

Authority: Section 284.11.1 of the *Municipal Act, 2001*

Ward: 5

Written approval for this by-law was given by Mayoral Decision MED-2024 11

Dated April 24, 2024

Bill No. 057

CITY OF HAMILTON

BY-LAW NO. 24-057

To Authorize the Declaration of 5 Lake Avenue South, Stoney Creek as Surplus to the Requirements of the City of Hamilton and to Authorize the Disposition of 5 Lake Avenue South, Stoney Creek and 13 Lake Avenue South, Stoney Creek

WHEREAS the City of Hamilton is committed to addressing the housing crisis by helping facilitate the building of more affordable housing; and

WHEREAS the Government of Ontario has set a target of 47,000 new units to be constructed in the City of Hamilton by 2031; and

WHEREAS the City of Hamilton is the owner of two properties located on Lake Avenue just south of King Street East in the downtown of Stoney Creek, with lot-area of 0.15 acres (5 Lake Avenue South) and 0.92 acres (13 Lake Avenue South) respectively; and

WHEREAS the two sites are part of an existing municipal surface parking lot which extends east to Mountain Avenue South; and

WHEREAS both sites have C5-Mixed-use Medium Density zoning in place; and

WHEREAS subsection 284.11.1 (2) of the *Municipal Act, 2001* provides, in part, that if the head of council is of the opinion that a by-law under the *Municipal Act, 2001* could potentially advance a prescribed provincial priority, the head of council may propose the by-law to the council and require the council to consider and vote on the proposed by-law at a meeting; and

WHEREAS pursuant to Ontario Regulation 530/22, building 1.5 million new residential units by December 31, 2031 is a provincial priority prescribed for the purposes of subsection 284.11.1(2) of the *Municipal Act, 2001*; and

WHEREAS the head of council for the City of Hamilton is of the opinion that the passage of a by-law declaring 5 Lake Avenue South, Stoney Creek as surplus and authorizing the disposition of lands municipally known as 5 Lake Avenue South, Stoney Creek advances the prescribed provincial priority of building 1.5 million homes by 2031; and

WHEREAS the head of council for the City of Hamilton is of the opinion that the passage of a by-law authorizing the disposition of lands municipally known as 13 Lake Avenue South, Stoney Creek advances the prescribed provincial priority of building 1.5 million homes by 2031;

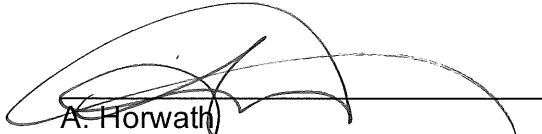
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That the property known as 5 Lake Avenue South, Stoney Creek be declared surplus to the requirements of the City of Hamilton, in accordance with the “Procedural By-law for the Sale of Land” being By-law No. 14-204, for the purposes of achieving the City’s affordable housing objectives.
2. That the Housing Secretariat be authorized and directed to use an open process to select a non-profit housing provider and that the Real Estate Section of the Planning and Economic Development Department then be authorized and directed to negotiate an agreement for the disposition of 5 Lake Avenue South, Stoney Creek for net nominal value consideration for the purpose of affordable housing, on terms and conditions satisfactory to the General Manager of Healthy and Safe Communities and the General Manager of Planning and Economic Development, and in a form satisfactory to the City Solicitor.
3. That the Housing Secretariat be authorized and directed to use an open process to select a non-profit housing provider and that the Real Estate Section of the Planning and Economic Development Department then be authorized and directed to negotiate an agreement for the disposition of 13 Lake Avenue South, Stoney Creek for net nominal value consideration for the purpose of affordable housing, on terms and conditions satisfactory to the General Manager of Healthy and Safe Communities and the General Manager of Planning and Economic Development, and in a form satisfactory to the City Solicitor.
4. That the Mayor and City Clerk be authorized and directed to execute all required agreements and ancillary documents to effect the disposition of 5 and 13 Lake Avenue South, Stoney Creek, with such terms and conditions in a form satisfactory to the City Solicitor.
5. That the City Solicitor be authorized to complete any transactions on behalf of the City, including paying any necessary expenses, amending the closing, due diligence and other dates, and amending and waiving terms and conditions on such terms as she considers reasonable.


To Authorize the Declaration of 5 Lake Avenue South, Stoney Creek as Surplus to the Requirements of the City of Hamilton and to Authorize the Disposition of 5 Lake Avenue South, Stoney Creek and 13 Lake Avenue South, Stoney Creek

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PASSED this 24th day of April, 2024.



A. Horwath
Mayor



J. Pilon
Acting City Clerk



Hamilton

Reasons for By-law Proposed pursuant to 284.11.1(2) of the *Municipal Act, 2001*

DATE: April 24, 2024
TO: Members of City Council
AND TO: Janet Pilon, Acting City Clerk

WHEREAS pursuant to 284.11.1(2) of the *Municipal Act, 2001* (the “Act”), if the Mayor is of the opinion that a by-law could potentially advance a prescribed provincial priority, the Mayor may propose a by-law to the council and require the council to consider and vote on the proposed by-law at a meeting; and

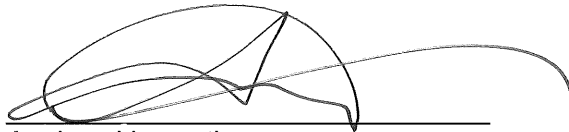
WHEREAS pursuant to 284.11.1(3) of the Act, the Mayor shall provide a copy of any by-law proposed under 284.11.1(2) of the Act, together with the Mayor’s reasons for the proposal, to the clerk and to each member of council;

THEREFORE, in accordance with 284.11.1(3) of the Act, I, Andrea Horwath, Mayor of the City of Hamilton, provide the following reasons for the proposal of a By-law to authorize the declaration of 5 Lake Avenue South, Stoney Creek as surplus to the requirements of the City of Hamilton and to authorize the disposition of 5 Lake Avenue South, Stoney Creek and 13 Lake Avenue South, Stoney Creek (the “By-law”).

The reasons for the proposal of the By-law are as follows:

1. 5 Lake Avenue South, Stoney Creek, could accommodate a three-storey building with a footprint of approximately 4,736 square feet, yielding 24 self-contained studio-units, tenant amenity area, and eight parking spaces;
2. 13 Lake Avenue South, Stoney Creek, could accommodate a five-storey building with a footprint of approximately 6,351 square feet, yielding 43 self-contained one-bedroom units, tenant amenity area, common area, and 22 parking spaces;
3. 5 and 13 Lake Avenue South, Stoney Creek have direct access to transit and other amenities;

4. 5 and 13 Lake Avenue South, Stoney Creek have C5-Mixed-use Medium Density zoning in place, permitting the residential use and building form proposed;
5. 13 Lake Avenue South, Stoney Creek was declared surplus in 2018 and has been identified as a site for affordable housing since that time; and
6. making 5 and 13 Lake Avenue South, Stoney Creek available for the development of affordable housing will advance the provincial priority set out in paragraph 1 of section 1 of O. Reg. 580/22 of "building 1.5 million new residential units by December 31, 2031".

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Andrea Horwath
Mayor, City of Hamilton