



## City of Hamilton

# SELECTION COMMITTEE FOR AGENCIES, BOARDS AND SUB-COMMITTEES

**Meeting #:** 23-008  
**Date:** September 12, 2023  
**Time:** 9:00 a.m.  
**Location:** Council Chambers  
Hamilton City Hall  
71 Main Street West

Loren Kolar, Legislative Coordinator (905) 546-2424 ext. 2604

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**Pages**

### **\*4. COMMUNICATIONS**

\*4.1 Correspondence from A. Douglas Burns, Burns Associates,  
respecting the Committee of Adjustment

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Recommendation: To be received

A. DOUGLAS BURNS, B.A., LL.B.  
 JESSICA SURI, B.A. (Hons), J.D.  
 MANMEET DHALIWAL, B.A. (Hons), J.D.  
 MARCIO PERALTA, Licensed Paralegal



COUNSEL IN CRIMINAL MATTERS:  
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File No.

August 30, 2023

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**Attention:** **The Honourable Andrea Horwath, Loren Kolar, Maureen Wilson, Cameron Kroetsch, Nrinder Nann, Tammy Hwang, Matt Francis, Tom Jackson, Esther Pauls, John-Paul Danko, Brad Clark, Jeff Beattie, Mark Tadeson, Craig Cassar, Alex Wilson, Mike Spadafora, Ted McMeekin; Jeffrey A. Abrams and Janice Atwood**

Dear Sir and Madam:

**Re: Committee of Adjustments**

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By way of introduction, I have practiced law in Hamilton, Ontario since 1974. Prior to being called to the Bar and prior to articling, I had worked in law offices for 3 summers. I have probably not appeared before the Committee of Adjustment very often during the past 25-30 years. My experience with the Committee of Adjustments was it seemed the members always were knowledgeable, had a grasp of planning issues and even if I disagreed with their decision, I was always confident that the client would receive a fair hearing.

After the past civic elections, someone decided that changes should be made with respect to the majority of the members of the Committee simply because somehow new blood might be productive and beneficial. It is my understanding that the selection of members would be in response to applications and follow up interviews and probably a new Committee would be selected by the end of June.

From my comprehension, when the initial deadline for nominations arrived, around 19 individuals had submitted applications for the available 9 positions. Surprisingly, none of the current Committee members, some of whom possessed over 30 years of experience, were included in this applicant pool. Evidently, due to the low number of applicants, the application period was extended by approximately a month. During this extension, at least 5 new candidates expressed interest, yet again, none of the existing Committee members were among them.

It's quite noteworthy that none of the current Committee of Adjustment members, who possess the requisite qualifications and expertise, were chosen for another term or even considered for the new Committee. I would

greatly appreciate it if you could provide insight into the rationale behind excluding the existing members from this process.

Based on my understanding, the selection Committee seems to have been by way of self-appointment and it appears that all candidates received an identical split vote of 5-4 against. In my perspective, implementing a voting process appears to be a more suitable approach to ensure the selection of Committee of Adjustment members is conducted with both fairness and impartiality. Furthermore, the members of the existing committee should have been considered for reappointment. Remarkably, not one of the existing members was apparently interviewed and not one was appointed to the committee. It seems to me that might be appropriate for you to determine simply for your information, members of the existing committee include: Margaret Smith who had served for 8 years, Nancy Mieczko, who had served for 12 years, Bob Charters, former council member, had served for 16 years. The Chairman of the existing committee was Mark Dudzic who had served for 34 years. Another of the members, David Serwatak had served for 30 years. It seems to me that excluding applicants simply on the basis that they had possibly already served and been educated with respect to decorum, integrity, and ability simply does not seem reasonable. It would be interesting to know what training is being offered and by whom.

Perhaps a fair solution would be to form a new selection Committee, one that is free and un bias and that will consider, and interview qualified past members.

Yours very truly,

**BURNS ASSOCIATES**



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