



City of Hamilton Report for Consideration

To: Chair and Members
Public Works Committee

Date: February 24, 2025

Report No: PW25005

Subject/Title: Transit By-law Update

Ward(s) Affected: City Wide

Recommendations

- 1) That the draft By-law respecting the Passenger Transportation System Operated and/or Funded by the City of Hamilton, attached as Appendix “A” to Report PW25005, which has been prepared in a form satisfactory to the City Solicitor, **BE APPROVED** and By-law No. 16-111 **BE REPEALED**.
- 2) That the General Manager, Public Works, or designate **BE AUTHORIZED** and directed to work with Legal Services to obtain approval from the Ministry of the Attorney General of set fines for offences under the draft By-law when the By-law has been passed.
- 3) That the amending draft By-law, which amends By-law No.19-259, being a By-law to Administer Notices and Other Matters under the Trespass to Property Act, attached as Appendix “B” to Report PW25005, which has been prepared in a form satisfactory to the City Solicitor, **BE APPROVED**.

Key Facts

- By-law No.16-111, a By-law respecting the Passenger Transportation System Operated and/or Funded by the City of Hamilton (the “Transit By-law”) was originally enacted in 2016.
- Over the last eight years various changes have occurred to the City’s transit system, including in the layout of buses and the increasing use of e-bikes and e-scooters, as well as how individuals interact with operators and other customers.

- An incident occurred on a transit vehicle that highlighted the omission of transit vehicles from the definition of “City premises” and the lack of the ability to appeal under the City’s current Trespass By-law, By-law No.19-259. This report remedies those identified gaps.

Financial Considerations

Not applicable.

Background

Not applicable.

Analysis

Updates and changes to the By-laws addressed in this report are being recommended in consultation with the City’s Legal Services.

Transit By-law Changes

In the eight years since the Transit By-law has been enacted, evolving urban mobility trends and public health insights have resulted in several operation changes to passenger transit within the City.

These changes are reflected in the new by-law respecting the passenger transportation system that staff have prepared to replace the current Transit By-law.

A summary of the significant proposed changes in the draft By-law, attached as Appendix “A” to Report PW25005, are as follows:

1. Additional definitions to cover “E-Scooters”, “Motor-Assisted Bicycles” and “Power-Assisted Bicycles” in recognition of the changing urban mobility devices in use in recent years and have been included in the Prohibited Conduct section.
2. An added definition of “Smoke” which incorporates various means of producing smoke in addition to a cigarette, including electronic cigarette, pipe, waterpipe and other smoking equipment.
3. The definition of “Service Animal” has been revised and the term “Support Person” has been added, both of which mirror the definitions of such in the *Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c.11* and the *Blind Persons’ Rights Act, R.S.O. 1990, c.B.7.*
4. Reference to the City’s Trespass By-law 19-259 is added.
5. The Conduct section has been re-named as the Prohibited Conduct section and numerous additional prohibited behaviours and actions, most of which relate to interactions between transit users which create an unwelcoming and unsafe on-board experience, have been added.
6. Additional transition provisions to ensure that any obligations or charges relating to the repealed by-law may be continued and enforced.

Trespass By-law Updates

The definition of “City premises” in the Trespass By-law No. 19-259 does not currently include transit vehicles. Therefore, the procedure for issuing trespass notices and appeals under the Trespass By-law does not apply to transit vehicles. Rather, under the current Transit By-law, the Director of Transit has authority to prohibit persons from using transit.

However, in 2024 when a trespass notice was issued by City staff to a transit user, banning them from using a Transit Vehicle it was noted that a fulsome appeal process was not provided for under By-law No. 16-111, nor was the transit user able to partake in the appeal process under the Trespass By-law.

By amending the Trespass By-law to include transit vehicles within the definition of “City premises”, transit users will be subject to the same trespass notice procedure as well as the appeal process applicable to all City premises.

The amending by-law to amend Trespass By-law No. 19-259, is attached as Appendix “B” to Report PW25005.

Alternatives

Not applicable.

Relationship to Council Strategic Priorities

This recommendation relates to the responsiveness and transparency priority. Providing clear guidelines for transit users to follow will improve the service expectations, while updates to the Trespass By-law will offer a clear appeal path for transit users who may be issued trespass notices.

Additionally, proposed changes in the new Transit By-law provide employees the required support needed to perform their roles in a manner that keeps themselves and other passengers safe.

Previous Reports Submitted

- [PW15078\(a\) Transit By-law, Public Works Committee April 18, 2016](#)
- [By-law No. 16-111 Transit By-law](#)
- [By-law No. 19-259](#)

Consultation

Patricia D’Souza, Solicitor, Corporate Services, Legal Services

Appendices and Schedules Attached

Appendix A: Draft By-law respecting the Passenger Transportation System Operated and/or Funded by the City of Hamilton

Appendix B: Draft By-law which amends By-law No.19-259, being a By-law to Administer Notices and Other Matters under the Trespass to Property Act

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