



## **GENERAL ISSUES COMMITTEE REPORT 19-019**

9:30 a.m.

Wednesday, October 2, 2019  
Council Chambers  
Hamilton City Hall  
71 Main Street West

**Present:** Mayor F. Eisenberger, Deputy Mayor T. Whitehead (Chair)  
Councillors M. Wilson, J. Farr, N. Nann, S. Merulla, C. Collins,  
T. Jackson, E. Pauls, J. P. Danko, B. Clark, M. Pearson, B. Johnson,  
L. Ferguson, A. VanderBeek

**Absent:** Councillor J. Partridge – Personal

### **THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 19-019 AND RESPECTFULLY RECOMMENDS:**

1. **Investing in Canada Infrastructure Program – Public Transit Stream Grant Program (PW19083/FCS18048(a)) (City Wide) (Item 9.1)**
  - (a) That the projects listed in Appendix “A” attached to Report 19-019, be approved as the City of Hamilton’s submission for consideration to the Ministry of Transportation Ontario for the requested funding amount of \$374,684,401 for projects with a total project cost of \$510,911,000 in accordance with the terms and conditions associated with the Investing in Canada Infrastructure Program (ICIP), Public Transit Stream;
  - (b) That Investing in Canada Infrastructure Program, Public Transit Stream Project Financing Strategy, as detailed in Appendix “A” attached to Report 19-019, be approved;
  - (c) That the Mayor and Clerk be authorized and directed to execute all necessary documentation, including Funding Agreements to receive funding under Investing in Canada Infrastructure Program, Public Transit Stream with content satisfactory to the General Manager of Public Works and in a form satisfactory to the City Solicitor;

- (d) That staff be authorized and directed to tender and implement projects contained in Appendix “A” attached to Report 19-019 upon execution of a Transfer Payment Agreement between the City of Hamilton and Her Majesty the Queen in right of Ontario as represented by the Minister of Transportation for the Province of Ontario to Receive Funding Investing in Canada Infrastructure Program, Public Transit Stream;
- (e) That the Director of Transit be authorized and directed to submit future project amendments that may be required to Infrastructure Canada and the Province of Ontario provided that such amendments are acceptable to the General Manager of Public Works and that no amendment shall result in the City’s maximum funding share being exceeded;
- (f) That the operating budget and staffing full time equivalent (FTE) impacts related to approved ICIP projects, as shown in Appendix “B” attached to Report 19-019, be incorporated in the Tax Supported Operating Budget for the appropriate fiscal year;
- (g) That where required to give effect and authorize the signing of a Transfer Payment Agreement between the City of Hamilton and Her Majesty the Queen in right of Ontario as represented by the Minister of Transportation for the Province of Ontario, to receive funding under Investing in Canada Infrastructure Program, Public Transit Stream, Legal staff be directed to prepare a By-law in the form satisfactory to the City Solicitor for consideration by Council;
- (h) That where required to give effect and authorize the signing of amendments to the Transfer Payment Agreement between the City of Hamilton and Her Majesty the Queen in right of Ontario as represented by the Minister of Transportation for the Province of Ontario, to receive funding under Investing in Canada Infrastructure Program, Public Transit Stream, Legal staff be directed to prepare By-law(s) in the form satisfactory to the City Solicitor for consideration by Council;
- (i) That the General Manager, Finance and Corporate Services, be authorized and directed to enter into and execute any necessary agreements including any agreements with Infrastructure Ontario’s Loan Program to secure the capital funding required for capital projects for Investing in Canada Infrastructure Program, Public Transit Stream, as attached in Appendix “A” to Report 19-019;
- (j) That the General Manager, Finance and Corporate Services, be authorized and directed to enter into and execute any necessary agreements to engage the services of all required persons, agencies and companies to negotiate and confirm the terms and issuance of all necessary debenture issue(s) including, but not limited to, external legal counsel, fiscal agents

and financial professionals, to secure the capital funding required capital projects for Investing in Canada Infrastructure Program, Public Transit Stream, as attached in Appendix “A” to Report 19-019;

- (k) That the General Manager, Finance and Corporate Services, be authorized to negotiate and confirm the terms and placement of all debenture issue(s), and/or private placement debenture issue(s), in either a public or private market and/or bank loan agreements and debenture issue(s) and/or variable interest rate bank loan agreements and debenture issue(s), in an amount not to exceed \$83,611,200 Canadian currency for capital projects for Investing in Canada Infrastructure Program, Public Transit Stream as attached in Appendix “A” to Report 19-019, which includes \$48,401,200 in Tax Supported municipal debt and \$35,210,000 in Tax Supported Development Charges municipal debt;
- (l) That the Mayor and City Clerk be authorized and directed to enter into and/or execute, on behalf of the City of Hamilton, all agreements and necessary ancillary documents required for Investing in Canada Infrastructure Program, Public Transit Stream, as attached in Appendix “A” to Report 19-019 including those required to secure and confirm the terms and issuance of any required debenture issue(s), with content acceptable to the General Manager, Finance and Corporate Services, and in a form satisfactory to the City Solicitor; and,
- (m) That staff be directed to prepare all necessary By-Law(s) to authorize and implement Investing in Canada Infrastructure Program, Public Transit Stream Projects, as attached in Appendix “A” to Report 19-019 including those By-laws necessary to negotiate, place and secure all required capital funding.

**2. Sports, Entertainment and Convention Venues Review (PED18168(b)) (City Wide) (Outstanding Business List Item) (Item 10.1)**

- (a) That the strategy outlined within the “City of Hamilton Entertainment Venues Review”, attached as Appendices “A” and “B” to Report PED18168(b), be received;
- (b) That the recommendations outlined in confidential Appendix “C”, as amended, to Report PED18168(b), be approved;
- (c) That Appendices “A” and “B” to Report PED18168(b), help to inform any Host City facilities strategy that staff consider when assessing the feasibility and potential benefits of a Hamilton bid for the 2030 Commonwealth Games; and,

- (d) That the entirety of Appendices “B” “C” as amended, and “E” to Report PED18168(b) remain confidential and not be released as public documents.

**3. Barton Kenilworth Tax Increment Grant Program - 302 James Street North/4 Barton Street East, Hamilton (PED19193) (Ward 2) (Item 10.2)**

- (a) That a Barton Kenilworth Tax Increment Grant Program application submitted by 2571793 Ontario Inc. (Louis A. Grilli, President, Michael Clarke, Secretary), for the property at 302 James Street North/4 Barton Street East, Hamilton, estimated at \$4,951.52 over a maximum of a nine-year period, and based upon the incremental tax increase attributable to the renovations of 302 James Street North/4 Barton Street East, Hamilton, be authorized and approved in accordance with the terms and conditions of the Barton Kenilworth Tax Increment Grant Program;
- (b) That the Mayor and City Clerk be authorized and directed to execute a Grant Agreement together with any ancillary documentation required, to effect to the Barton Kenilworth Tax Increment Grant Program application submitted by 2571793 Ontario Inc. (Louis A. Grilli, President, Michael Clarke, Secretary), for the property at 302 James Street North/4 Barton Street East, Hamilton, in a form satisfactory to the City Solicitor;
- (c) That the Mayor and City Clerk be authorized and directed to execute such assigning agreement, as required, to give effect to the Barton Kenilworth Tax Increment Grant Program application submitted by 2571793 Ontario Inc. (Louis A. Grilli, President, Michael Clarke, Secretary), for the property at 302 James Street North/4 Barton Street East, Hamilton, in a form satisfactory to the City Solicitor; and,
- (d) That the General Manager of the Planning and Economic Development Department be authorized and directed to approve and execute any Grant Amending Agreements, together with any ancillary amending documentation, if required, to give effect to the Barton Kenilworth Tax Increment Grant Program application submitted by 2571793 Ontario Inc. (Louis A. Grilli, President, Michael Clarke, Secretary), for the property at 302 James Street North/4 Barton Street East, Hamilton, provided that the terms and conditions of the Hamilton Tax Increment Grant Program, as approved by City Council, are maintained.

**4. Financial Incentive Program Amendments Respecting Potential Tenant Displacement (PED19178/HSC19052) (City Wide) (Item 10.3)**

- (a) That the amended program terms and administrative procedures for the Commercial Corridor Housing Loan and Grant Program, the Hamilton Tax Increment Grant Program, the Barton/Kenilworth Tax Increment Grant Program and the Barton/Kenilworth Commercial Corridor Building Improvement Grant Program, which form part of Appendix “A” to the Downtown and Community Renewal Community Improvement Plan, and attached as Appendix “C” to Report 19-019, be approved with an effective date for new applications submitted beginning January 1, 2020;
- (b) That the Economic Development Division be authorized and directed to revise applicable application forms and other program-related materials necessary to implement the amended program terms and administrative procedures, attached as Appendix “C” to Report 19-019;
- (c) That the General Manager of the Planning and Economic Development Department continue to be authorized to execute agreements under the amended program terms for the Commercial Corridor and Housing Loan and Grant Program to a maximum grant/loan of \$250 K with agreement content continuing to be satisfactory to the General Manager and in a form satisfactory to the City Solicitor;
- (d) That the General Manager of the Planning and Economic Development Department continue to be authorized to execute agreements under the amended Barton/Kenilworth Commercial Corridor and Housing Loan and Grant program with agreement content continuing to be satisfactory to the General Manager and in a form satisfactory to the City Solicitor;
- (e) That with respect to the Commercial Corridor Housing Loan and Grant Program, the Hamilton Tax Increment Grant Program, the Barton/Kenilworth Tax Increment Grant Program and the Barton/Kenilworth Commercial Corridor Building Improvement Grant Program (the Programs), City Council:
  - (i) Direct the Housing Services Division to initiate quarterly requests to the Landlord and Tenant Board to obtain information regarding requests for Above Guideline Increases (also referred to as “L5” requests) received within the City of Hamilton on an on-going basis;
  - (ii) Direct the Housing Services Division to collaborate with appropriate community partners to prepare and distribute a comprehensive tenant education package that, at a minimum, include information on the rights of tenants; and,

- (iii) Direct and authorize the Legal Services Division to develop appropriate conditions for inclusion in agreements and other materials related to the programs necessary to implement the amended terms and administrative procedures attached as Appendix “C” to Report 19-019, in a form satisfactory to the City Solicitor.

**5. West Harbour Development Sub-Committee Report 19-002, September 9, 2019 (Item 10.4)**

**(a) Status of West Harbour Implementation (PW17075(c)) (City Wide) (Item 9.1)**

That Report PW17075(c), respecting the Status of West Harbour Implementation, be received.

**(b) Piers 6 and 7 Commercial Village Activation Plan (PED19191) (Ward 2) (Item 10.1)**

- (i) That staff be directed to immediately market the individual development blocks for Piers 6 and 7 for sale to the private sector; and,
- (ii) That the retail study attached as Appendix “A”, be received.

**6. Business Improvement Area Advisory Committee Report 19-009, September 10, 2019 (Item 10.5)**

**(a) Ottawa Street Business Improvement Area Expenditure Request (Item 11.1)**

- (i) That the expenditure request from the Ottawa Street Business Improvement Area, in the amount of \$13,174.21 for Hanging Baskets (Spring/Summer), and Holiday Decorative Swag, to be funded from the Community Improvement Plan (CIP) Contribution Program (BIA Payments Account 815010-56905), be approved; and,
- (ii) That the expenditure request from the Ottawa Street Business Improvement Area, in the amount of \$19,536.82 for Banners, Banner Maintenance, Media, Special Events, Street Maintenance, and Christmas Hanging Baskets, to be funded from the Shared

Parking Revenue Program (Parking Revenue Account 815010-45559), be approved.

**(b) International Village Business Improvement Area Expenditure Request (Item 11.2)**

That the expenditure request from the International Village Business Improvement Area, in the amount of \$6,612.03 for Beautification, Banner Maintenance, and Graffiti Removal, to be funded from the Community Improvement Plan (CIP) Contribution Program (BIA Payments Account 815010-56905), be approved.

**(c) Concession Street Business Improvement Area Expenditure Request (Item 11.3)**

(i) That the expenditure request from the Concession Street Business Improvement Area, in the amount of \$7,942.32 to be funded from the Community Improvement Plan (CIP) Contribution Program (BIA Payments Account 815010-56905) to be spent as follows, be approved:

(1) \$4,600.00 on hanging baskets; and,

(2) \$3,342.32 on winter inserts for sidewalk planters.

(ii) That the expenditure request from the Concession Street Business Improvement Area, in the amount of \$16,099.45 to be funded from the Shared Parking Revenue Program (Parking Revenue Account 815010-45559), to be spent as follows, be approved:

(1) \$13,000 on murals; and,

(2) \$3,099.45 on Fallfest entertainment (horse and wagon rides and fall decorations).

**(d) Downtown Hamilton Business Improvement Area Expenditure Request (Item 11.4)**

(i) That the expenditure request from the Downtown Hamilton Business Improvement Area, in the amount of \$5,381.59 for Bicycle Racks, and the purchase and Maintenance of Christmas Decorations, to be funded from the Community Improvement Plan

(CIP) Contribution Program (BIA Payments Account 815010-56905), be approved; and,

- (ii) That the expenditure request from the Downtown Hamilton Business Improvement Area, in the amount of \$13,086.34 for Graffiti Removal Product, Advertising (Hamilton Spectator), Marketing Services (Gel Creative), to be funded from the Shared Parking Revenue Program (Parking Revenue Account 815010-45559), be approved.

**(e) Downtown Dundas Business Improvement Area Expenditure Request (Added Item 11.5)**

- (i) That the expenditure request from the Downtown Dundas Business Improvement Area, in the amount of \$14,594.78 for the cleaning and maintenance of public road allowance, the purchase and maintenance of Christmas Decorations, and the purchase and maintenance of Hanging Baskets, to be funded from the Community Improvement Plan (CIP) Contribution Program (BIA Payments Account 815010-56905), be approved; and,
- (ii) That the expenditure request from the Downtown Dundas Business Improvement Area, in the amount of \$28,183.68 for our marketing and promotions and the costs of our events throughout the year, to be funded from the Shared Parking Revenue Program (Parking Revenue Account 815010-45559), be approved.

**(f) Stoney Creek Business Improvement Area Expenditure Request (Added Item 11.6)**

That the expenditure request from the Stoney Creek Business Improvement Area, in the amount of \$6,722.74 for event expenses related to the Stoney Creek Folk Fest and Jazz in the Creek, to be funded from the Community Improvement Plan (CIP) Contribution Program (BIA Payments Account 815010-56905), be approved.



**7. School Board Properties Sub-Committee Report 19-002, September 20, 2019 (Item 10.6)**

**Surplus School Property at 155 Macassa Avenue, Hamilton, known as Vincent Massey School (PED19139(a)) (Item 14.1)**

- (i) That the direction provided to staff in Closed Session respecting Surplus School Property at 155 Macassa Avenue, Hamilton, known as Vincent Massey School (PED19139(a)), be approved; and,
- (ii) That Report PED19139(a) respecting a Surplus School Property at 155 Macassa Avenue, Hamilton, known as Vincent Massey School, remain confidential and not be released as a public document until following the completion of a transaction pursuant to an agreement of purchase and sale, and that the financial details outlined in Appendix “B” attached to Report PED19139(a) remain confidential and not be released as a public document.

**8. Advisory Committee for Persons with Disabilities Report 19-008, September 10, 2019 (Item 10.7)**

**(a) Installation of Urban Braille along Cannon Street East at the Intersections of Wellington Street North, Catherine Street North, and John Street North (Item 7.1)**

WHEREAS, the reconstruction of Cannon Street between James Street North and Sherman Avenue North commenced in May 2019 and involves road resurfacing, Cycle Track improvements, and improvements to pedestrian safety measures;

WHEREAS, Urban Braille is a system of tactile information serving the needs of the visually impaired and blind by using both colour and texture contrast to provide warning signals and clues related to orientation;

WHEREAS, Mike Becke, Senior Project Manager, Public Works, attended the Built Environment Working Group meeting of November 6, 2018 and provided an update respecting the City of Hamilton’s Urban Braille system;

WHEREAS, the Built Environment Working Group Meeting Notes of November 6, 2018, were received by the Advisory Committee for Persons with Disabilities on January 15, 2019 (Item (e)(i) of Advisory Committee for Persons with Disabilities Report 19-001), but no Motion was made to request the inclusion of Urban Braille objectives in the plans for the Cannon Street reconstruction;

WHEREAS, a number of people with disabilities live in the Cannon Street area (especially with visual limitations); and,

WHEREAS, Urban Braille was not installed at three dangerous intersections along Cannon Street East;

THEREFORE, BE IT RESOLVED:

- (a) That Public Works staff be requested to examine and report back to the Advisory Committee for Persons with Disabilities on the feasibility of installing Urban Braille on Cannon Street East at the intersections of Wellington Street North, Catherine Street North, and John Street North; and,
- (b) That there be uniformity/continuity in the maintenance of major intersections, in accordance with *Accessibility for Ontarians with Disabilities Act, 2005*, standards (as at the intersection of Rymal Road West and West 5<sup>th</sup> Street, Hamilton).

**(b) Background Information and Past Activities of the Outreach Working Group (Item 7.3)**

WHEREAS, the Outreach Working Group of the Advisory Committee for Persons with Disabilities will benefit from the expertise of Paula Kilburn, Tom Manzuk, and Terri Wallis;

THEREFORE, BE IT RESOLVED:

That Paula Kilburn, Tom Manzuk, Terri Wallis, be invited to attend a future meeting of the Outreach Working Group of the Advisory Committee for Persons with Disabilities to provide background information on the Outreach Working Group's mandate and past activities.

**(c) Investigation of Light Rail Transit (LRT) Systems in Neighbouring Municipalities by Members of the Advisory Committee for Persons with Disabilities (Added Item 11.1)**

WHEREAS, the Transportation Working Group believes that it would be beneficial for the Advisory Committee for Persons with Disabilities to investigate the Light Rail Transit (LRT) Systems in neighbouring municipalities like Kitchener;

THEREFORE, BE IT RESOLVED:

- (a) That the following Members of the Advisory Committee for Persons with Disabilities be approved to travel to neighbouring municipalities to investigate and compare Light Rail Transit (LRT) systems, with the transportation costs to be funded from the Advisory Committee for Persons with Disabilities 2018 approved budget for conferences and related travel expenses, to an upset limit of \$1,000:

- (i) Shahan Aaron
- (ii) Jayne Cardno
- (iii) Anthony Frisina
- (iv) John Hawker
- (v) Aznive Mallet
- (vi) Mark McNeil

**(d) Implementation and Use of Accessible Signage on City Transit (Added Item 11.2)**

WHEREAS, the Transportation Working Group of the Advisory Committee for Persons with Disabilities will benefit from the expertise of the Manager of Customer Experience and Innovation (Transit Division), or their designate;

THEREFORE, BE IT RESOLVED:

That the Manager of Customer Experience and Innovation (Transit Division), or their designate, be invited to attend a future meeting of the Transportation Working Group of the Advisory Committee for Persons with Disabilities to discuss the current implementation and use of signage that would encourage sensitivity towards all persons with disabilities, including those that use mobility devices, on City transit.

**(e) Accessible Taxi Cab Incentive Program Update (Added Item 11.3)**

WHEREAS, the Transportation Working Group of the Advisory Committee for Persons with Disabilities will benefit from the expertise of the Manager of Licensing and By-law Services, or their designate;

THEREFORE, BE IT RESOLVED:

That the Manager of Licensing and By-law Services, or their designate, be invited to attend a future meeting of the Transportation Working Group of the Advisory Committee for Persons with Disabilities to provide an update on the accessible taxi cab incentive program.

**(f) Advance/Pre-Pay System for DARTS Fares (Added Item 11.4)**

WHEREAS, the Transportation Working Group of the Advisory Committee for Persons with Disabilities will benefit from the expertise of the Executive Director of DARTS, or their designate, and the Manager, Customer Experience and Innovation (Transit Division), or their designate;

THEREFORE, BE IT RESOLVED:

That the Executive Director of DARTS, or their designate, and the Manager, Customer Experience and Innovation (Transit Division), or their designate, be invited to attend a future meeting of the Transportation Working Group of the Advisory Committee for Persons with Disabilities to discuss an advance/pre-pay system for DARTS fares.

**(g) Current Accessibility Challenges of Public Transit in the City of Hamilton (Added Item 11.5)**

WHEREAS, the Transportation Working Group of the Advisory Committee for Persons with Disabilities will benefit from the expertise of Terri Wallis;

THEREFORE, BE IT RESOLVED:

That Terri Wallis be invited to attend a future meeting of the Transportation Working Group of the Advisory Committee for Persons with Disabilities to discuss the current accessibility challenges of public transit in the City of Hamilton.

**9. To Provide Free On-Street Parking on Concession Street for the 2019 Fallfest (Item 11.3)**

WHEREAS, Fallfest is a local, family friendly community event run by the Concession Street BIA businesses and vendors, open to all of Hamilton and the surrounding area, to increase community awareness and involvement and local support;

THEREFORE, BE IT RESOLVED:

That the daily on-street parking fee of \$983.25, for parking on Concession Street between Upper Wentworth Street to East 25<sup>th</sup> Street, for the Concession Street Fallfest, being held on October 5, 2019, be funded from the Ward 7 Discretionary Fund, 3301909700.

**10. Sports, Entertainment and Convention Venues Review (Appendices “B”, “C” and “E” to Report PED18168(b)) (City Wide) (Item 14.2)**

- (a) That the direction provided to staff in Closed Session, respecting Report PED18168(b), Sports, Entertainment and Convention Venues Review, be approved; and,
- (b) That Appendices “B”, “C” and “E” to Report PED18168(b), respecting the Sports, Entertainment and Convention Venues Review, remain confidential.

**11. Transfer of Assets from the Hamilton Street Railway Company to the City of Hamilton - 2200 Highway #6, Glanbrook, and 2650 Barton Street East, Hamilton (PED19172) (Ward 11 and Ward 5) (Item 14.3)**

- (a) That the direction provided to staff in Closed Session, respecting Report PED19172 - the Transfer of Assets of 2200 Highway #6, Glanbrook, and 2650 Barton Street East, Hamilton, be approved; and,
- (b) That the complete Report PED19172 respecting the Transfer of Assets of 2200 Highway #6, Glanbrook, and 2650 Barton Street East, Hamilton, remain confidential until completion of the real estate transaction.

**12. Sports, Entertainment and Convention Proposal Review (LS19039) (City Wide) (Item 14.5)**

That Report LS19039, respecting the Sports, Entertainment and Convention Proposal Review, remain confidential in its entirety.

**FOR INFORMATION:**

**(a) APPROVAL OF AGENDA (Item 2)**

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

**1. COMMUNICATIONS (Item 5)**

- 5.1 Correspondence from P. J. Mercanti, on behalf of the Hamilton Urban Precinct Entertainment Group, respecting the Sports, Entertainment and Convention Venues matter

Recommendation: Be received and referred to the consideration of Item 10.1.

- 5.2 Correspondence from David E. Branch, Commissioner of the Ontario Hockey League, respecting the Potential Development of a New Arena

Recommendation: Be received and referred to the consideration of Items 8.2 and 10.1.

- 5.3 Correspondence from Darko Vranich, President & CEO, Vrancor Group Inc., respecting the Sports, Entertainment and Convention Venues matter

Recommendation: Be received and referred to the consideration of Item 10.1.

ACORN was permitted to speak at the October 2, 2019 General Issues Committee, respecting Item 10.3 – Report PED19178/HSC19052, Financial Incentive Program Amendments regarding the Potential Tenant Displacement, and was added to today’s agendas as Item 8.4; and,

The previously approved delegation request for Nicole Smith, Kumon Hamilton West End, respecting the Saturday Rallies and Standing for Love and Inclusion, was added to today’s agenda as Item 8.3.

**3. DELEGATIONS (Item 8)**

- 8.1 Chris Labenski, respecting the Arena Issue

This delegation has been withdrawn.

**4. NOTICES OF MOTION (ITEM 12)**

- 12.1 Policy on Standard Terms and Conditions to be Incorporated in City Lease Agreements Consistent with the City’s Equity and Inclusion Policy
- 12.2 To Provide Free On-Street Parking on Concession Street for the 2019 Fallfest

**5. PRIVATE & CONFIDENTIAL (Item 14)**

- 14.4 Sub-lease Negotiations for the John C. Munro International Airport (PED19137) (Referred from the Airport Sub-Committee)

More time is required to properly prepare Report PED19137, respecting the Sub-lease Negotiations for the John C. Munro International Airport; therefore, the matter was deferred to a future GIC meeting.

- 14.5 Sports, Entertainment and Convention Proposal Review (LS19039) (City Wide) (To be distributed)

Pursuant to Section 8.1, Sub-section (f) of the City's Procedural By-law 18-270, and Section 239(2), Sub-section (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

The agenda for the October 2, 2019 Special General Issues Committee meeting, was approved, as amended.

**(b) DECLARATIONS OF INTEREST (Item 2)**

- (i) Councillor M. Pearson declared an interest to Item 10.3 – Report PED19178/HSC19052, respecting Financial Incentive Program Amendments regarding the Potential Tenant Displacement, as she is a rental property landlord.
- (ii) Councillor S. Merulla declared an interest to Item 10.3 – Report PED19178/HSC19052, respecting Financial Incentive Program Amendments regarding the Potential Tenant Displacement, as he and his wife are rental property landlords.
- (iii) Councillor M. Wilson declared an interest to Items 5.1 - Correspondence from P. J. Mercanti, on behalf of the Hamilton Urban Precinct Entertainment Group, respecting the Sports, Entertainment and Convention Venues matter; 5.2 - Correspondence from David E. Branch, Commissioner of the Ontario Hockey League, respecting the Potential Development of a New Arena; 5.3 - Correspondence from Darko Vranich, President & CEO, Vrancor Group Inc., respecting the Sports, Entertainment and Convention Venues matter; 8.2 - Michael Andlauer, respecting the Invitation to Present the Bulldog/Cadillac Fairview Proposal

to Committee; 10.1 – Report PED18168(b), Sports, Entertainment and Convention Venues Review; 11.1 – a Motion respecting the Release of the Bulldogs Proposal for Public Consumption; 14.2 – Report PED18168(b) (Appendices “B”, “C” and “D”), Sports, Entertainment and Convention Venues Review; and, 14.5 – Report LS19039, Sports, Entertainment and Convention Proposal Review, as her spouse’s involvement or potential involvement, directly or through firms with which he is associated in negotiations that might arise as a result of the reports implementation.

Subsequent to her declaration of interest (above), Councillor Wilson advised Committee that she had received advice from the Integrity Commissioner advising her that she does not have a conflict of interest respecting the matters listed in her Declaration (above). Therefore, she will be fully participating in the discussion and consideration of those same matters and withdrew her declaration of interest.

- (iv) Councillor A. VanderBeek declared an interest to Item 10.3 – Report PED19178/HSC19052, respecting Financial Incentive Program Amendments regarding the Potential Tenant Displacement, as she is a rental property landlord.
- (v) Councillor J. P. Danko declared an interest to Item 10.6 – School Board Properties Report 19-002, September 20, 2019, as his wife is Vice Chair of the Hamilton-Wentworth District School Board.

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

The Minutes of the September 9 and 18, 2019 meetings of the General Issues Committee were approved, as presented.

- (i) September 9, 2019 (Special) (Item 4.1)
- (ii) September 18, 2019 (Item 4.2)

**(d) COMMUNICATION ITEMS (Item 5)**

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

- (i) Correspondence from P. J. Mercanti, on behalf of the Hamilton Urban Precinct Entertainment Group, respecting the Sports, Entertainment and Convention Venues matter (Item 5.1)  
Recommendation: Be received and referred to the consideration of Item 10.1.



- (ii) Correspondence from David E. Branch, Commissioner of the Ontario Hockey League, respecting the Potential Development of a New Arena (Item 5.2)

Recommendation: Be received and referred to the consideration of Items 8.2 and 10.1.

- (iii) Correspondence from Darko Vranich, President & CEO, Vrancor Group Inc., respecting the Sports, Entertainment and Convention Venues matter (Item 5.3)

Recommendation: Be received and referred to the consideration of Item 10.1.

**(e) DELEGATION REQUESTS (Item 6)**

- (i) **Dr. David Farrar, Acting President and Vice Chancellor, McMaster University, to provide an annual update of the positive impact that McMaster University is having in the community and beyond, as well as to highlight the key partnerships the University has with the City of Hamilton (For the December 4, 2019 GIC) (Item 6.1)**

The delegation request submitted by Dr. David Farrar, Acting President and Vice Chancellor, McMaster University, to provide an annual update of the positive impact that McMaster University is having in the community and beyond, as well as to highlight the key partnerships the University has with the City of Hamilton, was approved for the December 4, 2019 General Issues Committee.

**(f) PUBLIC HEARINGS / DELEGATIONS (Item 8)**

- (i) **Chris Labenski, respecting the Arena Issue (Item 8.1)**

This delegate has withdrawn his request.

- (ii) **Michael Andlauer, President & CEO Andlauer Management Group Inc., respecting the Invitation to present the Bulldog/Cadillac Fairview Proposal to Committee (Item 8.2)**

The speaking time limits for delegations, as outlined in the Procedural By-law 18-270, as amended, was waived to allow Michael Andlauer, President & CEO of Andlauer Management Group Inc., an unlimited

timeline to present to Committee respecting the Bulldog/Cadillac Fairview Proposal.

Michael Andlauer, President & CEO Andlauer Management Group Inc., addressed Committee respecting the Invitation to present the Bulldog/Cadillac Fairview Proposal to Committee.

The presentation provided by Michael Andlauer, President & CEO Andlauer Management Group Inc., respecting the Invitation to present the Bulldog/Cadillac Fairview Proposal to Committee, was received.

A copy of the presentation is available on the City's website at [www.hamilton.ca](http://www.hamilton.ca) or through the Office of the City Clerk.

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

**(iii) Nicole Smith, Kumon Hamilton West End, respecting the Saturday Rallies and Standing for Love and Inclusion (Item 8.3)**

Nicole Smith, Kumon Hamilton West End, addressed Committee respecting the Saturday Rallies and Standing for Love and Inclusion.

The presentation provided by Nicole Smith, Kumon Hamilton West End, respecting the Saturday Rallies and Standing for Love and Inclusion, was received.

A copy of the presentation is available on the City's website at [www.hamilton.ca](http://www.hamilton.ca) or through the Office of the City Clerk.

**(iv) Mike Wood, Hamilton ACORN, respecting Item 10.3 – Report PED19178/HSC19052, Financial Incentive Program Amendments respecting Potential Tenant Displacement (Item 8.4)**

Mike Wood, Hamilton ACORN, addressed Committee respecting Item 10.3 – Report PED19178/HSC19052, Financial Incentive Program Amendments respecting Potential Tenant Displacement.

The presentation provided by Hamilton ACORN, respecting Item 10.3 – Report PED19178/HSC19052, Financial Incentive Program Amendments respecting Potential Tenant Displacement, was received.

A copy of the presentation is available on the City's website at [www.hamilton.ca](http://www.hamilton.ca) or through the Office of the City Clerk.

For disposition of this matter, please refer to Item 4.

(g) **STAFF PRESENTATIONS (Item 9)**

(i) **Investing in Canada Infrastructure Program – Public Transit Stream Grant Program (PW19083/FCS18048(a)) (City Wide) (Item 9.1)**

Mike Zegarac, General Manager, Finance & Corporate Services, introduced the presentation and provided an overview of Report PW19083/FCS18048(a), regarding Investing in Canada Infrastructure Program – Public Transit Stream Grant Program.

Brian McMullen, Director, Financial Planning & Policy; and, Debbie Dalle Vedove, Director of Transit, addressed Committee and provided a presentation respecting Report PW19083/FCS18048(a), regarding Investing in Canada Infrastructure Program – Public Transit Stream Grant Program.

The presentation, respecting Report PW19083/FCS18048(a), regarding Investing in Canada Infrastructure Program – Public Transit Stream Grant Program, was received.

A copy of the presentation is available on the City's website at [www.hamilton.ca](http://www.hamilton.ca) or through the Office of the City Clerk.

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

(h) **DISCUSSION ITEMS (Item 10)**

(i) **Sports, Entertainment and Convention Venues Review (PED18168(b)) (City Wide) (Item 10.1)**

(a) Sub-section (a) to Report PED18168(b), respecting the Sports, Entertainment and Convention Venues Review, was amended by deleting the word “approve” and replacing it with the word “**receive**”, to read as follows:

(a) That the strategy outlined within the City of Hamilton Entertainment Venues Review, attached as Appendix “A” to Report 19-014 and confidential Appendix “B” to Report PED18168(b), be ~~approved~~ **received**;

(b) Sub-sections (b) and (d) to Item 2 of the General Issues Committee Report PED18168(b), respecting the Sports, Entertainment and Convention Venues Review, was amended by adding the words “**as amended**”, after the words “Appendix “C”, to read as follows:

- (b) That the recommendations outlined in confidential Appendix “C” **as amended**, to Report PED18168(b) be approved;
- (d) That the entirety of Appendices “B”, “C” **as amended**, and “E” to Report PED18168(b) remain confidential and not be released as public documents.

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

**(ii) West Harbour Development Sub-Committee Report 19-002, September 9, 2019 (Item 10.4)**

Sub-sections (b)(i), (b)(ii) and (b)(iii) to the West Harbour Development Sub-Committee Report 19-022, respecting Report PED19191 - Piers 6 and 7 Commercial Village Activation Plan, were deleted in their entirety and replaced with the following new sub-section (b)(i) in lieu thereof, and the balance of the recommendations be renumbered accordingly:

**(b) Piers 6 and 7 Commercial Village Activation Plan (PED19191) (Ward 2) (Item 10.1)**

- ~~(i) That staff be directed to prepare and execute a procurement process to select an external entity for the purposes of building, operating, and programming temporary commercial and public uses within the Pier 6 and 7, and including but not limited to Pier 8, lands and potentially adjacent city-owned lands as an interim use;~~
- ~~(ii) That the procurement process to select an external entity for the purposes of building, operating, and programming temporary commercial and public uses within the Pier 6, 7, and 8 lands and potentially adjacent city-owned lands, includes a short-term land lease of not more than two years, at nominal value for the development blocks within these lands;~~
- ~~(iii) That staff be authorized and directed to prepare the formal procurement process to select an external entity for the purposes of building, operating, and programming temporary commercial and public uses within the Pier 6, 7, and 8 lands and potentially adjacent city-owned lands, in a manner and on terms and conditions deemed appropriate by the General Manager of the Planning and Economic Development Department, and in a form acceptable to the City Solicitor; and,~~

- (i) ***That staff be directed to immediately market the individual development blocks for Piers 6 and 7 for sale to the private sector; and,***
- (ii) That the retail study attached as Appendix “A”, be received.

For disposition of this matter, please refer to Item 5.

**(iii) Business Improvement Area Advisory Committee Report 19-009, September 10, 2019 (Item 10.5)**

- (a) Sub-section (d)(i) to Item 4 of the Business Improvement Area Advisory Committee Report 19-009 respecting the Downtown Hamilton Business Improvement Area Expenditure Request, were amended by deleting the dollar amount of \$14,594.78 and replacing it with the dollar amount of \$5,381.59, to read as follows:

**(d) Downtown Hamilton Business Improvement Area Expenditure Request (Item 11.4)**

- (1) That the expenditure request from the Downtown Hamilton Business Improvement Area, in the amount of ~~\$14,594.78~~ **\$5,381.59** for Bicycle Racks, and the purchase and Maintenance of Christmas Decorations, to be funded from the Community Improvement Plan (CIP) Contribution Program (BIA Payments Account 815010-56905), be approved; and,

For disposition of this matter, please refer to Item 6.

**(i) MOTIONS (Item 11)**

**(i) Release of the Bulldog Proposal for Public Consumption (Item 11.1)**

Councillor Danko withdrew his Motion respecting the release of the Bulldog Proposal for Public Consumption.

(ii) **Policy on Standard Terms and Conditions to be Incorporated in City Lease Agreements Consistent with the City's Equity and Inclusion Policy (Item 11.3)**

Legal Services staff were directed to develop a policy on standard terms and conditions to be incorporated in City lease agreements that is consistent with the City's Equity and Inclusion Policy and consistent with the City's approach to the equity, diversity and inclusion framework currently being developed, and report back to the General Issues Committee.

The Motion respecting a Policy on Standard Terms and Conditions to be Incorporated in City Lease Agreements Consistent with the City's Equity and Inclusion Policy, was amended by deleting the words "develop a policy on" and replacing them with the words "**assess the benefits and implications of including a policy**", to read as follows:

That Legal Services staff be directed to **assess the benefits and implications of including a policy** on standard terms and conditions to be incorporated in City lease agreements that is consistent with the City's Equity and Inclusion Policy and consistent with the City's approach to the equity, diversity and inclusion framework currently being developed, and report back to the General Issues Committee.

(iii) **Feasibility of Locating a New Arena on the Hamilton Mountain (Limeridge Mall) (Item 11.4)**

Staff were directed to review the feasibility of locating a new arena sites on the Hamilton mountain (Limeridge Mall), internally and without the use of a consultant and at no additional cost to the City, and report back to the General Issues Committee.

(j) **NOTICES OF MOTIONS (Item 12)**

Councillor N. Nann introduced a Notice of Motion respecting Policy on Standard Terms and Conditions to be Incorporated in City Lease Agreements Consistent with the City's Equity and Inclusion Policy.

(i) **Policy on Standard Terms and Conditions to be Incorporated in City Lease Agreements Consistent with the City's Equity and Inclusion Policy (Item 12.1)**

The Rules of Order were waived to allow for the introduction of a Motion respecting Policy on Standard Terms and Conditions to be Incorporated in City Lease Agreements Consistent with the City's Equity and Inclusion Policy.

Councillor E. Pauls introduced a Notice of Motion respecting the Provision of Free On-Street Parking on Concession Street for the 2019 Fallfest.

**(ii) To Provide Free On-Street Parking on Concession Street for the 2019 Fallfest (Item 12.2)**

The Rules of Order were waived to allow for the introduction of a Motion respecting the Provision of Free On-Street Parking on Concession Street for the 2019 Fallfest.

For disposition of this matter, please refer to Item 9.

**(k) GENERAL INFORMATION / OTHER BUSINESS (Item 13)**

**(i) Road Collapse in Dundas (Item 13.1)**

Councillor VanderBeek advised Committee that a section of the Highway 8 Dundas-Greenville Hill collapsed on October 2, due to the rain event; and, that the road is closed in both directions between Bond Street and Hillcrest Avenue while the City determines the necessary repairs.

As well the Dundas Valley Golf and Country Club had to close today and a detour for residents who live in the area will need to be put in place. The Councillor also asked that the General Manager of Public Works provide direction to the Director of Transportation, Operations and Maintenance to work with her (the Ward Councillor) on the detour area.

Councillor VanderBeek also requested that Public Works staff provide a verbal status update respecting the road collapse at the October 9, 2019 meeting of Council.

**(ii) Dust Event on Monday, September 30, 2019 resulting from the Demolition of the Former Specialty Bar Plant Facility Located on Sherman Ave. North, Hamilton (Item 13.2)**

Councillor Nann spoke to Committee respecting the dust event on Monday afternoon resulting from the demolition of the former Specialty Bar Plant facility located on Sherman Ave. North.

The Ministry of Environment, Conservation and Parks (MECP) has done testing after the event this week and those results will take 2 to 4 weeks.

Local residents who are concerned about exposure to the dust may experience short-term exposure symptoms, including irritation of the eyes, nose and throat. If symptoms persist, please consult a physician.

**(iii) Off-Spray from Road Painting on Scenic Drive (Item 13.3)**

Councillor Whitehead advised Committee that he has received many calls from residents on Scenic Drive with respect to damage to cars and driveway caused by off-spray of road painting that was being done.

Claims are being sent to Risk Management for review. The Councillor will investigate what occurred with the contractor and is looking forward to a formal response.

**(I) PRIVATE & CONFIDENTIAL (Item 14)**

**(i) Closed Session Minutes – September 18, 2019 (Item 14.1)**

- (a) The Closed Session Minutes of the September 18, 2019 General Issues Committee meeting, were approved; and,
- (b) The Closed Session Minutes of the September 18, 2019 General Issues Committee meeting shall remain confidential.

The General Issues Committee recessed in order to hold the Hamilton Renewable Power Inc. Shareholder meeting.

Committee moved into Closed Session respecting Appendices “B”, “C” and “E” to Report PED18168(b) (Item 14.2), Items 14.3 and 14.5, pursuant to Section 8.1, Sub-sections (c), (f) and (k) of the City’s Procedural By-law 18-270, and Section 239(2), Sub-sections (c), (f) and (k) 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 purposes; and, the receiving of 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.



**(ii) Sports, Entertainment and Convention Venues Review (Appendices “B”, “C” and “E” to Report PED18168(b)) (City Wide) (Item 14.2)**

Staff was provided with direction in Closed Session.

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

**(iii) Transfer of Assets from the Hamilton Street Railway Company to the City of Hamilton - 2200 Highway #6, Glanbrook, and 2650 Barton Street East, Hamilton (PED19172) (Ward 11 and Ward 5) (Item 14.3)**

Staff was provided with direction in Closed Session.

For further disposition of this matter, please refer to Item 11.

**(iv) Sub-lease Negotiations for the John C. Munro International Airport (PED19137) (Item 14.4)**

As noted in the changes to the agenda, additional time is required to properly prepare this report. Therefore, it will be brought forward to a future General Issues Committee meeting.

**(I) ADJOURNMENT (Item 13)**

There being no further business, the General Issues Committee adjourned at 9:27 p.m.

Respectfully submitted,

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T. Whitehead, Deputy Mayor  
Chair, General Issues Committee

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Stephanie Paparella  
Legislative Coordinator,  
Office of the City Clerk

# City of Hamilton ICIP - Transit Stream Project Submission

Project Description	Notes	2020 (000's)	2021 (000's)	2022 (000's)	2023 (000's)	2024 (000's)	2025 (000's)	2026 (000's)	Total (000's)	Cost Sharing Breakdown		
										Federal 40%	Provincial 33.33%	City 26.67%
1. Maintenance & Storage Facility	1,2	\$ 120,000	\$ 140,000						\$ 260,000	\$ 104,000.0	\$ 86,658.0	\$ 69,342.0
2. Replacement Fleet	3	\$ 13,528	\$ 30,324	\$ 17,784	\$ 12,688	\$ 12,163	\$ 12,045	\$ 15,545	\$ 114,077	\$ 45,630.8	\$ 38,021.9	\$ 30,424.3
3. Expansion Fleet (10 Year Strategy)	1,3	\$ 10,400	\$ 11,424	\$ 11,653	\$ 12,735	\$ 12,990	\$ 14,132	\$ -	\$ 73,334	\$ 29,333.6	\$ 24,442.2	\$ 19,558.2
4. A-Line Priority Bus Corridor	2	\$ -	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,500	0	\$ -	\$ 8,500	\$ 3,400.0	\$ 2,833.0	\$ 2,267.0
5. Birch Avenue Bridge/Road Works	2	\$ -	\$ -	\$ 31,000	0	0	0	\$ -	\$ 31,000	\$ 12,400.0	\$ 10,332.3	\$ 8,267.7
6. Presto Device Refresh	2	\$ 5,000	0	0	0	0	0	\$ -	\$ 5,000	\$ 2,000.0	\$ 1,666.5	\$ 1,333.5
7. CAD/AVL Replacement	2	\$ -	\$ 6,250	\$ 2,750	\$ -	\$ -	\$ -	\$ -	\$ 9,000	\$ 3,600.0	\$ 2,999.7	\$ 2,400.3
8. Active Transportation Connections	3	\$ 900	\$ 1,200	\$ 900	\$ 1,500	\$ 3,000	\$ 2,500	\$ -	\$ 10,000	\$ 4,000.0	\$ 3,333.0	\$ 2,667.0
<b>Total (000's):</b>		<b>\$ 149,828</b>	<b>\$ 191,198</b>	<b>\$ 66,087</b>	<b>\$ 28,923</b>	<b>\$ 30,653</b>	<b>\$ 28,677</b>	<b>\$ 15,545</b>	<b>\$ 510,911</b>	<b>\$ 204,364.4</b>	<b>\$ 170,286.6</b>	<b>\$ 136,260.0</b>

Notes:

- 1: City Share of Total Project Cost will be financed from tax supported DC Debt.
- 2: City Share of Total Project Cost will be financed from tax supported debt.
- 3: City Share of Total Project Cost will be financed from City Transit Vehicle and DC Reserves

Financing Strategy		2020 (000's)	2021 (000's)	2022 (000's)	2023 (000's)	2024 (000's)	2025 (000's)	2026 (000's)	Total (000's)
Federal Share		\$ 59,931.2	\$ 76,479.2	\$ 26,434.8	\$ 11,569.2	\$ 12,261.2	\$ 11,470.8	\$ 6,218.0	\$ 204,364.4
Provincial Share		\$ 49,937.7	\$ 63,726.3	\$ 22,026.8	\$ 9,640.0	\$ 10,216.6	\$ 9,558.0	\$ 5,181.1	\$ 170,286.5
City Share		\$ 39,959.1	\$ 50,992.5	\$ 17,625.4	\$ 7,713.8	\$ 8,175.2	\$ 7,648.2	\$ 4,145.9	\$ 136,260.1
<b>Total</b>		<b>\$ 149,828.0</b>	<b>\$ 191,198.0</b>	<b>\$ 66,087.0</b>	<b>\$ 28,923.0</b>	<b>\$ 30,653.0</b>	<b>\$ 28,677.0</b>	<b>\$ 15,545.0</b>	<b>\$ 510,911.0</b>
<b>City Funding Details:</b>									
Transit Vehicle Reserve	110030	\$ 5,781.0	\$ 10,530.0	\$ 7,150.0	\$ 6,152.0	\$ 6,458.0	\$ 6,505.0	\$ 4,145.9	\$ 46,721.9
Dev Charges - Non Res TCA	110311	\$ 311.0	\$ 342.0	\$ 348.0	\$ 380.0	\$ 388.0	\$ 423.0		\$ 2,192.0
Dev Charges - Res TCA	110310	\$ 530.0	\$ 582.0	\$ 593.0	\$ 648.0	\$ 662.0	\$ 720.0		\$ 3,735.0
Dev Charges - Non Res DEBT (note 4)	110311	\$ 5,631.0	\$ 7,571.0						\$ 13,202.0
Dev Charges - Res DEBT (note 4)	110310	\$ 9,117.0	\$ 12,891.0						\$ 22,008.0
Tax Supported Debt Financing		\$ 18,589.1	\$ 19,076.5	\$ 9,534.4	\$ 533.8	\$ 667.2	\$ 0.2	\$ -	\$ 48,401.2
<b>Total</b>		<b>\$ 39,959.1</b>	<b>\$ 50,992.5</b>	<b>\$ 17,625.4</b>	<b>\$ 7,713.8</b>	<b>\$ 8,175.2</b>	<b>\$ 7,648.2</b>	<b>\$ 4,145.9</b>	<b>\$ 136,260.1</b>
<b>Debt Financing Tax Impacts</b>									
New Debt Charges		\$ 1,835.0	\$ 1,893.0	\$ 943.0	\$ 51.0	\$ 64.0	\$ -	\$ -	\$ 4,786.0
<b>Tax Impact of New Debt Charges</b>		<b>0.21%</b>	<b>0.22%</b>	<b>0.11%</b>	<b>0.01%</b>	<b>0.01%</b>	<b>0.00%</b>	<b>0.00%</b>	
<b>Operating Budget Tax Impacts</b>									
FTE Operating Budget Impact		35.0	39.0	60.0	38.0	41.0	41.0	-	254.0
\$ Operating Budget Impact		\$ 1,938.0	\$ 3,483.0	\$ 10,022.0	\$ 3,256.0	\$ 3,577.0	\$ 3,649.0	\$ -	\$ 25,925.0
<b>Tax Impact of OIC</b>		<b>0.22%</b>	<b>0.40%</b>	<b>1.15%</b>	<b>0.37%</b>	<b>0.41%</b>	<b>0.42%</b>	<b>0.00%</b>	
<b>TOTAL TAX IMPACT</b>		<b>\$ 3,773.0</b>	<b>\$ 5,376.0</b>	<b>\$ 10,965.0</b>	<b>\$ 3,307.0</b>	<b>\$ 3,641.0</b>	<b>\$ 3,649.0</b>	<b>\$ -</b>	
<b>TOTAL TAX IMPACT</b>		<b>0.43%</b>	<b>0.62%</b>	<b>1.26%</b>	<b>0.38%</b>	<b>0.42%</b>	<b>0.42%</b>	<b>0.00%</b>	

Note 4: Debt charges for Tax Supported DC Debt will be funded from DC Reserves and have no impact on the tax operating budget

Summary of Operating Costs

Projects	2020		2021		2022		2023		2024		2025		2026	
	FTE	(000's)	FTE	(000's)	FTE	(000's)	FTE	(000's)	FTE	(000's)	FTE	(000's)	FTE	(000's)
1. Maintenance & Storage Facility					21	\$ 6,500								
2. Replacement Fleet														
3. Expansion Fleet (10 Year Strategy)	35	\$ 1,938	38	\$ 3,333	38	\$ 3,372	38	\$ 3,116	41	\$ 3,577	41	\$ 3,649		
4. Birch Avenue Bridge/Road Works								\$ 140						
5. A-Line Priority Bus Corridor														
6. Presto Device Refresh														
7. CAD/AVL Replacement			1	\$ 150	1	\$ 150								
8. Active Transportation Connections														
<b>Total:</b>	35	\$1,938	39	\$3,483	60	\$10,022	38	\$3,256	41	\$3,577	41	\$3,649	0	\$0

**Total FTE:** 254 (includes years 5 - 10 of the 10 Year Local Transit Strategy)  
**Total Operating (\$000):** \$25,925



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Urban Renewal Section  
71 Main Street West, 7th Floor  
Hamilton, Ontario L8P 4Y5  
Phone: (905) 546-2424 Ext. 2755  
Fax: (905) 546-2693

## COMMERCIAL CORRIDOR HOUSING LOAN AND GRANT PROGRAM

### PROGRAM DESCRIPTION

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The Commercial Corridor Housing Loan and Grant Program (the “Program”) is designed to stimulate residential development within Downtown Hamilton, Hamilton’s Community Downtowns, the Mount Hope / Airport Gateway, active and dormant Business Improvement Areas and “commercial corridors”, as identified in the Downtown and Community Renewal Community Improvement Project Area By-law, and those properties within the City boundaries designated under the *Ontario Heritage Act*.

The Program is intended to provide financial assistance for converting existing built commercial space into residential units, renovations to existing residential units or construction of new units via building additions. The Program is also intended to provide assistance for the costs of creating new residential units on vacant land.

The Program may also qualify the applicant for additional incentives for the development of new rental units that meet affordability needs, subject to availability. Additional incentives may include any combination of development charge and parkland dedication exemptions, capital funding contributions and any other incentive as may be available from time to time for the purposes of encouraging the development of new affordable rental housing. In order to be eligible for additional affordable housing incentives, rental units must meet the definition and criteria established in the City of Hamilton By-law 03-148 to Adopt a Municipal Housing Facility By-law. When affordable housing is developed in conjunction with this Program, this Program constitutes an affordable housing program for the purposes of the City of Hamilton’s Development Charges By-law 14-153.

Acting as a lender, the City provides financial support for the Program and ensures that development arising from the Program is consistent with the principles and design themes contained within the Downtown and Community Renewal Community Improvement Plan, the applicable Official Plan and Zoning By-law, and the provisions of relevant Urban Design Plans.

### PROGRAM TERMS

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Note: A Pre-Application Form must be completed and forwarded to the Urban Renewal Section prior to completing a Final Application Form. The Pre-Application Form is required in order that staff can review property details and determine appropriate next steps.

1. Subject to meeting all other Program terms, the Commercial Corridor Housing Loan and Grant Program is available to property owners within:
  - a) the Downtown Hamilton Community Improvement Project Area;
  - b) the City of Hamilton’s Community Downtowns;
  - c) the Mount Hope / Airport Gateway;
  - d) the active and dormant Business Improvement Areas;
  - e) the “commercial corridors” as identified in the Downtown and Community Renewal Community Improvement Project Area By-law; and,
  - f) Properties within the City boundary designated under the *Ontario Heritage Act*.
2. The maximum loan amount is \$20 K per dwelling unit to a maximum of \$600 K per property (30 units). A dwelling unit is a room or suite of rooms used or intended to be used by one or more persons living together as one household, in which cooking and sanitary facilities are provided for the exclusive use of the household, and to which an independent entrance is provided from outside the building or from a common interior hallway, vestibule or stairway. A minimum of 50% of the loan per unit must be spent on developing / renovating the unit. The remaining 50% can cover the cost of common elements of the property e.g. roofing, HVAC, central air conditioning, fire escapes, foundations, furnaces, entranceways or other improvements deemed eligible by the General Manager of the Planning and Economic Development Department.
3. In addition to the loan, the Program has a grant portion of \$5 K per application allocated to professional fees and City of Hamilton fees only. The grant portion is paid upon presentation of paid receipts to the City’s satisfaction. Professional fees will include: architects; BCIN designers; lawyers; engineers; surveyors’ fees, title insurance, etc. City of Hamilton fees will include: building permit, site plan application, road occupancy permit, street occupancy permit and encroachment agreement fees. Eligible fees will be determined at the absolute discretion of the General Manager of Planning and Economic Development.
4. The Program does not apply to single-detached dwelling units or “individual” street townhouse dwelling units. However, the Program does apply to the creation of “accessory units” also known as basement apartments within existing dwellings including single-detached and “individual” street townhouses. Accessory units must be self-contained with kitchen and bathroom facilities. Accessory units must comply with the applicable Urban Hamilton Official Plan designation, Zoning By-law provisions and the Ontario Building Code.
5. The Program will not fund improvements including roofing, electrical, fascia, and eavestrough, in isolation of internal work on dwelling units.
6. Approval of the loan application is at the absolute discretion of the General Manager of the Planning and Economic Development Department (for loans /

grants to a maximum of \$200 K) and, City Council for loans/grants above \$200 K and, subject to the availability of funds.

7. The maximum Loan term is five years and six months (subject to prior termination on default) from the date of the final advance exclusive of holdback. No extension or renewal shall be granted.
8. The Loan interest rate will be at 0% interest for the first five years. For the last six months of the Loan, interest shall be payable on the principal outstanding at the then prevailing rate established by Council for interest on tax arrears, such interest to be calculated and payable monthly, not in advance.
9. The Loan will be registered as a second mortgage upon the lands to be developed (the “Property”) prior to the first advance of funds. In addition, the Applicant will enter into a Loan Agreement which includes (but is not limited to) the terms and conditions of this program description.
10. The City will request security required to secure a commercial loan, which may include the following: loan agreement; and / or promissory note; and / or personal property security; and / or personal guarantees; and / or corporate guarantees; and / or lien on the property to be improved; and / or collateral mortgage charge registered on the property to be improved; and / or letter of credit in lieu of a second mortgage charge on the property (subject to City’s minimum equity requirements); and / or such other security which may be appropriate or available in the circumstance. The City will request net worth statements or variations thereof as the City may determine.
11. Interest on arrears will be 15% per annum or such tax arrears interest rate as may be established by Council from time to time.
12. Applicants shall have no less than 25% equity based upon the appraised value of the property offered as security, including cost of improvements being financed. The City at its discretion will determine whether an appraisal is required or whether it will accept a drive-by appraisal, tax assessment or other proof of value, depending on the amount of the Loan and the extent of construction or renovation.
13. Advances are made by the City, upon proof satisfactory to the City confirming the value of the work completed.
14. The City’s funding will be advanced in three stages, upon completion of 60%, 80% and substantial completion of the project. Upon proof satisfactory to the City that the proposed development is 60% complete based upon the value of the construction and that equity and / or financing required to that stage of completion has been injected into the development, then the approved City funds will be made available and released proportionately based upon the approved source of funds (equity / financing / City funds). The calculation of the proportion to be advanced will reflect that the first 60% of funding is from non-City sources. Advances will be made in conjunction with financing advances or after proof of equity injections.

15. Principal is repayable in annual amounts of ten percent (10%), in 12 equal monthly payments, of the original loan amount. Payments will commence one year following the substantial completion advance, exclusive of any required holdback. The balance outstanding will be paid by a balloon payment at the end of the Five Year and Six-Month Term. Monthly principal payments will continue during the last six months of the repayment term with interest calculated and payable monthly, not in advance, if not paid earlier.
16. If the development is a condominium, the repayment regime is as follows: upon sale of individual condominium units, the City will be repaid \$25 K per unit, until the loan is paid in full. In addition to repayment upon sale of individual condominium units, commencing in the second year following the substantial completion advance, ten percent of the principal loan amount is repayable annually in the second, third, fourth and fifth years following substantial completion, unless repayments made upon sale of the individual condominium units are equal to or greater than ten percent of the principal loan amount in each of the second, third, fourth and fifth years. On the last day of the fifth year, a single payment of the balance outstanding will be required.
17. The loan may be prepaid at any time without notice, bonus or penalty.
18. An application fee of \$339 must accompany the final application. An administration fee of \$293.80 per unit is charged to the borrower. The administration fees will be paid out of the first advance of funds that flow from the City of Hamilton. The fee amount may be changed from time to time as approved by City Council.
19. Realty taxes must be paid as billed throughout the development process.
20. All costs associated with the conversion or renovations are to be borne by the applicant including construction, design, administration fees, appraisals, inspections, legal and registration fees. The City retains the right to assess the reasonableness of costs and which costs are eligible under the terms of the Program.
21. In the event of the sale, conveyance, transfer or entering into of any agreement of sale or transfer of the title of the Property all monies secured by the mortgage to the City shall forthwith become due and payable.
22. Change of Corporate Control:  
  
Where the Owner is a corporation the Owner covenants and agrees that in the event that:
  - a) the Owner fails to supply the City, in a form satisfactory to the City such information relating to the ownership of its shares as the City may from time to time require: or b) without the written consent of the City first had and obtained:

- i) the Owner issues or redeems any of its shares or transfers any of its shares;
- ii) there is a sale or sales of the shares of the Owner which result in the transfer of the legal or beneficial interest of any of the shares of the Owner; or,
- iii) the Owner amalgamates, merges or consolidates with any other corporation.

and the result of any of the foregoing is a change in the effective control of the majority of the voting shares of the Owner, or the requested information is not provided, then all monies secured by the mortgage together with accrued interest thereon shall forthwith become due and payable at the option of the City and the City's powers of sale hereby given and all other remedies for enforcement shall be exercisable.

- 23. The proposed development must conform to the relevant Official Plan and Zoning By-law and such other approved municipal policies as are applicable, e.g. urban design guidelines / built form guidelines.
- 24. The proposed development must conform to an Urban Design Plan where same is in effect. The applicant must demonstrate to staff that the Urban Design Plan is being implemented.
- 25. The City of Hamilton will require specific insurance terms to be met to protect the City's interest.
- 26. Redevelopment / development will commence no longer than one-year following the date the loan is approved by the General Manager of Planning and Economic Development or City Council, or the loan / grant will be cancelled. The one-year period may be extended at the absolute discretion of the General Manager of Planning and Economic Development.
- 27. The deadline for 60% completion of the proposed redevelopment / development will be subject to a date established through consultation with the applicant and approved by the General Manager of Planning and Economic Development Department.
- 28. The City will periodically review the terms and the duration of the Program and make appropriate revisions as per the direction of City Council.
- 29. The Commercial Corridor Housing Loan and Grant may be received by an owner in conjunction with any other available City programs (excluding the Hamilton Downtown Barton / Kenilworth Multi-Residential Property Investment Program) in support of the redevelopment / development of the property.
- 30. Without limiting the discretion as set out in paragraph six, herein, City Council, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an applicant where, in the opinion of Council, the



commercial relationship between the City and the Applicant has been impaired by, but not limited to, the applicant being involved in litigation with the City. Applicants shall include but not be limited to the following: the Applicant identified on the application form and if a corporation any person or entity with an interest in the corporation as determined by the City in its sole, absolute and unfettered discretion.

31. Without limiting the discretion as set out in paragraph six, herein, City Council may reject application received from an applicant, whether or not an Applicant satisfies the requirements of the Program, anywhere there are property tax arrears owed on the subject property or on other properties owned by the Applicant within the City of Hamilton.
32. Without limiting the discretion as set out in paragraph six, herein, the City Council or its delegate, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an applicant where there is credible information that an applicant has been involved recently or repeatedly in illegal activity supporting the conclusion that he or she will not conduct himself or herself with honesty and integrity in undertaking the activity, operation or business for which the loan/grant is sought. For corporate applicants, it will be the corporation and the principals of the corporation whose illegal activity will be considered.
33. Works commenced prior to submitting an application are ineligible for funding under the Program. Works commenced after submitting an application but prior to approval of an application may be eligible for funding under the Program and eligibility will be determined by the General Manager of Planning and Economic Development in his sole, absolute and unfettered discretion. An applicant shall assume the risk of paying for work commenced after an application has been submitted but prior to approval.
34. Please refer to the Application Form for the documentation required to be submitted as part of an application under this Program.
35. Applicants shall disclose if any residential units are occupied at the time an application has been submitted to the City and, if so, identify the specific units occupied. For additional clarity, the City is not requesting or requiring the disclosure of tenant names or any other personal contact information.
36. Where this program will provide a financial incentive and/or loan to facilitate the undertaking of external and/or internal property improvements which are not for the sole benefit of a non-residential use, and where the subject property contains occupied unit(s) at the time of application to the City, the occupied unit(s) shall not be the subject of an approved Above Guideline Increase (AGI) request (also referred to as an L5 request) to the Landlord and Tenant Board (LTB) for a period beginning from the date the application is received by the City and ending upon completion of the prescribed term of the incentive to be provided, or five years from the date of the initial financial disbursement, whichever is greater. This condition

will continue to apply whether or not the tenancy of the unit(s) changes during this period. Exceptions to this condition may be provided where it can be demonstrated, to the City’s satisfaction, that:

- a) the affected tenant(s) have consented to the proposed AGI. Where there is more than one occupied unit in the building at the time of application to the City, this exception only applies where all affected tenants have consented to the proposed AGI request;
- b) that the requested AGI is a result of improvements or other matters not related to those improvements facilitated by the City’s financial incentive; and,
- c) notwithstanding the provision of a financial incentive by the City, an AGI request would be required to facilitate the property improvements due to site or building specific circumstances.

In the event an AGI request is approved by the LTB and determined to be in contravention of the City’s condition, and this approval occurs after the City’s approval under this incentive program but prior to the entering into any agreement required by this program, the application approval will be deemed to be rescinded, no incentive will be provided, and no agreement will be entered into by the City. Where the AGI approval occurs after the City’s approval and after the execution of any agreement required by this program, any remaining incentive yet to be provided over the remaining term of the program will be cancelled and enforcement action will be initiated to recoup financial incentives provided to-date.

This condition shall not apply to units registered as a condominium.



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## HAMILTON TAX INCREMENT GRANT PROGRAM

### PROGRAM DESCRIPTION

The intent of the Hamilton Tax Increment Grant Program (the Program) is to provide an economic catalyst for developing, redeveloping or renovating residential / commercial lands and buildings located within Downtown Hamilton, Community Downtowns, the Mount Hope / Airport Gateway, Business Improvement Areas (BIAs), and those properties within the City boundary designated under the *Ontario Heritage Act*.

This Program authorizes for each approved grant application, a five-year grant, the amount of which is subject to Council approval, in an amount not exceeding the increase in municipal realty taxes (the Grant). The increase in municipal realty taxes (City portion only) will be based on either the year in which the building permit that initiated the development / redevelopment was issued or, for properties where the proposed development / redevelopment does not require a building permit, the year in which City Council approved the Grant amount, and, the first full year in which the property is reassessed. The Grant shall be an amount which does not exceed 100% of the municipal realty tax increase during year one, 80% in year two, 60% in year three, 40% in year four, and 20% in year five. For purposes of determining the eligible amount of the increase in municipal realty taxes, special charges, including BIA levies, shall be excluded from the calculation. The Grant would reduce the effect of an increase in municipal realty taxes attributable to the differential between the pre-renovation assessment and the post-renovation assessment.

Grant applications will not be accepted if there is an outstanding Request for Reconsideration through the Municipal Property Assessment Corporation (MPAC), outstanding Assessment Review Board appeal, outstanding divisional court appeal or an outstanding Municipal Act appeal, relating to the assessment of the Property or in respect of taxes related to the Property. The Grant application will only be accepted once the above has been settled and the revised (if applicable) property taxes have been calculated.

1. Before any Grant is provided to the Applicant for a property for which a satisfactory Grant application has been received and approved, realty taxes are required to have been paid as billed each year and, the property shall be in compliance with the Program's requirements and conditions as set out in the Grant Payment Agreement the Applicant will be required to enter into with the City. Conditions in the Agreement include but are not limited to:

- a) The total value of the eligible Grant provided under the Program will be reduced by: (i) the amount by which property taxes have been cancelled or reduced for the subject property pursuant to any other City programs (i.e. vacancy rebates) or tax appeals under Sections 357 and 358 of the *Municipal Act*; (ii) the amount by which property taxes have been cancelled or reduced for the subject property pursuant to a Request for Reconsideration, and (iii) the amount by which property taxes have been reduced or cancelled for the property pursuant to any relief or reduction permitted under any legislation or order of any court or the Assessment Review Board; and,
  - b) If the Applicant, third party or the municipality has appealed the change in the property assessment, the Grant will not be advanced until the appeal has been finally determined through the Assessment Review Board or Courts and revised property taxes have been calculated and adjusted.
2. The first year of the Grant is payable at the end of the calendar year in the first full year of reassessment, post completion, of the redevelopment/ development (subject to taxes being paid in full and no pending appeal or confirmation that the assessment will not be appealed). An Applicant has the option of receiving the Grant at the end of the first year of reassessment, however they will forfeit the Grant for the months of the year the reassessment does not apply i.e. if reassessment occurs on the 1st of March of a year, the first year of the Grant will be based on March-December (ten months) of the year only. (Calculation is based on **actual** taxes, therefore the post development taxes in year one would include the first part of the year at a lower assessment and the remaining part of the year at the higher assessment – which would result in minimal to no grant for the period January 1 to the reassessment date.)
  3. For commercial projects, the first year of the Grant is payable at the end of the first full year of reassessment, post completion, of the redevelopment / development regardless of the number of commercial units occupied.
  4. For residential condominium projects, the first year of the Grant is payable by the end of the calendar year in which 75% of the residential condominium units within the project are fully assessed and is calculated on a ratable per unit basis. In years previous to 75% of the residential condominium units being fully assessed within the project, taxes are to be paid as billed and no Grants will be payable.
  5. For mixed-use projects (commercial and residential), the first year of the Grant is payable by the end of the calendar year in which 75% of the residential condominium units within the project are fully assessed and is calculated on a ratable per unit basis. In years previous to 75% of the residential condominium units being fully assessed within the project, taxes are to be paid as billed and no Grants will be payable.

Exception for residential condominium projects that are fully or partially assigned – the grant will be paid by the end of the first quarter of the following year (i.e. the grant for 2016 will be paid by March 31, 2017). This will allow the City time to verify ownership and appeal status for each condominium unit, prior to issuing the Grant.

For year one of the Grant only, the Grant may be paid after the first quarter of the following year, if one-year following the date of registration on title of condominium status for the project expires after December 31 of the year in which 75% of the residential condominium units within the project are fully assessed.

For residential condominium projects, the units must be assessed as residential condominiums. If the development is assessed as multi-residential or new-multi-residential, no grant will be payable.

6. The Grants may be received by an Applicant in conjunction with any other available municipal program (with the exception of the Barton / Kenilworth Tax Increment Grant Program, the ERASE Redevelopment Grant and the LEED Grant) in support of redevelopment / development, including the municipality’s loan and heritage programs. The approved Grants are not assignable by the Applicant to anyone except to the initial purchaser of a residential condominium in a residential project, the initial purchaser of a residential or commercial condominium unit within a mixed-use project, or to the City of Hamilton. The total of each property’s five years of approved Grants shall not exceed the costs of the property’s development / redevelopment.
7. A limited assignment of the Grant under the terms of the Program may be made from an Applicant to the initial purchaser of each new residential condominium unit within a residential project or to the initial purchaser of each new residential or commercial condominium unit within a mixed-use project. The assignment of the Grant shall not apply to any subsequent re-sale of any such unit. The first year of the Grant is the year in which at least 75% of the residential condominium units within the project are fully assessed.

The Applicant must confirm if they are proposing to assign the Grant to the first purchasers of residential condominiums within a residential project or the first purchasers of residential or commercial condominium units within a mixed-use project, at the time of application otherwise the Grant will not be assignable. Also, the Applicant has one-year following the date of registration on title of condominium status for the project to assign the individual Grants to the first purchasers of each unit. The Grant for units not assigned within the one-year period will be advanced to the Applicant and will not be assignable in the future.

For Grants that are for a project that is fully / partially assigned, the pre-project municipal taxes are apportioned amongst each condominium unit based on, or with reference to, the MPAC’s “Condominium Plan Information Form” (CPIF) and in adherence to section 19.1(3) of the *Assessment Act*. The CPIF apportions the pre-development assessment amongst the newly created assessment roll numbers for the units. This allows the annual Grant to be calculated on a per unit basis (difference between the post-project municipal taxes of each unit and the pre-project municipal taxes for each respective unit). The Grant is further prorated based on the closing date of the sale to the first condominium purchaser of each of the fully assessed units (less the administration fee). For partially assigned projects, the grant for the units not assigned by the Applicant is calculated in the

same manner, whereby the Applicant’s Grant will be pro-rated based on the date each unassigned unit was reassessed (less the administration fee).

For residential condominium projects and mixed-use projects that are not assigned, the Grant will not be calculated on a per unit basis. The annual Grant will be calculated by taking the difference between the sum of the post-project municipal taxes (for each year the Grant is payable) and the pre-project municipal taxes.

If one-year following the date of registration on title of condominium status for the project expires after December 31 of the year in which 75% of the residential condominium units within the project are fully assessed, and the Applicant:

- a) has elected to assign the Grant to the first purchaser, the unit must be sold to the first purchaser within one-year following the date of registration on title of condominium status. If the unit is sold to the first purchaser after December 31 of the year in which 75% of the residential condominium units within the project are fully assessed, yet still within one-year following the date of registration on title of condominium status, the first year of the Grant is forfeited. The first purchaser will be entitled to the remaining years of the annual Grant. If the unit is not sold within one-year following the date of registration on title of condominium status, the Applicant can no longer assign the Grant and the Grant will be deemed not assigned and shall be payable to the Applicant.
- b) has elected not to assign the Grant to the first purchaser, the Grant will be payable to the Applicant by the end of the first quarter of the year following the year in which 75% of the residential condominium units within the project are fully assessed.

The Grant will cease if the first condominium purchaser subsequently sells the condominium unit within the term of the Grant (if the Grant was assigned) or if the Applicant subsequently sells the condominium unit within the term of the Grant (if the Grant was not assigned either because the Applicant did not meet the deadline to assign the grant or because the Applicant continues to own the unit). The Grant in the year of the sale will be pro-rated based on the date of closing, whereby the first condominium purchaser (if the Grant was assigned) or the Applicant (if the Grant was not assigned either because the Applicant did not meet the deadline to assign the grant or because the Applicant continues to own the unit) will receive a reduced Grant based on the number of days the first condominium purchaser (if the Grant was assigned) or the Applicant (if the Grant was not assigned either because the Applicant did not meet the deadline to assign the grant or because the Applicant continues to own the unit) was the owner in the year of the sale. No Grant will be provided to the second or subsequent condominium purchasers.

There is a one-time \$904 application fee for Grants greater than \$12.5 K or \$265.55 for Grants \$12.5 K or less. When Applicants choose to assign Grants to the first purchasers of residential condominium units in a residential project, or residential and commercial condominium units in a mixed-use project, there is also

a one-time administration fee of \$480.25 per unit and the fee shall be deducted from the initial Grant payment. Fees will be authorized through a by-law passed by City Council. The rate of the fees may be changed from time to time as approved by City Council. The administration fee charged will be the fee in affect in the first year of the Grant, regardless of when the Grant is actually paid.

Applicants that choose to assign the Grant to the first purchasers of each residential or commercial condominium unit will receive the Grant for units they continue to own (units that have not been assigned either because the Applicant did not meet the deadline to assign the grant or because the Applicant continues to own the unit) and are subject to the aforementioned one-time application fee being deducted from the initial Grant payment.

8. For Applicants who choose not to assign the Grant to the initial purchasers of each condominium unit, the Grant will be earned by the Applicant if they have met all terms and conditions of the Program including payment of taxes and all building permits having been signed-off by Building Services.

The annual Grant to the Applicant will be reduced by 25% if an appeal has been filed with MPAC by any of the condominium unit owners, whether such owner is the initial purchaser or a subsequent purchaser. The 25% hold-back will not be released until the appeals are finally determined through the Assessment Review Board or Courts, and the revised property taxes have been calculated. The first year of the Grant is payable during the calendar year in which 75% of the residential condominium units within the project are fully assessed. The Grant is calculated by taking the difference between the post and pre-project municipal taxes. The post-project municipal taxes are calculated by taking the sum of the municipal taxes of each of the condo units within the project. The Grant is calculated as a whole, and not calculated on a per condominium unit basis (as is the case if it were assigned or partially assigned).

9. An Applicant and any assignees, can assign the Grant to the City of Hamilton as payment of their loan under the Hamilton Downtown / West Harbourfront Remediation Loan Program.
10. The Applicant will be required to enter into a Grant Payment Agreement with the City of Hamilton that sets out the conditions of the annual Grant. When assigning the Grant to the first-purchasers of residential condominium units in a residential project or residential and commercial condominium units in a mixed-use project, the Applicant and the assignee have to enter into an Agreement that would assign the payment of the Grant to the assignee and also obligate the Applicant to the terms and conditions contained in the Grant Payment Agreement and, if the Applicant is in default of the Grant Payment Agreement, the Grant payment to the assignee ceases.
11. Redevelopment / development will commence no longer than two years following City Council’s approval of the Grant or the Grant will be cancelled. The two-year period may be extended by City Council at its absolute discretion.

12. In the event of the sale, conveyance, transfer or entering into of any agreement of sale or transfer of the title of the Property (for projects other than residential condominium projects or mixed-use projects), any future Grants will be terminated.

13. Change of Corporate Control:

Where the Applicant is a corporation the Applicant covenants and agrees that in the event that:

- a) the Applicant fails to supply the City, in a form satisfactory to the City such information relating to the ownership of its shares as the City may from time to time require or;
- b) without the written consent of the City first had and obtained:
  - i) the Applicant issues or redeems any of its shares or transfers any of its shares;
  - ii) there is a sale or sales of the shares of the Applicant which result in the transfer of the legal or beneficial interest of any of the shares of the Applicant or;
  - iii) the Applicant amalgamates, merges or consolidates with any other corporation;

and, the result of any of the foregoing is a change in the effective control of the majority of the voting shares of the Applicant, or the requested information is not provided, then future Grant payments under the Program shall cease at the absolute discretion of the City.

14. Approval of the Grant application is at the absolute discretion of the City and subject to the availability of funds.

15. Without limiting the discretion as set out in paragraph 14 herein, the City Council, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an Applicant where, in the opinion of Council, the commercial relationship between the City and the Applicant has been impaired by, but not limited to, the Applicant being involved in litigation with the City. Applicants shall include but not be limited to the following: the Applicant identified on the application form and if a corporation any person or entity with an interest in the corporation as determined by the City in its sole, absolute and unfettered discretion.

16. Without limiting the discretion as set out in paragraph 14 herein, City Council, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an Applicant where there are property tax arrears owed on the subject property or other properties owned by the Applicant within the City of Hamilton.

17. Works commenced prior to submitting an application are ineligible for funding under the Program. Works commenced after submitting an application but prior to



approval of an application may be eligible for funding under the Program and eligibility will be determined by the General Manager of Planning and Economic Development Department in his sole, absolute and unfettered discretion. An Applicant shall assume the risk of paying for work commenced after an application has been submitted but prior to approval.

18. Without limiting the discretion as set out in paragraph 14, herein, the City Council or its delegate, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an applicant where there is credible information that an applicant has been involved recently or repeatedly in illegal activity supporting the conclusion that he or she will not conduct himself or herself with honesty and integrity in undertaking the activity, operation or business for which the loan/grant is sought. For corporate applicants, it will be the corporation and the principals of the corporation whose illegal activity will be considered.
19. If an applicant is redeveloping a portion of their property only, the grant will be based on that portion of the property. The Applicant will be required to provide a copy of the annual property assessment valuation from the MPAC for grant calculation purposes.
20. Applicants shall disclose if any residential units are occupied at the time an application has been submitted to the City and, if so, identify the specific units occupied. For additional clarity, the City is not requesting or requiring the disclosure of tenant names or any other personal contact information.
21. Where this program will provide a financial incentive to facilitate the undertaking of external and/or internal property improvements which are not for the sole benefit of a non-residential use, and where the subject property contains occupied unit(s) at the time of application to the City, the occupied unit(s) shall not be the subject of an approved Above Guideline Increase (AGI) request (also referred to as an L5 request) to the Landlord and Tenant Board (LTB) for a period beginning from the date the application is received by the City and ending upon completion of the prescribed term of the incentive to be provided, or five years from the date of the initial financial disbursement, whichever is greater. This condition will continue to apply whether or not the tenancy of the unit(s) changes during this period. Exceptions to this condition may be provided where it can be demonstrated, to the City's satisfaction, that:
  - a) the affected tenant(s) have consented to the proposed AGI. Where there is more than one occupied unit in the building at the time of application to the City, this exception only applies where all affected tenants have consented to the proposed AGI request;
  - b) that the requested AGI is a result of improvements or other matters not related to those improvements facilitated by the City's financial incentive; and

- c) notwithstanding the provision of a financial incentive by the City, an AGI request would be required to facilitate the property improvements due to site or building specific circumstances.

In the event an AGI request is approved by the LTB and determined to be in contravention of the City’s condition, and this approval occurs after the City’s approval under this incentive program but prior to the entering into any agreement required by this program, the application approval will be deemed to be rescinded, no incentive will be provided, and no agreement will be entered into by the City. Where the AGI approval occurs after the City’s approval and after the execution of any agreement required by this program, any remaining incentive yet to be provided over the remaining term of the program will be cancelled and enforcement action will be initiated to recoup financial incentives provided to-date.

This condition shall not apply to units registered as a condominium.

## **GRANT CRITERIA**

Projects that include developing, redeveloping or renovating residential/ commercial lands and buildings within Downtown Hamilton, Community Downtowns, the Mount Hope / Airport Gateway, Business Improvement Areas (BIAs), or, designated under the *Ontario Heritage Act* and located within the City boundary are eligible under the Program.

Approval of the application and estimated Grant amount is subject to City Council approval. Such application shall be submitted and only received if it is prior to the Applicant’s commencement of improvements / rehabilitation to their property and shall include plans, estimates, contracts and other details as may be required to satisfy the City as to the cost of the project and as to the conformity of the project with the objectives of the Downtown and Community Renewal Community Improvement Plan.

Such project is also required to be in compliance with the City’s Official Plan policies, other by-laws and policies, including but not limited to zoning, site plan approval, design guidelines, heritage matters including preservation of historical buildings. The compliance of each application with the criteria of this Program and the estimated amount of the Property’s Grants (within the permitted terms of this Program) is at the discretion of and subject to Council approval.

All parking lots and vacant sites are eligible. Properties upon which commercial, residential or industrial buildings are cleared and demolished are eligible, with the exception of designated heritage buildings.

This program shall not apply to an existing or proposed Adult Entertainment Parlour, Body Rub Establishment, Correction Facility, Corrections Residence, Emergency Shelter, Lodging House or Residential Care Facility as defined in the Zoning By-law.



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## BARTON / KENILWORTH TAX INCREMENT GRANT PROGRAM

### PROGRAM DESCRIPTION

The intent of the Barton / Kenilworth Tax Increment Grant Program (the Program) is to provide an economic catalyst for developing, redeveloping or renovating residential / commercial lands and buildings located within the boundaries of the Barton Village Business Improvement Area (BIA), the Barton and Kenilworth commercial corridors and the properties that front on Barton Street between James Street North and Victoria Avenue North as identified in the Downtown and Community Renewal Community Improvement Project Area By-law.

This Program authorizes for each approved grant application, a nine-year grant, the amount of which is subject to Council approval, in an amount not exceeding the increase in municipal realty taxes. The increase in municipal realty taxes (City portion only) will be based on either the year in which the building permit that initiated the development / redevelopment was issued or, for properties where the proposed development / redevelopment does not require a building permit, the year in which City Council approved the grant amount, and, the first full year in which the property is reassessed. The grant shall be an amount which does not exceed 100% of the municipal realty tax increase during the first, second, third, fourth and fifth year, 80% in year six, 60% in year seven, 40% in year eight, and 20% in year nine. For purposes of determining the eligible amount of the increase in municipal realty taxes, special charges including BIA levies shall be excluded from the calculation. The grant would reduce the effect of an increase in municipal realty taxes attributable to the differential between the pre-renovation assessment and the post-renovation assessment.

1. Before any grant is provided to the Applicant for a property for which a satisfactory grant application has been received and approved, realty taxes are required to have been paid as billed each year and, the property shall be in compliance with the Program's requirements and conditions as set out in the Grant Payment Agreement the Applicant will be required to enter into with the City. Conditions in the Agreement include but are not limited to:
  - a) The total value of the eligible grant provided under the Program will be reduced by: (i) the amount by which property taxes have been cancelled or reduced for the subject property pursuant to any other City programs (i.e. vacancy rebates) or tax appeals under Sections 357 and 358 of the *Municipal Act*; (ii) the amount by which property taxes have been cancelled or reduced for the subject property pursuant to a Request for Reconsideration, and (iii) the amount by which property taxes have been reduced or cancelled for the

property pursuant to any relief or reduction permitted under any legislation or order of any court or the Assessment Review Board; and

- b) If the Applicant, third party or the municipality has appealed the change in the property assessment, the grant will not be advanced until the appeal has been finally determined through the Assessment Review Board or Courts and revised property taxes have been calculated and adjusted.
2. The first year of the grant is payable at the end of the calendar year in the first full year of reassessment, post completion, of the redevelopment / development (subject to taxes being paid in full and no pending appeal or confirmation that the assessment will not be appealed). An Applicant has the option of receiving the grant at the end of the first year of reassessment, however they will forfeit the grant for the months of the year the reassessment does not apply i.e. if reassessment occurs on the 1st of March of a year, the first year of the grant will be based on March-December (ten months) of the year only. (Calculation is based on **actual** taxes, therefore the post development taxes in year one would include the first part of the year at a lower assessment and the remaining part of the year at the higher assessment – which would result in minimal to no grant for the period January 1 to the reassessment date.)
3. For commercial projects, the first year of the grant is payable at the end of the first full year of reassessment, post completion, of the redevelopment / development regardless of the number of commercial units occupied.
4. For residential condominium projects, the first year of the grant is payable by the end of the calendar year in which 75% of the residential condominium units within the project are fully assessed and is calculated on a ratable per unit basis. In years previous to 75% of the residential condominium units being fully assessed within the project, taxes are to be paid as billed and no grants will be payable.
5. For mixed-use projects (commercial and residential), the first year of the grant is payable by the end of the calendar year in which 75% of the residential condominium units within the project are fully assessed and is calculated on a ratable per unit basis. In years previous to 75% of the residential condominium units being fully assessed within the project, taxes are to be paid as billed and no grants will be payable.

Exception for residential condominium projects that are fully or partially assigned – the grant will be paid by the end of the first quarter of the following year (i.e. the grant for 2016 will be paid by March 31, 2017). This will allow the City time to verify ownership and appeal status for each condominium unit, prior to issuing the grant. For year one of the grant only, the grant may be paid after the first quarter of the following year, if one-year following the date of registration on title of condominium status for the project expires after December 31 of the year in which 75% of the residential condominium units within the project are fully assessed.

For residential condominium projects, the units must be assessed as residential condominiums. If the development is assessed as multi-residential or new-multi-residential, no grant will be payable.

6. The grants may be received by an Applicant in conjunction with any other available municipal program (with the exception of the Hamilton Tax Increment Grant Program, the ERASE Redevelopment Grant and the LEED Grant) in support of redevelopment / development, including the municipality's loan and heritage programs. The approved grants are not assignable by the Applicant to anyone except to the initial purchaser of a residential condominium in a residential project, the initial purchaser of a residential or commercial condominium unit within a mixed-use project, or to the City of Hamilton. The total of each property's nine years of approved grants shall not exceed the costs of the property's development / redevelopment.
7. A limited assignment of the grant under the terms of the Program may be made from an Applicant to the initial purchaser of each new residential condominium unit within a residential project or to the initial purchaser of each new residential or commercial condominium unit within a mixed-use project. The assignment of the grant shall not apply to any subsequent re-sale of any such unit. The first year of the grant is the year in which at least 75% of the residential condominium units within the project are fully assessed.

The Applicant must confirm if they are proposing to assign the grant to the first purchasers of residential condominiums within a residential project or the first purchasers of residential or commercial condominium units within a mixed-use project, at the time of application otherwise the grant will not be assignable. Also, the Applicant has one-year following the date of registration on title of condominium status for the project to assign the individual grants to the first purchasers of each unit. The grant for units not assigned within the one-year period will be advanced to the Applicant and will not be assignable in the future.

For grants that are for a project that is fully / partially assigned, the pre-project municipal taxes are apportioned amongst each condominium unit based on, or with reference to, the MPAC's "Condominium Plan Information Form" (CPIF) and in adherence to section 19.1(3) of the *Assessment Act*. The CPIF apportions the pre-development assessment amongst the newly created assessment roll numbers for the units. This allows the annual grant to be calculated on a per unit basis (difference between the post-project municipal taxes of each unit and the pre-project municipal taxes for each respective unit). The grant is further pro-rated based on the closing date of the sale to the first condominium purchaser of each of the fully assessed units (less the administration fee). For partially assigned projects, the grant for the units not assigned by the Applicant is calculated in the same manner, whereby the Applicant's grant will be pro-rated based on the date each unassigned unit was reassessed (less the administration fee).

For residential condominium projects and mixed-use projects that are not assigned, the grant will not be calculated on a per unit basis. The annual grant will

be calculated by taking the difference between the sum of the post-project municipal taxes (for each year the grant is payable) and the pre-project municipal taxes.

If one-year following the date of registration on title of condominium status for the project expires after December 31 of the year in which 75% of the residential condominium units within the project are fully assessed, and the Applicant:

- a) has elected to assign the grant to the first purchaser, the unit must be sold to the first purchaser within one-year following the date of registration on title of condominium status. If the unit is sold to the first purchaser after December 31 of the year in which 75% of the residential condominium units within the project are fully assessed, yet still within one-year following the date of registration on title of condominium status, the first year of the grant is forfeited. The first purchaser will be entitled to the remaining years of the annual grant. If the unit is not sold within one-year following the date of registration on title of condominium status, the Applicant can no longer assign the grant and the grant will be deemed not assigned and shall be payable to the Applicant.
- b) has elected not to assign the grant to the first purchaser, the grant will be payable to the Applicant by the end of the first quarter of the year following the year in which 75% of the residential condominium units within the project are fully assessed.

The grant will cease if the first condominium purchaser subsequently sells the condominium unit within the term of the grant (if the grant was assigned) or if the Applicant subsequently sells the condominium unit within the term of the grant (if the grant was not assigned either because the Applicant did not meet the deadline to assign the grant or because the Applicant continues to own the unit). The grant in the year of the sale will be pro-rated based on the date of closing, whereby the first condominium purchaser (if the grant was assigned) or the Applicant (if the grant was not assigned either because the Applicant did not meet the deadline to assign the grant or because the Applicant continues to own the unit) will receive a reduced grant based on the number of days the first condominium purchaser (if the grant was assigned) or the Applicant (if the grant was not assigned either because the Applicant did not meet the deadline to assign the grant or because the Applicant continues to own the unit) was the owner in the year of the sale. No grant will be provided to the second or subsequent condominium purchasers. There is a one-time \$904 application fee for grants greater than \$12.5 K or \$265.55 for grants \$12.5 K or less. When Applicants choose to assign grants to the first purchasers of residential condominium units in a residential project, or residential and commercial condominium units in a mixed-use project, there is also a one-time administration fee of \$468.95 per unit and the fee shall be deducted from the initial grant payment. Fees will be authorized through a by-law passed by City Council. The rate of the fees may be changed from time to time as approved by City Council. The administration fee charged will be the fee in affect in the first year of the grant, regardless of when the grant is actually paid. Applicants that

choose to assign the grant to the first purchasers of each residential or commercial condominium unit will receive the grant for units they continue to own (units that have not been assigned either because the Applicant did not meet the deadline to assign the grant or because the Applicant continues to own the unit) and are subject to the aforementioned one-time application fee being deducted from the initial grant payment.

8. For Applicants who choose not to assign the grant to the initial purchasers of each condominium unit, the grant will be earned by the Applicant if they have met all terms and conditions of the Program including payment of taxes and all building permits having been signed-off by Building Services.

The annual grant to the Applicant will be reduced by 25% if an appeal has been filed with MPAC by any of the condominium unit owners, whether such owner is the initial purchaser or a subsequent purchaser. The 25% hold-back will not be released until the appeals are finally determined through the Assessment Review Board or Courts, and the revised property taxes have been calculated. The first year of the grant is payable during the calendar year in which 75% of the residential condominium units within the project are fully assessed. The grant is calculated by taking the difference between the post and pre-project municipal taxes. The post-project municipal taxes are calculated by taking the sum of the municipal taxes of each of the condo units within the project. The grant is calculated as a whole, and not calculated on a per condominium unit basis (as is the case if it were assigned or partially assigned).

9. An Applicant and any assignees, can assign the grant to the City of Hamilton as payment of their loan under the Hamilton Downtown / West Harbourfront Remediation Loan Program.
10. The Applicant will be required to enter into a Grant Payment Agreement with the City of Hamilton that sets out the conditions of the annual grant. When assigning the grant to the first-purchasers of residential condominium units in a residential project or residential and commercial condominium units in a mixed-use project, the Applicant and the assignee have to enter into an Agreement that would assign the payment of the grant to the assignee and also obligate the Applicant to the terms and conditions contained in the Grant Payment Agreement and, if the Applicant is in default of the Grant Payment Agreement, the grant payment to the assignee ceases.
11. Redevelopment / development will commence no longer than two years following City Council's approval of the grant or the grant will be cancelled. The two-year period may be extended by City Council at its absolute discretion.
12. In the event of the sale, conveyance, transfer or entering into of any agreement of sale or transfer of the title of the Property (for projects other than residential condominium projects or mixed-use projects), any future grants will be terminated.

13. Change of Corporate Control:

Where the Applicant is a corporation the Applicant covenants and agrees that in the event that:

- a) the Applicant fails to supply the City, in a form satisfactory to the City such information relating to the ownership of its shares as the City may from time to time require or;
- b) without the written consent of the City first had and obtained:
  - i) the Applicant issues or redeems any of its shares or transfers any of its shares;
  - ii) there is a sale or sales of the shares of the Applicant which result in the transfer of the legal or beneficial interest of any of the shares of the Applicant; or,
  - iii) the Applicant amalgamates, merges or consolidates with any other Corporation;

and, the result of any of the foregoing is a change in the effective control of the majority of the voting shares of the Applicant, or the requested information is not provided, then future grant payments under the Program shall cease at the absolute discretion of the City.

- 14. Approval of the grant application is at the absolute discretion of the City and subject to the availability of funds.
- 15. Without limiting the discretion as set out in paragraph 14 herein, the City Council, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an Applicant where, in the opinion of Council, the commercial relationship between the City and the Applicant has been impaired by, but not limited to, the Applicant being involved in litigation with the City. Applicants shall include but not be limited to the following: the Applicant identified on the application form and if a Corporation any person or entity with an interest in the Corporation as determined by the City in its sole, absolute and unfettered discretion.
- 16. Without limiting the discretion as set out in paragraph 14 herein, City Council, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an Applicant where there are property tax arrears owed on the subject property or other properties owned by the Applicant within the City of Hamilton.
- 17. Without limiting the discretion as set out in paragraph 14, herein, the City Council or its delegate, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an applicant where there is credible information that an applicant has been involved recently or repeatedly in



illegal activity supporting the conclusion that he or she will not conduct himself or herself with honesty and integrity in undertaking the activity, operation or business for which the loan/grant is sought. For corporate applicants, it will be the corporation and the principals of the corporation whose illegal activity will be considered.

18. Works commenced prior to submitting an application are ineligible for funding under the Program. Works commenced after submitting an application but prior to approval of an application may be eligible for funding under the Program and eligibility will be determined by the General Manager of Planning and Economic Development Department in his sole, absolute and unfettered discretion. An Applicant shall assume the risk of paying for work commenced after an application has been submitted but prior to approval.
19. If an applicant is redeveloping a portion of their property only, the grant will be based on that portion of the property. The Applicant will be required to provide a copy of the annual property assessment valuation from the MPAC for grant calculation purposes.
20. Applicants shall disclose if any residential units are occupied at the time an application has been submitted to the City and, if so, identify the specific units occupied. For additional clarity, the City is not requesting or requiring the disclosure of tenant names or any other personal contact information.
21. Where this program will provide a financial incentive to facilitate the undertaking of external and/or internal property improvements which are not for the sole benefit of a non-residential use, and where the subject property contains occupied unit(s) at the time of application to the City, the occupied unit(s) shall not be the subject of an approved Above Guideline Increase (AGI) request (also referred to as an L5 request) to the Landlord and Tenant Board (LTB) for a period beginning from the date the application is received by the City and ending upon completion of the prescribed term of the incentive to be provided, or five years from the date of the initial financial disbursement, whichever is greater. This condition will continue to apply whether or not the tenancy of the unit(s) changes during this period. Exceptions to this condition may be provided where it can be demonstrated, to the City's satisfaction, that:
  - a) the affected tenant(s) have consented to the proposed AGI. Where there is more than one occupied unit in the building at the time of application to the City, this exception only applies where all affected tenants have consented to the proposed AGI request;
  - b) that the requested AGI is a result of improvements or other matters not related to those improvements facilitated by the City's financial incentive; and,
  - c) notwithstanding the provision of a financial incentive by the City, an AGI request would be required to facilitate the property improvements due to site or building specific circumstances.

In the event an AGI request is approved by the LTB and determined to be in contravention of the City's condition, and this approval occurs after the City's approval under this incentive program but prior to the entering into any agreement required by this program, the application approval will be deemed to be rescinded, no incentive will be provided, and no agreement will be entered into by the City. Where the AGI approval occurs after the City's approval and after the execution of any agreement required by this program, any remaining incentive yet to be provided over the remaining term of the program will be cancelled and enforcement action will be initiated to recoup financial incentives provided to-date.

This condition shall not apply to units registered as a condominium.

## GRANT CRITERIA

Projects that include developing, redeveloping or renovating residential/ commercial lands and buildings within the boundaries of the Barton Village Business Improvement Area (BIA), the Barton and Kenilworth commercial corridors and the properties that front on Barton Street between James Street North and Victoria Avenue North as identified in the Downtown and Community Renewal Community Improvement Project Area By-law.

Approval of the application and estimated grant amount is subject to City Council approval. Such application shall be submitted and only received if it is prior to the Applicant's commencement of improvements / rehabilitation to their property and shall include plans, estimates, contracts and other details as may be required to satisfy the City as to the cost of the project and as to the conformity of the project with the objectives of the Downtown and Community Renewal Community Improvement Plan.

Such project is also required to be in compliance with the City's Official Plan policies, other by-laws and policies, including but not limited to zoning, site plan approval, design guidelines, heritage matters including preservation of historical buildings. The compliance of each application with the criteria of this Program and the estimated amount of the Property's grants (within the permitted terms of this Program) is at the discretion of and subject to Council approval.

All parking lots and vacant sites are eligible. Properties upon which commercial, residential or industrial buildings are cleared and demolished are eligible, with the exception of designated heritage buildings.

This program shall not apply to an existing or proposed Adult Entertainment Parlour, Body Rub Establishment, Correction Facility, Corrections Residence, Emergency Shelter, Lodging House or Residential Care Facility as defined in the Zoning By-law.



Planning and Economic Development Department  
Urban Renewal Section  
71 Main Street West, 7th Floor  
Hamilton, Ontario L8P 4Y5  
Phone: (905) 546-2424 Ext. 2755  
Fax: (905) 546-2693

## **THE BARTON / KENILWORTH COMMERCIAL CORRIDOR BUILDING IMPROVEMENT GRANT PROGRAM**

### **PROGRAM DESCRIPTION**

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The Barton / Kenilworth Commercial Corridor Building Improvement Grant Program (the "Program") was created to support the development of property and the maintenance, functionality, viability, accessibility and aesthetics of existing building stock used for commercial, multi-residential or institutional uses within the boundaries of the Barton Village Business Improvement Area (BIA), the Barton and Kenilworth commercial corridors and the properties that front on Barton Street between James Street North and Victoria Avenue North as identified in the Downtown and Community Renewal Community Improvement Project Area By-law.

The Program supports the "Barton and Kenilworth Commercial Corridors Final Recommendations Report" received by City Council at its meeting held September 10, 2014.

### **PROGRAM TERMS**

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1. Property owners, and tenants authorized in writing by the owner, are eligible to apply for a grant under the Program.
2. Grants will be paid on a matching basis up to a maximum of \$50 K for eligible work under the Program.
3. Grants will be based on one grant per deeded property.
4. Eligibility requirements for the Program relating to the work to be funded will be specifically identified. Two separate cost estimates for the work are to be provided. Please note a contractor licensed with the City of Hamilton may be required to undertake the work. For more information on work that requires a licensed contractor please refer to the Application Form or contact Building Department at (905) 546-2424 Ext. 2720.

An owner may present an estimate based on material only.

In the case where the applicant is the owner of a contracting company and wishes to utilize their company to undertake the improvements, one cost estimate from an arms-length contractor will also be required.

Grants will be calculated based upon lowest cost estimate.

A Building Inspector will review all estimates provided for the purpose of ensuring competitiveness.

5. Applicants will be required to provide a business case that identifies how the development / improvements will improve the marketability of the property for prospective tenants and / or improve the business vitality and / or utilize formerly under-utilized properties.
6. Relative to the proposed improvements, a building inspector will perform an initial and final inspection / investigation to confirm compliance with various Acts, Regulations and City Bylaws including the Ontario Building Code, Property Standards By-Law, Trade Licencing By-Law, Sign By-law etc.
7. Approval of the grant is at the sole discretion of the General Manager of Planning and Economic Development Department and subject to the availability of funds.
8. Proposed improvements to be completed within one year to be eligible for payment. A one-year extension can be authorized by the Manager of the Urban Renewal Section if an applicant has extenuating circumstances which would warrant an extension.
9. Work completed must be consistent with estimates, and work proposed and identified within the application unless previously discussed and approved by the Urban Renewal Section.
10. The Applicant shall provide to the City’s Urban Renewal Section copies of paid invoices for all work undertaken on the property for which the grant is applicable. This documentation is to be provided prior to the final inspection.
11. A City Building Inspector’s final inspection report confirming all works have been carried out satisfactorily will be provided prior to release of any grant monies.
12. At the sole discretion of the Manager of the Urban Renewal Section, partial payments for works completed can be processed consistent with the payment process described above.
13. At the sole discretion of the Manager of the Urban Renewal Section, the grant cheque can be made jointly payable to the applicant and the contractor if such a request has been received from the applicant.
14. The grant is not transferable upon sale of the property.
15. The Program may also be received by an owner in conjunction with any other available City program in support of the building improvements / development of the property. However, grants for specific work will be contingent on the total grants not exceeding 50% of the total cost of the specific work.

16. An application fee of \$412.45 for grants greater than \$12.5 K, or \$265.55 for grants less than or equal to \$12.5 K must be submitted at the time of application. The fee will be authorized through a by-law passed by City Council. The rate of the fee may be changed from time to time as approved by City Council.
17. Without limiting the discretion as set out in paragraph seven, herein, City Council, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an applicant where, in the opinion of Council, the commercial relationship between the City and the Applicant has been impaired by, but not limited to, the applicant being involved in litigation with the City. Applicants shall include but not be limited to the following: the Applicant identified on the application form and if a corporation any person or entity with an interest in the corporation as determined by the City in its sole, absolute and unfettered discretion.
18. Without limiting the discretion as set out in paragraph seven, herein, City Council, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an applicant where there are property tax arrears owed on the subject property or on other properties owned by the Applicant within the City of Hamilton.
19. Without limiting the discretion as set out in paragraph seven, herein, the City Council or its delegate, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an applicant where there is credible information that an applicant has been involved recently or repeatedly in illegal activity supporting the conclusion that he or she will not conduct himself or herself with honesty and integrity in undertaking the activity, operation or business for which the loan/grant is sought. For corporate applicants, it will be the corporation and the principals of the corporation whose illegal activity will be considered.
20. A successful applicant will enter into an agreement with the City containing the terms and conditions (but not limited to) set out in the program description.
21. Applicants shall disclose if any residential units are occupied at the time an application has been submitted to the City and, if so, identify the specific units occupied. For additional clarity, the City is not requesting or requiring the disclosure of tenant names or any other personal contact information.
22. Where this program will provide a financial incentive to facilitate the undertaking of external and/or internal property improvements which are not for the sole benefit of a non-residential use, and where the subject property contains occupied unit(s) at the time of application to the City, the occupied unit(s) shall not be the subject of an approved Above Guideline Increase (AGI) request (also referred to as an L5 request) to the Landlord and Tenant Board (LTB) for a period beginning from the date the application is received by the City and ending upon completion of the prescribed term of the incentive to be provided, or five years from the date of the initial financial disbursement, whichever is greater. This condition will continue to apply whether or not the tenancy of the unit(s) changes during this period.

Exceptions to this condition may be provided where it can be demonstrated, to the City’s satisfaction, that:

- a) the affected tenant(s) have consented to the proposed AGI. Where there is more than one occupied unit in the building at the time of application to the City, this exception only applies where all affected tenants have consented to the proposed AGI request;
- b) that the requested AGI is a result of improvements or other matters not related to those improvements facilitated by the City’s financial incentive; and,
- c) notwithstanding the provision of a financial incentive by the City, an AGI request would be required to facilitate the property improvements due to site or building specific circumstances.

In the event an AGI request is approved by the LTB and determined to be in contravention of the City’s condition, and this approval occurs after the City’s approval under this incentive program but prior to the entering into any agreement required by this program, the application approval will be deemed to be rescinded, no incentive will be provided, and no agreement will be entered into by the City. Where the AGI approval occurs after the City’s approval and after the execution of any agreement required by this program, any remaining incentive yet to be provided over the remaining term of the program will be cancelled and enforcement action will be initiated to recoup financial incentives provided to-date.

This condition shall not apply to units registered as a condominium.

## **ELIGIBILITY REQUIREMENTS**

- Property owners and authorized tenants are eligible;
- Property taxes must be paid current;
- The improvements shall be in accordance with Property Standards and the Ontario Building Code and in compliance with all applicable City by-laws, official plans, zoning regulations, design guidelines and site plan approvals;
- Improvements commenced prior to submitting an application are ineligible improvements commenced after submitting an application but prior to application approval do so at the applicant’s risk;
- Properties must be located within the boundaries of the Barton Village BIA, the Barton or Kenilworth commercial corridors or, properties that front on Barton Street between James Street North and Victoria Avenue North as identified in the Downtown and Community Renewal Community Improvement Project Area By-law;
- Existing use must be in conformity with the applicable Zoning By-law regulations, and other relevant planning controls; and,
- Works commenced prior to submitting an application are ineligible for funding under the Program. Works commenced after submitting an application but prior to approval of an application may be eligible for funding under the Program and eligibility will be

determined by the General Manager of Planning and Economic Development Department, in his sole, absolute and unfettered discretion. An applicant shall assume the risk of paying for work commenced after an application has been submitted but prior to approval.

## **ELIGIBLE IMPROVEMENTS**

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**Note: New development and façade improvements are required to be in compliance with the Barton / Kenilworth Urban Design Guidelines that form part of the Application Form.**

- Construction of new building;
- Façade improvements;
- Reinforcement of floors, walls, ceilings and foundations;
- Construction or alteration of stairs, guardrails, handrails;
- Roofing;
- Improvements or installation to electrical, ventilation, heating, cooling and plumbing supply systems;
- Installation or alteration of required window openings;
- Installation or alteration of fire protection systems; fire separations; fire doors, fire shutters and other fire protection devices;
- Improvements for barrier-free accessibility including elevators;
- Installation or improvement of signage (Signage must comply with Sign By-law 10-197); and,
- Trees, shrubs, soil, mulch, grass on private property to improve the street edge conditions (to a maximum of \$3 K per application as part of the total grant awarded).

**Fees:** Architectural, engineering, lawyer’s, BCIN designer, landscape architect, building permit, site plan application, road occupancy permit, street occupancy permits, and encroachment agreement application fees may be eligible for up to 100% of the cost to a maximum of \$3 K per application as part of the total grant awarded for completed construction.

Other improvements deemed health, safety and accessible issues eligible at the sole discretion of the General Manager of Planning and Economic Development Department.