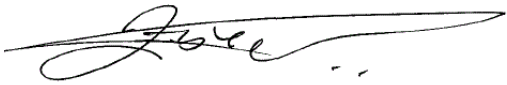




**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Building Division**

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|---------------------------|--|
| <b>TO:</b>                | Chair and Members<br>Planning Committee  |
| <b>COMMITTEE DATE:</b>    | November 2, 2021   |
| <b>SUBJECT/REPORT NO:</b> | Public Notices at Infill Construction Sites (PED21202) (City Wide)   |
| <b>WARD(S) AFFECTED:</b>  | City Wide  |
| <b>PREPARED BY:</b>       | Jorge M. Caetano (905) 546-2424 Ext. 3931  |
| <b>SUBMITTED BY:</b>      | Ed VanderWindt<br>Director, Building and Chief Building Official<br>Planning and Economic Development Department |
| <b>SIGNATURE:</b>         |                                |

## RECOMMENDATION

That the draft By-law attached as Appendix "A" to Report PED21202, requiring public notices to be posted at infill construction sites, which has been prepared in a form satisfactory to the City Solicitor, be approved and enacted on April 1, 2022.

## EXECUTIVE SUMMARY

The purpose of this report is to respond to concerns raised by the public regarding residential infill construction related nuisance issues in existing residential neighbourhoods. Staff have noted that the public is sometimes faced with confusion when they encounter issues on a residential infill construction site including who to contact if there is a concern. Additionally, those living close to these infill developments are interested in knowing what is being proposed in their neighbourhood.

To address these concerns the Building Division is proposing a new by-law that would require the installation of a public notice on all proposed residential infill construction and demolition sites in order to provide the public with information on what is being built or demolished in their neighbourhood. The proposed by-law is not intended to regulate construction, rather it has the purpose of providing key information regarding the project such as the builder contact information and a graphic illustration of the proposed construction.

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OUR Vision: To be the best place to raise a child and age successfully.

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

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

## **Alternatives for Consideration – Not Applicable**

### **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: Not applicable.

Staffing: Not applicable.

Legal: The recommendation has no legal implications.

### **HISTORICAL BACKGROUND**

Currently, the only public information posted on an infill construction site is the building permit placard which provides only basic information about the residential project. The Building Code does not authorize the inclusion of additional information on the permit placard. As a result, the public has limited information to help them understand the construction project and who to contact to resolve issues if they arise.

As background information, under the *Building Code Act* the Chief Building Official has a statutory duty to issue a building permit if all applicable law, as defined by the Ontario Building Code, has been met. A municipal by-law cannot interfere with this process, or conflict with the requirements of the *Building Code Act* or the Ontario Building Code. Accordingly, the proposed by-law requiring public notice at infill construction sites is not intended to regulate construction, rather its purpose is to provide key information regarding a proposed residential infill project to the public. The proposed public notice requirements are intended to run parallel with the building permit process as a separate and distinct municipal requirement.

### **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The *Municipal Act, 2001*.

### **RELEVANT CONSULTATION**

Legal Services has been consulted.

### **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

The proposed infill notice by-law (attached as Appendix “A” to this report) would apply to the following projects:

- Construction of a new house on a vacant lot;

- Demolition of an existing house and construction of a new house on an existing lot;
- Demolition of an existing house where there is no proposed construction of a replacement house;
- The construction of an addition, or additions, to an existing house where the combined total area of the additions is 100 square metres or more; and
- The construction of a detached secondary dwelling unit.

Note that the public notice requirement would not apply to a new house in a plan of subdivision registered five years or less from the date of construction of the new house, or to a new house in an agricultural or open space zone. The intent is for it to apply to established neighbourhoods.

The public notice for infill construction is intended to act as a first point of information for the public. The proposed public notice would include the following information:

- Site address;
- Builder's name, telephone number and email address;
- Project description, including an illustration of the proposed house;
- Building permit number and date of issuance;
- Building Division contact information; and,
- Information on specific hours when the operation of equipment generating noise in residential areas is permitted

The proposed infill notice by-law would detail the requirements on the size of the public notice, where and when it has to be posted, and when it can be removed. An illustration of the proposed public notice can be found on Schedule A of the proposed by-law which is attached to this report as Appendix "A".

The proposed public notice would also provide general information on how to be a good neighbour covering such areas as tree protection, parking, litter, etc. This has not only been designed to assist in communication with residents, but as a way to communicate directly with everyone else on site including the builder, trades, etc. The objective is to

encourage good construction practices, so that the infill construction has minimum impact on neighbours.

Additionally, the proposed by-law would also include enforcement and penalty provisions should a residential public notice not be installed and maintained in accordance with the by-law.

Staff are recommending that the proposed by-law comes into effect on April 1, 2022, in order to provide adequate time to develop the required forms and templates, develop a process, train staff, and educate builders on this new requirement.

### **ALTERNATIVES FOR CONSIDERATION**

Not applicable.

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

#### **Community Engagement and Participation**

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community

### **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED21202 - Proposed Infill Notice By-law

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