



**City of Hamilton**  
**DELEGATED CONSENT AUTHORITY**  
**AGENDA**

**Date:** June 25, 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

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	<b>Pages</b>
<b>1. Delegated Consent Authority</b>	
1.1 N/AHM/B-24:04393 Rymal Road West, Hamilton (Ward 8)  Agent LANDx Developments Inc. – T. Collins Owner ZEST Communities Inc.	3
1.2 N/AB-24:369500 Airport Road West, Glanbrook (Ward 11)  Agent GSP Group – N. Frieday Applicant Regency Aero Lease Inc. – J. Bernhardt Owner City of Hamilton – Chief Corporate Real Estate Officer – R. Kessler	31
1.3 N/AB-24:379705 Airport Road West, Glanbrook (Ward 11)  Agent GSP Group – N. Frieday Applicant KF Aerospace – J. Bernhardt Owner City of Hamilton – Chief Corporate Real Estate Officer – R. Kessler	61





Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**NOTICE OF PUBLIC HEARING**  
**Consent/Land Severance**  
**(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

<b>APPLICATION NO.:</b>	<b>HM.B.24.04</b>	<b>SUBJECT PROPERTY:</b>	393 Rymal Road West, Hamilton
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**APPLICANTS:** Owner: ZEST Communities Inc.  
 Agent: Tim Collins LANDx Developments Ltd

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

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>EASEMENT LANDS:</b>	7.5 m <sup>±</sup>	Irregular m <sup>±</sup>	3,134.9 m <sup>2±</sup>
<b>RETAINED LANDS:</b>	900 m <sup>±</sup>	600 m <sup>±</sup>	396,979.7 m <sup>2±</sup>

Associated Planning Act File(s): HM/B-18:47 & HM/B-18:49

**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 25, 2024**

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

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

HM.B.24.04

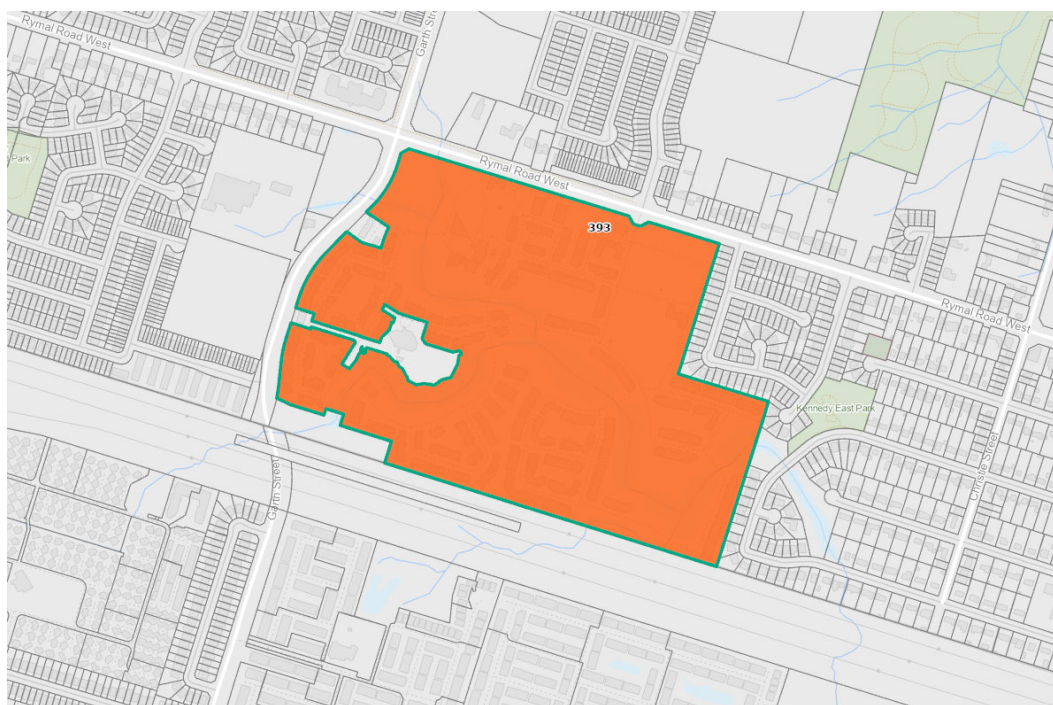
PUBLIC INPUT

**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](mailto: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 21, 2024** on our website:

[www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)

**Orally:** Oral comments are not able to be submitted.



 Subject Lands

DATED: June 6, 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.

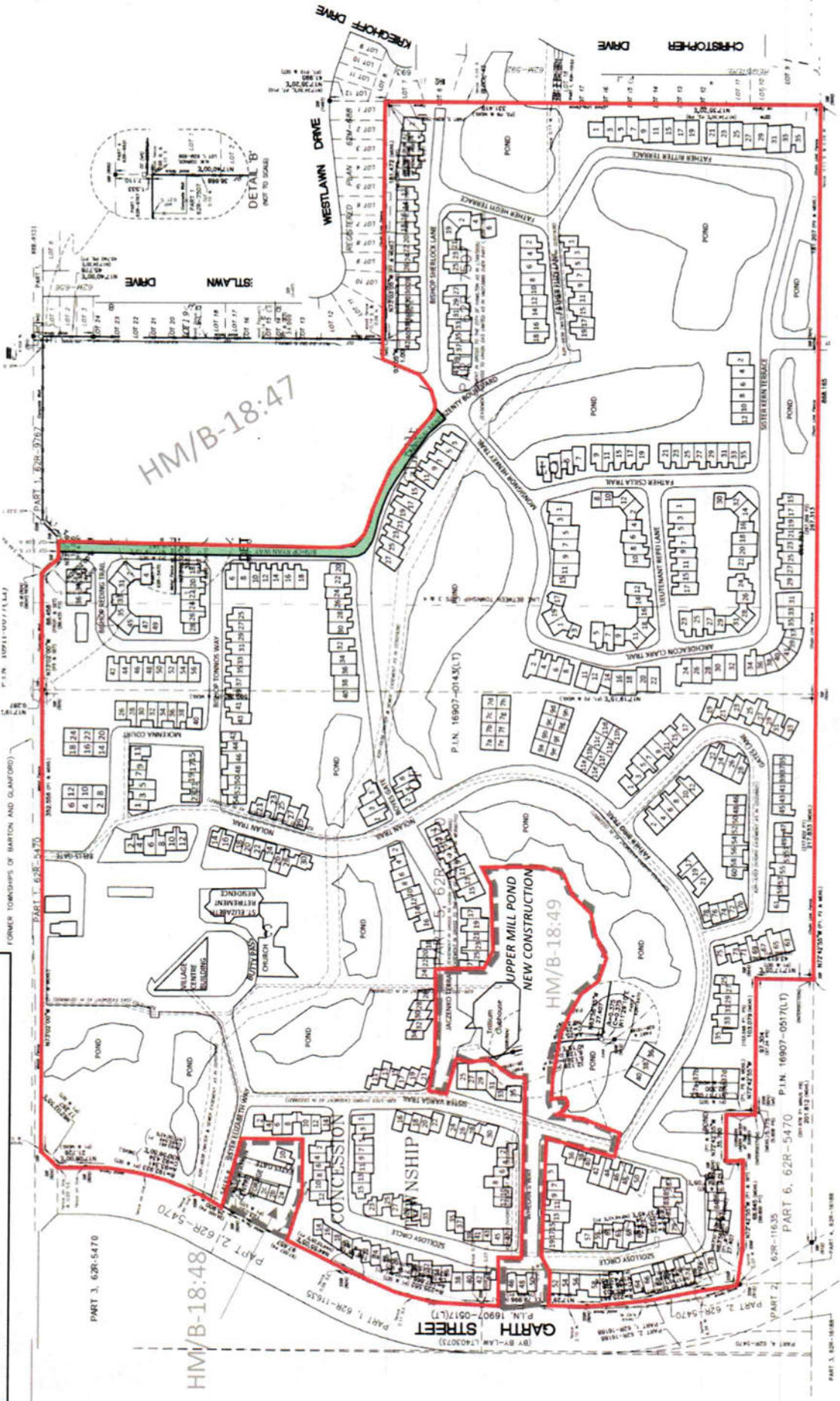
If you wish to be notified of the Decision of Consent Authority in respect of the proposed consent, **you must make a written request** to the Secretary-Treasurer of The City of Hamilton Committee of



**HM.B.24.04**

Adjustment by email at [cofa@hamilton.ca](mailto: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.

**St. Elizabeth Village, Hamilton  
Consent for Easement Creation  
HM/B-24:04**



**LEGEND**

**SUBJECT PROPERTY**

**PROPOSED EASEMENT HM/B-24:04**

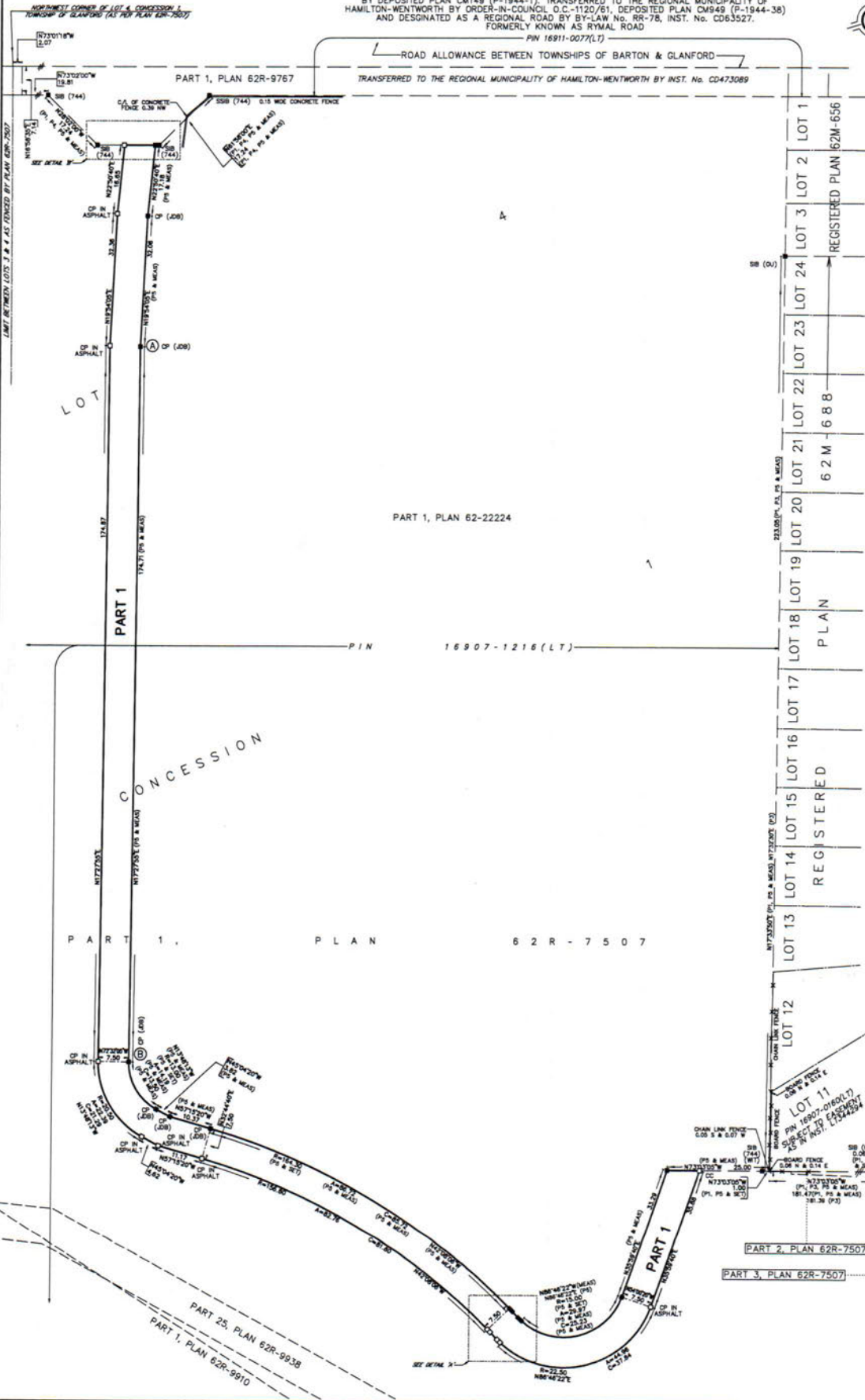


INTEGRATION DATA			
OBSERVED REFERENCE POINTS (ORP): UTM ZONE 17, NAD83 (CRS) (2011.0)			
COORDINATES TO URBAN ACCURACY PER SECTION 14 (2) OF O. REG. 216/70.			
POINT ID	EASTING	NORTHING	
ORP (A)	588511.44	4784168.32	
ORP (B)	588758.02	4784001.72	
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.			

SCHEDULE			
PART	LOT	CONCESSION	PIN
1	PART OF 4	1	PART OF 18907-1216(LT)

RYMAL ROAD WEST

ASSUMED BY DEPOSITED PLAN CM128 (A-41-29), FORMERLY THE KING'S HIGHWAY No. 53 BY DEPOSITED PLAN CM149 (P-1944-1) TRANSFERRED TO THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH BY ORDER-IN-COUNCIL O.C.-1120/81, DEPOSITED PLAN CM849 (P-1944-38) AND DESIGNATED AS A REGIONAL ROAD BY BY-LAW No. RR-78, INST. No. CD63527, FORMERLY KNOWN AS RYMAL ROAD  
PIN 18911-0077(LT)



PLAN OF SURVEY OF  
**PART OF LOT 4,  
CONCESSION 1**  
GEOGRAPHIC TOWNSHIP OF GLANFORD  
NOW IN THE  
**CITY OF HAMILTON**

SCALE 1 : 500

THE INTENDED PLOT SIZE OF THIS PLAN IS 810mm IN WIDTH BY 762mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:500

J. D. BARNES LIMITED

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

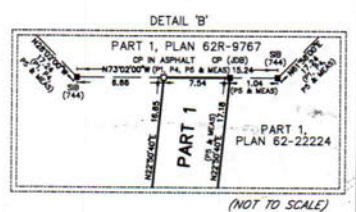
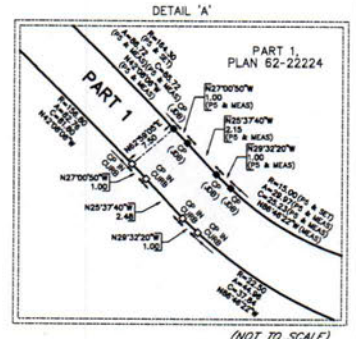
NOTES

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL-TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD83 (CRS) (2011.0). DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999987.

FOR BEARING COMPARISONS, A ROTATION OF 0°42'15" COUNTER-CLOCKWISE HAS BEEN APPLIED TO BEARINGS ON P2, P3 AND P4.

LEGEND

- CH DENOTES SURVEY MONUMENT FOUND
  - SB DENOTES SURVEY MONUMENT SET
  - SB DENOTES STANDARD IRON BAR
  - SSB DENOTES SHORT STANDARD IRON BAR
  - WB DENOTES IRON BAR
  - CC DENOTES CONCRETE PIN AND WASHER
  - DC DENOTES DIRT CROSS
  - W DENOTES WITNESS
  - MEAS DENOTES MEASURED
  - ORIG DENOTES ORIGINAL LAYOUT
  - ESD DENOTES S.W. WOODS, C.L.E.
  - 744 DENOTES MATTHEW CAMERON HEYWOOD-KERRY T. HOME SURVEYING LTD.
  - P1 DENOTES PLAN OF SURVEY BY MATTHEW CAMERON HEYWOOD-KERRY T.
  - P2 DENOTES REGISTERED PLAN 62M-656
  - P3 DENOTES REGISTERED PLAN 62M-658
  - P4 DENOTES REGISTERED PLAN 62R-9767
  - 25 DENOTES PLAN 62R-9938
  - M DENOTES FENCE
- N-NORTH / S-SOUTH / E-EAST / W-WEST



**SURVEYOR'S CERTIFICATE**

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON DECEMBER 13, 2023.

DATE \_\_\_\_\_

DAVID REDDAR  
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO ADSL PLAN SUBMISSION FORM NUMBER V-5795

**J.D. BARNES** SURVEYING & MAPPING  
LIMITED  
LAND INFORMATION SPECIALISTS  
4118 PORTAGE ROAD - UNIT 2, NAGARA FALLS, ON L2R 6M4  
T: (905) 358-5883 F: (905) 358-6224 www.jdbarnes.com

FILED BY: GTS DRAWN BY: DR CHECKED BY: REFERENCE: REG-15-16-437-05  
FILE: 8-18911-15-437-05 - 15-16-437-05 (Drawing 15-18-437-06005).spj

PLOTTED: 12/14/2023



Hamilton

**Committee of Adjustment**  
 City Hall, 5<sup>th</sup> Floor,  
 71 Main St. W.,  
 Hamilton, ON L8P4Y5

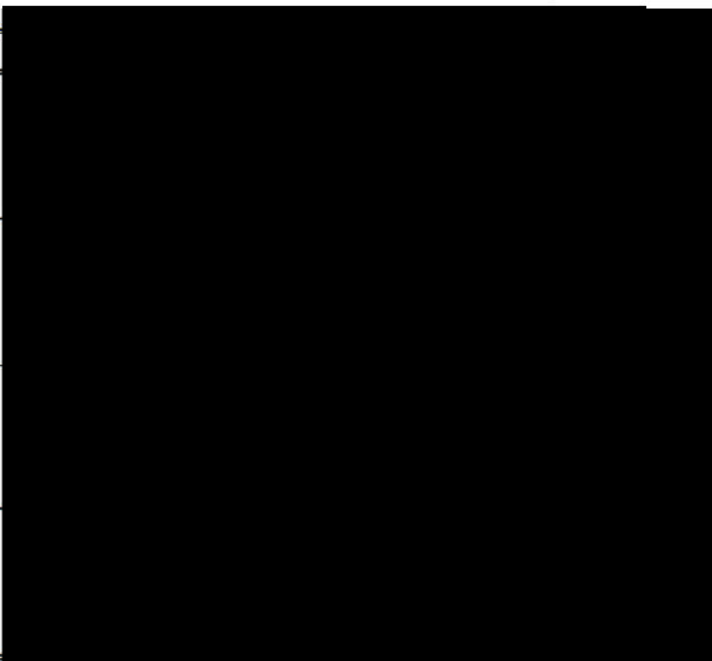
Phone: (905) 546-2424 ext. 4221  
 Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**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)	ZEST Communities Inc.
Applicant(s)**	ZEST Communities Inc.
Agent or Solicitor	Tim Collins LANDx Developments Ltd



\*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	393 Rymal Road West		
Assessment Roll Number			
Former Municipality	Glanford		
Lot	Part of Lots 4	Concession	1
Registered Plan Number		Lot(s)	
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:

Easement in gross in favour of City of Hamilton for storm water ponds

**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)<br>( i.e. a lot containing a surplus farm dwelling<br>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, m<sup>2</sup> or ha), attach additional sheets as necessary.

	Retained (remainder)	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*
Identified on Sketch as:	Balance of SEV	Part 1			
Type of Transfer	N/A	Easement			
Frontage	900 m	7.5 m			
Depth	600 m	Irregular			
Area	396,979.7 m <sup>2</sup>	3,134.9 m <sup>2</sup>			
Existing Use	Institutional	Road			
Proposed Use	Institutional	Road			
Existing Buildings/ Structures	Detached & townhouse dwellings	N/A			
Proposed Buildings/ Structures	N/A	N/A			
Buildings/ Structures to be Removed	N/A	N/A			

\* 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)  
N/A

###### 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) N/A

##### 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?



Rural Hamilton Official Plan designation (if applicable): \_\_\_\_\_

Rural Settlement Area: \_\_\_\_\_

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

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

Application to facilitate the creation of an easement to support development in the neighbourhoods designation in conformity with the official plan.

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? Modified DE/S-1023 & DE/S-1788

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)
<b>An agricultural operation, including livestock facility or stockyard</b> * Submit Minimum Distance Separation Formulae (MDS) if applicable	<input type="checkbox"/>	
<b>A land fill</b>	<input type="checkbox"/>	
<b>A sewage treatment plant or waste stabilization plant</b>	<input type="checkbox"/>	
<b>A provincially significant wetland</b>	<input type="checkbox"/>	
<b>A provincially significant wetland within 120 metres</b>	<input type="checkbox"/>	
<b>A flood plain</b>	<input checked="" type="checkbox"/>	
<b>An industrial or commercial use, and specify the use(s)</b>	<input checked="" type="checkbox"/>	
<b>An active railway line</b>	<input type="checkbox"/>	
<b>A municipal or federal airport</b>	<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.

HM/B-18:47, HM/B-18:48, HM/B-18:49. Files approved & PINs created.

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- 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.

HM/B-18:47, HMB-18:48, HMB-18:49. Files approved & PINs created.

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

Since 2014

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- 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)

Easement is for access purposes and conforms to Planning Act

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

Easement is for access purposes and conforms to the PPS

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

Easement is for access purposes and conforms to policies of growth plan

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- 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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> or ha): (from Section 4.1)
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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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Hamilton

**HM/B-24:04 – 393 Rymal Road West, Hamilton (Delegated Authority)**

Recommendation:

Table

Proposed Conditions:

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)

Proposed Notes:



**STAFF COMMENTS****HEARING DATE: June 25, 2024**

# Hamilton

Development Planning:

**Background**

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>EASEMENT LANDS:</b>	7.5 m±	Irregular m±	3134.9 m <sup>2±</sup>
<b>RETAINED LANDS:</b>	900 m±	600 m±	396,979.7 m <sup>2±</sup>

The purpose of this application is to create an easement (shown in green on the site sketch submitted with this application) over a portion of the subject lands, known municipally as 393 Rymal Road West to the benefit of neighbouring lands to the east (Part 1, Plan 62-22224), for access purposes. Staff note that Consent application HM/B-18:47 is related and severed the benefitting lands (Part 1, Plan 62-22224) from the subject lands.

HM/B-18:47 was heard by the Committee of Adjustment on January 20, 2022 and subsequently refused. The Applicant appealed to the Ontario Land Tribunal where a settlement was reached between the Applicant and the City. The Tribunal approved the settlement of the Consent Application on September 21, 2023. Pursuant to this, a Consent Agreement between the Applicant and the City was signed on November 14, 2023. Condition 5.7 of the Consent Agreement requires the Applicant to establish an easement across the Retained Lands (being 393 Rymal Road West) in favour of the Severed Parcel (being Part 1, Plan 62-22224) to ensure the continued vehicular and pedestrian access over Bishop Ryan Way.

Staff also note that the related Zoning By-law Amendment application ZAC-20-029 affecting 393 Rymal Road was appealed on Friday, June 14, 2024 due to a lack of decision. Staff recommend deferring this application until the appeal has been resolved as the outcome of the Zoning By-law Amendment application could impact the proposed access easement. Staff note that, as part of the Zoning By-law Amendment application, gates are proposed along Bishop Ran Way, which could potentially restrict vehicular and pedestrian access.

**Analysis****Urban Hamilton Official Plan**

The subject lands are identified as “Neighbourhoods” in Schedule E – Urban Structure and are designated “Neighbourhoods” and “Open Space” in Schedule E-1 – Urban Land Use Designations of the Urban Hamilton Official Plan. Policies E.3.2.3 and Section F.4.2, amongst others, are applicable and permit the existing residential and institutional uses in addition to the proposed easement.

**Kennedy West Neighbourhood Plan**

The subject lands are identified as “St Elizabeth Retirement Village” on Map 7602 within the Kennedy West Neighbourhood Plan.

**STAFF COMMENTS****HEARING DATE: June 25, 2024**

Hamilton

**Archeology**

No comments.

**Cultural Heritage**

No comments.

**Former City of Hamilton Zoning By-law No. 6593**

The subject lands are zoned “DE/S-664, S-664a, S-664b, S-664c, S-1023” (Low Density Multiple Dwellings) District, Modified under Former City of Hamilton Zoning By-law No. 6593. The existing residential and institutional uses are permitted.

**Appendix**

N/A

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	This Division has no concerns with the proposed application.
Proposed Notes:	

Natural Heritage:

Recommendation:	No comment.
Proposed Conditions:	
Comments:	
Proposed Notes:	

Cultural Heritage:

Recommendation:	No comment.
Proposed Conditions:	
Comments:	
Proposed Notes:	

Development Engineering:

Recommendation:	No comment.
Proposed Conditions:	
Comments:	

**STAFF COMMENTS****HEARING DATE: June 25, 2024**

# Hamilton

Proposed Notes:	
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## Building Engineering:

Recommendation:	No comment.
Proposed Conditions:	
Comments:	
Proposed Notes:	

## Forestry:

Recommendation:	Approve
Proposed Conditions:	Conditions Deferred
Comments:	There are municipal tree assets on site although Forestry's conditions requiring a tree management and landscape plan for the above noted application is deferred to the Zoning application file: ZAC-20-029  Forestry has placed conditions under file ZAC-20-029 which is a more suitable application to address Forestry's concerns for this development.
Proposed Notes:	

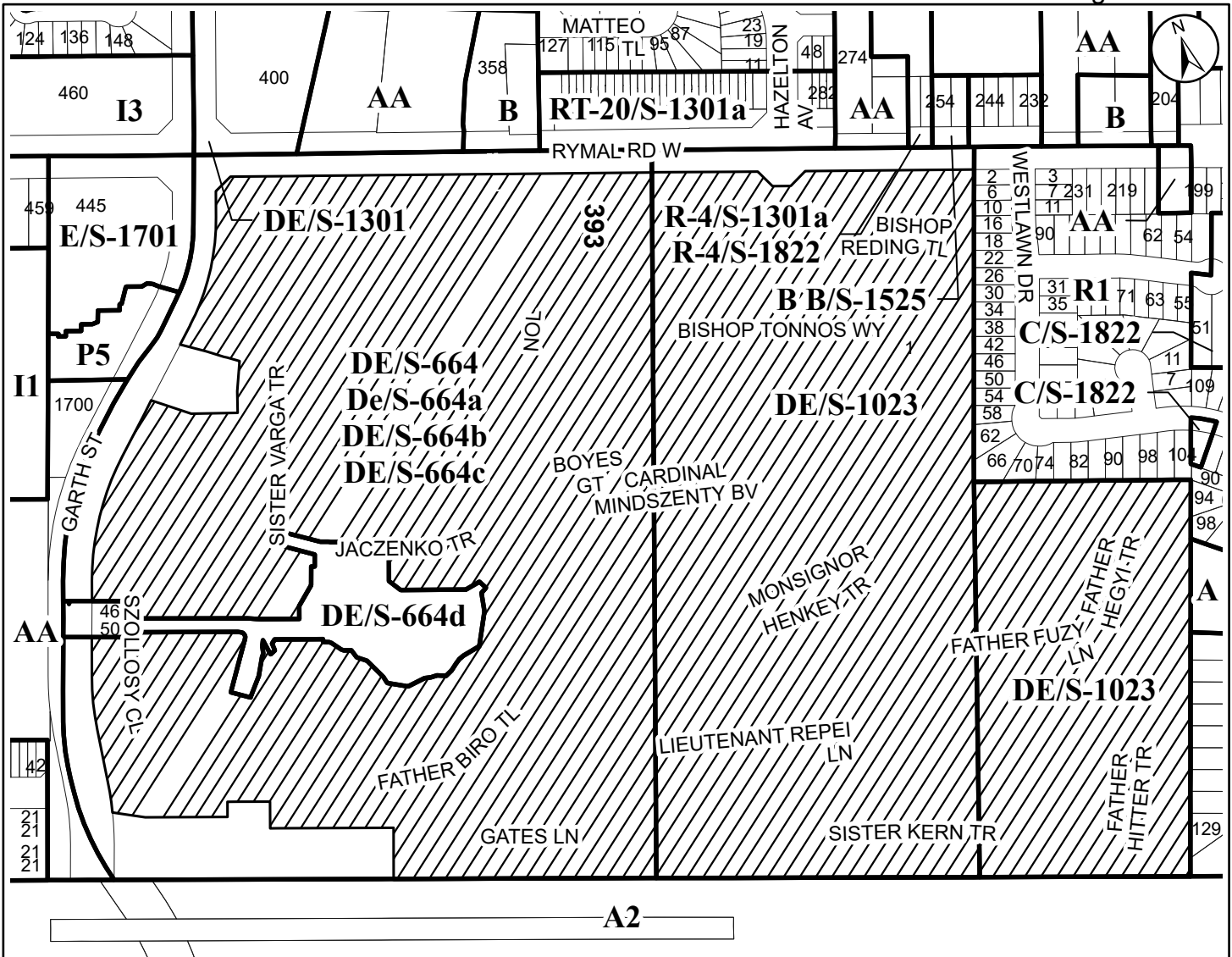
## Transportation Planning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	Transportation Planning has not reviewed the files
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**



393 Rymal Road West, Hamilton  
(Ward 8)

**File Name/Number:**

HM/B-24:04

**Date:**

June 14, 2024

**Technician:**

AL

**Scale:**

N.T.S.

**Appendix "A"**



**Hamilton**




**RE: NPCA inquiry regarding June 25, 2024 COA Agenda**

Meghan Birbeck &lt;mbirbeck@npca.ca&gt;

Thu 6/20/2024 4:00 PM

To:Committee of adjustment &lt;CofA@hamilton.ca&gt;

 2 attachments (2 MB)

Regulated Land Map - 393 Rymal Road W (387).pdf; Regulated Land Map - 9500 &amp; 9705 Airport Rd W.pdf;

**External Email:** Use caution with links and attachments

Good afternoon,

Thank you for that information.

Please find the NPCA's comments below:

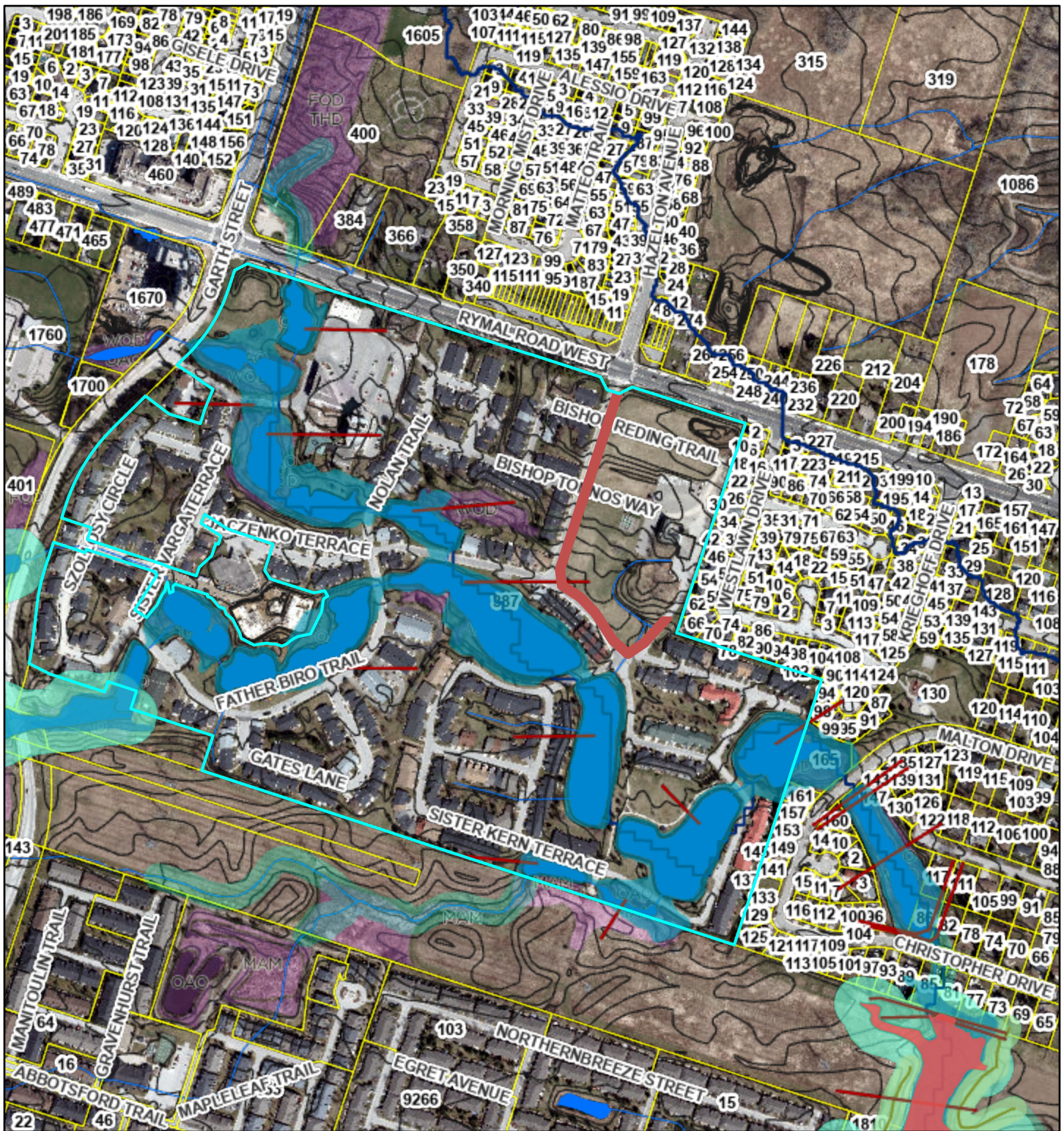
- 393 Rymal Rd W
  - HM.B.24.04 – Purpose: To permit the creation of an easement over a portion of land for access and maintenance purposes.
  - The subject property is identified as 387 Rymal Rd W – ARN 251808110108153 on NPCA mapping.
  - The subject property regulated watercourses and floodplain associated with Twenty Mile Creek.
  - The area of the proposed easement is outside of NPCA regulated lands.
  - As such, the NPCA has no comment and will not require a review fee.
  
- 9500 Airport Rd W & 9705 Airport Rd W
  - B.24.36 – Purpose: To create a lease over a parcel of land a period of time not less than 21 years for hangers.
  - B.24.37 – Purpose: To create a lease over a parcel of land a period of time not less than 21 years for parking related to the use associated with the lease subject to application B.24.36 for a portion of 9500 A.
  - The subject properties are impacted by regulated watercourses and their associated slopes as well as possible unevaluated wetlands.
  - The proposed area associated with the lease for the hangers and parking area already appears to have the associated infrastructure for the lease.
  - As such, the NPCA does not have an objection and will not require a review fee

Best,

Meghan



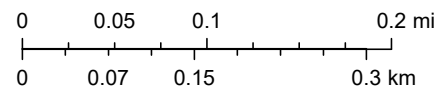
# Regulated Land Map - 393 Rymal Road W (387)



6/20/2024, 11:55:02 AM

1:9,028

- |  |  |
|--|--|
| SWOOP 2020 NPCA  | <span style="color: cyan;">■</span> Evaluated-Other            |
| <span style="color: red;">■</span> Red: Band_1           | Roads  |
| <span style="color: green;">■</span> Green: Band_2       | Corporate Watershed Divide NPCA                                |
| <span style="color: blue;">■</span> Blue: Band_3         | NPCA APPROXIMATE REGULATION LANDS                              |
| <span style="color: brown;">■</span> Override 1          | Wetland Allowance  |
| LIO - Wetland DRAFT                                      | Regulation Wetlands  |
| <span style="color: pink;">■</span> Evaluated-Provincial | <span style="border: 1px solid cyan;">□</span> Evaluated-Other |



NPCA, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



**Comments to Consent Authority for Application # : HM.B.24.04**

PCLAN &lt;office@pclan.ca&gt;

Tue 6/18/2024 10:09 AM

To:Committee of adjustment &lt;CofA@hamilton.ca&gt;

**External Email:** Use caution with links and attachments

To Whom It May Concern, ( Application No: HM.B.24.04      Subject  
Property: 393 Rymal road West Hamilton)

My name is Peter Cheng the owner of 16 Westlawn Drive Hamilton Ontario L9B 2J4. My house backyard is directly adjacent to the subject property. ( 393 Rymal road West Hamilton).

I am writing this email to express my concerns regarding the proposed future development at 393 Rymal Road West.

1. In the backyard of the house on Westlawn Street, within a 200-meter radius of the subject property, dumpster bins should not be placed. Due to hygiene issues, dumpster bins can breed a large number of mosquitoes and bacteria, and people disposing of garbage create a lot of noise, affecting the living environment. This is the nuisance I am currently facing.

2. I strongly oppose the construction of a multi-story, densely populated apartment building on the subject property. St. Elizabeth Village is advertised as a place for retirees to live. It should be a quiet, serene, and simple residential environment, which was one of the reasons I bought my current home.

Thank you for the opportunity to share our opinions.

Peter Cheng

Cell: 905-730-9860

Email address: [office@pclan.ca](mailto:office@pclan.ca)

Home address: 16 Westlawn Drive, Hamilton ON L9B 2J4





Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**NOTICE OF DECISION**  
**CONSENT**

<b>APPLICATION NO.:</b>	<b>HM.B.24.04</b>	<b>SUBJECT PROPERTY:</b>	393 Rymal Road West, Hamilton
-------------------------	-------------------	--------------------------	-------------------------------

**APPLICANTS:** Owner: ZEST Communities Inc.  
Agent: Tim Collins LANDx Developments Ltd

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

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>EASEMENT LANDS:</b>	7.5 m <sup>±</sup>	Irregular m <sup>±</sup>	3,134.9 m <sup>2</sup> ±
<b>RETAINED LANDS:</b>	900 m <sup>±</sup>	600 m <sup>±</sup>	396,979.7 m <sup>2</sup> ±

Associated Planning Act File(s): HM/B-18:47 & HM/B-18:49

**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 Consent Authority considers the proposal to be in keeping with development in the area.
4. The Consent Authority 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 did not affect the decision.

**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)

**HM.B.24.04**

2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)

DATED AT HAMILTON, June 28, 2024.

---

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

The date of the giving of this Notice of Decision is **June 28, 2024**. Above noted conditions **MUST** be fulfilled within **TWO (2) YEARS** of the date of this Notice of Decision (June 28, 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 18, 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, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto: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](mailto: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](mailto: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 5<sup>th</sup> 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](mailto:cofa@hamilton.ca))



Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**NOTICE OF PUBLIC HEARING**  
**Consent/Land Severance**  
**(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

<b>APPLICATION NO.:</b>	<b>B.24.36</b>	<b>SUBJECT PROPERTY:</b>	9500 Airport Road West, Glanbrook
-------------------------	----------------	--------------------------	--------------------------------------

**APPLICANTS:** Owner: City of Hamilton c/o Raymond Kessler  
 Applicant: Regency Aero Lease Inc. c/o Jesse Bernhardt  
 Agent: GSP Group c/o Nancy Frieday

**PURPOSE & EFFECT:** To create a lease over a parcel of land a period of time not less than 21 years for hangers.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>LEASE LANDS (North of Airport Road):</b>	300.3 m <sup>±</sup>	144.642 m <sup>±</sup>	4.21 ha <sup>±</sup>
<b>RETAINED LANDS:</b>	Varies m <sup>±</sup>	Varies m <sup>±</sup>	Varies ha <sup>±</sup>

Associated Planning Act File(s): B-24:37

**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 25, 2024**

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

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment) - Delegated Consent Authority Tab
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**B.24.36**

- Call 905-546-CITY (2489) or 905-977-1654

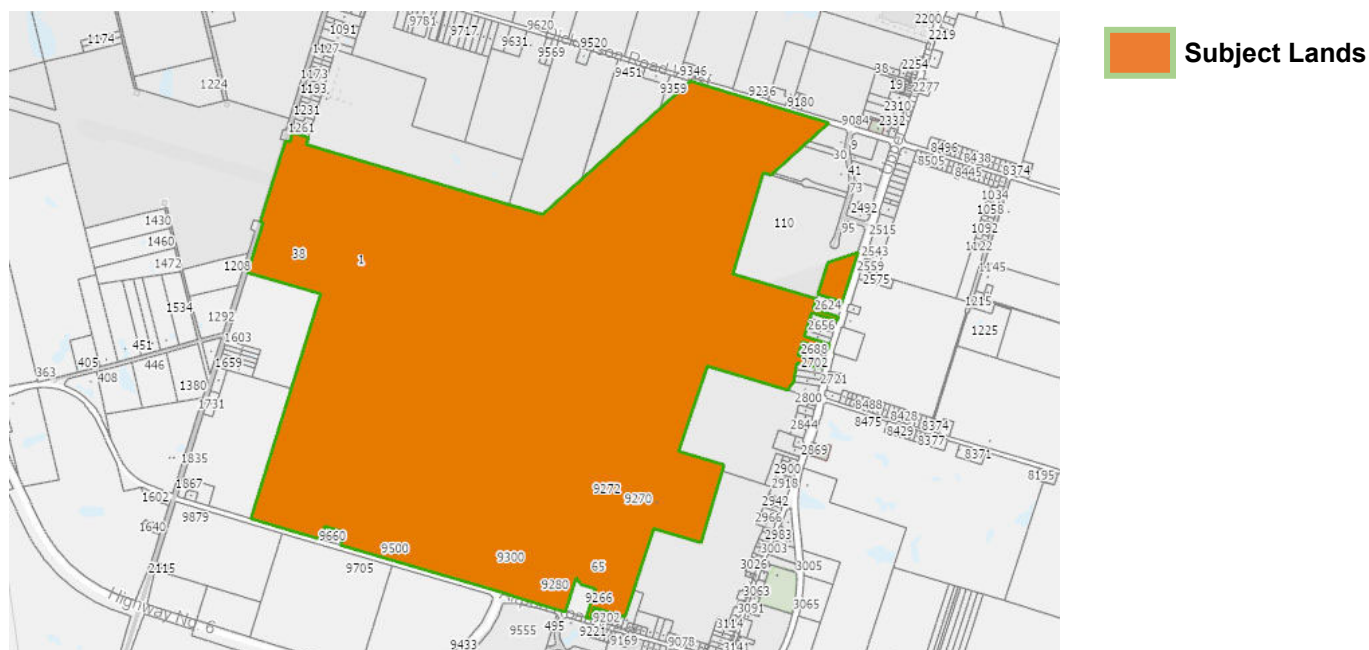
**PUBLIC INPUT**

**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](mailto: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 21, 2024** on our website:

[www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)

**Orally:** Oral comments are not able to be submitted.



DATED: June 6, 2024

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

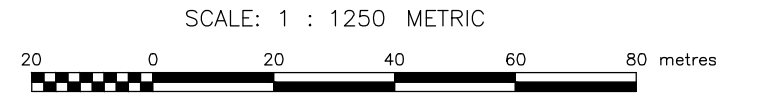
Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions,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

**B.24.36**

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](mailto: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.

**SKETCH**  
 TO ILLUSTRATE PROPOSED LEASEHOLD LANDS  
 FOR KF AEROSPACE  
 BEING PART OF  
**LOTS 2 & 3**  
**CONCESSION 4**  
 IN THE  
 GEOGRAPHIC TOWNSHIP OF GLANFORD  
 NOW THE  
**CITY OF HAMILTON**



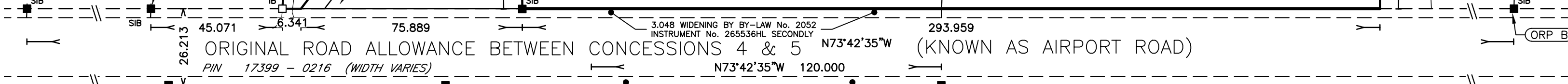
**NA GEOMATICS INC.**  
**ONTARIO LAND SURVEYORS**

LOT  
CON

LOT  
CON

3  
4

PART 2  
PART 1  
62R - 8322  
PIN 17399 - 0203



LOT  
CON

LOT  
CON

3  
5

**LEGEND AND NOTES:**

BEARINGS ARE GRID, UTM\_ZONE 17 NAD83 (CSRS-2010) FROM THE CANSEL CAN-NET REAL TIME NETWORK, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, SHOWN HEREON.

DISTANCES ON THIS PLAN ARE ADJUSTED GROUND LEVEL DISTANCES AND CAN BE USED TO COMPUTE GRID CO-ORDINATES BY MULTIPLYING BY A COMBINED SCALE FACTOR OF 0.99956894

OBSERVED REFERENCE POINTS ARE DERIVED FROM GPS OBSERVATIONS USING THE CANSEL CAN-NET VRS NETWORK AND ARE REFERRED TO UTM\_ZONE 17 (81°00' LONGITUDE WEST) NAD83 (CSRS 2010)  
 COORDINATES TO URBAN ACCURACY IN ACCORDANCE WITH SECTION 14(2) OF O.REG 216/10

POINT ID	NORTHING	EASTING
ORP A	4779332.54	586345.07
ORP B	4779181.64	586861.46

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

- \* DENOTES FOUND SURVEY MONUMENT (1375 UNLESS NOTED OTHERWISE)
- ⊕ DENOTES PLANTED SURVEY MONUMENT
- SIB DENOTES STANDARD IRON BAR
- SSIB DENOTES SHORT STANDARD IRON BAR
- IB DENOTES IRON BAR
- PB DENOTES PLASTIC BAR
- RIB DENOTES ROUND IRON BAR
- meas. DENOTES MEASURED
- WIT DENOTES WITNESS
- P1 DENOTES DEPOSITED PLAN 62R-8322
- P2 DENOTES DEPOSITED PLAN 62R-11334

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

**NA GEOMATICS INC.**  
 ONTARIO LAND SURVEYORS  
 107 ERIE STREET, STRATFORD, ON., N5A 2M5  
 TEL: 519-273-3205  
 871 DUNDAS ST., WOODSTOCK, ON., N4S 1G8  
 TEL: 519-537-6212

Date: 7-Oct-20      Cad File: 20-6008\_SURV\_Ca.dwg  
 Drawn By: S CULLITON      Checked By: D. Raithby      File No. 20-6008



SHAPING GREAT COMMUNITIES

May 17, 2024

File No: 20035

Jamila Sheffield  
Secretary-Treasurer  
Committee of Adjustment  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON  
L8P 4Y5

Dear Ms. Sheffield:

**Re: 9500 & 9705 Airport Road West  
John C. Munro Hamilton International Airport  
Consent Applications for Long-Term Lease**

---

On behalf of Regency Aero Lease Inc. (the “Applicant”) and the City of Hamilton (the “Owner”) we are pleased to submit two (2) Applications for Consent for a Long-Term Lease (greater than 21 years) for two separate areas on the Airport lands, known as 9500 Airport Road West (north side – Application 1) and 9705 Airport Road West (south side). Attachment No. 1 to this letter is a key plan showing the location of the subject lands in relation to the entire Airport lands.

Regency Aero Lease Inc. has entered into a Long-Term Lease Agreement with the City of Hamilton for the two sites identified above.

The leased land on the north side of Airport Road West (Application 1) is 42,536 square metres (4.25 hectares) in area. A Sketch showing these lands was prepared by NA Geomatics Inc., Ontario Land Surveyors dated August 28, 2020 (see Sketch). There are three (3) existing hangars on these lands and a small parking area. The Sketch shows that the extent of the leased lands is defined by a combination of a wall, painted lines on the tarmac, an internal road, and a chain link fence.

The leased land on the south side of Airport Road West (Application 2) is 15,888.18 square metres (1.59 hectares) in area. A Sketch showing these lands was prepared by NA Geomatics Inc., Ontario Land Surveyors dated August 28, 2020 (see Sketch). A parking lot has been constructed on these lands.

PLANNING | URBAN DESIGN | LANDSCAPE ARCHITECTURE



Regarding the services provided by Regency Aero Lease Inc. (KF Aerospace), The Airport Master Plan (2023-2043) states:

KF Aerospace, located on the Airport, is a significant Canadian MRO [Maintenance, Repair and Overhaul] operator providing engineering, maintenance, and modification solutions to the airline industry. Facilities at Hamilton International include two large hangars, one of which can support widebody aircraft. Adjacent to the KF Aerospace facility is Mohawk College's Centre for Aviation Technology that offers programs in aircraft and avionics maintenance.

Google Map Street Views below, from 2023 show 9500 Airport Road West (hangars) and 9705 Airport Road West (parking). These facilities are on leased lands, as noted in the applications. The parking area is directly opposite KF Aerospace on the south side of Airport Road West.







### **Brief History of Lease**

In 1996 TradePort International Corporation (now Hamilton International Airport Limited) entered into a 40-year lease agreement with the City of Hamilton (then Region of Hamilton-Wenworth) to be the sole operator and manager of Hamilton International Airport (HIA). Hamilton International Airport Limited is a privately held company and a wholly owned subsidiary of Vantage Airport Group, a leading global airport investment, management, and development company.

The Primary Lease Agreement for the lands on the north side of Airport Road West was entered into between the Region and TradePort on July 19, 1996, with two (2) amending agreements in December 1996 (Amending Agreements No. 1 and No. 2). Five (5) further amendments were prepared in 2005, 2006, 2012, 2014 and 2017 (Amending Agreements No. 3 through No. 7) to further revise the terms and provisions of the Lease. The lands are subleased by TradePort to Regency Aero Lease Inc. (KF Aerospace).

Amending Agreement No. 8 added additional lands to the Lease referred to as the “Adjacent Lands” on the north side of Airport Road West and the “Additional Lands” on the south side of Airport Road West, being the parking lot lands. Amending Agreement No. 8 came into effect on January 31, 2019. The attached Sketch shows the lands on both the north and south side of Airport Road West.

### **Long-Term Leases and the *Planning Act***

The Ontario *Planning Act* has a general prohibition against “any agreement that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more.” This applies to lease agreements. There are, however, exceptions.

Section 50(3) of the *Planning Act* states:

No person shall convey land by way of a deed or transfer, or grant, assign or exercise a power of appointment with respect to land, or mortgage or charge land, or enter into an agreement of sale and purchase of land or enter into any agreement that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more unless.....

- (c) the land or any use of or right therein is being acquired or disposed of by Her Majesty in right of Canada, Her Majesty in right of Ontario or by any municipality.

Based on the above, *Planning Act* consent to lease land for more than 21 years is not required if the land is owned by a municipality, such as the City of Hamilton. While not required, the Applicant has opted to seek approval of the leases under the *Planning Act*.

In support of the two (2) Applications for Consent, GSP Group has submitted the following items, together with this cover letter:

- Two Application for Consent forms completed and signed by the City's Chief, Corporate Real Estate, and,
- One (1) copy of the Sketch Illustrating the Leasehold Lands prepared by NA Geomatics, dated October 7, 2020.

Should you have any questions or require any additional information, please do not hesitate to contact me at 289-778-1431 or by email at [nfrieday@gspgroup.ca](mailto:nfrieday@gspgroup.ca).

Yours truly

**GSP Group Inc.**

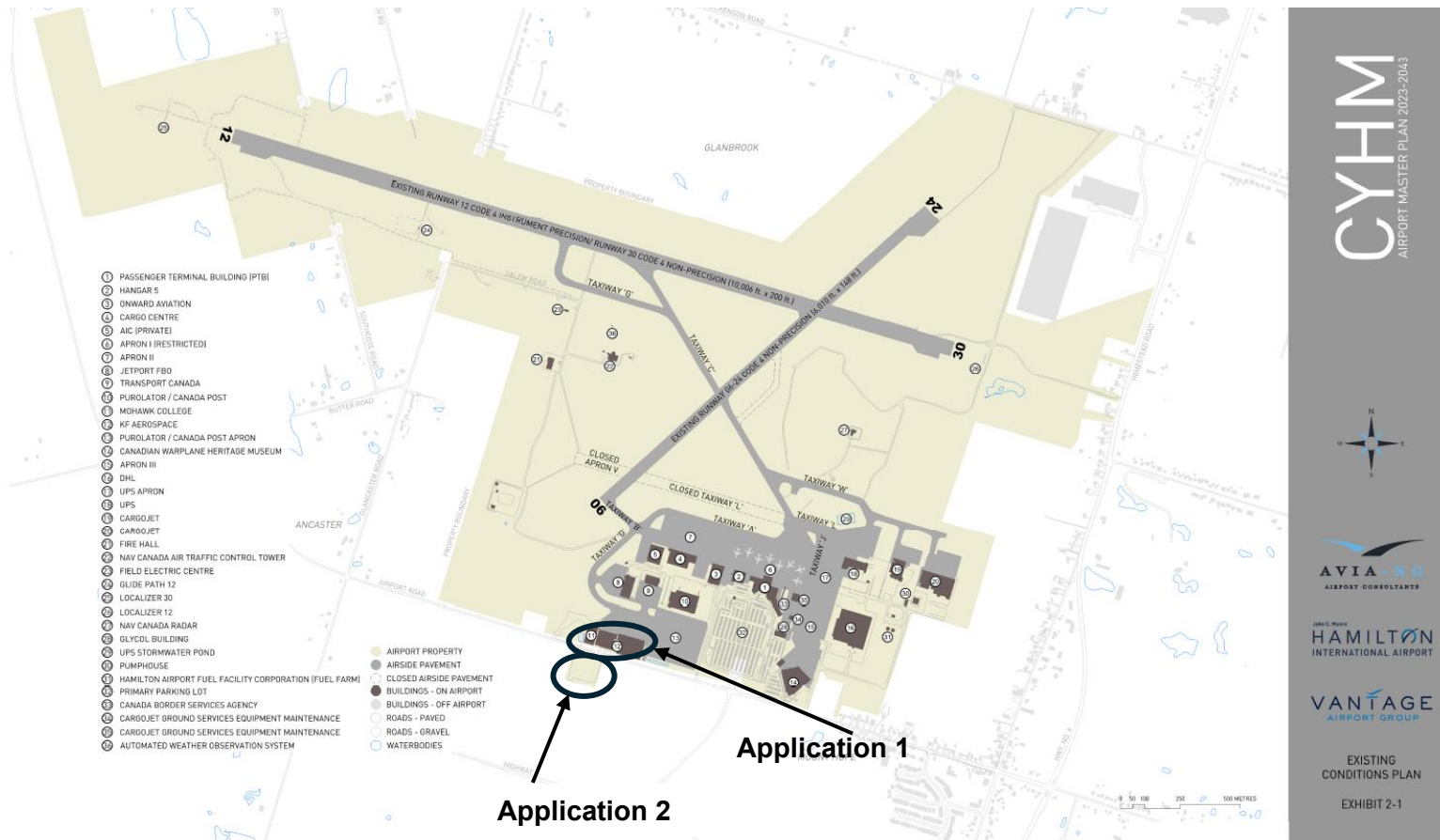


Nancy Frieday  
Senior Planner, MCIP RPP

cc. *Jesse D. Bernhardt, General Counsel, KF Aerospace*  
*Raymond Kessler, Chief, Corporate Real Estate Office, Planning & Economic Development*

Extract from John C. Munro Hamilton International Airport, 2023-2043 Airport Master Plan Final Technical Report

September 27, 2023



**Committee of Adjustment**  
 City Hall, 5<sup>th</sup> Floor,  
 71 Main St. W.,  
 Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221  
 Email: [cofa@hamilton.ca](mailto: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)	
Applicant(s)**	
Agent or Solicitor	

\*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 [Redacted]

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	9500 Airport Road West		
Assessment Roll Number			
Former Municipality	Township of Glanbrook		
Lot	2-3	Concession	4
Registered Plan Number		Lot(s)	
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:

**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 checked="" type="checkbox"/> a lease    |
| <input 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)<br>( i.e. a lot containing a surplus farm dwelling<br>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:

City lease to Tradeport International Corporation, sublease to Regency Aero Lease Inc.

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, m<sup>2</sup> or ha), attach additional sheets as necessary.

	Retained (remainder)	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*
Identified on Sketch as:		N or Airport Rd			
Type of Transfer	N/A				
Frontage		300.3 m			
Depth		144.642 m-max			
Area		4.21 ha			
Existing Use		Hangars			
Proposed Use		Hangars			
Existing Buildings/ Structures		Hangars			
Proposed Buildings/ Structures		N/A			
Buildings/ Structures to be Removed		N/A			

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

#### 5 CURRENT LAND USE

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

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

Rural Settlement Area: N/A

Urban Hamilton Official Plan designation (if applicable) N/A

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

Both the Urban and Rural Hamilton Official Plans show the Airport lands as John C. Munro Hamilton International Airport

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? Airport (U1) Zone - By-law 05-200

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)
<b>An agricultural operation, including livestock facility or stockyard</b> * Submit Minimum Distance Separation Formulae (MDS) if applicable	<input type="checkbox"/>	
<b>A land fill</b>	<input type="checkbox"/>	
<b>A sewage treatment plant or waste stabilization plant</b>	<input type="checkbox"/>	
<b>A provincially significant wetland</b>	<input type="checkbox"/>	
<b>A provincially significant wetland within 120 metres</b>	<input type="checkbox"/>	
<b>A flood plain</b>	<input type="checkbox"/>	
<b>An industrial or commercial use, and specify the use(s)</b>	<input checked="" type="checkbox"/>	
<b>An active railway line</b>	<input type="checkbox"/>	
<b>A municipal or federal airport</b>	<input checked="" 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.

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.

6.4 How long has the applicant owned the subject land?

Leased by applicant

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.

Applicant (Regency Aero Lease Inc.) does not own land in the City

## 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)

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

Yes       No      (Provide explanation)

Yes this application is consistent with section 1.6.9 (Airports, Rail and Marine Facilities) of the PPS

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

Yes       No      (Provide explanation)

Airport lands are employment lands associated with the movement of goods and part of an efficient transportation system

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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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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Hamilton

**B-24:36 – 9500 Airport Road West, Glanbrook (Delegated Authority)**

Recommendation:

Approve

Proposed Conditions:

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)

Proposed Notes:

**STAFF COMMENTS****HEARING DATE: June 25, 2024**

# Hamilton

Development Planning:

**Background**

To create a lease over a parcel of land a period of time not less than 21 years for hangers.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>LEASE LANDS (North of Airport Road):</b>	300.3 m±	144.642 m±	4.21 ha±
<b>SEVERED LANDS:</b>	Varies m±	Varies m±	Varies m±

**Analysis****Urban Hamilton Official Plan**

The property is identified as “John C. Munro Hamilton International Airport” in Schedule E-1 – Urban Land Use Designations. Policies F.1.14.3.7, amongst others, are applicable and permits consents may be granted for the purposes of long-term lease agreements for infrastructure works provided a separate lot is not created for a dwelling or any urban land use, except the uses noted in this Section. Based on the foregoing, staff support the application.

Zoning:

Recommendation:	Comments Only.
Proposed Conditions:	
Comments:	<ol style="list-style-type: none"> <li>1. The proposed Consent is to create a new parcel for long-term lease purposes, in excess of 21 years.</li> <li>2. Please note this application is to be heard in conjunction with Consent Application No. B-24:37 for 9705 Airport Road West.</li> <li>3. Please note that specific details regarding the “new parking lot” for the area of the proposed leased lands, as indicated on the survey prepared by NA Geomatics Inc. dated October 7th, 2020 has not been indicated to confirm zoning compliance. It is noted that the parking lot appears to be existing.</li> <li>4. This Division has no concerns with the proposed application.</li> </ol>
Proposed Notes:	

**STAFF COMMENTS****HEARING DATE: June 25, 2024**Hamilton

## Natural Heritage:

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

## Cultural Heritage:

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

## Development Engineering:

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

## Building Engineering:

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

## Forestry:

Recommendation:	Approve
Proposed Conditions:	
Comments:	<p>There are no Municipal Tree Assets on site. No public tree permit is required.</p> <p>No Landscape plan required.</p> <p>Forestry has no concerns or conditions regarding this application.</p> <p>For questions please contact: <a href="mailto:urbanforest@hamilton.ca">urbanforest@hamilton.ca</a></p>
Proposed Notes:	

**STAFF COMMENTS**

**HEARING DATE: June 25, 2024**



Hamilton

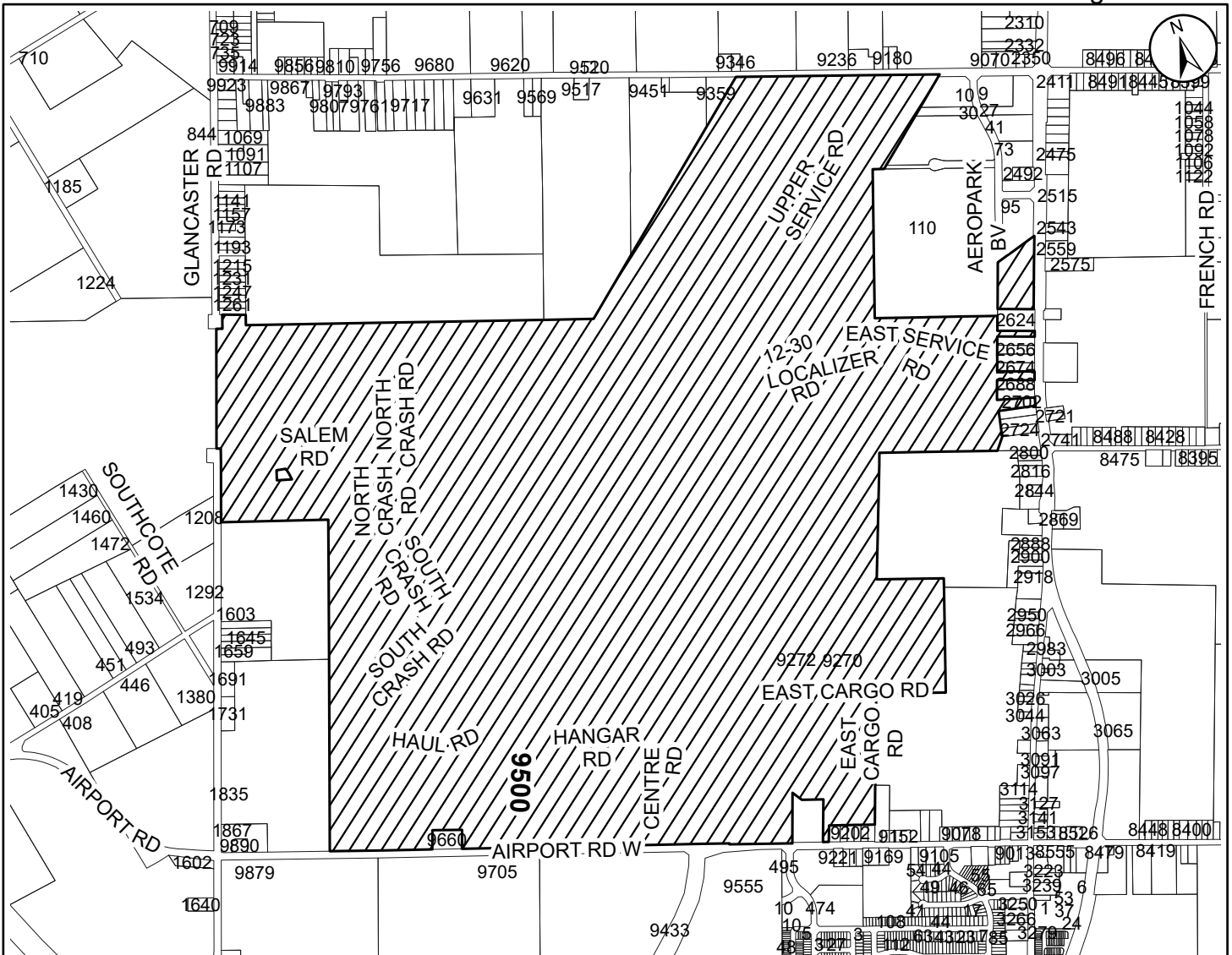
Transportation Planning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Proposed Notes:	Transportation Planning has not reviewed the files

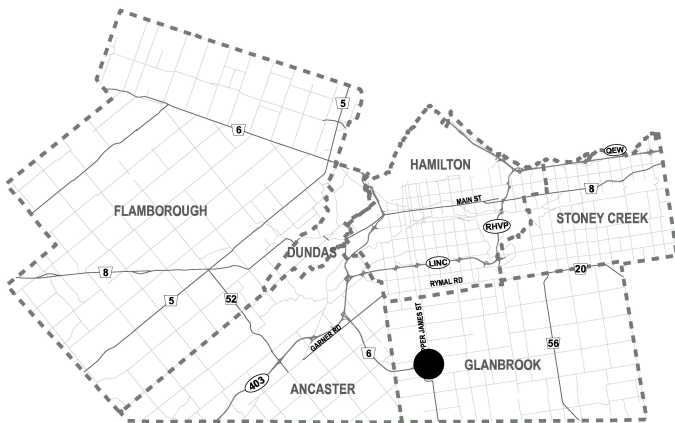
Legislative Approvals:

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





● Site Location



**City of Hamilton**

**Committee of Adjustments**

**Subject Property**



9500 Airport Road West, Glanbrook (Ward 11)

**File Name/Number:**

B-24:36

**Date:**

June 12, 2024

**Technician:**

AL

**Scale:**

N.T.S.

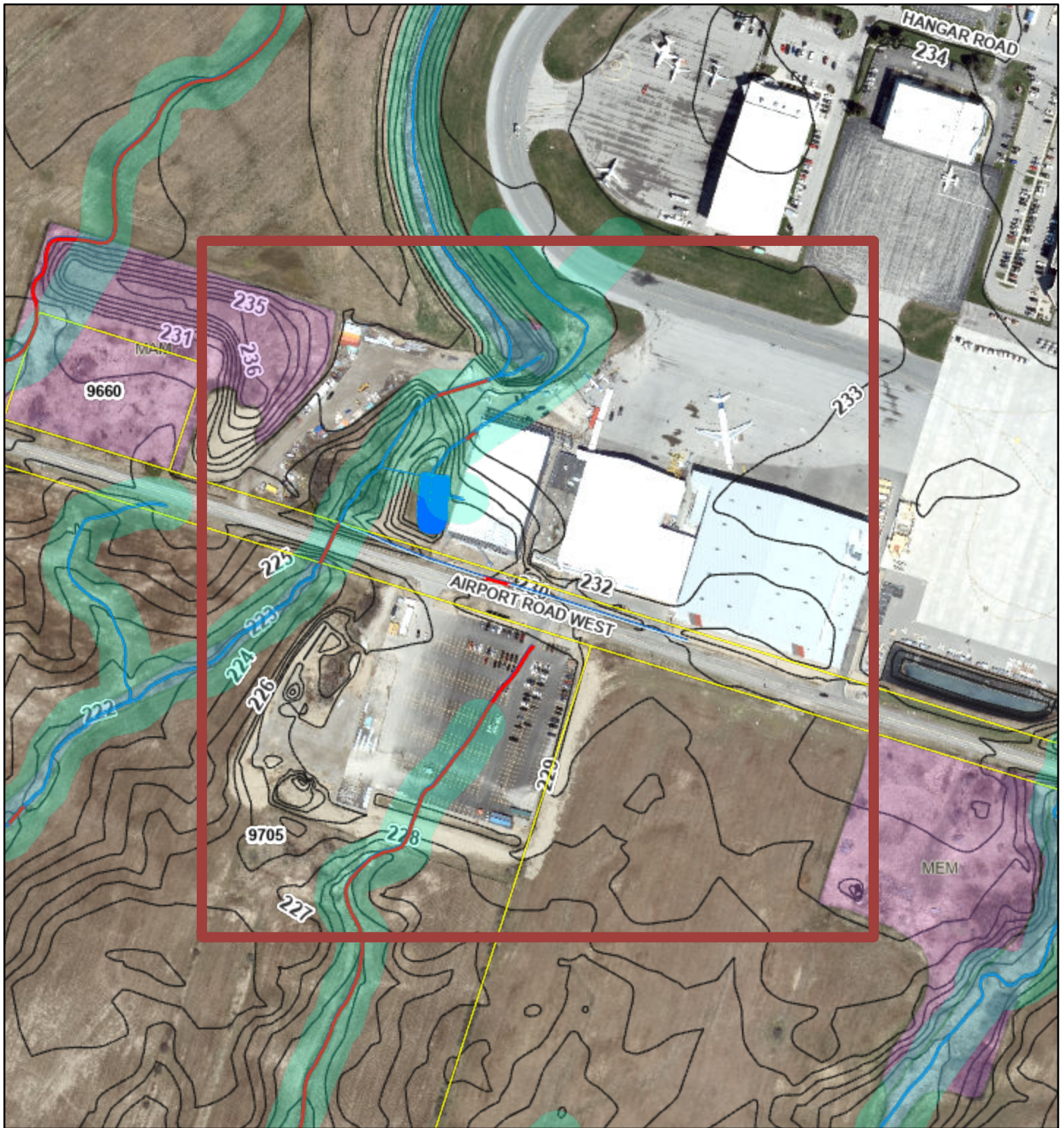
**Appendix "A"**



**Hamilton**



# Regulated Land Map - 9500 & 9705 Airport Rd W



6/20/2024, 3:56:40 PM

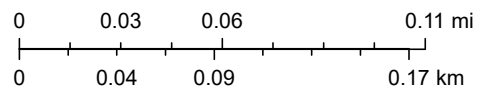
1:4,514

SWOOP 2020 NPCA

- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3
- Override 1

Roads

NPCA APPROXIMATE REGULATION LANDS



NPCA, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Web AppBuilder for ArcGIS




**RE: NPCA inquiry regarding June 25, 2024 COA Agenda**

Meghan Birbeck &lt;mbirbeck@npca.ca&gt;

Thu 6/20/2024 4:00 PM

To:Committee of adjustment &lt;CofA@hamilton.ca&gt;

 2 attachments (2 MB)

Regulated Land Map - 393 Rymal Road W (387).pdf; Regulated Land Map - 9500 &amp; 9705 Airport Rd W.pdf;

**External Email:** Use caution with links and attachments

Good afternoon,

Thank you for that information.

Please find the NPCA's comments below:

- 393 Rymal Rd W
  - HM.B.24.04 – Purpose: To permit the creation of an easement over a portion of land for access and maintenance purposes.
  - The subject property is identified as 387 Rymal Rd W – ARN 251808110108153 on NPCA mapping.
  - The subject property regulated watercourses and floodplain associated with Twenty Mile Creek.
  - The area of the proposed easement is outside of NPCA regulated lands.
  - As such, the NPCA has no comment and will not require a review fee.
  
- 9500 Airport Rd W & 9705 Airport Rd W
  - B.24.36 – Purpose: To create a lease over a parcel of land a period of time not less than 21 years for hangers.
  - B.24.37 – Purpose: To create a lease over a parcel of land a period of time not less than 21 years for parking related to the use associated with the lease subject to application B.24.36 for a portion of 9500 A.
  - The subject properties are impacted by regulated watercourses and their associated slopes as well as possible unevaluated wetlands.
  - The proposed area associated with the lease for the hangers and parking area already appears to have the associated infrastructure for the lease.
  - As such, the NPCA does not have an objection and will not require a review fee

Best,

Meghan



Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**NOTICE OF DECISION**  
**CONSENT**

<b>APPLICATION NO.:</b>	<b>B.24.36</b>	<b>SUBJECT PROPERTY:</b>	9500 Airport Road West, Glanbrook
-------------------------	----------------	--------------------------	--------------------------------------

**APPLICANTS:** Owner: City of Hamilton c/o Raymond Kessler  
Applicant: Regency Aero Lease Inc. c/o Jesse Bernhardt  
Agent: GSP Group c/o Nancy Frieday

**PURPOSE & EFFECT:** To create a lease over a parcel of land a period of time not less than 21 years for hangers.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>LEASE LANDS (North of Airport Road):</b>	300.3 m <sup>±</sup>	144.642 m <sup>±</sup>	4.21 ha <sup>±</sup>
<b>RETAINED LANDS:</b>	Varies m <sup>±</sup>	Varies m <sup>±</sup>	Varies ha <sup>±</sup>

Associated Planning Act File(s): B-24:37

**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 Consent Authority considers the proposal to be in keeping with development in the area.
4. The Consent Authority 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



**B.24.36**

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)

DATED AT HAMILTON, June 27, 2024.

---

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

The date of the giving of this Notice of Decision is **June 28, 2024**. Above noted conditions **MUST** be fulfilled within **TWO (2) YEARS** of the date of this Notice of Decision (June 28, 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 18, 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, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto: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](mailto: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](mailto: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 5<sup>th</sup> 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](mailto:cofa@hamilton.ca))



Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**NOTICE OF PUBLIC HEARING**  
**Consent/Land Severance**  
**(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

<b>APPLICATION NO.:</b>	<b>B.24.37</b>	<b>SUBJECT PROPERTY:</b>	9705 Airport Road West, Glanbrook
-------------------------	----------------	--------------------------	--------------------------------------

**APPLICANTS:** Owner: City of Hamilton c/o Raymond Kessler  
 Applicant: KF Aerospace c/o Jesse Bernhardt  
 Agent: GSP Group c/o Nancy Frieday

**PURPOSE & EFFECT:** To create a lease over a parcel of land a period of time not less than 21 years for parking related to the use associated with the lease subject to application B.24.36 for a portion of 9500 A.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>LEASE LANDS (South of Airport Road):</b>	120 m <sup>±</sup>	132 m <sup>±</sup>	1.58 ha <sup>±</sup>
<b>RETAINED LANDS:</b>	Varies m <sup>±</sup>	Varies m <sup>±</sup>	Varies ha <sup>±</sup>

Associated Planning Act File(s): B-24:36

**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 25, 2024**

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

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment) - Delegated Consent Authority Tab

**B.24.37**

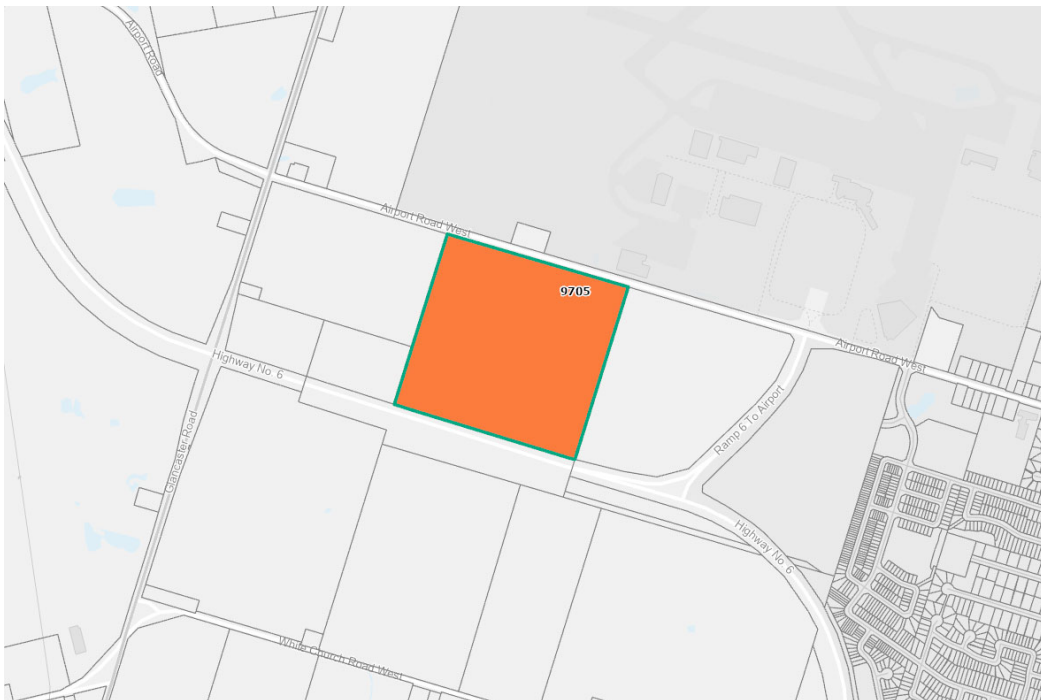
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)
- Call 905-546-CITY (2489) or 905-977-1654

**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](mailto: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 21, 2024** on our website:  
[www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)

**Orally:** Oral comments are not able to be submitted.



 **Subject Lands**

DATED: June 6, 2024

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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.

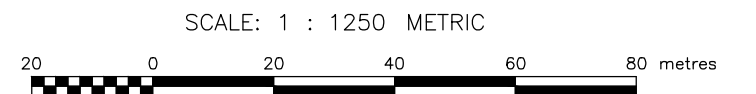


**B.24.37**

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](mailto: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.

**SKETCH**  
 TO ILLUSTRATE PROPOSED LEASEHOLD LANDS  
 FOR KF AEROSPACE  
 BEING PART OF  
**LOTS 2 & 3**  
**CONCESSION 4**  
 IN THE  
 GEOGRAPHIC TOWNSHIP OF GLANFORD  
 NOW THE  
**CITY OF HAMILTON**

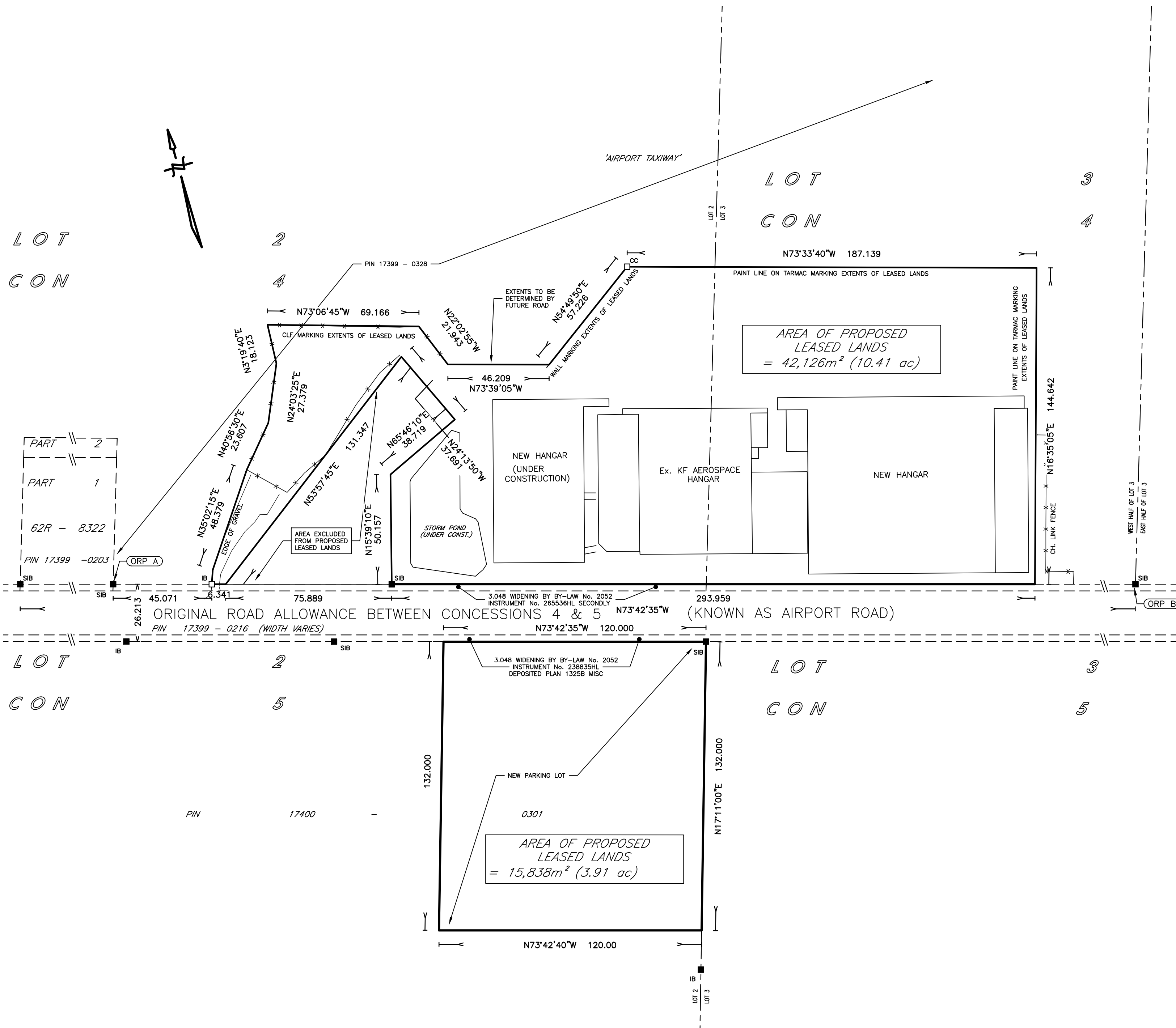


NA GEOMATICS INC.  
 ONTARIO LAND SURVEYORS

LOT  
 CON

LOT  
 CON

3  
 4



**LEGEND AND NOTES:**

BEARINGS ARE GRID, UTM\_ZONE 17 NAD83 (CSRS-2010) FROM THE CANSEL CAN-NET REAL TIME NETWORK, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, SHOWN HEREON.

DISTANCES ON THIS PLAN ARE ADJUSTED GROUND LEVEL DISTANCES AND CAN BE USED TO COMPUTE GRID CO-ORDINATES BY MULTIPLYING BY A COMBINED SCALE FACTOR OF 0.99956894

OBSERVED REFERENCE POINTS ARE DERIVED FROM GPS OBSERVATIONS USING THE CANSEL CAN-NET VRS NETWORK AND ARE REFERRED TO UTM\_ZONE 17 (81°00' LONGITUDE WEST) NAD83 (CSRS 2010)

COORDINATES TO URBAN ACCURACY IN ACCORDANCE WITH SECTION 14(2) OF O.REG 216/10

POINT ID	NORTHING	EASTING
ORP A	4779332.54	586345.07
ORP B	4779181.64	586861.46

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

- \* DENOTES FOUND SURVEY MONUMENT (1375 UNLESS NOTED OTHERWISE)
- ⊕ DENOTES PLANTED SURVEY MONUMENT
- SIB DENOTES STANDARD IRON BAR
- SSIB DENOTES SHORT STANDARD IRON BAR
- IB DENOTES IRON BAR
- PB DENOTES PLASTIC BAR
- RIB DENOTES ROUND IRON BAR
- meas. DENOTES MEASURED
- WIT DENOTES WITNESS
- P1 DENOTES DEPOSITED PLAN 62R-8322
- P2 DENOTES DEPOSITED PLAN 62R-11334

**METRIC**

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

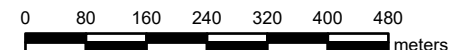
**NA GEOMATICS INC.**  
 ONTARIO LAND SURVEYORS

107 ERIE STREET, STRATFORD, ON., N5A 2M5  
 TEL: 519-273-3205  
 871 DUNDAS ST., WOODSTOCK, ON., N4S 1G8  
 TEL: 519-537-6212



PRINTED ON 31 MAY, 2024 AT 15:32:10  
FOR NF

### SCALE



## PROPERTY INDEX MAP WENTWORTH(No. 62)

### LEGEND

FREEHOLD PROPERTY	
LEASEHOLD PROPERTY	
LIMITED INTEREST PROPERTY	
CONDOMINIUM PROPERTY	
RETIRED PIN (MAP UPDATE PENDING)	
PROPERTY NUMBER	0449
BLOCK NUMBER	08050
GEOGRAPHIC FABRIC	
EASEMENT	

**THIS IS NOT A PLAN OF SURVEY**

### NOTES

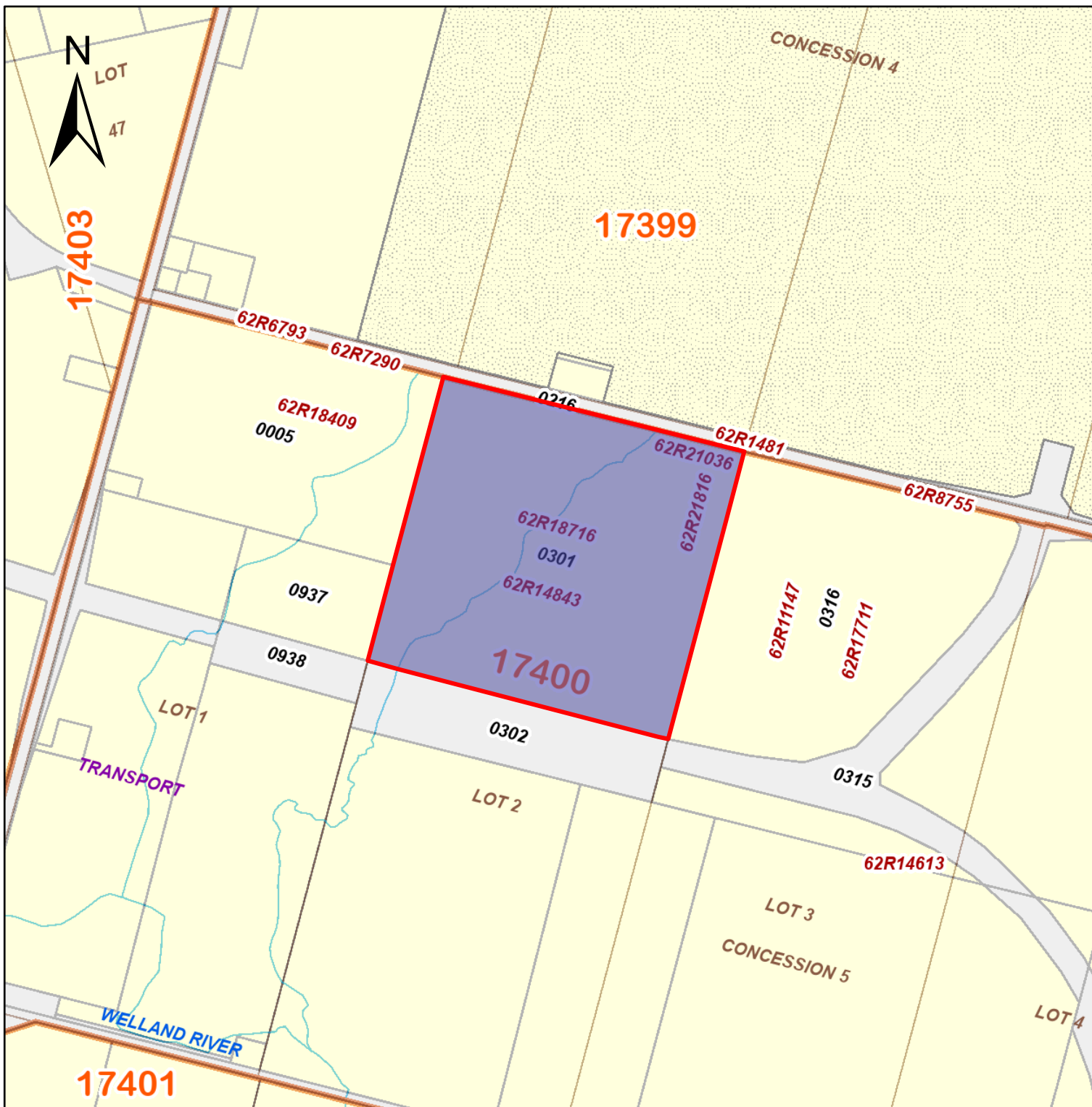
**REVIEW THE TITLE RECORDS FOR COMPLETE PROPERTY INFORMATION AS THIS MAP MAY NOT REFLECT RECENT REGISTRATIONS**

THIS MAP WAS COMPILED FROM PLANS AND DOCUMENTS RECORDED IN THE LAND REGISTRATION SYSTEM AND HAS BEEN PREPARED FOR PROPERTY INDEXING PURPOSES ONLY

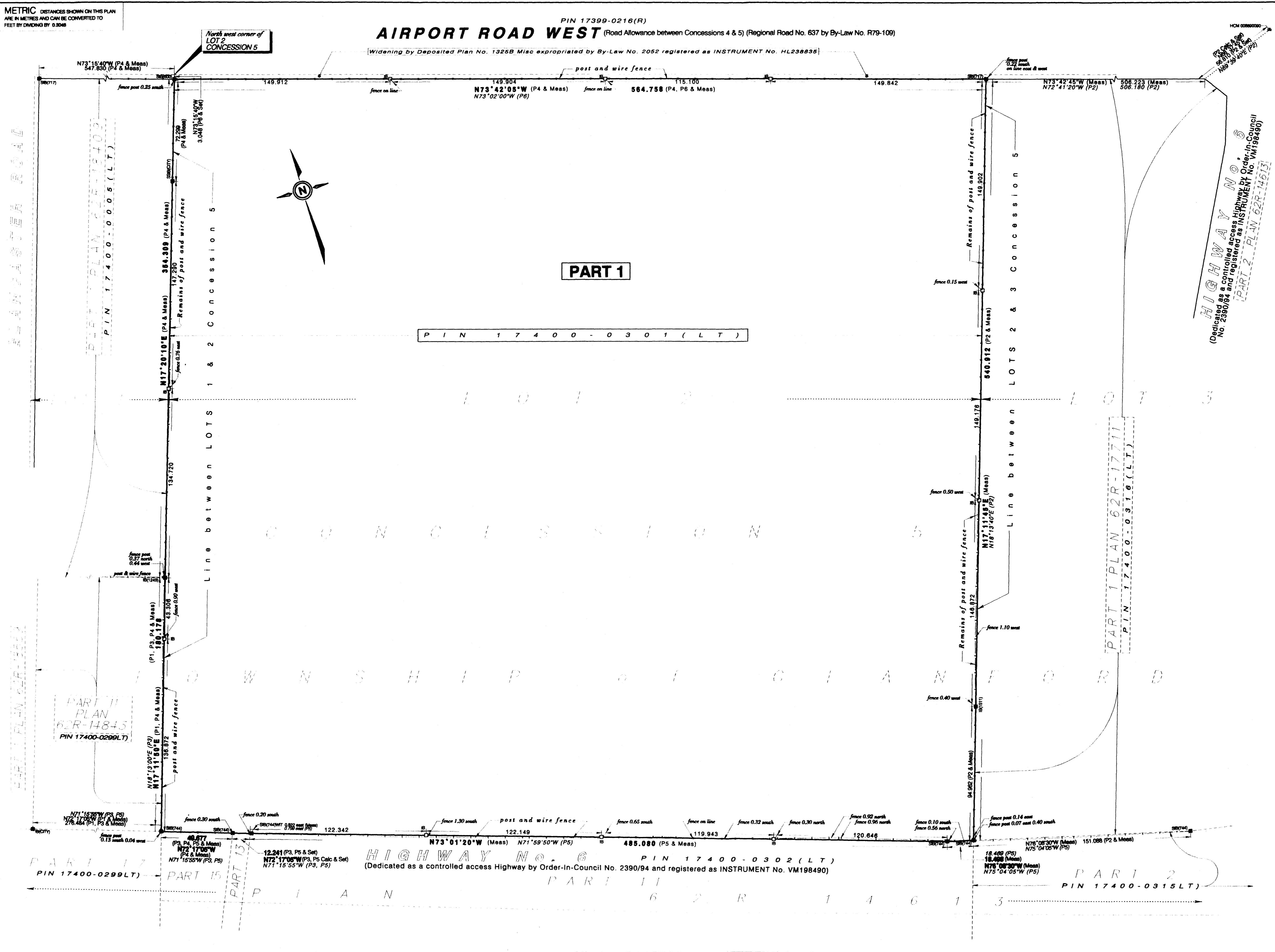
FOR DIMENSIONS OF PROPERTIES BOUNDARIES SEE RECORDED PLANS AND DOCUMENTS

ONLY MAJOR EASEMENTS ARE SHOWN

REFERENCE PLANS UNDERLYING MORE RECENT REFERENCE PLANS ARE NOT ILLUSTRATED



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



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT

DATE APRIL 27, 2010

RECEIVED AND DEPOSITED

DATE 2010-04-28

DAVID A. LAMONT O.L.S. SENIOR PROJECT MANAGER SURVEYS

DAVID A. LAMONT O.L.S. LAND REGISTRAR FOR THE LAND TITLES DIVISION OF WENTWORTH (B2)

SCHEDULE

PART	LOT	CONCESSION	PIN	AREA	TRANSFEREE
1	PART OF LOT 2	5	ALL OF 17400-0301(LT)	30.44 Hectares	9705 AIRPORT DEVELOP. LTD.

PART 1 COMPRISES ALL OF PIN 17400-0301(LT)

PLAN OF SURVEY OF  
**PART OF LOT 2  
 CONCESSION 5**  
 IN THE  
 GEOGRAPHIC TOWNSHIP OF GLANFORD  
 IN THE  
 CITY OF HAMILTON  
 SCALE = 1 : 1250  
 5 0 5 10 20 30 40 50 metres

DAVID A. LAMONT ONTARIO LAND SURVEYOR

BEARING NOTE

BEARINGS HEREON ARE GRID AND ARE REFERRED TO THE NAD83 LTM CO-ORDINATE SYSTEM, ZONE 17, CENTRAL MERIDIAN 81° W LONGITUDE AND DERIVED FROM MONUMENTS

08990080 N4779110.391 E587138.356  
 025820020 N4784409.017 E587002.757

DISTANCES SHOWN ARE GROUND VALUES, TO RELATE TO GRID VALUES MULTIPLY BY THE C.S.F. OF 0.9996621

LEGEND

- OU - DENOTES ORIGIN UNKNOWN
- Calc - DENOTES BEARINGS CALCULATED TO GRID
- P1 - DENOTES PLAN No. 62R-18569
- P2 - DENOTES PLAN No. 62R-17711
- P3 - DENOTES PLAN No. 62R-14843
- P4 - DENOTES PLAN No. 62R-18409
- P5 - DENOTES PLAN No. 62R-14613
- P6 - DENOTES EXPROPRIATION PLAN No. 1325B

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 16th DAY OF APRIL 2010.

APRIL 23, 2010 DATE

DAVID A. LAMONT O.L.S.

**City of HAMILTON**  
 Surveys and Technical Services

FIELD BOOK GLANBROOK FILE No. Y:\hrcod\GLANFORD\04-031-11 DATE 2010-04-21  
 SURVEYED BY SW CHECKED BY RCP CHECKED BY D.A.L. O.L.S.

GORD MCGUIRE, O.L.S. MANAGER

PLAN No. RC-G-694 SURVEYS



SHAPING GREAT COMMUNITIES

May 17, 2024

File No: 20035

Jamila Sheffield  
Secretary-Treasurer  
Committee of Adjustment  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON  
L8P 4Y5

Dear Ms. Sheffield:

**Re: 9500 & 9705 Airport Road West  
John C. Munro Hamilton International Airport  
Consent Applications for Long-Term Lease**

---

On behalf of Regency Aero Lease Inc. (the “Applicant”) and the City of Hamilton (the “Owner”) we are pleased to submit two (2) Applications for Consent for a Long-Term Lease (greater than 21 years) for two separate areas on the Airport lands, known as 9500 Airport Road West (north side – Application 1) and 9705 Airport Road West (south side). Attachment No. 1 to this letter is a key plan showing the location of the subject lands in relation to the entire Airport lands.

Regency Aero Lease Inc. has entered into a Long-Term Lease Agreement with the City of Hamilton for the two sites identified above.

The leased land on the north side of Airport Road West (Application 1) is 42,536 square metres (4.25 hectares) in area. A Sketch showing these lands was prepared by NA Geomatics Inc., Ontario Land Surveyors dated August 28, 2020 (see Sketch). There are three (3) existing hangars on these lands and a small parking area. The Sketch shows that the extent of the leased lands is defined by a combination of a wall, painted lines on the tarmac, an internal road, and a chain link fence.

The leased land on the south side of Airport Road West (Application 2) is 15,888.18 square metres (1.59 hectares) in area. A Sketch showing these lands was prepared by NA Geomatics Inc., Ontario Land Surveyors dated August 28, 2020 (see Sketch). A parking lot has been constructed on these lands.

PLANNING | URBAN DESIGN | LANDSCAPE ARCHITECTURE



Regarding the services provided by Regency Aero Lease Inc. (KF Aerospace), The Airport Master Plan (2023-2043) states:

KF Aerospace, located on the Airport, is a significant Canadian MRO [Maintenance, Repair and Overhaul] operator providing engineering, maintenance, and modification solutions to the airline industry. Facilities at Hamilton International include two large hangars, one of which can support widebody aircraft. Adjacent to the KF Aerospace facility is Mohawk College's Centre for Aviation Technology that offers programs in aircraft and avionics maintenance.

Google Map Street Views below, from 2023 show 9500 Airport Road West (hangars) and 9705 Airport Road West (parking). These facilities are on leased lands, as noted in the applications. The parking area is directly opposite KF Aerospace on the south side of Airport Road West.





### **Brief History of Lease**

In 1996 TradePort International Corporation (now Hamilton International Airport Limited) entered into a 40-year lease agreement with the City of Hamilton (then Region of Hamilton-Wenworth) to be the sole operator and manager of Hamilton International Airport (HIA). Hamilton International Airport Limited is a privately held company and a wholly owned subsidiary of Vantage Airport Group, a leading global airport investment, management, and development company.

The Primary Lease Agreement for the lands on the north side of Airport Road West was entered into between the Region and TradePort on July 19, 1996, with two (2) amending agreements in December 1996 (Amending Agreements No. 1 and No. 2). Five (5) further amendments were prepared in 2005, 2006, 2012, 2014 and 2017 (Amending Agreements No. 3 through No. 7) to further revise the terms and provisions of the Lease. The lands are subleased by TradePort to Regency Aero Lease Inc. (KF Aerospace).

Amending Agreement No. 8 added additional lands to the Lease referred to as the “Adjacent Lands” on the north side of Airport Road West and the “Additional Lands” on the south side of Airport Road West, being the parking lot lands. Amending Agreement No. 8 came into effect on January 31, 2019. The attached Sketch shows the lands on both the north and south side of Airport Road West.

### **Long-Term Leases and the *Planning Act***

The Ontario *Planning Act* has a general prohibition against “any agreement that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more.” This applies to lease agreements. There are, however, exceptions.

Section 50(3) of the *Planning Act* states:

No person shall convey land by way of a deed or transfer, or grant, assign or exercise a power of appointment with respect to land, or mortgage or charge land, or enter into an agreement of sale and purchase of land or enter into any agreement that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more unless.....

- (c) the land or any use of or right therein is being acquired or disposed of by Her Majesty in right of Canada, Her Majesty in right of Ontario or by any municipality.

Based on the above, *Planning Act* consent to lease land for more than 21 years is not required if the land is owned by a municipality, such as the City of Hamilton. While not required, the Applicant has opted to seek approval of the leases under the *Planning Act*.

In support of the two (2) Applications for Consent, GSP Group has submitted the following items, together with this cover letter:

- Two Application for Consent forms completed and signed by the City's Chief, Corporate Real Estate, and,
- One (1) copy of the Sketch Illustrating the Leasehold Lands prepared by NA Geomatics, dated October 7, 2020.

Should you have any questions or require any additional information, please do not hesitate to contact me at 289-778-1431 or by email at [nfrieday@gspgroup.ca](mailto:nfrieday@gspgroup.ca).

Yours truly

**GSP Group Inc.**

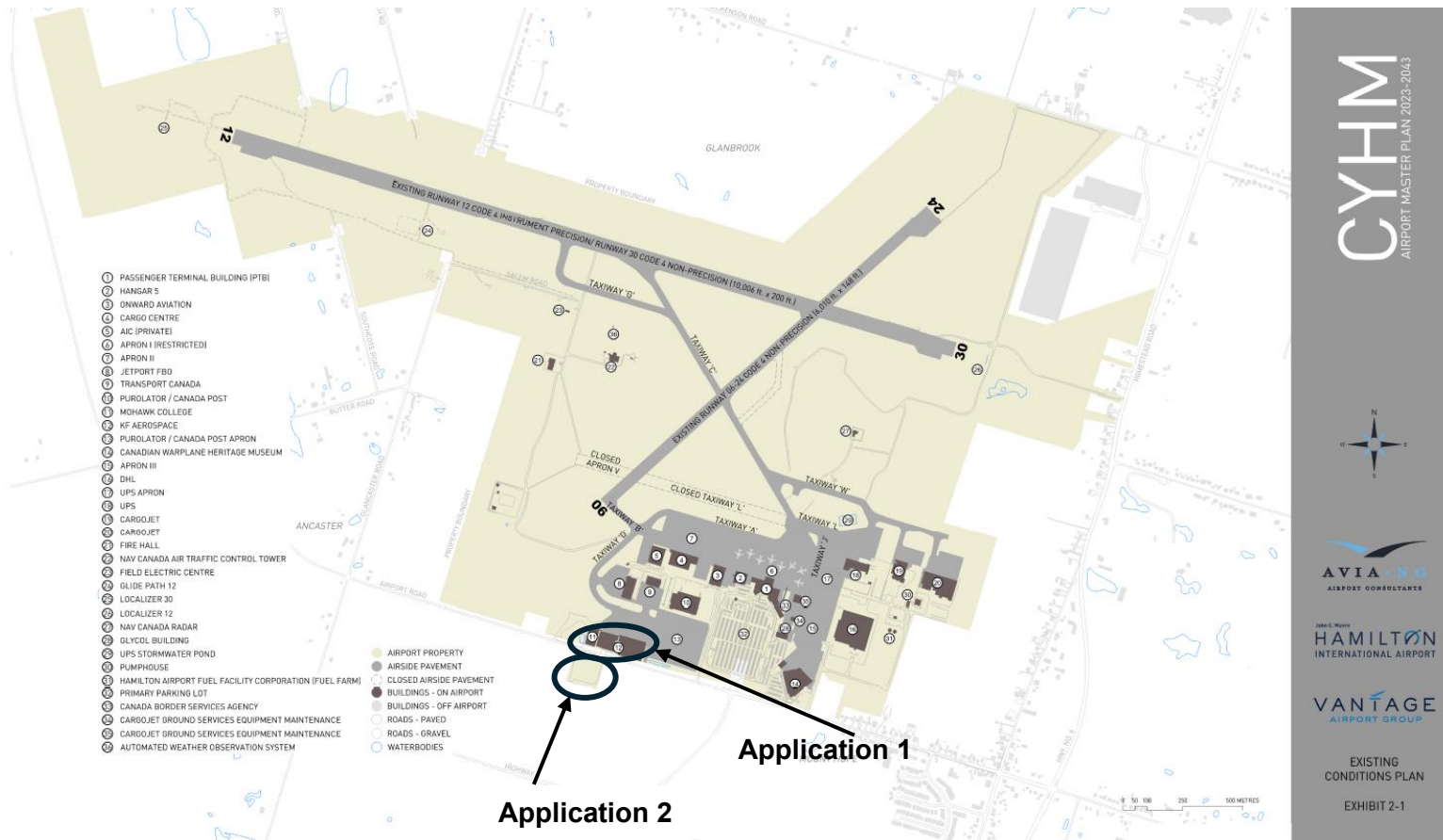


Nancy Frieday  
Senior Planner, MCIP RPP


cc. *Jesse D. Bernhardt, General Counsel, KF Aerospace*  
*Raymond Kessler, Chief, Corporate Real Estate Office, Planning & Economic Development*

Extract from John C. Munro Hamilton International Airport, 2023-2043 Airport Master Plan Final Technical Report

September 27, 2023



**CYHM**  
 AIRPORT MASTER PLAN 2023-2043

  
**AVIA NG**  
 AIRPORT CONSULTANTS

JOHN C. MUNRO  
**HAMILTON**  
 INTERNATIONAL AIRPORT

**VANTAGE**  
 AIRPORT GROUP

EXISTING  
 CONDITIONS PLAN  
 EXHIBIT 2-1

**Committee of Adjustment**  
 City Hall, 5<sup>th</sup> Floor,  
 71 Main St. W.,  
 Hamilton, ON L8P4Y5

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



Hamilton

**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)	
Applicant(s)**	
Agent or Solicitor	

\*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 [REDACTED]

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	9705 Airport Road West		
Assessment Roll Number			
Former Municipality	Township of Glanbrook		
Lot	2	Concession	5
Registered Plan Number		Lot(s)	
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:

**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 checked="" type="checkbox"/> a lease    |
| <input 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)<br>( i.e. a lot containing a surplus farm dwelling<br>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:

City lease to Tradeport International Corporation, sublease to Regency Aero Lease Inc.

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, m<sup>2</sup> or ha), attach additional sheets as necessary.

	Retained (remainder)	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*
Identified on Sketch as:			S of Airport Rd		
Type of Transfer	N/A				
Frontage			120m		
Depth			132m		
Area			1.58 ha		
Existing Use			Parking		
Proposed Use			Parking		
Existing Buildings/ Structures			None		
Proposed Buildings/ Structures			N/A		
Buildings/ Structures to be Removed			N/A		

\* 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?

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

Rural Settlement Area: N/A

Urban Hamilton Official Plan designation (if applicable) N/A

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

Both the Urban and Rural Hamilton Official Plans show the Airport lands as John C. Munro Hamilton International Airport

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? Airport (U1) Zone - By-law 05-200

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)
<b>An agricultural operation, including livestock facility or stockyard</b> * Submit Minimum Distance Separation Formulae (MDS) if applicable	<input type="checkbox"/>	
<b>A land fill</b>	<input type="checkbox"/>	
<b>A sewage treatment plant or waste stabilization plant</b>	<input type="checkbox"/>	
<b>A provincially significant wetland</b>	<input type="checkbox"/>	
<b>A provincially significant wetland within 120 metres</b>	<input type="checkbox"/>	
<b>A flood plain</b>	<input type="checkbox"/>	
<b>An industrial or commercial use, and specify the use(s)</b>	<input checked="" type="checkbox"/>	
<b>An active railway line</b>	<input type="checkbox"/>	
<b>A municipal or federal airport</b>	<input checked="" type="checkbox"/>	20m

## 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.

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.

---

6.4 How long has the applicant owned the subject land?

Leased by applicant

---

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.

Applicant (Regency Aero Lease Inc.) does not own land in the City

---

## 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)

---

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

Yes       No      (Provide explanation)

Yes this application is consistent with section 1.6.9 (Airports, Rail and Marine Facilities) of the PPS.

---

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

Yes       No      (Provide explanation)

Airport lands are employment lands associated with the movement of good and part of an efficient transportation system

---

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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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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Hamilton

**B-24:37 – 9705 Airport Road West, Glanbrook (Delegated Authority)**

Recommendation:

Approve

Proposed Conditions:

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)

Proposed Notes:

**STAFF COMMENTS****HEARING DATE: June 25, 2024**

# Hamilton

Development Planning:

**Background**

To create a lease over a parcel of land a period of time not less than 21 years for parking related to the use associated with the lease subject to application B.24.36 for a portion of 9500 Airport Road West.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>LEASE LANDS (North of Airport Road):</b>	120 m±	132 m±	1.58 ha±
<b>SEVERED LANDS:</b>	Varies m±	Varies m±	Varies m±

**Analysis****Rural Hamilton Official Plan**

The property is designated as “Rural” in Schedule D – Rural Land Use Designations. Policies F.1.14.2.1.g, amongst others, are applicable and permits severances may be granted for the purposes of long-term lease agreements for infrastructure works provided a separate lot is not created for a dwelling or any non-farm use other than petroleum resource works, mineral aggregate resource extraction, and infrastructure works. Based on the foregoing, staff support the application.

Zoning:

<b>Recommendation:</b>	<b>Comments Only</b>
<b>Proposed Conditions:</b>	
<b>Comments:</b>	<ol style="list-style-type: none"> <li>1. The proposed Consent is to create a new parcel for long-term lease purposes, in excess of 21 years.</li> <li>2. Please note this application is to be heard in conjunction with Consent Application No. B-24:36 for 9500 Airport Road West.</li> <li>3. Please note that specific details regarding the “new parking lot” for the area of the leased lands, as indicated on the survey prepared by NA Geomatics Inc. dated October 7th, 2020 has not been indicated to confirm zoning compliance. It is noted that the parking lot appears to be existing.</li> </ol>



**STAFF COMMENTS****HEARING DATE: June 25, 2024**

# Hamilton

	4. Be advised that the "A2, E272" Zone only permits the use of an Airport, Airport Storage, Maintenance and Operation Facilities and, uses existing at the effective date of the By-law.
	5. This Division has no concerns with the proposed application.
Proposed Notes:	

## Natural Heritage:

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

## Cultural Heritage:

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

## Development Engineering:

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

## Building Engineering:

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

## Forestry:

Recommendation:	Approve
Proposed Conditions:	
Comments:	There are no Municipal Tree Assets on site. No public tree permit is required.

**STAFF COMMENTS****HEARING DATE: June 25, 2024**

# Hamilton

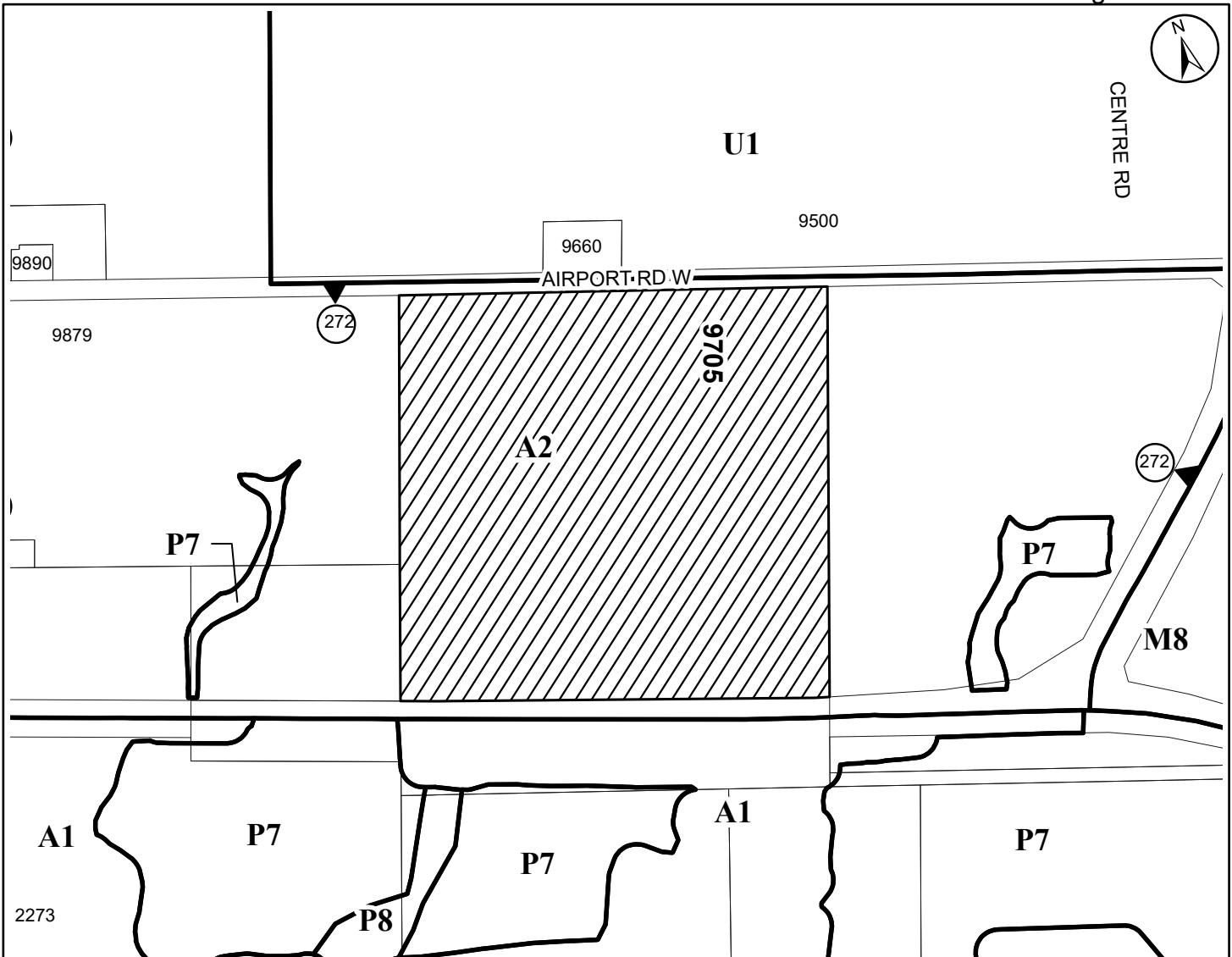
	<p>No Landscape plan required.</p> <p>Forestry has no concerns or conditions regarding this application.</p> <p>For questions please contact: <a href="mailto:urbanforest@hamilton.ca">urbanforest@hamilton.ca</a></p>
Proposed Notes:	

## Transportation Planning:

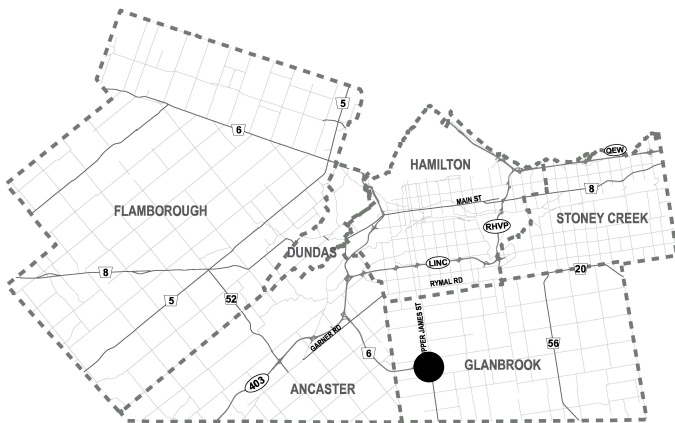
Recommendation:	Comments Only
Proposed Conditions:	
Comments:	Transportation Planning has not reviewed the files.
Proposed Notes:	

## Legislative Approvals:

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



● Site Location



**City of Hamilton**

**Committee of Adjustments**

**Subject Property**



9705 Airport Road West, Glanbrook (Ward 11)

**File Name/Number:**

B-24:37

**Date:**

June 12, 2024

**Technician:**

AL

**Scale:**

N.T.S.

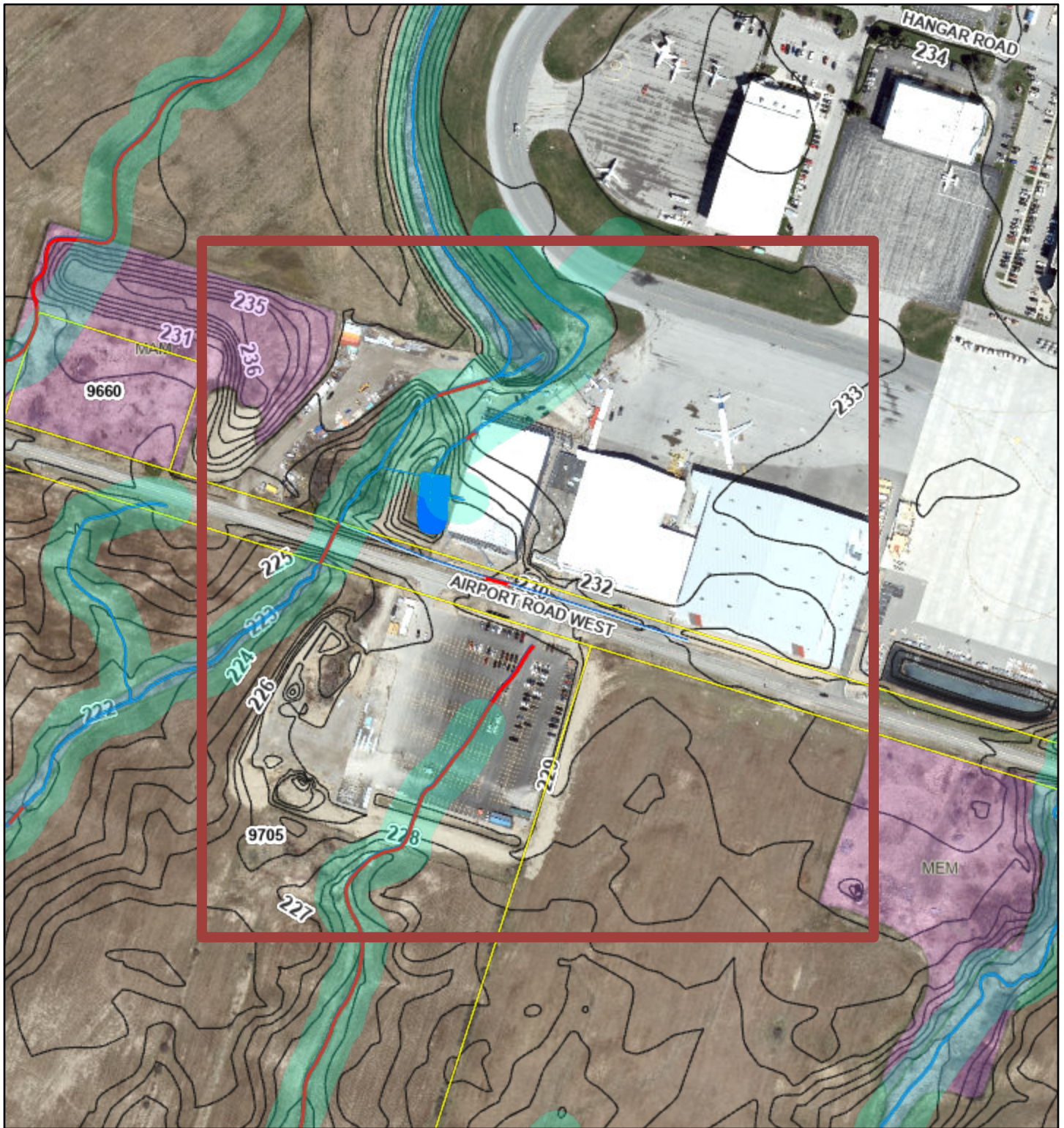
**Appendix "A"**



**Hamilton**



# Regulated Land Map - 9500 & 9705 Airport Rd W



6/20/2024, 3:56:40 PM

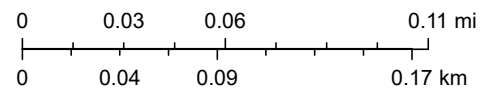
1:4,514

SWOOP 2020 NPCA

- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3
- Override 1

Roads

NPCA APPROXIMATE REGULATION LANDS



NPCA, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Web AppBuilder for ArcGIS




**RE: NPCA inquiry regarding June 25, 2024 COA Agenda**

Meghan Birbeck &lt;mbirbeck@npca.ca&gt;

Thu 6/20/2024 4:00 PM

To:Committee of adjustment &lt;CofA@hamilton.ca&gt;

 2 attachments (2 MB)

Regulated Land Map - 393 Rymal Road W (387).pdf; Regulated Land Map - 9500 &amp; 9705 Airport Rd W.pdf;

**External Email:** Use caution with links and attachments

Good afternoon,

Thank you for that information.

Please find the NPCA's comments below:

- 393 Rymal Rd W
  - HM.B.24.04 – Purpose: To permit the creation of an easement over a portion of land for access and maintenance purposes.
  - The subject property is identified as 387 Rymal Rd W – ARN 251808110108153 on NPCA mapping.
  - The subject property regulated watercourses and floodplain associated with Twenty Mile Creek.
  - The area of the proposed easement is outside of NPCA regulated lands.
  - As such, the NPCA has no comment and will not require a review fee.
  
- 9500 Airport Rd W & 9705 Airport Rd W
  - B.24.36 – Purpose: To create a lease over a parcel of land a period of time not less than 21 years for hangers.
  - B.24.37 – Purpose: To create a lease over a parcel of land a period of time not less than 21 years for parking related to the use associated with the lease subject to application B.24.36 for a portion of 9500 A.
  - The subject properties are impacted by regulated watercourses and their associated slopes as well as possible unevaluated wetlands.
  - The proposed area associated with the lease for the hangers and parking area already appears to have the associated infrastructure for the lease.
  - As such, the NPCA does not have an objection and will not require a review fee

Best,

Meghan



Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**NOTICE OF DECISION**  
**CONSENT**

<b>APPLICATION NO.:</b>	<b>B.24.37</b>	<b>SUBJECT PROPERTY:</b>	9705 Airport Road West, Glanbrook
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**APPLICANTS:** Owner: City of Hamilton c/o Raymond Kessler  
Applicant: KF Aerospace c/o Jesse Bernhardt  
Agent: GSP Group c/o Nancy Frieday

**PURPOSE & EFFECT:** To create a lease over a parcel of land a period of time not less than 21 years for parking related to the use associated with the lease subject to application B.24.36 for a portion of 9500 A.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>LEASE LANDS (South of Airport Road):</b>	120 m <sup>±</sup>	132 m <sup>±</sup>	1.58 ha <sup>±</sup>
<b>RETAINED LANDS:</b>	Varies m <sup>±</sup>	Varies m <sup>±</sup>	Varies ha <sup>±</sup>

Associated Planning Act File(s): B-24:36

**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 Consent Authority considers the proposal to be in keeping with development in the area.
4. The Consent Authority 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

**B.24.37**

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)

DATED AT HAMILTON, June 27, 2024.

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

The date of the giving of this Notice of Decision is **June 28, 2024**. Above noted conditions **MUST** be fulfilled within **TWO (2) YEARS** of the date of this Notice of Decision (June 28, 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 18, 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, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto: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](mailto: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](mailto: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 5<sup>th</sup> 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](mailto:cofa@hamilton.ca))