

**Authority:** Item 8, Emergency and  
Community Services Committee  
Report 09-011 (ECS08017(a))  
CM: September 16, 2009

**Bill No. 191**

## **CITY OF HAMILTON**

### **BY-LAW NO. 09-191**

#### **To Authorize the Entering into Agreement(s) for the provision of Municipal Capital Facilities for Affordable Housing**

**WHEREAS** subsection 110(1) of the *Municipal Act*, S.O. 2001, c. 25, as amended, provides that the Council of a Municipality may enter into agreements for the provision of Municipal Capital Facilities with any person;

**AND WHEREAS** paragraph 18 of section 2 of Ontario Regulation 46/94, as amended by Ontario Regulation 401/02, prescribes municipal housing project facilities as eligible Municipal Capital Facilities;

**AND WHEREAS** section 2 of City of Hamilton By-law 03-148 authorizes the City to enter into municipal housing project facilities agreements with housing service providers;

**AND WHEREAS** by Resolution dated September 16, 2009, the Council of the City of Hamilton approved the common provisions to be contained in site specific agreements to be entered into for the provision of municipal housing project facilities;

**AND WHEREAS** the City is desirous of entering into agreements for the provision of a municipal capital facility with Spallacci Contracting Ltd., the owner of a property located at 255 West Avenue North, in the City of Hamilton, which facility is a municipal housing project facility.

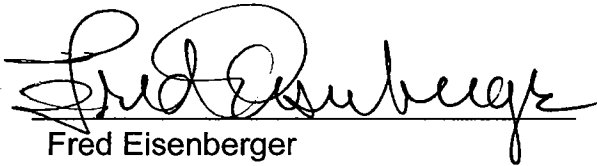
**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. The City of Hamilton is hereby authorized to enter into agreements under section 110(1) of the *Municipal Act* with the owner of property municipally known as 255 West Avenue North in the City of Hamilton for the provision of a municipal capital facility, namely an affordable municipal housing project facility consisting of at least 27 rental dwelling units.

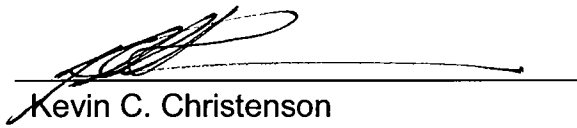
**To Authorize the Entering into Agreement(s) for the Provision of Municipal Capital  
Facilities for Affordable Housing  
Page 2 of 2**

2. The Mayor and City Clerk are hereby authorized and directed to take any action and execute any documentation, which, in the opinion of the City Solicitor, may be required to give effect to section 1 hereof.

**PASSED and ENACTED** this 16th day of September, 2009.



Fred Eisenberger  
Mayor



Kevin C. Christenson  
City Clerk