

Authority: Item 4, Planning Committee
Report 21-014 (PED21035(a))
CM: September 29, 2021
Ward: City Wide
Bill No. 165

CITY OF HAMILTON
BY-LAW NO. 21-165

To Enact a By-law to Delegate Authority to the General Manager Planning and Economic Development for Certain Grants and Loans under the Revitalizing Hamilton's Commercial Districts Community Improvement Plan and *Ontario Heritage Act*

WHEREAS Subsection 28(2) of the *Planning Act*, as amended, provides that City Council may, by by-law, designate the whole or any part of an area covered by an Official Plan as a community improvement project area;

AND WHEREAS under subsection 39(1) of the *Ontario Heritage Act*, as amended, City Council enacted City of Hamilton By-law No. 07-346 to make grants or loans to owners of a property designated under Part IV or Part V of the *Ontario Heritage Act* for the purpose of paying all or a portion of the cost of alteration to designated properties on such terms and conditions as City Council may prescribe;

AND WHEREAS By-law 21-163, as amended, identifies areas of the City of Hamilton as Community Improvement Project Areas and are collectively designated as the "Revitalizing Hamilton's Commercial Districts Community Improvement Project Area";

AND WHEREAS Subsection 28(4) of the *Planning Act*, as amended, provides that where a by-law has been passed to designate a community improvement project area, City Council may provide for the preparation of a plan suitable for adoption as a community improvement plan for the community improvement project area;

AND WHEREAS By-law 21-164, as amended, adopted the Revitalizing Hamilton's Commercial Districts Community Improvement Plan for the Revitalizing Hamilton's Commercial Districts Community Improvement Project Area;

AND WHEREAS Subsection 28(7) of the *Planning Act*, as amended, provides that City Council may make grants or loans, in conformity with the community improvement plan, to registered owners, assessed owners and tenants of lands and buildings within the community improvement project area, and to any person to whom such an owner or tenant has assigned the right to receive a grant or loan, to pay for the whole or any part of the eligible costs permitted under the community improvement plan;

AND WHEREAS Sections 9 and 10 of the *Municipal Act*, as amended, and in accordance with Section 23.1 of the *Municipal Act*, as amended, the powers of a municipality under that or any other Act may be delegated to a person or body subject

to the restrictions established in Sections 23.2 through 23.5, inclusive of the *Municipal Act*, as amended;

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

1. By-law 10-052, as amended is repealed on such day that By-law No. 21-163 enacting the Revitalizing Hamilton's Commercial Districts Community Improvement Project Area and By-law 21-164 enacting the Revitalizing Hamilton's Commercial Districts Community Improvement Plan come into effect in accordance with Subsection 28(4) of the *Planning Act*;
2. In this By-law:

"City Council" means the Council of the City of Hamilton

"General Manager" means the General Manager of Planning and Economic Development, and in the case of a change in title of this position, shall include any successor position title;
3. Subject to Section 5 herein, City Council delegates to the General Manager power to approve grants/loans, which was given to City Council under Subsection 28(7) of the *Planning Act*, as amended, under the following financial incentive programs established under the Revitalizing Hamilton's Commercial Districts Community Improvement Plan, as amended:
 - (a) Commercial District Housing Opportunities Program;
 - (b) Commercial District Revitalization Grant Program;
 - (c) Barton/Kenilworth Revitalization Grant Program;
 - (d) Gore Building Improvement Grant Program;
 - (e) Commercial Vacancy Assistance Program; and
 - (f) Barton/Kenilworth Planning and Building Fees Rebate Program
4. Subject to Section 5 herein, City Council delegates to the General Manager power to approve grants or loans, which was given to City Council under subsection 39(1) of the *Ontario Heritage Act*, as amended, under the following financial incentive programs:
 - (a) Hamilton Heritage Conservation Grant Program; and,
 - (b) Hamilton Heritage Property Grant Program.

5. For the purposes of Sections 3 and 4 herein, the powers of the General Manager to approve grants, loans and/or rebates shall be limited to a maximum of \$200,000 per loan/grant
6. The General Manager is authorized to undertake all acts necessary to carry out the delegated power under Sections 3 and 4 herein, including the authority to sign any required documents.
7. This By-law may be cited as "A By-law to delegate authority to the General Manager of Planning and Economic Development for financial incentive programs".
8. This By-law comes into effect on the date that By-law 21-163 being a by-law to enact the Revitalizing Hamilton's Commercial Districts Community Improvement Plan comes into effect in accordance with Subsection 28(4) of the *Planning Act*.

PASSED this 29th day of September, 2021

F. Eisenberger
Mayor

A. Holland
City Clerk