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 Professional Corporation

February 27, 2017

**SENT VIA EMAIL ([Ida.Beioui@hamilton.ca](mailto:Ida.Beioui@hamilton.ca))**

City of Hamilton  
 Legal Services Division  
 City Manager's Office  
 21 King Street West, 12 floor  
 Hamilton, Ontario, L8P 4W7

Attention: Ida Bedioui

Re: Proposed Official Plan Amendment to policy for Parkland Dedication  
 Our File No.: 7-3423

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We act as solicitors to Hamilton-Wentworth District School Board ("HWDSB") and reviewed the proposed amendment to City of Hamilton's Urban Official Plan ("UHOP") (the "Amendment"). Specifically, our concern is with the amendment to Policy F.1.18.1C and deletion of Policy F.1.18.1D.

Presently, the Parkland Dedication Bylaw 09-124 (the "Bylaw") seeks to levy a 5% cash-in-lieu of parkland dedication on development or redevelopment of schools. The UHOP restricts this to 2%. The Amendment seeks to authorize the increase under the Bylaw, which is a retroactive measure. The public district school boards within the City of Hamilton were not consulted on the Amendment or given any advance notice of the Amendment going before the Planning Committee. This clearly impacts them, their budgets and facilities planning.

HWDSB has approached the City in the past about these cash-in-lieu payments and the prospect of school boards being exempted from such payments. Indeed, many Ontario municipalities do not levy these charges against school developments, including Brantford, Kitchener and Toronto, for valid policy reasons.

School Board exemptions from cash-in-lieu of parkland dedication requirements are logical given school boards' public responsibility, accountability and governance. They are responsible to the same ratepayers as the City of Hamilton and those same ratepayers are impacted by a duplication of these fees. Particularly, the levying of parkland dedication fees is inconsistent with the policy behind

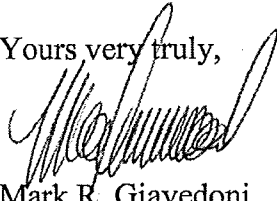
section 58 of the *Education Act* which otherwise renders most municipal fees and charges inapplicable to school boards. In many cases, the City and the public use school playfields as parkland. In addition, university and colleges are already exempted from these payments.

Given the timing of the Amendment, HWDSB seeks an amendment to the UHOP to exempt schools from cash-in-lieu of parkland dedication and to correspondingly amend the Bylaw.

We reserve our clients' rights to make further submissions on this point to the Planning Committee, General Issues Committee or Councilors generally, either in writing or as a delegation to any such committee of Council.

We look forward to setting a time to discuss this issue.

Yours very truly,



Mark R. Giavedoni

MRG/ar

Cc. Stacey Zucker, Executive Superintendent of Board Operations and Treasurer, HWDSB  
David Anderson, Senior Facilities Officer, Facilities Management, HWDSB  
Ellen Warling, Manager, Planning, Accommodation and Rentals, HWDSB  
Vince Ramelli, Manager of Planning, HWCDSB  
Paola Pace-Gubekjian, Superintendent of Business & Treasurer, HWCDSB  
Joanne Hickey-Evans, Planning and Economic Development, City of Hamilton



Hamilton-Wentworth Catholic District School Board  
*Believing, Achieving, Serving*

*Chairperson of the Board*  
*Mr. P.J. Daly*

February 27, 2017

Councillor Maria Pearson (Chair) and  
Members of Planning Committee  
City of Hamilton  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, Ontario  
L8P 4Y5

Dear Chairperson and Committee Members:

**Re: Parkland Dedication Official Plan Policy and By-law Review- Small Scale Redevelopment and Housekeeping Amendments (City Wide) (PED17032) report to February 28, 2017 Planning Committee**

It has come to our attention that the subject, Parkland Dedication Official Plan Policy and By-law Review- Small Scale Redevelopment and Housekeeping Amendments (City Wide) (PED17032) report is scheduled to be considered by the Members of Planning Committee on February 28, 2017.

The recommendation in the report is to amend the Urban Hamilton Official Plan (UHOP) and Rural Hamilton Official Plan (RHOP) parkland dedication rate for schools from 2% to 5%.

The Hamilton-Wentworth Catholic District School Board is directly affected by this proposal and would have appreciated being made aware of the recommendations and contents of the report. As you know on a number of occasions our Board has approached the City and strongly recommended/requested that school boards be exempted from the cash-in-lieu parkland dedication fees. As we have brought to the committee's attention in the past, many municipalities do not levy such charges against school developments.

We respectfully seek an amendment to the Urban Hamilton Official Plan (UHOP), Rural Hamilton Official Plan (RHOP) and By-law 09-124 by which School Boards would be exempt from cash-in-lieu of parkland dedication.

Yours truly,

Patrick J. Daly  
Chairperson of the Board

cc: Ida Bedioui, Legislative Co-ordinator, City of Hamilton  
Todd White, Chairperson, HWDSB  
Stacey Zucker, Executive Superintendent of Board Operations and Treasurer, HWDSB  
Paola Pace-Gubekjian, Senior Superintendent of Business & Treasurer, HWCDSB  
Vince Ramelli, Manager of Planning & Transportation, HWCDSB