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LAWYERS

**BY EMAIL ([clerk@hamilton.ca](mailto:clerk@hamilton.ca))**

(Original by Ordinary Mail)

July 28, 2015

City of Hamilton  
Office of the City Clerk  
71 Main Street West  
1st Floor  
Hamilton, Ontario  
L8P 4Y5

Attention:      City Clerk

Dear Sirs:

***Re:    Augusta Street (Hamilton) Holdings Inc.***

- ***Site Plan Application No. DA-13-231***
  - ***86 Augusta Street and 134 Catherine Street, Hamilton***
  - ***Request for Delegation – Audit, Finance & Administration Committee***
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We are the solicitors for Augusta Street (Hamilton) Holdings Inc. in respect of the above-captioned matter. Our client has proposed the development of the above-noted vacant property as six (6) residential townhome units, pursuant to Site Plan Application No. DA-13-231. Two residential dwellings were formally located upon the subject property, but were previously demolished.

Our client has now been advised by the City that development charges are payable in respect of such development in the amount of \$23,725.20 pursuant to the City of Hamilton Development Charges By-Law No. 14-153. Section 24(a) of By-Law 14-153 provides that:

“a credit shall be allowed against the development charges otherwise payable pursuant to this By-law, provided that a building permit has been issued for the redevelopment within five (5) years, from the date the demolition permit has been issued as may be extended by the General Manager of Finance and Corporate Services ... for developments where it has been determined by the General Manager of Planning and Economic Development that significant development delays were not the responsibility of the developer, or may be otherwise extended by Council”.

We have been advised by Mr. Joseph Spiler, Manager of the Capital Budgets and Development, that no development charges credit will be applied in respect of the previously demolished homes on the property as the demolition of same took place more than five years ago.

The development proposed by our client represents a highly desirable proposed new use for this long vacant and abandoned site. The development comprises an upscale, compact urban residential infill project within an established downtown neighbourhood, with ready access to both municipal and GO Transit, and “walkability” to downtown amenities. The dwellings will be

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accommodated by existing services, sewers, roads and infrastructure within the community. In the circumstances, the fact that the previous dwellings were demolished more than five (5) years ago appears to be a completely arbitrary cut-off, in that all of the same principles which support the provision of a development charges credit apply regardless of when the previous dwellings were removed from the subject property.

Accordingly, by means of this letter we request on behalf our client an opportunity to address the next meeting of the Audit, Finance & Administration Committee in order to request an exercise of the discretion contemplated by section 24(a) of By-Law 14-153 so as to extend the timeline for application of development charge credits for the dwellings previously demolished at this property. Please see our completed Request to Speak to Committee of Council Form, which has now been submitted to you directly on-line.

Should you have any questions or comments, or require anything further, please do not hesitate to call.

Yours very truly,

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per: Allan Buist

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- c. Mr. Joseph Spiler, Manager of Capital Budgets and Development (by e-mail only, with enclosure)  
Augusta Street (Hamilton) Holdings Inc. (by e-mail only, with enclosure)

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