



City of Hamilton
DELEGATED CONSENT AUTHORITY
AGENDA

Meeting #: 26-1
Date: April 30, 2026
Time: 9:30 a.m.
Location: Meet as per their delegated authority –
Meetings are not livestreamed

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

Pages

1. Delegated Consent Authority

- | | | |
|-----|---|----|
| 1.1 | B-26:011 565 Sanatorium Road, Hamilton (Ward 14)

Owner: 2358574 Ontario Ltd. - H. Hakimi
Applicant: 2358574 Ontario Ltd. - H. Hakimi
Agent: Weston Consulting - M. Quarcoopome | 3 |
| 1.2 | B-26:012 475 Powerline Road, Stoney Creek (Ward 9)

Owner: T. Khaira, J. Khaira
Applicant: Arcadis - C. Argo
Agent: A. Singh Sodhi | 31 |
| 1.3 | B-26:016 209 Gibson Avenue, Hamilton (Ward 3)

Owner: Scarlett, Panning - Stinson
Applicant: Sigma One Capital Inc. - N. Joshi
Agent: Prudent Law- D. Gupta, O. Saab | 53 |

NOTICE OF APPLICATION CONSENT

You are receiving this notice because you are either:

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

APPLICATION NO.:	B-26:011	SUBJECT PROPERTY:	565 Sanatorium Road, Hamilton
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APPLICANTS: Owner: 2358574 Ontario Ltd c/o Hamid Hakimi
 Applicant: 2358574 Ontario Ltd c/o Hamid Hakimi
 Agent: Weston Consulting c/o Martin Quarcoopome

PURPOSE & EFFECT: To permit the creation of easements between future severed and retained lands for access and service purposes.

	Frontage	Depth	Area
EASEMENT: (Part 3 - Proposed Service & Access Easement)	N/A	(see sketch)	722 m ² ±
EASEMENT: (Part 4 - Proposed Service Easement)	N/A	(see sketch)	602 m ² ±

Associated Planning Act File(s): HM/A-23:235 (Approved). B-25:031 (Conditional Approval)

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:

Thursday, April 30, 2026

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

- Visit www.hamilton.ca/committeeofadjustment - Delegated Consent Authority Tab
- Email Committee of Adjustment staff at cofa@hamilton.ca

PUBLIC INPUT

Written: If you would like to submit written comments to the Consent Authority, you may do so via email or hardcopy. Written comments can be submitted by emailing cofa@hamilton.ca or by mailing the

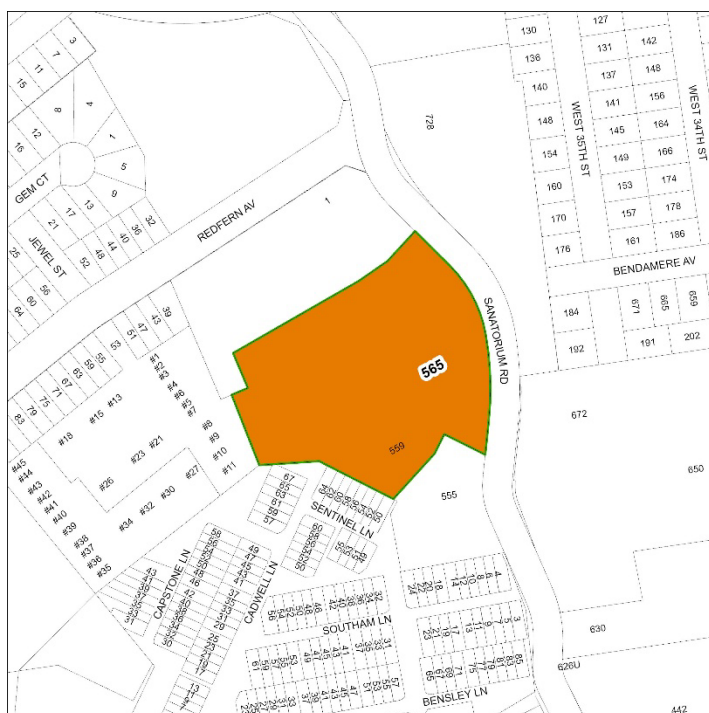
B-26:011

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 April 28, 2026 on our website:

www.hamilton.ca/committeefadjustment

Orally: Oral comments are not able to be submitted.



 **Subject Lands**

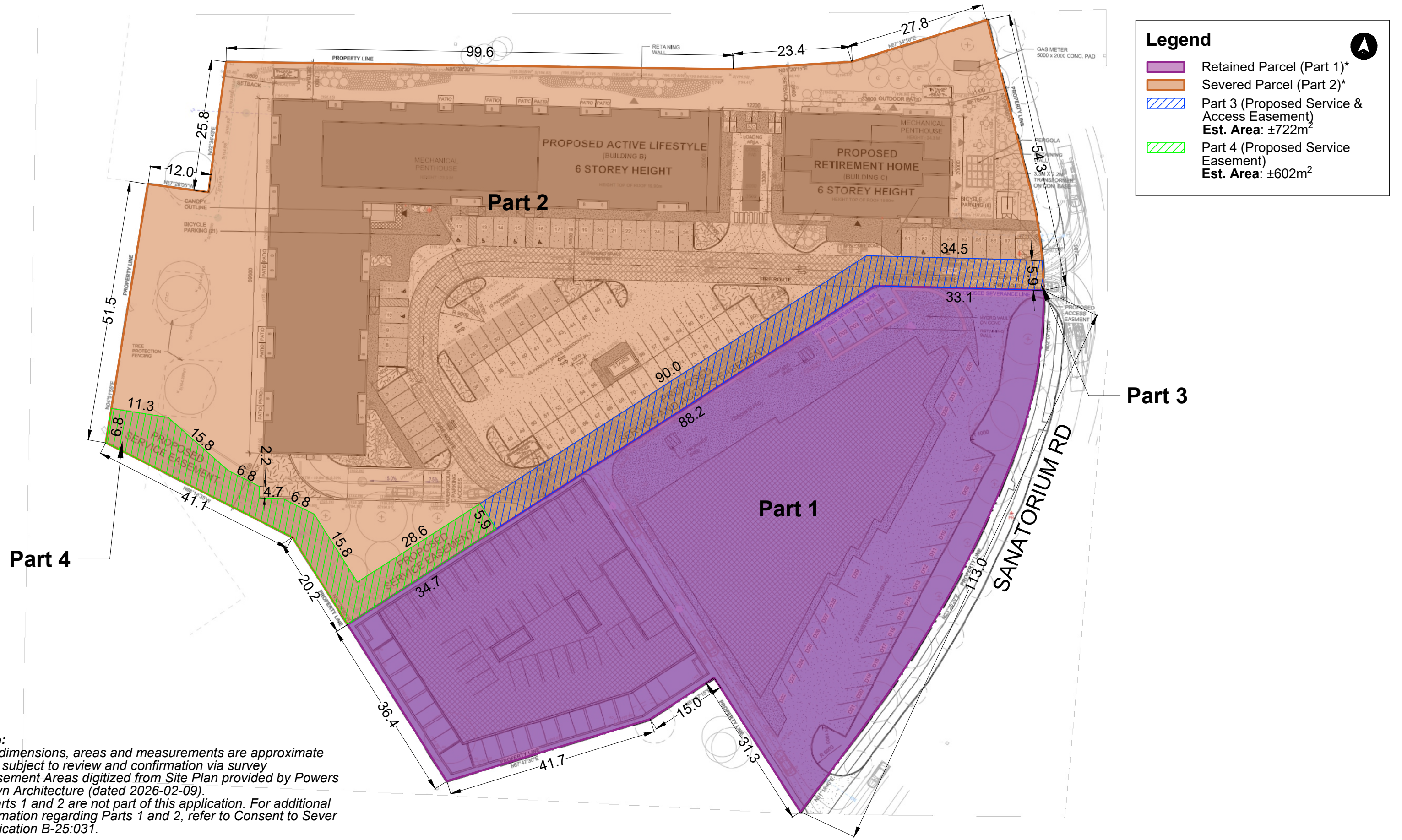
DATED: April 13, 2026

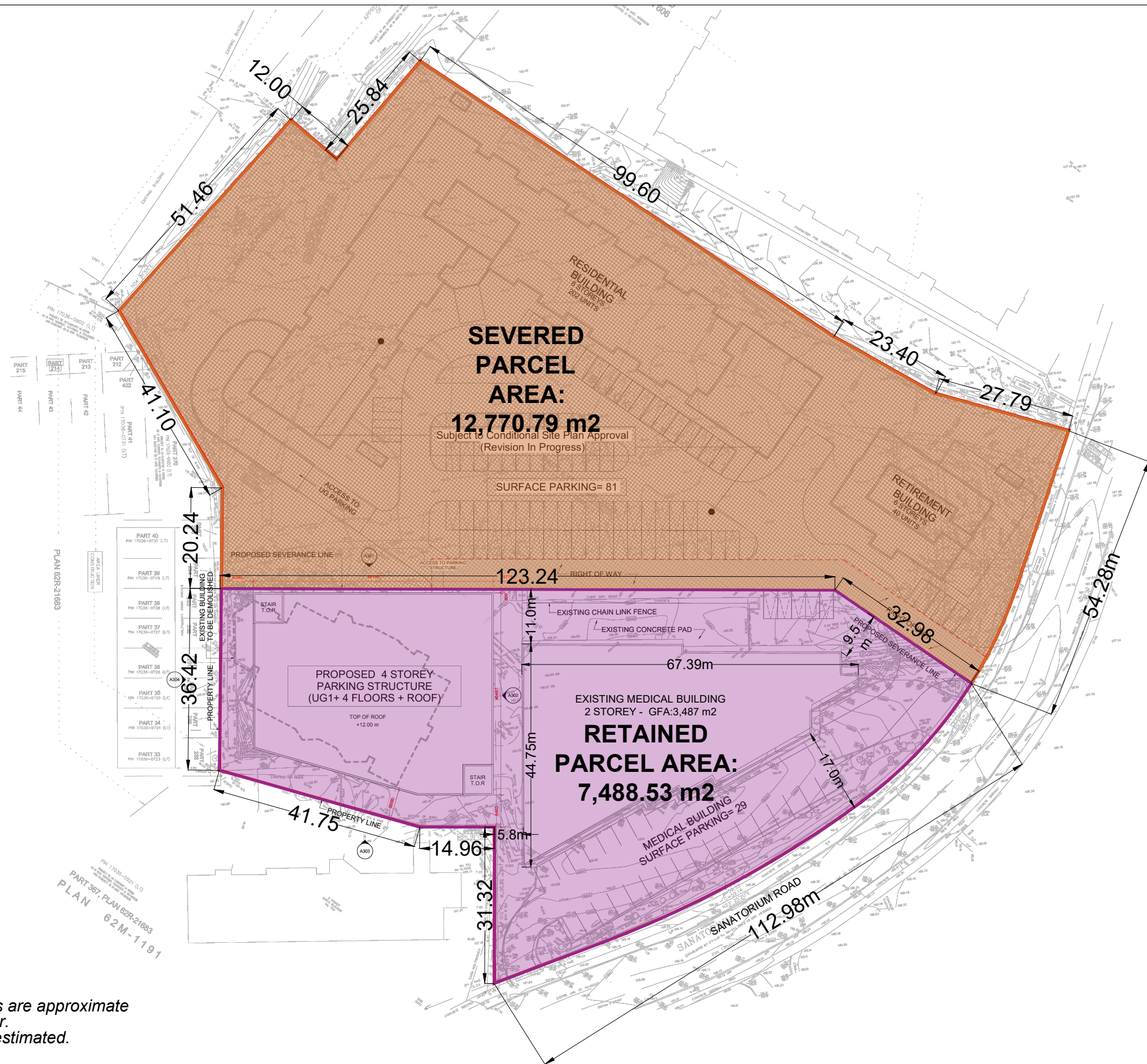
Justin Leung,
Secretary-Treasurer
Committee of Adjustment

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

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

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





Note:
- All dimensions and measurements are approximate and subject to review by a surveyor.
- Existing Medical Building GFA is estimated.

PROJECT TITLE
ELITE SANATORIUM - BUILDING B & C
571 & 577 SANATORIUM ROAD
HAMILTON, ONTARIO

A PROJECT FOR
ELITE DEVELOPMENTS

GENERAL NOTES

OVERALL FLOOR PLAN LEGEND

- LANDSCAPE
- SIDEWALK PAVING
- PROPOSED SERVICE EASEMENT
- PROPOSED ACCESS EASEMENT
- FIRE ROUTE
- FIRE HYDRANT
- FIRE SIAMESE
- PROPOSED SEVERANCE LINE
- FENCE
- TREE PROTECTION FENCING
- D0 EXISTING PARKING (MEDICAL BUILDING)
- MAIN ENTRANCE
- EXIT

	3400 TYP		1500 TYP		2800 TYP		2800 TYP		2800 TYP	
ACCESS AISLE										
	1400		1400							5800 TYP
TYPE A TYPE B										
	BARRIER FREE PARKING		STANDARD PARKING		VISITOR PARKING					

Δ	DATE	REVISION
1	2026-02-09	Issue for SPA

PROJECT NO: 255016
DRAWN BY: MZ
CHECKED BY: JF

OVERALL SITE PLAN BUILDING B & C

SEAL SHEET NUMBER

AS102

ONTARIO ASSOCIATION OF ARCHITECTS
AMANDA ALVARO SHABBARIA
LICENCE 7712
2026-02-09



Autodesk Docs://255016_Elite Sanatorium_Road Residential Development Hamilton/255016_Elite Sanatorium_Building B_Central.rvt
2026-02-11 11:35:33 AM

OVERALL SITE PLAN
SCALE: 1 : 300

City of Hamilton
Committee of Adjustment
71 Main Street West, 5th Floor
Hamilton, Ontario
L8P 4Y5

March 19, 2026
File 10421

**Attn: Justin Leung, Secretary Treasurer
Committee of Adjustment**

**RE: Consent to Sever Application for the Creation of Easements
565 Sanatorium Road, City of Hamilton
Related City Files: DA-22-142, DA-26-019, & B-25:031**

Weston Consulting is the planning consultant for 2358574 Ontario Ltd., the registered owner of the properties municipally known as 565 Sanatorium Road in the City of Hamilton (the “subject lands”). On behalf of the owner, we are pleased to submit the enclosed materials in support of a Consent to Sever application to establish reciprocal easements.

Concurrent Planning Applications

The subject lands are currently subject to Site Plan Control Application DA-22-142, which is intended to facilitate the development of a six-storey residential building and a six-storey retirement building on the northern portion of the site. This application has received conditional site plan approval, and a resubmission was made on February 13, 2026 to address the remaining conditions.

The lands are also subject to Consent to Sever Application B-25:031, which was approved on June 5, 2025, subject to conditions. The intent of the severance is to sever the northern portion of the lands (the “severed lands”) where Application DA-22-142 is focused, from the southern portion of the lands (the “retained lands”) where an existing medical office building is located.

Lastly, the retained southern portion of the lands is subject to active Site Plan Control Application DA-26-019, which will facilitate the development of a two-storey parking structure to support the parking needs of the existing medical building. Application DA-26-019 was submitted on February 13, 2026 and has been deemed complete.

Purpose of the Application

The purpose of this application is to establish easements between the future severed and retained lands. More specifically, the easements are required to support the relationship between the lands associated with the Residential/ Retirement development (DA-22-142) and the Medical/ Parking Structure development (DA-26-019).

The proposed easements are intended to be established in two parts. Part 3, as shown on the submitted Easement Sketch, is located on the severed lands and is intended to provide a private easement over the planned stormwater and sanitary services, as well as vehicular access from Sanatorium Road to the entry of the parking garage. Part 4 is similarly intended to benefit the retained lands by providing access to the shared stormwater and sanitary services.

The subject lands have been comprehensively planned, and these easements were contemplated at the time of the 2025 severance approval. Conditions of approval were imposed in order to allow for registration of the severance. This application has been submitted specifically to satisfy Conditions 8 and 9 of Consent Application B-25:031, which state:

8. *That the Owner demonstrate that there is a private easement over the existing sanitary drain in favour of the retained portion of the lands over the severed portion of the lands c/w appropriate private agreement to address access and maintenance of the existing drain to the satisfaction of the City's Director of Development Engineering.*
9. *That the owner apply for and obtain approval for a reciprocal easement over the proposed retained and severed lands to permit access to the proposed four storey parking structure, consistent with the severance sketch submitted with this application and consistent with Site Plan Control application DA-22-142, to the satisfaction of the Director of Development Planning.*

Submission Materials

The following required submission materials are provided to address the Conditions 8 and 9 of the Severance Approval issued on May 29, 2025 by the Committee of Adjustment.

No.	Deliverable	Consultant	Date/Notes
1.	Cover Letter	Weston Consulting	March 19, 2026
2.	Easement Sketch		March 19, 2026
3.	Application Form		March 19, 2026
4.	Committee Decision for B-25:031	-	May 29, 2025
5.	Retained Lands Site Plan (DA-26-019)	Powers Brown Architecture	February 9, 2026
6.	Severed Lands Site Plan (DA-22-142)		February 9, 2026
7.	Conditionally Approved Parcels Sketch	Weston Consulting	April 23, 2025

The Consent to Sever application fee for a Lease or Easement is \$2,205, and due upon submission, which will be submitted following the submission.

We trust that the enclosed materials are sufficient to address all outstanding conditions placed on Consent to Establish Easement Application and request that they be circulated to all relevant departments at the earliest available opportunity. Should you require any additional information please contact Martin Quarcoopome at extension 266 or Amanah Rahal at extension 373.

Yours truly,

Weston Consulting

Per:



Martin Quarcoopome, BES, MCIP, RPP
 Partner, Planning Lead

c. Amanah Rahal, Weston Consulting
 2358574 Ontario Ltd.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221

E-mail: cofa@hamilton.ca

NOTICE OF DECISION
Consent/Land Severance

APPLICATION NO.:	B-25:031	SUBJECT PROPERTY:	555–559 Sanatorium Road, Hamilton
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APPLICANTS: Owner: 2358574 Ontario Ltd., c/o Hamid Hakimi
Applicant: 2358574 Ontario Ltd., c/o Hamid Hakimi
Agent: Weston Consulting, c/o Martin Quarcoopome

PURPOSE & EFFECT: To permit the conveyance of a parcel of land containing an existing commercial building for residential purposes, and to retain a parcel of land containing an existing commercial building.

	Frontage	Depth	Area
SEVERED LANDS:	54.28 m [±]	N/A	12,770.79 m ²
RETAINED LANDS:	112.98 m [±]	N/A	7,488.53 m ²

Associated Planning Act File(s): HM/A-23:235

THE DECISION OF THE COMMITTEE IS:

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

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

B-25:031

7. 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)

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

3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)

4. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Building Engineering Section).

5. The owner/applicant shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), parking and landscaping, conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of the appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).

6. Landscape Plan (Forestry)

7. That the Owner demonstrate or provide proof of separate and independent sanitary sewer services for each parcel of land in accordance with the Sewer and Drain By-Law 23-234 to the satisfaction of the City's Director of Development Engineering.

8. That the Owner demonstrate that there is a private easement over the existing sanitary drain in favour of the retained portion of the lands over the severed portion of the lands c/w appropriate private agreement to address access and maintenance of the existing drain to the satisfaction of the City's Director of Development Engineering.

9. That the owner apply for and obtain approval for a reciprocal easement over the proposed retained and severed lands to permit access to the proposed four storey parking structure, consistent with the severance sketch submitted with this application and consistent with Site Plan Control application DA-22-142, to the satisfaction of the Director of Development Planning.

Notes:

In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees. (Building Engineering)

B-25:031

If the scope of work expands (i.e. utility upgrades) to include any construction within the dripline of a public tree, a Tree Management Plan and Public Tree Permit will be required. Please contact urbanforest@hamilton.ca to inquire. (Forestry)

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. (Legislative Approvals)

MCFN's Department of Consultation and Accommodation (DOCA) have no questions or comments for you at this time. This does not indicate a position of support for the project, that the Duty to Consult and Accommodate the MCFN has been met, or that there are no adverse impacts to the MCFN's Indigenous and Treaty Rights.

DOCA expects to be notified of any and all future project updates and/or changes. Additionally, DOCA must be notified of, invited to participate in, and provided the opportunity to review any environmental and/or archaeological assessments. At its discretion, DOCA may request capacity funding from the proponent for its consultation and engagement activities relating to the project. (Mississaugas of the Credit First Nation)

DATED AT HAMILTON, May 29, 2025.

D. Smith (Chairman)

N. Lauwers

D. Lord

R. Reid

S. Rybarczyk

M. Switzer

The date of the giving of this Notice of Decision is **June 5, 2025**. Above noted conditions **MUST** be fulfilled within **TWO (2) YEARS** of the date of this Notice of Decision (June 5, 2027) 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 **June 25, 2025 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.

B-25:031

- 2. This Decision is not final and binding unless otherwise noted and must not be acted upon until the period of appeal has expired.**
3. The Decision does not release any persons from the necessity of observing the requirements of building regulations, the license by-law, or any other by-law of the City of Hamilton.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221

E-mail: cofa@hamilton.ca

APPEAL INFORMATION – CONSENTS/SEVERANCES

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

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

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

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

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

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

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

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

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

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

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

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

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

Planning Act Section 53(19) appeals must include:

- Notice of appeal, the Ontario Land Tribunal (OLT) Appeal Form, this can be found by contacting Committee of Adjustment staff at the 5th floor of City Hall or at the OLT website <https://olt.gov.on.ca/appeals-process/forms/>, a cover letter, etc. may also be submitted if there is not sufficient room in the form;
- Filing fee, the fee is currently \$400 (subject to change) and must be paid as outlined on the OLT Appeal Form or OLT E-file Portal;
- All other information as required by the Appeal Form.

Questions or Information:

Contact Committee of Adjustment Staff (cofa@hamilton.ca)

Committee of Adjustment

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

Phone: (905) 546-2424 ext. 4221

Email: 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 site sketch and general information in the Submission Requirements and Information document.

1. APPLICANT INFORMATION

	NAME	MAILING ADDRESS	
Purchaser*			Phone: E-mail:
Registered Owner(s)	2358574 Ontario Ltd. c/o Hamid Hakimi		
Applicant(s)**	2358574 Ontario Ltd. c/o Hamid Hakimi		
Agent or Solicitor	Weston Consulting c/o Martin Quarcoopome		

Please include contact person's name if applying as a company or organization.

*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 authorization 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 card over phone* Cheque

*Must provide phone number above

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	565 Sanatorium Road		
Assessment Roll Number			
Former Municipality			
Lot	Part Lot 1 and 2	Concession	
Registered Plan Number	62M-1191	Lot(s)	Part Block 1
Reference Plan Number (s)	62R-20397	Part(s)	Parts 1 and 2 on 62R20223 and Part 1 on 62R-2039

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:

Subject to an easement in gross over all as in WE919617.Subject to an easement over PT 2. G2R-20223 as in WE25523; City of Hamilton**3 PURPOSE OF THE APPLICATION**

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

 creation of a new lot(s) concurrent new lot(s) addition to a lot a lease an easement a correction of title validation of title (must also complete section 8) a charge cancellation (must also complete section 9) creation of a new non-farm parcel (must also complete section 10)

(i.e. a lot containing a surplus farm dwelling resulting from a farm consolidation)

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

Same as retained lands ownership (no change)

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

N/A3.4 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 (including any proposed easements):

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

	Retained (remainder)	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*
Identified on Sketch as:		Part 3	Part 4		
Type of Transfer		Easement	Easement		
Frontage		N/A	N/A		
Depth		(see sketch)	(see sketch)		
Area		722 m ²	602 m ²		
Existing Use		Driveway	Vacant	For conditionally approved	
Proposed Use		N/A - no change	N/A - no change	Parcels, see:	
Existing Buildings/ Structures		N/A	N/A	"07_LD_565 Sanatorium Rd._Conditionally Approved Parcel Sketch" attached.	
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)

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: No.

Urban Hamilton Official Plan designation (if applicable) Institutional

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

The application proposes uses as set out within the applicable Institutional designation.

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

Yes No Unknown

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

N/A

5.3 What is the existing zoning of the subject land? I3 - Major Institutional

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

N/A

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

Yes No Unknown

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

Minor Variance application HM/A-23:235, Approved. Consent application B-25:031, Conditional Approval.

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

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard * Submit Minimum Distance Separation Formulae (MDS) if applicable	<input type="checkbox"/>	Unknown/No
A land fill	<input type="checkbox"/>	Unknown/No
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	Unknown/No
A provincially significant wetland	<input type="checkbox"/>	Unknown/No
A provincially significant wetland within 120 metres	<input type="checkbox"/>	Unknown/No
A flood plain	<input type="checkbox"/>	Unknown/No
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	Unknown/No
An active railway line	<input type="checkbox"/>	Unknown/No
A municipal or federal airport	<input type="checkbox"/>	Unknown/No

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.

Severance Application B-25/031- Approved

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

N/A

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

Yes No

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

N/A

6.4 How long has the applicant owned the subject land?

~8 years (May, 2017)

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)

This application is consistent with the Policy Statements issues under Section 3 of the Planning Act

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

Yes No (Provide explanation)

This application is consistent with the policies of the Provincial Planning Statement.

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

Yes No (Provide explanation)

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

Yes No (Provide explanation)

7.5 Are the subject lands subject to the Greenbelt Plan?

Yes No (Provide explanation)

7.6 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)

N/A

~~10 ADDITIONAL INFORMATION - FARM CONSOLIDATION~~

10.1 Purpose of the Application (Farm Consolidation)

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

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

10.2 Location of farm consolidation property:

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

10.3 Rural Hamilton Official Plan Designation(s)

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

10.4 Description of farm consolidation property:

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

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

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

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

10.6 Existing Land Use: _____ Proposed Land Use: _____

10.7 Description of surplus dwelling lands proposed to be severed:

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

Front yard set back: _____

a) Date of construction:

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

b) Condition:

- Habitable Non-Habitable

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

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

11.2 Validation of Title

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

11.3 Cancellation

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

11.4 Other Information Deemed Necessary

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



Hamilton

B-26:011 — 565 Sanatorium Road, Hamilton

Recommendation:

Development Planning – 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:

The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division –**Building Engineering Section**).



Hamilton

Development Planning:

Background

	Frontage	Depth	Area
Easement: (Part 3 – Proposed Service and Access Easement)	N/A (5.9 metres wide)	124.5 metres (Irregular)	722 sq. m. ±
Easement: (Part 4 – Proposed Service Easement)	N/A (5.9 metres to 6.8 metre Wide)	96 metres (Irregular)	602 sq. m. ±

The purpose of Consent to Sever Application B-26:011 is to establish two easements between the severed and retained lands that were previously approved by the Committee of Adjustment through Consent to Sever application B-25:031.

The easement over Part 3 is intended for shared access and servicing and the second easement, over Part 4, is for servicing only. The easements will serve an existing two storey medical building (Part 1) as well as a proposed six storey retirement home and six storey multiple dwelling (Part 2). A servicing easement is required to address Condition No. 8 of Consent to Sever Application B-25:031. Additionally, a reciprocal easement for access is required to address Condition No. 9 of Consent to Sever Application B-25:31.

Analysis

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and are designated “Institutional” on Schedule E-1 – Urban Land Use Designations of the Urban Hamilton Official Plan. Policies E.2.7.2, E.6.2.2, and E.6.2.4, amongst others, are applicable and permit health care facilities, long term care facilities, and residential uses ancillary to an institutional use.

The proposed easement provides access and servicing for uses that are permitted on lands designated “Institutional” and facilitates the development of the subject lands.

Archaeology

Archaeological interest has been satisfied through Site Plan Control Applications DA-22-142 and DA-26-019. Please refer to comments from DA-22-142 dated March 30, 2016, and DA-26-017, dated April 10, 2026, for background information.

Cultural Heritage

STAFF COMMENTS**HEARING DATE: April 30, 2026**

Hamilton

Cultural Heritage interest has been satisfied through Site Plan Control Applications DA-22-142 and DA-26-019. Please refer to comments from DA-22-142 dated March 30, 2016, and DA-26-017, dated April 10, 2026, for background information.

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

The subject lands are zoned Major Institutional (I3) Zone in the City of Hamilton Zoning By-law No. 05-200. The existing medical clinic, and the proposed retirement home and multiple dwelling are permitted.

Based on the foregoing, staff recommend **approval**.

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	1. Legally established rights of ways shall be properly registered on title to provide access between properties and sharing of the parking areas.
Notes:	

Development Engineering:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

Building Engineering:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	
Notes:	The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Building Engineering Section).

Transportation Planning:

Recommendation:	Comments Only
-----------------	---------------

STAFF COMMENTS**HEARING DATE: April 30, 2026**

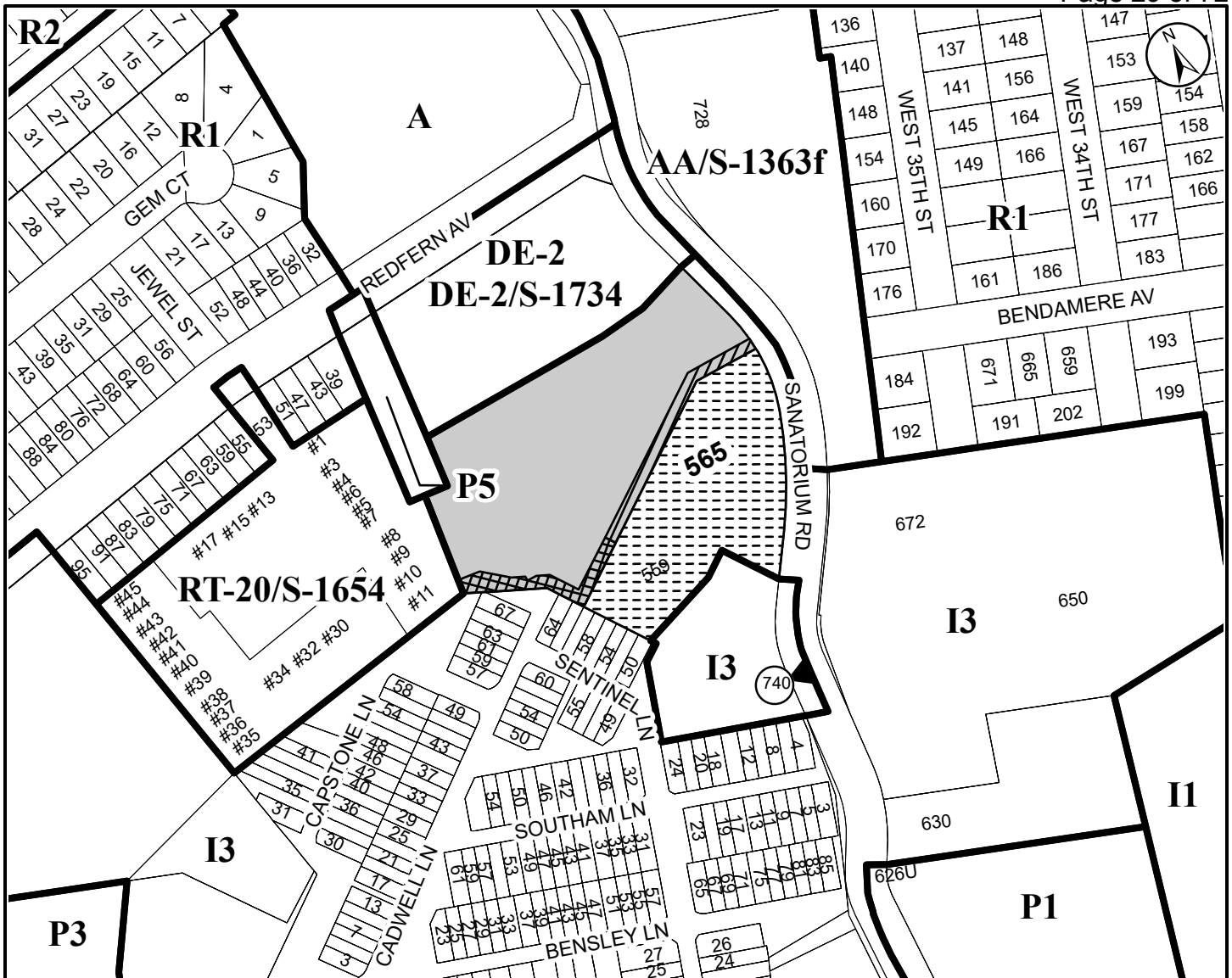
Hamilton

Proposed Conditions:	
Comments:	The Applicant/Owner should consider having the easement/driveway to be a minimum of 6 metres wide.
Notes:	

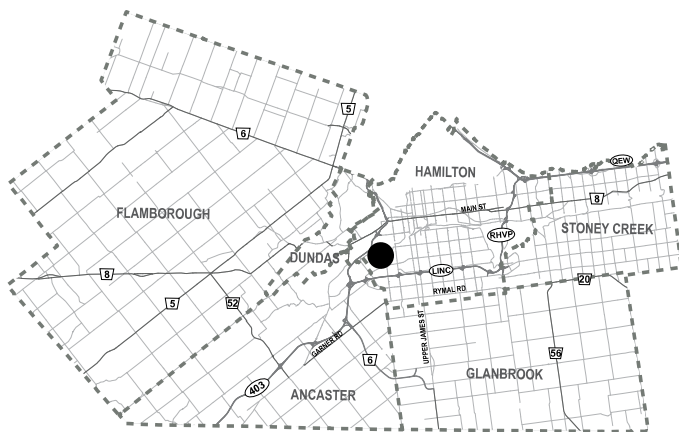
Legislative Approvals:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

Please Note: Public comment will be posted separately, if applicable.



● Site Location







City of Hamilton

Committee of Adjustments

Subject Property

565 Sanatorium Road, Hamilton (Ward 14)

-  Proposed Service and Access Easement, Part 3
-  Proposed Service Easement, Part 4
-  B-25:031 – Retained Parcel, Part 1 (Not part of this application)
-  B-25:031 – Severed Parcel, Part 2 (Not part of this application)

File Name/Number:
B-26:011

Date:
April 21, 2026

Technician:
RS

Scale:
N.T.S.

Appendix "A"



Hamilton

NOTICE OF APPLICATION CONSENT

You are receiving this notice because you are either:

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

APPLICATION NO.:	B-26:012	SUBJECT PROPERTY:	475 Powerline Road, Stoney Creek
-------------------------	-----------------	--------------------------	----------------------------------

APPLICANTS: Owner: Tejinder Khaira and Jaswinder Khaira
 Applicant: Arcadis c/o Carmela Agro
 Agent: Ajay Partap Singh Sodhi

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

	Frontage	Depth	Area
EASEMENT: (PART 1)	6.530 m [±]	9.884 m [±]	64.32 m ² [±]

Associated Planning Act File(s): ZAC-25-003

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:

Thursday, April 30, 2026

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

- Visit www.hamilton.ca/committeeofadjustment - Delegated Consent Authority Tab
- Email Committee of Adjustment staff at cofa@hamilton.ca

PUBLIC INPUT

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

B-26:012

Comments will be available on April 28, 2026 on our website:

www.hamilton.ca/committeefadadjustment

Orally: Oral comments are not able to be submitted.



DATED: April 13, 2026

Justin Leung,
Secretary-Treasurer
Committee of Adjustment

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

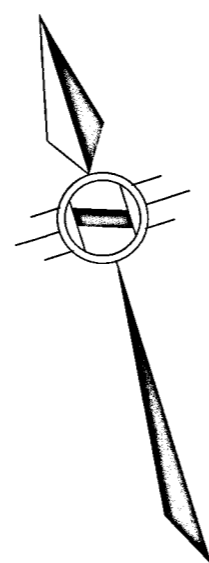
If a person or public body that files an appeal of a Decision in respect of the proposed consent does not make written submissions before the Consent Authority gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

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

PLAN OF SURVEY
OF PART OF
LOT 16
CONCESSION 4
GEOGRAPHIC
TOWNSHIP OF SALT FLEET
IN THE
CITY OF HAMILTON

SCALE 1:500 METRIC
10 5 0 10 20 30 metres

R.A. McLAREN, O.L.S. - 2025

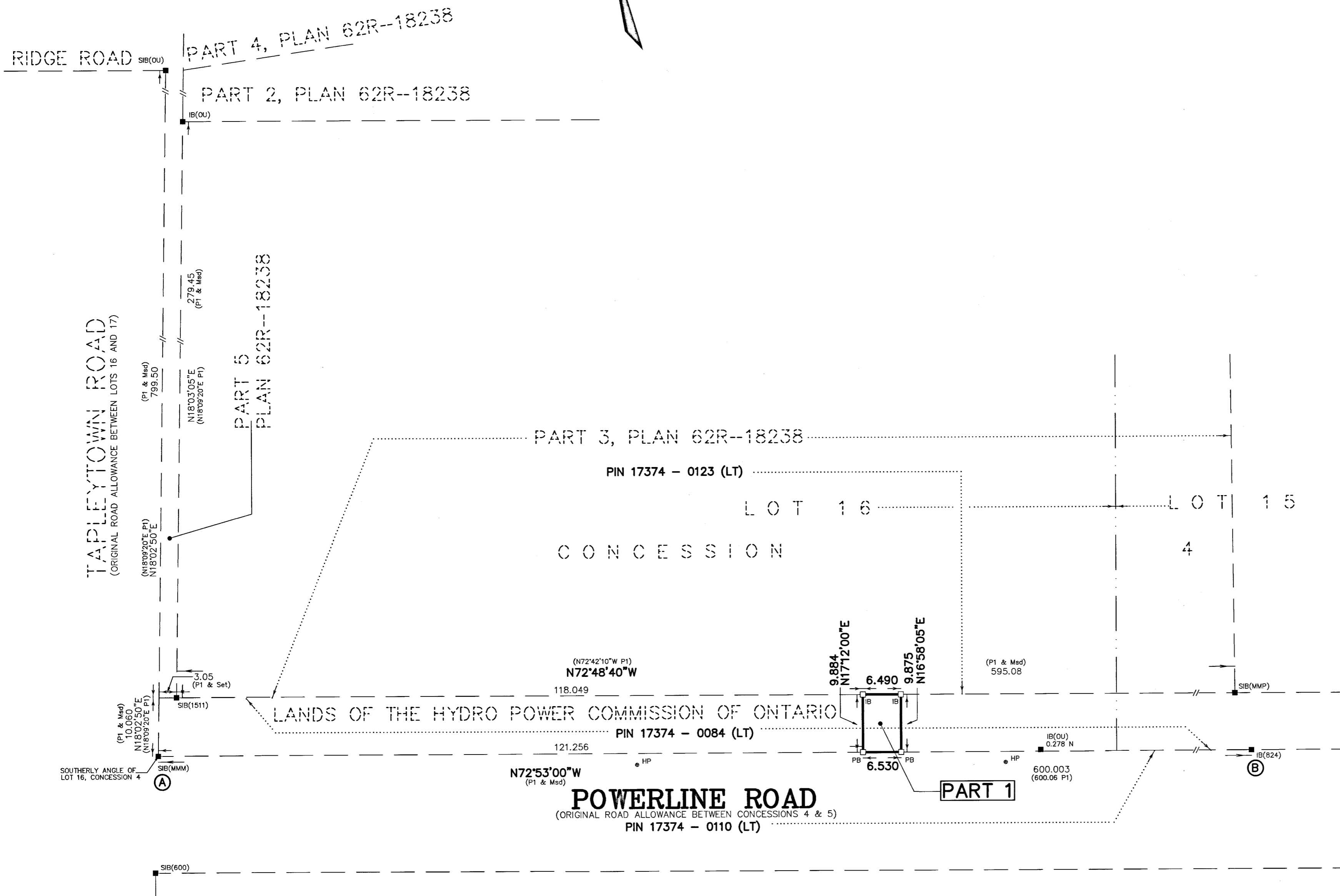


SCHEDULE			
PART	LOT	PLAN/CON	PIN
1	PART OF LOT 16	CONCESSION 4	PART OF PIN 17374 - 0084 (LT)

PLAN 62 R-22629
RECEIVED AND DEPOSITED
Date **OCTOBER 9, 2025**

R.A. McLaren
REPRESENTATIVE FOR
LAND REGISTRAR FOR THE LAND
TITLES DIVISION OF WENTWORTH (No. 62)

I REQUIRE THIS PLAN TO BE
DEPOSITED UNDER THE LAND
TITLES ACT.
Date **9 SEP 2025**
R.A. McLaren
ROB A. McLAREN, O.L.S.



BEARING COMPARISON

FOR BEARING COMPARISONS A ROTATION OF 00°55'20" COUNTER CLOCKWISE WAS APPLIED TO BEARINGS ON P1 TO CONVERT TO GRID BEARINGS

BEARING NOTE:

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0)

NOTE:

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999418014

INTEGRATION DATA

OBSERVED REFERENCE POINTS (ORP's): UTM ZONE 17, NAD83 (CSRS) (2010.0). COORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF O.REG. 216/10

POINT ID	NORTHING	EASTING
ORP A	4783572.928	603922.679
ORP B	4783596.337	604496.108

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

LEGEND:

- DENOTES MONUMENT SET
- MONUMENT FOUND
- IB IRON BAR
- IB# ROUND IRON BAR
- PB PLASTIC BAR
- SIB STANDARD IRON BAR
- SSIB SHORT STANDARD IRON BAR
- 824 A.T. McLAREN, O.L.S.
- 1511 G.V. CONSOLI, O.L.S.
- MMM MARSHALL, MACKLIN, MONAGHAN, O.L.S.
- MMP WACKAY, MACKAY & PETERS, O.L.S.
- OU ORIGIN UNKNOWN
- Msd MEASURED
- WT WITNESS
- P1 PLAN 62R-18238

<p>METRIC NOTE: DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048</p>	<p>SURVEYOR'S CERTIFICATE 1. CERTIFY THAT: 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM. 2. THE SURVEY WAS COMPLETED ON THE 7TH DAY OF JULY, 2025</p> <p>9 SEP 2025 DATE <i>R.A. McLaren</i> ROB A. McLAREN, O.L.S.</p>	<p>A.T. McLaren Limited LEGAL AND ENGINEERING SURVEYS 69 JOHN STREET SOUTH, SUITE 230 HAMILTON, ONTARIO, L8N 2B9 PHONE (905) 527-8559</p>
	<p>THIS PLAN OF SURVEY RELATES TO AQLS PLAN SUBMISSION FORM NUMBER 107099</p>	



Mr. Justin Leung, Secretary-Treasurer
 Committee of Adjustment, Planning and Economic
 Development, City of Hamilton
 71 Main St West,
 Hamilton, ON L8P 1P9

Arcadis Professional Services
 (Canada) Inc.
 360 James Street North – 200 East
 Wing
 Hamilton, ON L8L 1H5
 Canada
www.arcadis.com

Date: March 24, 2026

Our Ref: 30257398 (139109)

Subject: **Consent Application Submission**

475 Powerline Road, Stoney Creek, ON.

Dear Mr. Leung,

On behalf of our client, Arcadis is pleased to submit an application for Consent for the lands municipally known as 475 Powerline Road in Stoney Creek (“the subject lands”).

The subject lands are legally identified as PT LTS 15 & 16, CON 4 SALTFLEET , AS IN SA27671 ; STONEY CREEK CITY OF HAMILTON. The subject lands are currently vacant and exist as a farmed parcel of land. The subject lands are surrounded by agricultural lands / rural residential areas to the north, rural residential / open space to the south and west and institutional / agricultural lands to the east.

The application is being applied for in order to register an easement over a portion of the lands owned by Hydro One Networks Inc. (“Hydro One”) in favour of the Owner of the subject lands. Part 3 on Plan 62R-18238 is the land in question which are currently under the ownership of Hydro One. As part of this application, Part 1 of 62R-22629 has been registered as the portion of lands needed for this easement, see enclosed reference plan. The registration of this easement will allow the Owner of the subject lands to establish an electrical connection over these lands in order to facilitate the future development of a single detached dwelling.

A Zoning by-law Amendment (“ZBLA”) was submitted and approved on March 5, 2025 to allow for special zoning provisions for a single detached dwelling, see enclosed notice of decisions for file no. ZAC-25-003. The following zone change from the Conservation/ Hazard Land Rural (P6) to Conservation / Hazard Land Rural (P6, 924, H192) was approved and provided the following special provisions:

- Notwithstanding Section 7.6.2.3 (a) i), one single detached dwelling shall be permitted.
- Notwithstanding Section 4.6, the following regulations shall apply:
 - i. A porch, deck or canopy may encroach into any required yard to a maximum of 3.0 metres.
 - ii. A balcony may encroach into any required yard to a maximum of 3.0 metres.
- Notwithstanding Section 12.1.3.3 c), the following regulations shall apply:
 - i. Maximum Building Height shall be 12.0 metres.

On March 5, 2025, the application was approved and the lands located at 475 Powerline Road, Stoney Creek is now zoned as (P6, 924, H192). The special provisions noted above were permitted and the Map 152 of Schedule “A” – Zoning Map shows the extent and boundaries of the by-law. A Holding Provision requires the owners to receive an approval of an easement for access purposes for Hydro One Network Inc. prior to the proposed residential land use being established on the subject land, to the satisfaction of the Director of Development Planning. A registered reference plan has been included in this submission for review and consideration of the registered Hydro One easement. Once this Consent application is approved, the easement in favour of the Owner of the subject lands will be registered on Part 1 of the enclosed 62R-22629 in order to establish an electrical connection for the future development of one single detached dwelling.

City of Hamilton
March 24, 2026

Please accept the items listed below as part of our complete submission for a Consent application. These have been submitted electronically. If hard copies are required, please advise.

- The signed Consent Application Form;
- The Reference Plan 62R-22629, prepared by A.T.McLaren Limited, dated September 9, 2025;
- The Notice of decision for the ZBLA (PED25048); and
- A cheque in the amount of **\$2,205.00 (cheque no. 013)**, made payable to the City of Hamilton to process this application.

We trust this letter and associated documents forms a complete application for acceptance and circulation. If there are any questions or concerns, do not hesitate to contact the undersigned.

Sincerely,
Arcadis Professional Services (Canada) Inc.



Carmela Agro, CPT
Planning Technician | Project Manager



Nickee Digman
Planning Technician

CC. Owner of 475 Powerline Road, via
email

Mr. Tim Vrooman, City of
Hamilton, via email

Mr. Dhruv Mehta, City of
Hamilton, via email

Ms. Agnes Reid, Hydro One
Networks Inc, via email

Authority: Item 8.2, Planning Committee Minutes 25-003 (PED25048)
 CM: March 5, 2025 Ward: 9
 Written approval for this by-law was given by Mayoral Decision MDE-2025-05
 Dated March 5, 2025

Bill No. 032

CITY OF HAMILTON

BY-LAW NO. 25-032

To Amend Zoning By-law No. 05-200 with Respect to Lands Located at 475 Powerline Road, Stoney Creek

WHEREAS Council approved Item 8.2 of Minutes 25-003 of the Planning Committee, at its meeting held on March 5th, 2025;

AND WHEREAS this By-law conforms to the Rural Hamilton Official Plan;

NOW THEREFORE Council amends Zoning By-law No. 05-200 as follows:

1. That Map No. 152 of Schedule "A" – Zoning Maps is amended by adding the Conservation/Hazard Land Rural (P6, 924, H192) Zone to a portion of the lands located at 475 Powerline Road, Stoney Creek, the extent and boundaries of which are shown on Schedule "A" attached to and forming part of this By-law.
2. That Schedule "C" - Special Exceptions of Zoning By-law No. 05-200, is amended by adding the following new special exception:

"924. Within the lands zoned Conservation/Hazard Land Rural (P6) Zone, identified on Map No. 152 of Schedule "A" – Zoning Maps and described as 475 Powerline Road, Stoney Creek, the following special provisions shall apply:

 - a) Notwithstanding Section 7.6.2.3 (a) i), one single detached dwelling shall be permitted.
 - b) Notwithstanding Section 4.6, the following regulations shall apply:
 - i. A porch, deck or canopy may encroach into any required yard to a maximum of 3.0 metres.
 - ii. A balcony may encroach into any required yard to a maximum of 3.0 metres.
 - c) Notwithstanding Section 12.1.3.3 c), the following regulations shall apply:

To Amend Zoning By-law No. 05-200
with Respect to Lands Located at 475 Powerline Road, Stoney Creek

Page 2 of 3

i. Maximum Building Height shall be 12.0 metres.”

3. That Schedule “D” – Holding Provisions be amended by adding the following Holding Provision:

“192. Notwithstanding Section 7.6 of this By-law, within lands zoned Conservation/Hazard Land Rural (P6, 924) Zone, identified on Map No. 152 of Schedule “A” – Zoning Maps and described as 475 Powerline Road, Stoney Creek, no development shall be permitted until such time as:

- a) The owner submits and receives approval of an updated Hydrogeological Study to the satisfaction of the Director of Growth Management and Chief Development Engineer.
- b) That the Owner receives approval of an easement for access purposes from Hydro One Network Inc. prior to the proposed residential land use being established on the subject lands, to the satisfaction of the Director of Development Planning.”

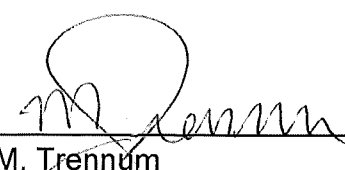
4. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the provisions of the Conservation/Hazard Land Rural (P6, 924, H192) Zone, subject to the special requirements referred to in Section No. 2 of this By-law.

5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

PASSED this 5th day of March, 2025



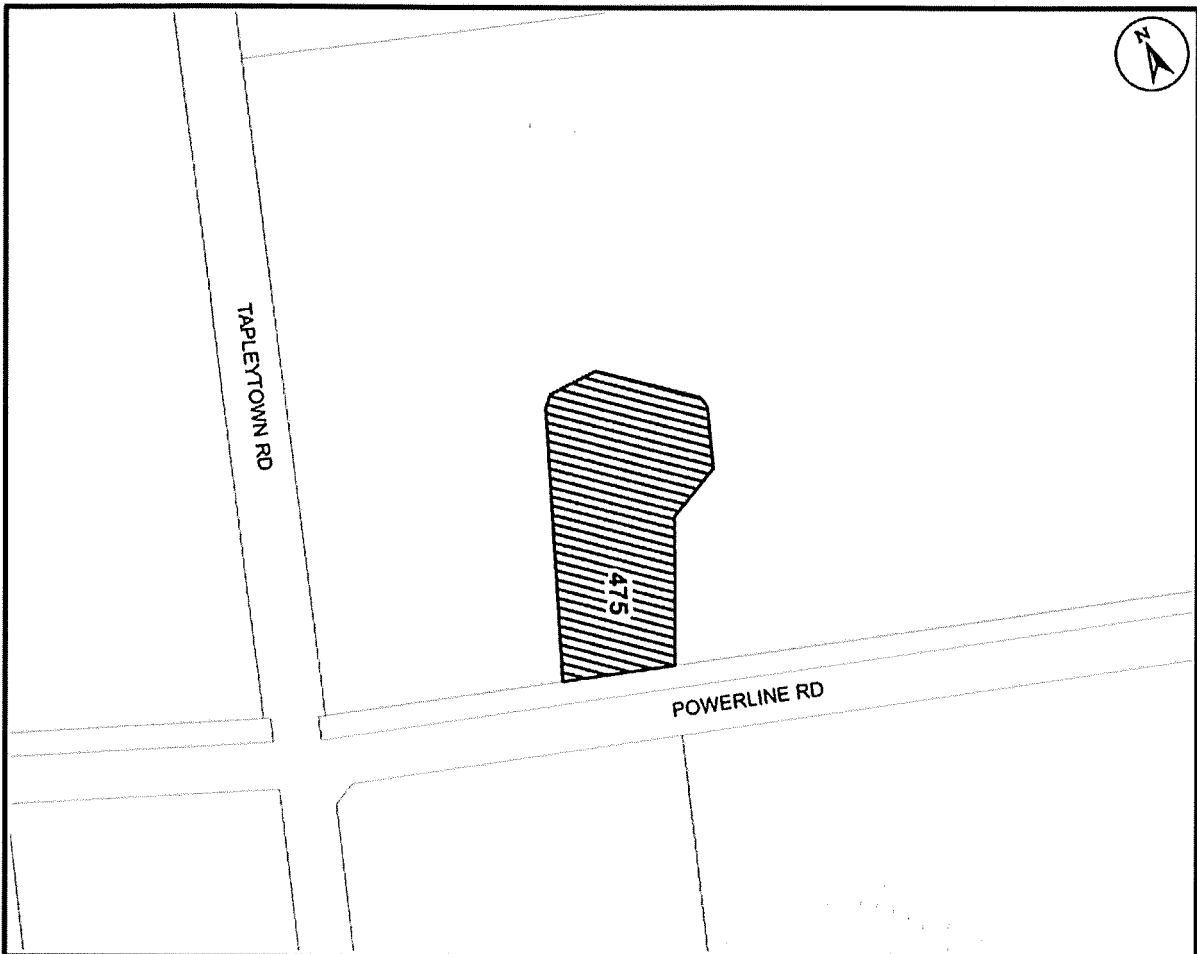
A. Horwath
Mayor


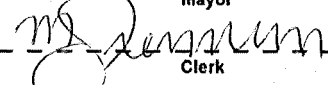



M. Trennum
City Clerk

ZAC-25-003

To Amend Zoning By-law No. 05-200
with Respect to Lands Located at 475 Powerline Road, Stoney Creek



<p>This is Schedule "A" to By-law No. 25-032 Passed the <u>5th</u> day of <u>March</u>, 2025</p>	<p> ----- Mayor  ----- Clerk</p>
--	--

<p>Schedule "A"</p> <p>Map forming Part of By-law No. 25-<u>032</u></p> <p>to Amend By-law No. 05-200 Maps 152</p>	<p>Subject Property 475 Powerline Road</p> <p> Change in Zoning from the Conservation/Hazard Land Rural (P6) Zone to the Conservation/Hazard Land Rural (P6, 924, H192) Zone</p>
---	--

<p>Scale: N.T.S</p>	<p>File Name/Number: ZAC-25-003</p>	 Hamilton
<p>Date: January 14, 2025</p>	<p>Planner/Technician: DM/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

Committee of AdjustmentCity Hall, 5th Floor,

71 Main St. W.,

Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: 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 site sketch and general information in the Submission Requirements and Information document.

1. APPLICANT INFORMATION

	NAME	MAILING ADDRESS
Purchaser*	N/A	[REDACTED]
Registered Owner(s)	TEJINDER KHAIRA JASWINDER KHAIRA	
Applicant(s)**	Arcadis c/o Carmela Agro	
Agent or Solicitor	Ajay Partap Singh Sodhi	

Please include contact person's name if applying as a company or organization.

*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 authorization required if the applicant is not the owner or purchaser.

1.2 Primary contact Purchaser Owner
 Applicant Agent/Solicitor

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

1.4 Request for digital copy of sign Yes* No

If YES, provide email address where sign is to be sent

1.5 All correspondence may be sent by email Yes* No

If Yes, a valid email must be included for the Registered Owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service.

This request does not guarantee all correspondence will sent by email.

1.6 Payment type

 In person
 Cheque

 Credit card over phone*

*Must provide phone number above

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	475 Powerline Road, Hamilton, ON.		
Assessment Roll Number			
Former Municipality	Township of Saltfleet		
Lot	16	Concession	4
Registered Plan Number		Lot(s)	16
Reference Plan Number (s)	Plan 62 R-22629	Part(s)	1

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:

Proposed easement as part of this application to HydroOne

3 PURPOSE OF THE APPLICATION

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

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

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

Easement to be registered in favour of the owner for HydroOne connection

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* n/a

* 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 (including any proposed easements):

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

	Retained (remainder)	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*
Identified on Sketch as:		Part 1			
Type of Transfer		N/A			
Frontage		6.530m			
Depth		9.884m			
Area		64.32 sq.m			
Existing Use		Lands of the Hydro Power Commission Ontario			
Proposed Use		Easement for Electrical Connection			
Existing Buildings/ Structures		N/A			
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): Specialty Crop Area

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.

The application supports the allocation of utility to support a proposed dwelling unit which is permitted in Specialty Crop Area where the subject lands currently designated.

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? P6 Exception: 924, Holding 192

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

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

Yes No Unknown

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

ZAC-25-003

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

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

6 HISTORY OF THE SUBJECT LAND

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

Yes No Unknown

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

n/a

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

No.

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

Yes No

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

n/a

6.4 How long has the applicant owned the subject land?

2020

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

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

300 Barton Street, Stoney Creek

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)

Yes the application is consistent with Section 3 of the Planning Act. The proposed application to register an easement for electrical power to the subject lands is consistent with the policy statements and provincial plans as seen below.

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

Yes No (Provide explanation)

As it consistent with Chapter 3 as the application optimize the use of the existing infrastructure and public service facilities.

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

Yes No (Provide explanation)

Subject lands designated as Escarpment Protected Area which permits single detached dwellings. The proposed consideration to through this application to register an easement for electrical power to the subject lands is in keeping with the intent to protect the escarpment. There will be no negative effect to the ecological features of the escarpment as part of this application.

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

Yes No (Provide explanation)

7.5 Are the subject lands subject to the Greenbelt Plan?

Yes No (Provide explanation)

Niagara Peninsula Tender Fruit and Grape Area. The subject lands are currently farmed and continue to be farmed and will continue to be farmed afterwards. The proposed consideration to register an easement over the existing Hydro One lands will not affect the existing use of the lands in the Greenbelt Plan. This will establish connection for the future construction of a single detached dwelling on the subject lands.

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

Yes No (Provide explanation)

The subject lands are designated as Greenbelt Area in Growth Plan which supports a modest population growth. The proposed application is consistent with the Provincial Plan as it intent to provide utility to the future construction of a single detached dwelling.

8 ADDITIONAL INFORMATION - VALIDATION

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

Yes No (Provide explanation)

n/a

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)

n/a

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)

N/A

10 ADDITIONAL INFORMATION - FARM CONSOLIDATION

10.1 Purpose of the Application (Farm Consolidation)

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

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

10.2 Location of farm consolidation property:

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

10.3 Rural Hamilton Official Plan Designation(s)

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

10.4 Description of farm consolidation property:

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

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

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

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

10.6 Existing Land Use: _____ Proposed Land Use: _____

10.7 Description of surplus dwelling lands proposed to be severed:

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

Front yard set back: _____

a) Date of construction:

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

b) Condition:

- Habitable
- Non-Habitable

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

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

11.2 Validation of Title

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

11.3 Cancellation

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

11.4 Other Information Deemed Necessary

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



Hamilton

B-26:012 — 475 Powerline Road, Stoney Creek

Recommendation:

Approve — Development Planning

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)
3. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division –**Building Engineering Section**).
4. The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be severed and or retained, to the satisfaction of the Planning and Economic Development Department (Building Division –**Building Engineering Section**)

Proposed Notes:

Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to Forestry. Email urbanforest@hamilton.ca for questions or public tree permit application. (Forestry)

The applicant, as a condition of approval, shall be required to provide evidence from a qualified professional that the existing septic system will be in compliance with The Ontario Building Code with respect to its location to the new property lines. The septic system shall be located entirely within the lands to be conveyed/retained or the lot lines shall be reconfigured to accommodate the existing septic system. A septic system is not permitted to be located on adjacent lands. (Building Engineering)

In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees. (Building Engineering)



Hamilton

Development Planning:

Background

The purpose of the application is to permit the creation of an easement over a portion of land for access purposes and proposed Electrical Connection.

Staff note that this application is related to a previous Zoning By-law Amendment Application ZAC-25-003 approved by Council on March 5, 2025, which applied Holding Provision 'H192' which required, in part, an access easement across the Hydro One Network Inc. lands along Powerline Road to facilitate residential development on the subject lands. As shown on the survey submitted with the subject application, the subject lands do not have direct frontage along Powerline Road.

The lands are to be conveyed as follows:

	Frontage	Depth	Area
EASEMENT: (PART 1)	6.530 m±	9.884 m±	64.32 m ² ±

Rural Hamilton Official Plan

The subject property is designated Specialty Crop on Schedule D – Rural Land Use Designations in the Rural Hamilton Official Plan. Policies D.3.0 among others are applicable. The subject lands are not identified as being located within a Rural Settlement area as found in Volume 2 of the Rural Hamilton Official Plan.

Archaeology

Please refer to comments from related application ZAC-25-003, dated January 6, 2025, for background information.

A Stage 1 and limited Stage 2 archaeological report (P244-0263-2023 & P244-0301-2023) has been submitted to the City of Hamilton and the Ministry of Citizenship and Multiculturalism. While the Provincial interest has yet to be signed off by the Ministry, Staff concur with the recommendations made in the report, and the archaeology condition for the subject application has been met to the satisfaction of municipal heritage planning staff. **Staff request a copy of the letter from the Ministry when available.**

Cultural Heritage

No comments.



Hamilton

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

The portion of the subject lands is zoned Conservation / Hazard Land - Rural (P6, 924, H192) Zone in the City of Hamilton Zoning By-law No. 05-200. The P6 Zone permits the proposed development.

Analysis

Easement

Staff have reviewed the application and have no concerns with the proposed easement to establish access and an electrical connection over lands owned by Hydro One Networks Inc. Staff note that the easement is required to provide access from the subject lands to Powerline Road. Based on the forgoing analysis staff recommend that the **application for consent be approved** as it complies with the applicable policies of the RHOP.

Zoning:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

Development Engineering:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

Building Engineering:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	<p>The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division –Building Engineering Section).</p> <p>The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be severed and or retained, to the</p>

STAFF COMMENTS**HEARING DATE: April 30, 2026**

Hamilton

	satisfaction of the Planning and Economic Development Department (Building Division – Building Engineering Section)
Comments:	
Notes:	<p>The applicant, as a condition of approval, shall be required to provide evidence from a qualified professional that the existing septic system will be in compliance with The Ontario Building Code with respect to its location to the new property lines. The septic system shall be located entirely within the lands to be conveyed/retained or the lot lines shall be reconfigured to accommodate the existing septic system. A septic system is not permitted to be located on adjacent lands.</p> <p>In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.</p>

Transportation Planning:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

Forestry:

Recommendation:	Approve
Proposed Conditions:	
Comments:	<p>There are municipal tree assets on site although it is determined that no impacts are anticipated through this application. No public tree permit is required.</p> <p>No Landscape plan required.</p>
Notes:	<p>Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to Forestry. Email urbanforest@hamilton.ca for questions or public tree permit application.</p>

Legislative Approvals:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

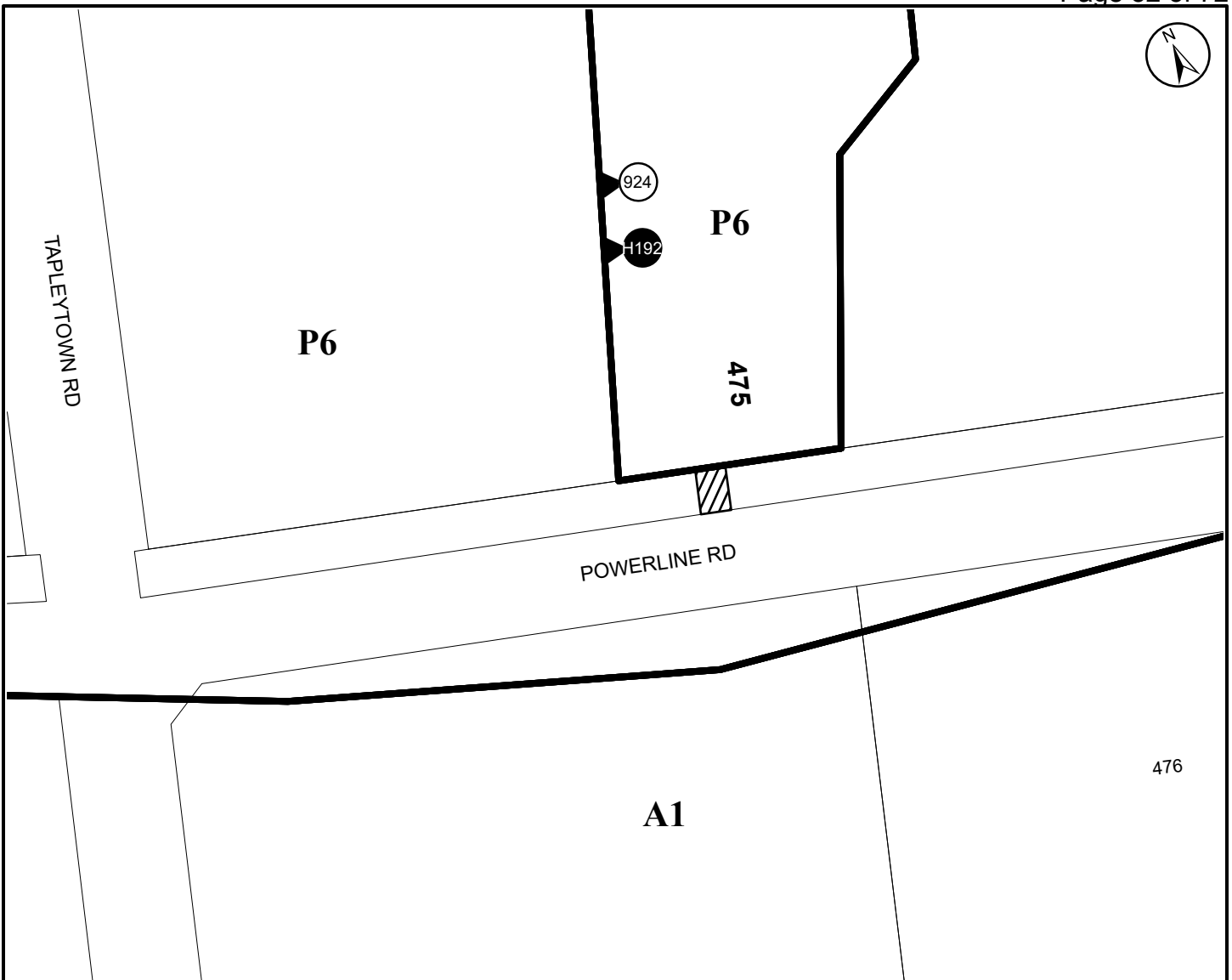
STAFF COMMENTS

HEARING DATE: April 30, 2026

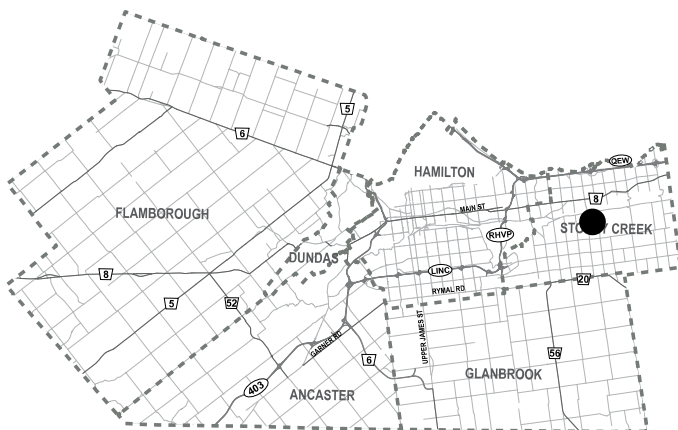


Hamilton

Please Note: Public comment will be posted separately, if applicable.



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property

475 Powerline Road, Stoney Creek (Ward 9)



Proposed Easement for Electrical Connection

File Name/Number:
B-26:012

Date:
April 22, 2026

Technician:
RS

Scale:
N.T.S.

Appendix "A"



Hamilton

NOTICE OF APPLICATION
VALIDATION OF TITLE

You are receiving this notice as information for review of this file.

APPLICATION NO.:	B-26:016	SUBJECT PROPERTY:	209 Gibson Avenue, Hamilton
-------------------------	-----------------	--------------------------	------------------------------------

APPLICANTS: Owner: Scarlett, Panning-Stinson
Applicant: Sigma One Capital Inc. Nitin Joshi
Agent: Prudent Law-Devesh Gupta/Omar Saab

PURPOSE & EFFECT: To validate the title of a parcel of land under the provisions of Section 57(1) of the Planning Act, correcting a Planning Act Validation that occurred during a past real estate transaction on the subject property.

Associated Planning Act File(s): N/A

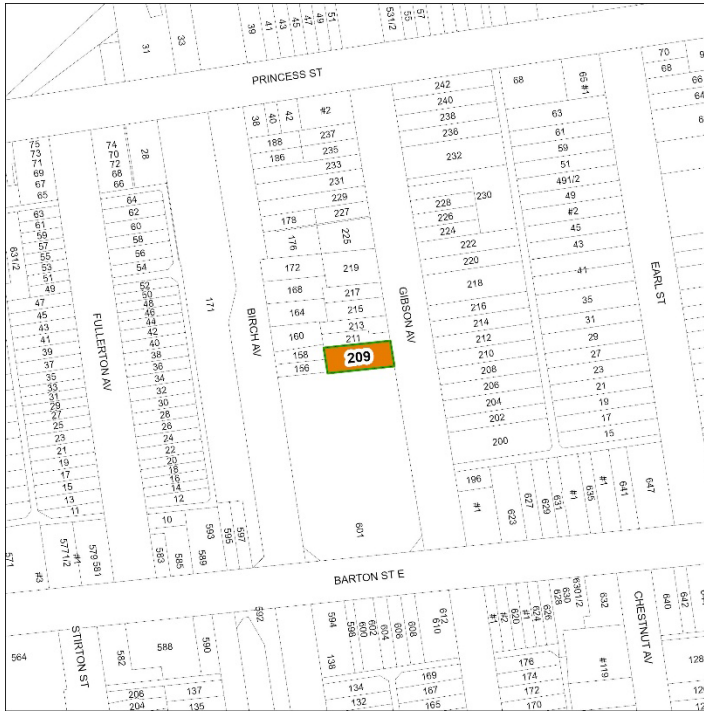
This application will be decided upon by the Consent Authority, the Director of Planning and Chief Planning, no earlier than:

Thursday, April 30, 2026

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

- Visit www.hamilton.ca/committeeofadjustment - Delegated Consent Authority Tab
- Email Committee of Adjustment staff at cofa@hamilton.ca

B-26:016



 Subject Lands

DATED: April 13, 2026

Justin Leung,
Secretary-Treasurer
Committee of Adjustment

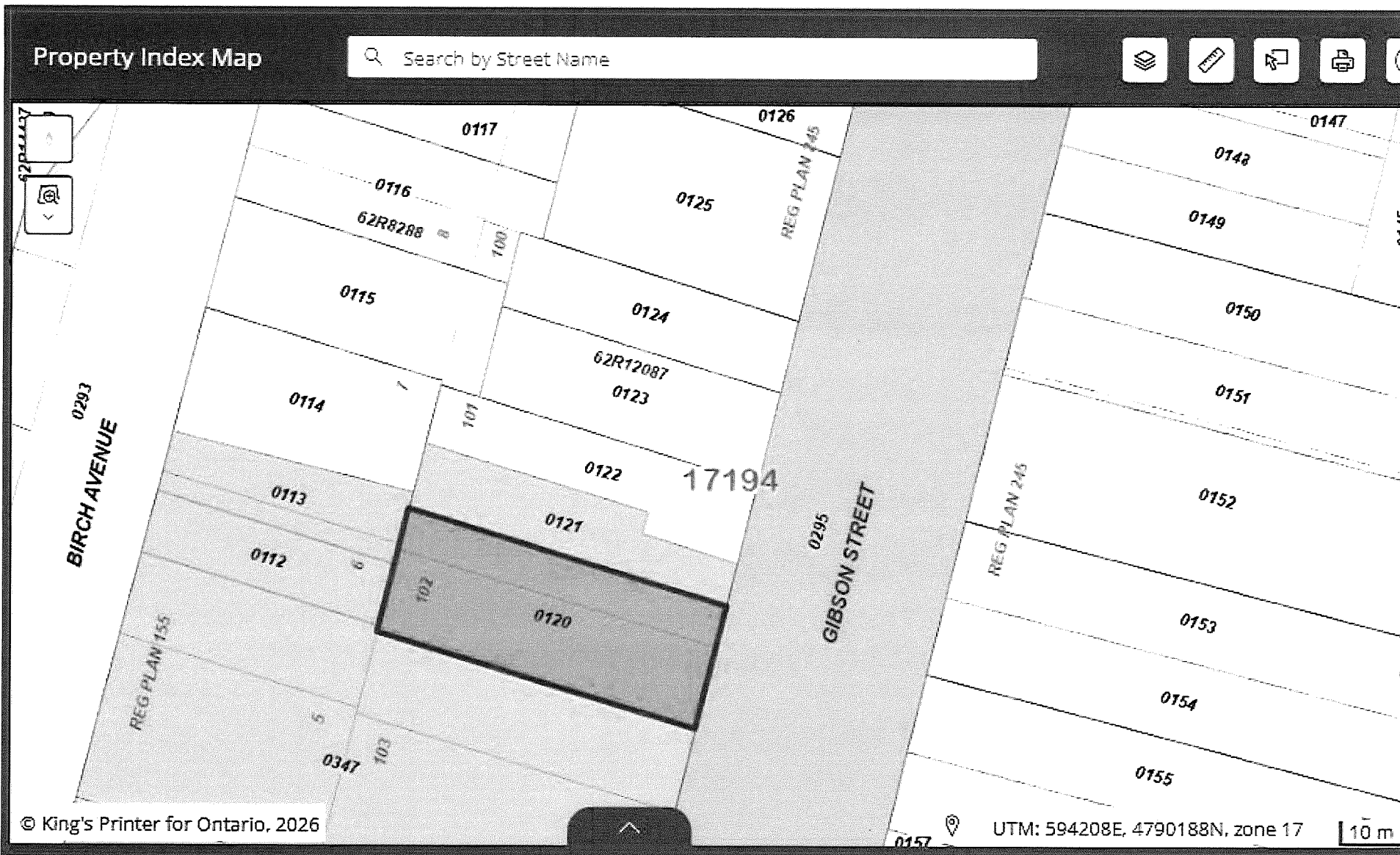
Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions,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

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

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

Map: 17194-0120 (LT)

Parcel Types: (LT) Land Titles - (R) Registry



Notes: Address may be unavailable or approximate, areas are approximate

PIN	Type	Address	Area	Map Status



905-361-9789
info@prudentlaw.ca
www.prudentlaw.ca

Suite 360, 4 Robert Speck
Parkway, Mississauga, ON
L4Z 1S1

March 12th, 2025

**Planning and Economic Development Department
Committee of Adjustment**

City Hall, 5th Floor,
71 Main Street West,
Hamilton, Ontario

VIA EMAIL: cofa@hamilton.ca

RE: Application for validation of title- 209 Gibson Ave, Hamilton, ON (the “**Property**”)

Legal Description: PT LTS 101 & 102, PL 245 , AS IN VM215164 , HAMILTON;SUBJECT TO AN EASEMENT OVER PT LTS 101 & 102, PL 245 , AS IN VM215164 IN FAVOUR OF PT LT 11 & 12 CON 1 BARTON , AS IN HA330950 , HA62990 EXCEPT PT 1 ON 62R-16341 AND PT LTS 9 & 10, CON 1 BARTON , AS IN BR94B, BR72B & BR128B;LYING BTN SHERMAN AV N & WENTWORTH AV N AND PT LT 8 CON 1 BARTON AS IN BR117B EXCEPT PT 2, 5, 6, 7, 8 & 9,62R11449 AND PT LT 7 CON 1 BARTON AS IN HA56B AS IN WE1519866

We are solicitors for Sigma One Capital Inc. holding security over the above-noted lands (the “**Lender**”).

This letter accompanies an Application for Validation of Title submitted pursuant to Section 57 of the *Planning Act (Ontario)* in respect of the above-noted lands.

During the course of reviewing title in connection with the Lender’s security, it was identified that two parcels of land which historically existed as separate conveyable parcels have merged for the purposes of the *Planning Act* as a result of coming into common ownership, thereby creating a restriction on separate conveyance.

Historically, the lands consisted of the following parcels:

1. 17194-0120 (LT) municipally known as 209 Gibson Ave, Hamilton, ON;
2. 17194-0347 (LT) municipally known as 601 Barton Street, East, Hamilton, ON.

Based on a review of the parcel registers and historical conveyances, each of the above parcels existed as separate and independently conveyable parcels prior to coming into common ownership. Following the acquisition of both parcels by the same owner, the parcels appear to have merged in title, thereby preventing them from being conveyed or otherwise dealt with separately without municipal consent pursuant to the provisions of the *Planning Act*. The requested Validation of Title

will permit the parcels to be recognized and treated as separate conveyable parcels, consistent with their historical status.

Planning Rationale

The requested validation is appropriate and consistent with sound planning principles for the following reasons:

1. Each parcel historically existed as a distinct conveyable lot prior to the parcels coming into common ownership. The present application seeks to restore the parcels to their historical planning and title status, rather than to create any new lot or intensification of land use.
2. To the best of our understanding, each parcel is capable of functioning independently and is not anticipated to create any planning conflict with the applicable zoning framework in the City of Hamilton.

Granting the requested Validation of Title will allow the parcels to be dealt with independently for title and financing purposes, while maintaining consistency with their historical use and the existing planning framework. The requested validation does not create a new lot, intensify the use of land, or alter the existing development pattern within the surrounding neighbourhood.

There is no new development proposed as part of this application and the property conforms with the same criteria that apply to the granting of consents under section 53 of the *Planning Act (Ontario)*. The requested Certificate of Validation would retroactively cure the Planning Act contravention and validate the Transfer registered on December 2, 2022 as instrument No.: WE1649243 thereby restoring the ability of the parcels to be conveyed or encumbered separately.

We trust the foregoing is satisfactory for the purposes of the City's review of the enclosed application and ancillary documents as listed below:

- Application for Consent to sever land and validation of title under section 53 & 57 of the Planning Act;
- Parcel Register re: 17194 0120;
- Parcel Register re: 17194 0347;
- Property Index Map;
- Transfer WE1649243 registered on December 2, 2022; and
- Our cheque payable to the City of Hamilton in the amount of \$545.00 (to follow by mail) in satisfaction of the application fee.

Should the Committee or planning staff require any additional information or clarification, we would be pleased to provide the same.

Yours very truly,



Omar Saab
Prudent Law

Committee of AdjustmentCity Hall, 5th Floor,

71 Main St. W.,

Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: 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 site sketch and general information in the Submission Requirements and Information document.

1. APPLICANT INFORMATION

	NAME	MAILING ADDRESS
Purchaser*		
Registered Owner(s)	Scarlett, Panning -Stinson	
Applicant(s)**	Sigma One Capital Inc. Nitin Joshi	
Agent or Solicitor	Prudent Law- Devesh Gupta/Omar Saab	

Please include contact person's name if applying as a company or organization.

*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 authorization required if the applicant is not the owner or purchaser.

1.2 Primary contact Purchaser Owner
 Applicant Agent/Solicitor

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

1.4 Request for digital copy of sign Yes* No

If YES, provide email address where sign is to be sent

1.5 All correspondence may be sent by email Yes* No

If Yes, a valid email must be included for the Registered Owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service.

This request does not guarantee all correspondence will sent by email.

1.6 Payment type

 In person
 Cheque

 Credit card over phone*

*Must provide phone number above

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	209 Gibson Ave, Hamilton, ON L8L 6K2		
Assessment Roll Number	2518030 - 23501750		
Former Municipality			
Lot		Concession	
Registered Plan Number	245	Lot(s)	Part Lots 101 and 102
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:

Operational emissions re: Railway

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

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

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 (including any proposed easements):

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

	Retained (remainder)	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*
Identified on Sketch as:	N/A				
Type of Transfer	N/A				
Frontage	n/a				
Depth	n/a				
Area	n/a				
Existing Use	no change				
Proposed Use	no change				
Existing Buildings/ Structures	Residential Home				
Proposed Buildings/ Structures	None				
Buildings/ Structures to be Removed	None				

* Additional fees apply.

4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

- provincial highway
 municipal road, seasonally maintained
 municipal road, maintained all year

- right of way
 other public road
-

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

- publicly owned and operated piped water system
 privately owned and operated individual well

- lake or other water body
 other means (specify)
-

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

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

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

- electricity telephone school bussing garbage collection

5 CURRENT LAND USE

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

Rural Hamilton Official Plan designation (if applicable): _____

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) _____

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

Continuation of existing use. No Changes.

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? E/S-1724

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

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

Yes No Unknown

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

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

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

6 HISTORY OF THE SUBJECT LAND

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

Yes No Unknown

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

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

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?

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)

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

Yes No (Provide explanation)

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

Yes No (Provide explanation)

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

Yes No (Provide explanation)

7.5 Are the subject lands subject to the Greenbelt Plan?

Yes No (Provide explanation)

7.6 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)

n/a

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

Yes No (Provide explanation and details on plan)

n/a

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

Kindly see the attached letter.

9 ADDITIONAL INFORMATION - CANCELLATION

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

Yes No (Provide explanation)

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

Yes No (Provide explanation and details on plan)

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

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

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

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

10.2 Location of farm consolidation property:

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

10.3 Rural Hamilton Official Plan Designation(s)

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

10.4 Description of farm consolidation property:

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

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

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

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

10.6 Existing Land Use: _____ Proposed Land Use: _____

10.7 Description of surplus dwelling lands proposed to be severed:

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

Front yard set back: _____

a) Date of construction:

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

b) Condition:

- Habitable Non-Habitable

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

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

11.2 Validation of Title

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

11.3 Cancellation

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

11.4 Other Information Deemed Necessary

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



Hamilton

B-26:016 — 209 Gibson Avenue, Hamilton

Recommendation:

Approve — Development Planning

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)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
4. The owner/applicant shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), parking and landscaping conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of the appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).

Proposed Notes:

“Advisory Note: The City does not require an archaeological assessment as part of this application, but the applicant is advised that the City retains the authority to require an archaeological assessment for any future applications on the subject property under the *Planning Act*.” (Development Planning)



Hamilton

Development Planning:

Background

The purpose of Consent to Sever Application B-26:016 is to validate the title of a parcel of land under the provisions of Section 57(1) of the *Planning Act*, correcting a *Planning Act* infraction that occurred during a past real estate transaction on the subject property.

The subject property, 209 Gibson Avenue (17194-0120 (LT)) was inadvertently merged in title with the adjacent property municipally known as 601 Barton Street East (17194-0347 (LT)).

The subject property was transferred on December 2, 2022, by transfer WE1649243 and inadvertently was merged in title with 601 Barton Street East due to common ownership. This transfer contravened the *Planning Act*.

Staff note that a Certificate of Validation would only validate the transfer and permit individual financing to occur on each lot. It is important to note that a Certificate of Validation would not sever or “recreate” the previous parcels, being 601 Barton Street East and 209 Gibson Avenue. A Consent to Sever application is required for the creation of a new lot.

Analysis

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and are designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations of the Urban Hamilton Official Plan. Policy E.3.4.3, amongst others, is applicable and permits the existing single detached dwelling.

Archaeology

The subject property meets four (4) of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential:

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 2) In areas of pioneer Euro-Canadian settlement;
- 3) Along historic transportation routes; and,
- 4) Within a property designated under the *Ontario Heritage Act*.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 4.6.2 of the Provincial Planning Statement apply to the subject application, which would normally require an archaeological assessment. This application is centred around an adjustment of property boundaries and will not result in significant soil disturbance.

STAFF COMMENTS**HEARING DATE: April 30, 2026**

Hamilton

Cultural Heritage

No comments.

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

The subject lands are zoned Low Density Residential – Small Lot (R1a) Zone in Zoning By-law No. 05-200. The single detached dwelling is a permitted use.

The validation of title is necessary to correct a *Planning Act* violation that occurred during a real estate transaction. The use of the lands meets the general intent and purpose of the Urban Hamilton Official Plan and Zoning By-law. Therefore, **staff recommend the proposed validation of title be approved.**

Zoning:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	<ol style="list-style-type: none"> 1. The owner/applicant shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), parking and landscaping conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of the appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).
Comments:	<ol style="list-style-type: none"> 1. The applicant is seeking to re-establish the proposed lot line for the lands at 209 Gibson Avenue and 601 Barton Street East, which were inadvertently merged on title. 2. In order to clear conditions, the owner/applicant will be required to submit an application for Zoning Compliance Review and pay the relevant fees.
Notes:	

Development Engineering:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

Building Engineering:

Recommendation:	No Comments
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STAFF COMMENTS**HEARING DATE: April 30, 2026**

Hamilton

Proposed Conditions:	
Comments:	
Notes:	

Transportation Planning:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

Legislative Approvals:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

Please Note: Public comment will be posted separately, if applicable.

From: Jenna Auger <Jenna.Auger@metrolinx.com>
Sent: Wednesday, April 22, 2026 3:26 PM
To: Committee of adjustment
Subject: RE: April 30, 2026 - Committee of Adjustment Agenda Available

Categories: April 30

External Email: Use caution with links and attachments.

Good afternoon,

Thank you for circulating the following Committee of Adjustments agenda.

Noting that the subject lands 65 Murray Street (A26.051) falls within Metrolinx review zones, the requested variance has minimal impact to Metrolinx property. As such, Metrolinx issues no concerns should the specified variances be issued by the Committee. Please, however, note that Metrolinx would be a stakeholder in future applications should development be proposed over this property.

Additionally, we note that the application affiliated with the subject lands 209 Gibson Avenue fall within Lakeshore West GO review zones. However, we are unable to view the submission materials for comments due to it being a delegated item. Would you be able to provide the supporting materials to determine Metrolinx interest for our review?

Many Thanks,

Jenna Auger (She/Her)

Project Analyst, Adjacent Construction Review (ACR)

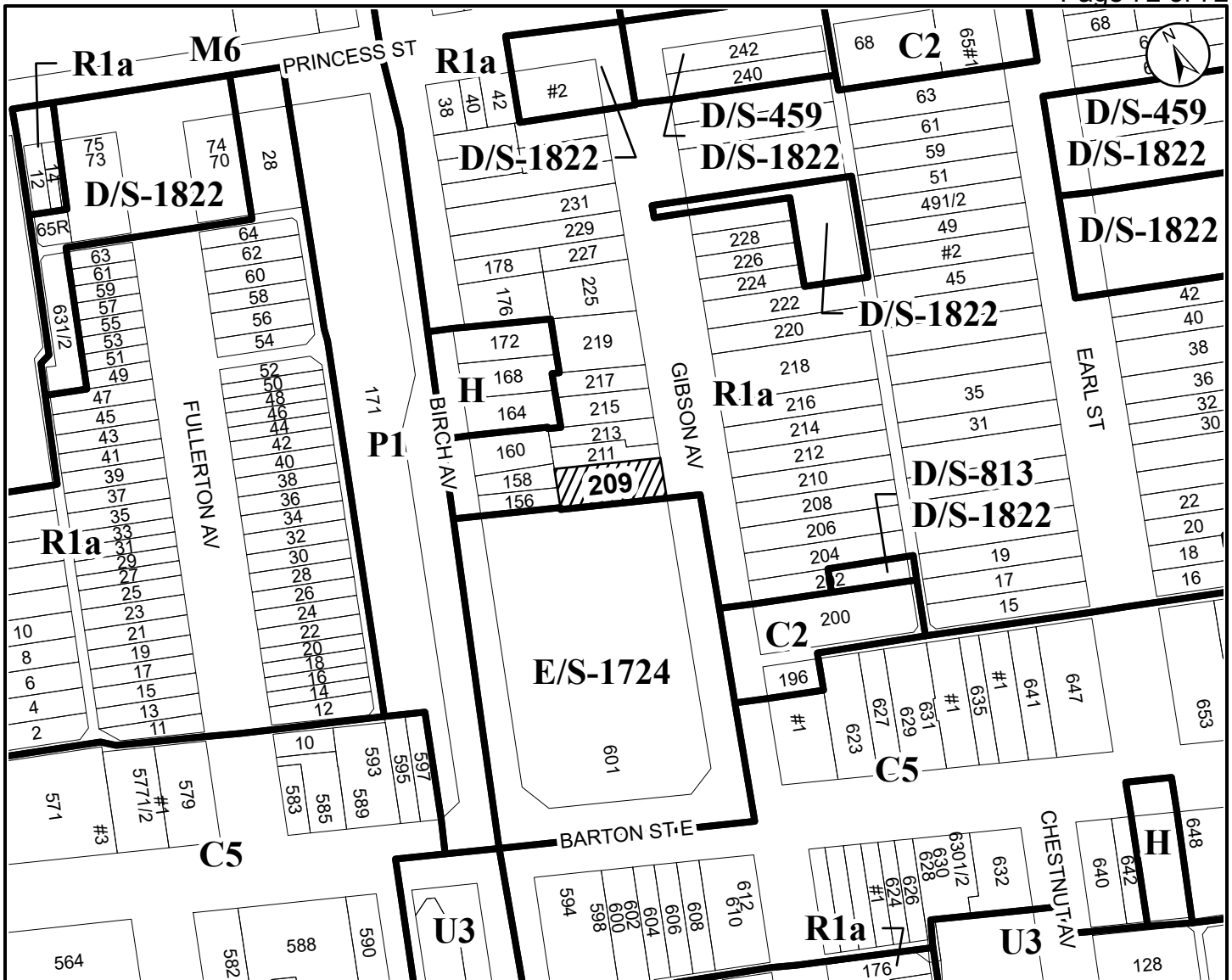
Integrated Delivery Division

T: (416)-881-0579

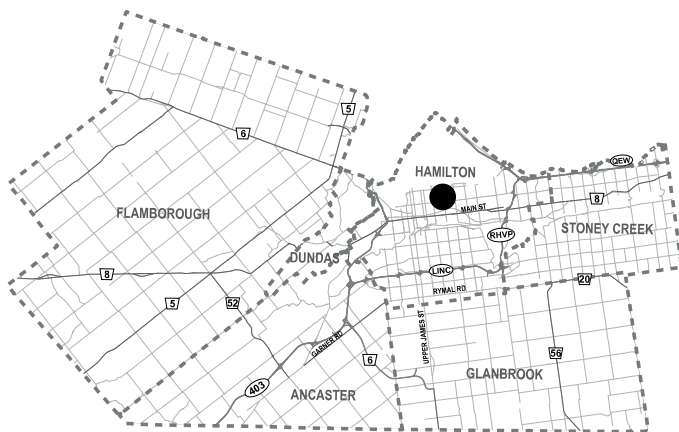
20 Bay Street | Toronto | Ontario | M5J 2W3



If you ever feel your concern needs further review, or you would like to escalate your concern, our senior support team is available at Uton.Samuels@metrolinx.com (647) 293-8634




● Site Location



City of Hamilton

Committee of Adjustments

Subject Property

 209 Gibson Avenue, Hamilton (Ward 3)

File Name/Number:
B-26:016

Date:
April 22, 2026

Technician:
RS

Scale:
N.T.S.

Appendix "A"



Hamilton