

Schedule “1”

## **DRAFT Urban Hamilton Official Plan Amendment No. X**

The following text constitutes Official Plan Amendment No. X to the Urban Hamilton Official Plan.

### **1.0 Purpose and Effect:**

The purpose of this Amendment is to modify the criteria in the Official Plan which apply to condominium conversion of rental housing units and demolition/redevelopment of rental housing units.

The effect of this Amendment will be to generalize some of the criteria which need to be assessed when conversions or demolitions of rental housing are proposed, by removing specific numerical requirements. The amendment will also allow for demolitions of rental housing units where units will be replaced and other requirements are met.

### **2.0 Location:**

The lands affected by this Amendment are all lands within the Urban areas of the City of Hamilton.

### **3.0 Basis:**

The basis for permitting this Amendment is:

- The Amendment will assist in achieving an appropriate balance of primary rental and ownership housing stock, as described in Policy B.3.2.5 of Volume 1;
- The Amendment will ensure that a strong rental housing market exists before the removal of rental housing units for conversions to condominium ownership or demolitions is considered;
- The Amendment will allow for additional opportunities for residential intensification, while still maintaining the City’s Official Plan and Housing and Homelessness Action Plan objectives to protect rental housing units, and in particular, affordable rental housing units; and,

- The Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

#### **4.0 Actual Changes:**

#### **4.1 Volume 1 – Parent Plan**

##### ***Text***

##### **4.1.1 Chapter B – Communities**

- a. That Volume 1, Chapter B – Communities, Section 3.2.5 – Rental Housing Protection Policies, be amended by:
  - i. Amending Policy B.3.2.5.1 by:
    - 1) Deleting the phrase “shall be permitted if any one of” and replacing it with “shall only be permitted where any one of the following”;
    - 2) Replacing the word “three” with “two”;
    - 3) Replacing the phrase “a), b) and c)” with “a) and b)”;
    - 4) Adding a comma after the word “below”, and adding the subsequent phrase “demonstrated through the issuance of a Section 99.1 Permit under the *Municipal Act*”;
    - 5) Deleting Policy B.3.2.5.1 a) in its entirety and replacing it with
      - “a) The proposed conversion will not adversely affect:
        - i) The rental vacancy rate by dwelling unit and structure type for the City and the respective local housing market zone; and,
        - ii) The supply of *affordable* rental housing for rental units of a similar dwelling unit structure, size and type, for the City and the respective local housing market zone; or,”;

- 6) Deleting Policy B.3.2.5.1 b); and,
- 7) Renumbering Policy B.3.2.5.1 c) as B.3.2.5.1 b);

So the policy reads as follows:

“3.2.5.1 To protect the adequate provision of a full range of housing, conversion to condominium of rental apartment or townhouse buildings or groups of buildings comprised of six or more units shall only be permitted where any one of the following two general criteria are met, outlined as a) and b) below, demonstrated through the issuance of a Section 99.1 Permit under the *Municipal Act*:

- a) the proposed conversion will not adversely affect:
  - i) The City’s overall rental vacancy rate and the rental vacancy rate by dwelling unit and structure type for the City and the respective local housing market zone; and,
  - ii) The supply of *affordable* rental housing for rental units of a similar dwelling unit structure, size and type for the City and the respective local housing market zone; or,
- b) the subject building or group of buildings is a protected heritage property on the date of application.

ii. Amending Policy B.3.2.5.6 by:

- 1) Deleting the phrase “shall be permitted if any one of” and replacing it with “shall only be permitted where any one of the following”;
- 2) Replacing the word “two” with “three”;
- 3) Replacing the phrase “a) and b)” with “a), b) and c)”;
- 4) Adding a comma after the word “below”, and adding the subsequent phrase “demonstrated through the issuance of a Section 99.1 Permit under the *Municipal Act*”;

- 5) Deleting Policy B.3.2.5.6 a) in its entirety and replacing it with
- "a) The proposed removal will not adversely affect:
- i) The rental vacancy rate by dwelling unit and structure type for the City and the respective local housing market zone; and,
  - ii) The supply of *affordable* rental housing for rental units of a similar dwelling unit structure, size and type for the City and the respective local housing market zone; or,";
- 5) Replacing the "." at the end of Policy B.3.2.5.6 b) with"; or,";
- 6) Adding a new Policy as Policy B.3.5.2.6 c):
- "c) All of the following criteria are met:
- i) The units to be removed will be replaced either on-site, off-site in a comparable location acceptable to the City within the same local housing market zone, or through a cash-in-lieu payment where physical replacement is not feasible;
  - ii) Replacement units are maintained for a period of time with rents similar to those in effect at the time a *development* application is made, with annual increases not exceeding the Provincial Rent Increase Guideline or a similar guideline approved by Council; and,
  - iii) An acceptable tenant relocation and assistance plan addressing matters such as the right to return to occupy replacement housing at similar rents, the provision of alternative accommodation at similar rents, and other assistance to lessen hardship, is provided."

So the policy reads as follows:

- "3.2.5.6 To protect the adequate provision of a full range of housing, *development or redevelopment* that would have the effect of removing all or part of rental apartment or townhouse buildings or

groups of buildings comprised of six or more units, and would result in the loss of six or more rental housing units shall only be permitted where any one of the following three general criteria are met, outlined as a), b) and c) below, demonstrated through the issuance of a Section 99.1 Permit under the *Municipal Act*:

- a) The proposed removal will not adversely affect:
  - i) The rental vacancy rate by dwelling unit and structure type for the City and the respective local housing market zone; and,
  - ii) The supply of affordable rental housing for rental units of a similar dwelling unit structure, size and type for the City and the respective local housing market zone; or,
- b) The building (or buildings) is determined to be structurally unsound, confirmed by the submission of a structural audit, prepared by a qualified professional with the conclusions of such audit deemed acceptable by the City; or,
- c) All of the following criteria are met:
  - i) The units to be removed will be replaced either on-site, off-site in a comparable location acceptable to the City within the same local housing market zone, or through a cash-in-lieu payment where physical replacement is not feasible;
  - ii) Replacement units are maintained for a period of time with rents similar to those in effect at the time a *development* application is made, with annual increases not exceeding the Provincial Rent Increase Guideline or a similar guideline approved by Council; and,
  - iii) An acceptable tenant relocation and assistance plan addressing matters such as the right to return to occupy replacement housing at similar rents, the provision of alternative accommodation at similar rents, and other assistance to lessen hardship, is provided.”

**5.0 Implementation:**

An implementing *Municipal Act* By-Law (Rental Housing Protection By-law) and implementing Zoning By-law Amendments, Site Plan applications, and draft plan of Condominium applications will give effect to the changes.

This Official Plan Amendment is Schedule “1” to By-law No. \_\_\_\_\_ passed on the \_\_\_\_<sup>th</sup> day of \_\_\_, 202X.

**The  
City of Hamilton**

---

F. Eisenberger  
MAYOR

---

Andrea Holland  
CITY CLERK