

CITY OF HAMILTON

NOTICE OF MOTION

Council: October 25, 2023

MOVED BY COUNCILLOR N. NANN.....

Public Notice respecting A By-Law to Authorize the Undertaking of Climate Change Mitigation and Adaptation Works on Private Residential Property as Local Improvements Under the Better Homes Hamilton Program

WHEREAS, City of Hamilton staff have completed engagement with a variety of community organizations, citizens and subject matter experts throughout 2022 and 2023 on the development of the Better Homes Hamilton residential energy efficiency retrofit pilot program, and delegations were provided in support during General Issues Committee's May 3, 2023 meeting;

WHEREAS, the Better Homes Hamilton Pilot Program ("Program" was approved by the General Issues Committee (Report PED23106) on May 3, 2023 with a recommendation stating: "That staff be directed to prepare and bring forward for Council approval a municipal by-law authorizing the Program (the "By-law") including the details on eligibility and providing authority to launch the energy efficiency works on private residential property as local improvements under the program";

WHEREAS, Part III of Ontario Regulation 586/06, Local Improvement Charges - Priority Lien Status, enacted under the *Municipal Act, 2001*, S.O. 2001, c. 25, authorizes a municipality to pass a by-law to undertake work on private property as a local improvement for the purpose of raising all or any part of the cost of the work by imposing special charges on lots upon which all or some part of the local improvement is or will be located;

WHEREAS, Section 36.5(2) of O. Reg. 586/06 states that the by-law may authorize the undertaking of works which satisfy the requirements of a municipal program for which the municipality has given notice under Section 36.6(2)(b) O. Reg. 586/06; WHEREAS, Part VI, Section 270 (1)(4) of *Municipal Act, 2001*, S.O. 2001 gives the authority to a municipality to determine "the circumstances in which the municipality shall provide notice to the public and, if notice is to be provided, the form, manner and times notice shall be given;"

WHEREAS, the City of Hamilton's Public Notice By-law No. 07-351 Schedule A states: "Public notice required to advise of a minimum of one Committee meeting to consider the enactment of a fee or charge by-law. The notice shall specify when and where information in regard to such a by-law may be obtained;"; and further provides that the form, manner and time of the notice shall be "one notice published in a newspaper a minimum of 14 days prior to the Committee meeting";

WHEREAS, staff inadvertently recommended that the By-law be brought forward to Council for approval without first being considered by Council and Council approved this recommendation;

WHEREAS if the By-law is brought directly to Council for consideration notice cannot be provided in accordance with the requirements of By-law No. 07-351; and

WHEREAS, alternative notice can be provided because sub-clause 2(b)(iii) of Hamilton's Public Notice By-law No. 07-351 provides that Council can direct that other notice is to be given as Council considers adequate.

THEREFORE, BE IT RESOLVED:

That Council under the authority of Hamilton's Public Notice By-law No. 07-351 sub-clause 2(b)(iii) direct staff in regard to the Better Homes Hamilton by-law to publicly post notice published in a newspaper and on the City's website a minimum of 14 days prior to the Council meeting, and that this be deemed adequate.

Attachment:

Appendix A - A By-Law to Authorize the Undertaking of Climate Change Mitigation and Adaptation Works on Private Residential Property as Local Improvements Under the Better Homes Hamilton Program