

Authority: Item 6, Planning Committee Report 24-009 (PED22091(a))
CM: June 26, 2024 Ward: City Wide
Written approval for this by-law was given by Mayoral Decision MDE-2025-01
Dated January 22, 2025

Bill No. 011

CITY OF HAMILTON

BY-LAW NO. 25-011

To Adopt:

**Official Plan Amendment No. 215 to the
Urban Hamilton Official Plan**

Respecting:

**Rental Housing Protection Policies
(City Wide)**

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

1. Amendment No. 215 to the Urban Hamilton Official Plan consisting of Schedule “1”, hereto annexed and forming part of this by-law, is hereby adopted.

PASSED this 22nd day of January, 2025.

A. Horwath
Mayor

M. Trennum
City Clerk

Urban Hamilton Official Plan Amendment No. 215

The following text constitutes Official Plan Amendment No. 215 to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose of this Amendment is to modify the policies of the Urban Hamilton Official Plan which apply to condominium conversion of rental housing units and demolition/redevelopment of rental housing units, and the policies which apply to complete applications.

The effect of this Amendment is to simplify some of the criteria used to assess proposals for conversions or demolitions of rental housing by removing specific numerical requirements and noting conformity with the criteria must be demonstrated through the issuance of a Section 99.1 Permit under the Municipal Act. The amendment will also add a permission for demolition of rental housing units where units will be replaced and other requirements are met, and a requirement that a screening form may have to be submitted as part of a complete application submission.

2.0 Location:

The lands affected by this Amendment are all lands within the Urban Area of the City of Hamilton.

3.0 Basis:

The basis for permitting this Amendment is:

- The Amendment will assist in achieving an appropriate balance of primary rental and ownership housing stock, as described in Policy B.3.2.5 of Volume 1 of the Urban Hamilton Official Plan;
- The Amendment will ensure that a strong rental housing market exists before the removal of rental housing units for conversions to condominium ownership or demolitions is considered;

- The Amendment will allow for additional opportunities for residential intensification, while still maintaining the City's Official Plan and Housing and Homelessness Action Plan objectives to protect rental housing units, and in particular, affordable rental housing units;
- The Amendment will ensure that proposals requiring a Section 99.1 Permit under the Municipal Act are appropriately identified as part of certain Planning Act application processes; and,
- The Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

4.0 Actual Changes:

4.1 Volume 1 – Parent Plan

Text

4.1.1 Chapter B – Communities

a. That Volume 1: Chapter B – Communities, Section 3.2.5 – Rental Housing Protection Policies, be amended by:

i. Amending Policy B.3.2.5.1 by:

1) Deleting the phrase “shall be permitted if any one of three general criteria are met, outlined as a), b) and c) below:” and replacing it with:

“shall only be permitted where both of the following two general criteria are met, outlined as a) and b) below, demonstrated through the issuance of a Section 99.1 Permit under the Municipal Act”;

2) Deleting Policy B.3.2.5.1 a) in its entirety and replacing it with:

“a) a healthy, sustained vacancy rate exists for the City, as defined by a by-law passed under Section 99.1 of the Municipal Act, including the rental vacancy rate by dwelling unit and structure type City-wide and for the respective local

housing market zone where the dwelling units are located;
and,”

3) Deleting Policy B.3.2.5.1 b) in its entirety and replacing it with:

“b) the proposed conversion will not adversely affect the supply of *affordable* rental housing for rental units of a similar dwelling unit structure, size and type for the City and the respective local housing market zone.”

and,

4) Deleting Policy B.3.2.5.1 c) in its entirety;

So the policy reads as follows:

“3.2.5.1 To protect the adequate provision of a full range of housing, conversion to condominium of rental apartment or townhouse buildings or groups of buildings comprised of six or more units shall only be permitted where both of the following two general criteria are met, outlined as a) and b) below, demonstrated through the issuance of a Section 99.1 Permit under the Municipal Act:

a) a healthy, sustained vacancy rate exists for the City, as defined by a by-law passed under Section 99.1 of the Municipal Act, including the rental vacancy rate by dwelling unit and structure type City-wide and for the respective local housing market zone where the dwelling units are located; and,

b) the proposed conversion will not adversely affect the supply of *affordable* rental housing for rental units of a similar dwelling unit structure, size and type for the City and the respective local housing market zone.”

ii. Amending Policy B.3.2.5.6 by:

1) Adding the phrase, “, and interior building renovations that remove six or more residential rental dwelling units of a certain type,” after

the words “and would result in the loss of six or more rental housing units”;

- 2) Deleting the phrase “shall be permitted if any one of two general criteria are met, outlined as a) and b) below:” and replacing it with:

“shall only be permitted where at least one of the following three general criteria are met, outlined as a), b), and c) below, as demonstrated through the issuance of a Section 99.1 Permit under the Municipal Act.”;

- 3) Deleting Policy B.3.2.5.6 a) in its entirety and replacing it with:

“a) both of the following criteria are met:

- i) a healthy, sustained vacancy rate exists for the City, as defined by a by-law passed under Section 99.1 of the Municipal Act, including the rental vacancy rate by dwelling unit and structure type City-wide and for the respective local housing market zone where the dwelling units are located; and,
- ii) the proposed conversion will not adversely affect the supply of *affordable* rental housing for rental units of a similar dwelling unit structure, size and type for the City and the respective local housing market zone; or,”;

- 4) Replacing the “.” at the end of Policy B.3.2.5.6 b) with “; or,”;

- 5) Adding a new Policy as Policy B.3.2.5.6 c):

“c) all of the following criteria are met:

- i) the units to be removed will be replaced either on-site or off-site in a comparable location acceptable to the City;
- ii) replacement units are maintained for a defined period of time with rents similar to those in effect at the time a *development* application is made, with annual increases

not exceeding the Provincial Rent Increase Guideline or a similar guideline approved by Council; and,

- iii) a tenant relocation and assistance plan addressing matters such as the right to return to occupy replacement housing at similar rents, the provision of alternative accommodation at similar rents, and other assistance to lessen hardship, is provided, to the satisfaction of the City."

So the policy reads as follows:

"3.2.5.6 To protect the adequate provision of a full range of housing, *development or redevelopment* that would have the effect of removing all or part of rental apartment or townhouse buildings or groups of buildings comprised of six or more units, and would result in the loss of six or more rental housing units, and interior building renovations that remove six or more residential rental dwelling units of a certain type, shall only be permitted where at least one of the following three general criteria are met, outlined as a), b) and c) below, demonstrated through the issuance of a Section 99.1 Permit under the Municipal Act:

- a) both of the following criteria are met:
 - i) a healthy, sustained vacancy rate exists for the City, as defined by a by-law passed under Section 99.1 of the Municipal Act, including the rental vacancy rate by dwelling unit and structure type City-wide and for the respective local housing market zone where the dwelling units are located; and,
 - ii) the proposed conversion will not adversely affect the supply of *affordable* rental housing for rental units of a similar dwelling unit structure, size and type for the City and the respective local housing market zone; or,

- b) the building (or buildings) is determined to be structurally unsound, confirmed by the submission of a structural audit, prepared by a qualified professional with the conclusions of such audit deemed acceptable by the City; or,
- c) all of the following criteria are met:
 - i) the units to be removed will be replaced either on-site or off-site in a comparable location acceptable to the City;
 - ii) replacement units are maintained for a defined period of time with rents similar to those in effect at the time a *development* application is made, with annual increases not exceeding the Provincial Rent Increase Guideline or a similar guideline approved by Council; and,
 - iii) an acceptable tenant relocation and assistance plan for existing tenants addressing matters such as the right to return to occupy replacement housing at similar rents, the provision of alternative accommodation at similar rents, and other assistance to lessen hardship, is provided, to the satisfaction of the City.”
- iii. Amending Policy B.3.2.5.7 by replacing the phrase “clauses a) i) and ii) are satisfied.” with “clause a) i) is satisfied.”

So the policy reads as follows:

“B.3.2.5.7 Notwithstanding Policy B.3.2.5.6, renovations to an existing building which reduces the number of dwelling units by six or more units, but does not reduce the area of living space, may be permitted provided Policy B.3.2.5.6 clause a) i) is satisfied.”

4.1.2 Chapter F – Implementation

- a. That Volume 1, Chapter F – Implementation, Section 1.19 – Complete Application Requirements and Formal Consultation, be amended by:

Adding a new Policy as F.1.19.12:

“F.1.19.12 In addition to Policy F.1.19.6 and the *other information and materials* in Table F.1.19.1, a Rental Housing Protection By-law screening form may also be required to deem Planning Act, R.S.O., 1990 c. P.13 applications for official plan amendment, zoning By-law amendment, and site plan control complete.”

5.0 **Implementation:**

An implementing Municipal Act By-Law (Rental Housing Protection By-law) and implementing Zoning By-law Amendments, Site Plan Control applications, and draft plan of Condominium applications will give effect to the changes.

This Official Plan Amendment is Schedule “1” to By-law No. 25-011 passed on the 22nd day of January, 2025.

The City of Hamilton

A. Horwath
Mayor

M. Trennum
City Clerk

