

Mark Kikot

2016-02-09

City Councillors
71 Main West
Hamilton City Hall
Hamilton, ON
L8P 4Y5

Dear Councillors,

While I wish that I did not have to write this letter, I feel that I have no choice but to describe for you the circumstances and stress that my parents have had to live with since July of 2006, nearly ten years ago. At that time they were informed by a real estate agent that the back of their property, as well as the back of their neighbour's property, had been landlocked by a developer who had purchased (although not yet created) a narrow triangle of land from the Hamilton-Wentworth District School Board for two dollars. I should also mention that the City of Hamilton failed to demonstrate appropriate oversight in this matter by not informing my parents and their neighbour of this encroachment on their ability to receive fair market value for their properties, and by not providing them with the earliest possible opportunity to address their concerns as tax-paying residents. Instead, the City chose to declare no interest in this triangle of land and to approve a plan of subdivision which further entrenched the developer's claim to this wedge. In so doing, the City contributed to a situation of exploitation which the Ontario Municipal Board's decision, in November of 2009, characterized as not "fair or just", and in which the OMB recommended that the City of Hamilton and the Hamilton-Wentworth District School Board resolve this issue in a timely manner.

It is important to point out that my parents purchased the property at 879 West 5th Street in 1960, and that they had maintained it and had paid taxes on it for over 45 years when this nightmare scenario occurred. For those 45 years they were a single income family and their property was their largest, and essentially their only, investment. For my father and my mother to discover, when they were 77 and 76 years of age respectively, that the value and development potential of their property had been significantly compromised was devastating, as it had been, for several years, their plan to sell their sizeable lot, purchase a condominium, and invest what little money remained. Their inability to receive fair market value for their property meant that they could not afford to sell it, and that they were forced, by circumstances which they had not created and which they could not control, to remain there

while the responsibility and the effort of maintaining the property became overwhelming. They felt as if they were being held ransom, and they began to pay the price as their ongoing struggle and repeated attempts to have this issue dealt with by the City affected their health. In May of 2013, at the age of 83, my mother died of cancer, and although she might have died of cancer regardless, the daily worry and constant stress undoubtedly hastened her death. My father, who had clearly suffered emotionally, but seemingly not physically, continued to live in the house alone, and to maintain the property as best he could, until he had a stroke while cutting grass in September of 2014. He is now in a retirement home and his property remains landlocked, even though he will require – in the relatively near future – funds from the sale of his property for intensive nursing care.

Of course it is easy to write off my parents as two stubborn old people, but they were children of the Great Depression who always believed in working hard for what they acquired, and who were not willing to give up without a fight what they believed to be rightfully theirs. It was also their belief that the City had a moral, even a legal, responsibility to safeguard their interests, as the paying of taxes is a social contract that is designed to protect the well-being of residents. The proof of their conviction is evident in the fact that the City, in response to my parents' predicament, has taken measures to ensure that the landlocking of residential properties by developers, in the way in which my parents' property has been landlocked, will not occur again. In this respect, the public has benefitted from my parents' experience and suffering. It does not seem unreasonable therefore to expect that the City – and possibly the Hamilton-Wentworth District School Board – should, as an acknowledgment of some degree of culpability, do what little it can to rectify this wrong by agreeing to share in the purchase of the wedge of land from the developer, so that my father can see this issue resolved in a "fair and just" fashion before he dies.

Sincerely,

Mark Kikot