TO: Chair and Members  
Economic Development and Planning Committee  

WARD(S) AFFECTED: WARDS 1, 2, 3, 4, 6, 7, 9, 12, 13, 15

COMMITTEE DATE: August 9, 2010

SUBJECT/REPORT NO: Housekeeping Amendments to Delegating Authority By-law 10-052 (PED10167)

SUBMITTED BY:  
Tim McCabe  
General Manager  
Planning and Economic Development Department

PREPARED BY:  
Hazel Milsome 905-546-2424 ext 2755

RECOMMENDATION:

(a) That housekeeping amendments to By-law 10-052 which delegates authority of certain loans and grants to the General Manager, Planning and Economic Development be approved.

(b) That the draft by-law, attached as Appendix ‘A’ to Report PED10167, which has been prepared in a form satisfactory to the City Solicitor, be passed and enacted.

EXECUTIVE SUMMARY

By-law 10-052 delegates the authority to the General Manager, Planning and Economic Development to approve grants and loans for certain financial incentive programs. One of the programs included in the delegated authority is the Hamilton Heritage Property Grant Program. The Ontario Heritage Act allows the municipality to offer loans and grants to property owners of designated properties. In application, it became apparent...
that reference to the Ontario Heritage Act was omitted from By-law 10-052, therefore an amendment to the By-law considered housekeeping in nature is required.

Alternatives for Consideration – See Page 3.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial: Funding for the approved grants under the Hamilton Heritage Property Grant Program is contained in the Main Street Program Reserve (102048) and Capital Project ID# 8200803803; 8200903803; and, 8201003803. Payments from the Reserve account flow through Dept. ID 58201-815025.

There are no financial implications to this report.

Staffing: Administration of the Hamilton Heritage Property Grant Program can be accommodated within the Downtown and Community Renewal Division and Community Planning and Design Section of the Planning and Economic Development Department as well as the Corporate Services Department.

There are no staffing implications to this report.

Legal: Sections 9 and 10 of the Municipal Act, 2001, S.O. 2001, c. 25 in accordance with section 23.1 of the Municipal Act, 2001, states the powers of a municipality under that or any other Act may be delegated to a person or body subject to the restrictions set in sections 23.2 to 23.5, inclusive of the Municipal Act, 2001.

Sub-Section 39.1 of the Ontario Heritage Act states that a council of a municipality may pass by-laws providing for the making of a grant or loan to the owner of a property designated under the Act for the purpose of paying for the whole or any part of the cost of alteration of such designated property on such terms and conditions as the Council may prescribe. By-law 07-346 approved by City Council at its meeting held December 12, 2007 authorizes the municipality to offer loans and grants to owners of a property designated under the Ontario Heritage Act.

HISTORICAL BACKGROUND (Chronology of events)

City Council, at its meeting held January 27, 2010, authorized the General Manager, Planning and Economic Development to approve loans and grants to a maximum of $200,000 under the Commercial Property Improvement Grant Program, the Commercial Corridor Housing Loan and Grant Program and, the Hamilton Heritage Property Grant Program.
Provincial legislation allows a municipality to delegate its powers to a person or body through a municipal by-law authorizing the delegation. City Council at its meeting held March 20, 2010 approved Delegating Authority By-law 10-052.

**POLICY IMPLICATIONS**

The proposed amendments comply with the Municipal Act, 2001.

**RELEVANT CONSULTATION**

Staff from Legal Services, City Manager’s Office were consulted and concur with the recommendations included in Report PED10167.

**ANALYSIS / RATIONALE FOR RECOMMENDATION**

City Council’s resolution to delegate authority to the General Manager, Planning and Economic Development to approve loans and grants under certain financial incentive programs included the approval of grants under the Hamilton Heritage Property Grant Program. In order to implement Council’s direction an amendment to the Delegating Authority By-law is required.

**ALTERNATIVES FOR CONSIDERATION:**

If the housekeeping amendments to By-law 10-052 are not approved, the General Manager, Planning and Economic Development will not have delegated authority to approve grants under the Hamilton Heritage Property Grant Program. Therefore each application would have to be approved by City Council requiring an additional six (6) weeks to approve an application in order to meet the lead-time required for a report to be considered by the Economic Development and Planning Committee and ultimately City Council. The criticism received from applicants with respect to the length of time it takes between submitting an application for funding and receiving approval would not be addressed. This alternative is not recommended.

**Financial:** Not applicable.

**Staffing:** Not applicable

**Legal:** Not applicable
CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)


Growing Our Economy
• An improved customer service.

Environmental Stewardship
• This program supports the preservation/conservation of heritage properties.

Healthy Community
• Partnerships are promoted.

APPENDICES / SCHEDULES

Appendix ‘A’ to Report PED10167 – draft by-law to amend By-law 10-052.

HM:vk
CITY OF HAMILTON

BY-LAW NO. __________

To Amend City of Hamilton By-law No. 10-052 to delegate authority to the General Manager, Planning and Economic Development for certain grants and loans under the Downtown and Community Improvement Plan

WHEREAS the Council of the City of Hamilton enacted a by-law to delegate authority to the General Manager, Planning and Economic Development with respect to certain grants and loans under the Downtown and Community Improvement Plan being City of Hamilton By-law no. 10-052;

AND WHEREAS this By-law provides for housekeeping and technical amendments to City of Hamilton By-law No. 10-052;

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

1. City of Hamilton By-law No. 10-052 is amended by inserting the following recital between the fifth and sixth recitals:

   “AND WHEREAS under subsection 39(1) of the Ontario Heritage Act, R.S.O. 1990, c. O.18, Council enacted City of Hamilton By-law No. 07-346 to make grants or loans to owners of a property designated under Part IV of the Ontario Heritage Act for the purpose of paying for the whole or any part of the cost of alteration of such designated property on such terms and conditions as Council may prescribe;”
2. City of Hamilton By-law No. 10-052 is further amended by deleting Section 2 in its entirety and replacing it with the following new Section 2:

2. Subject to section 3, Council delegates to the General Manager of Planning and Economic Development power to approve grants or loans, which was given to Council under:

(1) subsection 28(7) of the Planning Act, for the following financial incentive programs created under the Community Improvement Plan:

(a) Commercial Property Improvement Grant Program; and

(b) Commercial Corridor Housing Loan and Grant Program;

and

(2) subsection 39(1) of the Ontario Heritage Act, for the financial incentive program known as the Hamilton Heritage Property Grant Program.

3. This By-law comes into force on the date of its passing.

PASSED this day of , 2010.

FRED EISENBERGER
MAYOR

ROSE CATERINI
CITY CLERK