

To: Hamilton City Council

June 26, 2017

Re: Laneways in Dundas

Dear Mayor and City of Hamilton Council Members,

**Are the Laneways in Dundas assumed or not assumed?**

During the past few months there has been a significant amount of attention paid to the maintenance and ownership of a number of laneways in Dundas.

In my case it is to the repair and maintenance of the laneway that I live on which services both Parkside Avenue and Parkview Row in Dundas.

This laneway has (in all the 36 years that I have lived on it) has been ploughed after snow storms as well as being graded and trimmed (when requested) by either the Town of Dundas when it existed or by the City of Hamilton after amalgamation.

A few of my neighbours have reached out to our local Councillor, Arlene VanderBeek to see if we can get the laneway repaired after this springs flooding. The area was hard hit.

Councillor VanderBeek did get back to us and asked that we leave the matter in her hands and would see what could be done.

**Then a bombshell was dropped on us.....**

We were advised that there were no laneways in Dundas that are assumed and as such it was not a requirement to maintain them but she would try and see if something could be done.

I emailed Councillor VanderBeek back asking when the laneway stopped being assumed.

**She was very clear in her follow up email that it never was.**

I did email back that I believed it to be assumed and that I had a conversation years ago with our then current Mayor (Joe Bennett) who told me that it was.

Councillor VanderBeek responded with the following....

***“The problem is that there is no documentation to say that it was ever assumed. Therefore, it is un-assumed. The change would have taken place if it had been officially assumed.”***

After receiving this email my wife and I found ***a copy of the by-law that specifically makes the lane I live on assumed.*** Since we have never received notification otherwise, it must still be assumed.

I forwarded this information to Councillor VanderBeek and gave the exact date of the approval that was signed by both the Mayor and Town clerk.

***There is documentation showing that my lane is assumed.***

***How many more laneways in Dundas are also assumed?***

I have requested councillor VanderBeek to delve into the records from Dundas Town Council that were sent to Hamilton City Hall after regional amalgamation to allow for a quick release of the appropriate resources to fix our laneway.

After speaking with a number of my neighbours, I realize **there may be a bigger problem with Council voting on Wednesday to sell the Victoria Street –Alma Street laneway...is there legal documentation on whether the laneway is assumed or not assumed?**

**It may be prudent for all concerned that until Council can verify with absolute certainty that this laneway is or is not assumed any offer to sell should be placed on hold.**

Councillor VanderBeek was wrong about my laneway so she may be wrong on that laneway.

I certainly have learned that just because they say it is not assumed does not mean that it isn't.

**It seems fair to all that the decision on the sale of the Victoria/ Alma Street laneway (one way or the other) be made with documented facts....not documented beliefs.**

The laneway that is to be sold has been there for 160 years. Waiting a little while longer till it can be determined conclusively if it is assumed or not would only appear to be the right thing to do.

Does City Council want to be in a position whereby people who use or back onto the Victoria/ Alma Laneway could possibly sue the city for illegally selling public property if the city claims it is unassumed but doesn't have the documentation to prove it?

***If my wife and I can find documentation showing the status of my laneway, I am sure the archived records being held in Hamilton can definitively determine the status of the one being voted for on Wednesday.***

Respectfully yours

Roy Pedersen

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