

Rev. Canon Peter Davison, M.A., D.Min.

June 25th, 2017

The Mayor and Council,
City of Hamilton

Re: Unassumed Laneway Issue

Dear Mr. Mayor and Members of Council,

The unassumed laneway between Victoria and Alma Streets has been a matter of controversy for some time.

Discussion of the merits of this case, or lack thereof, have been hampered by what appears to be a lack of due process and deliberate violation of municipal laws and procedures.

As I noted in my brief remarks at City Hall on June 19th, the law is foundational to the functioning of any democratic society. It exists, not only to protect the rights of individuals, but to protect the 'commons' – the broader interests of society as a whole.

The controversy began, it seems, when Mr. Len Medeiros paved half of the laneway in question and erected a fence, without applying to purchase the laneway, and without reference to any of the heritage by-laws which govern the heritage district of Dundas. It appears he is in the habit of ignoring the law, as he has been cited for violating the heritage by-laws with reference to his recently acquired property on Cross Street.

Some of us wonder about the actions of Councillor VanderBeek. She of course has the right to represent individual constituents of her ward; but she also has the duty to consider the wider interests of the neighbourhood. It appears she has been selective in notifying residents of her ward about meetings to consider the laneway issue, and reluctant to allow people to speak to the issue when they show up. She apparently impugned the integrity of those who protested Mr. Medeiros' arbitrary and unlawful actions, suggesting that the 209 individually signed petitions were not genuine. I have looked at photocopies of all 209, and know enough of the signatories to assert they are genuine, and have no reason to doubt the validity of the others. Whatever Ms. VanderBeek's merits in other areas of her duties as councillor, it would seem she should at least recuse herself in any further dealings on this matter.

At the committee hearing on June 19th, I am told all five councillors voted to approve Mr. Medeiros' belated application for permission. It also appears that council staff are keen to get rid of laneways, whatever their historical and cultural value. This leaves many with the impression that 'the fix is in', and hearings are merely pro forma.

If this is indeed the case, it raises serious questions about the democratic nature of the City of Hamilton and its institutions. Why is Mr. Medeiros even being allowed to be the applicant, given his track record of ignoring the law? I believe there is ample evidence of illegal and unethical behaviour in this matter to demand a full investigation into the whole process.

I urge Council to withhold assent to this application until such an investigation has taken place, and its results made known to the citizens of Hamilton, for whom, in a wider sense, this is also a serious issue.

Yours faithfully,

Peter Davison

