

CITY OF HAMILTON

MOTION

Planning Committee Meeting: August 13, 2024

MOVED BY COUNCILLOR M. WILSON.....

SECONDED BY COUNCILLOR

Restrictive Covenants and Property Control Tools for Council

WHEREAS, Restrictive covenants and exclusivity clauses, sometimes referred to as “property controls”, are placed on a property by the original owner at a point of sale to control future uses;

WHEREAS, restrictive covenants can harm competition by making it difficult, or even impossible, for businesses to open new stores.

Whereas restrictive covenants can prohibit access to important neighbourhood amenities creating negative impacts for residents and businesses;

WHEREAS, restrictive covenants have a long history in Hamilton, including but not limited to, the Westdale neighbourhood that legally prohibited the sale or use of lands to “Negroes, Asiatics, Bulgarians, Austrians, Russians, Serbs, Rumanians, Turks, Armenians, whether British subjects or not, or foreign-born Italians, Greeks or Jews”;

WHEREAS, restrictive covenants have been used to disallow the continued availability of neighbourhood grocery stores when the property is sold, contributing to food deserts in the city of Hamilton;

WHEREAS, Canada’s Competition Bureau has obtained two court orders to advance its investigations into Empire Company Limited’s and George Weston Limited’s use of property controls in creating anti-competitive conditions;

WHEREAS, George Weston has a controlling ownership interest of 61.7 per cent in Choice Properties Real Estate Investment Trust and Empire holds a 41.5 per cent interest in Crombie Real Estate Investment Trust;

WHEREAS, Hamilton City Council has never received a report on restrictive covenants/property controls, their impacts and any legal or planning tools available to the municipality to counter their use;

THEREFORE BE IT RESOLVED:

That staff be requested to report on the use of restrictive covenants/property controls generally and Hamilton specifically and offer any recommendations necessary to uphold the health and economic well-being of Hamiltonians.