

Edward Kikot,  
879 West 5<sup>th</sup> Street,  
Hamilton, Ontario, L9C 5R4

January 25, 2015

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

Dear Coordinator and Members of the Planning Committee:

Although an appeal has been filed with the Ontario Municipal Board which requests a decision regarding Zoning By-law Amendment Application (File: ZAC-13-050), I wish to share and review with you, on behalf of my father, Edward Kikot, several reasons for our opposition to the proposed changes.

First, it is my father's and my position that the wedge of land for which Paul Silvestri, or his agent, has requested rezoning, and which is land locking my father's property at 879 West 5<sup>th</sup> Street and Anna Palazzo's property at 885 West 5<sup>th</sup> Street, should not be rezoned for the purpose of residential development until it has actual development potential. The rezoning of this wedge for the purpose of residential development should only occur when, in accordance with the Planning Department's own guidelines, it can be "comprehensively and efficiently" developed. In other words, this wedge of land should not, and cannot (for the reasons stated), be rezoned for the purpose of residential development until my father's property and his neighbour's property to the west of it have been purchased and rezoned. Until that time, or until the issue concerning this wedge of land has been resolved, the present "holding provision" should remain in place.

Second, while the inappropriateness of what occurred regarding the creation and purchase of this wedge of land was brought to the attention of Councillor Terry Whitehead and the Planning and Economic Development Department as early as August 10, 2006, this issue has yet to be resolved. It is still being addressed by Councillor Whitehead on behalf of my father and his neighbour, Anna Palazzo, in response to the Ontario Municipal Board's decision of November 18, 2009, that what occurred was not "fair or just", and its recommendation that "the City and the HWDSB will make every effort to correct this error that with a little thought and planning, could have been avoided". Although the City of Hamilton has been somewhat proactive, the Hamilton-Wentworth District School Board has been far from cooperative, which may be attributed to the fact that the sale of this wedge of land to Paul Silvestri for \$2.00 was most certainly a violation of the Education Act.

Third, because Paul Silvestri, the developer who is applying to have this wedge of land rezoned, has been intransigent in his dealings with the City of Hamilton regarding this matter, by refusing

to accept the compensation offered by the City for the cost of the installation of services in exchange for transferring the ownership of the wedge of land to the City to be used as easement, it is our view that the Planning Committee should hold in abeyance his request for rezoning until this issue is resolved. While I am aware that it is the City's obligation to make its "best effort" to reclaim a developer's costs for the installation of services, I wish to point out that it is also the responsibility of the City to make its "best effort" to oversee and safeguard the property rights of tax-paying residents, as the paying of taxes is a social contract that carries with it implicit ethical and legal obligations.

For these reasons, I, on behalf of my father, will be taking the opportunity, which you have granted us, to delegate the Planning Committee regarding this issue on February 3, 2015, with the intention of keeping you included in the process.

Gratefully,

Mark E. Kikot

per Edward Kikot