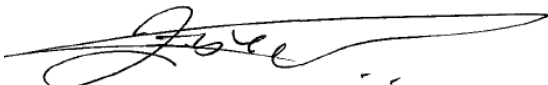




CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Building Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	May 3, 2022
SUBJECT/REPORT NO:	Amendment to the Infill Notice By-law No. 21-207 (PED22102) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Bob Nuttall (905) 546-2424 Ext. 4993
SUBMITTED BY:	Ed VanderWindt Director, Building and Chief Building Official Planning & Economic Development
SIGNATURE:	

RECOMMENDATION

That the By-law, attached as Appendix "A" to Report PED22102 to amend City of Hamilton By-law No. 21-207, a By-law to Regulate Public Information Notices at Infill Construction Sites, which has been prepared in a form satisfactory to the City Solicitor, be enacted.

EXECUTIVE SUMMARY

The purpose of the attached amending by-law is to create additional enforcement provisions which will facilitate the issuance of Part 1 Provincial Offence Notices (tickets), through approved, short form wording, see attached as Appendix "B" to Report PED22102 as approved by the Ministry of the Attorney General. Additionally, several housekeeping amendments are being proposed for consistency in the language of the by-law.

Alternatives for Consideration – Page 3

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Not applicable

Staffing: Not applicable

Legal: Recommendation has been reviewed by legal, no implications noted.

HISTORICAL BACKGROUND

On November 10, 2021, A By-law to Regulate Public Notices at Infill Construction Sites was passed by council and set to come into force April 1, 2022. The Information Notices required through the By-law are intended to improve communication with the public about what is taking place in their neighbourhood together with contact information.

To efficiently enforce the provisions of the By-law, by way of Part 1 Provincial Offence Notices (tickets), an application was made to the Ministry of the Attorney General, after the passing of the Bylaw. Recommendations were sent back to us to for amendments to the By-law, that will support short form wording for the purposes of issuing Part 1 Provincial Offence Notices (tickets).

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Approval of this recommendation will not alter or contravene any City Policy or legislated requirements.

RELEVANT CONSULTATION

Legal Services has been consulted.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Part 1 Provincial Offence Notices will be the Building Divisions primary tool for enforcing the Infill Notice Bylaw and will provide the most efficient way of doing so. A Part 1 Provincial Offence Notice (ticket) is an immediate way of issuing a penalty, and fine for a contravention of the By-law. This will allow the Building Division to respond in a timely manner, and effect quicker enforcement mechanisms to encourage compliance.

To effect lawful enforcement of the bylaw, the changes were made necessary upon recommendation from the Ministry of the Attorney General's office.

SUBJECT: Amendment to the Infill Notice By-law No. 21-207 (PED22102) (City Wide) - Page 3 of 3

Minor housekeeping amendments are also being proposed to provide additional consistency in the language of the by-law.

ALTERNATIVES FOR CONSIDERATION

Alternatively, the bylaw remains, as passed without adequate provisions to enforce the By-law through Part 1 Provincial Offence Notices (tickets), and we are left with only a Part 3 charging section in the bylaw, which is a much lengthier process to initiate, and carry through enforcement.

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 PED22102 – Proposed Amending By-law

Appendix “B” to Report PED22102 – PART I Provincial Offences Act