

# PLANNING COMMITTEE MINUTES PC 25-001

9:30 a.m.

January 14, 2025

Council Chambers (Hybrid), City Hall, 2<sup>nd</sup> Floor
71 Main Street West, Hamilton, Ontario

Present: Councillors T. Hwang (Chair), M. Tadeson (Vice-Chair),

J.P. Danko (2<sup>nd</sup> Vice Chair), J. Beattie, M. Francis (virtual),

C. Cassar, C. Kroetsch, T. McMeekin, A. Wilson,

E. Pauls (virtual), M. Wilson

**Absent with Regrets:** Councillor N. Nann (Personal)

Also in Attendance: Councillor B. Clark

1. CALL TO ORDER

Committee Chair T. Hwang called the meeting to order at 9:30 a.m.

### 2. CEREMONIAL ACTIVITIES

#### Retirement – Jorge Caetano

Rob Lalli, Director – Building Division and Chief Building Official, announced the retirement of Jorge Caetano, Manager, Plan Examination.

#### 3. APPROVAL OF AGENDA

#### (Beattie/Kroetsch)

That the agenda for the January 14, 2025 Planning Committee meeting, be approved, as presented.

Result: Motion CARRIED by a vote of 11 to 0, as follows:

YES - Ward 1 Councillor M. Wilson

YES – Ward 2 Councillor C. Kroetsch

NOT PRESENT - Ward 3 Councillor N. Nann

YES – Ward 4 Councillor T. Hwang

YES - Ward 5 Councillor M. Francis

YES – Ward 7 Councillor E. Pauls

YES – Ward 8 Councillor J.P. Danko

YES – Ward 10 Councillor J. Beattie

YES – Ward 11 Councillor M. Tadeson

YES - Ward 12 Councillor C. Cassar

YES – Ward 13 Councillor A. Wilson

YES – Ward 15 Councillor T. McMeekin

## 4. DECLARATIONS OF INTEREST

There were no declarations of interest.

## 5. APPROVAL OF MINUTES OF PREVIOUS MEETINGS

## 5.1 December 3, 2024

## (McMeekin/Cassar)

That the minutes of the December 3, 2024 Planning Committee, be adopted.

## Result: Motion CARRIED by a vote of 11 to 0, as follows:

YES – Ward 1 Councillor M. Wilson

YES – Ward 2 Councillor C. Kroetsch

NOT PRESENT - Ward 3 Councillor N. Nann

YES - Ward 4 Councillor T. Hwang

YES - Ward 5 Councillor M. Francis

YES – Ward 7 Councillor E. Pauls

YES – Ward 8 Councillor J.P. Danko

YES - Ward 10 Councillor J. Beattie

YES – Ward 11 Councillor M. Tadeson

YES – Ward 12 Councillor C. Cassar

YES - Ward 13 Councillor A. Wilson

YES – Ward 15 Councillor T. McMeekin

#### 6. **DELEGATIONS**

## 6.1 Alberto Luis, CURO Canada Corp/Cash Money, respecting the Payday Loans Report (Item 9.7)

Alberto Luis, CURO Canada Corp/Cash Money, addressed the Committee respecting the Payday Loans Report (Item 9.7).

### (Beattie/Cassar)

That the Delegation from Alberto Luis, CURO Canada Corp/Cash Money, respecting Payday Loans Report (Item 9.7), be received.

## Result: Motion CARRIED by a vote of 11 to 0, as follows:

YES – Ward 1 Councillor M. Wilson

YES - Ward 2 Councillor C. Kroetsch

NOT PRESENT - Ward 3 Councillor N. Nann

YES – Ward 4 Councillor T. Hwang

YES - Ward 5 Councillor M. Francis

YES - Ward 7 Councillor E. Pauls

YES - Ward 8 Councillor J.P. Danko

YES - Ward 10 Councillor J. Beattie

YES – Ward 11 Councillor M. Tadeson

YES - Ward 12 Councillor C. Cassar

YES - Ward 13 Councillor A. Wilson

YES – Ward 15 Councillor T. McMeekin

#### 7. ITEMS FOR INFORMATION

#### (Cassar/Tadeson)

That the following items be received:

### 7.1 PED25000

Appeal of Zoning By-law Amendment Application ZAC-23-010 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 299, 307 and 325 Fiddler's Green Road, Ancaster (Ward 12)

#### 7.2 PED25019

Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (City Wide)

## Result: Motion CARRIED by a vote of 11 to 0, as follows:

YES – Ward 1 Councillor M. Wilson

YES - Ward 2 Councillor C. Kroetsch

NOT PRESENT – Ward 3 Councillor N. Nann

YES – Ward 4 Councillor T. Hwang

YES – Ward 5 Councillor M. Francis

YES - Ward 7 Councillor E. Pauls

YES - Ward 8 Councillor J.P. Danko

YES - Ward 10 Councillor J. Beattie

YES – Ward 11 Councillor M. Tadeson

YES - Ward 12 Councillor C. Cassar

YES – Ward 13 Councillor A. Wilson

#### 8. PUBLIC HEARINGS

In accordance with the *Planning Act*, Chair T. Hwang advised those viewing the meeting that the public had been advised of how to pre-register to be a delegate at the Public Meetings on today's agenda.

If a person or public body would otherwise have an ability to appeal the decision of Council, City of Hamilton to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the City of Hamilton before the by-law is passed, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of Hamilton before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

#### 8.1 PED25020

Application for a Draft Plan of Subdivision for Lands Located at 1898 and 1900 Rymal Road East, Glanbrook (Ward 9)

Michael Fiorino, Planner II, addressed the Committee respecting Application for a Draft Plan of Subdivision for Lands Located at 1898 and 1900 Rymal Road East, Glanbrook (Ward 9), with the aid of a PowerPoint presentation.

#### (Beattie/A. Wilson)

That the staff presentation from Michael Fiorino, Planner II, respecting Application for a Draft Plan of Subdivision for Lands Located at 1898 and 1900 Rymal Road East, Glanbrook (Ward 9), be received.

#### Result: Motion CARRIED by a vote of 11 to 0, as follows:

YES – Ward 1 Councillor M. Wilson

YES – Ward 2 Councillor C. Kroetsch

NOT PRESENT – Ward 3 Councillor N. Nann

YES - Ward 4 Councillor T. Hwang

YES – Ward 5 Councillor M. Francis

YES - Ward 7 Councillor E. Pauls

YES - Ward 8 Councillor J.P. Danko

YES - Ward 10 Councillor J. Beattie

YES – Ward 11 Councillor M. Tadeson

YES - Ward 12 Councillor C. Cassar

YES - Ward 13 Councillor A. Wilson

Kayly Robbins with Weston Consulting, addressed the Committee and indicated support for the staff report.

## (Tadeson/McMeekin)

That the presentation from Kayly Robbins with Weston Consulting, be received.

## Result: Motion CARRIED by a vote of 11 to 0, as follows:

YES - Ward 1 Councillor M. Wilson

YES – Ward 2 Councillor C. Kroetsch

NOT PRESENT - Ward 3 Councillor N. Nann

YES - Ward 4 Councillor T. Hwang

YES – Ward 5 Councillor M. Francis

YES – Ward 7 Councillor E. Pauls

YES – Ward 8 Councillor J.P. Danko

YES - Ward 10 Councillor J. Beattie

YES - Ward 11 Councillor M. Tadeson

YES - Ward 12 Councillor C. Cassar

YES – Ward 13 Councillor A. Wilson

YES - Ward 15 Councillor T. McMeekin

Chair Hwang called three times for public delegations and no one came forward.

#### (Beattie/Tadeson)

- (a) That there were no public submissions received regarding this matter; and,
- (b) That the public meeting be closed.

### Result: Motion CARRIED by a vote of 11 to 0, as follows:

YES – Ward 1 Councillor M. Wilson

YES – Ward 2 Councillor C. Kroetsch

NOT PRESENT – Ward 3 Councillor N. Nann

YES - Ward 4 Councillor T. Hwang

YES – Ward 5 Councillor M. Francis

YES - Ward 7 Councillor E. Pauls

YES - Ward 8 Councillor J.P. Danko

YES – Ward 10 Councillor J. Beattie

YES – Ward 11 Councillor M. Tadeson

YES - Ward 12 Councillor C. Cassar

YES - Ward 13 Councillor A. Wilson

## (M. Wilson/McMeekin)

That Report PED25020, dated January 14, 2025, Application for a Draft Plan of Subdivision for Lands Located at 1898 and 1900 Rymal Road East, Glanbrook (Ward 9), be received, and the following recommendations be approved:

- (a) That Draft Plan of Subdivision Application 25T-202404, by Weston Consulting (c/o) Kayly Robbins, on behalf of Komil Jasdev Bhalla and Jasdev Singh Bhalla and 1900 Holdco Inc. (c/o Mackenzie Paterson), Owner, on lands located at 1898 and 1900 Rymal Road East, as shown on Appendix "A" attached to Report PED25020, be APPROVED, in accordance with By-law No. 07-323 being the delegation of the City of Hamilton's Assigned Authority Under the Planning Act for the Approval of Subdivisions and Condominiums, on the following basis:
  - (1) That this approval apply to the Draft Plan of Subdivision "Part of Lot 7 Block 5 Concession 1" certified by N. P. Muth, O.L.S., dated November 22, 2024, consisting of one residential block (Block 1) to facilitate the development of 19 street townhouse dwellings with 38 parking spaces including four visitor parking spaces, as shown on the Draft Plan of Subdivision on Appendix "B" attached to Report PED25020;
  - (2) That the Owner enter into a Standard form Subdivision Agreement as approved by City Council and with the Special Conditions as shown on Appendix "C" attached to Report PED25020;
  - (3) That the Special Conditions of Draft Plan of Subdivision Approval, 25T-202404, as shown in Appendix "C" attached to Report PED25020, be received and endorsed by City Council;
  - (4) In accordance with the City's Comprehensive Development Guidelines and Financial Policies Manual there will be no City of Hamilton cost sharing for this subdivision; and,
  - (5) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the Planning Act, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the issuance of each building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council.

## (M. Wilson/McMeekin)

That sub-section 2 in Appendix "C" to Report PED25020 be **amended** as follows:

2. That, prior to registration of the plan of subdivision, the owner acknowledges and agrees in writing that submission of a Hydrogeological Report through the Site Plan Control application will be required, ensuring there are no negative impacts on the Eramosa Karst Conservation Area. The report shall be conducted by a qualified professional (P. Eng., P. Geo.) that discusses soil/groundwater conditions to properly characterize potential dewatering needs. This brief should discuss seasonal high groundwater levels, excavation depths, dewatering calculations (on a L/s and L/day basis), and if dewatering is required, groundwater quality sampling to compare against Sewer Use By-law criteria. The majority of these information requests can be provided if the applicant requires a geotechnical report to support the development without duplication of efforts, to the satisfaction of the Director, Growth Management and Chief Development Engineer.

## Result: Amendment CARRIED by a vote of 11 to 0, as follows:

YES - Ward 1 Councillor M. Wilson

YES – Ward 2 Councillor C. Kroetsch

NOT PRESENT - Ward 3 Councillor N. Nann

YES - Ward 4 Councillor T. Hwang

YES - Ward 5 Councillor M. Francis

YES – Ward 7 Councillor E. Pauls

YES - Ward 8 Councillor J.P. Danko

YES - Ward 10 Councillor J. Beattie

YES - Ward 11 Councillor M. Tadeson

YES – Ward 12 Councillor C. Cassar

YES - Ward 13 Councillor A. Wilson

The vote on the Motion, as amended, was called as follows:

## (McMeekin/Cassar)

That Report PED25020, dated January 14, 2025, Application for a Draft Plan of Subdivision for Lands Located at 1898 and 1900 Rymal Road East, Glanbrook (Ward 9), be received, and the following recommendations, be approved:

- (a) That Draft Plan of Subdivision Application 25T-202404, by Weston Consulting (c/o) Kayly Robbins, on behalf of Komil Jasdev Bhalla and Jasdev Singh Bhalla and 1900 Holdco Inc. (c/o Mackenzie Paterson), Owner, on lands located at 1898 and 1900 Rymal Road East, as shown on Appendix "A" attached to Report PED25020, be approved, in accordance with By-law No. 07-323 being the delegation of the City of Hamilton's Assigned Authority Under the Planning Act for the Approval of Subdivisions and Condominiums, on the following basis:
  - (1) That this approval apply to the Draft Plan of Subdivision "Part of Lot 7 Block 5 Concession 1" certified by N. P. Muth, O.L.S., dated November 22, 2024, consisting of one residential block (Block 1) to facilitate the development of 19 street townhouse dwellings with 38 parking spaces including four visitor parking spaces, as shown on the Draft Plan of Subdivision on Appendix "B" attached to Report PED25020;
  - (2) That the Owner enter into a Standard form Subdivision Agreement as approved by City Council and with the Special Conditions as shown on Appendix "C", **as amended**, attached to Report PED25020;
  - (3) That the Special Conditions of Draft Plan of Subdivision Approval, 25T-202404, as shown in Appendix "C", **as amended**, attached to Report PED25020, be received and endorsed by City Council;
  - (4) In accordance with the City's Comprehensive Development Guidelines and Financial Policies Manual there will be no City of Hamilton cost sharing for this subdivision; and,
  - (5) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the issuance of each building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council.

## Result: Motion, as amended, CARRIED by a vote of 11 to 0, as follows:

YES - Ward 1 Councillor M. Wilson

YES – Ward 2 Councillor C. Kroetsch

NOT PRESENT - Ward 3 Councillor N. Nann

YES – Ward 4 Councillor T. Hwang

YES - Ward 5 Councillor M. Francis

YES – Ward 7 Councillor E. Pauls

YES - Ward 8 Councillor J.P. Danko

YES – Ward 10 Councillor J. Beattie

YES – Ward 11 Councillor M. Tadeson

YES - Ward 12 Councillor C. Cassar

YES – Ward 13 Councillor A. Wilson

YES – Ward 15 Councillor T. McMeekin

#### 8.2 PED25026

## **Increase to Building Permit Fees (City Wide)**

Chair Hwang called three times for public delegations and no one came forward.

## (A. Wilson/Danko)

- (a) That the following public submission regarding this matter be received and considered by the Committee; and,
  - (1) Anthony Salemi, West End Home Builders' Association In support of the staff report
- (b) That the public meeting be closed.

## Result: Motion CARRIED by a vote of 11 to 0, as follows:

YES – Ward 1 Councillor M. Wilson

YES – Ward 2 Councillor C. Kroetsch

NOT PRESENT – Ward 3 Councillor N. Nann

YES - Ward 4 Councillor T. Hwang

YES – Ward 5 Councillor M. Francis

YES - Ward 7 Councillor E. Pauls

YES - Ward 8 Councillor J.P. Danko

YES – Ward 10 Councillor J. Beattie

YES – Ward 11 Councillor M. Tadeson

YES - Ward 12 Councillor C. Cassar

YES - Ward 13 Councillor A. Wilson

## (A. Wilson/Danko)

That Report PED25026, dated January 14, 2025, Increase to Building Permit Fees (City Wide), be received, and the following recommendations be approved:

(a) That the By-law, attached as Appendix "A" to Report PED25026 to amend City of Hamilton By-law No. 15-058, the Building By-law, which has been prepared in a form satisfactory to the City Solicitor, be enacted.

## Result: Motion CARRIED by a vote of 11 to 0, as follows:

YES - Ward 1 Councillor M. Wilson

YES - Ward 2 Councillor C. Kroetsch

NOT PRESENT - Ward 3 Councillor N. Nann

YES - Ward 4 Councillor T. Hwang

YES – Ward 5 Councillor M. Francis

YES - Ward 7 Councillor E. Pauls

YES - Ward 8 Councillor J.P. Danko

YES - Ward 10 Councillor J. Beattie

YES - Ward 11 Councillor M. Tadeson

YES - Ward 12 Councillor C. Cassar

YES - Ward 13 Councillor A. Wilson

YES – Ward 15 Councillor T. McMeekin

#### 9. ITEMS FOR CONSIDERATION

#### 9.1 PED25027

**Demolition Permit – 58 Carluke Road West (Ward 12)** 

## (Cassar/A. Wilson)

That Report PED25027, dated January 14, 2025, respecting Demolition Permit – 58 Carluke Road West (Ward 12), be received, and the following recommendations be approved:

- (a) That the request by the owner to issue a demolition permit for 58 Carluke Road West without the rebuild conditions be APPROVED since the single detached dwelling is located next to an industrial use (bakery) and a new single detached dwelling would be incompatible with the existing industrial use of the property;
- (b) That the Chief Building Official be authorized to issue a demolition permit for 58 Carluke Road West in accordance with By-law 22-101, pursuant to Section 33 of The Planning Act, as amended, without having to comply with section 6(a) of the Demolition Control Area By-law 22-101.

## Result: Motion CARRIED by a vote of 10 to 0, as follows:

YES – Ward 1 Councillor M. Wilson

YES – Ward 2 Councillor C. Kroetsch

NOT PRESENT - Ward 3 Councillor N. Nann

YES - Ward 4 Councillor T. Hwang

YES - Ward 5 Councillor M. Francis

YES - Ward 7 Councillor E. Pauls

YES - Ward 8 Councillor J.P. Danko

NOT PRESENT - Ward 10 Councillor J. Beattie

YES – Ward 11 Councillor M. Tadeson

YES - Ward 12 Councillor C. Cassar

YES - Ward 13 Councillor A. Wilson

YES – Ward 15 Councillor T. McMeekin

#### 9.2 PED25028

## **Demolition Permit - 10-16 Kenilworth Avenue North (Ward 4)**

## (Kroetsch/Hwang)

That Report PED25028, dated January 14, 2025, respecting Demolition Permit – 10-16 Kenilworth Avenue North (Ward 4), be received, and the following recommendations be approved:

- (a) That the request to issue a demolition permit prior to the owner obtaining final Site Plan Approval for redevelopment of 10-16 Kenilworth Avenue North be DENIED since the building is in fair condition, boarded up and secure, and staff consider the application to be premature:
- (b) That the Chief Building Official be authorized to issue a demolition permit for 10-16 Kenilworth Avenue North in accordance with By-law 22-101, pursuant to Section 33 of *The Planning Act* once final Site Plan Control approval has been granted for redevelopment of the property in accordance with section 6(b) of the Demolition Control Area By-law 22-101.

## Result: Motion CARRIED by a vote of 10 to 0, as follows:

YES – Ward 1 Councillor M. Wilson

YES – Ward 2 Councillor C. Kroetsch

NOT PRESENT - Ward 3 Councillor N. Nann

YES – Ward 4 Councillor T. Hwang

YES – Ward 5 Councillor M. Francis

YES - Ward 7 Councillor E. Pauls

YES – Ward 8 Councillor J.P. Danko

NOT PRESENT – Ward 10 Councillor J. Beattie

YES – Ward 11 Councillor M. Tadeson

YES - Ward 12 Councillor C. Cassar

YES – Ward 13 Councillor A. Wilson

YES – Ward 15 Councillor T. McMeekin

#### 9.3 PED25009

Request for Direction to Proceed with Appeal of Committee of Adjustment Decision to Approve Minor Variance Application GL/A-24:09 for Lands Located at 2016 Regional Road No. 56, Glanbrook (Ward 11)

## (Kroetsch/Tadeson)

That Report PED25009, dated January 14, 2025, respecting Request for Direction to Proceed with Appeal of Committee of Adjustment Decision to Approve Minor Variance Application GL/A-24:09 for Lands Located at 2016 Regional Road No. 56, Glanbrook (Ward 11), be DEFERRED to the February 4, 2025 Planning Committee meeting.

## Result: MOTION, CARRIED by a vote of 9 to 1, as follows:

YES – Ward 1 Councillor M. Wilson

YES – Ward 2 Councillor C. Kroetsch

NOT PRESENT - Ward 3 Councillor N. Nann

YES - Ward 4 Councillor T. Hwang

NOT PRESENT - Ward 5 Councillor M. Francis

YES - Ward 7 Councillor E. Pauls

YES - Ward 8 Councillor J.P. Danko

YES – Ward 10 Councillor J. Beattie

YES – Ward 11 Councillor M. Tadeson

NO – Ward 12 Councillor C. Cassar

YES - Ward 13 Councillor A. Wilson

#### 9.4 PED25023

Request for Direction to Proceed with Appeal of Committee of Adjustment Decision to Approve Consent Application B-24:42 and Minor Variance Application A-24:171 for Lands Located at 1248 Concession 6 West, Flamborough (Ward 13)

## (A. Wilson/Danko)

That Report PED25023, dated January 14, 2025, respecting Request for Direction to Proceed with Appeal of Committee of Adjustment Decision to Approve Consent Application B-24:42 and Minor Variance Application A-24:171 for Lands Located at 1248 Concession 6 West, Flamborough (Ward 13), be received, and the following recommendations be approved:

- (a) That Council gives approval to the following actions, as detailed in Report PED25023, respecting Committee of Adjustment Consent application B-24:42 and Minor Variance application A-24:171 submitted by The Angrish Group c/o Ruchika Angrish, on behalf of Phil and Marlene Elgersma (owners), for the lands located at 1248 Concession 6 West, Flamborough, as shown in Appendix "A" attached to Report PED25023, granted by the Committee of Adjustment and recommended for denial by the Planning and Economic Development Department:
  - (i) That Council of the City of Hamilton proceed with the appeal to the Ontario Land Tribunal against the decision of the Committee of Adjustment to approve Consent application B-24:42 and Minor Variance application A-24:171; and,
  - (ii) That Council directs appropriate Legal Services and Planning staff to attend the future Ontario Land Tribunal hearing in opposition to the decision of the Committee of Adjustment to approve Consent application B-24:42 and Minor Variance application A-24:171.

## Result: Motion CARRIED by a vote of 10 to 1, as follows:

YES – Ward 1 Councillor M. Wilson

YES – Ward 2 Councillor C. Kroetsch

NOT PRESENT – Ward 3 Councillor N. Nann

YES – Ward 4 Councillor T. Hwang

YES - Ward 5 Councillor M. Francis

YES - Ward 7 Councillor E. Pauls

YES - Ward 8 Councillor J.P. Danko

YES - Ward 10 Councillor J. Beattie

YES – Ward 11 Councillor M. Tadeson

YES - Ward 12 Councillor C. Cassar

YES – Ward 13 Councillor A. Wilson NO – Ward 15 Councillor T. McMeekin

### 9.5 PED25015

Application to Deem lands Being Blocks 187, 188 and 189 of Registered Plan 62M-987 not to be Part of a Registered Plan of Subdivision, for the Purposes of Subsection 50(3) of the Planning Act (Stoney Creek) (Ward 10)

## (Beattie/Kroetsch)

That Report PED25015, dated January 14, 2025, respecting Application to Deem lands Being Blocks 187, 188 and 189 of Registered Plan 62M-987 not to be Part of a Registered Plan of Subdivision, for the Purposes of Subsection 50(3) of the Planning Act (Stoney Creek) (Ward 10), be received, and the following recommendations be approved:

- (a) That approval be given to deem Blocks 187, 188 and 189 of Registered Plan 62M-987 not to be part of a Registered Plan of Subdivision, for the purposes of Subsection 50(3) of the Planning Act, as shown on Appendix "A" to Report PED25015; and,
- (b) That the draft By-law, attached as Appendix "D" to Report PED25015, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

## Result: Motion CARRIED by a vote of 11 to 0, as follows:

YES – Ward 1 Councillor M. Wilson

YES – Ward 2 Councillor C. Kroetsch

NOT PRESENT – Ward 3 Councillor N. Nann

YES - Ward 4 Councillor T. Hwang

YES – Ward 5 Councillor M. Francis

YES - Ward 7 Councillor E. Pauls

YES – Ward 8 Councillor J.P. Danko

YES - Ward 10 Councillor J. Beattie

YES – Ward 11 Councillor M. Tadeson

YES – Ward 12 Councillor C. Cassar

YES – Ward 13 Councillor A. Wilson

#### 9.6 PED25017

City of Hamilton Response to the Province's Proposed "Amendments to Reduce Records of Site Condition That Are Not Supporting Brownfields Redevelopment" - Amendments to Ontario Regulation 153/04 under the Environmental Protection Act (City Wide)

## (M. Wilson/Kroetsch)

That Report PED25017, dated January 14, 2025, respecting City of Hamilton Response to the Province's Proposed "Amendments to Reduce Records of Site Condition That Are Not Supporting Brownfields Redevelopment" - Amendments to Ontario Regulation 153/04 under the Environmental Protection Act (City Wide), and the following recommendations be approved:

- (a) That Council receive Report PED25017 as the basis for written comments respecting proposed amendments to Record of Site Condition requirements under Ontario Regulation 153/04, including the submission letter to the Province, attached as Appendix "A" to Report PED25017;
- (b) That Council adopt the submission and Recommendations as presented in Report PED25017 respecting Proposed Amendments to Record of Site Condition requirements under Ontario Regulation 153/04;
- (c) That the General Manager of Planning and Economic Development be authorized and directed to confirm the submission made to the Province, attached as Appendix "A" to Report PED25017;
- (d) That should the proposed amendments to Record of Site Condition requirements under Ontario Regulation 153/04 come into force, staff be directed and authorized to prepare a draft amendment to the City's Official Plans and schedule a Statutory Public Meeting for Council's consideration at a future Planning Committee.

## Result: Motion CARRIED by a vote of 11 to 0, as follows:

YES – Ward 1 Councillor M. Wilson

YES – Ward 2 Councillor C. Kroetsch

NOT PRESENT - Ward 3 Councillor N. Nann

YES – Ward 4 Councillor T. Hwang

YES - Ward 5 Councillor M. Francis

YES - Ward 7 Councillor E. Pauls

YES - Ward 8 Councillor J.P. Danko

YES - Ward 10 Councillor J. Beattie

YES – Ward 11 Councillor M. Tadeson

YES - Ward 12 Councillor C. Cassar

YES – Ward 13 Councillor A. Wilson YES – Ward 15 Councillor T. McMeekin

## 9.7 PED25022

Amendment to Schedule 11 (Payday Loans businesses) of Licensing By-law 07-170 and request for relocation of an existing payday loans business (City Wide)

## (Beattie/Hwang)

That Report PED25022, dated January 14, 2025, respecting Amendment to Schedule 11 (Payday Loans businesses) of Licensing By-law 07-170 and request for relocation of an existing payday loans business (City Wide), be received, and the following recommendations be approved:

- (a) That Council approve the request by Cash Money, located at 158 Highway 8, Ward 10, to relocate the existing payday loan business to a new address within Ward 10.
- (b) That Council approve the amendments to the Licensing By-law 07-170, Schedule 11, attached as Appendix "A", to provide the Director of Licensing and By-law Services delegated authority to consider a location change under extenuating circumstances and update the list of licensed payday loan businesses within the City, which has been prepared in a form satisfactory to the City Solicitor, be approved and enacted.

#### (Beattie/McMeekin)

That Report PED25022 be **amended** by deleting sub-section (a) and renumbering the balance accordingly, as follows:

- (a) That Council approve the request by Cash Money, located at 158 Highway 8, Ward 10, to relocate the existing payday loan business to a new address within Ward 10.
- (b)(a) That Council approve the amendments to the Licensing By-law 07-170, Schedule 11, attached as Appendix "A", to provide the Director of Licensing and By-law Services delegated authority to consider a location change under extenuating circumstances and update the list of licensed payday loan businesses within the City, which has been prepared in a form satisfactory to the City Solicitor, be approved and enacted.

Result: Motion CARRIED by a vote of 11 to 0, as follows:

YES – Ward 1 Councillor M. Wilson YES – Ward 2 Councillor C. Kroetsch NOT PRESENT - Ward 3 Councillor N. Nann

YES – Ward 4 Councillor T. Hwang

YES – Ward 5 Councillor M. Francis

YES – Ward 7 Councillor E. Pauls

YES – Ward 8 Councillor J.P. Danko

YES – Ward 10 Councillor J. Beattie

YES – Ward 11 Councillor M. Tadeson

YES – Ward 12 Councillor C. Cassar

YES – Ward 13 Councillor A. Wilson

YES - Ward 15 Councillor T. McMeekin

## (Cassar/Kroetsch)

That Report PED25022 be referred back to staff as part of a larger policy review, for a report back to the Planning Committee in Q1 2026.

## Result: Motion DEFEATED by a vote of 6 to 5, as follows:

YES – Ward 1 Councillor M. Wilson

YES – Ward 2 Councillor C. Kroetsch

NOT PRESENT - Ward 3 Councillor N. Nann

NO - Ward 4 Councillor T. Hwang

NO - Ward 5 Councillor M. Francis

NO - Ward 7 Councillor E. Pauls

NO - Ward 8 Councillor J.P. Danko

YES - Ward 10 Councillor J. Beattie

NO - Ward 11 Councillor M. Tadeson

YES - Ward 12 Councillor C. Cassar

YES – Ward 13 Councillor A. Wilson

NO - Ward 15 Councillor T. McMeekin

#### (Beattie/Hwang)

That Report PED25022, dated January 14, 2025, respecting Amendment to Schedule 11 (Payday Loans businesses) of Licensing By-law 07-170 and request for relocation of an existing payday loans business (City Wide), be received, and the following recommendation be approved:

(a) That Council approve the amendments to the Licensing By-law 07-170, Schedule 11, attached as Appendix "A", to provide the Director of Licensing and By-law Services delegated authority to consider a location change under extenuating circumstances and update the list of licensed payday loan businesses within the City, which has been prepared in a form satisfactory to the City Solicitor, be approved and enacted.

## Result: Motion DEFEATED by a vote of 7 to 4, as follows:

NO – Ward 1 Councillor M. Wilson

NO – Ward 2 Councillor C. Kroetsch

NOT PRESENT – Ward 3 Councillor N. Nann

YES – Ward 4 Councillor T. Hwang

NO - Ward 5 Councillor M. Francis

YES - Ward 7 Councillor E. Pauls

NO – Ward 8 Councillor J.P. Danko

NO – Ward 10 Councillor J. Beattie

YES – Ward 11 Councillor M. Tadeson

NO – Ward 12 Councillor C. Cassar

NO – Ward 13 Councillor A. Wilson

YES - Ward 15 Councillor T. McMeekin

## 9.8 Hamilton Municipal Heritage Committee Report 24-011 - December 13, 2024

## (Kroetsch/Pauls)

That the Hamilton Municipal Heritage Committee Report 24-011, dated December 13, 2024, be received, and the following recommendations be approved:

- (a) Heritage Permit Application HP2024-033, Under Section 34 of the Ontario Heritage Act, for the Demolition of the Tivoli Lobby and Auditorium at 108 James Street North and 111 -113 Hughson Street North, Hamilton (PED24232) (Ward 2) (Item 8.1)
  - (i) That Heritage Permit Application HP2024-033, under Section 34 of the Ontario Heritage Act, for the demolition of the Tivoli Lobby and Auditorium at 108 James Street North and 111-113 Hughson Street North, Hamilton, be approved in accordance with the submitted Heritage Permit Application and the following conditions:
    - (1) That a Conservation Strategy, including a Conservation Plan, Interpretation/Commemoration Plan, Documentation and Salvage Report, Design Guidelines, and an Interim Conditions Plan outlining how the site conditions will be treated and managed following demolition and until redevelopment occurs, be submitted in accordance with the recommendations of the Cultural Heritage Impact Assessment prepared by +VG, dated September 30, 2024 (attached as Appendix "B" to Report PED24232), and their Addendum dated November 27, 2024 (attached as Appendix "C" to Report

PED24232), to the satisfaction and approval of the Director of Planning and Chief Planner, prior to issuance of a Building Permit to Demolish any structures on the property;

- (2) That the following conditions with respect to cost estimates and financial security shall be satisfied prior to the issuance of a Building Permit to demolish the former Tivoli Theatre structures:
  - (aa) The applicant shall provide cost estimates for either: (a) 100% of the total cost of implementing the Conservation Strategy, approved in accordance with Condition (i); or, (b) a minimum of \$1,000,000 to cover the approximate costs of implementing the Conservation Strategy, including salvaging representative plaster features, where feasible, and recreating the plaster detailing in a new development on the site, which may be approved in accordance with Condition (i) following demolition of the Tivoli Theatre structures. Such cost estimates shall be in the form satisfactory to the Director of Planning and Chief Planner, or be prepared in accordance with the Guides for estimating security requirements for landscaping and engineering;
  - (bb) The applicant shall calculate the lump sum security payment, satisfactory to the City Solicitor, for works to the satisfaction of the Director of Planning and Chief Planner;
  - (cc) The applicant shall provide Financial Instrument for security that is satisfactory to the City Solicitor such as the Letter of Credit (Policy), Surety Bond (Policy), or Certified Cheque/Bank Draft to the Director of Planning and Chief Planner for 100% of the total estimated cost as per Condition (ii)(1) in a form satisfactory to the City's Finance Department (Development Officer, Development Charges, Programs and Policies) to be held by the City as security for the completion of the onsite development works required in these conditions. Alternatively, the owner may choose to provide a lump sum payment for on-site works in accordance with Condition (ii)(2) above;

- (dd) The Security shall be kept in force, whether or not the ownership of 108 James Street North and 111-113 Hughson Street North, Hamilton, changes at any time, until the completion of the required site development works in conformity with this Heritage Permit HP2024-033, and securities may be reduced in accordance with the approved Financial Instrument Policies by the City Solicitor. If the Security is about to expire without renewal thereof and the works have not been completed in conformity with their approved designs, the City may draw all of the funds so secured and hold them as security to guarantee completion unless the City Solicitor is provided with a replacement or renewal of the Security forthwith:
- In the event that the Owner fails to complete, to (ee) the satisfaction of the Director of Planning and Chief Planner, the required site development works in conformity with this Heritage Permit within the time required, then the Owner shall permit the City, its employees, agents or contractors, at the City's sole option and in addition to any other remedies that the City may have, to enter on the lands and so complete the required site development works to the extent of monies received as Security. The cost of completion of such works shall be deducted from the monies obtained from the Security. In the event that there is a surplus, the City shall pay it forthwith to the Owner. In the event that there are required site development works remaining to be completed, the City may exercise its authority under (Section 446 of the Municipal Act) to have such works completed and to recover the expense incurred in doing so in like manner as municipal taxes and the Owner shall enter an agreement with the City to give effect to this Condition (ii)(5) and shall register this Agreement on title to the Property at the Owner's own expense;
- (3) That the applicant submits a complete Zoning By-law Amendment application under the Planning Act for redevelopment of the site, in accordance with the

- Conservation Strategy approved as part of Condition (i), prior to issuance of a Building Permit to demolish the former Tivoli Theatre structures;
- (4) That any minor changes to the approved scope of work shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to the commencement of any alterations;
- (5) That an initial scoped Conservation Plan and Documentation and Salvage Plan, assessing the feasibility of salvaging representative plaster features from the building, including details for their abatement and storage, be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to the commencement of the removal of interior plaster features;
- (6) That the demolition, in accordance with this approval, shall be completed no later than January 31, 2026. If the alteration(s) are not completed by January 31, 2026, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton; and,
- (7) That the Director of Planning and Chief Planner be authorized to approve a request to extend the date noted in Condition (vi) of this approval if that request is submitted prior to the expiry and if progress is being made to their satisfaction.
- (ii) That the Director of Planning and Chief Planner be authorized to execute an Agreement with the owner(s) of 108 James Street North and 111-113 Hughson Street North, Hamilton, satisfactory to the City Solicitor, to be registered on title by the owner(s) and to give effect to Recommendation (a) (ii) (5) of Report PED24232; and,
- (iii) That staff be directed to repeal Designation By-law Nos. 04-256 (Tivoli Auditorium) and 90-255 (Tivoli Lobby) following implementation of the recommendations of the Conservation Strategy approved as part of Recommendation (a)(i) of Report PED24232.

(b) Hamilton Municipal Heritage Committee Year in Review, 2024 (PED24235) (City Wide) (Item 9.1)

That Report PED24235 respecting Hamilton Municipal Heritage Committee Year in Review, 2024, be received.

(c) Demolition of 537 King Street East, Hamilton, Being a Non-Designated Property Listed on the Municipal Heritage Register with an Unsafe Order to Comply (PED24231) (Ward 3) (Item 10.1)

That the non-designated property located at 537 King Street East, Hamilton, be removed from the Municipal Heritage Register.

## Result: Motion CARRIED by a vote of 11 to 0, as follows:

YES – Ward 1 Councillor M. Wilson

YES – Ward 2 Councillor C. Kroetsch

NOT PRESENT - Ward 3 Councillor N. Nann

YES - Ward 4 Councillor T. Hwang

YES - Ward 5 Councillor M. Francis

YES - Ward 7 Councillor E. Pauls

YES - Ward 8 Councillor J.P. Danko

YES - Ward 10 Councillor J. Beattie

YES - Ward 11 Councillor M. Tadeson

YES - Ward 12 Councillor C. Cassar

YES – Ward 13 Councillor A. Wilson

YES – Ward 15 Councillor T. McMeekin

### 10. MOTIONS

## 10.1 Feasibility on the Adoption and Enforcement of a By-law to Prohibit Protests at Places of Worship and Their Facilities

#### (M. Wilson/Danko)

WHEREAS, section 10 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended provides that a Municipality may pass by-laws respecting: economic, social and environmental well-being of the Municipality; health, safety and well-being of persons; and the protection of persons and property:

WHEREAS, the Canadian Charter of Rights and Freedoms protects religious expression;

WHEREAS, places of worship provide a safe space for people to come together to express their religious beliefs;

WHEREAS, acts of violence and intimidation at or near places of worship create can cause people to be hesitant to exercise their rights due to fear and/or lack of safety;

WHEREAS, the City of Hamilton's Community Safety and Well-Being Plan aims to create the community conditions where everyone is safe and has a sense of belonging;

WHEREAS, the City of Hamilton is a place where diversity and inclusivity are embraced and celebrated;

WHEREAS, the City of Hamilton respects the right to peaceful protest as a fundamental freedom afforded to all individuals. However, it also recognizes that any acts of violence, threats of violence or vandalism in the course of a protest are not protected by the Canadian Charter of Rights and Freedoms;

## THEREFORE, BE IT RESOLVED:

That staff be directed to prepare a report for Planning Committee's consideration no later than Q1 2025, on the feasibility of the City of Hamilton adopting and enforcing a by-law to prohibit protests at Places of Worship and their facilities— all while balancing the fundamental importance of freedom of expression and freedom of assembly, with the safety and well-being of community members accessing these places of worship and their facilities.

## Result: Motion CARRIED by a vote of 10 to 1, as follows:

YES – Ward 1 Councillor M. Wilson

NO – Ward 2 Councillor C. Kroetsch

NOT PRESENT – Ward 3 Councillor N. Nann

YES – Ward 4 Councillor T. Hwang

YES - Ward 5 Councillor M. Francis

YES – Ward 7 Councillor E. Pauls

YES - Ward 8 Councillor J.P. Danko

YES - Ward 10 Councillor J. Beattie

YES – Ward 11 Councillor M. Tadeson

YES - Ward 12 Councillor C. Cassar

YES - Ward 13 Councillor A. Wilson

## 11. NOTICE OF MOTIONS

## 11.1 1065 Paramount Drive – Ontario Land Tribunal Appeal

## (a) (Beattie/Hwang)

That the rules of order be suspended to allow for the introduction of a Motion respecting 1065 Paramount Drive – Ontario Land Tribunal Appeal.

## Result: Motion CARRIED by a 2/3rds vote of 11 to 0, as follows:

YES – Ward 1 Councillor M. Wilson

YES - Ward 2 Councillor C. Kroetsch

NOT PRESENT - Ward 3 Councillor N. Nann

YES - Ward 4 Councillor T. Hwang

YES – Ward 5 Councillor M. Francis

YES – Ward 7 Councillor E. Pauls

YES - Ward 8 Councillor J.P. Danko

YES – Ward 10 Councillor J. Beattie

YES – Ward 11 Councillor M. Tadeson

YES - Ward 12 Councillor C. Cassar

YES – Ward 13 Councillor A. Wilson

YES – Ward 15 Councillor T. McMeekin

## (a) (Beattie/Hwang)

WHEREAS, at its meeting on June 26, 2024 Council directed the City Solicitor to oppose the appeal to the Ontario Land Tribunal ("Tribunal") by Mikmada (Paramount) Inc. for the lands located at 1065 Paramount Drive, Stoney Creek for applications for Official Plan Amendment (UHOPA-23-005) and Zoning By-law Amendment (ZAC-23-006);

WHEREAS, in accordance with Council's direction, the appeal proceeded to a contested hearing and on January 7, 2025 the Tribunal issued a decision granting the appeal;

THEREFORE, BE IT RESOLVED:

That Legal Services staff be directed to report back to the February 4, 2025 Planning Committee meeting on options to potentially challenge the Tribunal's decision, respecting 1065 Paramount Drive, and the likelihood of success of those options.

## Result: Motion CARRIED by a vote of 11 to 0, as follows:

YES – Ward 2 Councillor C. Kroetsch

NOT PRESENT - Ward 3 Councillor N. Nann

YES – Ward 4 Councillor T. Hwang

YES - Ward 5 Councillor M. Francis

YES - Ward 7 Councillor E. Pauls

YES – Ward 8 Councillor J.P. Danko

YES – Ward 10 Councillor J. Beattie

YES – Ward 11 Councillor M. Tadeson

YES - Ward 12 Councillor C. Cassar

YES – Ward 13 Councillor A. Wilson

YES – Ward 15 Councillor T. McMeekin

## 11.2 Committee of Adjustment Decisions Review

Councillor Danko introduced the following Notice of Motion:

That Planning staff report back to Planning Committee with a review of decisions of the current Committee of Adjustment that have raised concern and/or are against the recommendations of professional City of Hamilton planning staff that require costly City initiated appeals to the Ontario Land Tribunal.

### 12. PRIVATE & CONFIDENTIAL

Committee determined that discussion of Item 12.1 was not required in Closed Session; therefore, the matter was addressed in Open Session, as follows:

### 12.1 Closed Session Minutes - December 3, 2024

#### (Cassar/A. Wilson)

That the Closed Session minutes of the December 3, 2024 Planning Committee meeting, be approved and remain confidential.

### Result: Motion CARRIED by a vote of 11 to 0, as follows:

YES – Ward 1 Councillor M. Wilson

YES – Ward 2 Councillor C. Kroetsch

NOT PRESENT - Ward 3 Councillor N. Nann

YES – Ward 4 Councillor T. Hwang

YES – Ward 5 Councillor M. Francis

YES – Ward 7 Councillor E. Pauls

YES - Ward 8 Councillor J.P. Danko

YES - Ward 10 Councillor J. Beattie

YES – Ward 11 Councillor M. Tadeson

YES – Ward 12 Councillor C. Cassar

YES - Ward 13 Councillor A. Wilson

YES - Ward 15 Councillor T. McMeekin

## (Cassar/Kroetsch)

That Committee move into Closed Session for Item 12.2 and 12.3 pursuant to Section 9.3, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021, as amended; and Section 239(2), Sub-sections (e), (f) and (k) of the *Ontario Municipal Act*, 2001, as amended as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

## Result: Motion CARRIED by a vote of 11 to 0, as follows:

YES – Ward 1 Councillor M. Wilson

YES – Ward 2 Councillor C. Kroetsch

NOT PRESENT – Ward 3 Councillor N. Nann

YES – Ward 4 Councillor T. Hwang

YES - Ward 5 Councillor M. Francis

YES - Ward 7 Councillor E. Pauls

YES – Ward 8 Councillor J.P. Danko

YES - Ward 10 Councillor J. Beattie

YES – Ward 11 Councillor M. Tadeson

YES - Ward 12 Councillor C. Cassar

YES - Ward 13 Councillor A. Wilson

YES - Ward 15 Councillor T. McMeekin

The Committee reconvened in Open Session at 12:34 p.m.

#### 12.2 LS20003(b)

Waterdown Bay – 392 Dundas Street East (Ward 15)

#### (McMeekin/A. Wilson)

That Report LS20003(b), dated January 14, 2025, respecting Waterdown Bay – 392 Dundas Street East (Ward 15) be received, and remain confidential.

## Result: Motion CARRIED by a vote of 11 to 0, as follows:

YES – Ward 1 Councillor M. Wilson

YES – Ward 2 Councillor C. Kroetsch

NOT PRESENT - Ward 3 Councillor N. Nann

YES - Ward 4 Councillor T. Hwang

YES – Ward 5 Councillor M. Francis

YES – Ward 7 Councillor E. Pauls

YES – Ward 8 Councillor J.P. Danko

YES - Ward 10 Councillor J. Beattie

YES – Ward 11 Councillor M. Tadeson

YES – Ward 12 Councillor C. Cassar

YES – Ward 13 Councillor A. Wilson

YES – Ward 15 Councillor T. McMeekin

### 12.3 LS24006(a)

Appeal to the Ontario Land Tribunal (OLT) for lands located at 1400 South Service Road, Stoney Creek, for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-21-018) and Zoning By-law Amendment Application (ZAC-21-039) (Ward 10)

### (Beattie/Tadeson)

- (a) That Report LS20003(b), dated January 14, 2025, respecting Appeal to the Ontario Land Tribunal (OLT) for lands located at 1400 South Service Road, Stoney Creek, for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-21-018) and Zoning By-law Amendment Application (ZAC-21-039) (Ward 10) be received, and the following recommendations be approved:
  - (i) That the directions to staff in Closed Session respecting Report LS24006(a) be approved;
  - (ii) That closed session recommendations (a) and (b) and Appendix "A" of Confidential Report LS24006(a) be approved and remain confidential until made public as the City's position before the Ontario Land Tribunal; and,
  - (iii) That the balance of Report LS24006(a), including Appendix "B" hereto, remain confidential.

## Result: Motion CARRIED by a vote of 11 to 0, as follows:

YES – Ward 1 Councillor M. Wilson

YES – Ward 2 Councillor C. Kroetsch

NOT PRESENT – Ward 3 Councillor N. Nann

YES – Ward 4 Councillor T. Hwang

YES - Ward 5 Councillor M. Francis

YES - Ward 7 Councillor E. Pauls

YES - Ward 8 Councillor J.P. Danko

YES - Ward 10 Councillor J. Beattie

YES – Ward 11 Councillor M. Tadeson

YES - Ward 12 Councillor C. Cassar

YES - Ward 13 Councillor A. Wilson

## 13. ADJOURNMENT

There being no further business, the Planning Committee adjourned at 12:36 p.m.

Respectfully submitted,

Councillor Tammy Hwang Chair, Planning Committee

Lisa Kelsey Legislative Coordinator