



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING

Application for Consent/Land Severance

APPLICATION NUMBER: HM/B-20:33

SUBJECT PROPERTY: 225 Sherman Ave. S., Hamilton

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
-

APPLICANT(S):

Owners: Peter Martin and Tania Cardenas
Agent: FIJ Law LLP

PURPOSE OF APPLICATION:

To permit the creation of an easement for access purposes.

Easement lands: (Part 2)

9.75m[±] x 8.5-12.5m[±] and an area of 88m²±

Retained lands: (Part 1)

9.75m[±] x 37.18m[±] and an area of 362m²±

This application will be heard by the Committee as shown below:

DATE: Thursday, August 6th, 2020

TIME: 2:15 p.m.

PLACE: Via video link or call in (see attached sheet for details)

To be streamed at www.hamilton.ca/committeeofadjustment for viewing purposes only

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: July 21st, 2020

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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



Hamilton

Planning and Economic Development Department
Planning Division

20-172163
Committee of Adjustment
City Hall
5th floor, 71 Main Street West
Hamilton, Ontario L8P 4Y5

Phone (905) 546-2424, ext. 4221
Fax (905) 546-4202

**APPLICATION FOR CONSENT TO SEVER LAND
UNDER SECTION 53 OF THE PLANNING ACT**

Office Use Only

Date Application Received: <i>June 15/20</i>	Date Application Deemed Complete:	Submission No.: <i>Hm/B-20:33</i>	File No.:
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1 APPLICANT INFORMATION

1.1, 1.2	NAME	ADDRESS	PHONE/FAX
Registered Owners(s)	Martin, Peter Stanley Cardenas, Tania		
Applicant(s)*	Martin, Peter Stanley Cardenas, Tania		
Agent or Solicitor	FIJ Law LLP		

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

1.3 All correspondence should be sent to ☐ Owner ☐ Applicant ☒ Agent/Solicitor

2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality	Lot	Concession	Former Township
Hamilton-Wentworth	26		Barton
Registered Plan N°. 1496	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address : 225 Sherman Ave., S., Hamilton, ON L8M 2R2			Assessment Roll N°.: 251803025104790

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:

1. - Together with in Instrument No. CD454013 is a right of way over Lot 27;
2. - Subject to Instrument No. VM124934 is a Transfer of an Easement over part of lot 26, Registrar's Complied Plan 1496 in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth designated as part 2 on reference plan 62R-11669.

3. PURPOSE OF THE APPLICATION

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

a) Urban Area Transfer (do not complete Section 10):

- ☐ creation of a new lot
☐ addition to a lot
☒ an easement

Other: ☐ a charge
☐ a lease
☐ a correction of title

b) Rural Area / Rural Settlement Area Transfer (Section 10 must be completed):

- ☐ creation of a new lot
☐ creation of a new non-farm parcel
(i.e. a lot containing a surplus farm dwelling
resulting from a farm consolidation)
☐ addition to a lot

Other: ☐ a charge
☐ a lease
☐ a correction of title
☐ an easement

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

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

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be **Severed**:

Frontage (m)	Depth (m)	Area (m ² or ha)
9.75 (East)/10.36 (West)	12.50 (South)/8.5(North)	88.44m ²

Existing Use of Property to be severed:

- ☒ Residential
☐ Agriculture (includes a farm dwelling)
☐ Other (specify) _____
- ☐ Industrial
☐ Agricultural-Related
- ☐ Commercial
☐ Vacant

Proposed Use of Property to be severed:

- ☒ Residential
☐ Agriculture (includes a farm dwelling)
☐ Other (specify) _____
- ☐ Industrial
☐ Agricultural-Related
- ☐ Commercial
☐ Vacant

Building(s) or Structure(s):

Existing: Easement _____

Proposed: Easement _____

Type of access: (check appropriate box)

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

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) _____

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) _____

4.2 Description of land intended to be **Retained**:

Frontage (m)	Depth (m)	Area (m ² or ha)
9.75(West)/10.36(East)	37.18 (North)/33.22 (South)	362.69m ²

Existing Use of Property to be retained:

- ☒ Residential
- ☐ Agriculture (includes a farm dwelling)
- ☐ Other (specify) _____
- ☐ Industrial
- ☐ Agricultural-Related
- ☐ Commercial
- ☐ Vacant

Proposed Use of Property to be retained:

- ☒ Residential
- ☐ Agriculture (includes a farm dwelling)
- ☐ Other (specify) _____
- ☐ Industrial
- ☐ Agricultural-Related
- ☐ Commercial
- ☐ Vacant

Building(s) or Structure(s):

Existing: Residential Dwelling _____

Proposed: Residential Dwelling _____

Type of access: (check appropriate box)

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

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) _____

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): _____

Urban Hamilton Official Plan designation (if applicable) Neighbourhood

5.2 What is the existing zoning of the subject land?

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number? D" District - Urban Protected residential – One and Tow Family Dwellings

5.3 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	<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 PREVIOUS USE OF PROPERTY

- ☒ Residential
- ☐ Industrial
- ☐ Commercial
- ☐ Agriculture
- ☐ Vacant
- ☐ Other (specify)

- 6.1 If Industrial or Commercial, specify use _____
- 6.2 Has the grading of the subject land been changed by adding earth or other material, i.e., has filling occurred?
☐ Yes ☐ No ☒ Unknown
- 6.3 Has a gas station been located on the subject land or adjacent lands at any time?
☐ Yes ☐ No ☒ Unknown
- 6.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
☐ Yes ☐ No ☒ Unknown
- 6.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
☐ Yes ☐ No ☒ Unknown
- 6.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or biosolids was applied to the lands?
☐ Yes ☐ No ☒ Unknown
- 6.7 Have the lands or adjacent lands ever been used as a weapons firing range?
☐ Yes ☐ No ☒ Unknown
- 6.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
☐ Yes ☐ No ☒ Unknown
- 6.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?
☐ Yes ☐ No ☒ Unknown
- 6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
☐ Yes ☐ No ☒ Unknown
- 6.11 What information did you use to determine the answers to 6.1 to 6.10 above?
To the best of our knowledge
- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.
Is the previous use inventory attached?
☐ Yes ☐ No

7 PROVINCIAL POLICY

- 7.1 a) Is this application consistent with the Policy Statements issued under subsection 3(1) of the *Planning Act*?
☒ Yes ☐ No
- b) Is this application consistent with the Provincial Policy Statement (PPS)?
☒ Yes ☐ No (Provide explanation)

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

- d) Are the subject lands within an area of land designated under any provincial plan or plans?
☐ Yes ☐ No

- e) Are the subject lands subject to the Niagara Escarpment Plan?
☒ Yes ☐ No

If yes, is the proposal in conformity with the Niagara Escarpment Plan?

☒ Yes ☐ No

(Provide Explanation)

Yes. The application seeks an easement severance only, which is consistent with historical use.

- f) Are the subject lands subject to the Parkway Belt West Plan?
☐ Yes ☐ No

If yes, is the proposal in conformity with the Parkway Belt West Plan?

☐ Yes ☐ No (Provide Explanation)

- g) Are the subject lands subject to the Greenbelt Plan?
☐ Yes ☐ No

If yes, does this application conform with the Greenbelt Plan?

☐ Yes ☐ No (Provide Explanation)

8 HISTORY OF THE SUBJECT LAND

- 8.1 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, indicate the appropriate application file number and the decision made on the application.

Please find Enclosed as Schedule "C", Instrument No. 124934, including Planning Act consent for transfer of Easement, dated December 4th 1990, along with commentary from Scott Baldrey, Secretary Treasurer for Committee of Adjustments, Hamilton, with respect to this application.

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

The application is a re-submission of consent granted on December 4, 1990 as in Instrument No.124934, a copy of which is attached hereto. Revised consent is needed as the original consent was tied to the owner not to the land. No other changes to be made.

8.3 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.

8.4 How long has the applicant owned the subject land?
Approximately 7 years _____

8.5 Does the applicant own any other land in the City? ☐ Yes ☐ No
If YES, describe the lands in "11 - Other Information" or attach a separate page.

9 OTHER APPLICATIONS

9.1 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 if known, specify file number and status of the application.

9.2 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 if known, specify file number and status of the application(s).

File number _____ Status _____

10 RURAL APPLICATIONS

10.1 Rural Hamilton Official Plan Designation(s)

- | | | |
|--|-------------------------------------|---|
| <input type="checkbox"/> Agricultural | <input type="checkbox"/> Rural | <input type="checkbox"/> Specialty Crop |
| <input type="checkbox"/> Mineral Aggregate Resource Extraction | <input type="checkbox"/> Open Space | <input type="checkbox"/> Utilities |
| <input type="checkbox"/> Rural Settlement Area (specify) _____ | | |

Settlement Area

Designation

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 operation.

10.2 Type of Application (select type and complete appropriate sections)

- | | | |
|---|---|-------------------------|
| <input type="checkbox"/> Agricultural Severance or Lot Addition | } | (Complete Section 10.3) |
| <input type="checkbox"/> Agricultural Related Severance or Lot Addition | | |
| <input type="checkbox"/> Rural Resource-based Commercial Severance or Lot Addition | | |
| <input type="checkbox"/> Rural Institutional Severance or Lot Addition | | |
| <input type="checkbox"/> Rural Settlement Area Severance or Lot Addition | | |
| <input type="checkbox"/> Surplus Farm Dwelling Severance from an Abutting Farm Consolidation | | (Complete Section 10.4) |
| <input type="checkbox"/> Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation | | (Complete Section 10.5) |

10.3 Description of Lands

a) Lands to be Severed:

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

Existing Land Use: _____ Proposed Land Use: _____

b) Lands to be Retained:

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
----------------------------------	---

Existing Land Use: _____ Proposed Land Use: _____

10.4 Description of Lands (Abutting Farm Consolidation)

a) Location of abutting farm:

(Street) (Municipality) (Postal Code)

b) Description abutting farm:

Frontage (m):	Area (m2 or ha):
---------------	------------------

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

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

Frontage (m):	Area (m2 or ha):
---------------	------------------

Existing Land Use: _____ Proposed Land Use: _____

d) Description of surplus dwelling lands proposed to be severed:

Frontage (m): (from Section 4.1)	Area (m2 or ha): (from Section 4.1)
----------------------------------	-------------------------------------

Front yard set back: _____

e) Surplus farm dwelling date of construction:

☐ Prior to December 16, 2004 ☐ After December 16, 2004

f) Condition of surplus farm dwelling:

☐ Habitable ☐ Non-Habitable

g) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m2 or ha): (from Section 4.2)
----------------------------------	-------------------------------------

Existing Land Use: _____ Proposed Land Use: _____

10.5 Description of Lands (Non-Abutting Farm Consolidation)

a) Location of non-abutting farm

(Street) (Municipality) (Postal Code)

b) Description of non-abutting farm

Frontage (m):	Area (m2 or ha):
---------------	------------------

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

c) Description of surplus dwelling lands intended to be severed:

Frontage (m): (from Section 4.1)	Area (m2 or ha): (from Section 4.1)
----------------------------------	-------------------------------------

Front yard set back: _____

d) Surplus farm dwelling date of construction:

☐ Prior to December 16, 2004 ☐ After December 16, 2004

e) Condition of surplus farm dwelling:

☐ Habitable ☐ Non-Habitable

f) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m2 or ha): (from Section 4.2)
----------------------------------	-------------------------------------

Existing Land Use: _____ Proposed Land Use: _____

11 OTHER INFORMATION

Is there any other information that you think may be useful to the Committee of Adjustment or other agencies in reviewing this application? If so, explain below or attach on a separate page.

Please see attached cover letter. _____

12 SKETCH (Use the attached Sketch Sheet as a guide)

12.1 The application shall be accompanied by a sketch showing the following in metric units:

- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- (b) the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- (c) the boundaries and dimensions of the subject land, the part that is intended to be severed and the part that is intended to be retained;
- (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- (e) the approximate location of all natural and artificial features (for example, buildings, barns, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that,
 - i) are located on the subject land and on land that is adjacent to it, and
 - ii) in the applicant's opinion, may affect the application;
- (f) the current uses of land that is adjacent to the subject land (for example, residential, agricultural or commercial);
- (g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
- (h) the location and nature of any easement affecting the subject land.

OF SURVEY

26

ISTRAR'S COMPILED PLAN 1496

OF HAMILTON

VAL MUNICIPALITY OF

TON - WENTWORTH

1:1 INCH = 20 FEET

McLAREN, O.L.S. - 1991



S C H E D U L E				
PART	LOT	PLAN	INST. NO.	AREA
1	26	R.C.R.	454013 C.D.	3593 Sq. Ft.
2		1496		1103 Sq. Ft.

* NOTE
RE RIGHT-OF-WAY OVER LOT 27
INSTRUMENT NO. 37292 H.L. STATES: TOGETHER WITH
THE RIGHT TO USE THE ALLEY AT THE REAR HAVING
A WIDTH OF 26', AND TOGETHER WITH THE USE OF A 5' WIDE
ALLEY RUNNING IN A STRAIGHT LINE FROM BLAKE STREET
TO SHERMAN AVENUE. (SAID ALLEY'S BEING LOT 27 R.C.R. 1496)

PLAN 62R-11166

RECEIVED AND DEPOSITED

Date: 1991.02.21

L. Radley

LAND REGISTRAR FOR THE

REGISTRY DIVISION OF

WENTWORTH (NO. 62)

I REQUIRE THIS PLAN TO BE

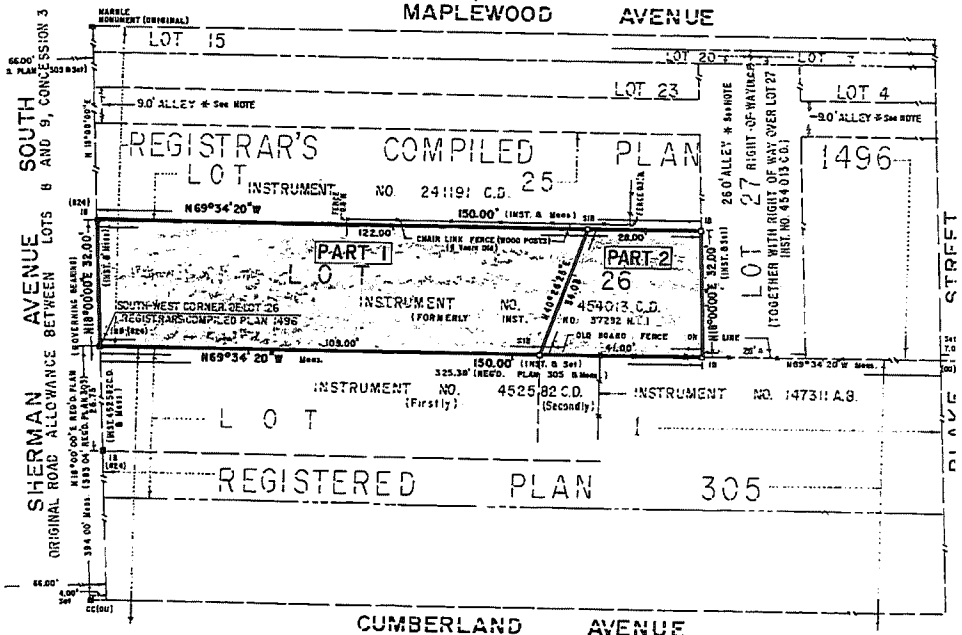
DEPOSITED UNDER THE

REGISTRY ACT.

Date: 12 FEBRUARY, 1991

A.T. McLaren

A.T. McLAREN, O.L.S.



THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF THE PLANNING ACT.

INGS ARE ASTROMONIC AND ARE REFERRED TO THE
TERLY LIMIT OF SHERMAN AVENUE SOUTH AS BEING
'00'00" E, AS SHOWN ON REG'D. PLAN 305

HA. DENOTES MEASURED
INSTRUMENT SET
ON BAR
STANDARD IRON BAR

CC. DENOTES CHAIN SURVEY
DENOTES CUT CROSS
A.T. McLAREN O.L.S.
1989
1987, NO. 37292 H.L.
REGISTERED COMPILED PLAN 1496

SURVEYOR'S CERTIFICATE
I CERTIFY THAT
THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH
THE SURVEY ACT AND THE REGISTRY ACT AND THE REMARKS
MADE THEREUNDER.

THE SURVEY WAS COMPLETED ON THE 12th DAY OF FEBRUARY, 1991
DATE
A.T. McLaren
A.T. McLAREN, O.L.S.

A.T. McLAREN LIMITED
ONTARIO LAND SURVEYORS
163 JONES STREET SOUTH, HAMILTON, ONT.
L8N 2Y5
537-8888, 537-5055

Drawn: J.R. Checked: R.M. Scale: 1" = 20' Eng. No. 25338

62R11669

16X



FIJLaw LLP

Hm/B-20:33

50 West Pearce Street, Suite 10
Richmond Hill, ON L4B 1C5
Tel (905) 763 3770
Fax (905) 763 3772

Reply To: David Meirovici
Extension: 222
Email: dmeirovici@fijlaw.com
Website: www.fijlaw.com

June 8, 2020

Delivered by Courier

City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Attn: Scott Baldry
Attn: Jamila Sheffield

Dear Sir:

Re: Application for Consent to Sever Land

Part of Lot 1, Plan 305, as in CD452582, except the easement (secondly) therein; t/w & s/t CD452582; Hamilton
(Municipality known as 227 Sherman Avenue South, Hamilton, ON)

Lot 26, Registrar's Complied Plan 1496; t/w CD454013; s/t VM124934, Hamilton
(Municipality 225 Sherman Avenue South, Hamilton, ON)

Part of Lot 26, Registrar's Complied Plan 1496 in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth designated as Part 2 on Reference Plan 62R-11669 (hereinafter called the "Easement Lands")

Our File No.: 17-1668

Further to the now dated correspondence as between our respective offices on this file, please be reminded that we have been retained by FCT Title Insurance Company to act on behalf of Stacey Allen-Cillis and Callum Cillis to correct a Planning Act violation with respect to their former property located at 227 Sherman Avenue South, in Hamilton Ontario as further legally described as:

Part of Lot 1, Plan 305, as in CD452582, except the easement (secondly) therein; t/w & s/t CD452582; Hamilton
(the "**Insured's Lands** ")

The Insured's Lands were transferred on March 31st, 2017 to its current owner Thien Thai Tran, subject to a Planning Act violation as described below to be rectified.

In particular, we advise that pursuant to **Instrument No. VM124934**, an easement was granted in favour of the Insured's Lands over the lands of the neighboring property located at 225 Sherman Avenue South, in Hamilton, ON, and as further legally described as:

Part of Lot 26, Registrar's Complied Plan 1496 in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth designated as Part 2 on Reference Plan 62R-11669
(hereinafter called the "**Easement Lands**")

Notwithstanding such Transfer Easement, the Planning Act consent included therein did not, by error, list the Servient or Dominant lands and instead was completed in a manner that listed only the owners to the Easement Lands.

As a result of the above error, which nullifies the Transfer Easement, the Right of Way Agreement, registered concurrently on both the Insured's lands and the Easement Lands, as **Instrument No. VM124935** and which gives insured's pedestrian and vehicle access over the Easement Lands, stands in violation of the Planning Act as well.

Based on prior correspondence with your office, we understand that the only method in which to rectify this error is to obtain new Planning Act Consent to the initial Transfer Easement.

Please note that as such easement had already been identified clearly in Reference Plan No. 62-1166 (created for this purpose), and approval based on such Reference Plan granted, we enclose herein such Reference Plan and submit that such satisfies the requirement by the Committee of Adjustment for a "Sketch" of the lands to be conveyed. We direct you specifically to Part 2 of Reference Plan 62-11669.

A new Planning Act Consent should be granted over the above mentioned "Easement Lands". As a result, please find enclosed herein an Application for Consent to Sever Land (executed and prepared by the owners of the Easement Lands, along with our firm's trust cheque in the sum of \$2,845.00 payable to your order is enclosed for your review and consideration.

Further to the above, we also enclose the following documents for your immediate reference:

1. PIN 17206-0248 (LT) - Part of Lot 1, Plan 305, as in CD452582, except the easement (secondly) therein; t/w & s/t CD452582; Hamilton (Municipality known as 227 Sherman Avenue South, Hamilton, ON);
2. PIN 17206-0276 (LT) - Lot 26, Registrar's Complied Plan 1496; t/w CD454013; s/t VM124934, Hamilton (Municipality 225 Sherman Avenue South, Hamilton, ON);
3. Instrument No. VM124935 – Agreement of Right of Way;

4. Instrument No. VM124934 – Transfer Easement;
5. Instrument No. CD454013 – Original Transfer of Lot 26;
6. Copy of Sketch/ Reference Plan - Plan 62R11669;

Should you require additional information, please do not hesitate to contact us.

Yours very truly,

FIL Law LLP

A handwritten signature in black ink, appearing to read 'David Meirovici', written over the printed name.

David Meirovici

DM

Encls.