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Reply To: Joel D. Farber
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Our File No. 166941

VIA EMAIL

City of Hamilton
Planning Committee
71 Main Street West
Hamilton, Ontario
L8P 4Y5

Attention: Ida Bedioui

Dear **Members**:

Re: Item 6.1 [125 Wilson Street East and 130 Dalley Drive PED17037] ZAC16-040 AND UHOPA-16-16

We are the solicitors for 1892610 Ontario Inc., the owner of lands located at 144 Wilson Street.

On July 8, 2016, the City passed Zoning By-law 16-201 [ZAC-15-029] in respect of our client's land in order to permit the conversion of the existing single detached dwelling to a medical office.

The Applicant in the above-referenced matter has appealed our clients zoning by-law amendment to the Ontario Municipal Board. According to the appeal, the Applicants state that "they have serious concerns...as it pertains to the proposed setbacks and buffering of the parking areas to existing residential homes and to Wilson Street". The appeal is scheduled to be heard on June 20, 2017.

We have reviewed the staff report and the materials filed in support of the application and find no mention at all of the issues raised by the Applicant in respect of our client's proposal for 144 Wilson Street including how, if at all, our client's development proposal in any way impacts the Applicant. Given that the Applicant suggests that it has "serious concerns" with our client's development, we anticipated that such issue would be addressed by the Applicant in order to shed some light on the veracity of the appeal launched by the Applicant in opposition to our client's development approvals.

We therefore urge Planning Committee not to approve the staff recommendation, but to refer the matter back to staff for consideration of the Applicant's appeal of Zoning By-law 16-201 and its impact, if any, on the development proposal at 125 Wilson Street East.

We also would respectfully suggest that it would be inappropriate for the Planning Committee to approve the staff recommendations given that the Applicant has appealed Zoning By-law 16-201 and the City is therefore adverse in interest to the Applicant in respect of the planning framework for lands on Wilson Street East in Ancaster.

We reserve the right to make further submissions on this item, but until consideration of the issues set out in this letter are addressed, it would be inappropriate for the City to deal with this application.

Yours truly,

FOGLER, RUBINOFF LLP

"Joel D. Farber"

Joel D. Farber*

*Services provided through a professional corporation

JDF/ij

cc: client (Dr. Joseph Staibano)