

Authority: Item 4, General Issues Committee Report 24-021
CM: December 11, 2024 Ward: 1
Written approval for this by-law was given by Mayoral Decision MDE-2024 28
Dated November 27, 2024

Bill No. 220

CITY OF HAMILTON

BY-LAW NO. 24-

To Amend By-Law No. 21-247 Hamilton 90 Carling Street Municipal Housing Project Facilities By-law

WHEREAS Council approved Item 5.4 (d) respecting Report HSC20009, Municipal Incentives for the 90 Carling Street Rental Project on April 8, 2020, and thereby authorized the City to enter into municipal capital facility agreements with 1649626 Ontario Inc., setting out the terms and conditions of the forgivable loan Municipal Housing Project Facility to be owned and operated by 1649626 Ontario Inc., located at the property municipally known as the premises 90 Carling Street in the City of Hamilton;

AND WHEREAS subsection 110(5) of the *Municipal Act, 2001* requires that for each municipal capital facility agreement entered into by the City, Council must pass a by-law authorizing it to enter into a municipal capital facility agreement for the provision of a municipal capital facility;

AND WHEREAS this By-law amends By-law No. 21-247 to include the Council's approval of Item 4 of the General Issues Committee Report 24-021, related to Report HSC20009(a) on December 4, 2024, authorizing the City to enter into an agreement amending the Municipal Housing Project Facilities Amending Agreement - 90 Carling Street entered into between the City and 1649626 Ontario Inc. dated November 25, 2021 consistent with the terms and conditions contained in Appendix "B" to Report HSC20009(a) – Term Sheet for Municipal Housing Project Facilities Amending Agreement – 90 Carling and maintaining compliance with subsection 110(5) of the *Municipal Act, 2001*.

NOW THEREFORE Council enacts as follows:

1. The amendments in this By-law shall include any necessary grammatical, numbering, and lettering changes.
2. That By-law No.21-247 be amended to include the changes/additions below:
 - (i) Add the following definition to section:

“Approval” means City of Hamilton Council approval on April 8, 2020 of Item 5.4 (d) of Council Minutes 20-006 being Report HSC20009 and as updated through City of Hamilton Council Approval on November [insert date], 2024, of Item [insert #] of Council Minutes 24-xxx being Report HSC20009(a).

- (ii) Delete Sections 2, 3, 4 and 7 and replace with the following:
2. The City is authorized to enter into one or more Agreements, as determined by the City Solicitor, under section 110 of the *Municipal Act, 2001* with 1649626 Ontario Inc. for the provision of a Municipal Housing Project Facility in the form of 20 Affordable Housing – Rental Housing Units at the Premises which meet the requirements of By-law No. 16-233) and subject to the terms and conditions provided for in the Approval (the “Agreements and the General Manager of the Healthy and Safe Communities Department is authorized and directed to execute the Agreements, amending agreements and any ancillary documents thereto in a form satisfactory to the City Solicitor. The Agreements shall provide a forgivable loan in the amount of the site plan application fees, building permit fees for 10 of the Affordable Housing – Rental Housing Units, and fees in lieu of parkland dedication applicable to 20 of the Affordable Housing - Rental Housing Units, subject to the conditions of the Approval including but not limited to the condition that 20 rental housing units in the premises are used as per the Municipal Housing Project Facility for Affordable Housing - Rental Housing Units as defined in By-law No. 16-233.
 3. 1649626 Ontario Inc. shall, subject to the terms and conditions provided for in, (the “Approval”) be provided a forgivable loan in the amount of the site plan application fees, building permit fees for 10 of the affordable housing units, and fees in lieu of parkland dedication for 20 affordable housing units. The loan will be forgiven subject to the satisfaction of the conditions of the Approval including but not limited to the construction of 20 Affordable Housing - Rental Housing Units on the Property and that said units are used as a Municipal Housing Project Facility for Affordable Housing - Rental Housing Units as defined in By-law No. 16-233 for 15 years from the date of first occupancy of one of the Affordable Rental Housing Units.
 4. This By-law shall remain in force until the earlier of:
 - (a) the date 1649626 Ontario Inc. ceases to own the Property without having transferred the Property and assigned the

Agreements to a person approved by the City in accordance with the Agreements;

- (b) the date 1649626 Ontario Inc. ceases to provide 20 Affordable Housing - Rental Housing Units in accordance with the requirements of By-law 16-233 and the Agreements;
- (c) the date any of the Agreements are terminated for any reason whatsoever or is in default of either or both of the Agreements;
- (d) the date that is 15 years from initial occupancy of all 20 Affordable Housing - Rental Housing Units.

7. The 20 Affordable Housing - Rental Housing Units on the Property described in Schedule "A" to By-law 21-247- shall be added to the list of Municipal Housing Project Facilities.

3. This By-law may be referred to as the Hamilton 90 Carling Street Municipal Housing Project Facilities By-law.

4. This By-law comes into force on the day it is passed.

PASSED this 11th day of December, 2024

A. Horwath
Mayor

M. Trennum
City Clerk

Hamilton 90 Carling Street Municipal Housing Project Facilities By-law

Schedule "A" to By-law 21-247- Property Description and Floor Plans

17467-0090 (LT)

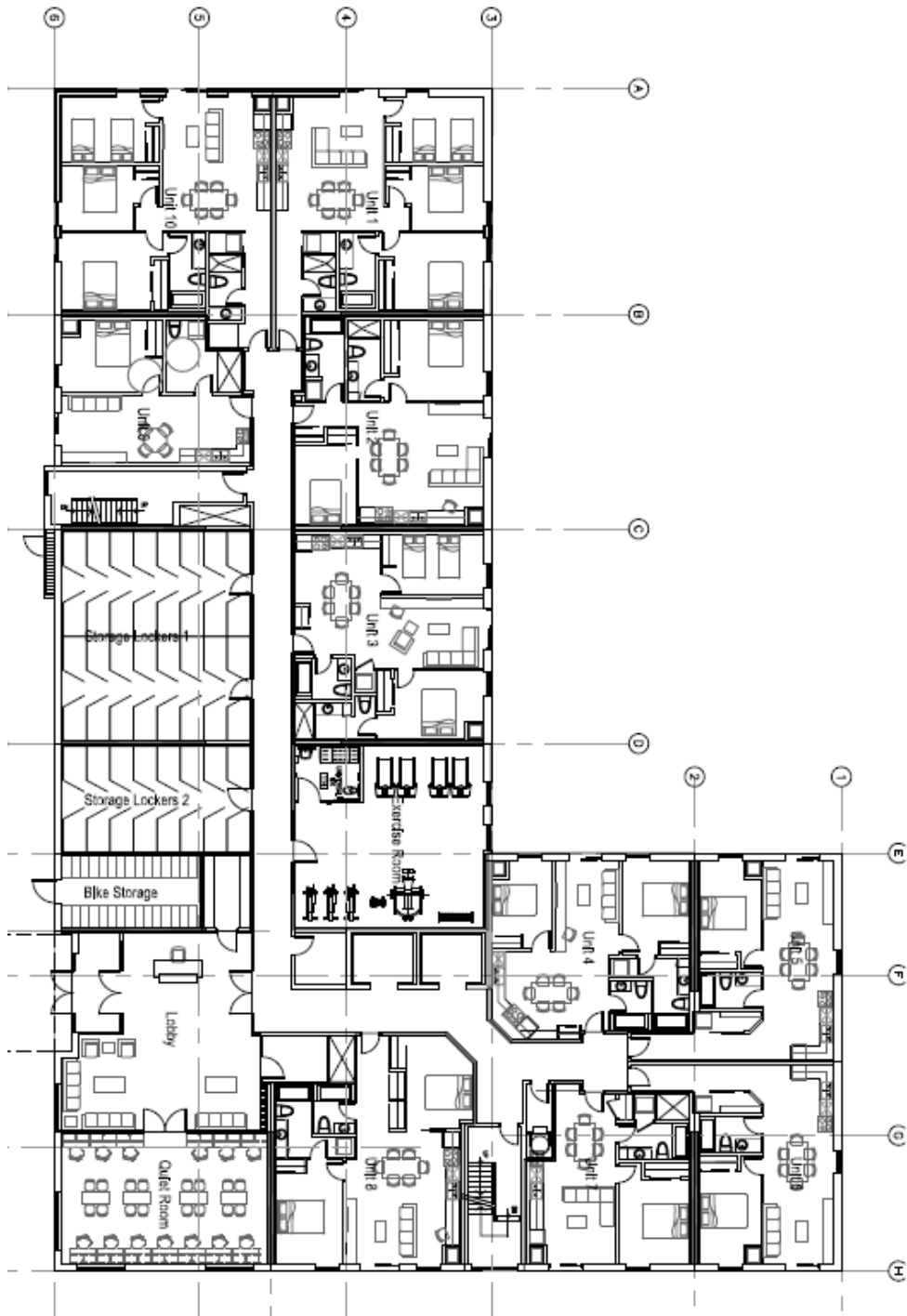
PROPERTY DESCRIPTION:

Firstly: PT LOT 48. PLAN 118 AS IN VM182101. SECONDLY: PT LOTS 50 AND 51,
PLAN 118 AS IN VM89844. THIRDLY: PT LOT 51, PLAN 118 AS IN VM226767.
FOURTHLY: LOT 57, PLAN 118. FIFTHLY: LOTS 49 AND 58, PLAN 118 AND PT LOT
50, PLAN 118 AS IN NS265476; CITY OF HAMILTON

OWNERS NAMES: 1649626 ONTARIO INC.

Hamilton 90 Carling Street Municipal Housing Project Facilities By-law
to By-law 21-247

1st Floor



2nd Floor

