SUBJECT: Housekeeping Amendment to the User Fees and Charges By-law 09-118 (PED09270) (City Wide)

RECOMMENDATION:

(a) That Schedule “A” to the User Fees and Charges By-law 09-118 be amended to indicate that an inspection fee may be charged for any municipal by-law enforced by City of Hamilton staff, except the Vital Services By-Law No. 05-322.

(b) That the proposed amending by-law, attached as Appendix “A” to Report PED09270, which has been prepared in a form satisfactory to the City Solicitor, be enacted.

EXECUTIVE SUMMARY:

This housekeeping amendment is being proposed to correct errors in Schedule “A” of the User Fees and Charges By-law, as the listing of the municipal by-laws to which inspection fees apply is incomplete, and erroneously includes “fee for service” for the Vital Services By-Law which is not allowed under the Residential Tenancies Act 2006.

This report recommends that the User Fees and Charges By-law 09-118 be amended to indicate that a “fee for service” charge may be applied to any municipal by-law (except Vital Services) enforced by City staff, and removes the Vital Services By-Law from the listing.
BACKGROUND:

A routine review of the 2009 User Fees and Charges By-law revealed that only some municipal by-laws requiring inspections are listed as being eligible for application of “fee for service” when an inspection reveals continued non-compliance, and that the Vital Services By-Law was included in error.

ANALYSIS/RATIONALE:

The “fee for service” listing in Schedule “A” of the User Fees and Charges By-law is intended to apply to inspections under all municipal by-laws (except Vital Services), as was specified in previous versions of the User Fees and Charges By-Law. Enacting the proposed amendment to include all municipal by-laws will allow the City to recover inspection costs for all by-laws. Removing the reference to “fee for service” for the Vital Services By-Law is also recommend as these charges are not allowed or applied to this By-Law.

ALTERNATIVES FOR CONSIDERATION:

If City Council chooses not to approve the amendment, Schedule “A” of the User Fees and Charges By-law will only authorize fees for inspections for some municipal by-laws, and costs incurred for inspections could not be recouped, and the Vital Services By-law will continue to be listed erroneously.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are no staffing or legal implications associated with the recommendation. There would be financial implications to the City if the proposed amendments are not approved as costs incurred for inspections of the missing by-laws could not be recouped.

POLICIES AFFECTING PROPOSAL:

N/A

RELEVANT CONSULTATION:

Finance and Legal Services Divisions of Corporate Services.

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, and economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.
Community Well-Being is enhanced. ☑ Yes ☐ No

An efficient and effective By-Law Enforcement Program contributes directly to the health, safety and well being of the Community.

Environmental Well-Being is enhanced. ☑ Yes ☐ No

An efficient and effective By-Law Enforcement Program contributes directly to the health, safety and well being of the Community.

Economic Well-Being is enhanced. ☑ Yes ☐ No

An efficient and effective By-Law Enforcement Program contributes directly to the health, safety and well being of the Community.

Does the option you are recommending create value across all three bottom lines?

☑ Yes ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants?

☐ Yes ☑ No

MBH/CV/dt
Attach. (1)
CITY OF HAMILTON

BY-LAW NO.______

To Amend By-Law No. 09-118, A By-Law To Establish Certain 2009 User Fees And Charges For Services, Activities Or The Use Of Property

WHEREAS Council of the City of Hamilton enacted a by-law to establish certain 2009 user fees and charges for services, activities or the use of property being City of Hamilton By-law No. 09-118;

AND WHEREAS this By-law provides for deleting and replacing page 19 of Schedule A to By-law No. 09-118;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Page 19 of Schedule A to By-law No. 09-118 is deleted and replaced with the following new page 19:
# 2009 APPROVED USER FEES AND CHARGES

**Department:** Planning & Economic Development  
**Division:** Parking & By-Law Services - Municipal Law - General Fees

<table>
<thead>
<tr>
<th>Service or Activity Provided or Use of City Property</th>
<th>2009 Approved Fee</th>
<th>GST (Y/N)*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Certificate of Compliance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Single detached dwelling</td>
<td>$233.00</td>
<td>N</td>
</tr>
<tr>
<td>b) A two, three or multiple unit dwelling</td>
<td>$233.00 plus $34.00 for each additional dwelling unit in excess of the first</td>
<td>N</td>
</tr>
<tr>
<td>c) A lodging house</td>
<td>$233.00 plus $23.00 per each permitted resident. Required every 3 years.</td>
<td>N</td>
</tr>
<tr>
<td>d) All other buildings (Liquor licence)</td>
<td>$233.00 plus $12.00 per 100 square metres in excess of the first 100 square metres</td>
<td>N</td>
</tr>
<tr>
<td>e) Residential care facility</td>
<td>$233.00 plus $23.00 per each permitted resident. For first time applications &amp; change in ownership.</td>
<td>N</td>
</tr>
<tr>
<td>f) Discharge of an Order - Non registered Order to Comply</td>
<td>$233.00</td>
<td>N</td>
</tr>
<tr>
<td>g) Discharge of an Order - Registered Order To Comply</td>
<td>$500.00</td>
<td>N</td>
</tr>
</tbody>
</table>
| Fees charged for inspections resulting from non-compliance with any municipal by-law | 1st Inspection - No Charge  
2nd Inspection - $233 Additional Inspections - $116 each | N |
| Vital Services - Admin Fee                          | 10% of total Utility billings paid by the City | N |
| Noise by-Law Exemption                              | $527.00           |            |

* Note: GST is not to be included in 2009 Approved Fee. If GST = "y", GST is collected in addition to the fee.
2. This By-law is deemed to come into force on January 1, 2009.

PASSED this __________ day of __________, 2009.

____________________________  ______________________________
Fred Eisenberger                Kevin C. Christenson
Mayor                           Clerk