

**McHUGH WHITMORE LLP**  
LAW FIRM

October 31, 2017

**WITHOUT PREJUDICE****City of Hamilton**

Office of the City Clerk  
71 Main Street West, 3<sup>rd</sup> Floor  
Hamilton, ON L8P 4Y5

**VIA FAX (905-546-2095) and PERSONAL SERVICE**

Dear Sir/Madam:

**RE: John Bruce Robinson Construction Limited**  
**Binbrook Heights Addition, Plan 62M-1233 (the "Development")**

We are the solicitors for John Bruce Robinson Construction Limited ("JBR") and are writing to you in connection with the Binbrook Special Area Charge levied against JBR at the time of the issuance of the Building Permits for residential dwelling units within the above-noted development (including Permits 34319, 34388, and 34793).

We advise that, in light of the recent events and irregularities regarding the general application of the Binbrook Special Area Charge and the availability of services to which those charges relate, JBR disputes the validity and legality of the Binbrook Special Area Charges that it was required to pay at the time of issuance of the Building Permits. Please note that the payment of those charges by JBR has been made under protest and on a without prejudice basis and that JBR challenges the legality and validity of those charges which it was required to pay to the City in connection with the Development.

Furthermore, please let this letter serve as John Bruce Robinson Construction Limited's formal complaint under Section 20 of the Development Charges Act that the Binbrook Special Area Charges were incorrectly determined and that there was an error in the application of the relevant development charge by-laws (By-Law No. 140153 and By-Law No. 11-174 (as amended)). Without limiting the generality of the foregoing:

- The Binbrook 'Special Area Charge' is a development charge imposed by the City of Hamilton to offset the costs incurred by the City for the construction of municipal infrastructure required to service Binbrook
- the Binbrook 'Special Area Charge' should be applied equally to all builders within Binbrook who have benefitted from the infrastructure currently in place to service the community
- Not all builders in Binbrook have been required to pay the 'Special Area Charge' even though they are benefitting from the same infrastructure as those who are in fact paying the 'Special Area Charge'
- The total 'Special Area Charge' required to be paid by JBR would be decreased if the charge had been correctly allocated to all benefitting builders within Binbrook

John Bruce Robinson Construction Limited's address for notice is as follows:

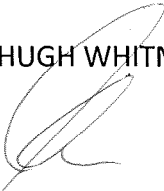
John Bruce Robinson Construction Limited  
2520 Highway 56  
P.O. Box 39  
Binbrook, ON L0R 1C0

Please note that this letter is without prejudice to any other legal remedies that may be available to our client.

We look forward to hearing from you.

Yours very truly,

McHUGH WHITMORE LLP

  
Ralph Ionico

RI/cil

- cc. John Bruce Robinson Construction Limited
- cc. Corporate Services, City of Hamilton (FAX 905-546-4720 and Personal Service)
- cc. Planning and Economic Development Department, City of Hamilton (FAX 905-546-4202 and Personal Service)

OFFICE OF THE CITY CLERK	
NOV 01 2017	
REF'D TO	<u>L. GILLIES</u>
REF'D TO	<u>M. ZERGER</u>
REF'D TO	<u>B. MCNULTY</u>
	<u>J. SPILNER</u>
	<u>A. CHEGOU</u>
ACTION	<u>S. PAPARELLA</u>
	<u>L. LEDUC</u>