

Schneider, Melanie

From: Brad Dieno <braddieno@yahoo.com>
Sent: April-06-16 3:10 PM
To: Schneider, Melanie
Subject: Know The Truth
Attachments: IMG_0005.JPG

Files ZAC-16-011 & 25T-201603

"WHAT WE HAVE DONE FOR OURSELVES ALONE DIES WITH US. WHAT WE HAVE DONE FOR OTHERS AND THE WORLD REMAINS AND IS IMMORTAL."

Albert Pine

My name is Bradley Albert Dieno. I lived at 9890 Twenty Road West since 1956. My father is Albert Dieno and he worked at Otis Elevator for over 40 years and retired. The Veterans Land Association provided my father with a 2 acre lot to build a house. The cost was \$15,000.00

I returned home to live with my dad after he had a heart attack and lost his drivers license due to dementia. After several months he was able to retake his drivers test and get his drivers license back although I would not drive with him as he was too distracted for my comfort and too slow making decisions.

My father is a veteran of WWII and will be turning 90 on May 17, 2016.

One day my father sold his house. Now this in itself is not something unusual I suppose but the house was never put up for sale. It was sold to the neighbour next door.

I asked my father if he had cashed the cheque and he said yes. I asked him if he knew how much the property was worth and he said yes. I asked if you have had it assessed or appraised and he said no. Dad I said, you have not even put the house on the market! Oh I don't want to pay big commissions. It seemed like he knew what he wanted to do and I could not talk him out of it. Did you get any other offers? I inquired. Just one and they were willing to pay more but I wanted to sell it to the neighbour.

None of this made any sense to me until I remembered the neighbour occasionally leaving by the backdoor as I would come in the front from work or come over to visit my father as soon as I would leave.

My neighbour would occasionally plow our driveway from snow or run one of his lawn machines over our side lawn. Our neighbour did landscaping and snow removal for a living, so it wasn't unusual to see him around.

Deuteronomy 27:17 'Cursed is anyone who steals property from a neighbor by moving a boundary marker.' And all the people will reply, 'Amen.'

What made this property so enticing to my neighbour I suppose was the fact that the City of Hamilton planning department had created a plan to put a cull-du-sac in the backyard with 12 lots on it. 6 for each 2 acre lot. Now I knew that my father had seen those plans as the city always sent updates of their plans to us. My father always spoke about selling the side lot to someone but now the city had created a bonanza for us. I thought he understood the opportunity it presented, but he had just filed the plans away and forgot where they were.

The City Planning Department had set my father up with a big target on his back without giving him any idea of the new value on his real estate or opportunities it represented. To expect an octogenarian to figure that out themselves just sets them up as a potential victim, as we have become. We missed the opportunity to explore the true value of the property with the new city plans and explore the real market value, at least so an 80 year old Second World War Veteran with dementia could understand it.

Apparently even though you have dementia and are unable to drive due to having trouble making simple decisions, you can still make million dollar real estate deals. The Ontario Government suspended my father's drivers license immediately after his operation but there was no concern from them about how he would now take care of himself. That is the reason I moved back home and probably why my father felt he needed to make some life changes. He needed support and encouragement from feeling trapped being without transportation.

The Veterans Association would have provided assistance but they are very slow in responding to requests for help. You really have to be persistent with them. After my father's last attack we put him in St. Elizabeth but at \$70.00 per day that is just way too expensive. I will provide the care myself at that rate. Boy, I sure don't want to get old. Oh wait. I am 63 and have lost my inheritance on Twenty Road West. I feel ripped off. To quote Steve McQueen from the movie Sandpebbles, "What the hell happened?"

Unfortunately in Hamilton, Ontario, Canada there is no law against being a slimy opportunistic businessman. Our elderly are vulnerable and at risk of major abuses. There are laws to protect your children from predators and there should be laws to protect the vulnerable elderly from predators too. Because this act was done in the dark under the table I don't need to hear what was said to say we were swindled by a neighbour. Why would my father want to sell his property for only half of what it was now worth?

1 Samuel 17:47 And everyone assembled here will know that the Lord rescues his people, but not with sword and spear. This is the Lord's battle, and he will give you to us!"

Ephesians 6:1 Children, obey your parents because you belong to the Lord,* for this is the right thing to do. 2 "Honor your father and mother." This is the first commandment with a promise: 3 If you honor your father and mother, "things will go well for you, and you will have a long life on the earth."*

Micah 7:9 The Lord will bring me into the light, and I will see his righteousness. Then my enemies will see that the Lord is on my side. They will be ashamed that they taunted me, saying, "So where is the Lord—that God of yours?" With my own eyes I will see their downfall; they will be trampled like mud in the streets.

Isa 28:16 I will make justice the measuring line and righteousness the plumb line.

Please send a copy of the notice of complete application to:

Brad Dieno
32 Abbotsford Trail
Hamilton, ON
L9B 2X8

REVISED Concerns Regarding Draft Plan of Subdivision (Files ZAC-16-011 25T-201603) (the addition of Clause #5)

1. The plan indicates that a 50 m long retaining wall is necessary and located close to the eastern boundary of the development. This would indicate that the natural land elevation between the development and surrounding properties will be altered. Since the proposed development properties (9890 & 9906 Twenty Rd.W), 9874 Twenty Rd. W. and surrounding properties are currently the highest point of elevation in this area, any raising of the land seems somewhat unusual and unnecessary.
2. There are many underground streams in this area. Any change to the grade could well affect the natural water flow both above and below the surface. Over the past 60 years, flooding has never been an issue at 9874 Twenty Rd. W. During that time, the elevation of Twenty Rd. has been raised more than one metre, creating an issue where the road surface is now higher than the foundations of many homes slope. In the past year alone the height has been raised by 10 cm. This increased slope causes an elevation dip between the homes and the road rather than the more desirable continuous slope away from the homes.
3. If this development is approved, every effort should be made to preserve some or all of the one dozen mature forty foot tall coniferous trees along the easternmost boundary. The presence of these trees may well have offset any drainage issues resulting from the repeated increases in the elevation of the road and offer a continued safeguard against any possible underground water flow. If any trees are removed to facilitate grading, corresponding mature replacement trees should be planted in a timely fashion. We would agree to have these trees planted within the boundaries of our property.
4. The developer is expected to take every precaution to avoid any flooding issues at 9874 Twenty Rd. W. The developer should be held responsible for any flooding resulting from a change in grading or land elevation and/or the removal of any trees.
5. 5. If trees are to be removed, the developer needs to be aware that the root systems of those trees extend far beyond the base of the trees and reach well into the adjacent property, 9874 Twenty Rd. W.

The developer will be responsible for any and all damage resulting from the act of removal to this adjoining property (lawn, gardens, trees, patio, pathways, house, etc.) and for any and all repairs and/or replacements. Any encroachment and /or subsequent repairs should be done with prior approval from the property owner of 9874 Twenty Rd. W.

6. Two small spruce trees on the property line between 9874 and 9890, approximately 15 metres south of the N.E. corner of the proposed development property, need to be preserved and transplanted a metre back to the east of the property line.
7. 6. This is a "Plan of Subdivision". This proposed subdivision borders a long established private residence. Hence, the developer should be required to erect a 2m high wooden privacy fence along the eastern boundary to separate his development from the adjacent private property.
8. In the Plan of Subdivision", the proposed retaining wall is located within the boundaries of the easternmost lot. This lot has the narrowest width (12.24 m) and the retaining wall would further reduce the usable width of this lot. It would seem appropriate that this narrower lot (12.24m) should border the "under construction" townhouses to the west. It is more in line with the lesser frontage of these homes.

The proposed westernmost lot has a width of 14.12 m., almost 2 m wider than the easternmost lot. For continuity, this wider lot is more in line with the wider properties to the east which have widths of 20 m.- 45 m. This lot would also better accommodate the proposed retaining wall.

The City has recently approved the construction of several new homes to the east of this proposed subdivision. These are large homes constructed on lots with frontages of 22 metres. The frontage of the houses proposed in this subdivision is only about 50% (almost half) of the width of other lots to the east.

This subdivision represents a glaring departure from the uniformity the City has required for the other homes to the east – i.e. broad frontage.

Therefore, in the interest of consistency, the City should limit this development to a maximum of 6 homes with frontages that are at least close to what the City has established as necessary for other builders.

In any subdivision approved for construction on the lands in question, the lot with the widest frontage should be regulated to immediately border the wider frontages to the east.

Alan Smith & Nerene Virgin
Homeowners – 9874 Twenty Rd. W.
Mount Hope LOR 1W0