



April 24, 2012

The Planning Committee  
City of Hamilton  
71 Main Street West, 1<sup>st</sup> Floor  
Hamilton, Ontario  
L8P 4Y5

Attention: Vanessa Robicheau, Legislative Coordinator,  
and Planning Committee Members

Dear Mesdames and Sirs:

**RE: Fire Escape at 130 Herkimer Street, Hamilton**

The Durand Neighbourhood Association (“DNA”) kindly requests that the Planning Committee review and rescind the decision made by the Fire Department/Building Department to permit the installation of a fire escape on the front of the house at 130 Herkimer Street.

The DNA also requests that the owner of 130 Herkimer Street remove the fire escape forthwith at the expense of the Fire Department/Building Department. We further insist that a similar situation never occur in our neighbourhood again.

By way of background, the owner of 130 Herkimer Street, a property listed as a legal non-conforming triplex, did not comply with a By-Law which states that there shall be two exits for tenants. The third floor apartment had only one exit. According to Frank Biancucci, Chief Fire Prevention Officer, not only was the owner not in compliance with the By-Law but the time frame for compliance after numerous and consistent notices and warnings was grossly exceeded by this owner. In fact, the owner was threatened with either complying with the By-Law or face charges and prosecution. At the eleventh hour, the owner ostensibly complied with the By-Law but defaced the house, streetscape and neighbourhood character in the process.

The DNA, together with its members and residents, take issue with the inappropriate solution to allow for the construction of the fire escape which transverses across the entire house from the third floor to the second floor to the lower level.

**It is usual and expected in this type of situation for the owner to retain an architect/engineer and submit an alternative solution to the Fire Department/Building Department that would upgrade the fire safety in the building in lieu of a second means of egress. This is typically reviewed and evaluated by the Chief Fire Official. The owner would have had to reconfigure the second floor to allow access to the third floor tenant.**

The DNA intends to use this unfortunate sequence of events as an example in our neighbourhood to ensure that appropriate action is taken and to confirm that this situation will not happen again. The Durand neighbourhood contains hundreds of similar three storey Victorian houses on 25 to 30 foot lots that are landlocked which could very well fall victim to this scenario. The DNA asserts that this is not an appropriate solution for this beautiful and historic neighbourhood.

In closing, the DNA asks you to review this property and its adverse effects on the neighbourhood, insists that the owner remove the offending fire escape at the expense of the Fire Department/Building Department, and request that City Staff review relevant planning policies to ensure that this situation will never occur again.

Yours truly,  
Durand Neighbourhood Association Inc.  
Per:

Janice Brown

cc. Councillor Jason Farr

