



Community Builders...Building Communities

City of Hamilton
71 Main Street West
Hamilton, ON L8W 3N7

May 24, 2017

Attn: Office of the City Clerk
Members of Council
Mayor Fred Eisenberger

**Re: Letter of Concern regarding procedure followed for Draft Plan of Condominium Application by Losani Homes
Item 5.9 of May 24, 2017 Council Agenda and Item 5 of Planning Committee Report 17-009 to be approved as Item 6.2 of Council Agenda**

Good morning,

Last week I was in attendance at the regularly scheduled Planning Committee to make a delegation on an agenda item. I was present when Item 5 regarding the above referenced application was approved.

Our Association does not typically involve itself into the specifics of applications made by our members. However, we are very concerned about the precedent being set as part of the process being followed with this application.

Any development project such as the subject of the above application goes through many checkpoints for its design and details: in this case a rezoning application was submitted, a site plan was submitted and vetted through the Development Review Committee, both of which attach conditions of development to their approval, all of which have since been met and satisfied. A Draft Plan of Condominium Application was submitted in May, 2016 and deemed complete the following month, with a public meeting held in January, 2017.

With the above in place, the infrastructure required for the development of the site is complete. Residents have received draft condominium documentation, and are now in a position to back out of their purchase and sale agreements, as a change after the fact, such as the one proposed and approved at planning committee, is considered a material change to the condominium documents and allows them to back out, even if they have interim occupancy.

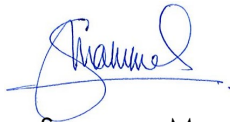
We are concerned with the overall process and what it means for all condominium development applications, now and in the future: the appropriate

time to propose and consider a change of this type is long before construction takes place or purchasers are ready to move in – at one of the many checkpoints prior to condominium documents being finalized. Through the Open for Business Subcommittee, we have discussed on many occasions the need for reducing risk in the overall process, and also the need for public consultation as early as possible in the process. It would seem that what has transpired on this file is very much at odds with both of those principles.

It is our understanding that the logistics of providing what has been requested is also an issue, to say nothing about the assumptions made regarding the desires of and costs to the purchasers themselves. However, it is not the Association's place to involve ourselves further in those types of details. We do vehemently request that Council not proceed with approving the above referenced change to the application submitted by Losani Homes and further request that the issue of timing of infrastructure and approval and the implications of the same be discussed at the next Open for Business Subcommittee and DILG.

Thank you for your consideration in this matter.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Suzanne Mammel", with a long horizontal flourish extending to the right.

Suzanne Mammel, MBA CET
Executive Officer and Policy Directory, HHHBA

Copy – Losani Homes Limited, attn: Fred Losani
- City of Hamilton, attn: Steve Robichaud