



City of Hamilton
DELEGATED CONSENT AUTHORITY
AGENDA

Meeting #: 24-4 (DA)
Date: June 11, 2024
Time: 1:00 p.m.
Location: Meet as per their delegated authority –
Meetings are not livestreamed

Jamila Sheffield, Secretary Treasurer (905) 546-2424 ext. 4144
cofa@hamilton.ca

Pages

1. Delegated Consent Authority

- | | | |
|-----|---|----|
| 1.1 | N/AB-24:29147 Mary Street, Hamilton (Ward 2) | 3 |
| | Agent Landwise – K. Gillis
Owner Good Shepherd Centre Hamilton – A. Whittle | |
| 1.2 | N/AB-24:2423 - 31 Church Street, Stoney Creek (Ward 10) | 35 |
| | Agent Upper Canada Consultants – J. Tomaino
Owners Edgelake Lane Ltd. & S.C.A. Real Estate Corp. & Edgelake Manor Ltd. | |



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

NOTICE OF APPLICATION
CONSENT (DELEGATED AUTHORITY)

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

APPLICATION NO.:	B-24:29	SUBJECT PROPERTY:	147 Mary Street, Hamilton
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APPLICANTS: Owner: Good Shepherd Non-Profit Homes (c/o Alan Whittle)
Agent: Landwise (c/o Katelyn Gillis)

PURPOSE & EFFECT: To permit the creation of an easement over a portion of land for access and maintenance purposes.

	Frontage	Depth	Area
SEVERED LANDS: (for Easement)	6.00 m [±]	32.91 m [±]	257 m ² ±
RETAINED LANDS:	Varies m [±]	384.16 m [±]	0.13 ha [±]

Associated Planning Act File(s): A-24:102

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

This application will be decided upon by the Consent Authority, the Director of Planning and Chief Planning, no earlier than:

Tuesday, June 11, 2024

For more information on this matter, including access to drawings illustrating this request and other information submitted:

- Visit www.hamilton.ca/committeeofadjustment - Delegated Consent Authority Tab
- Email Committee of Adjustment staff at cofa@hamilton.ca
- Call 905-546-CITY (2489) or 905-977-1654

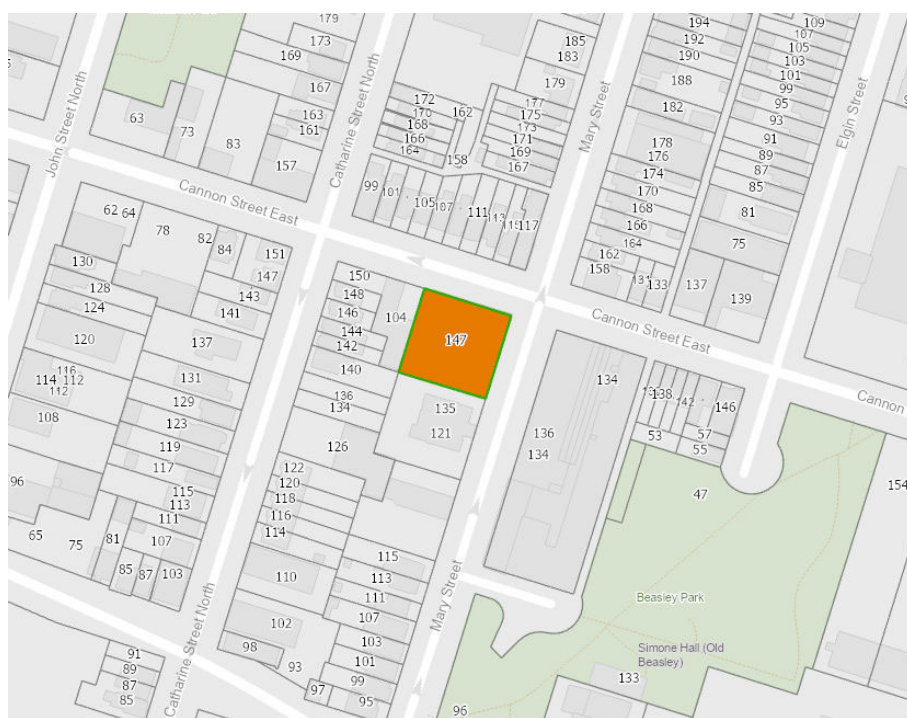
B-24:29

PUBLIC INPUT

Written: If you would like to submit written comments to the Consent Authority, you may do so via email or hardcopy. Written comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Date of Decision.**

Comments will be available on **June 7, 2024** on our website: www.hamilton.ca/committeeofadjustment

Orally: Oral comments are not able to be submitted.



DATED: May 23, 2024

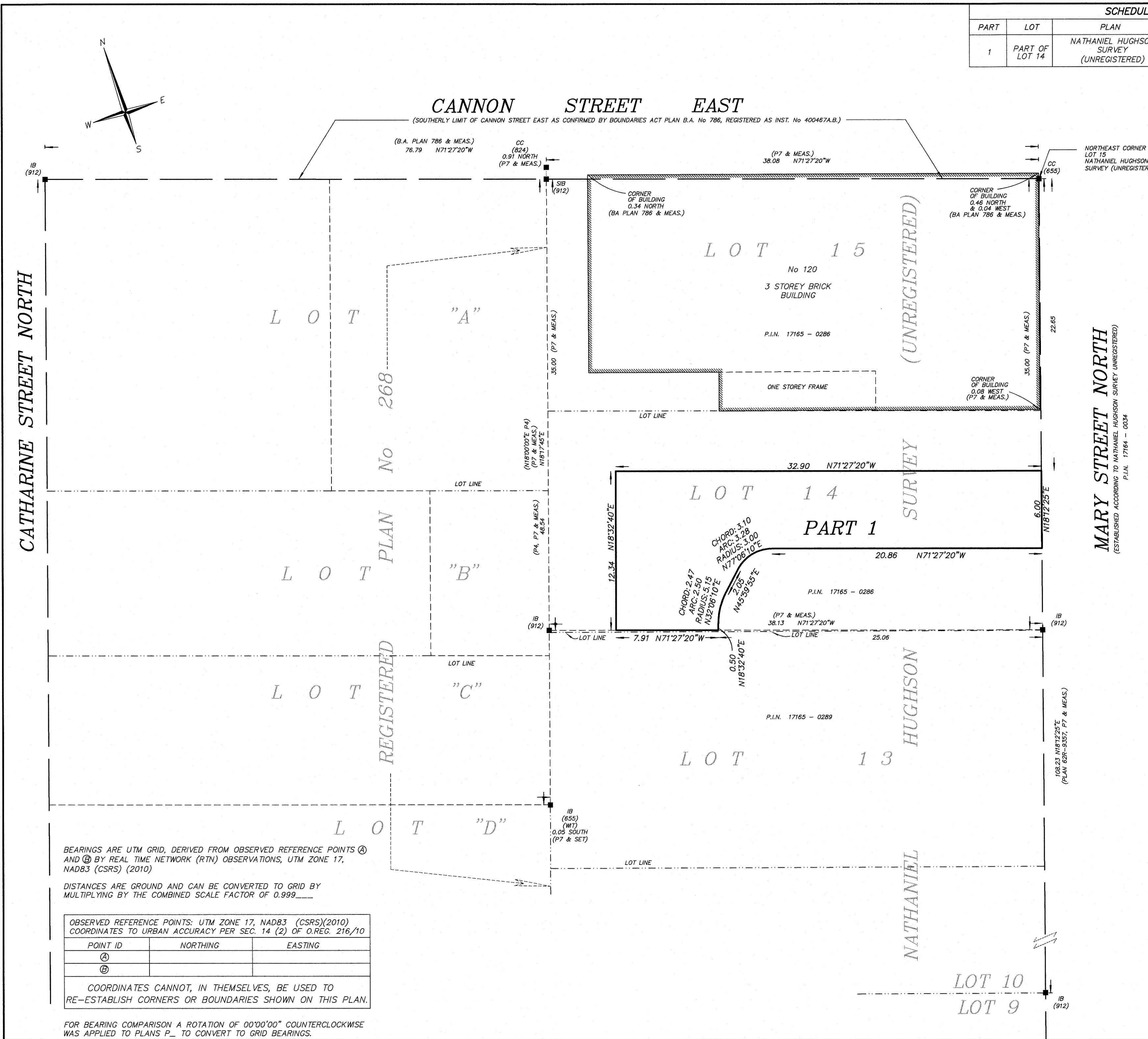
Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.

If a person or public body that files an appeal of a Decision in respect of the proposed consent does not make written submissions before the Consent Authority gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

B-24:29

If you wish to be notified of the Decision of Consent Authority in respect of the proposed consent, **you must make a written request** to the Secretary-Treasurer of The City of Hamilton Committee of Adjustment by email at cofa@hamilton.ca or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5. A copy of the Decision will only be sent to those who request.



SCHEDULE			
PART	LOT	PLAN	PIN
1	PART OF LOT 14	NATHANIEL HUGHSON SURVEY (UNREGISTERED)	PART OF 17165 - 0286

PLAN OF SURVEY OF PART OF LOT 14 FRONTING ON THE WEST SIDE OF MARY STREET ACCORDING TO NATHANIEL HUGHSON SURVEY (UNREGISTERED) IN THE BLOCK BOUNDED BY WILSON, CATHARINE, CANNON & MARY STREETS IN THE CITY OF HAMILTON

SCALE 1:200
0 5 10 metres

THE INTENDED PLOT SIZE OF THIS PLAN IS 610mm IN WIDTH BY 432mm IN HEIGHT WHEN PLOTTED AT A SCALE 1:200 NICHOLAS P. MUTH O.L.S.

METRIC: DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

- LEGEND:
- SIGN THUS □ DENOTES A SURVEY MONUMENT PLANTED
 - SIGN THUS ■ DENOTES A SURVEY MONUMENT FOUND
 - IB DENOTES IRON BAR
 - SIB DENOTES STANDARD IRON BAR
 - CC DENOTES CUT CROSS
 - (912) DENOTES A. J. CLARKE & ASSOCIATES O.L.S.
 - (824) DENOTES A. T. McLAREN O.L.S.
 - (655) DENOTES J. T. PETERS O. L. S.
 - P4 DENOTES REGISTERED PLAN No. 268
 - P7 DENOTES SURVEYOR'S REAL PROPERTY REPORT BY A. J. CLARKE & ASSOCIATES. LTD. DATED AUGUST 31, 2009 (INDEX T-1975)

SURVEYOR'S CERTIFICATE:
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE XX DAY OF XXX, 2024

APRIL 26, 2024
DATE
Nicholas P. Muth
NICHOLAS P. MUTH
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER V-----

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS (A) AND (B) BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010)

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999

OBSERVED REFERENCE POINTS: UTM ZONE 17, NAD83 (CSRS)(2010) COORDINATES TO URBAN ACCURACY PER SEC. 14 (2) OF O.REG. 216/10

POINT ID	NORTHING	EASTING
(A)		
(B)		

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

FOR BEARING COMPARISON A ROTATION OF 00°00'00" COUNTERCLOCKWISE WAS APPLIED TO PLANS P_ TO CONVERT TO GRID BEARINGS.

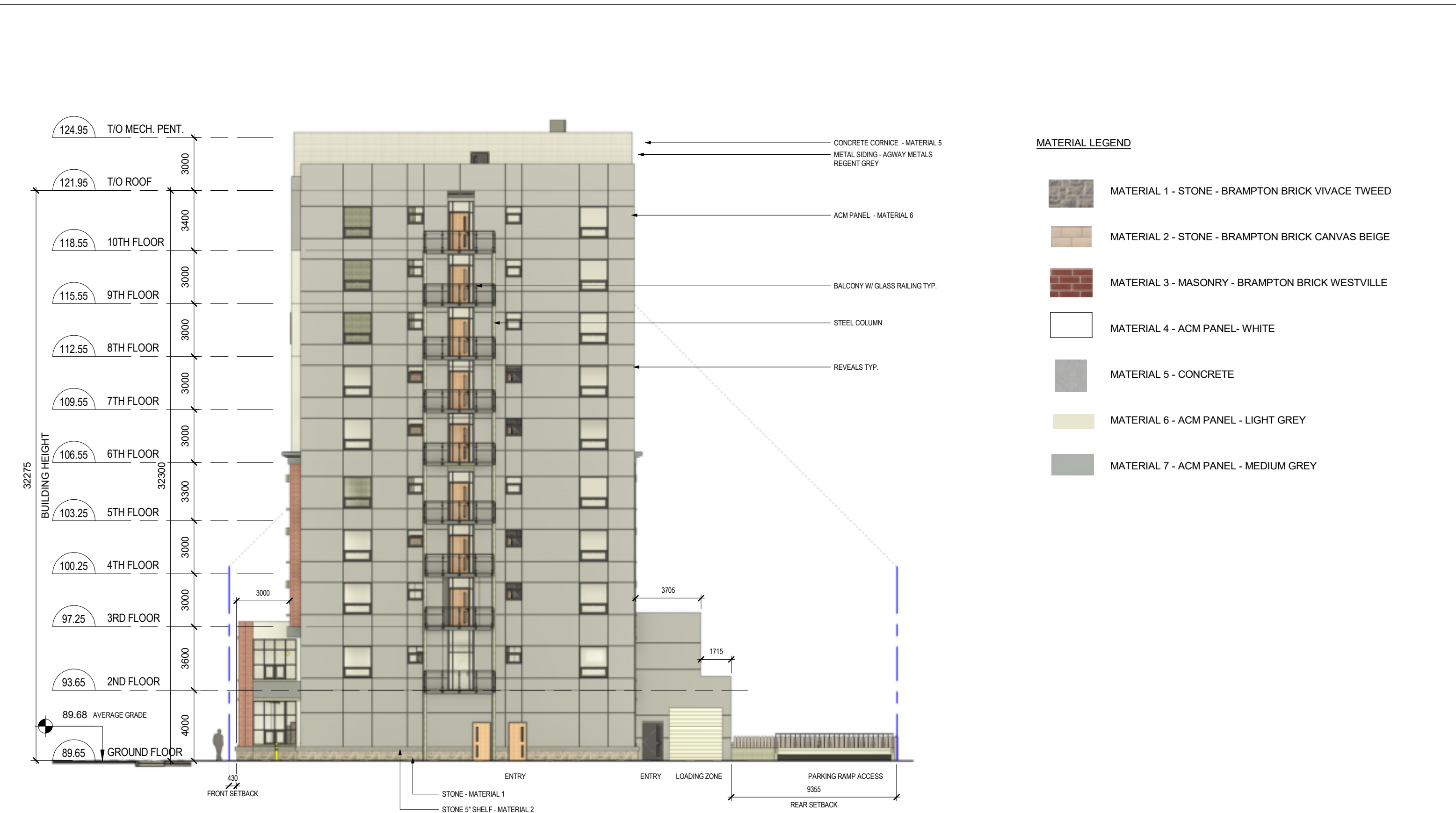
A. J. Clarke and Associates Ltd.
SURVEYORS • PLANNERS • ENGINEERS
25 MAIN STREET WEST, SUITE 300
HAMILTON, ONTARIO, L8P 1H1
TEL. 905-528-8761 FAX 905-528-2289
email: ajc@ajclarke.com

DRAWN BY: MW	CHECKED BY: TK/NPM	PROJECT No. 218289R
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H:\Jobs\T-to-2\UNREG\HIS\CANNON, CATHARINE, WILSON, MARY\147 Mary Street (218289R)\Current Work\REF PLAN.dwg



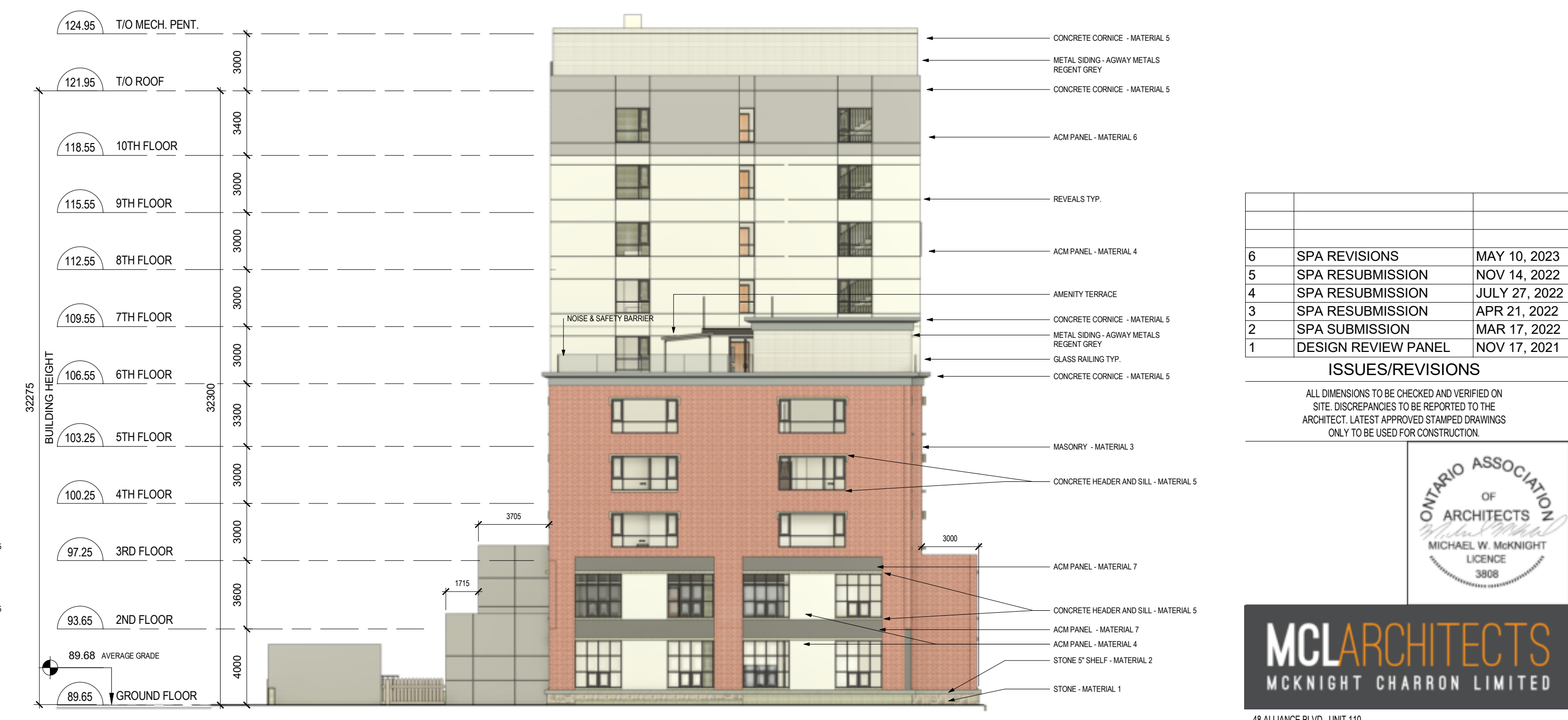
1 EAST ELEVATION - SPA
A-3.1 1 : 200



2 NORTH ELEVATION - SPA
A-3.1 1 : 200



3 WEST ELEVATION - SPA
A-3.1 1 : 200



4 SOUTH ELEVATION - SPA
A-3.1 1 : 200

ISSUES/REVISIONS		
6	SPA REVISIONS	MAY 10, 2023
5	SPA RESUBMISSION	NOV 14, 2022
4	SPA RESUBMISSION	JULY 27, 2022
3	SPA RESUBMISSION	APR 21, 2022
2	SPA SUBMISSION	MAR 17, 2022
1	DESIGN REVIEW PANEL	NOV 17, 2021

ALL DIMENSIONS TO BE CHECKED AND VERIFIED ON SITE. DISCREPANCIES TO BE REPORTED TO THE ARCHITECT. LATEST APPROVED STAMPED DRAWINGS ONLY TO BE USED FOR CONSTRUCTION.



MCLARCHITECTS
MCKNIGHT CHARRON LIMITED

45 ALLIANCE BLVD., UNIT 110
BARRIE, ONTARIO L4M 5K3
WWW.MCLARCHITECTS.CA

T 705 722 6739
F 705 726 5418

DRAWING TITLE:
ELEVATIONS

PROJECT NAME:
GOOD SHEPHERD MARY ST

121 & 135 MARY ST., HAMILTON, ON
DA-22-095

GOOD SHEPHERD		
DATE:	MAY 10, 2023	PROJECT #
DRAWN BY:	KSN	00-000
SCALE:	As indicated	SHEET #
		A-3.1



April 26, 2024
Via Digital Submission

Committee of Adjustment
c/o Ms. Jamila Sheffield
City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Dear Ms. Sheffield,

**RE: MINOR VARIANCE & CONSENT FOR EASEMENT
121 & 135 Mary Street and 147 Mary Street, Hamilton**

Landwise (formerly T. Johns Consulting Group Ltd.) has been retained by Good Shepherd Centre Hamilton (“Good Shepherd”), to submit the enclosed minor variance and consent for easement applications on their behalf.

The minor variance application affects lands municipally known as 121 & 135 Mary Street, Hamilton to facilitate the final site plan approval of conditionally approved site plan DA-22-095.

The consent for easement application affects lands municipally known as 147 Mary Street, Hamilton to establish a right-of-way in favour of 121 & 135 Mary Street, Hamilton and to facilitate the final site plan approval of conditionally approved site plan DA-22-095.

Subject Lands

121 & 135 Mary Street is located in Downtown Hamilton, within the Beasley neighbourhood. The property is approximately 0.26 hectares (0.65 acres) in size, with approximately 72.0 metres (236.2 feet) of frontage along Mary St. The lands are an irregular shaped parcel, with a generally flat topography and some mature trees along the Mary St streetline. The parcels are merged as one property and are currently occupied by one (1) 3-storey building and one (1) 1-storey building, owned and operated the Good Shepherd. Both buildings are to be removed to accommodate the proposed redevelopment.

147 Mary Street is located immediately north of 121 & 135 Mary Street, at the southwest corner of Cannon Street East and Mary Street. The property is approximately 0.13 hectares (0.32 acres) in size with approximately 38.08 meters of frontage along Cannon Street East and 35.00 meters along Mary Street. The lands are generally rectangular and are developed. The lands are occupied by one (1) 3-storey multiple dwelling with 35 units approved through site plan application DA-14-134, owned and operated by Good Shepherd Non-Profit Homes. The property is separate from 121 & 135 Mary St.

Proposed Minor Variances

Minor variances are sought from Zoning By-law No. 05-200 to provide relief on a site-specific basis to facilitate the proposed 10-storey mixed use residential and social service redevelopment on 121 & 135 Mary Street with 156 dwellings and 157.6m² of social service floor area through conditionally approved site plan application DA-22-095. The variances are as follows:

	<u>Zoning By-law No. 05-200</u>	<u>Purpose</u>
1	6.5.3.4 d)	To allow a maximum southern side yard of 7.9 metres whereas 7.5 metres is required.
2	6.5.3.4 f)	To allow a minimum rear yard of 0.5 metres whereas 7.5 metres is required.
3	6.0 b) ii)	To allow a minimum building setback of 2.4 metres from the north side lot line for any portion of the building exceeding 22.0 m in height, whereas 3.0 metres is required.
4	4.8 f)	To allow the erection of an accessory building prior to the erection of the principal building or structure, whereas the erection of an accessory building is not permitted prior to the erection of the principal building or structure.
5	4.8.1.3 a) i)	To allow a minimum setback to the rear lot line of 0.6 metres for accessory buildings, whereas 1.2 metres is required.

Refer to the Planning Rationale for additional detail and analysis in support of the requested variances.

Proposed Consent for Easement (Right-of-Way)

The proposed right-of-way with an approximate area of ±257m² over 147 Mary Street in favour of 121 & 135 Mary Street is to facilitate a shared driveway to access the proposed underground parking ramp as proposed through DA-22-095. The intent of the redevelopment is to activate the street by providing a minimal front yard per the zoning requirements and locating parking and loading activities to the rear of the site and screened by the building. The right-of-way over 147 Mary Street is proposed using an existing curb cut and driveway from Mary Street for passenger vehicles to access the underground parking ramp proposed on 121 & 135 Mary Street. Larger service vehicles to service the redevelopment will use a separate driveway located on 121 & 135 Mary Street.

The proposed right-of-way will require two (2) surface parking spaces to be removed from 147 Mary Street however, a minimum of six (6) surface parking spaces will be maintained whereas a minimum of three (3) spaces are required. The proposed right-of-way will not adversely impact the function of 147 Mary Street.



Submission

Landwise respectfully requests that this letter and the electronically enclosed documents be accepted as complete applications for circulation to all relevant departments:

Please find the enclosed electronic documents:

- Copy of the cheque (#00055) in the amount of \$5,980.00 made payable to the City of Hamilton, to satisfy the Minor Variance fee (\$3,900) and Consent for Easement fee (\$2,080).
- Completed Minor Variance application;
- Completed Consent for Easement application;
- Survey Plan;
- Site Plan;
- Elevations;
- Easement Sketch;
- Planning Rationale.

Please note that the cheque was delivered to City Hall on April 26, 2024.

Should you have any questions or require additional information, please do not hesitate to contact Katelyn Gillis at (905) 574-1993 ext. 207.

Respectfully Submitted,
Landwise

A handwritten signature in black ink that reads "Katelyn Gillis". The signature is written in a cursive, flowing style.

Katelyn Gillis, BA
Senior Planner

Cc: Mr. Alan Whittle, Good Shepherd Centre Hamilton

Landwise (formerly T. Johns Consulting Group) has prepared this Planning Rationale Report in support of the Minor Variance application for 121 & 135 Mary St, Hamilton (“subject lands”). The requested variances are required to facilitate the final approval of Site Plan Control application DA-22-095.

Description of Subject Lands

121 & 135 Mary Street is bound by Mary Street to the east and is located to the south of Cannon Street East, and north of Wilson Street. The subject lands are approximately 0.26 hectares (0.65 acres) in size, with approximately 72.0 metres (236.2 feet) of frontage on Mary Street. The subject lands are merged as one parcel and are currently occupied by one (1) 3-storey building used as an emergency shelter with a meal service and one (1) 1-storey building, used for storage, owned and operated by Good Shepherd Non-Profit Homes Hamilton (“Good Shepherd”). Both buildings are to be removed to accommodate the proposed redevelopment.

Planning Status

The *Urban Hamilton Official Plan* (“UHOP”) Volume 1 designates the subject lands “Downtown Mixed Use Area”.

The *Hamilton Downtown Secondary Plan* (“Secondary Plan”) designates the subject lands “Downtown Residential”, in which multiple dwellings and social service facilities are permitted. The subject lands are identified as “High Rise 2” on Map B.6.1-2 of the *Secondary Plan*, which permits a maximum building height of 30 storeys.

The *City of Hamilton Zoning By-law 05-200* zones the subject lands “Downtown Residential (D5) Zone’ with Holding Provisions H17, H19, and H20. Multiple dwellings and social service establishments are permitted in the D5 Zone.

Proposed Development

The proposed redevelopment is for a 10-storey mixed use building with social services provided on the 1st and 2nd floor and 156 multiple dwellings units above with affordable rental tenure. The proposed redevelopment will continue to be owned and operated by Good Shepherd. The development will be supported with one level of underground parking for a total of 35 parking spaces including one (1) barrier free space. In addition, 6 surface parking spaces including one (1) barrier free space located on the abutting property to the north (under the same ownership of the subject property) will be provided. Common amenities will be provided through the rooftop terrace and landscaped space throughout the site.

Nature and extent of relief applied for:

Five (5) Minor Variances are being sought from Zoning By-law No. 05-200 to facilitate the proposed affordable housing development by Good Shepherd. Note that at the time of preparing this planning rationale, the proposed development requires a total of 45 parking spaces (42 spaces for 156-unit multiple dwelling and 3 spaces for 157.6m² of social service floor area) whereas 35 spaces are provided. The short-fall of parking may be relieved through cash-in-lieu of parking or a City-wide zoning amendment for parking that will reduce the overall minimum required parking from 45 spaces to 12 spaces. Regardless, parking is not a variance being requested through the enclosed application. The requested Minor Variances are as follows:

	<u>Zoning By-law No. 05-200</u>	<u>Purpose</u>
1	6.5.3.4 d)	To allow a maximum southern side yard of 7.9 metres whereas 7.5 metres is required.
2	6.5.3.4 f)	To allow a minimum rear yard of 0.5 metres whereas 7.5 metres is required.
3	6.0 b) ii)	To allow a minimum building setback of 2.4 metres from the north side lot line for any portion of the building exceeding 22.0 m in height, whereas 3.0 metres is required.
4	4.8 f)	To allow the erection of an accessory building prior to the erection of the principal building or structure, whereas the erection of an accessory building is not permitted prior to the erection of the principal building or structure.
5	4.8.1.3 a) i)	To allow a minimum setback to the rear lot line of 0.6 metres for accessory buildings, whereas 1.2 metres is required.

Planning Rationale to Support the Variances

Overall Conformity to the Urban Hamilton Official Plan

The UHOP designates the subject lands “Downtown Mixed Use Area”. Higher density forms of housing and affordable housing are encouraged in this designation. The subject lands are more specifically designated “Downtown Residential” by the *Secondary Plan*, in which multiple dwellings and social service facilities are permitted. The proposed uses of social services and affordable housing conform to the UHOP.

The *Secondary Plan* permits building heights up to 30 storeys on the subject lands. The *Secondary Plan* also encourages the development of mid-rise buildings to effectively transition between low-rise neighbourhoods and future high-rise buildings. The proposed 10-storey development is considered a mid-rise building and conforms to the *Secondary Plan’s* vision for higher density in this area while considering the surrounding primarily low-rise neighbourhood.

Overall, the proposed development and variances meet the intent of the UHOP to provide residential intensification in a multi-residential form to provide affordable housing and social service supports within the Downtown.

VARIANCE 1. To allow a maximum southern side yard of 7.9 metres whereas 7.5 metres is required.

Why is it not possible to comply with the provision of the by-law?

The southern side yard is the most feasible location for outdoor amenity space as a result of the irregularly shaped lot. The increased maximum side yard is needed to provide a sufficient and functional landscaped outdoor amenity area that is appropriately setback from adjacent low density residential uses.

Planning Rationale to Support the Variance:

1. Conformity to the intent of the Zoning By-law

Maximum side yard provisions work to ensure that buildings are sited in a manner that maintains street presence while providing flexibility in the transition to adjacent uses and built forms. The proposed side yard will be used for a landscaped amenity area to support the future residents, add more permeable site area while maintaining an activated street presence that will contribute to the overall streetscape of Mary Street North. The increase of the side yard from 7.5m to 7.9m maintains the intent of the zoning by-law.

2. Is the variance minor?

The variance is minor as the building will maintain street presence on the Mary Street frontage while maximizing on-site amenity and landscaping opportunities.

3. Is the variance desirable for the development of the property?

The variance is desirable for the development of the property as it will allow for the efficient use of an irregularly shaped urban parcel of land and maximize the provision of amenity space.

VARIANCE 2. To allow a minimum rear yard of 0.5 metres whereas 7.5 metres is required.

Why is it not possible to comply with the provision of the by-law?

Due to the irregular shape of the lot, a 7.5 metre challenges the building design where the property line abuts 126 Catharine Street North. The decreased minimum rear yard is required to allow for functional building and site design.

Planning Rationale to Support the Variance:

1. Conformity to the intent of the Zoning By-law

Rear yard setbacks are intended to mitigate overlook and shadows onto neighbouring properties, and in some cases, provide amenity space. The area for which this variance is requested is the “pinch point” of the lot, where it abuts 126 Catherine Street North which is occupied by a 2-storey commercial building currently used as an office (i.e. Seedworks). Where the subject lands abut residential uses, a minimum of 7.5 metres is provided, except for a retaining wall related to the ramp of the underground parking.

The proposed building design considers potential impacts of the variance. Only the first storey of the building will have a 0.5 metre rear setback whereas the second storey will be set back approximately 2.2 metres from the rear lot line, and the remaining floors 5.9 metres. The rooftops

of the first and second floors will not be accessible to residents and there will be no windows on the portion of the building with the reduced setback to maintain the privacy of abutting properties.

2. Is the variance minor?

The variance is minor as it is only required for a portion of the rear yard. The site plan provides rear yard setbacks that surpass the minimum requirement where abutting sensitive uses to prevent impacts on neighbouring residential rear yards.

3. Is the variance desirable for the development of the property?

The variance is desirable as it will allow for the efficient development of an irregularly shaped parcel and accommodate the provision of indoor amenity space for the multiple dwelling.

VARIANCE 3. To allow a minimum building setback of 2.4 metres from the northern side lot line for any portion of the building exceeding 22.0 m in height, whereas 3.0 metres is required.

Why is it not possible to comply with the provision of the by-law?

The 3.0 metre building setback restricts the number of units that can be accommodated on the site. The reduced building setback is required to make efficient use of the parcel and maximize the provision of affordable housing units.

Planning Rationale to Support the Variance:

1. Conformity to the intent of the Zoning By-law

Building setbacks are intended to create human scale development and minimize the impacts of shade and wind on pedestrian spaces. No adverse impacts are anticipated as a result of the variance as a portion of the abutting lands to the north, being 147 Mary Street which is owned and operated by Good Shepherd. A surface parking area and shared driveway immediately abut the proposed building, followed by a 4-storey building. The proposed development will overlook a parking area and not a sensitive use.

2. Is the variance minor?

The variance is minor as it will not adversely impact the public realm and will contribute to a positive streetscape.

3. Is the variance desirable for the development of the property?

The variance is desirable for the development of the property as it will maximize the number of affordable housing units that can be accommodated on the site and make efficient use of an urban parcel of land.

VARIANCE 4. To allow the erection of an accessory building prior to the erection of the principal building or structure, whereas the erection of an accessory building is not permitted prior to the erection of the principal building or structure.

Why is it not possible to comply with the provision of the by-law?

Underground parking is proposed for the redevelopment. The stair exit from the underground parking is considered an accessory building but must be erected prior to the principal building to provide safe access from below grade during construction.

Planning Rationale to Support the Variance:

1. Conformity to the intent of the Zoning By-law

Requiring the erection of principal buildings prior to accessory buildings is to facilitate a logical sequence of construction. In this case, an underground stair exit must be constructed prior to the principal building in order to provide access below grade throughout construction.

2. Is the variance minor?

The variance is minor as it will not adversely impact construction of the principal building.

3. Is the variance desirable for the development of the property?

The variance is desirable for the development of the property as it will facilitate a logical sequence of construction while maintaining a safe site.

VARIANCE 5. To allow a minimum setback to the rear lot line of 0.6 metres for accessory buildings, whereas 1.2 metres is required.

Why is it not possible to comply with the provision of the by-law?

The stair exit from the underground parking area requires a decreased setback from the rear lot line due to the design of the underground parking.

Planning Rationale to Support the Variance:

4. Conformity to the intent of the Zoning By-law

The zoning requirement for 1.2 metre setback between a lot line and accessory building is to maintain proper stormwater drainage. As the proposed accessory building is related to an enclosed stair, the footprint is small and the 0.6 metres will only apply to a width of 2.8 metre (i.e. width of stairs). As reviewed through the ongoing site plan approval process, the proposed accessory building does not create any stormwater management concerns.

5. Is the variance minor?

The variance is minor as it will not adversely impact the management of stormwater on the site.

6. Is the variance desirable for the development of the property?

The variance is desirable for the development of the property as it will help to maximize the number of parking spaces that can be accommodated below grade.

Conclusion

The requested variances will help to facilitate residential intensification for non-profit affordable housing by making efficient use of an irregularly shaped parcel in Downtown Hamilton. The variances maintain the intent of the UHOP and Zoning By-law No. 05-200, are minor, and are desirable. The requested variances are appropriate for the subject lands and represent good land use planning.

Respectfully Submitted,

T. Johns Consulting Group Ltd.



Joe Gravina, CPT
Project Manager



Katelyn Gillis, BA
Senior Planner

Committee of Adjustment
 City Hall, 5th Floor,
 71 Main St. W.,
 Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221
 Email: cofa@hamilton.ca



**APPLICATION FOR CONSENT TO SEVER LAND
 and VALIDATION OF TITLE
 UNDER SECTION 53 & 57 OF THE PLANNING ACT**

Please see additional information regarding how to submit an application, requirements for the required sketch and general information in the Submission Requirements and Information.

1. APPLICANT INFORMATION

	NAME
Purchaser*	N/A
Registered Owners(s)	Good Shepherd Non-Profit Homes c/o Alan Whittle
Applicant(s)**	Same as applicant.
Agent or Solicitor	Landwise c/o Katelyn Gillis

*Purchaser must provide a copy of the portion of the agreement of purchase and sale that authorizes the purchaser to make the application in respect of the land that is the subject of the application.

** Owner's authorisation required if the applicant is not the owner or purchaser.

1.2 Primary contact Purchaser Owner
 Applicant Agent/Solicitor

1.3 Sign should be sent to Purchaser Owner
 Applicant Agent/Solicitor

1.4 Request for digital copy of sign Yes* No
 If YES, provide email address where sign is to be sent _____

1.5 All correspondence may be sent by email Yes* No
 If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

1.6 Payment type

 In person
 Cheque

 Credit over phone*

*Must provide number above

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	147 Mary St
Assessment Roll Number	
Former Municipality	City of Hamilton
Lot	Lots 14 & 15 Fronting on the west side of Mary Street according to Nathaniel Hughson Survey (unregistered) in the block bounded by Wilson, Catharine, Cannon & Mary St and Lot "D" - Doherty Survey
Registered Plan Number	
Reference Plan Number (s)	

2.2 Are there any easements or restrictive covenants affecting the subject land?

 Yes No

If YES, describe the easement or covenant and its effect:

3 PURPOSE OF THE APPLICATION

3.1 Type and purpose of proposed transaction: (check appropriate box)

- | | |
|---|--|
| <input type="checkbox"/> creation of a new lot(s) | <input type="checkbox"/> concurrent new lot(s) |
| <input type="checkbox"/> addition to a lot | <input type="checkbox"/> a lease |
| <input checked="" type="checkbox"/> an easement | <input type="checkbox"/> a correction of title |
| <input type="checkbox"/> validation of title (must also complete section 8) | <input type="checkbox"/> a charge |
| <input type="checkbox"/> cancellation (must also complete section 9) | |
| <input type="checkbox"/> creation of a new non-farm parcel (must also complete section 10)
(i.e. a lot containing a surplus farm dwelling
resulting from a farm consolidation) | |

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

Good Shepherd Centre Hamilton (121 & 135 Mary St) will have rights over the proposed easement

3.3 If a lot addition, identify the lands to which the parcel will be added:

3.4 Certificate Request for Retained Lands: Yes*

* If yes, a statement from an Ontario solicitor in good standing that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Act. (O. Reg. 786/21)

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of subject land:

All dimensions to be provided in metric (m, m² or ha), attach additional sheets as necessary.

	Retained (remainder)	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*
Identified on Sketch as:		PART 1			
Type of Transfer	N/A	EASEMENT			
Frontage					
Depth					
Area		±257m ²			
Existing Use					
Proposed Use					
Existing Buildings/ Structures					
Proposed Buildings/ Structures					
Buildings/ Structures to be Removed					

* Additional fees apply.

4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

- | | |
|---|--|
| <input type="checkbox"/> provincial highway | <input type="checkbox"/> right of way |
| <input type="checkbox"/> municipal road, seasonally maintained | <input type="checkbox"/> other public road |
| <input checked="" type="checkbox"/> municipal road, maintained all year | _____ |

b) Type of water supply proposed: (check appropriate box)

- | | |
|--|---|
| <input checked="" type="checkbox"/> publicly owned and operated piped water system | <input type="checkbox"/> lake or other water body |
| <input type="checkbox"/> privately owned and operated individual well | <input type="checkbox"/> other means (specify) |
| | _____ |

c) Type of sewage disposal proposed: (check appropriate box)

- | | |
|--|-------|
| <input checked="" type="checkbox"/> publicly owned and operated sanitary sewage system | |
| <input type="checkbox"/> privately owned and operated individual septic system | |
| <input type="checkbox"/> other means (specify) | _____ |

4.3 Other Services: (check if the service is available)

- | | | | |
|---|---|--|--|
| <input checked="" type="checkbox"/> electricity | <input checked="" type="checkbox"/> telephone | <input checked="" type="checkbox"/> school bussing | <input checked="" type="checkbox"/> garbage collection |
|---|---|--|--|

5 CURRENT LAND USE

5.1 What is the existing official plan designation of the subject land? Downtown Mixed Use

Rural Hamilton Official Plan designation (if applicable): _____

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) Downtown Mixed Use (Volume 1)
Downtown Residential (Volume 2)

Please provide an explanation of how the application conforms with a City of Hamilton Official Plan.

The proposed Easement for Access provides for efficient use of urban lands to facilitate residential intensification with non-profit affordable housing units. The Easement for Access over 147 Mary St in favour of 121-135 Mary St will provide vehicular access to the underground parking structure to provide a strong urban design presence on Mary St.

5.2 Is the subject land currently the subject of a proposed official plan amendment that has been submitted for approval?

Yes No Unknown

If YES, and known, provide the appropriate file number and status of the application.

5.3 What is the existing zoning of the subject land? Downtown Residential (D5, H17, H19, H20) Zone, Holding

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number?

5.4 Is the subject land the subject of any other application for a Minister's zoning order, zoning by-law amendment, minor variance, consent or approval of a plan of subdivision?

Yes No Unknown

If YES, and known, provide the appropriate file number and status of the application.

5.5 Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply.

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard * Submit Minimum Distance Separation Formulae (MDS) if applicable	<input type="checkbox"/>	
A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	
A provincially significant wetland within 120 metres	<input type="checkbox"/>	
A flood plain	<input type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

6 HISTORY OF THE SUBJECT LAND

6.1 Has the subject land ever been the subject of an application for approval of a plan of subdivision or a consent under sections 51 or 53 of the *Planning Act*?

Yes No Unknown

If YES, and known, provide the appropriate application file number and the decision made on the application.

6.2 If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.

6.3 Has any land been severed or subdivided from the parcel originally acquired by the owner of the subject land?

Yes No

If YES, and if known, provide for each parcel severed, the date of transfer, the name of the transferee and the land use.

6.4 How long has the applicant owned the subject land?

6.5 Does the applicant own any other land in the City? Yes No

If YES, describe the lands below or attach a separate page.

Good Shepherd Non-Profit Homes does not own any lands abutting the subject property.

7 PROVINCIAL POLICY

7.1 Is this application consistent with the Policy Statements issued under Section 3 of the *Planning Act*?

Yes No (Provide explanation)

The application will not facilitate a new lot. The proposal will provide a shared driveway within an existing settlement area.

7.2 Is this application consistent with the Provincial Policy Statement (PPS)?

Yes No (Provide explanation)

The proposal will provide a shared driveway within an existing settlement area with no adverse impacts to municipal servicing, growth or provincially significant heritage features.

7.3 Does this application conform to the Growth Plan for the Greater Golden Horseshoe?

Yes No (Provide explanation)

The proposal will facilitate residential intensification within an Urban Growth Center to provide affordable housing with community supports.

7.4 Are the subject lands subject to the Niagara Escarpment Plan?

Yes No (Provide explanation)

7.5 Are the subject lands subject to the Parkway Belt West Plan?

Yes No (Provide explanation)

7.6 Are the subject lands subject to the Greenbelt Plan?

Yes No (Provide explanation)

7.7 Are the subject lands within an area of land designated under any other provincial plan or plans?

Yes No (Provide explanation)

8 ADDITIONAL INFORMATION - VALIDATION

8.1 Did the previous owner retain any interest in the subject land?

Yes No (Provide explanation)

8.2 Does the current owner have any interest in any abutting land?

Yes No (Provide explanation and details on plan)

8.3 Why do you consider your title may require validation? (attach additional sheets as necessary)

9 ADDITIONAL INFORMATION - CANCELLATION

9.1 Did the previous owner retain any interest in the subject land?

Yes No (Provide explanation)

9.2 Does the current owner have any interest in any abutting land?

Yes No (Provide explanation and details on plan)

9.3 Why do you require cancellation of a previous consent? (attach additional sheets as necessary)

10 ADDITIONAL INFORMATION - FARM CONSOLIDATION**10.1 Purpose of the Application (Farm Consolidation)**

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate if the consolidation is for:

- Surplus Farm Dwelling Severance from an Abutting Farm Consolidation
- Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation

10.2 Location of farm consolidation property:

Municipal Address			
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

10.3 Rural Hamilton Official Plan Designation(s)

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate the existing land use designation of the abutting or non-abutting farm consolidation property.

10.4 Description of farm consolidation property:

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use(s): _____ Proposed Land Use(s): _____

10.5 Description of abutting consolidated farm (excluding lands intended to be severed for the surplus dwelling)

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use: _____ Proposed Land Use: _____

10.7 Description of surplus dwelling lands proposed to be severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from Section 4.1)
----------------------------------	---

Front yard set back: _____

a) Date of construction:

- Prior to December 16, 2004 After December 16, 2004

b) Condition:

- Habitable Non-Habitable

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application Form
- Signatures Sheet

11.2 Validation of Title

- All information documents in Section 11.1
- Detailed history of why a Validation of Title is required
- All supporting materials indicating the contravention of the Planning Act, including PIN documents and other items deemed necessary.

11.3 Cancellation

- All information documents in Section 11.1
- Detailed history of when the previous consent took place.
- All supporting materials indicating the cancellation subject lands and any neighbouring lands owned in the same name, including PIN documents and other items deemed necessary.

11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
- Minimum Distance Separation Formulae (data sheet available upon request)
- Hydrogeological Assessment
- Septic Assessment
- Archeological Assessment
- Noise Study
- Parking Study



Hamilton

B-24:29 – 147 Mary Street, Hamilton (Delegated Authority)

Recommendation:

Approve

Proposed Conditions:

1. The proposed consent for an easement in favour of 121 & 135 Mary St is to facilitate a shared driveway to access the proposed underground parking ramp as proposed through DA-22-095. The easement will be over an existing driveway. Therefore, Development Engineering has no comments or objections to the creation of the easement.
2. The owner shall submit survey evidence that parking on the lot conforms to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Planning Division – Zoning Examination Section).

Proposed Notes:

STAFF COMMENTS**HEARING DATE: June 11, 2024**

Hamilton

Development Planning:**Background**

	Frontage	Depth	Area
SEVERED LANDS (Part 1): (For Easement)	6.00 m±	32.91 m±	257 m ² ±
RETAINED LANDS:	varies m±	384.16 m±	0.13 ha±

The purpose of this application is to create an easement (Part 1 on the submitted survey) on the subject lands municipally known as 147 Mary Street, to the benefit of 121 and 135 Mary Street, for access purposes. Staff note that, as stated in the submitted cover letter and application form, Good Shepherd Non-Profit Homes is the owner of 121, 135 and 147 Mary Street. The easement allows for both properties to utilize a shared driveway for access purposes.

Staff note that this Consent application was concurrently submitted with Minor Variance application A-24:102 and is to facilitate Site Plan application DA-22-095.

Analysis**Urban Hamilton Official Plan**

The subject lands are identified as “Downtown Urban Growth Centre” in Schedule E – Urban Structure and are designated “Downtown Mixed Use Area” in Schedule E-1 – Urban Land Use Designations of the Urban Hamilton Official Plan. Policies E.2.3.1.6, E.4.4.4 and Section F.4.2, amongst others, are applicable and permit the proposed multiple dwelling and social services establishment in addition to the proposed easement.

Downtown Hamilton Secondary Plan

The subject lands are designated “Downtown Residential” on Land Use Plan Map B.6.1-1 and are identified as “High Rise 2” on Maximum Building Heights Map B.6.1-2 of the Downtown Hamilton Secondary Plan. Policies B.6.1.3.1 and B.6.1.4.3, amongst others, are applicable and permit the proposed multiple dwelling and social services establishment.

Beasley Neighbourhood Plan

The subject lands are identified as “High Density Apartments” on Map 6703 (Map 1 of 2) within the Beasley Neighbourhood Plan.

Archeology

No comments.

STAFF COMMENTS**HEARING DATE: June 11, 2024**

Hamilton

Cultural Heritage

No comments.

City of Hamilton Zoning By-law No. 05-200

The subject lands are zoned Downtown Residential (D5, H17, H19, H20) Zone under City of Hamilton Zoning By-law No. 05-200. The proposed multiple dwelling and social services establishment are permitted uses.

Zoning:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	1. The owner shall submit survey evidence that parking on the lot conforms to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Planning Division – Zoning Examination Section).
Comments:	<p>1. The proposed Consent to establish an approximately 257 square metre right-of-way easement with the abutting property at 121 and 135 Mary Street, Hamilton, will facilitate Site Plan Application No. DA-22-095.</p> <p>2. This application is to be heard in conjunction with Minor Variance Application No. A-24:102 for 121 and 135 Mary Street, Hamilton.</p> <p>3. Please note that legally established rights of ways shall be properly registered on title to provide access between properties and sharing of parking areas.</p> <p>4. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.</p>
Proposed Notes:	

Cultural Heritage:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<p>Archaeology:</p> <p>No comments</p> <p>Cultural Heritage:</p>

STAFF COMMENTS**HEARING DATE: June 11, 2024**

Hamilton

	<p>The subject property is listed on the Municipal Heritage Register. Accordingly, section B.3.4.3.6 of the Urban Hamilton Official Plan, Volume 1, applies.</p> <p>Notwithstanding that the subject property is on the Municipal Heritage Register, staff have no concerns as the easement provides access on the paved portion of the site that does not contain any built heritage features.</p> <p>Staff have no further comments on the application as circulated.</p>
Proposed Notes:	

Natural Heritage:

Recommendation:	No comments
Proposed Conditions:	
Comments:	
Proposed Notes:	

Forestry:

Recommendation:	Approve
Proposed Conditions:	
Comments:	There are no public tree assets impacted by the proposed application.
Proposed Notes:	

Development Engineering:

Recommendation:	Approve
Proposed Conditions:	<ul style="list-style-type: none"> The proposed consent for an easement in favour of 121 & 135 Mary St is to facilitate a shared driveway to access the proposed underground parking ramp as proposed through DA-22-095. The easement will be over an existing driveway. Therefore, Development Engineering has no comments or objections to the creation of the easement.
Comments:	
Proposed Notes:	

Building Engineering:

Recommendation:	No Comment
Proposed Conditions:	
Comments:	
Proposed Notes:	

STAFF COMMENTS**HEARING DATE: June 11, 2024**

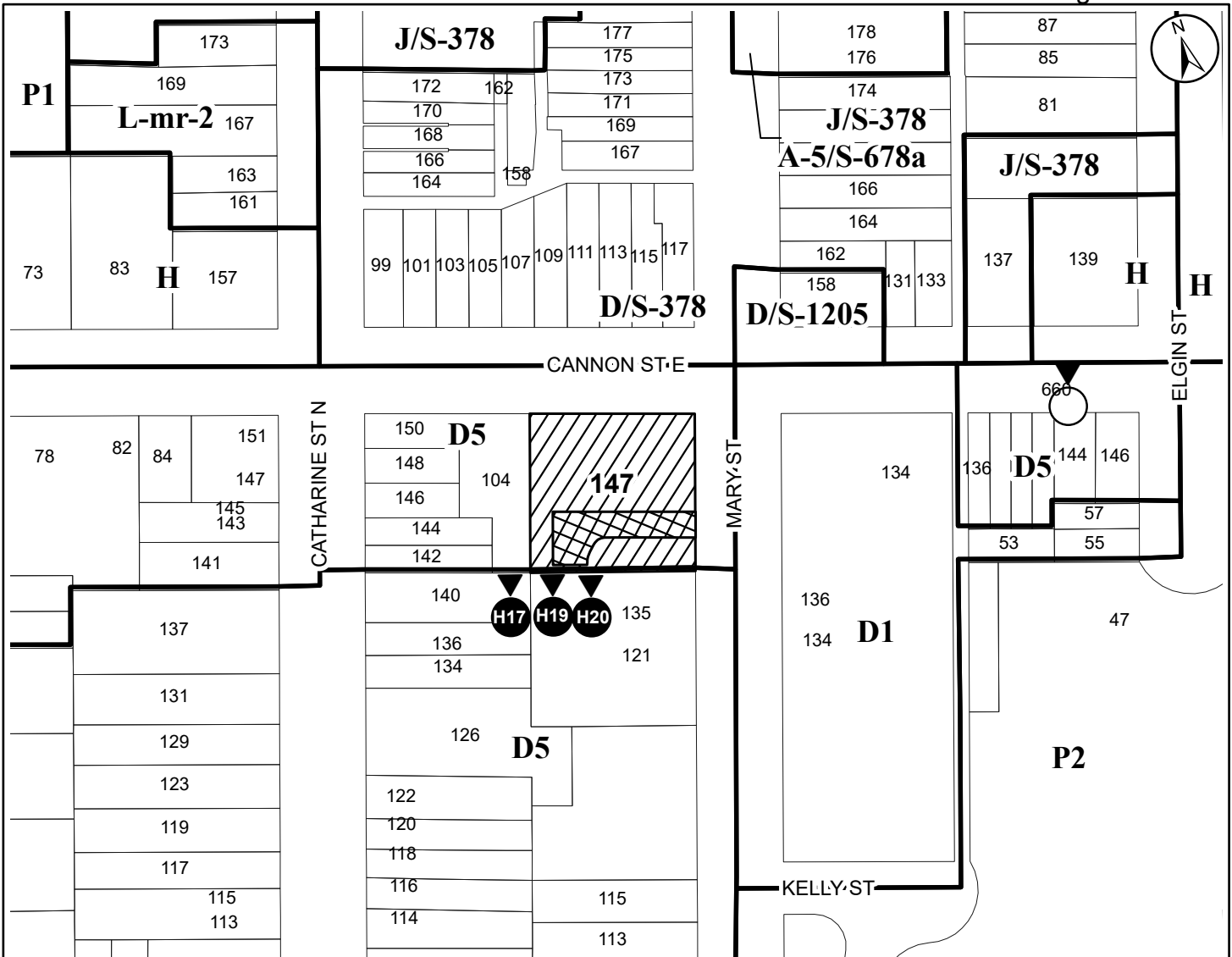
Hamilton

Transportation Planning:

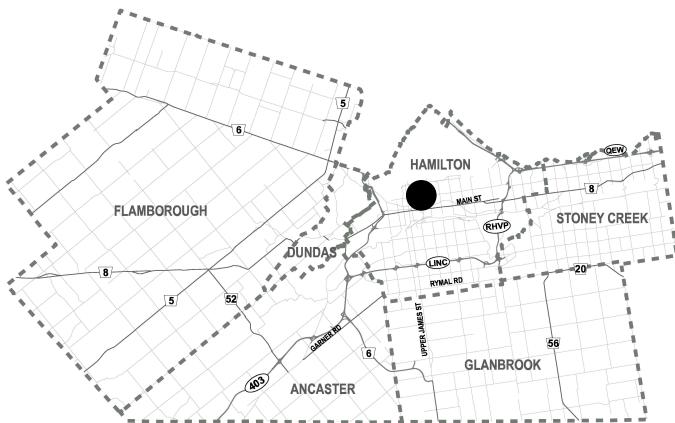
Recommendation:	Comments Only
Proposed Conditions:	
Comments:	No files were available to review for Transportation Planning
Proposed Notes:	

Legislative Approvals:

Recommendation:	No Comments.
Proposed Conditions:	
Comments:	
Proposed Notes:	We ask that the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's Sign By-law, in a manner that is clearly visible from the road.



● Site Location





City of Hamilton

Committee of Adjustments

Subject Property

147 Mary Street, Hamilton (Ward 2)

-  Lands to be retained
-  Easement

File Name/Number:

B-24:29

Date:

June 6, 2024

Technician:

AL

Scale:

N.T.S.

Appendix "A"



Hamilton



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

NOTICE OF DECISION
CONSENT

APPLICATION NO.:	B-24:29	SUBJECT PROPERTY:	147 Mary Street, Hamilton
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APPLICANTS: Owner Good Shepherd Non-Profit Homes (c/o Alan Whittle)
Agent Landwise (c/o Katelyn Gillis)

PURPOSE & EFFECT: To permit the creation of an easement over a portion of land for access and maintenance purposes in favour of lands known as 121 and 135 Mary St., Hamilton.

	Frontage	Depth	Area
SEVERED LANDS: (for Easement)	6.00 m [±]	32.91 m [±]	257 m ² ±
RETAINED LANDS:	Varies m [±]	384.16 m [±]	0.13 ha [±]

Associated Planning Act File(s): A-24:102

THE DECISION OF THE CONSENT AUTHORITY IS:

That the said application, as set out above, Approved with Conditions, for the following reasons:

1. The proposal does not conflict with the intent of the Urban/Rural Hamilton Official Plan.
2. The proposal does not contravene Zoning By-law requirements.
3. The Committee considers the proposal to be in keeping with development in the area.
4. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
5. The submissions made regarding this matter affected the decision by supporting the granting of the application.

Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following condition(s):

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to

B-24:29

the City corporate coordinate system. (Committee of Adjustment Section)

2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner shall submit survey evidence that parking on the lot conforms to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Planning Division – Zoning Examination Section).

DATED AT HAMILTON, June 14, 2024.

Anita Fabac,
Acting Director of Planning and Chief Planner
Consent Authority

The date of the giving of this Notice of Decision is **June 14, 2024**. Above noted conditions **MUST** be fulfilled within **TWO (2) YEARS** of the date of this Notice of Decision (June 14, 2026) or the application shall be deemed to be REFUSED (Planning Act, 53(41)).

NOTES:

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS July 4, 2024 a date. at 4:30pm. A Notice of Appeal must be filed with the Secretary-treasurer of the Committee of Adjustment, must set out the reasons for the appeal and must be accompanied by the applicable fee. See Appeal Information Consents/Severances for more information.
2. **This Decision is not final and binding unless otherwise noted and must not be acted upon until the period of appeal has expired.**
3. The Decision does not release any persons from the necessity of observing the requirements of building regulations, the license by-law, or any other by-law of the City of Hamilton.



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

APPEAL INFORMATION – CONSENTS/SEVERANCES

1. Who may file an appeal of the Decision of the Committee of Adjustment or Consent Authority?

Please note neighbours and other interested parties not defined are no longer eligible to file Planning Act Section 53(19) appeals. See [Bill 23, More Homes Built Faster Act, 2022](#) for more information.

Planning Act Section 53(19) appeals may be filed by the applicant, the Minister of Municipal Affairs and Housing, a “specified person” (as defined by Planning Act 1(1)), and any “public body” (as defined by Planning Act 1(1)).

2. When must an appeal be received to be considered?

Planning Act Section 53(19) appeals must be received no later than the end of business on the last date of appeal listed on the Notice of Decision. The last date of appeal is 20 days from the date of the giving of Notice of the Decision. Please see Notice of Decision for exact date and time.

3. Where must the appeal be filed to be considered?

Planning Act Section 53(19) appeals must be received in one of the following formats:

Hardcopy: at City Hall and addressed to the Secretary-Treasurer of the Committee of Adjustment, Hamilton City Hall, 5th Floor, 71 Main Street West, Hamilton, ON, L8P 4Y5. Do not address appeals to any other departments or locations. Appeals received by the office of the Committee of Adjustment after the last date of appeal as a result of second-hand mailing will be time barred and of no effect.

Electronic copy: by email delivered to cofa@hamilton.ca. Do not address appeals to any other departments or locations. Appeals received by the office of the Committee of Adjustment after the last date of appeal as a result of incorrectly addressed emails will be time barred and of no effect. If the information submitted will include large file sizes not able to be sent in one email, please contact cofa@hamilton.ca in advance to request a file sharing link.

E-file Portal: By filing an appeal through the OLT E-file Portal at <https://olt.gov.on.ca/e-file-service/> to Hamilton (City) – Committee of Adjustment and Consent Authority (select appropriate approval body as outlined on the Notice of Decision). Appeals received by the office of the Committee of Adjustment after the last date of appeal as a result of incorrectly chosen approval authority will be time barred and of no effect.

Please note only one of the above options needs to be completed. If your preferred method of appeal is not available at the time of appeal, the appeal must be filed with one of the other two

options. Appeals received after the date of appeal as a result of one of the methods being unavailable will be time barred and of no effect.

4. What information must be submitted for the appeal to be considered?

Planning Act Section 53(19) appeals must include:

Notice of appeal, the Ontario Land Tribunal (OLT) Appeal Form, this can be found by contacting Committee of Adjustment staff at the 5th floor of City Hall or at the OLT website <https://olt.gov.on.ca/appeals-process/forms/>, a cover letter, etc. may also be submitted if there is not sufficient room in the form;

Filing fee, the fee is currently \$400 (subject to change) and must be paid as outlined on the OLT Appeal Form or OLT E-file Portal;

All other information as required by the Appeal Form.

Questions or Information:
Contact Committee of Adjustment Staff (cofa@hamilton.ca)



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

NOTICE OF APPLICATION
CONSENT (DELEGATED AUTHORITY)

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

APPLICATION NO.:	B-24:24	SUBJECT PROPERTY:	23,25,27,29,31 Church Street, Stoney Creek
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APPLICANTS: Owner Edgelake Beach Ltd.
Agent Joseph Tomaino per Upper Canada Consultants

PURPOSE & EFFECT: To permit the creation of an easement for access for shoreline maintenance over properties known as 23, 25, 27, 29 & 31 Church Street, Stoney Creek.

	Frontage	Depth	Area
29 Church Street			
EASEMENT LANDS (Part 1 & 2):	N/A m [±]	4 m [±]	47.36 m ² ±
REMAINDER LANDS:	15.24 m [±]	95.10 m [±]	1449.93 m ² ±
EASEMENT LANDS (Part 3):	N/A m [±]	4 m [±]	4.5 m ² ±
EASEMENT LANDS (Part 4):	4 m [±]	4 m [±]	382.8 m ² ±
	Frontage	Depth	Area
27 Church Street			
REMAINDER LANDS:	15.24 m [±]	97.13 m [±]	1480.26 m ² ±
EASEMENT LANDS (Part 7 & 8):	N/A m [±]	4 m [±]	60.96 m ² ±

B-24:24

	Frontage	Depth	Area
25 Church Street			
REMAINDER LANDS:	15.24 m [±]	99.16 m [±]	1511.19 m ² [±]
EASEMENT LANDS (Part 9 & 10):	N/A m [±]	4 m [±]	60.96 m ² [±]
	Frontage	Depth	Area
23 Church Street			
REMAINDER LANDS:	15.36 m [±]	101.13 m [±]	1553.35 m ² [±]
EASEMENT LANDS (Part 11):	N/A m [±]	4 m [±]	58.72 m ² [±]
	Frontage	Depth	Area
31 Church Street			
REMAINDER LANDS:	15.24 m [±]	93.07 m [±]	1418.38 m ² [±]
EASEMENT LANDS (Part 5 & 6):	N/A m [±]	4 m [±]	61.08 m ² [±]

Associated Planning Act File(s): N/A

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

This application will be decided upon by the Consent Authority, the Director of Planning and Chief Planning, no earlier than:

Tuesday, June 11, 2024

For more information on this matter, including access to drawings illustrating this request and other information submitted:

- Visit www.hamilton.ca/committeeofadjustment - Delegated Consent Authority Tab
- Email Committee of Adjustment staff at cofa@hamilton.ca
- Call 905-546-CITY (2489) or 905-977-1654

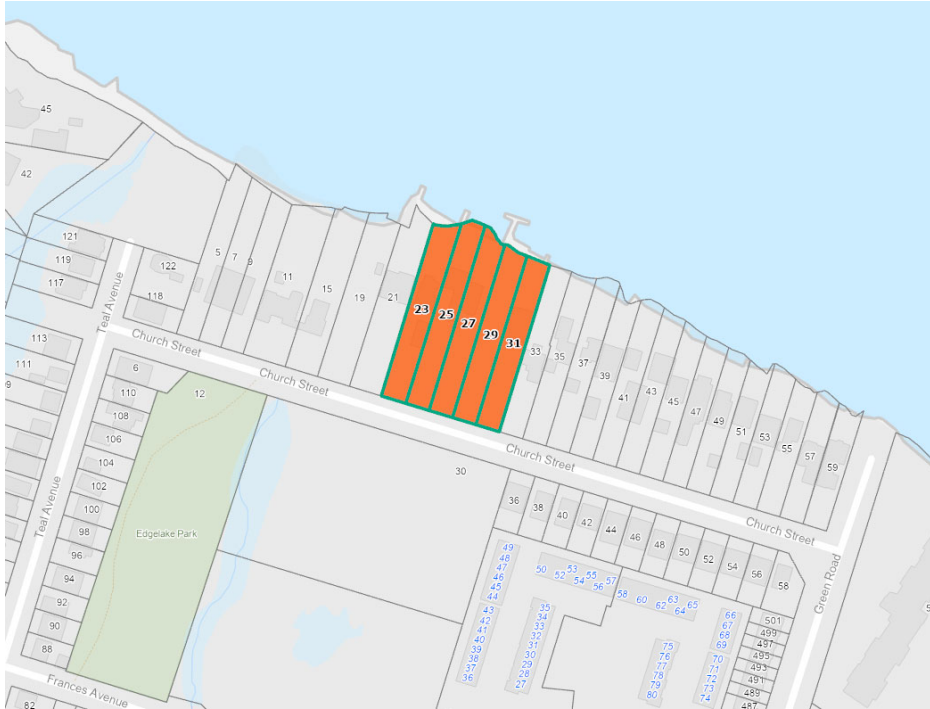
PUBLIC INPUT

Written: If you would like to submit written comments to the Consent Authority, you may do so via email or hardcopy. Written comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Date of Decision.**

B-24:24

Comments will be available on **June 7, 2024** on our website:
www.hamilton.ca/committeeofadjustment

Orally: Oral comments are not able to be submitted.



 **Subject Lands**

DATED: May 23, 2024

Jamila Sheffield,
 Secretary-Treasurer
 Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.

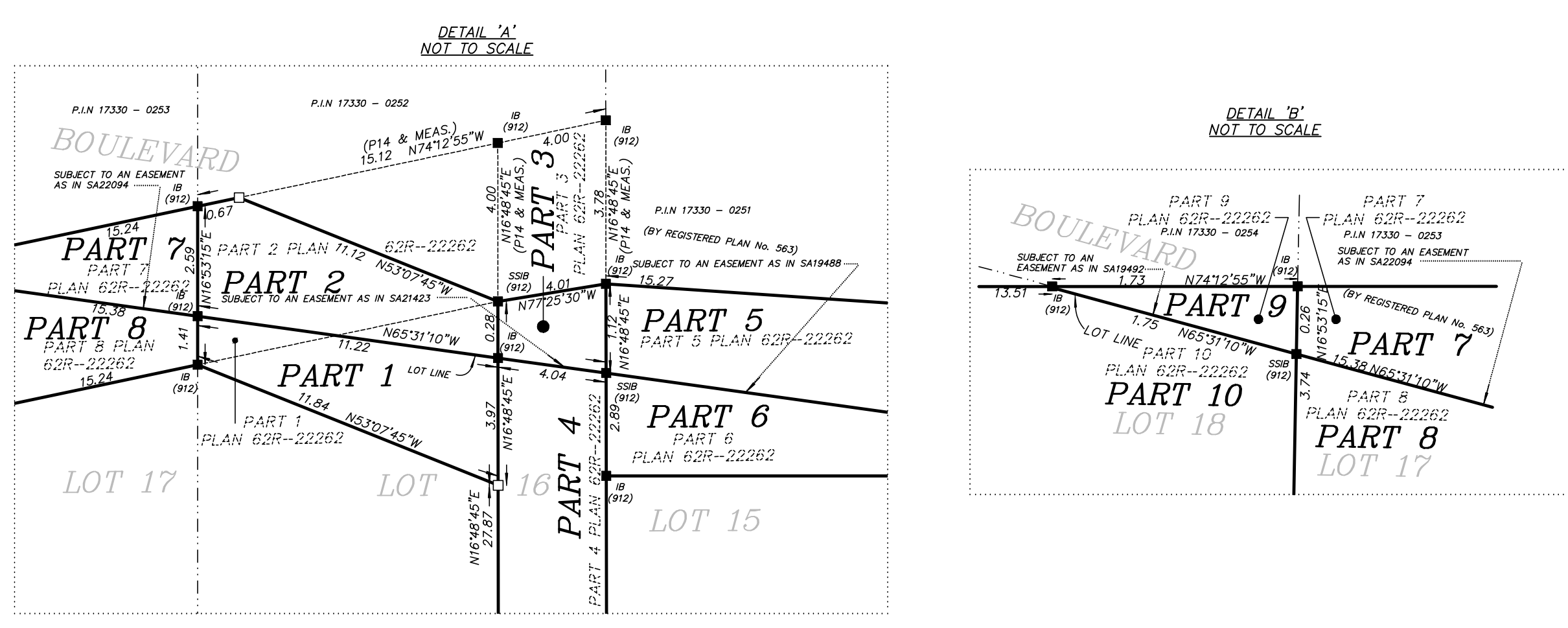
If a person or public body that files an appeal of a Decision in respect of the proposed consent does not make written submissions before the Consent Authority gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

If you wish to be notified of the Decision of Consent Authority in respect of the proposed consent, **you must make a written request** to the Secretary-Treasurer of The City of Hamilton Committee of Adjustment by email at cofa@hamilton.ca or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5. A copy of the Decision will only be sent to those who request.

PLAN OF SURVEY OF PART OF LOTS 15 TO 20, INCLUSIVE AND PART OF BOULEVARD REGISTERED PLAN No. 563 IN THE CITY OF HAMILTON SCALE 1:200

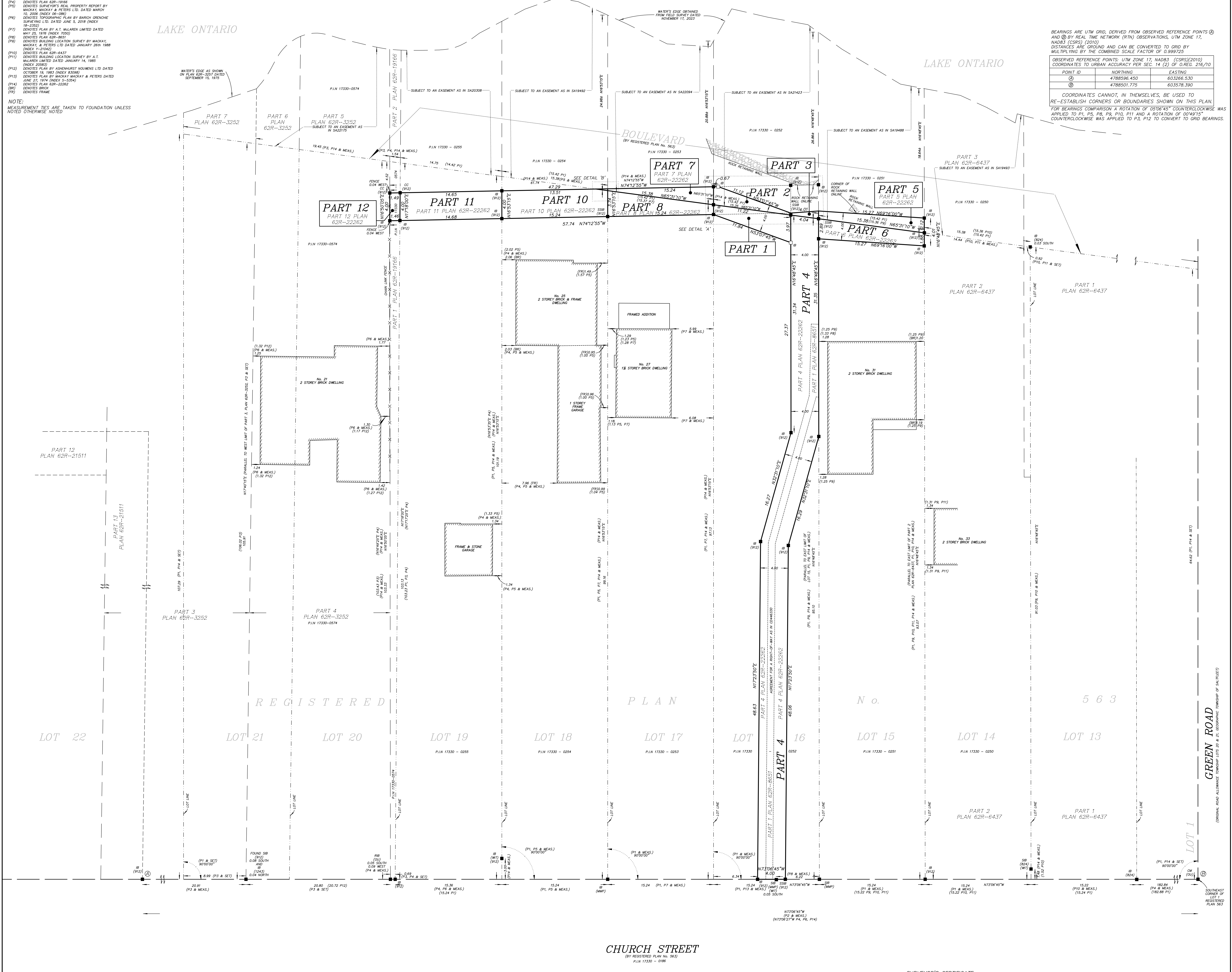
- LEGEND: DENOTES SURVEY MONUMENT PLANTED, DENOTES SURVEY MONUMENT FOUND, DENOTES IRON BAR, DENOTES IRON PIPE, DENOTES CONCRETE MONUMENT, DENOTES CANTON POST, DENOTES SURVEY MONUMENT FOUND, DENOTES IRON BAR, DENOTES IRON PIPE, DENOTES CONCRETE MONUMENT, DENOTES CANTON POST, DENOTES SURVEY MONUMENT FOUND, DENOTES IRON BAR, DENOTES IRON PIPE, DENOTES CONCRETE MONUMENT, DENOTES CANTON POST, DENOTES SURVEY MONUMENT FOUND, DENOTES IRON BAR, DENOTES IRON PIPE, DENOTES CONCRETE MONUMENT, DENOTES CANTON POST...

NOTE: MEASUREMENT TIES ARE TAKEN TO FOUNDATION UNLESS NOTED OTHERWISE NOTED.



LAKE ONTARIO

LAKE ONTARIO



BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS AND BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010) COORDINATES TO URBAN ACCURACY PER SEC. 14 (2) OF O. REG. 216/10. DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999725. OBSERVED REFERENCE POINTS: UTM ZONE 17, NAD83 (CSRS) (2010) COORDINATES TO URBAN ACCURACY PER SEC. 14 (2) OF O. REG. 216/10. COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN. FOR BEARING COMPARISON A ROTATION OF 05'06"45" COUNTERCLOCKWISE WAS APPLIED TO P1, P5, P8, P9, P10, P11 AND A ROTATION OF 02'49"15" COUNTERCLOCKWISE WAS APPLIED TO P2, P12 TO CONVERT TO GRID BEARINGS.

SCHEDULE table with columns PART, LOT, PLAN, PIN. Contains 12 entries for different parts and lots.

PLAN 62R-22301 Received and deposited April 8th, 2024 April Sarkany Representative for the Land Registrar for the Land Titles Division of Wentworth (No.62)

METRIC: DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

SURVEYOR'S CERTIFICATE: I CERTIFY THAT THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT AND THE REGULATIONS MADE UNDER THEM. THE SURVEY WAS COMPLETED ON THE 25th DAY OF MARCH, 2024. DATE: MARCH 26, 2024. SURVEYOR: NICHOLAS B. MUTH, ONTARIO LAND SURVEYOR. PROJECT NO: 2381130.

A.J. Clarke and Associates Ltd. logo and contact information: 25 MAIN STREET WEST, SUITE 300, HAMILTON, ONTARIO, L8P 1H1. TEL: 905-528-8761, FAX: 905-528-2289, email: ojc@ajclarke.com.

CHURCH STREET (BY REGISTERED PLAN No. 563) PLAN 17330 - 0198

GREEN ROAD (ORIGINAL ROAD ALLEVIANCE REMOVED LOTS 20 & 21, COORDINATING CORNER OF 34 STREET)

REGISTERED PLAN No. 563

April 18, 2024

UCC File No. 24028

To: Ms. Jamila Sheffield, ACST
Secretary-Treasurer
Committee of Adjustment
City of Hamilton
71 Main Street West, 5th Floor
Hamilton, Ontario L8P 4Y5

**Re: Applications for Consent
23,25,27,29 & 31 Church Street, Hamilton**

Upper Canada Consultants submits the attached Consent Applications (5) on behalf of the owners of the subject lands, known municipally as 23, 25, 27, 29 & 31 Church Street in the City of Hamilton.

The purpose and effect of the consent applications (5) is to create create easements as described below:

“Easements are for mutual right of ways to allow for passage of personnel, materials and machinery to maintain, amend or reconstruct the shore protection works adjoining Lake Ontario on Parts 1 to 11 Plan, 62R-22301

Five Consent Applications as described as follows.

1. 29 Church Street (S.C.A Real Estate) grants and easement to 21, 23, 25 & 27 Church Street over Parts 1-4 inclusive 62R-22301 and to 31 & 33 Church Street over Parts 3 & 4 62R-22301
2. 31 Church Street (Edgelake Manor Ltd.) grants an easement to 33 Church over Parts 5 & 6 62R-22301
3. 27 Church Street (Edgelake Lane Ltd) grants an easement to 21,23,25 Church Street over Parts 7-8 62R-22301
4. 25 Church Street (Edgelake Beach Ltd) grants an easement to 21, 23 Church Street over Parts 9 & 10 62R-22301
5. 23 Church Street (Edgelake Shore Ltd.) grants an easement to 21 Church Street over Part 11 62R-22301

This submission is comprised of the following items:

- Digital copies of Signed (5) Consent Application Forms
- A Digital copy of the Deposited Reference Plan 62R-22301
- Digital copies of the Parcel Registers for each property.

Please note that a cheque in the amount of **\$10, 400.00** (\$2080.00 x 5) made payable to the City of Hamilton and which represents the City’s required application fee for five consent applications for easement purposes.



**UPPER CANADA
CONSULTANTS**
ENGINEERS / PLANNERS

**Upper Canada Planning
& Engineering Ltd.**

3-30 Hannover Drive
St. Catharines, ON L2W 1A3

T: 905-688-9400
F: 905-688-5274

We trust the enclosed is in order. If you have any questions or concerns with this application or the enclosed documentation, please do not hesitate to contact the undersigned.

Respectfully,

Joseph M. Tomaino

Joseph M. Tomaino
Senior Planner
Upper Canada Consultants

LAND
 REGISTRY
 OFFICE #62

17330-0251 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

PROPERTY DESCRIPTION: LT 15, PL 563 ; PT LT BOULEVARD, PL 563 , AS IN CD282429,*T/W & S/T AS IN 19488 SALT* ; STONEY CREEK (*DESC.AMENDED 98/11/28 D.SARKANY ADLR)CITY OF HAMILTON

PROPERTY REMARKS:

ESTATE/QUALIFIER:

FEE SIMPLE
 LT CONVERSION QUALIFIED

RECENTLY:

FIRST CONVERSION FROM BOOK

PIN CREATION DATE:

1997/02/17

OWNERS' NAMES

EDGELAKE MANOR LTD.

CAPACITY SHARE

ROWN

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
<p>**EFFECTIVE 2000/07/29 THE NOTATION OF THE "BLOCK IMPLEMENTATION DATE" OF 1997/02/17 ON THIS PIN**</p> <p>**WAS REPLACED WITH THE "PIN CREATION DATE" OF 1997/02/17**</p> <p>** PRINTOUT INCLUDES ALL DOCUMENT TYPES AND DELETED INSTRUMENTS SINCE 1997/02/14 **</p> <p>**SUBJECT, ON FIRST REGISTRATION UNDER THE LAND TITLES ACT, TO:</p> <p>** SUBSECTION 44(1) OF THE LAND TITLES ACT, EXCEPT PARAGRAPH 11, PARAGRAPH 14, PROVINCIAL SUCCESSION DUTIES * AND ESCHEATS OR FORFEITURE TO THE CROWN. * * * * *</p> <p>** THE RIGHTS OF ANY PERSON WHO WOULD, BUT FOR THE LAND TITLES ACT, BE ENTITLED TO THE LAND OR ANY PART OF IT THROUGH LENGTH OF ADVERSE POSSESSION, PRESCRIPTION, MISDESCRIPTION OR BOUNDARIES SETTLED BY CONVENTION. * * * * *</p> <p>** ANY LEASE TO WHICH THE SUBSECTION 70(2) OF THE REGISTRY ACT APPLIES. * * * * *</p> <p>**DATE OF CONVERSION TO LAND TITLES: 1997/02/17 **</p>						
CD282429	1984/06/01	TRANSFER		*** COMPLETELY DELETED ***	AGRESTA, FRANK	
CD282429Z	1984/06/01	REST COV APL ANNEX				C
VM15224	1989/11/02	CHARGE		*** COMPLETELY DELETED ***	ROYAL TRUST CORP. OF CANADA	
LT591273	2000/02/23	CHARGE		*** COMPLETELY DELETED *** AGRESTA, FRANK	CANADIAN IMPERIAL BANK OF COMMERCE	
WE15194	2000/11/29	TRANSFER OF CHARGE		*** COMPLETELY DELETED *** ROYAL TRUST CORPORATION OF CANADA	CIBC MORTGAGES INC.	
REMARKS: VM15224						

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
 NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.

LAND
 REGISTRY
 OFFICE #62

17330-0251 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
WE65079	2001/11/09	TRANSFER		*** COMPLETELY DELETED *** AGRESTA, FRANK	HINBEST, DAVID	
	REMARKS: PLANNING ACT STATEMENT					
WE65080	2001/11/09	CHARGE		*** COMPLETELY DELETED *** HINBEST, DAVID	THE TORONTO-DOMINION BANK	
WE76897	2002/01/29	DISCH OF CHARGE		*** COMPLETELY DELETED *** CANADIAN IMPERIAL BANK OF COMMERCE		
	REMARKS: RE: LT591273					
WE77659	2002/02/01	DISCH OF CHARGE		*** COMPLETELY DELETED *** CIBC MORTGAGES INC.		
	REMARKS: RE: VM15224					
WE271787	2004/11/01	DISCH OF CHARGE		*** COMPLETELY DELETED *** THE TORONTO-DOMINION BANK		
	REMARKS: RE: WE65080					
WE274830	2004/11/17	CHARGE		*** COMPLETELY DELETED *** HINBEST, DAVID	THE TORONTO-DOMINION BANK	
WE275819	2004/11/22	DISCH OF CHARGE		*** COMPLETELY DELETED *** THE TORONTO-DOMINION BANK		
	REMARKS: RE: WE65080					
WE420878	2006/09/19	DISCH OF CHARGE		*** COMPLETELY DELETED *** THE TORONTO-DOMINION BANK		
	REMARKS: RE: WE274830					
WE442426	2007/01/05	TRANSFER	\$717,800	HINBEST, DAVID	2107216 ONTARIO INC.	C
	REMARKS: PLANNING ACT STATEMENTS					
WE442427	2007/01/05	CHARGE		*** COMPLETELY DELETED *** 2107216 ONTARIO INC.	BANK OF MONTREAL	
WE841653	2012/07/05	CHARGE		*** COMPLETELY DELETED *** 2107216 ONTARIO INC.	BANK OF MONTREAL	
WE843665	2012/07/13	NOTICE		2107216 ONTARIO INC.	BANK OF MONTREAL	C
	REMARKS: WE841653					
WE849111	2012/08/09	DISCH OF CHARGE		*** COMPLETELY DELETED ***		

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LAND
REGISTRY
OFFICE #62

17330-0251 (LT)

PAGE 3 OF 3
PREPARED FOR Upper
ON 2024/03/14 AT 11:50:16

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
		REMARKS: WE442427.		BANK OF MONTREAL		
WE1573644	2022/01/10	DISCH OF CHARGE		*** COMPLETELY DELETED *** BANK OF MONTREAL		
		REMARKS: WE841653.				
WE1575054	2022/01/14	APL CH NAME OWNER		2107216 ONTARIO INC.	EDGE LAKE MANOR LTD.	C
WE1575059	2022/01/14	CHARGE	\$5,000,000	EDGE LAKE MANOR LTD.	2589315 ONTARIO LTD.	C
WE1714537	2023/12/13	APL DEPOSIT PLAN		*** COMPLETELY DELETED ***		
62R22262	2023/12/14	PLAN REFERENCE				C
		REMARKS: WE1714537.				

LAND
REGISTRY
OFFICE #62

17330-0252 (LT)

PAGE 1 OF 3
PREPARED FOR Upper
ON 2024/03/14 AT 11:49:58

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

PROPERTY DESCRIPTION: LT 16, PL 563 ; PT LT BOULEVARD, PL 563 , AS IN CD236134, *T/W & S/T AS IN 21423 SALT ; STONEY CREEK (*DESC.AMENDED 98/11/28 D.SARKANY ADLR)CITY OF HAMILTON

PROPERTY REMARKS:

ESTATE/QUALIFIER:

FEE SIMPLE
LT CONVERSION QUALIFIED

RECENTLY:

FIRST CONVERSION FROM BOOK

PIN CREATION DATE:

1997/02/17

OWNERS' NAMES

S.C.A. REAL ESTATE CORP.

CAPACITY SHARE

BENO

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
<p><i>**EFFECTIVE 2000/07/29 THE NOTATION OF THE "BLOCK IMPLEMENTATION DATE" OF 1997/02/17 ON THIS PIN**</i></p> <p><i>**WAS REPLACED WITH THE "PIN CREATION DATE" OF 1997/02/17**</i></p> <p><i>** PRINTOUT INCLUDES ALL DOCUMENT TYPES AND DELETED INSTRUMENTS SINCE 1997/02/14 **</i></p> <p><i>**SUBJECT, ON FIRST REGISTRATION UNDER THE LAND TITLES ACT, TO:</i></p> <p><i>** SUBSECTION 44(1) OF THE LAND TITLES ACT, EXCEPT PARAGRAPH 11, PARAGRAPH 14, PROVINCIAL SUCCESSION DUTIES *</i></p> <p><i>** AND ESCHEATS OR FORFEITURE TO THE CROWN.</i></p> <p><i>** THE RIGHTS OF ANY PERSON WHO WOULD, BUT FOR THE LAND TITLES ACT, BE ENTITLED TO THE LAND OR ANY PART OF</i></p> <p><i>** IT THROUGH LENGTH OF ADVERSE POSSESSION, PRESCRIPTION, MISDESCRIPTION OR BOUNDARIES SETTLED BY</i></p> <p><i>** CONVENTION.</i></p> <p><i>** ANY LEASE TO WHICH THE SUBSECTION 70(2) OF THE REGISTRY ACT APPLIES.</i></p> <p><i>**DATE OF CONVERSION TO LAND TITLES: 1997/02/17 **</i></p>						
CD236134	1983/02/08	TRANSFER		*** COMPLETELY DELETED ***	UNFRIED, LOTHAR HEATHERLEY, SUSAN	
CD236134Z	1983/02/08	REST COV APL ANNEX				C
62R8651	1987/02/24	PLAN REFERENCE				C
CD446330	1988/02/17	TRANS RIGHT OF WAY			UNION GAS LTD.	C
VM230632	1996/06/20	CHARGE		*** COMPLETELY DELETED ***	AVESTEL CREDIT UNION LIMITED	
LT569264	1999/09/03	TRANSFER		*** COMPLETELY DELETED *** UNFRIED, LOTHAR	UNFRIED, LOTHAR	

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.

LAND
REGISTRY
OFFICE #62

17330-0252 (LT)

PREPARED FOR Upper
ON 2024/03/14 AT 11:49:58

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
LT569265	1999/09/03	CHARGE		HEATHERLEY, SUSAN *** COMPLETELY DELETED *** UNFRIED, LOTHAR	BANK OF MONTREAL	
LT577867	1999/11/08	DISCH OF CHARGE		*** COMPLETELY DELETED *** AVESTEL CREDIT UNION LIMITED		
	REMARKS: RE: VM230632					
WE223770	2004/03/30	TRANSFER		*** COMPLETELY DELETED *** UNFRIED, LOTHAR	CURNEW, WILLIAM	
WE223779	2004/03/30	TRANSFER		*** COMPLETELY DELETED *** CURNEW, WILLIAM	ANDRUS, FREEMAN	
WE223780	2004/03/30	CHARGE		*** COMPLETELY DELETED *** ANDRUS, FREEMAN	ROYAL BANK OF CANADA	
WE228950	2004/04/28	DISCH OF CHARGE		*** COMPLETELY DELETED *** BANK OF MONTREAL		
	REMARKS: RE: LT569265					
WE304188	2005/04/22	TRANS POWER SALE	\$357,500	ROYAL BANK OF CANADA	S.C.A. REAL ESTATE CORP.	C
	REMARKS: RE: WE223780					
WE304189	2005/04/22	CHARGE	\$55,000	S.C.A. REAL ESTATE CORP.	CATHONY HOLDINGS LIMITED	C
WE454693	2007/03/12	TRANSFER OF CHARGE		CATHONY HOLDINGS LIMITED	CIMAD ENTERPRISES LIMITED	C
	REMARKS: RE: WE304189					
WE809678	2012/01/20	CHARGE		*** COMPLETELY DELETED *** S.C.A. REAL ESTATE CORP.	FIRSTONTARIO CREDIT UNION LIMITED	
WE809679	2012/01/20	POSTPONEMENT		*** COMPLETELY DELETED *** CIMAD ENTERPRISES LIMITED	FIRSTONTARIO CREDIT UNION LIMITED	
	REMARKS: WE304189 WE809678					
WE1194454	2017/03/24	CHARGE		*** COMPLETELY DELETED *** S.C.A. REAL ESTATE CORP.	FIRSTONTARIO CREDIT UNION LIMITED	
WE1194455	2017/03/24	POSTPONEMENT		*** COMPLETELY DELETED *** CIMAD ENTERPRISES LIMITED	FIRSTONTARIO CREDIT UNION LIMITED	
	REMARKS: WE304189 TO WE1194454					

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LAND
 REGISTRY
 OFFICE #62

17330-0252 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
WE1355507	2019/05/21	DISCH OF CHARGE		*** COMPLETELY DELETED *** FIRSTONTARIO CREDIT UNION LIMITED		
	REMARKS: WE809678.					
WE1575056	2022/01/14	CHARGE	\$5,000,000	S.C.A. REAL ESTATE CORP.	2589315 ONTARIO LTD.	C
WE1714537	2023/12/13	APL DEPOSIT PLAN		*** COMPLETELY DELETED ***		
62R22262	2023/12/14	PLAN REFERENCE				C
	REMARKS: WE1714537.					
WE1721131	2024/01/30	DISCH OF CHARGE		*** COMPLETELY DELETED *** FIRSTONTARIO CREDIT UNION LIMITED		
	REMARKS: WE1194454.					

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LAND
REGISTRY
OFFICE #62

17330-0253 (LT)

PAGE 1 OF 2
PREPARED FOR Upper
ON 2024/03/14 AT 11:49:33

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

PROPERTY DESCRIPTION: LT 17, PL 563 ; PT LT BOULEVARD, PL 563 , AS IN CD255962, *T/W & S/T AS IN 22094 SALT* STONEY CREEK (*DESC.AMENDED 98/11/28 D.SARKANY ADLR) CITY OF HAMILTON

PROPERTY REMARKS:

ESTATE/QUALIFIER:

FEE SIMPLE
LT CONVERSION QUALIFIED

RECENTLY:

FIRST CONVERSION FROM BOOK

PIN CREATION DATE:

1997/02/17

OWNERS' NAMES

EDGELAKE LANE LTD.

CAPACITY SHARE

ROWN

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
<p><i>**EFFECTIVE 2000/07/29 THE NOTATION OF THE "BLOCK IMPLEMENTATION DATE" OF 1997/02/17 ON THIS PIN**</i></p> <p><i>**WAS REPLACED WITH THE "PIN CREATION DATE" OF 1997/02/17**</i></p> <p><i>** PRINTOUT INCLUDES ALL DOCUMENT TYPES AND DELETED INSTRUMENTS SINCE 1997/02/14 **</i></p> <p><i>**SUBJECT, ON FIRST REGISTRATION UNDER THE LAND TITLES ACT, TO:</i></p> <p><i>** SUBSECTION 44(1) OF THE LAND TITLES ACT, EXCEPT PARAGRAPH 11, PARAGRAPH 14, PROVINCIAL SUCCESSION DUTIES * AND ESCHEATS OR FORFEITURE TO THE CROWN.</i></p> <p><i>** THE RIGHTS OF ANY PERSON WHO WOULD, BUT FOR THE LAND TITLES ACT, BE ENTITLED TO THE LAND OR ANY PART OF IT THROUGH LENGTH OF ADVERSE POSSESSION, PRESCRIPTION, MISDESCRIPTION OR BOUNDARIES SETTLED BY CONVENTION.</i></p> <p><i>** ANY LEASE TO WHICH THE SUBSECTION 70(2) OF THE REGISTRY ACT APPLIES.</i></p> <p><i>**DATE OF CONVERSION TO LAND TITLES: 1997/02/17 **</i></p>						
CD255962	1983/08/31	TRANSFER		*** COMPLETELY DELETED ***	BULANDA, ANTHONY BULANDA, ALICE	
CD514624	1989/06/30	CHARGE		*** COMPLETELY DELETED ***	NATIONAL TRUST COMPANY	
WE309044	2005/05/16	CERT TAX ARREARS		*** COMPLETELY DELETED *** CITY OF HAMILTON		
WE430294	2006/11/02	NO SEC INTEREST		*** COMPLETELY DELETED *** UNION ENERGY INC.		
WE458163	2007/03/30	CAU AGR PUR & SALE		*** COMPLETELY DELETED *** BULANDA, ALICE	D'AMICO, JOSEPH	

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.

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LAND
 REGISTRY
 OFFICE #62

17330-0253 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
				BULANDA, ANTHONY <i>REMARKS: RE: 60 DAYS FROM 2007/12/20, DELETED ON 2012/01/12 PURSUANT TO BULLETIN 89004 BY JMACKENZIE</i>		
WE460858	2007/04/13	CT TAX ARREAR CANC		*** COMPLETELY DELETED ***	CITY OF HAMILTON	
				<i>REMARKS: RE: WE309044</i>		
WE534467	2008/03/17	DISCHARGE INTEREST		*** COMPLETELY DELETED ***	UNION ENERGY INC.	
				<i>REMARKS: RE: WE430294</i>		
WE537314	2008/03/31	TRANSFER	\$625,000	BULANDA, ALICE BULANDA, ANTHONY	EDGELAKE LANE LTD.	C
				<i>REMARKS: PLANNING ACT STATEMENTS</i>		
WE537315	2008/03/31	CHARGE		*** COMPLETELY DELETED *** EDGELAKE LANE LTD.	FIRSTONTARIO CREDIT UNION LIMITED	
WE539516	2008/04/10	DISCH OF CHARGE		*** COMPLETELY DELETED *** NATIONAL TRUST COMPANY		
				<i>REMARKS: RE: CD514624</i>		
WE809674	2012/01/20	CHARGE	\$520,000	EDGELAKE LANE LTD.	FIRSTONTARIO CREDIT UNION LIMITED	C
WE815747	2012/02/27	DISCH OF CHARGE		*** COMPLETELY DELETED *** FIRSTONTARIO CREDIT UNION LIMITED		
				<i>REMARKS: WE537315.</i>		
WE1194445	2017/03/24	CHARGE		*** COMPLETELY DELETED *** EDGELAKE LANE LTD.	FIRSTONTARIO CREDIT UNION LIMITED	
WE1575058	2022/01/14	CHARGE	\$5,000,000	EDGELAKE LANE LTD.	2589315 ONTARIO LTD.	C
WE1714537	2023/12/13	APL DEPOSIT PLAN		*** COMPLETELY DELETED ***		
62R22262	2023/12/14	PLAN REFERENCE				C
				<i>REMARKS: WE1714537.</i>		
WE1721128	2024/01/30	DISCH OF CHARGE		*** COMPLETELY DELETED *** FIRSTONTARIO CREDIT UNION LIMITED		
				<i>REMARKS: WE1194445.</i>		

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
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LAND
REGISTRY
OFFICE #62

17330-0254 (LT)

PREPARED FOR Upper
ON 2024/03/14 AT 11:49:02

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

PROPERTY DESCRIPTION: LT 18, PL 563 ; PT LT BOULEVARD, PL 563 , AS IN CD190051,*T/W & S/T 19492 SALT*; STONEY CREEK; CITY OF HAMILTON (*DES.AMENDED 98/11/28 D.SARKANY ADLR)

PROPERTY REMARKS:

ESTATE/QUALIFIER:

FEE SIMPLE
LT CONVERSION QUALIFIED

RECENTLY:

FIRST CONVERSION FROM BOOK

PIN CREATION DATE:

1997/02/17

OWNERS' NAMES

EDGELAKE BEACH LTD.

CAPACITY SHARE

ROWN

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
<p>**EFFECTIVE 2000/07/29 THE NOTATION OF THE "BLOCK IMPLEMENTATION DATE" OF 1997/02/17 ON THIS PIN**</p> <p>**WAS REPLACED WITH THE "PIN CREATION DATE" OF 1997/02/17**</p> <p>** PRINTOUT INCLUDES ALL DOCUMENT TYPES AND DELETED INSTRUMENTS SINCE 1997/02/14 **</p> <p>**SUBJECT, ON FIRST REGISTRATION UNDER THE LAND TITLES ACT, TO:</p> <p>** SUBSECTION 44(1) OF THE LAND TITLES ACT, EXCEPT PARAGRAPH 11, PARAGRAPH 14, PROVINCIAL SUCCESSION DUTIES * AND ESCHEATS OR FORFEITURE TO THE CROWN.</p> <p>** THE RIGHTS OF ANY PERSON WHO WOULD, BUT FOR THE LAND TITLES ACT, BE ENTITLED TO THE LAND OR ANY PART OF IT THROUGH LENGTH OF ADVERSE POSSESSION, PRESCRIPTION, MISDESCRIPTION OR BOUNDARIES SETTLED BY CONVENTION.</p> <p>** ANY LEASE TO WHICH THE SUBSECTION 70(2) OF THE REGISTRY ACT APPLIES.</p> <p>**DATE OF CONVERSION TO LAND TITLES: 1997/02/17 **</p>						
CD160803Z	1980/06/30	REST COV APL ANNEX				C
CD190051	1981/06/26	TRANSFER		*** COMPLETELY DELETED ***	WALTON, JOHN THOMAS WALTON, SUSAN DAWN	
VM80156	1991/04/12	CHARGE		*** COMPLETELY DELETED ***	ROYAL BANK OF CANADA	
VM129771	1992/08/24	CHARGE		*** COMPLETELY DELETED ***	ROYAL BANK OF CANADA	
VM136043	1992/10/23	DISCH OF CHARGE		*** COMPLETELY DELETED ***		
REMARKS: VM80156						

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.

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LAND
REGISTRY
OFFICE #62

17330-0254 (LT)

PREPARED FOR Upper
ON 2024/03/14 AT 11:49:02

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
WE104195	2002/07/03	CHARGE		*** COMPLETELY DELETED *** WALTON, JOHN THOMAS WALTON, SUSAN DAWN	ROYAL BANK OF CANADA	
WE376032	2006/03/07	APL (GENERAL)		*** COMPLETELY DELETED *** WALTON, JOHN THOMAS WALTON, SUSAN DAWN <i>REMARKS: DELETE EXECUTION # 94-00261, 94-00921, 92-02148, 94-02288, 94-02591</i>		
WE377609	2006/03/14	TRANSFER		*** COMPLETELY DELETED *** WALTON, JOHN THOMAS WALTON, SUSAN DAWN <i>REMARKS: PLANNING ACT STATEMENTS</i>	BELL, DONALD	
WE377610	2006/03/14	CHARGE		*** COMPLETELY DELETED *** BELL, DONALD	THE TORONTO-DOMINION BANK	
WE379632	2006/03/23	DISCH OF CHARGE		*** COMPLETELY DELETED *** ROYAL BANK OF CANADA <i>REMARKS: RE: VM80156</i>		
WE381626	2006/03/31	DISCH OF CHARGE		*** COMPLETELY DELETED *** ROYAL BANK OF CANADA <i>REMARKS: RE: VM129771</i>		
WE382825	2006/04/06	DISCH OF CHARGE		*** COMPLETELY DELETED *** ROYAL BANK OF CANADA <i>REMARKS: RE: WE104195</i>		
WE398672	2006/06/16	TRANSFER		*** COMPLETELY DELETED *** BELL, DONALD <i>REMARKS: PLANNING ACT STATEMENTS</i>	JONES, JAMES ANDREW SIMOES, ANA PAULA	
WE398673	2006/06/16	CHARGE		*** COMPLETELY DELETED *** JONES, JAMES ANDREW SIMOES, ANA PAULA	CIBC MORTGAGE INC.	
WE404533	2006/07/11	DISCH OF CHARGE		*** COMPLETELY DELETED *** THE TORONTO-DOMINION BANK <i>REMARKS: RE: WE377610</i>		
WE600555	2009/01/22	TRANSFER OF CHARGE		*** COMPLETELY DELETED ***		

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
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 OFFICE #62

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REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
				CIBC MORTGAGE INC.	SCOTIA MORTGAGE CORPORATION	
WE843559	2012/07/13	TRANSFER	\$850,000	JONES, JAMES ANDREW SIMOES, ANA PAULA	EDGELAKE BEACH LTD.	C
WE843560	2012/07/13	CHARGE		*** COMPLETELY DELETED *** EDGELAKE BEACH LTD.	BANK OF MONTREAL	
WE849013	2012/08/09	DISCH OF CHARGE		*** COMPLETELY DELETED *** SCOTIA MORTGAGE CORPORATION		
WE1573642	2022/01/10	DISCH OF CHARGE		*** COMPLETELY DELETED *** BANK OF MONTREAL		
WE1575057	2022/01/14	CHARGE	\$5,000,000	EDGELAKE BEACH LTD.	2589315 ONTARIO LTD.	C
WE1714537	2023/12/13	APL DEPOSIT PLAN		*** COMPLETELY DELETED ***		
62R22262	2023/12/14	PLAN REFERENCE				C

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LAND
 REGISTRY
 OFFICE #62

17330-0254 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

PROPERTY DESCRIPTION: LT 18, PL 563 ; PT LT BOULEVARD, PL 563 , AS IN CD190051,*T/W & S/T 19492 SALT*; STONEY CREEK; CITY OF HAMILTON (*DES.AMENDED 98/11/28 D.SARKANY ADLR)

PROPERTY REMARKS:

ESTATE/QUALIFIER:

FEE SIMPLE
 LT CONVERSION QUALIFIED

RECENTLY:

FIRST CONVERSION FROM BOOK

PIN CREATION DATE:

1997/02/17

OWNERS' NAMES

EDGELAKE BEACH LTD.

CAPACITY SHARE

ROWN

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
<p>**EFFECTIVE 2000/07/29 THE NOTATION OF THE "BLOCK IMPLEMENTATION DATE" OF 1997/02/17 ON THIS PIN**</p> <p>**WAS REPLACED WITH THE "PIN CREATION DATE" OF 1997/02/17**</p> <p>** PRINTOUT INCLUDES ALL DOCUMENT TYPES AND DELETED INSTRUMENTS SINCE 1997/02/14 **</p> <p>**SUBJECT, ON FIRST REGISTRATION UNDER THE LAND TITLES ACT, TO:</p> <p>** SUBSECTION 44(1) OF THE LAND TITLES ACT, EXCEPT PARAGRAPH 11, PARAGRAPH 14, PROVINCIAL SUCCESSION DUTIES * AND ESCHEATS OR FORFEITURE TO THE CROWN.</p> <p>** THE RIGHTS OF ANY PERSON WHO WOULD, BUT FOR THE LAND TITLES ACT, BE ENTITLED TO THE LAND OR ANY PART OF IT THROUGH LENGTH OF ADVERSE POSSESSION, PRESCRIPTION, MISDESCRIPTION OR BOUNDARIES SETTLED BY CONVENTION.</p> <p>** ANY LEASE TO WHICH THE SUBSECTION 70(2) OF THE REGISTRY ACT APPLIES.</p> <p>**DATE OF CONVERSION TO LAND TITLES: 1997/02/17 **</p>						
CD160803Z	1980/06/30	REST COV APL ANNEX				C
CD190051	1981/06/26	TRANSFER		*** COMPLETELY DELETED ***	WALTON, JOHN THOMAS WALTON, SUSAN DAWN	
VM80156	1991/04/12	CHARGE		*** COMPLETELY DELETED ***	ROYAL BANK OF CANADA	
VM129771	1992/08/24	CHARGE		*** COMPLETELY DELETED ***	ROYAL BANK OF CANADA	
VM136043	1992/10/23	DISCH OF CHARGE		*** COMPLETELY DELETED ***		
REMARKS: VM80156						

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 OFFICE #62

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REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
WE104195	2002/07/03	CHARGE		*** COMPLETELY DELETED *** WALTON, JOHN THOMAS WALTON, SUSAN DAWN	ROYAL BANK OF CANADA	
WE376032	2006/03/07	APL (GENERAL)		*** COMPLETELY DELETED *** WALTON, JOHN THOMAS WALTON, SUSAN DAWN <i>REMARKS: DELETE EXECUTION # 94-00261, 94-00921, 92-02148, 94-02288, 94-02591</i>		
WE377609	2006/03/14	TRANSFER		*** COMPLETELY DELETED *** WALTON, JOHN THOMAS WALTON, SUSAN DAWN <i>REMARKS: PLANNING ACT STATEMENTS</i>	BELL, DONALD	
WE377610	2006/03/14	CHARGE		*** COMPLETELY DELETED *** BELL, DONALD	THE TORONTO-DOMINION BANK	
WE379632	2006/03/23	DISCH OF CHARGE		*** COMPLETELY DELETED *** ROYAL BANK OF CANADA <i>REMARKS: RE: VM80156</i>		
WE381626	2006/03/31	DISCH OF CHARGE		*** COMPLETELY DELETED *** ROYAL BANK OF CANADA <i>REMARKS: RE: VM129771</i>		
WE382825	2006/04/06	DISCH OF CHARGE		*** COMPLETELY DELETED *** ROYAL BANK OF CANADA <i>REMARKS: RE: WE104195</i>		
WE398672	2006/06/16	TRANSFER		*** COMPLETELY DELETED *** BELL, DONALD <i>REMARKS: PLANNING ACT STATEMENTS</i>	JONES, JAMES ANDREW SIMOES, ANA PAULA	
WE398673	2006/06/16	CHARGE		*** COMPLETELY DELETED *** JONES, JAMES ANDREW SIMOES, ANA PAULA	CIBC MORTGAGE INC.	
WE404533	2006/07/11	DISCH OF CHARGE		*** COMPLETELY DELETED *** THE TORONTO-DOMINION BANK <i>REMARKS: RE: WE377610</i>		
WE600555	2009/01/22	TRANSFER OF CHARGE		*** COMPLETELY DELETED ***		

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17330-0254 (LT)

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REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
				CIBC MORTGAGE INC.	SCOTIA MORTGAGE CORPORATION	
	<i>REMARKS: WE398673.</i>					
WE843559	2012/07/13	TRANSFER	\$850,000	JONES, JAMES ANDREW SIMOES, ANA PAULA	EDGELAKE BEACH LTD.	C
WE843560	2012/07/13	CHARGE		*** COMPLETELY DELETED *** EDGELAKE BEACH LTD.	BANK OF MONTREAL	
WE849013	2012/08/09	DISCH OF CHARGE		*** COMPLETELY DELETED *** SCOTIA MORTGAGE CORPORATION		
	<i>REMARKS: WE398673.</i>					
WE1573642	2022/01/10	DISCH OF CHARGE		*** COMPLETELY DELETED *** BANK OF MONTREAL		
	<i>REMARKS: WE843560.</i>					
WE1575057	2022/01/14	CHARGE	\$5,000,000	EDGELAKE BEACH LTD.	2589315 ONTARIO LTD.	C
WE1714537	2023/12/13	APL DEPOSIT PLAN		*** COMPLETELY DELETED ***		
62R22262	2023/12/14	PLAN REFERENCE				C
	<i>REMARKS: WE1714537.</i>					

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LAND
REGISTRY
OFFICE #62

17330-0255 (LT)

PAGE 1 OF 2
PREPARED FOR Upper
ON 2024/03/14 AT 11:48:36

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

PROPERTY DESCRIPTION: LT 19, PL 563 ; PT LT BOULEVARD, PL 563 , AS IN VM197944; T/W & S/T 20308 SALT; CITY OF HAMILTON

PROPERTY REMARKS:

ESTATE/QUALIFIER:
FEE SIMPLE
LT CONVERSION QUALIFIED

RECENTLY:
FIRST CONVERSION FROM BOOK

PIN CREATION DATE:
1997/02/17

OWNERS' NAMES
EDGELAKE SHORE LTD.

CAPACITY SHARE
ROWN

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
<p>**EFFECTIVE 2000/07/29 THE NOTATION OF THE "BLOCK IMPLEMENTATION DATE" OF 1997/02/17 ON THIS PIN**</p> <p>**WAS REPLACED WITH THE "PIN CREATION DATE" OF 1997/02/17**</p> <p>** PRINTOUT INCLUDES ALL DOCUMENT TYPES AND DELETED INSTRUMENTS SINCE 1997/02/14 **</p> <p>**SUBJECT, ON FIRST REGISTRATION UNDER THE LAND TITLES ACT, TO:</p> <p>** SUBSECTION 44(1) OF THE LAND TITLES ACT, EXCEPT PARAGRAPH 11, PARAGRAPH 14, PROVINCIAL SUCCESSION DUTIES * AND ESCHEATS OR FORFEITURE TO THE CROWN.</p> <p>** THE RIGHTS OF ANY PERSON WHO WOULD, BUT FOR THE LAND TITLES ACT, BE ENTITLED TO THE LAND OR ANY PART OF IT THROUGH LENGTH OF ADVERSE POSSESSION, PRESCRIPTION, MISDESCRIPTION OR BOUNDARIES SETTLED BY CONVENTION.</p> <p>** ANY LEASE TO WHICH THE SUBSECTION 70(2) OF THE REGISTRY ACT APPLIES.</p> <p>**DATE OF CONVERSION TO LAND TITLES: 1997/02/17 **</p>						
VM197944	1994/11/02	TRANSFER		*** COMPLETELY DELETED ***	BENNETT, ALEXANDRA MARY	
VM212316	1995/06/28	CHARGE		*** COMPLETELY DELETED ***	CIBC MORTGAGE CORPORATION	
WE749778	2011/03/24	DISCH OF CHARGE		*** COMPLETELY DELETED *** CIBC MORTGAGE CORPORATION		
REMARKS: VM212316.						
WE752449	2011/04/07	APL (GENERAL)		*** COMPLETELY DELETED *** BENNETT, ALEXANDRA MARY		
REMARKS: "S/T VENDOR'S LIEN IN AB308177"						
WE752913	2011/04/08	TRANSFER		*** COMPLETELY DELETED *** BENNETT, ALEXANDRA MARY	WARSI, MOHAMMED ALI	

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LAND
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17330-0255 (LT)

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REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
		<i>REMARKS: PLANNING ACT STATEMENTS</i>				
WE752914	2011/04/08	CHARGE		*** COMPLETELY DELETED *** WARSI, MOHAMMED ALI WARSI, MAJEDEH FOUNOUNI	WARSI, MAJEDEH FOUNOUNI CIBC MORTGAGES INC.	
WE1209561	2017/05/31	TRANSFER		*** COMPLETELY DELETED *** WARSI, MAJEDEH FOUNOUNI WARSI, MOHAMMED ALI	D'AMICO, JOSEPH	
		<i>REMARKS: PLANNING ACT STATEMENTS.</i>				
WE1209562	2017/05/31	CHARGE		*** COMPLETELY DELETED *** D'AMICO, JOSEPH	FIRSTONTARIO CREDIT UNION LIMITED	
WE1213291	2017/06/15	DISCH OF CHARGE		*** COMPLETELY DELETED *** CIBC MORTGAGES INC.		
		<i>REMARKS: WE752914.</i>				
WE1421280	2020/03/20	NOTICE	\$2	D'AMICO, JOSEPH	CITY OF HAMILTON	C
WE1421615	2020/03/24	TRANSFER	\$1	D'AMICO, JOSEPH	EDGELAKE SHORE LTD.	C
WE1575055	2022/01/14	CHARGE	\$5,000,000	EDGELAKE SHORE LTD.	2589315 ONTARIO LTD.	C
WE1622722	2022/07/26	DISCH OF CHARGE		*** COMPLETELY DELETED *** FIRSTONTARIO CREDIT UNION LIMITED		
		<i>REMARKS: WE1209562.</i>				
WE1714537	2023/12/13	APL DEPOSIT PLAN		*** COMPLETELY DELETED ***		
62R22262	2023/12/14	PLAN REFERENCE				C
		<i>REMARKS: WE1714537.</i>				

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29 CHURCH ST.



Hamilton

Committee of Adjustment
 City Hall, 5th Floor,
 71 Main St. W.,
 Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221
 Email: cofa@hamilton.ca

APPLICATION FOR CONSENT TO SEVER LAND
and VALIDATION OF TITLE
 UNDER SECTION 53 & 57 OF THE *PLANNING ACT*

Please see additional information regarding how to submit an application, requirements for the required sketch and general information in the Submission Requirements and Information.

1. APPLICANT INFORMATION

	NAME
Purchaser*	
Registered Owners(s)	S.C.A. Real Estate Corp. c/o Lauren D'amico
Applicant(s)**	
Agent or Solicitor	Joseph M. Tomaino per Upper Canada Consultants

*Purchaser must provide a copy of the portion of the agreement of purchase and sale that authorizes the purchaser to make the application in respect of the land that is the subject of the application.

** Owner's authorisation required if the applicant is not the owner or purchaser.

1.2 Primary contact Purchaser Owner
 Applicant Agent/Solicitor

1.3 Sign should be sent to Purchaser Owner
 Applicant Agent/Solicitor

1.4 Request for digital copy of sign Yes* No
 If YES, provide email address where sign is to be sent _____

1.5 All correspondence may be sent by email Yes* No
 If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

1.6 Payment type

 In person Credit over phone* Cheque

*Must provide number above

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	29 Church Street, Stoney Creek, L8E 2X7		
Assessment Roll Number	Unknown		
Former Municipality	Stoney Creek		
Lot		Concession	
Registered Plan Number	563	Lot(s)	16
Reference Plan Number (s)		Part(s)	

2.2 Are there any easements or restrictive covenants affecting the subject land?

 Yes No

If YES, describe the easement or covenant and its effect:

Restrictive covenant Instrument CD236134z; Gas easement - instrument CD446330

3 PURPOSE OF THE APPLICATION

3.1 Type and purpose of proposed transaction: (check appropriate box)

- | | |
|---|--|
| <input type="checkbox"/> creation of a new lot(s) | <input type="checkbox"/> concurrent new lot(s) |
| <input type="checkbox"/> addition to a lot | <input type="checkbox"/> a lease |
| <input checked="" type="checkbox"/> an easement | <input type="checkbox"/> a correction of title |
| <input type="checkbox"/> validation of title (must also complete section 8) | <input type="checkbox"/> a charge |
| <input type="checkbox"/> cancellation (must also complete section 9) | |
| <input type="checkbox"/> creation of a new non-farm parcel (must also complete section 10)
(i.e. a lot containing a surplus farm dwelling
resulting from a farm consolidation) | |

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

N/A

3.3 If a lot addition, identify the lands to which the parcel will be added:

N/A

3.4 Certificate Request for Retained Lands: Yes*

* If yes, a statement from an Ontario solicitor in good standing that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Act. (O. Reg. 786/21)

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of subject land:

All dimensions to be provided in metric (m, m² or ha), attach additional sheets as necessary.

	Retained (remainder)	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*
Identified on Sketch as:	Lot 16	Attached Sheet			
Type of Transfer	N/A	Easement			
Frontage	15.24 m	Attached Sheet			
Depth	95.10	Attached Sheet			
Area	1449.93 sq m	Attached Sheet			
Existing Use	Vacant Land	Vacant Land			
Proposed Use	Residential	Residential			
Existing Buildings/ Structures	None	None			
Proposed Buildings/ Structures	unknown	None			
Buildings/ Structures to be Removed	none	None			

* Additional fees apply.

4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

provincial highway

municipal road, seasonally maintained

municipal road, maintained all year

right of way

other public road

b) Type of water supply proposed: (check appropriate box)

publicly owned and operated piped water system

privately owned and operated individual well

lake or other water body

other means (specify)

c) Type of sewage disposal proposed: (check appropriate box)

publicly owned and operated sanitary sewage system

privately owned and operated individual septic system

other means (specify) _____

4.3 Other Services: (check if the service is available)

electricity

telephone

school bussing

garbage collection

5 CURRENT LAND USE

5.1 What is the existing official plan designation of the subject land?

29 Church Street

Description of Easement:

"Easements are for mutual right of ways to allow for passage of personnel, materials and machinery to maintain, amend or reconstruct the shore protection works adjoining Lake Ontario"

Easement:

29 Church Street (S.C.A Real Estate) grants and easement to 21, 23, 25 & 27 Church Street over Parts 1-4 inclusive 62R-22301 and to 31 & 33 Church Street over Parts 3 & 4 62R-22301

Parts 1 & 2 – 11.84 x 4 m = 47.36 sq. m

Parts 3 & 4 – 95.7 m x 4 m =382.8 sq. m

Rural Hamilton Official Plan designation (if applicable): N/A

Rural Settlement Area: N/A

Urban Hamilton Official Plan designation (if applicable) Neighbourhood

Please provide an explanation of how the application conforms with a City of Hamilton Official Plan.

The application is for an easement over existing residential lands and does not constitute development.

5.2 Is the subject land currently the subject of a proposed official plan amendment that has been submitted for approval?

Yes No Unknown

If YES, and known, provide the appropriate file number and status of the application.

N/A +

5.3 What is the existing zoning of the subject land? R2-26

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number?

N/A

5.4 Is the subject land the subject of any other application for a Minister's zoning order, zoning by-law amendment, minor variance, consent or approval of a plan of subdivision?

Yes No Unknown

If YES, and known, provide the appropriate file number and status of the application.

N/A

5.5 Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply.

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard * Submit Minimum Distance Separation Formulae (MDS) if applicable	<input type="checkbox"/>	
A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	
A provincially significant wetland within 120 metres	<input type="checkbox"/>	
A flood plain	<input type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

6 HISTORY OF THE SUBJECT LAND

- 6.1 Has the subject land ever been the subject of an application for approval of a plan of subdivision or a consent under sections 51 or 53 of the *Planning Act*?

Yes No Unknown

If YES, and known, provide the appropriate application file number and the decision made on the application.

N/A

- 6.2 If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.

N/A

- 6.3 Has any land been severed or subdivided from the parcel originally acquired by the owner of the subject land?

Yes No

If YES, and if known, provide for each parcel severed, the date of transfer, the name of the transferee and the land use.

N/A

- 6.4 How long has the applicant owned the subject land?

Since April 22, 2005

- 6.5 Does the applicant own any other land in the City? Yes No

If YES, describe the lands below or attach a separate page.

7 PROVINCIAL POLICY

- 7.1 Is this application consistent with the Policy Statements issued under Section 3 of the *Planning Act*?

Yes No (Provide explanation)

The application is for an access easement and does not constitute development.

- 7.2 Is this application consistent with the Provincial Policy Statement (PPS)?

Yes No (Provide explanation)

The application is for an access easement and does not constitute development.

- 7.3 Does this application conform to the Growth Plan for the Greater Golden Horseshoe?

Yes No (Provide explanation)

The application is for an access easement and does not constitute development.

- 7.4 Are the subject lands subject to the Niagara Escarpment Plan?

Yes No (Provide explanation)

N/A

7.5 Are the subject lands subject to the Parkway Belt West Plan?

Yes No (Provide explanation)

N/A

7.6 Are the subject lands subject to the Greenbelt Plan?

Yes No (Provide explanation)

N/A

7.7 Are the subject lands within an area of land designated under any other provincial plan or plans?

Yes No (Provide explanation)

N/A

8 ADDITIONAL INFORMATION - VALIDATION

8.1 Did the previous owner retain any interest in the subject land?

Yes No (Provide explanation)

8.2 Does the current owner have any interest in any abutting land?

Yes No (Provide explanation and details on plan)

8.3 Why do you consider your title may require validation? (attach additional sheets as necessary)

9 ADDITIONAL INFORMATION - CANCELLATION

9.1 Did the previous owner retain any interest in the subject land?

Yes No (Provide explanation)

9.2 Does the current owner have any interest in any abutting land?

Yes No (Provide explanation and details on plan)

9.3 Why do you require cancellation of a previous consent? (attach additional sheets as necessary)

10 ADDITIONAL INFORMATION - FARM CONSOLIDATION**10.1 Purpose of the Application (Farm Consolidation)**

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate if the consolidation is for:

- Surplus Farm Dwelling Severance from an Abutting Farm Consolidation
- Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation

10.2 Location of farm consolidation property:

Municipal Address			
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

10.3 Rural Hamilton Official Plan Designation(s)

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate the existing land use designation of the abutting or non-abutting farm consolidation property.

10.4 Description of farm consolidation property:

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use(s): _____ Proposed Land Use(s): _____

10.5 Description of abutting consolidated farm (excluding lands intended to be severed for the surplus dwelling)

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use: _____ Proposed Land Use: _____

10.7 Description of surplus dwelling lands proposed to be severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from Section 4.1)
----------------------------------	---

Front yard set back: _____

a) Date of construction:

- Prior to December 16, 2004 After December 16, 2004

b) Condition:

- Habitable Non-Habitable

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application Form
- Signatures Sheet

11.2 Validation of Title

- All information documents in Section 11.1
- Detailed history of why a Validation of Title is required
- All supporting materials indicating the contravention of the Planning Act, including PIN documents and other items deemed necessary.

11.3 Cancellation

- All information documents in Section 11.1
- Detailed history of when the previous consent took place.
- All supporting materials indicating the cancellation subject lands and any neighbouring lands owned in the same name, including PIN documents and other items deemed necessary.

11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
- Minimum Distance Separation Formulae (data sheet available upon request)
- Hydrogeological Assessment
- Septic Assessment
- Archeological Assessment
- Noise Study
- Parking Study



Hamilton

Committee of Adjustment
 City Hall, 5th Floor,
 71 Main St. W.,
 Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221
 Email: cofa@hamilton.ca

**APPLICATION FOR CONSENT TO SEVER LAND
 and VALIDATION OF TITLE
 UNDER SECTION 53 & 57 OF THE PLANNING ACT**

Please see additional information regarding how to submit an application, requirements for the required sketch and general information in the Submission Requirements and Information.

1. APPLICANT INFORMATION

	NAME
Purchaser*	
Registered Owners(s)	Edgelake Lane Ltd. c/o Lauren D'Amico Director
Applicant(s)**	
Agent or Solicitor	Joseph M. Tomaino per Upper Canada Consultants

*Purchaser must provide a copy of the portion of the agreement of purchase and sale that authorizes the purchaser to make the application in respect of the land that is the subject of the application.

** Owner's authorisation required if the applicant is not the owner or purchaser.

1.2 Primary contact Purchaser Owner
 Applicant Agent/Solicitor

1.3 Sign should be sent to Purchaser Owner
 Applicant Agent/Solicitor

1.4 Request for digital copy of sign Yes* No
 If YES, provide email address where sign is to be sent _____

1.5 All correspondence may be sent by email Yes* No
 If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

1.6 Payment type

 In person Credit over phone* Cheque

*Must provide number above

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	27 Church Street, Stoeny Creek L8E 2X7		
Assessment Roll Number	Unknown		
Former Municipality	Stoney Creek		
Lot		Concession	
Registered Plan Number	563	Lot(s)	17
Reference Plan Number (s)		Part(s)	

2.2 Are there any easements or restrictive covenants affecting the subject land?

 Yes No

If YES, describe the easement or covenant and its effect:

Restrictive covenant regarding access - Instrument CD255962

3 PURPOSE OF THE APPLICATION

3.1 Type and purpose of proposed transaction: (check appropriate box)

- | | |
|---|--|
| <input type="checkbox"/> creation of a new lot(s) | <input type="checkbox"/> concurrent new lot(s) |
| <input type="checkbox"/> addition to a lot | <input type="checkbox"/> a lease |
| <input checked="" type="checkbox"/> an easement | <input type="checkbox"/> a correction of title |
| <input type="checkbox"/> validation of title (must also complete section 8) | <input type="checkbox"/> a charge |
| <input type="checkbox"/> cancellation (must also complete section 9) | |
| <input type="checkbox"/> creation of a new non-farm parcel (must also complete section 10)
(i.e. a lot containing a surplus farm dwelling
resulting from a farm consolidation) | |

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

N/A

3.3 If a lot addition, identify the lands to which the parcel will be added:

N/A

3.4 Certificate Request for Retained Lands: Yes*

* If yes, a statement from an Ontario solicitor in good standing that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Act. (O. Reg. 786/21)

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of subject land:

All dimensions to be provided in metric (m, m² or ha), attach additional sheets as necessary.

	Retained (remainder)	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*
Identified on Sketch as:	Lot 15	Attached Sheet			
Type of Transfer	N/A	Easement			
Frontage	15.24 m	Attached Sheet			
Depth	97.13 m	Attached Sheet			
Area	1480.26 sq m	Attached sheet			
Existing Use	Residential	Residential			
Proposed Use	Residential	Residential			
Existing Buildings/ Structures	1.5 storey dwelling	none			
Proposed Buildings/ Structures	none	none			
Buildings/ Structures to be Removed	noe	none			

* Additional fees apply.

4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

provincial highway

municipal road, seasonally maintained

municipal road, maintained all year

right of way

other public road

b) Type of water supply proposed: (check appropriate box)

publicly owned and operated piped water system

privately owned and operated individual well

lake or other water body

other means (specify)

c) Type of sewage disposal proposed: (check appropriate box)

publicly owned and operated sanitary sewage system

privately owned and operated individual septic system

other means (specify) _____

4.3 Other Services: (check if the service is available)

electricity

telephone

school bussing

garbage collection

5 CURRENT LAND USE

5.1 What is the existing official plan designation of the subject land?

27 Church Street

Description of Easement:

“Easements are for mutual right of ways to allow for passage of personnel, materials and machinery to maintain, amend or reconstruct the shore protection works adjoining Lake Ontario”

Easement:

27 Church Street (Edgelake Lane Ltd) grants an easement to 21,23,25 Church Street over Parts 7-8 62R-22301

Parts 7 & 8 – 15.24 x 4 m = 60.96 sq. m.

Rural Hamilton Official Plan designation (if applicable): N/A

Rural Settlement Area: N/A

Urban Hamilton Official Plan designation (if applicable) Neighbourhood

Please provide an explanation of how the application conforms with a City of Hamilton Official Plan.

The application is for an easement over existing residential lands and does not constitute development.

- 5.2 Is the subject land currently the subject of a proposed official plan amendment that has been submitted for approval?
 Yes No Unknown

If YES, and known, provide the appropriate file number and status of the application.

N/A +

- 5.3 What is the existing zoning of the subject land? R2-26

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number?

N/A

- 5.4 Is the subject land the subject of any other application for a Minister's zoning order, zoning by-law amendment, minor variance, consent or approval of a plan of subdivision?
 Yes No Unknown

If YES, and known, provide the appropriate file number and status of the application.

N/A

- 5.5 Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply.

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard * Submit Minimum Distance Separation Formulae (MDS) if applicable	<input type="checkbox"/>	
A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	
A provincially significant wetland within 120 metres	<input type="checkbox"/>	
A flood plain	<input type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

6 HISTORY OF THE SUBJECT LAND

6.1 Has the subject land ever been the subject of an application for approval of a plan of subdivision or a consent under sections 51 or 53 of the *Planning Act*?

Yes No Unknown

If YES, and known, provide the appropriate application file number and the decision made on the application.

N/A

6.2 If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.

N/A

6.3 Has any land been severed or subdivided from the parcel originally acquired by the owner of the subject land?

Yes No

If YES, and if known, provide for each parcel severed, the date of transfer, the name of the transferee and the land use.

N/A

6.4 How long has the applicant owned the subject land?

Since March 31, 2008

6.5 Does the applicant own any other land in the City? Yes No

If YES, describe the lands below or attach a separate page.

N/A

7 PROVINCIAL POLICY

7.1 Is this application consistent with the Policy Statements issued under Section 3 of the *Planning Act*?

Yes No (Provide explanation)

The application is for an access easement and does not constitute development.

7.2 Is this application consistent with the Provincial Policy Statement (PPS)?

Yes No (Provide explanation)

The application is for an access easement and does not constitute development.

7.3 Does this application conform to the Growth Plan for the Greater Golden Horseshoe?

Yes No (Provide explanation)

The application is for an access easement and does not constitute development.

7.4 Are the subject lands subject to the Niagara Escarpment Plan?

Yes No (Provide explanation)

N/A

7.5 Are the subject lands subject to the Parkway Belt West Plan?

Yes No (Provide explanation)

N/A

7.6 Are the subject lands subject to the Greenbelt Plan?

Yes No (Provide explanation)

N/A

7.7 Are the subject lands within an area of land designated under any other provincial plan or plans?

Yes No (Provide explanation)

N/A

8 ADDITIONAL INFORMATION - VALIDATION

8.1 Did the previous owner retain any interest in the subject land?

Yes No (Provide explanation)

8.2 Does the current owner have any interest in any abutting land?

Yes No (Provide explanation and details on plan)

8.3 Why do you consider your title may require validation? (attach additional sheets as necessary)

9 ADDITIONAL INFORMATION - CANCELLATION

9.1 Did the previous owner retain any interest in the subject land?

Yes No (Provide explanation)

9.2 Does the current owner have any interest in any abutting land?

Yes No (Provide explanation and details on plan)

9.3 Why do you require cancellation of a previous consent? (attach additional sheets as necessary)

10 ADDITIONAL INFORMATION - FARM CONSOLIDATION

10.1 Purpose of the Application (Farm Consolidation)

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate if the consolidation is for:

- Surplus Farm Dwelling Severance from an Abutting Farm Consolidation
- Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation

10.2 Location of farm consolidation property:

Municipal Address			
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

10.3 Rural Hamilton Official Plan Designation(s)

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate the existing land use designation of the abutting or non-abutting farm consolidation property.

10.4 Description of farm consolidation property:

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use(s): _____ Proposed Land Use(s): _____

10.5 Description of abutting consolidated farm (excluding lands intended to be severed for the surplus dwelling)

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

10.6 Existing Land Use: _____ Proposed Land Use: _____

10.7 Description of surplus dwelling lands proposed to be severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from Section 4.1)
----------------------------------	---

Front yard set back: _____

a) Date of construction:

- Prior to December 16, 2004
- After December 16, 2004

b) Condition:

- Habitable
- Non-Habitable

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application Form
- Signatures Sheet

11.2 Validation of Title

- All information documents in Section 11.1
- Detailed history of why a Validation of Title is required
- All supporting materials indicating the contravention of the Planning Act, including PIN documents and other items deemed necessary.

11.3 Cancellation

- All information documents in Section 11.1
- Detailed history of when the previous consent took place.
- All supporting materials indicating the cancellation subject lands and any neighbouring lands owned in the same name, including PIN documents and other items deemed necessary.

11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
 - Minimum Distance Separation Formulae (data sheet available upon request)
 - Hydrogeological Assessment
 - Septic Assessment
 - Archeological Assessment
 - Noise Study
 - Parking Study
-
-



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APPLICATION FOR CONSENT TO SEVER LAND
and VALIDATION OF TITLE
 UNDER SECTION 53 & 57 OF THE *PLANNING ACT*

Please see additional information regarding how to submit an application, requirements for the required sketch and general information in the Submission Requirements and Information.

1. APPLICANT INFORMATION

	NAME
Purchaser*	
Registered Owners(s)	Edgelake Beach Ltd. c/o Lauren D'Amico Director
Applicant(s)**	
Agent or Solicitor	Joseph M. Tomaino per Upper Canada Consultants

*Purchaser must provide a copy of the portion of the agreement of purchase and sale that authorizes the purchaser to make the application in respect of the land that is the subject of the application.

** Owner's authorisation required if the applicant is not the owner or purchaser.

1.2 Primary contact Purchaser Owner
 Applicant Agent/Solicitor

1.3 Sign should be sent to Purchaser Owner
 Applicant Agent/Solicitor

1.4 Request for digital copy of sign Yes* No
 If YES, provide email address where sign is to be sent _____

1.5 All correspondence may be sent by email Yes* No
 If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

1.6 Payment type

 In person
 Cheque

 Credit over phone*

 *Must provide number above

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	25 Church Street, Stoney Creek L8E 2X7		
Assessment Roll Number	Unknown		
Former Municipality	Stoney Creek		
Lot		Concession	
Registered Plan Number	563	Lot(s)	18
Reference Plan Number (s)		Part(s)	

2.2 Are there any easements or restrictive covenants affecting the subject land?

 Yes No

If YES, describe the easement or covenant and its effect:

 Unknown - see legal description ("T/W & S/T 19492 SALT")

3 PURPOSE OF THE APPLICATION

3.1 Type and purpose of proposed transaction: (check appropriate box)

- | | |
|---|--|
| <input type="checkbox"/> creation of a new lot(s) | <input type="checkbox"/> concurrent new lot(s) |
| <input type="checkbox"/> addition to a lot | <input type="checkbox"/> a lease |
| <input checked="" type="checkbox"/> an easement | <input type="checkbox"/> a correction of title |
| <input type="checkbox"/> validation of title (must also complete section 8) | <input type="checkbox"/> a charge |
| <input type="checkbox"/> cancellation (must also complete section 9) | |
| <input type="checkbox"/> creation of a new non-farm parcel (must also complete section 10)
(i.e. a lot containing a surplus farm dwelling
resulting from a farm consolidation) | |

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

 N/A

3.3 If a lot addition, identify the lands to which the parcel will be added:

 N/A

3.4 Certificate Request for Retained Lands: Yes*

* If yes, a statement from an Ontario solicitor in good standing that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Act. (O. Reg. 786/21)

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of subject land:

All dimensions to be provided in metric (m, m² or ha), attach additional sheets as necessary.

	Retained (remainder)	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*
Identified on Sketch as:	Lot 18	Attached sheet			
Type of Transfer	N/A	Easement			
Frontage	15.24 m	Attached Sheet			
Depth	99.16	Attached Sheet			
Area	1511.19 sq m	Attached Sheet			
Existing Use	Residential	Residential			
Proposed Use	Residential	Residential			
Existing Buildings/ Structures	2 Storey dwelling	none			
Proposed Buildings/ Structures	none	none			
Buildings/ Structures to be Removed	none	none			

* Additional fees apply.

4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

- provincial highway
 right of way
 municipal road, seasonally maintained
 other public road
 municipal road, maintained all year

b) Type of water supply proposed: (check appropriate box)

- publicly owned and operated piped water system
 lake or other water body
 privately owned and operated individual well
 other means (specify) _____

c) Type of sewage disposal proposed: (check appropriate box)

- publicly owned and operated sanitary sewage system
 privately owned and operated individual septic system
 other means (specify) _____

4.3 Other Services: (check if the service is available)

- electricity
 telephone
 school bussing
 garbage collection

5 CURRENT LAND USE

5.1 What is the existing official plan designation of the subject land?

25 Church Street

Description of Easement:

“Easements are for mutual right of ways to allow for passage of personnel, materials and machinery to maintain, amend or reconstruct the shore protection works adjoining Lake Ontario”

Easement:

25 Church Street (Edgelake Beach Ltd) grants an easement to 21, 23 Church Street over Parts 9 & 10 62R-22301

Parts 9 & 10 - 15.24 m x 4 m = 60.96 sq. m

Rural Hamilton Official Plan designation (if applicable): N/A

Rural Settlement Area: N/A

Urban Hamilton Official Plan designation (if applicable) Neighbourhood

Please provide an explanation of how the application conforms with a City of Hamilton Official Plan.

The application is for an easement over existing residential lands and does not constitute development.

5.2 Is the subject land currently the subject of a proposed official plan amendment that has been submitted for approval?

Yes No Unknown

If YES, and known, provide the appropriate file number and status of the application.

N/A +

5.3 What is the existing zoning of the subject land? R2-26

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number?

N/A

5.4 Is the subject land the subject of any other application for a Minister's zoning order, zoning by-law amendment, minor variance, consent or approval of a plan of subdivision?

Yes No Unknown

If YES, and known, provide the appropriate file number and status of the application.

N/A

5.5 Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply.

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard * Submit Minimum Distance Separation Formulae (MDS) if applicable	<input type="checkbox"/>	
A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	
A provincially significant wetland within 120 metres	<input type="checkbox"/>	
A flood plain	<input type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

6 HISTORY OF THE SUBJECT LAND

- 6.1 Has the subject land ever been the subject of an application for approval of a plan of subdivision or a consent under sections 51 or 53 of the *Planning Act*?

Yes No Unknown

If YES, and known, provide the appropriate application file number and the decision made on the application.

N/A

- 6.2 If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.

N/A

- 6.3 Has any land been severed or subdivided from the parcel originally acquired by the owner of the subject land?

Yes No

If YES, and if known, provide for each parcel severed, the date of transfer, the name of the transferee and the land use.

N/A

- 6.4 How long has the applicant owned the subject land?

Since July 13, 2012

- 6.5 Does the applicant own any other land in the City? Yes No

If YES, describe the lands below or attach a separate page.

N/A

7 PROVINCIAL POLICY

- 7.1 Is this application consistent with the Policy Statements issued under Section 3 of the *Planning Act*?

Yes No (Provide explanation)

The application is for an access easement and does not constitute development.

- 7.2 Is this application consistent with the Provincial Policy Statement (PPS)?

Yes No (Provide explanation)

The application is for an access easement and does not constitute development.

- 7.3 Does this application conform to the Growth Plan for the Greater Golden Horseshoe?

Yes No (Provide explanation)

The application is for an access easement and does not constitute development.

- 7.4 Are the subject lands subject to the Niagara Escarpment Plan?

Yes No (Provide explanation)

N/A

7.5 Are the subject lands subject to the Parkway Belt West Plan?

Yes No (Provide explanation)

N/A

7.6 Are the subject lands subject to the Greenbelt Plan?

Yes No (Provide explanation)

N/A

7.7 Are the subject lands within an area of land designated under any other provincial plan or plans?

Yes No (Provide explanation)

N/A

8 ADDITIONAL INFORMATION - VALIDATION

8.1 Did the previous owner retain any interest in the subject land?

Yes No (Provide explanation)

8.2 Does the current owner have any interest in any abutting land?

Yes No (Provide explanation and details on plan)

8.3 Why do you consider your title may require validation? (attach additional sheets as necessary)

9 ADDITIONAL INFORMATION - CANCELLATION

9.1 Did the previous owner retain any interest in the subject land?

Yes No (Provide explanation)

9.2 Does the current owner have any interest in any abutting land?

Yes No (Provide explanation and details on plan)

9.3 Why do you require cancellation of a previous consent? (attach additional sheets as necessary)

10 ADDITIONAL INFORMATION - FARM CONSOLIDATION

10.1 Purpose of the Application (Farm Consolidation)

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate if the consolidation is for:

- Surplus Farm Dwelling Severance from an Abutting Farm Consolidation
- Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation

10.2 Location of farm consolidation property:

Municipal Address			
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

10.3 Rural Hamilton Official Plan Designation(s)

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate the existing land use designation of the abutting or non-abutting farm consolidation property.

10.4 Description of farm consolidation property:

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use(s): _____ Proposed Land Use(s): _____

10.5 Description of abutting consolidated farm (excluding lands intended to be severed for the surplus dwelling)

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

10.6 Existing Land Use: _____ Proposed Land Use: _____

10.7 Description of surplus dwelling lands proposed to be severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from Section 4.1)
----------------------------------	---

Front yard set back: _____

a) Date of construction:

- Prior to December 16, 2004 After December 16, 2004

b) Condition:

- Habitable Non-Habitable

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application Form
- Signatures Sheet

11.2 Validation of Title

- All information documents in Section 11.1
- Detailed history of why a Validation of Title is required
- All supporting materials indicating the contravention of the Planning Act, including PIN documents and other items deemed necessary.

11.3 Cancellation

- All information documents in Section 11.1
- Detailed history of when the previous consent took place.
- All supporting materials indicating the cancellation subject lands and any neighbouring lands owned in the same name, including PIN documents and other items deemed necessary.

11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
 - Minimum Distance Separation Formulae (data sheet available upon request)
 - Hydrogeological Assessment
 - Septic Assessment
 - Archeological Assessment
 - Noise Study
 - Parking Study
-
-



Hamilton

Committee of Adjustment
 City Hall, 5th Floor,
 71 Main St. W.,
 Hamilton, ON L8P4Y5

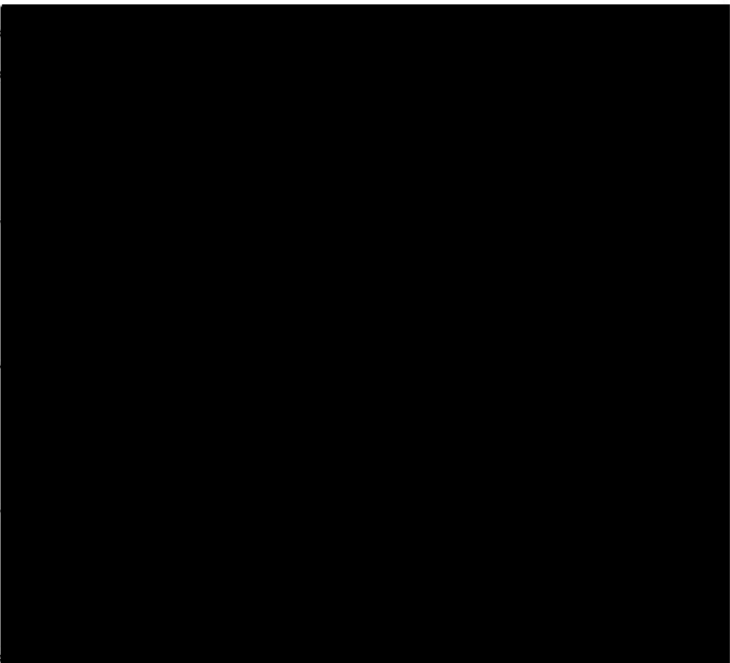
Phone: (905) 546-2424 ext. 4221
 Email: cofa@hamilton.ca

APPLICATION FOR CONSENT TO SEVER LAND
and VALIDATION OF TITLE
 UNDER SECTION 53 & 57 OF THE *PLANNING ACT*

Please see additional information regarding how to submit an application, requirements for the required sketch and general information in the Submission Requirements and Information.

1. APPLICANT INFORMATION

	NAME
Purchaser*	
Registered Owners(s)	Edgelake Shore Ltd. c/o Lauren D'Amico Director
Applicant(s)**	
Agent or Solicitor	Joseph M. Tomaino per Upper Canada Consultants



*Purchaser must provide a copy of the portion of the agreement of purchase and sale that authorizes the purchaser to make the application in respect of the land that is the subject of the application.

** Owner's authorisation required if the applicant is not the owner or purchaser.

1.2 Primary contact Purchaser Owner
 Applicant Agent/Solicitor

1.3 Sign should be sent to Purchaser Owner
 Applicant Agent/Solicitor

1.4 Request for digital copy of sign Yes* No
 If YES, provide email address where sign is to be sent _____

1.5 All correspondence may be sent by email Yes* No
 If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

1.6 Payment type

 In person
 Cheque

 Credit over phone*

 *Must provide number above

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	23 Church Street, Stoney Creek, ON L8E 2X7		
Assessment Roll Number	Unknown		
Former Municipality	Stoney Creek		
Lot		Concession	
Registered Plan Number	563	Lot(s)	19
Reference Plan Number (s)		Part(s)	

2.2 Are there any easements or restrictive covenants affecting the subject land?

 Yes No

If YES, describe the easement or covenant and its effect:

 Unknown - see legal description ("T/W & S/T 20308 SALT")

3 PURPOSE OF THE APPLICATION

3.1 Type and purpose of proposed transaction: (check appropriate box)

- | | |
|--|--|
| <input type="checkbox"/> creation of a new lot(s) | <input type="checkbox"/> concurrent new lot(s) |
| <input type="checkbox"/> addition to a lot | <input type="checkbox"/> a lease |
| <input checked="" type="checkbox"/> an easement | <input type="checkbox"/> a correction of title |
| <input type="checkbox"/> validation of title (must also complete section 8) | <input type="checkbox"/> a charge |
| <input type="checkbox"/> cancellation (must also complete section 9) | |
| <input type="checkbox"/> creation of a new non-farm parcel (must also complete section 10)
(i.e. a lot containing a surplus farm dwelling
resulting from a farm consolidation) | |

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

 N/A

3.3 If a lot addition, identify the lands to which the parcel will be added:

 N/A

3.4 Certificate Request for Retained Lands: Yes*

* If yes, a statement from an Ontario solicitor in good standing that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Act. (O. Reg. 786/21)

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of subject land:

All dimensions to be provided in metric (m, m² or ha), attach additional sheets as necessary.

	Retained (remainder)	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*
Identified on Sketch as:	Lot 19	Attached Sheet			
Type of Transfer	N/A	Easement			
Frontage	15.36 m	Attached Sheet			
Depth	101.13 m	Attached Sheet			
Area	1553.35 sq m	Attached Sheet			
Existing Use	Residential	Residential			
Proposed Use	Residential	Residential			
Existing Buildings/ Structures	Garage	none			
Proposed Buildings/ Structures	unknown	none			
Buildings/ Structures to be Removed	none	none			

* Additional fees apply.

4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

- provincial highway
 municipal road, seasonally maintained
 municipal road, maintained all year
- right of way
 other public road

b) Type of water supply proposed: (check appropriate box)

- publicly owned and operated piped water system
 privately owned and operated individual well
- lake or other water body
 other means (specify) _____

c) Type of sewage disposal proposed: (check appropriate box)

- publicly owned and operated sanitary sewage system
 privately owned and operated individual septic system
 other means (specify) _____

4.3 Other Services: (check if the service is available)

- electricity
 telephone
 school bussing
 garbage collection

5 CURRENT LAND USE

5.1 What is the existing official plan designation of the subject land?

23 Church Street

Description of Easement:

"Easements are for mutual right of ways to allow for passage of personnel, materials and machinery to maintain, amend or reconstruct the shore protection works adjoining Lake Ontario.

Easement:

23 Church Street (Edgelake Shore Ltd.) grants an easement to 21 Church Street over Part 11
62R-22301

Part 11 – 14.68 m x 4 m = 58.72 sq. m

Rural Hamilton Official Plan designation (if applicable): N/A

Rural Settlement Area: N/A

Urban Hamilton Official Plan designation (if applicable) Neighbourhood

Please provide an explanation of how the application conforms with a City of Hamilton Official Plan.

The application is for an easement over existing residential lands and does not constitute development.

5.2 Is the subject land currently the subject of a proposed official plan amendment that has been submitted for approval?

Yes No Unknown

If YES, and known, provide the appropriate file number and status of the application.

N/A +

5.3 What is the existing zoning of the subject land? R2-26

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number?

N/A

5.4 Is the subject land the subject of any other application for a Minister's zoning order, zoning by-law amendment, minor variance, consent or approval of a plan of subdivision?

Yes No Unknown

If YES, and known, provide the appropriate file number and status of the application.

N/A

5.5 Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply.

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard * Submit Minimum Distance Separation Formulae (MDS) if applicable	<input type="checkbox"/>	
A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	
A provincially significant wetland within 120 metres	<input type="checkbox"/>	
A flood plain	<input type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

6 HISTORY OF THE SUBJECT LAND

- 6.1 Has the subject land ever been the subject of an application for approval of a plan of subdivision or a consent under sections 51 or 53 of the *Planning Act*?
 Yes No Unknown

If YES, and known, provide the appropriate application file number and the decision made on the application.

N/A

- 6.2 If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.

N/A

- 6.3 Has any land been severed or subdivided from the parcel originally acquired by the owner of the subject land?
 Yes No

If YES, and if known, provide for each parcel severed, the date of transfer, the name of the transferee and the land use.

N/A

- 6.4 How long has the applicant owned the subject land?

Since March 24, 2020

- 6.5 Does the applicant own any other land in the City? Yes No
 If YES, describe the lands below or attach a separate page.

N/A

7 PROVINCIAL POLICY

- 7.1 Is this application consistent with the Policy Statements issued under Section 3 of the *Planning Act*?
 Yes No (Provide explanation)

The application is for an access easement and does not constitute development.

- 7.2 Is this application consistent with the Provincial Policy Statement (PPS)?
 Yes No (Provide explanation)

The application is for an access easement and does not constitute development.

- 7.3 Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
 Yes No (Provide explanation)

The application is for an access easement and does not constitute development.

- 7.4 Are the subject lands subject to the Niagara Escarpment Plan?
 Yes No (Provide explanation)

N/A

7.5 Are the subject lands subject to the Parkway Belt West Plan?

Yes No (Provide explanation)

N/A

7.6 Are the subject lands subject to the Greenbelt Plan?

Yes No (Provide explanation)

N/A

7.7 Are the subject lands within an area of land designated under any other provincial plan or plans?

Yes No (Provide explanation)

N/A

8 ADDITIONAL INFORMATION - VALIDATION

8.1 Did the previous owner retain any interest in the subject land?

Yes No (Provide explanation)

8.2 Does the current owner have any interest in any abutting land?

Yes No (Provide explanation and details on plan)

8.3 Why do you consider your title may require validation? (attach additional sheets as necessary)

9 ADDITIONAL INFORMATION - CANCELLATION

9.1 Did the previous owner retain any interest in the subject land?

Yes No (Provide explanation)

9.2 Does the current owner have any interest in any abutting land?

Yes No (Provide explanation and details on plan)

9.3 Why do you require cancellation of a previous consent? (attach additional sheets as necessary)

10 ADDITIONAL INFORMATION - FARM CONSOLIDATION**10.1 Purpose of the Application (Farm Consolidation)**

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate if the consolidation is for:

- Surplus Farm Dwelling Severance from an Abutting Farm Consolidation
- Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation

10.2 Location of farm consolidation property:

Municipal Address			
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

10.3 Rural Hamilton Official Plan Designation(s)

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate the existing land use designation of the abutting or non-abutting farm consolidation property.

10.4 Description of farm consolidation property:

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use(s): _____ Proposed Land Use(s): _____

10.5 Description of abutting consolidated farm (excluding lands intended to be severed for the surplus dwelling)

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use: _____ Proposed Land Use: _____

10.7 Description of surplus dwelling lands proposed to be severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from Section 4.1)
----------------------------------	---

Front yard set back: _____

a) Date of construction:

- Prior to December 16, 2004 After December 16, 2004

b) Condition:

- Habitable Non-Habitable

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application Form
- Signatures Sheet

11.2 Validation of Title

- All information documents in Section 11.1
- Detailed history of why a Validation of Title is required
- All supporting materials indicating the contravention of the Planning Act, including PIN documents and other items deemed necessary.

11.3 Cancellation

- All information documents in Section 11.1
- Detailed history of when the previous consent took place.
- All supporting materials indicating the cancellation subject lands and any neighbouring lands owned in the same name, including PIN documents and other items deemed necessary.

11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
- Minimum Distance Separation Formulae (data sheet available upon request)
- Hydrogeological Assessment
- Septic Assessment
- Archeological Assessment
- Noise Study
- Parking Study

31 CHURCH ST.



Hamilton

Committee of Adjustment
 City Hall, 5th Floor,
 71 Main St. W.,
 Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221
 Email: cofa@hamilton.ca

APPLICATION FOR CONSENT TO SEVER LAND
and VALIDATION OF TITLE
 UNDER SECTION 53 & 57 OF THE *PLANNING ACT*

Please see additional information regarding how to submit an application, requirements for the required sketch and general information in the Submission Requirements and Information.

1. APPLICANT INFORMATION

	NAME
Purchaser*	
Registered Owners(s)	Edgelake Manor Ltd. c/o Lauren D'Amico Director
Applicant(s)**	
Agent or Solicitor	Joseph M. Tomaino per Upper Canada Consultants

*Purchaser must provide a copy of the portion of the agreement of purchase and sale that authorizes the purchaser to make the application in respect of the land that is the subject of the application.

** Owner's authorisation required if the applicant is not the owner or purchaser.

1.2 Primary contact Purchaser Owner
 Applicant Agent/Solicitor

1.3 Sign should be sent to Purchaser Owner
 Applicant Agent/Solicitor

1.4 Request for digital copy of sign Yes* No
 If YES, provide email address where sign is to be sent _____

1.5 All correspondence may be sent by email Yes* No
 If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

1.6 Payment type

 In person Credit over phone* Cheque

*Must provide number above

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	31 Church Street, Stoney Creek L8E 2X7		
Assessment Roll Number	Unknown		
Former Municipality	Stoney Creek		
Lot		Concession	
Registered Plan Number	563	Lot(s)	15
Reference Plan Number (s)		Part(s)	

2.2 Are there any easements or restrictive covenants affecting the subject land?

 Yes No

If YES, describe the easement or covenant and its effect:

Restrictive covenant regarding access - instrument CD282429z

3 PURPOSE OF THE APPLICATION

3.1 Type and purpose of proposed transaction: (check appropriate box)

- | | |
|---|--|
| <input type="checkbox"/> creation of a new lot(s) | <input type="checkbox"/> concurrent new lot(s) |
| <input type="checkbox"/> addition to a lot | <input type="checkbox"/> a lease |
| <input checked="" type="checkbox"/> an easement | <input type="checkbox"/> a correction of title |
| <input type="checkbox"/> validation of title (must also complete section 8) | <input type="checkbox"/> a charge |
| <input type="checkbox"/> cancellation (must also complete section 9) | |
| <input type="checkbox"/> creation of a new non-farm parcel (must also complete section 10)
(i.e. a lot containing a surplus farm dwelling
resulting from a farm consolidation) | |

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

N/A

3.3 If a lot addition, identify the lands to which the parcel will be added:

N/A

3.4 Certificate Request for Retained Lands: Yes*

* If yes, a statement from an Ontario solicitor in good standing that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Act. (O. Reg. 786/21)

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of subject land:

All dimensions to be provided in metric (m, m² or ha), attach additional sheets as necessary.

	Retained (remainder)	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*
Identified on Sketch as:	Lot 15	Attached Sheet			
Type of Transfer	N/A	Easement			
Frontage	15.24 m	Attached Sheet			
Depth	93.07	Attached Sheet			
Area	1418.38 sq m	Attached Sheet			
Existing Use	Residential	Residential			
Proposed Use	Residential	Residential			
Existing Buildings/ Structures	2 Storey Dwelling	none			
Proposed Buildings/ Structures	none	none			
Buildings/ Structures to be Removed	none	none			

* Additional fees apply.

4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

- provincial highway
 municipal road, seasonally maintained
 municipal road, maintained all year
- right of way
 other public road

b) Type of water supply proposed: (check appropriate box)

- publicly owned and operated piped water system
 privately owned and operated individual well
- lake or other water body
 other means (specify)

c) Type of sewage disposal proposed: (check appropriate box)

- publicly owned and operated sanitary sewage system
 privately owned and operated individual septic system
 other means (specify) _____

4.3 Other Services: (check if the service is available)

- electricity
 telephone
 school bussing
 garbage collection

5 CURRENT LAND USE

5.1 What is the existing official plan designation of the subject land?

31 Church Street

Description of Easement:

“Easements are for mutual right of ways to allow for passage of personnel, materials and machinery to maintain, amend or reconstruct the shore protection works adjoining Lake

Easement:

31 Church Street (Edgelake Manor Ltd.) grants an easement to 33 Church over Parts 5 & 6 62R-22301

Parts 5 & 6 – 15.27 m x 4 m = 61.08 sq. m

Rural Hamilton Official Plan designation (if applicable): N/A

Rural Settlement Area: N/A

Urban Hamilton Official Plan designation (if applicable) Neighbourhood

Please provide an explanation of how the application conforms with a City of Hamilton Official Plan.

The application is for an easement over existing residential lands and does not constitute development.

- 5.2 Is the subject land currently the subject of a proposed official plan amendment that has been submitted for approval?
 Yes No Unknown

If YES, and known, provide the appropriate file number and status of the application.

N/A

- 5.3 What is the existing zoning of the subject land? R2-26

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number?

N/A

- 5.4 Is the subject land the subject of any other application for a Minister's zoning order, zoning by-law amendment, minor variance, consent or approval of a plan of subdivision?
 Yes No Unknown

If YES, and known, provide the appropriate file number and status of the application.

N/A

- 5.5 Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply.

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard * Submit Minimum Distance Separation Formulae (MDS) if applicable	<input type="checkbox"/>	
A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	
A provincially significant wetland within 120 metres	<input type="checkbox"/>	
A flood plain	<input type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

6 HISTORY OF THE SUBJECT LAND

6.1 Has the subject land ever been the subject of an application for approval of a plan of subdivision or a consent under sections 51 or 53 of the *Planning Act*?

Yes No Unknown

If YES, and known, provide the appropriate application file number and the decision made on the application.

N/A

6.2 If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.

N/A

6.3 Has any land been severed or subdivided from the parcel originally acquired by the owner of the subject land?

Yes No

If YES, and if known, provide for each parcel severed, the date of transfer, the name of the transferee and the land use.

N/A

6.4 How long has the applicant owned the subject land?

Since January 5, 2007

6.5 Does the applicant own any other land in the City? Yes No

If YES, describe the lands below or attach a separate page.

N/A

7 PROVINCIAL POLICY

7.1 Is this application consistent with the Policy Statements issued under Section 3 of the *Planning Act*?

Yes No (Provide explanation)

The application is for an access easement and does not constitute development.

7.2 Is this application consistent with the Provincial Policy Statement (PPS)?

Yes No (Provide explanation)

The application is for an access easement and does not constitute development.

7.3 Does this application conform to the Growth Plan for the Greater Golden Horseshoe?

Yes No (Provide explanation)

The application is for an access easement and does not constitute development.

7.4 Are the subject lands subject to the Niagara Escarpment Plan?

Yes No (Provide explanation)

N/A

7.5 Are the subject lands subject to the Parkway Belt West Plan?

Yes No (Provide explanation)

N/A

7.6 Are the subject lands subject to the Greenbelt Plan?

Yes No (Provide explanation)

N/A

7.7 Are the subject lands within an area of land designated under any other provincial plan or plans?

Yes No (Provide explanation)

N/A

8 ADDITIONAL INFORMATION - VALIDATION

8.1 Did the previous owner retain any interest in the subject land?

Yes No (Provide explanation)

8.2 Does the current owner have any interest in any abutting land?

Yes No (Provide explanation and details on plan)

8.3 Why do you consider your title may require validation? (attach additional sheets as necessary)

9 ADDITIONAL INFORMATION - CANCELLATION

9.1 Did the previous owner retain any interest in the subject land?

Yes No (Provide explanation)

9.2 Does the current owner have any interest in any abutting land?

Yes No (Provide explanation and details on plan)

9.3 Why do you require cancellation of a previous consent? (attach additional sheets as necessary)

10 ADDITIONAL INFORMATION - FARM CONSOLIDATION**10.1 Purpose of the Application (Farm Consolidation)**

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate if the consolidation is for:

- Surplus Farm Dwelling Severance from an Abutting Farm Consolidation
- Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation

10.2 Location of farm consolidation property:

Municipal Address			
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

10.3 Rural Hamilton Official Plan Designation(s)

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate the existing land use designation of the abutting or non-abutting farm consolidation property.

10.4 Description of farm consolidation property:

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use(s): _____ Proposed Land Use(s): _____

10.5 Description of abutting consolidated farm (excluding lands intended to be severed for the surplus dwelling)

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use: _____ Proposed Land Use: _____

10.7 Description of surplus dwelling lands proposed to be severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from Section 4.1)
----------------------------------	---

Front yard set back: _____

a) Date of construction:

- Prior to December 16, 2004 After December 16, 2004

b) Condition:

- Habitable Non-Habitable

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application Form
- Signatures Sheet

11.2 Validation of Title

- All information documents in Section 11.1
- Detailed history of why a Validation of Title is required
- All supporting materials indicating the contravention of the Planning Act, including PIN documents and other items deemed necessary.

11.3 Cancellation

- All information documents in Section 11.1
- Detailed history of when the previous consent took place.
- All supporting materials indicating the cancellation subject lands and any neighbouring lands owned in the same name, including PIN documents and other items deemed necessary.

11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
- Minimum Distance Separation Formulae (data sheet available upon request)
- Hydrogeological Assessment
- Septic Assessment
- Archeological Assessment
- Noise Study
- Parking Study



Hamilton

B-24:24 – 23-31 Church Street, Stoney Creek (Delegated Authority)

Recommendation:

Approve

Proposed Conditions:

1. That the owner submits and receives approval of a Tree Protection Plan including the review fee as per the Schedule of Rates and Fees, to the satisfaction of the Manager of Heritage and Urban Design. The Tree Protection Plan is to be prepared by a qualified tree management professional (i.e., certified arborist, registered professional forester or landscape architect) in accordance with the City's Council adopted Tree Protection Guidelines (revised October 2010).
2. That the owner submits and receives approval of a Landscape Plan that shows the location of compensation trees to the satisfaction of the Manager of Heritage and Urban Design.
3. A Permit to injure or remove municipal trees is a requirement of this application. A Tree Management Plan must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees.

Proposed Notes:



Hamilton

Development Planning:

Background

To permit the creation of an easement for access for shoreline maintenance over properties known as 23, 25, 27, 29 & 31 Church Street, Stoney Creek.

Analysis

Urban Hamilton Official Plan

The property is identified as “Neighbourhoods” in Schedule E – Urban Structure and is designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations. Policy F.1.14.3.7, amongst others, are applicable and permit easements for infrastructure and utility works.

1.14.3.7 Consents may be granted for the purposes of long-term lease agreements for infrastructure and utility works provided a separate lot is not created for a dwelling or any urban land use, except the uses noted in this Section.

Staff note that the proposal maintains the general intent of the Official Plan as the easements are in favour of maintenance access to the shoreline of Lake Ontario. Based on the foregoing, staff support the application.

Zoning:

Recommendation:	No comments
Proposed Conditions:	
Comments:	
Proposed Notes:	

Cultural Heritage:

Recommendation:	No comments
Proposed Conditions:	
Comments:	
Proposed Notes:	

Natural Heritage:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	1. That the owner submits and receives approval of a Tree Protection Plan including the review fee as per the Schedule of Rates and Fees, to the

STAFF COMMENTS**HEARING DATE: June 11, 2024**

Hamilton

	<p>satisfaction of the Manager of Heritage and Urban Design. The Tree Protection Plan is to be prepared by a qualified tree management professional (i.e., certified arborist, registered professional forester or landscape architect) in accordance with the City's Council adopted Tree Protection Guidelines (revised October 2010).</p> <p>2. That the owner submits and receives approval of a Landscape Plan that shows the location of compensation trees to the satisfaction of the Manager of Heritage and Urban Design.</p>
<p>Comments:</p>	<p>1. The subject properties are located within the boundaries of the Urban Hamilton Official Plan (UHOP). Based on Schedule B (Natural Heritage System) of the UHOP, Core Areas (i.e., Environmentally Significant Areas, Areas of Natural and Scientific Interest, Significant Woodlands, wetlands and watercourses) as well as Linkages (natural areas that ecologically connect Core Areas) have not been identified within the subject properties.</p> <p>It is important to note Core Areas (Lake Ontario, Community Beach Ponds Environmentally Significant Area, Significant Woodland and watercourse) have been identified within the surrounding landscape. These features contribute to the function of the area as a significant landbird migratory stopover area.</p> <p>Any development or site alteration within or adjacent to Core Areas shall not negatively impact their natural features or their ecological functions (policy C.2.3). Due to the location of the site, there is concern if tree removal will occur. In addition, there is concern with impacts (bird-building collisions) to migrating birds.</p> <p>A Species Habitat Assessment is recommended. This assessment would discuss the function of the trees on the property, assess the direct and indirect impacts on birds as well as specific bird-friendly design elements that would be incorporated into the design of any proposed development.</p> <p>It is important to note that the properties are located within the Hamilton Conservation Authority (HCA) regulated area. It is advised that HCA be contacted to determine relevant requirements (i.e., permits).</p> <p>2. Through aerial photograph interpretation, trees have been identified within and adjacent to the subject property. The City recognizes the importance of trees to the health and quality of life in the community (i.e., canopy cover, energy conservation, mental health benefits) and encourages the protection and restoration of trees (policy C.2.11.1).</p>

STAFF COMMENTS**HEARING DATE: June 11, 2024**

Hamilton

	<p>There may be an impact on trees within and adjacent to the subject properties. To ensure that trees are considered in the design of the proposed development, it is recommended that a Tree Protection Plan (TPP) be prepared by a qualified tree management professional (i.e., certified arborist, registered professional forester, or landscape architect) in accordance with the City's Council adopted Tree Protection Guidelines (revised October 2010).</p> <p>To ensure existing tree cover is maintained, the City requires 1 for 1 compensation for any tree (10 cm DBH or greater) that is proposed to be removed. If trees are to be removed, it is recommended that a Landscape Plan (showing the required compensation) be provided.</p>
Proposed Notes:	

Forestry:

Recommendation:	Approve with Conditions
Proposed Conditions:	A Permit to injure or remove municipal trees is a requirement of this application. A Tree Management Plan must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees.
Comments:	<p>Conditions of the Forestry and Horticulture Section will be cleared only after receipt of all applicable fees.</p> <p>An assessment of the information provided shows that there are potential conflicts with publicly owned trees or trees that may become city assets through right of way widening.</p> <p>Where existing municipal trees are impacted by development work, are within proximity of the development work or access/egress to the development work, a Public Tree Permit to injure or remove municipal trees is required.</p> <p>Where ownership of trees in proximity to the boundary between public and private land is un-certain, the subject trees must be surveyed by the applicant to confirm ownership. Ownership is as per By-law 15-125. Ownership must be clearly identified on the Tree Management Plan as either municipal or private.</p> <p>No Landscape plan required.</p>



Hamilton

TREE MANAGEMENT

Tree Protection is a measure of efforts to preserve existing trees during the Planning of New Developments, Infrastructure Enhancements, Utility Upgrades & Residential Improvements.

The Forestry & Horticulture Section requires that a Tree Management Plan be prepared by a MTCU Qualified Arborist, or ISA Certified Arborist, or a Registered Landscape Architect. All trees within this proposed development area must be surveyed, identified and accurately plotted on the plan to determine ownership, including intensions regarding retention or removal.

It is compulsory that all proposed surface treatment changes within individual tree driplines as well as property lines, building footprints, driveways, utility construction corridors and temporary access roads be accurately depicted on the submission.

The Tree Inventory Analysis Table on the Tree Management Plan shall not be considered complete without the following data and recommended action for each tree.

- Species by Botanical and common name
- Diameter at breast height in centimeters or millimeters
- Ownership {> 50% @ ground level = ownership}
- Biological health
- Structural condition
- Proposed grade changes within individual driplines {compulsory}
- Proposed utility construction within individual driplines {compulsory}
- Proposed removals or relocations
- Proposed trees to be protected.

If it is determined and verified that existing trees can remain, a Tree Protection Zone Detail with notes showing Tree Preservation Techniques shall be included on the submission as per the Public Tree Preservation and Sustainability Policy.

The determination of ownership of all trees is the responsibility of the applicant and any civil issues which may exist or arise between property owners with respect to trees, must be resolved by the applicant. The

STAFF COMMENTS**HEARING DATE: June 11, 2024**

Hamilton

	<p>ownership of each individual tree inventoried must be clearly stated as municipal or private.</p> <p>All Healthy trees on municipal property which are found to be in conflict with this proposed development and do not meet our criteria for removal are subject to a replacement fee as outlined in the Public Tree Preservation and Sustainability Policy in conjunction with By-Law 15-125.</p> <p>A permit will be issued upon approval of the Tree Management Plan and applicable fees.</p>
Proposed Notes:	

Development Engineering:

Recommendation:	No comments
Proposed Conditions:	
Comments:	
Proposed Notes:	

Building Engineering:

Recommendation:	No comments
Proposed Conditions:	
Comments:	
Proposed Notes:	

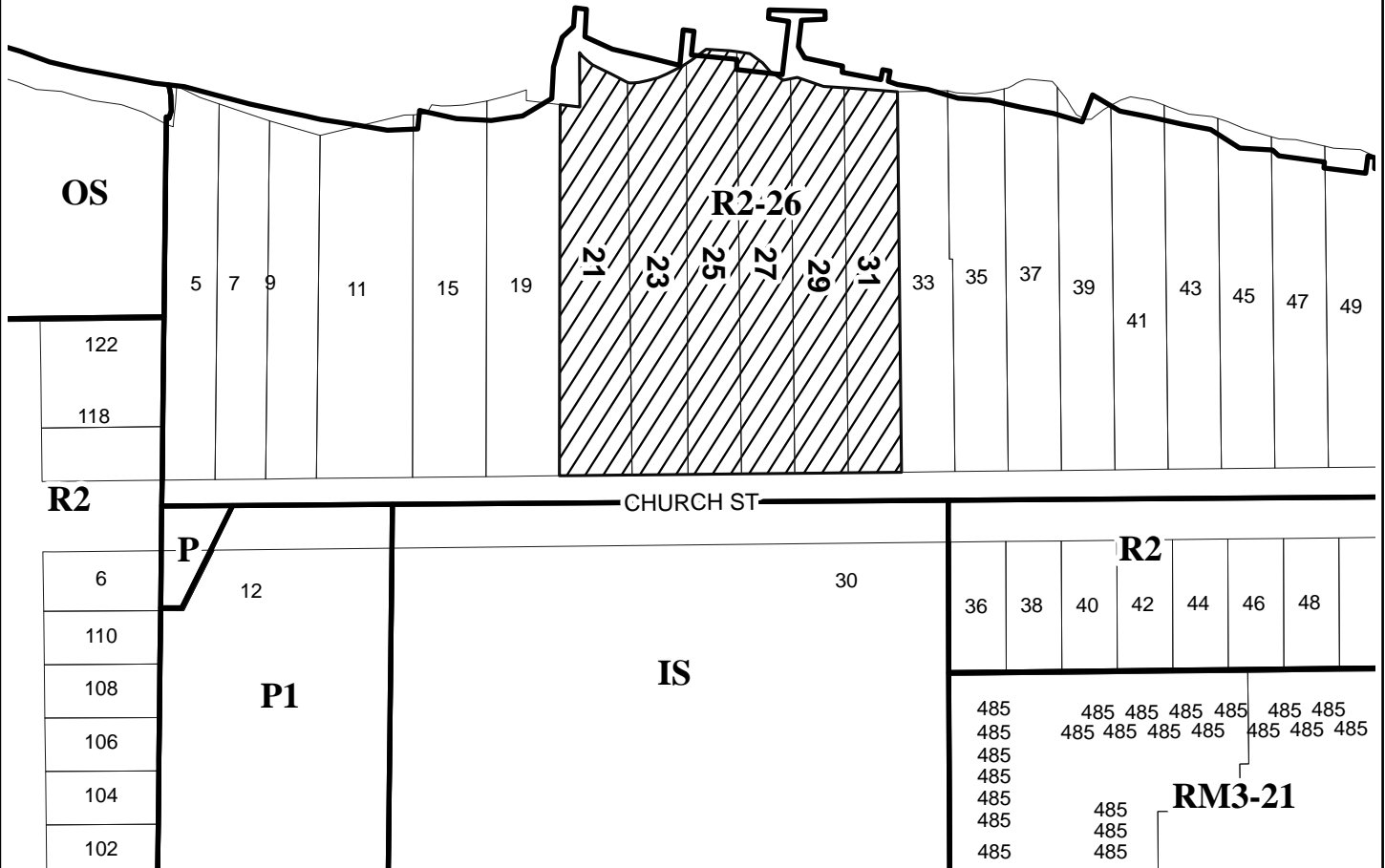
Transportation Planning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	No files were available to review for Transportation Planning
Proposed Notes:	

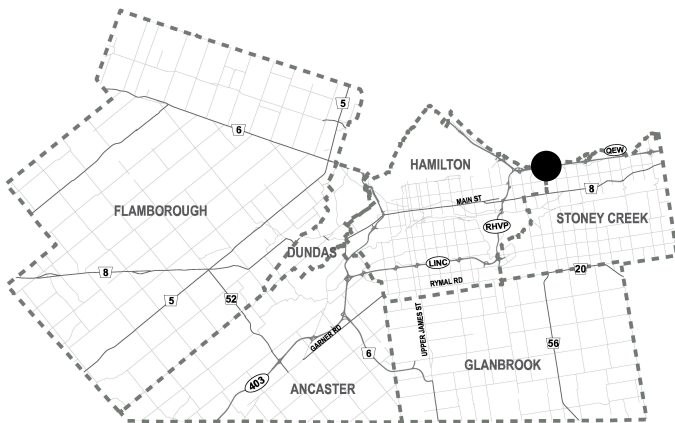
Legislative Approvals:

Recommendation:	No Comments.
Proposed Conditions:	
Comments:	
Proposed Notes:	We ask that the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's Sign By-law, in a manner that is clearly visible from the road.

Lake Ontario



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



21 - 31 Church Street, Stoney Creek (Ward 10)

File Name/Number:

B-24:24

Date:

June 6, 2024

Technician:

AL

Scale:

N.T.S.

Appendix "A"



Hamilton

June 11, 2024 - CoA - HCA comments for B-24:24 for 23 to 31 Church St, Stoney Creek

Elizabeth Reimer <ereimer@conservationhamilton.ca>

Thu 6/6/2024 10:55 AM

To:Committee of adjustment <CofA@hamilton.ca>

External Email: Use caution with links and attachments

Good afternoon,

The Hamilton Conservation Authority (HCA) has reviewed the Committee of Adjustment Agenda for June 11, 2024 in accordance with HCA's responsibilities under the *Conservation Authorities Act* relating to provincial interests for natural hazards and offer the following comments for B-24:24 for 23 to 31 Church St, Stoney Creek. HCA has Bcc'd our contact for items relating to these properties on this email for their information.

B-24:24 – 23, 25, 27, 29, 31 Church Street, Stoney Creek

The subject properties are regulated by HCA pursuant to the *Conservation Authorities Act* and *Ontario Regulation 41/24 (Prohibited Activities, Exemptions and Permits)*. The regulated area is associated with the flooding and erosion hazards produced by Lake Ontario. Written permission from HCA is required for any construction, site alteration, or grading completed within the regulated portion of the subject site. HCA staff were consulted through the process of developing the proposed configuration of the easements that are being created for the purposes of creating maintenance access to the Lake Ontario shoreline. The plans reviewed previously by HCA are consistent with those submitted in support of consent application B-24:24. Based on HCA's review, the proposed easement is sufficient to grant access to the properties that benefit from the easement. Further, there are no current proposals for development within the HCA's regulated area. As such, HCA is satisfied that the application is consistent with the natural hazard policies of the PPS and HCA staff have no concerns with the approval of the consent application.

Please contact the undersigned if there are any questions regarding the provided comments.

The fee for HCA's review of this application is \$1,233.96. The HCA will contact the applicant to receive the payment of our fee.

Regards,

Elizabeth Reimer

Conservation Planner

Hamilton Conservation Authority

838 Mineral Springs Road, P.O. Box 81067

Ancaster, ON L9G 4X1

Phone: 905-525-2181 Ext. 165**Email:** ereimer@conservationhamilton.cawww.conservationhamilton.ca

A Healthy Watershed for Everyone

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Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

NOTICE OF DECISION
CONSENT

APPLICATION NO.:	B-24:24	SUBJECT PROPERTY:	23,25,27,29,31 Church Street, Stoney Creek
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APPLICANTS: Owner Edgelake Beach Ltd.
Agent Joseph Tomaino per Upper Canada Consultants

PURPOSE & EFFECT: To permit the creation of an easement for access for shoreline maintenance over properties known as 23, 25, 27, 29 & 31 Church Street, Stoney Creek.

	Frontage	Depth	Area
29 Church Street			
EASEMENT LANDS (Part 1 & 2):	N/A m [±]	4 m [±]	47.36 m ² ±
REMAINDER LANDS:	15.24 m [±]	95.10 m [±]	1449.93 m ² ±
EASEMENT LANDS (Part 3):	N/A m [±]	4 m [±]	4.5 m ² ±
EASEMENT LANDS (Part 4):	4 m [±]	4 m [±]	382.8 m ² ±
	Frontage	Depth	Area
27 Church Street			
REMAINDER LANDS:	15.24 m [±]	97.13 m [±]	1480.26 m ² ±
EASEMENT LANDS (Part 7 & 8):	N/A m [±]	4 m [±]	60.96 m ² ±
	Frontage	Depth	Area
25 Church Street			
REMAINDER LANDS:	15.24 m [±]	99.16 m [±]	1511.19 m ² ±

B-24:24

EASEMENT LANDS (Part 9 & 10):	N/A m [±]	4 m [±]	60.96 m ^{2±}
	Frontage	Depth	Area
23 Church Street			
REMAINDER LANDS:	15.36 m [±]	101.13 m [±]	1553.35 m ^{2±}
EASEMENT LANDS (Part 11):	N/A m [±]	4 m [±]	58.72 m ^{2±}
31 Church Street	Frontage	Depth	Area
REMAINDER LANDS:	15.24 m [±]	93.07 m [±]	1418.38 m ^{2±}
EASEMENT LANDS (Part 5 & 6):	N/A m [±]	4 m [±]	61.08 m ^{2±}

Associated Planning Act File(s): N/A

THE DECISION OF THE CONSENT AUTHORITY IS:

That the said application, as set out above, Approved with Conditions, for the following reasons:

1. The proposal does not conflict with the intent of the Urban/Rural Hamilton Official Plan.
2. The proposal does not contravene Zoning By-law requirements.
3. The Committee considers the proposal to be in keeping with development in the area.
4. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
5. The submissions made regarding this matter affected the decision by supporting the granting of the application.

Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following condition(s):

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)

B-24:24

DATED AT HAMILTON, June 14, 2024.

Anita Fabac,
Acting Director of Planning and Chief Planner
Consent Authority

The date of the giving of this Notice of Decision is **June 14, 2024**. Above noted conditions **MUST** be fulfilled within **TWO (2) YEARS** of the date of this Notice of Decision (June 14, 2026) or the application shall be deemed to be REFUSED (Planning Act, 53(41)).

NOTES:

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS July 4, 2024 at 4:30pm. A Notice of Appeal must be filed with the Secretary-treasurer of the Committee of Adjustment, must set out the reasons for the appeal and must be accompanied by the applicable fee. See Appeal Information Consents/Severances for more information.
2. **This Decision is not final and binding unless otherwise noted and must not be acted upon until the period of appeal has expired.**
3. The Decision does not release any persons from the necessity of observing the requirements of building regulations, the license by-law, or any other by-law of the City of Hamilton.



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

APPEAL INFORMATION – CONSENTS/SEVERANCES

1. Who may file an appeal of the Decision of the Committee of Adjustment or Consent Authority?

Please note neighbours and other interested parties not defined are no longer eligible to file Planning Act Section 53(19) appeals. See [Bill 23, More Homes Built Faster Act, 2022](#) for more information.

Planning Act Section 53(19) appeals may be filed by the applicant, the Minister of Municipal Affairs and Housing, a “specified person” (as defined by Planning Act 1(1)), and any “public body” (as defined by Planning Act 1(1)).

2. When must an appeal be received to be considered?

Planning Act Section 53(19) appeals must be received no later than the end of business on the last date of appeal listed on the Notice of Decision. The last date of appeal is 20 days from the date of the giving of Notice of the Decision. Please see Notice of Decision for exact date and time.

3. Where must the appeal be filed to be considered?

Planning Act Section 53(19) appeals must be received in one of the following formats:

Hardcopy: at City Hall and addressed to the Secretary-Treasurer of the Committee of Adjustment, Hamilton City Hall, 5th Floor, 71 Main Street West, Hamilton, ON, L8P 4Y5. Do not address appeals to any other departments or locations. Appeals received by the office of the Committee of Adjustment after the last date of appeal as a result of second-hand mailing will be time barred and of no effect.

Electronic copy: by email delivered to cofa@hamilton.ca. Do not address appeals to any other departments or locations. Appeals received by the office of the Committee of Adjustment after the last date of appeal as a result of incorrectly addressed emails will be time barred and of no effect. If the information submitted will include large file sizes not able to be sent in one email, please contact cofa@hamilton.ca in advance to request a file sharing link.

E-file Portal: By filing an appeal through the OLT E-file Portal at <https://olt.gov.on.ca/e-file-service/> to Hamilton (City) – Committee of Adjustment and Consent Authority (select appropriate approval body as outlined on the Notice of Decision). Appeals received by the office of the Committee of Adjustment after the last date of appeal as a result of incorrectly chosen approval authority will be time barred and of no effect.

Please note only one of the above options needs to be completed. If your preferred method of appeal is not available at the time of appeal, the appeal must be filed with one of the other two

options. Appeals received after the date of appeal as a result of one of the methods being unavailable will be time barred and of no effect.

4. What information must be submitted for the appeal to be considered?

Planning Act Section 53(19) appeals must include:

Notice of appeal, the Ontario Land Tribunal (OLT) Appeal Form, this can be found by contacting Committee of Adjustment staff at the 5th floor of City Hall or at the OLT website <https://olt.gov.on.ca/appeals-process/forms/>, a cover letter, etc. may also be submitted if there is not sufficient room in the form;

Filing fee, the fee is currently \$400 (subject to change) and must be paid as outlined on the OLT Appeal Form or OLT E-file Portal;

All other information as required by the Appeal Form.

Questions or Information:
Contact Committee of Adjustment Staff (cofa@hamilton.ca)