	-4,010.99
357-11-094	150 Main St E	020144594500000	Tax Class Conversion industrial / commercial split adjusted	2011	-8,101.67
357-11-102	45 Lancing Dr Unit 8	060721059480000	Exempt - food bank storage	2011	-1,665.77
357-11-112	Grassplain Dr	902110029970000	Exempt City purchase	2011	-121.75
357-11-113	9879 Airport Rd	902510006000000	Exempt denied property being farmed	2011	0.00
357-11-114	1405 Upper James St	070861031000000	Demolition of Cineplex theatre	2011	0.00
357-11-207	28 Rebecca St	020154500400000	Exempt main theatre smaller theatre does not meet the correct criteria	2011	-13,744.62
357-11-220	16 Winona Park Rd	003020052000000	Demolition of garage	2011	-40.42
357-11-224	1384 Ridge Rd	003410016000000	Fire - the original house demolished	2011	-783.18
357-11-242	262 Cedarale Ave	003280388000000	Major Renovations problem with plumbing and electrical	2011	-274.25
357-11-255	1239 Old Highway 8	301610338000000	Demolition of part of the house	2011	-308.90
357-11-258	3151 Hendershott Rd	901410220000000	Demolition of barns	2011	-17.66
357-12-001	237 Federal St	003280482000000	Demolition of original house in 2011	2011	-607.21
357-12-002	734 Barton St E	003240298000000	Fire the house is severely damaged and unoccupied	2012	-1,498.76
357-12-003	103-105 Highway 8	003360342000000	Demolition of all structures on property	2012	-5,528.45
357-12-008	15 Hillyard St	030272024700000	Tax Class Conversion Port Authority had tenants vacate premises	2012	15,111.17
357-12-008	15 Hillyard St	031247000700000	Tax Class Conversion Port Authority had tenants vacate premises	2012	-15,111.17
357-12-010	O Pritchard	060581054400000	Exempt City purchase	2012	-2,653.46
357-12-012	116 Glancaster Rd	140420286000000	Demolition of old house property now consolidated with abutting school	2012	-1,290.14
357-12-013	512 Carlisle Rd	303810054000000	Tax Class Conversion gravel pit closed	2012	-679.73
357-12-014	1239 Old Highway 8	301610338000000	Demolition of part of the house	2012	-313.83
357-12-018	1645 Rymal Rd E	060581042100000	Exempt City purchase	2012	-3,886.64
357-12-020	208 Hillyard St	030272024600000	Tax Class Conversion Port Authority had tenants vacate premises	2012	2,873.32
357-12-020	208 Hillyard St	031246000030000	Tax Class Conversion Port Authority had tenants vacate premises	2012	-2,873.32
357-12-021	150 Hillyard St	030272024700000	Tax Class Conversion Port Authority had tenants vacate premises	2012	879.21
357-12-021	150 Hillyard St	031247000710000	Tax Class Conversion Port Authority had tenants vacate premises	2012	-879.21
357-12-022	150 Hillyard St	030272024700000	Tax Class Conversion Port Authority had tenants vacate premises	2012	19,496.73
357-12-022	150 Hillyard St	031247000710000	Tax Class Conversion Port Authority had tenants vacate premises	2012	-19,496.73
357-12-023	150 Hillyard St	030272024700000	Tax Class Conversion Port Authority had tenants vacate premises	2012	744.52
357-12-023	150 Hillyard St	031247001900000	Tax Class Conversion Port Authority had tenants vacate premises	2012	-744.52
357-12-024	9300 Airport Rd	903310322070000	Exempt - vacant space at Airport	2011	-2,165.58
357-12-025	9300 Airport Rd	903310322070000	Exempt - vacant space at Airport	2011	-692.86
357-12-027	28 Carling St	010054070200000	Tax Class Conversion now used as residential	2012	-179.25
357-12-029	47 East Ave N	030213003700000	Tax Class Conversion handled through omit	2012	0.00
357-12-032	1625 Burlington St E	040323083400000	Tax Class Conversion Port Authority had tenants vacate premises	2012	289.56
357-12-032	1625 Burlington St E	041834000610000	Tax Class Conversion Port Authority had tenants vacate premises	2012	-289.56
357-12-033	958 Beach Blvd	050512062200000	Exempt City purchase	2012	-1,085.66
357-12-034	962 Beach Blvd	050512062220000	Exempt City purchase	2012	-1,054.94
357-12-035	966 Beach Blvd	050512062240000	Exempt City purchase	2012	-1,054.94
357-12-036	970 Beach Blvd	050512062260000	Exempt City purchase	2012	-1,054.94
357-12-037	974 Beach Blvd	050512062280000	Exempt City purchase	2012	-1,044.70
357-12-039	142 Mud St	060581082300000	Gross or Manifest Error barn demolished in 09 still on the roll	2012	-128.28
357-12-042	Whittington Dr	140280383800000	Exempt property deemed to the City under subdivision agreement	2012	-74.28
357-12-045	804 Beach Blvd B	050512049300000	Tax Class Conversion Port Authority had tenants vacate premises	2012	5,836.45
357-12-045	804 Beach Blvd B	051493001100000	Tax Class Conversion Port Authority had tenants vacate premises	2012	-5,836.45
357-12-046	208 Hillyard St	030272024600000	Tax Class Conversion Port Authority had tenants vacate premises	2012	674.61
357-12-048	150 Hillyard St	031247002200000	Tax Class Conversion Port Authority had tenants vacate premises	2012	-2,693.76
357-12-049	150 Hillyard St	030272024700000	Tax Class Conversion Port Authority had tenants vacate premises	2012	8,092.47
357-12-049	150 Hillyard St	031247002900000	Tax Class Conversion Port Authority had tenants vacate premises	2012	-8,092.47
357-12-050	150 Hillyard St	030272024700000	Tax Class Conversion Port Authority had tenants vacate premises	2012	86.79
357-12-050	150 Hillyard St	031247002700000	Tax Class Conversion Port Authority had tenants vacate premises	2012	-86.79
357-12-051	450 Sherman Ave N	030272024300000	Tax Class Conversion Port Authority had tenants vacate premises	2012	1,358.10
357-12-051	450 Sherman Ave N	031243000370000	Tax Class Conversion Port Authority had tenants vacate premises	2012	-1,358.10
357-12-052	450 Sherman Ave N	030272024300000	Tax Class Conversion Port Authority had tenants vacate premises	2012	3,094.07
357-12-052	450 Sherman Ave N	031243000400000	Tax Class Conversion Port Authority had tenants vacate premises	2012	-3,094.07
			TOTAL		-84,304.40

City of Hamilton
 Corporate Services Department
 Taxation Division
 Section "358" Appeals of the Municipal Act, 2001
 Realty Tax Applications for overcharges

B- overcharge (Assessment Roll)
 B1 -overcharged-application denied
 E - Exempt

Appeal No.	Property Address	Roll Number	Reason	Explanation	Year	Amount
358-10-121	28 Rebecca St	020154500400000	E	Main theatre exempt - smaller theatre does not meet criteria	2009	-15,176.85
358-10-122	28 Rebecca St	020154500400000	E		2008	-17,972.06
358-11-107	333-337-Arvin St	003140072000000	B	MPAC overstated the exterior wall and interior office space	2009	-1,952.61
358-11-107	1053 Barton St E	003110363000000	B	MPAC corrected structure span and number of interior walls	2009	-1,700.21
358-11-108	324 South Service Rd	003140100000000	B	MPAC corrected size of perimeter wall and 2nd floor area	2009	-385.16
358-11-137	1239 Old Highway	301610338000000	B	Part of the basement and the rear portion of the building were demolished when addition was added area still on the roll	2010	-304.25
358-11-138	1239 Old Highway	301610338000000	B		2009	-293.72
358-12-001	112 King St E	020151504300000	B	Property is no longer functioning or operating as a hotel since 2006.	2011	-37,043.95
358-12-002	112 King St E	020151504300000	B	The interior demolition of hotel has turned the building into a shell.	2010	-38,914.21
358-12-003	112 King St E	020151504300000	B	Valuation changed from income to cost	2009	-40,903.99
358-12-005	150 Hillyard St	030272024700000	B	Tax Class Conversion Port Authority had tenants vacate premises	2011	218.75
358-12-005	150 Hillyard St	031247000710000	B		2011	-218.75
358-12-006	150 Hillyard St	030272024700000	B	Tax Class Conversion Port Authority had tenants vacate premises	2011	15,299.82
358-12-006	150 Hillyard St	031247001900000	B		2011	-15,299.82
358-12-010	142 Mud St	060581082300000	B	Gross or Manifest Error barn demolished in 09 still on the roll	2011	-128.43
358-12-011	142 Mud St	060581082300000	B		2010	-128.65
358-12-018	150 Hillyard St	030272024700000	B	Tax Class Conversion Port Authority had tenants vacate premises	2011	1,102.18
358-12-018	150 Hillyard St	031247002200000	B		2011	-1,067.75
358-12-019	150 Hillyard St	030272024700000	B	Tax Class Conversion Port Authority had tenants vacate premises	2011	14.36
358-12-019	150 Hillyard St	031247002700000	B		2011	-14.80
358-12-020	450 Sherman Ave N	030272024300000	B	Tax Class Conversion Port Authority had tenants vacate premises	2011	2,063.89
358-12-020	450 Sherman Ave N	031243000400000	B		2011	-1,966.31
358-12-021	208 Hillyard St	030272024600000	B	Tax Class Conversion Port Authority had tenants vacate premises	2011	15,090.25
358-12-021	208 Hillyard St	031246001200000	B		2011	-15,092.50
358-12-022	208 Hillyard St	030272024600000	B	Tax Class Conversion Port Authority had tenants vacate premises	2010	14,776.12
358-12-022	208 Hillyard St	031246001200000	B		2010	-9,943.77
358-12-022	208 Hillyard St	031246001250000	B		2010	-4,829.77
358-12-023	208 Hillyard St	030272024600000	B	Tax Class Conversion Port Authority had tenants vacate premises	2009	14,385.11
358-12-023	208 Hillyard St	031246001200000	B		2009	-9,687.46
358-12-023	208 Hillyard St	031246001250000	B		2009	-4,705.22
Total						-154,779.76

Ministry of
Transportation

Office of the Minister

Ferguson Block, 3rd Floor
77 Wellesley St. West
Toronto, Ontario
M7A 1Z8
(416) 327-9200
www.mto.gov.on.ca

Ministère des
Transports

Bureau du ministre

Édifice Ferguson, 3^e étage
77, rue Wellesley ouest
Toronto (Ontario)
M7A 1Z8
(416) 327-9200
www.mto.gov.on.ca



June 8, 2012

His Worship, Bob Bratina
Mayor
City of Hamilton
71 Main Street West
Hamilton, ON L8P 4Y5

Dear Mayor Bratina:

RE: Letter of Agreement between Her Majesty the Queen in right of the Province of Ontario, represented by the Minister of Transportation for the Province of Ontario (the "Ministry") and the City of Hamilton (the "Municipality") Related to Funding Provided by the Province of Ontario (the "Province") to the Municipality under the Dedicated Gas Tax Funds for Public Transportation Program (this "Letter of Agreement")

This Letter of Agreement sets out the terms and conditions for the use of dedicated gas tax funds by municipalities for public transportation.

As the Province desires to increase public transportation ridership to support the development of strong communities, the Ministry maintains a Dedicated Gas Tax Funds for Public Transportation Program (the "Program") under which two (2) cents of the existing provincial gas tax will be provided to municipalities for public transportation expenditures.

Any funding to the Municipality by the Ministry will be provided in accordance with the terms and conditions set out in this Letter of Agreement and the Dedicated Gas Tax Funds for Public Transportation Program – 2011 / 2012 Guidelines and Requirements (the "guidelines and requirements").

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In consideration of the mutual covenants and agreements contained in this Letter of Agreement and the guidelines and requirements, which have been reviewed and are understood by the Municipality and are hereby incorporated by reference, the Ministry and the Municipality covenant and agree as follows:

1. To support increased public transportation ridership in the Municipality, and in recognition of the Municipality's need for predictable and sustainable funding to support investments in the renewal and expansion of public transportation systems, the Ministry agrees to provide funding to the Municipality under the Program in an amount up to \$10,737,539 in accordance with and subject to the terms set out in this Letter of Agreement and the guidelines and requirements, with \$8,053,154 payable on receipt of this signed Letter of Agreement and related authorizing municipal by-law, and the remaining payments payable thereafter on a quarterly basis.
2. Despite Section 1, the Municipality understands and agrees that any amount payable under this Letter of Agreement may be subject, at the Ministry's discretion, to adjustment to reflect final gas tax receipts and any other adjustments as set out in the guidelines and requirements, including those related to annual appropriations of funds by the Legislative Assembly of Ontario.
3. If the Municipality receives dedicated gas tax funds on behalf of any other municipality, and the other municipality has agreed to the Municipality collecting the dedicated gas tax funds on its behalf, the Municipality shall provide, upon request and in compliance with the requirements set out in the guidelines and requirements, any applicable municipal by-law and legal agreement between the Municipality and the other municipality providing for such arrangement to the Ministry prior to the payment of any dedicated gas tax funds by the Ministry under this Letter of Agreement.
4. The Municipality shall deposit the funds received under this Letter of Agreement in a dedicated gas tax funds reserve account, and use such funds only in accordance with the guidelines and requirements.

.../3

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5. The Municipality shall adhere to the reporting and accountability measures set out in the guidelines and requirements, and shall provide all requested documents to the Ministry.
6. The Municipality understands and agrees that the funding provided under this Letter of Agreement represents the full extent of the Ministry's and Province's financial contribution under the Program and that no additional funds will be provided by either the Ministry or the Province for such purposes to the Municipality for the 2011 / 2012 Program year.
7. The Ministry may terminate this Letter of Agreement at any time, without cause, upon giving at least sixty (60) days written notice to the Municipality. If the Ministry terminates this Letter of Agreement without cause, it may cancel all further dedicated gas tax funds payments. Where the Ministry has terminated this Letter of Agreement under this Section, the Ministry may, after determining the Municipality's reasonable costs to terminate any binding agreement for any eligible public transportation service acquired or to be acquired with dedicated gas tax funds provided under this Letter of Agreement, provide the Municipality with additional funding to offset, in whole or in part, such costs. The additional funding may be provided only if there is an appropriation for this purpose, and in no event shall the additional funding result in the total funding under this Letter of Agreement exceeding the amount specified under Section 1.
8. If the Legislature fails to appropriate sufficient funds for the Program, the Ministry may terminate this Letter of Agreement immediately by giving written notice to the Municipality. In such instance the Ministry may cancel all further dedicated gas tax fund payments.
9. Any provisions, including those in the guidelines and requirements, which by their nature are intended to survive the termination or expiration of this Letter of Agreement, shall survive its termination or expiration.
10. The Municipality hereby consents to the execution by the Ministry of this Letter of Agreement by means of an electronic signature.

.../4

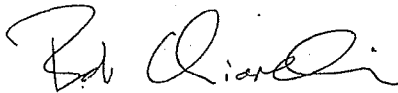
- 4 -

If the Municipality is satisfied with and accepts the terms and conditions of this Letter of Agreement, please secure the required signatures for the four enclosed copies of this Letter of Agreement and return two fully signed copies to:

Ministry of Transportation
Division Services and Program Management Office
27th Floor, Suite # 2702
777 Bay Street,
Toronto, Ontario
M7A 2J8

Once the Ministry has received the signed copies, the last signature of which shall be the effective date of this Letter of Agreement, together with a copy of the authorizing municipal by-law, the Ministry will make arrangements for the payment of the dedicated gas tax funds to the Municipality.

Yours sincerely,



Bob Chiarelli
Minister of Transportation

I have read and understand the terms of this Letter of Agreement, as set out above, and by signing below I am signifying the Municipality's consent to be bound by these terms.

The Corporation of the City of Hamilton

Per: B Bratina
Mayor

Date: 12/6/12

Per: [Signature]
Chief Financial Officer/Treasurer

Date: 12/6/2012