September 10, 2009

Kevin Christenson, City Clerk
77 James St. N., Suite 220
Hamilton, ON
L8R 2X3

Attention: Mary-Ann Meyer

RE: Hamilton Waterfront Trust – Provincial Sales Tax Rulings

Please find attached a resolution passed by the Hamilton Waterfront Trust on September 8, 2009.

Should you have any questions or concerns, please do not hesitate to contact me at 905-523-4498 ext. 22.

Yours truly,

[Signature]

Werner Plessl
Executive Director
Hamilton Waterfront Trust
To: M. B. Chandrashekar
   Accountant, Hamilton Waterfront Trust

Date: September 9, 2009

From: W. J. Plessl
   Executive Director
   Hamilton Waterfront Trust

File: 6040

RE: Provincial Sales Tax

Please be advised that the Board of Trustees at the Hamilton Waterfront Board meeting on September 8, 2009, approved the following recommendation:

1) That the HWT Board approves a motion to advise Provincial Sales Tax Rulings, the Refund Advisory Tax Section, and other Agencies that the Hamilton Waterfront Trust is independent from the City of Hamilton.

The Trust Document creating HWT dated November 24, 2000, is signed by the Hamilton Port Authority in conjunction with the City of Hamilton and requires that Board members be appointed from both parties, The Port Authority and the City of Hamilton, and beyond that there is no involvement by either party.

The City of Hamilton does not contribute any portion of the municipal tax levy towards the HWT operating budget and as a result, the City of Hamilton has no influence, control, or jurisdiction over HWT.

Where deemed necessary, the Hamilton Waterfront Trust and the City of Hamilton undertake projects in collaborative arms length transactions; and,

2) That the HWT Board confirms that the City of Hamilton owns only the building in which Williams Coffee Pub and the Administrative offices are located and the Waterfront Scoops, as a result the HWT has a lease agreement with the City for these buildings. But, whereas the Hamilton Harbour Queen, the Hamiltonian and the Trolley are owned completely by Hamilton Waterfront Trust.

WJP/mc