

Angela McRae  
City of Hamilton  
71 Main St. W  
Hamilton, Ontario

RE: Request to Speak to Committee of Council regarding 242 James Street S. Hamilton

Dear Committee of Council

It appears that to finalize a building permit we need to pay a park dedication fee. According to Christopher Dimitroff, Seiner Property Officer/ Appraiser we owe \$14,419 based on the value of the land and the area of the proposed unit. This fee is for the re-establishment of one residential unit. This we dispute.

**Background :**

Previous to 1975 242 James Street S. had commercial space on the first floor and the second and third floors was a single residential unit.

In 1976 the owner applied for and received a permit to convert the second floor to commercial and the third floor was left vacant.

Sometime between 1976 and 2016 the second and third floor were converted back into a residential unit, the first floor remaining commercial, not permit was found for this convention. The building now has a residential tenant on the second and third floor.

2018 The building was sold as is to the present owner. Keep in mind the tenants who lived there before the sale are still there. The new owner plans on moving his office into the first floor.

The new owner proceeded to repair an existing balcony railing on the third floor and was stopped for not having a permit.

2018 a permit was applied for but the building was deemed nonconforming since the residential unit was illegal.

2019 the owner applied to the building department with the appropriate drawings to legally convert the second and third floor back to a single residential unit, basically back to its 1975 state.

Please note that the city has acknowledged that the building is in the Hamilton Downtown Community Improvement Project Area (as seen in schedule A of City of Hamilton Bylaw 18-126) as well as the Durand-Markland Heritage Conservation District and 242 JAMES ST S was added on June 14, 2017 (Hamilton 251802013905820 PED17092 / HMHC Report 17-004) to the Non-designated Heritage Properties list).

**Dispute and solutions:**

- 1) We find the levy of a \$14,419.00 egregious and may force the unit to remain empty to keep the building legal thus evicting the tenant who in turn rents rooms to Hospital Interns who currently are front line workers in the Covid-19 outbreak across the street at St Joe's and as well reducing current residential inventory. A solution that we feel is unfair and not to our liking.
- 2) According to Christopher Dimitroff, Seiner Property Officer/ Appraiser Park Dedication fees came into effect in 1975 and should have been payed as part of the 1976 permit. But there is no record of this but there is also missing records for most of the permit application for the 1976 conversion as well. This preferred solution will acknowledge that it is possible that the fees have been paid in the past and no fees are required now
- 3) Christopher Dimitroff, Seiner Property Officer/ Appraiser failed to acknowledge The City of Hamilton Bylaw No. 18-126 section 5 (6) on page 7 that a building that is designated or located within a heritage district under the Ontario Heritage Act and therefor a cash –in lieu fixed rate of \$579.00 per unit applies subject to annual indexing. This possible solution acknowledges that there may be a chance that no fees were paid in 1976 but takes into account section 5 (6) of bylaw 18-126

Please note that if the city fails to understand our argument and denies our challenge that we, if we choose, can cancel our permit application of 2019 then reapply since section 6 of bylaw 18-126 states that as of April 1, 2020 the dedication rate/fixed rate is limited to \$2000.00 per unit in the Hamilton Downtown Community Improvement Project Area (see page 7 By- Law 18-126). This is a far cry from \$14,419.00. However this still may force the owner to evict the tenant who he wants to stay but the city building inspector has been hounding the owner at every turn and threatening to sue the owner on behalf of the city unless he corrects the buildings illegal status without delay. This inspector who has been in the loop regarding our pending permit status and is aware of our current challenges remains unsympathetic. Thank you.

#### **The New Owner:**

My client, working with an Architect has also taken the necessary steps to ensure that his property is up to the standards of the Ontario Building Code to provide a clean, habitable living space that my tenant can enjoy in a relaxing atmosphere. The space has been tastefully decorated along with numerous updates. The final phase in this project will be the commercial office space. The owner of the building who is the owner of a local business Dutta Financial is relocating to 242 James St. He has plans on extensive renovations not only to the interior space of his location but to the physical appearance of the building and its land so that the property can have a refreshed appearance alongside with other historical buildings in the area. Paying such an egregious fee would definitely make a big impact in the existing plans, not to mention the fact that his local business is currently suffering from the covid-19

impact and only beginning to recover. Along this entire process, we didn't expect or budget for this fee that has been recently discovered. At this time, we ask that you take into account everything that we have mentioned here, to remove this fee from this application. Our intention is to reinvest back into Hamilton Downtown anyways, by bringing our business there as I think it's a great opportunity so please take this into consideration. I want to continue the rejuvenation of Hamilton Downtown, as it's gone through an overall over the last 10-15 years. Because I started my career in Downtown Hamilton, it's been a place that I've always cherished and hoped one day I can come back too. I've been lucky enough to not only have the opportunity to bring my business downtown but being an owner of a historical building on James St South. Thank you.

John Stirling Agent