

**Authority:** Item 4, Audit and Administration  
Committee  
Report 09-015 (FCS09099)  
CM: November 11, 2009

**Bill No. 228**

**THE CITY OF HAMILTON  
BYLAW NO. 09-228**

**Being a By-law to amend By-law 09-143  
Respecting development charges on lands within The City of Hamilton**

**WHEREAS** the *Development Charges Act*, 1997, S.O.1997, Chapter 27 (hereinafter referred to as the "Act") authorizes municipalities to pass a By-law for the imposition of development charges against land to pay for increased capital costs required because of increased needs for services arising from development of the area to which the said By-law applies.

**AND WHEREAS** the City of Hamilton did, in accordance with the said Act, on the 24<sup>th</sup> day of June 2009, enact By-law 09-143 to impose Development Charges; (hereinafter such By-law may be referred to as the "By-law");

**AND WHEREAS** the Council of the City of Hamilton, at its meeting of October 28th, 2009, has approved the enactment of a Bylaw to include the exemption of affordable housing projects from development charges and approved policies to be included in the said Development Charges By-law 09-143 by way of an amendment thereto;

**AND WHEREAS** in advance of passing this By-law the Council of the City of Hamilton has given notice of and held a public meeting on October 21<sup>st</sup> 2009 in accordance with Section 12 of the Act regarding its proposals for this development charges By-law;

**AND WHEREAS** the Council of the City of Hamilton, through its Audit and Administration Committee, has received written submissions and heard all persons who applied to be heard no matter whether in objection to, or in support of, the said By-law;

**NOW THEREFORE**, the Council of the City of Hamilton hereby enacts as follows:

**To amend By-law 09-143 Respecting development charges on lands within The City of Hamilton**  
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1. (a) Section 1 of By-law 09-143 is hereby amended by adding the following thereto as paragraph “(b)”,  
namely:

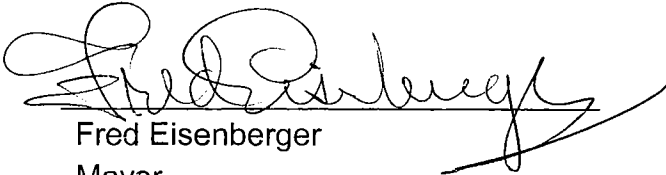
“(b) “affordable housing project” means a development or redevelopment that provides housing  
and incidental facilities primarily for persons of low and moderate income”.

(b) Existing paragraphs “(b)” through “(hh)” inclusive are hereby re- lettered accordingly.

2. Section 24 of By-law 09-143 is hereby amended by adding the following thereto as paragraph  
“(f)”, namely:

“(f) any affordable housing project that is approved to receive funding from a senior level  
of government affordable housing program or an approved City of Hamilton or  
CityHousingHamilton Corporation affordable housing programme, provided the  
development charge liabilities of the affordable housing project are not eligible for funding by senior  
levels of government.”

**PASSED** and **ENACTED** this 11<sup>th</sup> day of November, 2009.

  
Fred Eisenberger  
Mayor

  
Kevin C. Christenson  
City Clerk