






COMMUNICATION UPDATE

TO:	Mayor and Members City Council
COMMITTEE DATE:	November 22, 2024
SUBJECT:	Order to Comply – Temporary Outdoor Shelter at Barton/Tiffany Lands (259 Caroline Street)
WARD(S) AFFECTED:	Ward 2
SUBMITTED BY:	Carlyle Khan General Manager Public Works Department
SIGNATURE:	
SUBMITTED BY:	Grace Mater General Manager Healthy & Safe Communities Department
SIGNATURE:	
SUBMITTED BY:	Steve Robichaud General Manager Planning & Economic Development Department
SIGNATURE:	

Background:

Report HSC24027(b)/FCS24028/PED24162 directed staff to implement a temporary outdoor shelter facility at 259 Caroline Street, locally known as part of the Barton/Tiffany lands.

Staff have been diligently working to fulfil this direction, as outlined in *Communication Update #2: Temporary Emergency Shelter Expansion* dated November 18, 2024. Initial on-site preparatory work included installing perimeter fencing and deploying a security team to maintain site security and prevent new encampments.

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On November 19, 2024, the Ministry of Labour issued an Order to Comply to the City after a complaint was made regarding site work. Staff attended the site with the Ministry Officer and received the following four-part order:

1. **Notice of Project Registration:** The City, identified at this time by the Ministry of Labour to be the Constructor, must register a notice of project with the Ministry of Labour. The original compliance date for this item was November 22, 2024, and has been extended to December 23, 2024.
2. **Appointment of a Supervisor:** The City, while acting as the Constructor, must appoint a supervisor to oversee the workers on the site. Compliance for this item was required by November 20, 2024, and it has been **completed**.
3. **Designated Substances List:** A list of designated substances present on site must be provided.
4. **Work Suspension:** All site work must stop until the Notice of Project registration is completed (Order #1).

The City has taken immediate action to comply with the Ministry's Order. All work on-site has been paused. While preliminary site preparation had begun by the City to facilitate timely project completion, this preliminary work will now fall under the scope of the general contractor once they are engaged.

An extension to the deadline for the *Notice of Project* (item 1) has been granted to allow the City to secure a general contractor. The contractor will assume the role of Constructor, oversee the project, and manage subcontractors on-site.

The requirement to appoint a supervisor was addressed by November 20, 2024, and a statement was provided that all work on site will remain paused until a third-party constructor is confirmed. Staff are working expeditiously to assign a constructor and meeting compliance requirements is top priority.

External environmental experts had previously assessed the site and provided recommendations related to soil contamination mitigation. Mitigation strategies, such as laying an asphalt or concrete surface, were already integrated into the project plans for site preparation and construction.

Non-construction activities continue, including site plan development, completion of specifications for required capping, and securing contractors for the project.

Staff remain committed to ensuring all work is conducted safely and in full compliance with legislation. Work on-site will resume as soon as all Ministry of Labour compliance requirements have been met.

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For more information, please contact Carlyle Khan, General Manager, Public Works at Carlyle.khan@hamilton.ca.

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