



PLANNING COMMITTEE

Report 12-013

9:30 am

Wednesday, September 5, 2012

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Councillors B. Clark (Chair), J. Farr (1st Vice Chair), B. Johnson (2nd Vice Chair), C. Collins, L. Ferguson, J. Partridge, R. Pasuta, M. Pearson and T. Whitehead

Also Present: Councillor R. Powers

THE PLANNING COMMITTEE PRESENTS REPORT 12-013 AND RESPECTFULLY RECOMMENDS:

1. Hamilton Municipal Heritage – Minutes 12-007 (Item 5.1)

That the Hamilton Municipal Heritage Minutes 12-007, be received.

2. Hamilton Municipal Heritage Committee – Report 12-004 (Item 5.2)

Sanford Avenue School, 149 Sanford Avenue North (L)

- (a) That the Hamilton Municipal Heritage Committee request that Council put a hold on any demolition permit respecting Sanford Avenue School, 149 Sanford Avenue North, until further discussion with the School Board can occur;
- (b) That the Hamilton Municipal Heritage Committee request that Council direct staff to meet with School Board officials to discuss holding an Expression of Interest (EOI) regarding the adaptive reuse of Sanford School;

- (c) That the adaptive reuse of Sanford School be placed as an item on the School Board Properties Sub-Committee.

3. Heritage Permit Application HP2012-033 Under Part V of the Ontario Heritage Act for Demolition of an Existing Single Detached Residence and Ancillary Structures and Erection of a New Single Detached Residence at 975 Beach Boulevard (Hamilton) (PED12167) (Ward 5) (Item 5.3)

That Heritage Permit Application HP2012-033 be approved for demolition of an existing single detached residence and ancillary structures, and erection of a new single detached residence at 975 Beach Boulevard (Hamilton Beach Heritage Conservation District) (Hamilton), subject to the following conditions:

- (a) That the history and construction methods and materials for all the existing structures shall be documented, to the satisfaction and approval of Planning staff, prior to demolition, including the identification of features or materials from the existing structures to be salvaged and, if feasible, reused in the new construction;
- (b) That as many existing trees as possible shall be retained, and/or that 1 to 3 new trees, of a minimum caliper of 55 mm and of a species consistent with the City of Hamilton's Tree Species and Recommended Use Index, shall be planted within one year of occupancy of the new dwelling;
- (c) That a plan depicting the removed, retained, and new trees, including the caliper size, locations, and species shall be submitted, to the satisfaction and approval of Planning staff, prior to any grading or tree removals;
- (d) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;
- (e) That construction and site alterations, in accordance with this approval, shall be completed no later than August 31, 2014. If the construction and site alterations are not completed by August 31, 2014, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

4. Street Name Change for a Portion of Mud Street West to Penny Lane (Stoney Creek) (PED12154) (Ward 9) (Item 6.1)

- (a) That a portion of Mud Street West, in the former City of Stoney Creek, be renamed "Penny Lane" as identified on Appendix "A" to Report PED12154;

- (b) That the draft By-law, attached as Appendix “D” to Report PED12154, which has been prepared in a form satisfactory to the City Solicitor, be enacted.

5. Applications for Approval of a Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 101 Nash Road North (Hamilton) (PED12163) (Ward 5) (Item 6.2)

- (a) That approval be given to Amended Zoning Application ZAC-12-007, by Triple F Developments, Owner, for a change in zoning from the “C/S-1505” (Urban Protected Residential, etc.) District, Modified, to the “R-4/S-1661” (Small Lot Single Family Dwelling) District, Modified, with a Special Exception, to permit the development of 20 lots for single detached dwellings, for lands located at 101 Nash Road North (Hamilton), as shown on Appendix “A” to Report PED12163, on the following basis:
 - (i) That the draft By-law, attached as Appendix “B” to Report PED12163, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law be added to Schedule “E-94” of City of Hamilton Zoning By-law No. 6593;
 - (iii) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan.
- (b) That approval be given to Amended Draft Plan of Subdivision Application 25T-201203, by Triple F Developments, Owner, as red-line revised, to establish a draft plan of subdivision known as “101 Nash Road”, on lands located at 101 Nash Road North (Hamilton), as shown on Appendix “A” to Report PED12163, subject to the following conditions:
 - (i) That this approval apply to “101 Nash Road”, 25T-201203, as red-line revised, prepared by Urbex Engineering Limited, and certified by A.T. McLaren, O.L.S., dated July 20, 2012, showing 20 lots for single detached dwellings (Lots 1-20), and 2 blocks for daylight triangles (Blocks 21 and 22), attached as Appendix “C” to Report PED12163, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix “D” to Report PED12163;
 - (ii) Acknowledgement that there will be no City share for any municipal works associated with this development;

- (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 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 land on the day prior to the issuance of each building permit for each said Lot or Block.

With regards to Lots 1 to 20, a parkland dedication, at a ratio of 5% of the net land area, will be required.

All in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council.

- (c) That upon finalization of the implementing By-law, the subject lands within the Kentley Neighbourhood Plan be redesignated from "Civic and Institutional" to "Single and Double Residential".

6. Community Mediation Services for Municipal Law Enforcement (PED11181(b)) (City Wide) (Item 8.1)

- (a) That the Senior Director of Parking and By-law Services and/or his designate be authorized and directed to execute an agreement with Community Justice Initiatives (CJI) to provide community mediation services for a 24 month pilot project for the Municipal Law Enforcement Section in a form satisfactory to the City Solicitor;
- (b) That staff report back before the end of the 24 month pilot project with a full assessment of costs, efficiencies and effectiveness of providing mediation services for the Municipal Law Enforcement Section.

7. Sharing the Names of Owners Whose Dogs are Involved in Attacks (PED11053(b)) (City Wide) (Item 8.2)

- (a) That the Information Report PED11053(b), respecting Sharing the Names of Owners Whose Dogs are Involved in Attacks, be received;
- (b) That the disclosure policy, attached hereto as Appendix "A", be approved and enacted by Council.

- 8. Proposed Settlement of OMB appeal regarding Zoning By-law Amendment Application ZAC-11-019 by 1340791 Ontario Ltd., affecting lands municipally known as 121 Fiddlers Green Road in the former municipality of Ancaster (LS12027) (Item 12.1)**
- (a) That the modified development proposal and associated Minutes of Settlement submitted as a basis for settlement of the appeal of zoning by-law amendment application ZAC-11-019 by 1340791 Ontario Ltd., affecting lands municipally known as 121 Fiddlers Green Road in the former municipality of Ancaster, attached as Appendix A to report LS12027, be approved;
 - (b) That the City Solicitor or his designate be authorized to execute the Minutes of Settlement on behalf of the City with such minor revisions thereto as the City Solicitor or his designate deem necessary;
 - (c) That the Minutes of Settlement on page 3 be amended to include two additional conditions as 3. (h) and 3. (i), and that upon Council approval of the proposed settlement between the City of Hamilton and 1340791 Ontario Ltd. respecting their appeal of zoning by-law amendment application ZAC-11-019 in the former municipality of Ancaster, the Minutes of Settlement, attached as Appendix "A", as amended, to Report LS12027, be released as a public document;
 - (d) That Report LS12027 and the memorandum from the external planning consultant, attached as Appendix B to Report LS12027 remain confidential and be released as a public document at the conclusion of the OMB proceeding.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following changes to the Agenda:

DELEGATION REQUESTS

- 4.1 Delegation Request from Tom and Teresa St Michael respecting item 12.1, Proposed Settlement of OMB appeal regarding Zoning By-law Amendment Application ZAC-11-019 by 1340791 Ontario Ltd., affecting lands municipally known as 121 Fiddlers Green Road in the former municipality of Ancaster (*For Today's Meeting*)

- 4.2 Delegation Request from Frank Van Hullenaar respecting item 12.1, Proposed Settlement of OMB appeal regarding Zoning By-law Amendment Application ZAC-11-019 by 1340791 Ontario Ltd., affecting lands municipally known as 121 Fiddlers Green Road in the former municipality of Ancaster (*For Today's Meeting*)
- 4.3 Delegation Request from Arun Pathak respecting the report being presented about project compliance pilot results
- 4.4 Delegation Request from Mike Whaling respecting an illegal business

PUBLIC HEARINGS AND DELEGATIONS

- 6.3 Proposed Zoning By-law Amendment for 24 Brock Street North (Dundas) (PED12156) (Ward 13)

Public Submissions:

- (iii) John Walker
- (iv) Lindsay Beaudoin
- (v) Brad Hussey
- (vi) John Parcher
- (vii) Gwen Harper
- (viii) Cheri Harrington
- (ix) Scott Emmink
- (x) Mark and Christine McComb
- (xi) Gerald Smith
- (xii) Keith Sharp
- (xiii) Janet Casey
- (xiv) Jennifer Waring
- (xv) Jan Jansen
- (xvi) Kris Traherne
- (xvii) Liz Crickmore
- (xviii) Eric Blinkhorn
- (xix) Neighbourhood concerns
- (xx) Tom and Betty Zancola
- (xxi) Barbara Bennett
- (xxii) Janis Hudak
- (xxiii) Tammy Purchase
- (xxiv) Janice Hladki
- (xxv) Becky Thomas
- (xxvi) Jim Couper
- (xxvii) Martin Shepley
- (xxviii) Joan Sinding

- (xxix) Janet Martin
- (xxx) Barbara Patterson
- (xxxi) Yvonne Mullan
- (xxxii) Karen Bruder
- (xxxiii) Kerry Bruder
- (xxxiv) Ken MacDonald
- (xxxv) Jim Blinkhorn
- (xxxvi) Howard Barker
- (xxxvii) Catherine Murch

The Agenda for the September 5, 2012 meeting of the Planning Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None.

(c) APPROVAL OF MINUTES (Item 3)

(i) August 14, 2012

The Minutes of the August 14, 2012 Planning Committee meeting were approved.

(d) DELEGATION REQUESTS (Item 4)

(i) Delegation Request from Tom and Teresa St Michael respecting item 12.1, Proposed Settlement of OMB appeal regarding Zoning By-law Amendment Application ZAC-11-019 by 1340791 Ontario Ltd., affecting lands municipally known as 121 Fiddlers Green Road in the former municipality of Ancaster (*For Today's Meeting*) (Item 4.1)

The delegation request from Tom and Teresa St Michael, respecting item 12.1, Proposed Settlement of OMB appeal regarding Zoning By-law Amendment Application ZAC-11-019 by 1340791 Ontario Ltd., affecting lands municipally known as 121 Fiddlers Green Road in the former municipality of Ancaster, was approved.

(ii) Delegation Request from Frank Van Hullenaar respecting item 12.1, Proposed Settlement of OMB appeal regarding Zoning By-law Amendment Application ZAC-11-019 by 1340791 Ontario Ltd.,

affecting lands municipally known as 121 Fiddlers Green Road in the former municipality of Ancaster (*For Today's Meeting*) (Item 4.2)

The delegation request from Frank Van Hullenaar, respecting item 12.1, Proposed Settlement of OMB appeal regarding Zoning By-law Amendment Application ZAC-11-019 by 1340791 Ontario Ltd., affecting lands municipally known as 121 Fiddlers Green Road in the former municipality of Ancaster, was approved.

(iii) Delegation Request from Arun Pathak respecting the report being presented about project compliance pilot results (Item 4.3)

The delegation request from Arun Pathak respecting, the report being presented about project compliance pilot results, was approved for a future meeting.

(iv) Delegation Request from Mike Whaling respecting an illegal business (Item 4.4)

The delegation request from Mike Whaling, respecting an illegal business, was approved for a future meeting.

(e) PUBLIC HEARINGS AND DELEGATIONS (Item 6)

(i) Street Name Change for a Portion of Mud Street West to Penny Lane (Stoney Creek) (PED12154) (Ward 9) (Item 6.1)

In accordance with the provision of the Planning Act, Chair B. Clark advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the street name change, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No public speakers came forward.

The public meeting respecting, Report PED12154, Street Name Change for a Portion of Mud Street West to Penny Lane (Stoney Creek), was closed.

The staff presentation respecting, Report PED12154, Street Name Change for a Portion of Mud Street West to Penny Lane (Stoney Creek), was waived.

For disposition on this Item, refer to item 4.

(ii) Applications for Approval of a Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 101 Nash Road North (Hamilton) (PED12163) (Ward 5) (Item 6.2)

In accordance with the provision of the Planning Act, Chair B. Clark advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the zoning by-law amendment and draft plan of subdivision, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No public speakers came forward.

The public meeting respecting, Report PED12163, Applications for Approval of a Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 101 Nash Road North (Hamilton), was closed.

The staff presentation respecting, Report PED12163, Applications for Approval of a Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 101 Nash Road North (Hamilton), was waived.

For disposition on this Item, refer to item 5.

(iii) Proposed Zoning By-law Amendment for 24 Brock Street North (Dundas) (PED12156) (Ward 13) (Item 6.3)

Public Submissions

- (i) Public Submission – H.E.A.R.D.
- (ii) Public Submission – Petition, Concerned Citizens of Dundas
- (iii) John Walker
- (iv) Lindsay Beaudoin
- (v) Brad Hussey

- (vi) John Parcher
- (vii) Gwen Harper
- (viii) Cheri Harrington
- (ix) Scott Emmink
- (x) Mark and Christine McComb
- (xi) Gerald Smith
- (xii) Keith Sharp
- (xiii) Janet Casey
- (xiv) Jennifer Waring
- (xv) Jan Jansen
- (xvi) Kris Traherne
- (xvii) Liz Crickmore
- (xviii) Eric Blinkhorn
- (xix) Neighbourhood concerns
- (xx) Tom and Betty Zancola
- (xxi) Barbara Bennett
- (xxii) Janis Hudak
- (xxiii) Tammy Purchase
- (xxiv) Janice Hladki
- (xxv) Becky Thomas
- (xxvi) Jim Couper
- (xxvii) Martin Shepley
- (xxviii) Joan Sinding
- (xxix) Janet Martin
- (xxx) Barbara Patterson
- (xxxi) Yvonne Mullan
- (xxxii) Karen Bruder
- (xxxiii) Kerry Bruder
- (xxxiv) Ken MacDonald
- (xxxv) Jim Blinkhorn
- (xxxvi) Howard Barker
- (xxxvii) Catherine Murch

In accordance with the provision of the Planning Act, Chair B. Clark advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the zoning by-law amendment, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Cam Thomas, Planner, provided an overview with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

The staff presentation respecting PED12156, Proposed Zoning By-law Amendment for 24 Brock Street North (Dundas), was received.

Public Speakers

(aa) Jane Lowry - H.E.A.R.D.

Ms. Lowry expressed that she is representing a group of citizens as H.E.A.R.D. and highlighted the concerns with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

(bb) Joanne Dear - H.E.A.R.D.

Mrs. Dear highlighted the concerns of H.E.A.R.D. with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

(cc) William Hilson - H.E.A.R.D.

Mr. Hilson highlighted the concerns of H.E.A.R.D. with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

(dd) Adele Barrett - H.E.A.R.D.

Mrs. Barrett highlighted the concerns of H.E.A.R.D. with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

(ee) Andrea Dalrymple – 334 Park St. W., Hamilton, ON L9H 1Z2

Ms. Dalrymple expressed concerns over responsible development that fits within the neighbourhood.

(ff) Christine McComb – 244 Melville St., Hamilton, ON L9H 2B5

Ms. McComb expressed concerns over safety and privacy.

(gg) John Parcher – 238 Melville St., Hamilton, ON L9H 2B4

Mr. Parcher expressed concerns over traffic patterns.

(hh) Jeff Gowland – 331 King St. W., Hamilton, ON L9H 1W5

Mr. Gowland expressed concerns of over-intensification and traffic studies.

(ii) Curt Zorn – 284 Melville St., Hamilton, ON L9H 2B6

Mr. Zorn expressed concerns over shadow studies and the impact of the development on the neighbourhood.

(jj) Erin Horril – 27 Brock St. N., Hamilton, ON L9H 3A6

Ms. Horril expressed concerns over the impact of the development on the neighbourhood.

(kk) Keith Sharp – 335 King St. W., Hamilton, ON L9H 1W5

Mr. Sharp expressed concerns over the impact of the development on the neighbourhood.

(ll) Scott Chamberlain – 273 Melville St., Hamilton, ON L9H 2B5

Mr. Chamberlain expressed concerns over the traffic patterns.

(mm) Patrick Doran – 132 Melville St., Hamilton, ON L9H 2A5

Mr. Doran expressed concerns over the impact of the development on the neighbourhood.

(nn) Robert Van Amelsvoort – 25 Brock St. N., Hamilton, ON L9H 3A6

Mr. Van Amelsvoort expressed concerns over the traffic and safety of the area

The public hearing respecting PED12156, Proposed Zoning By-law Amendment for 24 Brock Street North (Dundas), was closed.

The public presentations and public submissions respecting PED12156, Proposed Zoning By-law Amendment for 24 Brock Street North (Dundas), was received.

Steven Fraser, agent, provided an overview with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

The agent's presentation respecting PED12156, Proposed Zoning By-law Amendment for 24 Brock Street North (Dundas), was received.

Report PED12156, Proposed Zoning By-law Amendment for 24 Brock Street North (Dundas), was referred back to staff for further consultation with the developer on issues related to minimum front yard, minimum side yard, minimum rear yard, maximum height (including a mechanical penthouse) and to seek clarity from the NEC on the details of the final project which will be presented to Committee.

(f) GENERAL INFORMATION AND OTHER BUSINESS (Item 11)

(i) Outstanding Business List Amendments (Item 11.1)

The following items were removed from the Outstanding Business List:

- (a) Item F: Proposed policy on release of names of owners whose dogs attack others

(g) PRIVATE AND CONFIDENTIAL (Item 12)

(i) Proposed Settlement of OMB appeal regarding Zoning By-law Amendment Application ZAC-11-019 by 1340791 Ontario Ltd., affecting lands municipally known as 121 Fiddlers Green Road in the former municipality of Ancaster (LS12027) (Item 12.1)

Delegations

- (aa) Teresa St Michael – 25 Douglas Rd., Hamilton, ON L9G 2E2

Ms. St Michael opposes the development at 121 Fiddlers Green Road.

- (bb) Tom St Michael – 25 Douglas Rd., Hamilton, ON L9G 2E2

Mr. St Michael opposes the development at 121 Fiddlers Green Road.

- (cc) Frank Van Hullenaar – 33 Douglas Rd., Hamilton, ON L9G 2E2

Mr. Van Hullenaar opposes the development at 121 Fiddlers Green Road.

At 1:40 p.m., Committee moved into Closed Session to consider a confidential matter pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law and Section 239, Sub-sections (e) and (f) 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; and, the receiving of advice that is subject to solicitor-client privilege including communications necessary for that purpose.

The Planning Committee reconvened in Open Session at 2:35 p.m.

For disposition on this Item, refer to item 8.

(h) ADJOURNMENT

There being no further business, the Planning Committee adjourned at 2:41 p.m.

Respectfully submitted,

Councillor B. Clark
Chair, Planning Committee

Vanessa Robicheau
Legislative Coordinator
Office of the City Clerk

Appendix A**DISCLOSURE POLICY****OWNER WHOSE DOG HAS ATTACKED A PERSON OR A PERSON'S ANIMAL****1. Policy Statement**

This Policy sets out when the Manager of Animal Services, Parking and By-law Enforcement, Planning Department ("Manager of Animal Services") may disclose the name of, charge against and last known address of an owner whose dog has attacked a person or a person's animal.

The Policy is not applicable to any information relating to a dog attack other than the name of, the charge against and the last known address of the owner.

2. Definitions

For the purposes of this Policy:

"**animal**" means any member of the animal kingdom, other than a human;

"**charge**" means a charge under a City of Hamilton by-law or the *Dog Owners' Liability Act*;

"**owner**" means an adult who has care, control or possession of an animal; and

"**victim**" means:

(a) a person who has been attacked by an animal and includes:

(i) when the person is a child, the child's parent or guardian;

(ii) when the person is incompetent or incapacitated, the person's legal representative; or

(b) an owner of an animal that has been attacked by another animal.

3. Scope

This policy applies to animal attacks on a person or a person's animal in the City of Hamilton that are investigated by Animal Services.

4. Before a Charge is Laid / No Charge is Laid

- (1) The Manager of Animal Services may not disclose the name and/or last known address of an owner whose dog has attacked a person or a person's animal before a charge in respect of the attack is laid.

Rationale

Disclosure is not provided before a charge is laid because this may be detrimental to proceeding with enforcement. (Section 8(1)(b) *Municipal Freedom of Information and Protection of Privacy Act*)

In addition, the information is not yet publicly available through the courts.

- (2) The Manager of Animal Services may not disclose the name and/or last known address of an owner whose dog has attacked a person or a person's animal when no charge in respect of the attack is laid.

Rationale

Disclosure is not provided when no charge is laid because in most circumstances, this occurs when a reasonable belief that an offence took place is lacking.

In addition, the information is not yet publicly available through the courts.

5. After a Charge is Laid

- (1)(a) The Manager of Animal Services may disclose to the public the name of and the charge against an owner whose dog has attacked a person or a person's animal after a charge with respect to the attack is laid upon request, in the form of a press release or by other means.

Rationale

Disclosure to the public of the name and the charge is provided after a charge is laid because it notifies the public of the City's law enforcement activities and deters others from committing similar offences.

In addition, the name and the charge, although difficult to obtain, are publicly available through the courts.

- (b) The Manager of Animal Services may disclose to the public the name of, the charge against and the last known address of an owner whose dog has attacked a person or a person's animal after a charge with respect to the attack is laid and when the dog remains in the possession of the owner, in the form of a press release or by other means.

The Manager of Animal Services shall make a reasonable attempt in advance to provide the dog owner with the opportunity to make representations as to why the disclosure should not take place and shall consider any such representations before making a disclosure. The Manager of Animal Services will consult the City's freedom of information staff and may consult legal staff in making a request for and responding to any representation. The timeline for responding for a request for a representation will be such that the objective of protecting the health and safety of residents of the City can be met.

Rationale

Disclosure of the name, the charge and the last known address is provided after a charge is laid when the dog has not been impounded to protect the health and safety of residents of the City by making them aware of where the dog is kept and allowing them to take precautions to protect themselves and their animals against subsequent attacks. Notice of this disclosure will be provided to the dog owner in accordance with s. 14(1)(b) of *Municipal Freedom of Information and Protection of Privacy Act* which states that:

Personal privacy

14.(1) A head shall refuse to disclose personal information to any person other than the individual to whom the information relates except,

...

(b) in compelling circumstances affecting the health or safety of an individual, if upon disclosure notification thereof is mailed to the last known address of the individual to whom the information relates;

In addition, the name, the charge and the last known address, although difficult to obtain, are publicly available through the courts.

- (2) The Manager of Animal Services may disclose to a victim the name of, the charge against and the last known address of an owner whose animal has attacked a person or a person's animal after a charge which respect to the attack is laid upon request.

The Manager of Animal Services shall make a reasonable attempt in advance to provide the dog owner with the opportunity to make representations as to why the disclosure should not take place and shall consider any such representations before making a disclosure. The Manager of Animal Services will consult the City's freedom of information staff and may consult with legal staff in making a request for and responding to any representation. The timeline for responding for a request for a representation will be such that the objective of enabling a victim to seek redress can be met.

Rationale

Disclosure of the name, the charge and the last known address is provided after a charge is laid to a victim to enable them to seek redress.

In addition, the name, the charge and the last known address, although difficult to obtain, are publicly available through the courts.

6. Access Request under the *Municipal Freedom of Information and Protection of Privacy Act*

It is open to the public to make a formal access request to the City of Hamilton for the name and/or last known address of a dog owner under the *Municipal Freedom of Information and Protection of Privacy Act*. Such access requests should be directed to:

Manager, Records and Freedom of Information
City Clerk's Division
City Hall
71 Main Street West, 1st Floor
Hamilton, ON L8P 4Y5

(905) 546-2424 ext 2743
(905) 546-2095 (fax)
clerk@hamilton.ca (email)

7. Review and Updating of Policy

This Policy will be reviewed and updated as required.