

**Authority:** Item 19, Emergency & Community  
Services Committee Report 20-011  
(HSC20051)  
CM: December 16, 2020  
Ward: 8

**Bill No. 273**

## **CITY OF HAMILTON**

### **BY-LAW NO. 20-**

#### **Hamilton 60 Caledon Avenue Municipal Housing Project Facilities By-law**

**WHEREAS** under section 110 of the *Municipal Act, 2001* the City may enter into agreements for the provision of municipal capital facilities;

**AND WHEREAS** under section 110 of the *Municipal Act, 2001* the City may provide financial or other assistance to any person who has entered into an agreement to provide municipal capital facilities;

**AND WHEREAS** Ontario Regulation 603/06 prescribes municipal housing project facilities as eligible municipal capital facilities;

**AND WHEREAS** Ontario Regulation 603/06 requires that the City enact a municipal housing facility by-law in order for the City to enter into municipal capital facility agreements for the provision of municipal housing project facilities;

**AND WHEREAS** Council for the City passed By-law No. 16-233, a municipal housing facilities by-law, on August 12, 2016;

**AND WHEREAS** By-law No. 16-233 provides that the City may enter into agreements for the provision of affordable housing as a Municipal Housing Project Facility and that the City may give or lend money to any person who has entered into an agreement to provide a Municipal Housing Project Facility;

**AND WHEREAS** subsection 110(5) of the *Municipal Act, 2001* requires that for each municipal capital facility agreement entered into by the City, Council must pass a by-law authorizing it to enter into a municipal capital facility agreement for the provision of a municipal capital facility;

**AND WHEREAS** Council approved item 5.1(d) on May 20, 2020 and thereby authorized the disposition of 60 Caledon Avenue with a contribution of value by the City in the form of a forgivable Vendor Take Back Mortgage to secure the construction and operation for a twenty-year term of a minimum of 30 affordable housing rental units comprising the Municipal Housing Project Facility owned and operated by Victoria Park Community Homes Inc. and Hamilton East Kiwanis Non-Profit Homes Inc., or by a business entity to be created by the foregoing entities, located at the property municipally known as 60 Caledon Avenue;

**NOW THEREFORE** Council enacts as follows:

1. In this by-law;

“Affordable Housing - Rental Housing Units” has the meaning ascribed to it in subsection 1(a) of By-law No. 16-233;

“Municipal Housing Project Facility” shall have the same meaning as “Municipal Housing Project Facility” in By-law No. 16-233 s. 1.;

“Property” means the property municipally known as 60 Caledon Avenue, in the City of Hamilton and more particularly described on Schedule “A”; and,

“Agreement” has the meaning ascribed to it in section 2 of this By-law.

2. The City is authorized to enter into an Agreement under section 110 of the *Municipal Act, 2001* with Victoria Park Community Homes Inc. and Hamilton East Kiwanis Non-Profit Homes Inc., or a business entity created by the foregoing, for the provision of a Municipal Housing Project Facility in the form of a minimum of 30 Affordable Housing – Rental Housing Units at the Premises which meet the requirements of By-law No. 16-233, subject to the terms and conditions provided for in item 5.1(d) approved by Council on May 20, 2020 (the “Agreement”). The General Manager of the Healthy and Safe Communities Department is authorized and directed to execute the Agreement and any ancillary documents thereto in a form satisfactory to the City Solicitor. The Agreement shall provide a forgivable loan in the amount of FIVE MILLION SEVENTY-THREE THOUSAND DOLLARS (\$5,073,000.00), provided the Premises are used as a Municipal Housing Project Facility for Affordable Housing - Rental Housing Units as defined in By-law No. 16-233.

3. This By-law shall remain in force until the earlier of:

- (a) the date Victoria Park Community Homes Inc. and Hamilton East Kiwanis Non-Profit Homes Inc., or a business entity created by the foregoing, ceases to own the Property without having transferred the Property and assigned the Agreement to a person approved by the City in accordance with the Agreement; OR
- (b) the date Victoria Park Community Homes Inc. and Hamilton East Kiwanis Non-Profit Homes Inc., or a business entity created by the foregoing ceases to provide a minimum of 30 Affordable Housing - Rental Housing Units in accordance with the requirements of By-law 16-233 and the Agreement; OR

- (c) the date the Agreement is terminated for any reason whatsoever or is in default of the Agreement; OR
  - (d) the date that is twenty years from the effective date of the Agreement.
4. This By-law may be referred to as the Hamilton 60 Caledon Avenue Municipal Housing Project Facilities By-law.
  5. This By-law comes into force on the day it is passed.
  6. The Affordable Housing - Rental Housing Units on the Property described in Schedule "A" to By-law 20-273 shall be added to the list of Municipal Housing Project Facilities.

**PASSED** this 16<sup>th</sup> day of December, 2020.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

Schedule "A" to By-law 20-273 - Property Description

17467-1428 (LT)

PROPERTY DESCRIPTION:

Lot 14, Registrar's Compiled Plan 1469 and Part of Lot 13, on Register's Compiled Plan 1469, designated as Part 7 on plan 62R-6761; Except Part 1 on 62R-20611

OWNERS NAMES: Victoria Park Community Homes Inc. and Hamilton East Kiwanis Non-Profit Homes Inc., or a business entity created by the foregoing.