

Authority: Item 6, Planning Committee Report 24-009 (PED22021(a))
CM: June 26, 2024 Ward: 2
Written approval for this by-law was given by Mayoral Decision MDE-2025-01
Dated January 22, 2025

Bill No. 010

CITY OF HAMILTON

BY-LAW NO. 25-010

To Adopt:

**Official Plan Amendment No. 253 to the
City of Hamilton Official Plan**

Respecting:

**Rental Housing Protection Policies
(Ward 2)**

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

1. Amendment No. 253 to the City of 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

Amendment No. 253 to the City of Hamilton Official Plan

The following text constitutes Official Plan Amendment No. 253 to the City of Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to amend housing policies which apply to condominium conversion of rental housing units and demolition/redevelopment of rental housing units and add a policy which applies to complete applications.

The effect of this Amendment is to ensure consistency between the City of Hamilton Official Plan, which applies to the West Harbour Secondary Plan area, and policies addressing the conversion and demolition of rental housing in the Urban Hamilton Official Plan. The amendment also ensures alignment with a proposed Rental Housing Protection By-law permit process under Section 99.1 Permit of the Municipal Act.

2.0 Location:

The lands affected by this Amendment are located within the West Harbour (Setting Sail) Secondary Plan area.

3.0 Basis:

The basis for permitting this Amendment is:

- The Amendment will assist in achieving an appropriate mix of household types at varying income levels, as described in Policies A.2.1 and C.7.3 of the City of Hamilton Official Plan, and Policy A.6.3.3.1.9 of the West Harbour Secondary 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 maintaining the intent of the City’s 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 Changes:

4.1 Text Changes

4.1.1 That Section A.6.3 – West Harbour Planning Area be amended by adding a new Policy No. A.6.3.8.3.2 as follows:

“A.6.3.8.3.2 To protect the adequate provision of a full range of housing, including affordable housing, demolitions or conversions to condominium of rental apartment or townhouse buildings or groups of buildings comprised of six or more units shall comply with Policies C.7.11 to C.7.17.”

4.1.2 That Section C.7 - Residential Environment and Housing Policy be amended by:

- i. Deleting Policy Nos. C.7.11 and C.7.12 in their entirety and replacing them with new Policy Nos. C.7.11 and C.7.12 as follows:

“C.7.11 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.

C.7.12 Notwithstanding Policy C.7.11, the City may approve an application to convert rental housing to condominium tenure, where it is demonstrated to the satisfaction of the City that:

- a) repair or retrofitting is immediately required to meet health and safety standards; and,
- b) income received from rent and available from government funding programs, including rent increases permitted under provincial legislation, is not capable of supporting the work required."

ii. Amending Policy No. C.7.13 by:

- 1) deleting the phrase "and C.7.12" in Policy C.7.13 i) and replacing it with "to C.7.14", so the policy reads as follows:

"i) For the purposes of policies C.7.11 to C.7.14, the statistical data used for vacancy rates, rent charges, dwelling/structure types will be determined by the Canada Mortgage and Housing Corporation (CMHC)."

- 2) renumbering Policy No. C.7.13 to C.7.15.

iii. Adding new Policy Nos. C.7.13, C.7.14, C.7.16 and C.7.17 as follows:

C.7.13 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) a 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.

C.7.14 Notwithstanding Policy C.7.13, 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 C.7.13 clause a) i) is satisfied.

C.7.16 The City recognizes the necessary role of social housing in meeting the housing needs of residents without the resources to participate in the private housing market. Notwithstanding Policies C.7.11 and C.7.13, conversion to condominium and/or demolition/redevelopment of social housing units shall be permitted provided the following criteria are satisfied:

- a) full replacement of all rent-geared-to-income units;
- b) a tenant relocation and assistance plan addressing the provision of alternative accommodation for tenants at similar rents, including rent-geared-to-income subsidies, right-of-first-refusal to occupy one of the replacement subsidized units, and other assistance to mitigate the potential for hardship; and,
- c) conversion shall be consistent with pertinent provincial legislation.

C.7.17 A Rental Housing Protection By-law screening form may 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. 25-010 passed on the 22nd day of January, 2025.

**The
City of Hamilton**

A. Horwath
Mayor

M. Trennum
City Clerk

NOT FINAL AND BINDING