

March 20, 2017

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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**

Please be advised that we are the solicitors to 1804482 Ontario Limited, the owners of the property at 125 Wilson Street East and 130 Dalley Drive. We are in receipt of a letter dated March 16, 2017 from Mr. Joel Farber asking that Committee return the above mentioned application to staff so that staff can consider the impacts of an appeal filed by my client as it relates to a property owned by Mr. Farber's client.

It is submitted that such a request is entirely inappropriate. To use staff, who are charged with independently evaluating a planning application on its land use planning merits alone, to withhold their planning recommendation to consider an appeal filed with the Ontario Municipal Board, is an entirely improper use of City staff's resources and would call into question staff's independence.

Staff, the Planning Committee and Council are charged with making decisions on all applications based on the land use planning merits of any application, independent of any other considerations including what appeals have or will be filed with respect to any application. The filing of an Ontario Municipal Board appeal should in no way factor into any decision made by staff, Planning Committee or Council.

Therefore, we ask that planning Committee accept the recommendation of staff based on the merits of the application that is before them, and forward it on to Council for a decision.

Sincerely,

**WeirFoulds LLP**



Per: Denise Baker

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