



Mark R. Giavedoni  
[mgiavedoni@esblawyers.com](mailto:mgiavedoni@esblawyers.com)  
Professional Corporation

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**SENT VIA EMAIL ([Ida.Beioui@hamilton.ca](mailto:Ida.Beioui@hamilton.ca))**

City of Hamilton  
Legal Services Division  
City Manager's Office  
21 King Street West, 12 floor  
Hamilton, Ontario, L8P 4W7

Attention: Ida Bedioui

Re: Proposed Official Plan Amendment to policy for Parkland Dedication  
Our File No.: 7-3423

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We act as solicitors to Hamilton-Wentworth District School Board ("HWDSB") and reviewed the proposed amendment to City of Hamilton's Urban Official Plan ("UHOP") (the "Amendment"). Specifically, our concern is with the amendment to Policy F.1.18.1C and deletion of Policy F.1.18.1D.

Presently, the Parkland Dedication Bylaw 09-124 (the "Bylaw") seeks to levy a 5% cash-in-lieu of parkland dedication on development or redevelopment of schools. The UHOP restricts this to 2%. The Amendment seeks to authorize the increase under the Bylaw, which is a retroactive measure. The public district school boards within the City of Hamilton were not consulted on the Amendment or given any advance notice of the Amendment going before the Planning Committee. This clearly impacts them, their budgets and facilities planning.

HWDSB has approached the City in the past about these cash-in-lieu payments and the prospect of school boards being exempted from such payments. Indeed, many Ontario municipalities do not levy these charges against school developments, including Brantford, Kitchener and Toronto, for valid policy reasons.

School Board exemptions from cash-in-lieu of parkland dedication requirements are logical given school boards' public responsibility, accountability and governance. They are responsible to the same ratepayers as the City of Hamilton and those same ratepayers are impacted by a duplication of these fees. Particularly, the levying of parkland dedication fees is inconsistent with the policy behind

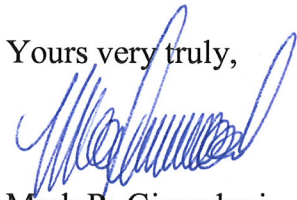
section 58 of the *Education Act* which otherwise renders most municipal fees and charges inapplicable to school boards. In many cases, the City and the public use school playfields as parkland. In addition, university and colleges are already exempted from these payments.

Given the timing of the Amendment, HWDSB seeks an amendment to the UHOP to exempt schools from cash-in-lieu of parkland dedication and to correspondingly amend the Bylaw.

We reserve our clients' rights to make further submissions on this point to the Planning Committee, General Issues Committee or Councilors generally, either in writing or as a delegation to any such committee of Council.

We look forward to setting a time to discuss this issue.

Yours very truly,



Mark R. Giavedoni

MRG/ar

Cc. Stacey Zucker, Executive Superintendent of Board Operations and Treasurer, HWDSB  
David Anderson, Senior Facilities Officer, Facilities Management, HWDSB  
Ellen Warling, Manager, Planning, Accommodation and Rentals, HWDSB  
Vince Ramelli, Manager of Planning, HWCDSB  
Paola Pace-Gubekjian, Superintendent of Business & Treasurer, HWCDSB  
Joanne Hickey-Evans, Planning and Economic Development, City of Hamilton