

YLR

YACHETTI, LANZA & RESTIVO ^{LLP}

BARRISTERS & SOLICITORS

154 Main Street East, Suite 100, Hamilton, Ontario L8N 1G9
Telephone (905) 528-7534 Fax (905) 528-9928

JACK RESTIVO PROFESSIONAL CORPORATION

SENT BY LIGHTSPEED COURIER

June 24, 2011

Attention: Rose Caterini, City Clerk

City of Hamilton
71 Main Street West
Hamilton, ON L8P 4Y5

Dear Ms. Caterini:

Re: Special Meeting scheduled for Monday, June 27, 2011
Additional New Information

Enclosed is my correspondence to the Chair and Members of the General Issues Committee Special Agenda for addition to the submissions for the meeting scheduled for Monday, June 27, 2011 at 9:30 a.m.

Please ensure that the Chair and Members receive copies of the correspondence enclosed herewith

Thank you for your cooperation.

Yours very truly,

YACHETTI, LANZA & RESTIVO

JACK S. RESTIVO

JSR/rl
Encls.

c.c. Losani Homes

OFFICE OF THE CITY CLERK	
JUN 24 2011	
REC'D BY: <u>CO</u>	DATE
REF'D TO	DATE
REF'D TO	DATE
REF'D TO	DATE
ACTION:	



YACHETTI, LANZA & RESTIVO ^{LLP}

BARRISTERS & SOLICITORS

154 Main Street East, Suite 100, Hamilton, Ontario L8N 1G9
Telephone (905) 528-7534 Fax (905) 528-9928

JACK RESTIVO PROFESSIONAL CORPORATION

SENT BY LIGHTSPEED COURIER

June 24, 2011

Chair and Members of the
City of Hamilton General Issues Committee
City of Hamilton
71 Main Street West
Hamilton, ON L8P 4Y5

Dear Chair and Members of the Committee:

Re: Special Meeting scheduled for Monday, June 27, 2011
Additional New Information

Further to my correspondence submitted on June 22, 2011 for the meeting held on June 23, 2011 and the attendance by myself and Mr. Barnett as delegates of Losani, I confirm that the Motion for deferral to Monday's date made provision for the submission of new information relating to the issues before you. As you know at the hearing, concerns arose with regard to the possible appeal of a decision to merge the SAC in Binbrook with the DC and, logically, the cost consequence of such an appeal. Mr. Barnett, on behalf of Losani, represented to the Committee that Losani would take carriage and bear the cost responsibility of any such potential appeal.

As you also know, only one party appeared before you to speak in opposition to the merger of the Binbrook SAC with the Development Charge.

Discussions relating to the possible appeal of any decision to merge have taken place and I enclose, for your further consideration, a copy of the correspondence from Multi-Area Developments Inc. to the City of Hamilton dated June 23, 2011 addressed to the attention of Mayor Bratina and Members of City Council and executed by Mr. Aldo DeSantis, President of Multi-Area Developments Inc. confirming that "Multi-Area Developments Inc. will respect any decision the Council makes on the Special Area Charge issue **and will not appeal its decision to the Ontario Municipal Board.**"

Roger D. Yachetti, Q.C.*
Jack S. Restivo, B.A., LL.B.
Douglas J. DePaulo, LL.B.

Francis A. Lanza, B.A., LL.B.
J. Ivan Marini, LL.B.
Alanna C. Stephen, B.A., LL.B., J.D.

Associates:
Murray Mazza, B.A., C.A., LL.B., 426 Highway No. 8, Unit 1, Stoney Creek, Ontario L8G 1G2

We hope that this is of some assistance to the Committee in arriving at a decision which, as per the presentation of Mr. Barnett and myself, will finally put an end to the ongoing inequity and bring resolution to all outstanding issues including withdrawal of the Losani appeal.

Yours very truly,

YACHETTI, LANZA & RESTIVO

JACK S. RESTIVO

JSR/rl

Encls.

c.c. Losani Homes



MULTI-AREA
DEVELOPMENTS INC.

June 23, 2011

City of Hamilton
City Hall
71 Main Street West
Hamilton, ON
L8P 4Y5

Attention: Mayor Bratina and Members of City Council

**Subject: 2011 DEVELOPMENT CHARGES
SPECIAL AREA CHARGES**

Dear Mayor Bratina:

I would like to thank you for allowing a representative of my our company to make a presentation to the General Issues Committee in regard to the Binbrook "Special Area Charge" (SAC). Again it is our position as previously stated that we oppose the merging of the SAC for Binbrook and for Waterdown into the City wide Development Charge.

Notwithstanding our continued and unwavering position on the issue, Multi-Area Developments Inc. will respect any decision the Council makes on the Special Area Charge issue and will not appeal its decision to the Ontario Municipal Board.

Again, we thank you for listening to our position on this matter.

Yours truly,

MULTI-AREA DEVELOPMENTS INC.

Aldo De Santis
President

AD/ss