

CITY OF HAMILTON

NOTICE OF MOTION

General Issues Committee: February 5, 2025

MOVED BY COUNCILLOR B. CLARK.....

Section 447.1 Against GFL Stoney Creek Regional Facility - REVISED

WHEREAS, residents living in Upper Stoney Creek within 3km of the GFL Stoney Creek Regional Facility (landfill) have been experiencing horrific odours since April 2023;

WHEREAS, residents have not had daily reasonable use and enjoyment of homes, property, community spaces and workplaces, especially pertaining to outdoor lived experiences;

WHEREAS, residents have experienced inconvenience, discomfort and loss of amenity caused by odours being emitted from the landfill;

WHEREAS, residents have regularly complained about the odour seeping into their homes;

WHEREAS, GFL and the Ministry of Environment Conservation and Parks have not been successful in stopping or abating these odours;

WHEREAS, the community group known as STAND for Stoney Creek (Stand) has had discussions with their lawyers from Ross and McBride; and,

WHEREAS, their research found the following case wherein Section 447.1 of the Ontario Municipal Act was applied [*Newmarket \(Town\) v. Halton Recycling Ltd. 2006 CarswellOnt 5920 \(S.C.J.\)*](#);

THEREFORE, BE IT RESOLVED:

That Legal Services be directed to review all legal options available to the City, including Section 447.1 of the Municipal Act, to address the concerns raised by residents and report back to GIC by the end of Q2 of 2025.