



July 16th, 2015

Mayor Lisa Helps
1 Centennial Square
Victoria, BC V8W 1P6

To the Mayor and Members of Council:

As you may know, on 15 April 2015, the City of Hamilton passed a Roads–Equipment Installation By-law regulating the installation of equipment on, in and under its road allowance, including the community mailboxes being installed by Canada Post as it eliminates home delivery.

Canada Post's challenge to the By-law, an application to Ontario's Superior Court, has been successful. On 24 June 2015, the City's Council recommended that this decision be appealed to the Ontario Court of Appeal. In making their recommendation, they considered an opinion provided by the Honourable Ian Binnie, which is attached to this email. Mr. Binnie's firm of Lenczner Slaght has been retained.

The City of Hamilton's position, in short, is that municipalities have the authority to reasonably regulate their road allowance, and can apply minimum standards to the community mailboxes which ensure the protection of persons and property without conflicting with Canada Post's authority to determine how the mail is delivered.

On 25 June 2015, the Federation of Canadian Municipalities decided to seek intervenor status on the appeal. In doing so, FCM states that it is not questioning Canada Post's policy decision to eliminate door-to-door mail delivery, but is supporting municipalities' rights and duties to manage the road allowance for the benefit of all users.

We are asking for your support in this appeal by means of a financial contribution.

Any questions you have should be directed to Janice Atwood-Petkovski, City Solicitor, 905-546-2424 ext.4636, Janice.Atwood-Petkovski@hamilton.ca. We would appreciate your early response. Thank you for your serious consideration of this matter.

Sincerely,

Fred Eisenberger
Mayor

Attachments

Hamilton Roads – Equipment Installation By-Law

<http://www2.hamilton.ca/NR/rdonlyres/89365AF5-8ECE-4DC5-B26C-3FD45B8F0B37/0/15091.pdf>

Ontario Superior Court Decision

<https://www.canlii.org/en/on/onsc/doc/2015/2015onsc3615/2015onsc3615.html?searchUrlHash=AAAAQAUY2FuYWwRhlHBvc3QqaGFtaWx0b24AAAAAAQ&resultIndex=1>