



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Licensing and By-law Services Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	June 4, 2019
<b>SUBJECT/REPORT NO:</b>	Amendments to Property Standards By-law 10-221 Respecting Development and Grading Plans (PED19113) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Robert Ustrzycki (905) 546-2424 Ext. 4721
<b>SUBMITTED BY:</b>	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION(S)**

- (a) That the procedural and housekeeping changes to the City of Hamilton Property Standards By-law 10-221 regarding landscaping requirements for approved developments and grading plans, and revising the penalty provisions described in Report PED19113, detailed in the proposed amending by-law attached as Appendix “A” be approved;
- (b) That the amending by-law attached as Appendix “A” to Report PED19113, which has been prepared in a form satisfactory to the City Solicitor be enacted by Council.

**EXECUTIVE SUMMARY**

By-law amendments are occasionally required to correct minor errors and as part of continuous improvement efforts, for the most efficient and effective by-laws. Report PED19113 recommends amending the City of Hamilton Property Standards By-law 10-221 (the Property Standards By-law) to:

- ensure continuous maintenance for developments and approved grading plans; and,
- revise the penalty provisions

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OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

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The changes recommended in this Report are minor in nature, and do not depart from the general intent and purpose of Council as originally approved.

**Alternatives for Consideration –Not Applicable**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial / Staffing / Legal: N/A

**HISTORICAL BACKGROUND**

On September 15, 2010, City Council enacted the City of Hamilton Property Standards By-law to prescribe the standards for the maintenance and occupancy of property within the municipality and repeal By-law 03-117. Since its enactment, eight amendments to the Property Standards By-law were passed as a matter of housekeeping or to address specific municipal needs.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The *Building Code Act* allows municipalities to pass a by-law to prescribe standards for the maintenance and occupancy of property.

**RELEVANT CONSULTATION**

Legal Services was consulted in the preparation of this Report and the draft amending by-law attached as Appendix “A”

Excerpts of the current Property Standards By-law, noting the proposed amendments, are attached as Appendix “B”.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)**

As part of continuous improvement efforts, staff work to improve enforcement activities, including updating various by-laws to address specific municipal needs identified by Council, committees, staff, public and the courts. In addition to continuous improvement efforts, by-laws require changes over time to align with changes to legislation, improve processes and to correct obsolete or imprecise language while maintaining the by-laws’ original intent and effectiveness.

Developments and Approved Grading Plans

The City encounters on occasion property owners failing to keep and maintain the natural landscape features (trees, shrubs) required as a buffer zone for approved development and grading proposals. Property under an approved development

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agreement or grading plan requires continuous maintenance and repair to sustain the features originally approved through the planning process. The Property Standards By-law deals with the ongoing maintenance of property, and currently has insufficient provision to support the enforcement of approved development proposals.

City staff propose amendments to improve the Property Standards By-law for the continuous maintenance for any and all property under a development agreement or grading plan. This approach provides a fair and comprehensive procedure to best deal with the preservation of approved development proposals that avoids the formality of a civil legal setting and associated expenses to both the City and the property owner.

Penalty Section

The *Building Code Act* allows municipalities to pass a by-law to prescribe standards for the maintenance and occupancy of property, whereas the offence and penalty provisions for disobeying a Property Standards Order remain under Section 36 of the *Building Code Act*. To correct any misunderstanding to jurisdiction where the offence may be found, subsections 30(1) and (2) of Property Standards By-law 10-221 needs to be amended to reference the offence and penalty provisions under the *Building Code Act*.

**ALTERNATIVES FOR CONSIDERATION**

N/A/

**ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

**Our People and Performance**

Hamiltonians have a high level of trust and confidence in their City government.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A": Draft amendment to the Property Standards By-law 10-221.

Appendix "B": Excerpts (proposed amendments noted) of the current Property Standards By-law 10-221.

KL:RU:st