

Authority: Item 18, Planning and Economic
Development Committee
Report 04-005
(PD00139(l)/FCS01055(g))
CM: March 10, 2004

Bill No. 060

CITY OF HAMILTON

BY-LAW NO. 04-060

**To Adopt an Amendment to
The Downtown Hamilton Community Improvement Plan**

WHEREAS the Council of the Corporation of the City of Hamilton passed By-law No. 97-140 to adopt the Downtown Hamilton Community Improvement Plan which includes provisions regarding the rehabilitation and renewal of its Community Improvement Project Area;

AND WHEREAS the lands which were the subject of this by-law are, as of January 1, 2001 within the jurisdiction of the City of Hamilton, a new municipality incorporated effective January 2001 by the City of Hamilton Act, 1999 (S.O. 1999, Chapter 14, schedule C);

AND WHEREAS pursuant to the City of Hamilton Act, 1999, the City of Hamilton stands in the place of the former regional municipality, The Regional Municipality of Hamilton Wentworth, and in the place of the former area municipality, The Corporation of the City of Hamilton;

AND WHEREAS the City of Hamilton, as the successor municipality in respect of the said By-law is entitled to the benefit of the said By-law, and any amendments thereto, may further amend the said By-law in accordance with the provisions of Part IV of the Planning Act, R.S.O. 1990, c. P.13, as amended.

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

1. The provisions of the Enterprise Zone – Municipal Realty Tax Incentive Grant Program section of the Downtown Hamilton Community Improvement Plan contained in By-law 97-140 are hereby amended by deleting the last paragraph (previously added by By-law 02-287) within the program terms and adding the following paragraph, namely:

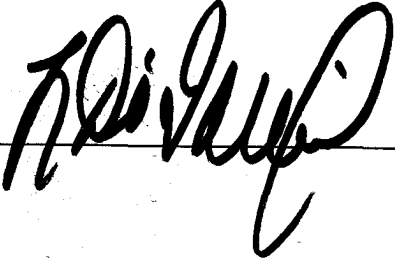
“Limited Assignment of Tax Grant to First-time Condominium Purchasers

A limited assignment of the tax grant under the terms of the Program may be made from a developer to the initial purchaser of each new condominium unit. The assignment of the grant shall not apply to any subsequent re-sale of any such unit. The assigned grant shall be restricted to the balance of the five (5) year term running from the re-assessment date following the date of the registration of the condominium, and shall be equal to 100% of the municipal realty tax increase resulting from the development or re-development of the property, calculated on a ratable per unit basis. In addition to the one time \$500 application fee, a one time administration fee of \$300 per unit, or such application or administration fee as approved by City Council from time to time, shall be charged in order to qualify for the right of assignment, which fee shall be payable at the time of the registration of the condominium.”

2. Any reference in By-law No. 97-140, as amended, to The Corporation of the City of Hamilton shall mean and refer to the City of Hamilton.
3. The City Clerk is hereby authorized and directed to make application to the Minister of Municipal Affairs,
 - (a) for approval, as required by subsection 28(4) of the Planning Act, of this by-law adopting the said amendment to the Community Improvement Plan;
 - (b) for approval, as required by subsection 28(8) of the Planning Act, to be granted to the City by the Minister to permit the City to offer the grants as provided for in the said Community Improvement Plan contained in By-law 97-140, as amended by this amending By-law, that would otherwise be prohibited by subsection 106(1) of the Municipal Act, 2001.

- 4. This By-law shall come into force and effect on the date of approval hereof by the Minister of Municipal Affairs.

PASSED and ENACTED this 10th day of March, 2004

MAYOR 

CLERK 