




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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	October 17, 2023
<b>SUBJECT/REPORT NO:</b>	Amendment to the Fortification By-law No. 10-122 (PED23215) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Bob Nuttall (905) 546-2424 Ext. 4993
<b>SUBMITTED BY:</b>	Alan Shaw Director, Building and Chief Building Official Planning & Economic Development Department
<b>SIGNATURE:</b>	

## RECOMMENDATION

That the By-law, attached as Appendix "A" to Report PED23215 to amend City of Hamilton By-law No. 10-122, a By-law to Prohibit and Regulate Fortification and Protective Elements of Land, 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 as approved by the Ministry of the Attorney General.

## Alternatives for Consideration – Page 2

## FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Not applicable

Staffing: Not applicable

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

## **HISTORICAL BACKGROUND**

On May 26, 2010, A By-law to Prohibit and Regulate Fortification and Protective Elements of Land was passed by council and set to come into force on the date it was passed. The Fortification Bylaw was approved in the interest of health, safety and the protection of the public to regulate fortification and protective elements with respect to lands, buildings and structures within the City of Hamilton.

## **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 Fortification 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 efficiently enforce the provisions of the By-law, by way of Part 1 Provincial Offence Notices (tickets), housekeeping amendments are recommended to the By-law as detailed in Appendix "A" to Report PED23215.

## **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.

## **APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED23215 – Proposed Amended By-law