

# CITY OF HAMILTON

## MOTION

General Issues Committee: February 26, 2025

**MOVED BY COUNCILLOR B. CLARK.....**

**SECONDED BY COUNCILLOR.....**

### **Section 447.1 Against GFL Stoney Creek Regional Facility**

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.