



Hamilton

## COMMITTEE OF ADJUSTMENT

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

# NOTICE OF PUBLIC HEARING

## Application for Consent/Land Severance

APPLICATION NUMBER: AN/B-20:39

SUBJECT PROPERTY: 3011 Jerseyville Rd. W., Ancaster

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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): Agent Kirk R. McPherson  
Owner 750970 Ont. Inc.

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land containing an existing dwelling and accessory structures and to retain lands containing an existing grain elevator. The two parcels are the result of an inadvertent merger.

**Severed lands (Part 1):**  
119m<sup>±</sup> x 170m<sup>±</sup> and an area of 6.34 ha<sup>±</sup>

**Retained lands:**  
232.9m<sup>±</sup> x varies and an area of 73.14 ha<sup>±</sup>

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**DATE:** Thursday, October 1st, 2020

**TIME:** 1:40 p.m.

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

To be streamed at [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)  
for viewing purposes only

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### 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](http://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](mailto:cofa@hamilton.ca)

DATED: September 14<sup>th</sup>, 2020.

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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

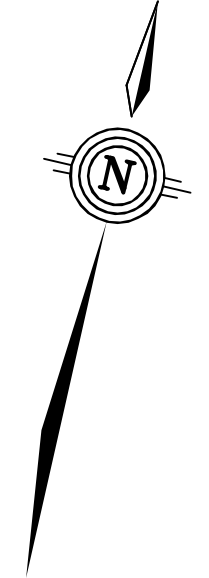
METRIC: DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

**PLAN OF SURVEY OF  
PART OF LOT 15  
CONCESSION 2  
GEOGRAPHIC TOWNSHIP OF ANCASTER  
CITY OF HAMILTON**

SCALE - 1 : 750



WEST & RUUSKA LTD.



SCHEDULE			
PART	LOT	CONCESSION	P.I.N.
1	PART OF 15	2	PART OF 17408-0065(LT)

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

DATED \_\_\_\_\_

JIM JOHNSON, O.L.S.

**PLAN 62R-**

RECEIVED AND DEPOSITED

DATED \_\_\_\_\_

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

**NOTE:**

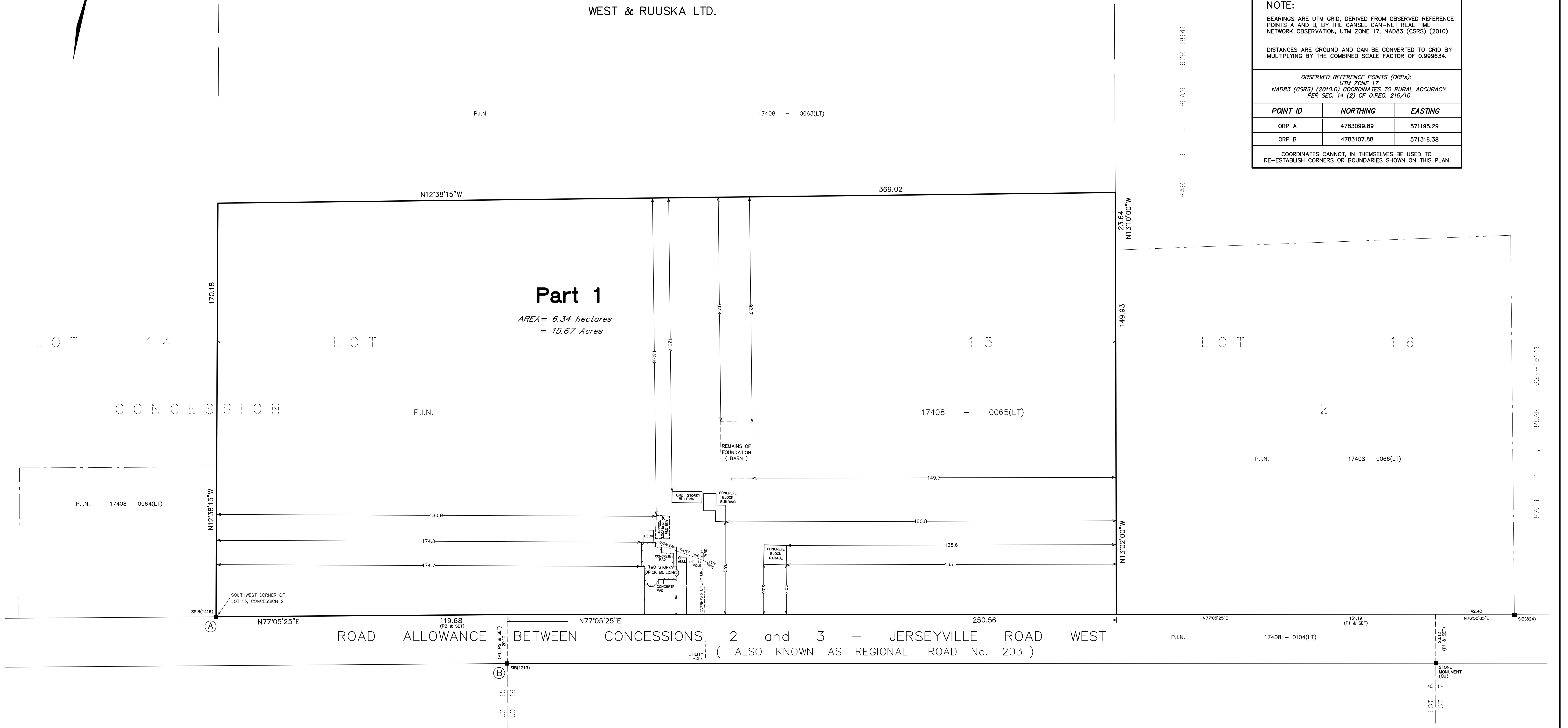
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY THE CANSEL CAN-NET REAL TIME NETWORK OBSERVATION, UTM ZONE 17, NAD83 (CSRS) (2010)

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999634.

OBSERVED REFERENCE POINTS (ORPs):  
UTM ZONE 17  
NAD83 (CSRS) (2010.0) COORDINATES TO RURAL ACCURACY  
PER SEC. 14 (2) OF O.REG. 216/10

POINT ID	NORTHING	EASTING
ORP A	4783099.89	571195.29
ORP B	4783107.88	571316.38

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



**SURVEYOR'S CERTIFICATE**

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE DAY OF DECEMBER, 2019.

**PRELIMINARY**

DATED: \_\_\_\_\_  
JIM JOHNSON  
ONTARIO LAND SURVEYOR

**LEGEND**

- DENOTES
- SET MONUMENT
- FOUND MONUMENT
- IRON BAR
- STANDARD IRON BAR
- SHORT STANDARD IRON BAR
- WEST & RUUSKA LTD., O.L.S.
- S.M. RUUSKA, O.L.S.
- PLAN 62R-18141
- SURVEYOR'S REAL PROPERTY REPORT BY WEST & RUUSKA LTD. DATED DECEMBER 15, 2017. (FILE J170153).

**WEST & RUUSKA LTD.**  
Land Surveyors

17 NELSON STREET, BRANTFORD, ONTARIO, N3T 2M6  
Telephone (519)752-8641

DRAWN BY: Ted S. KUTYLA, CST, CET

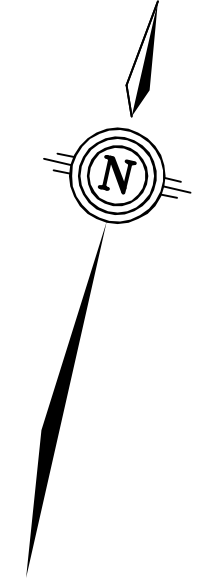
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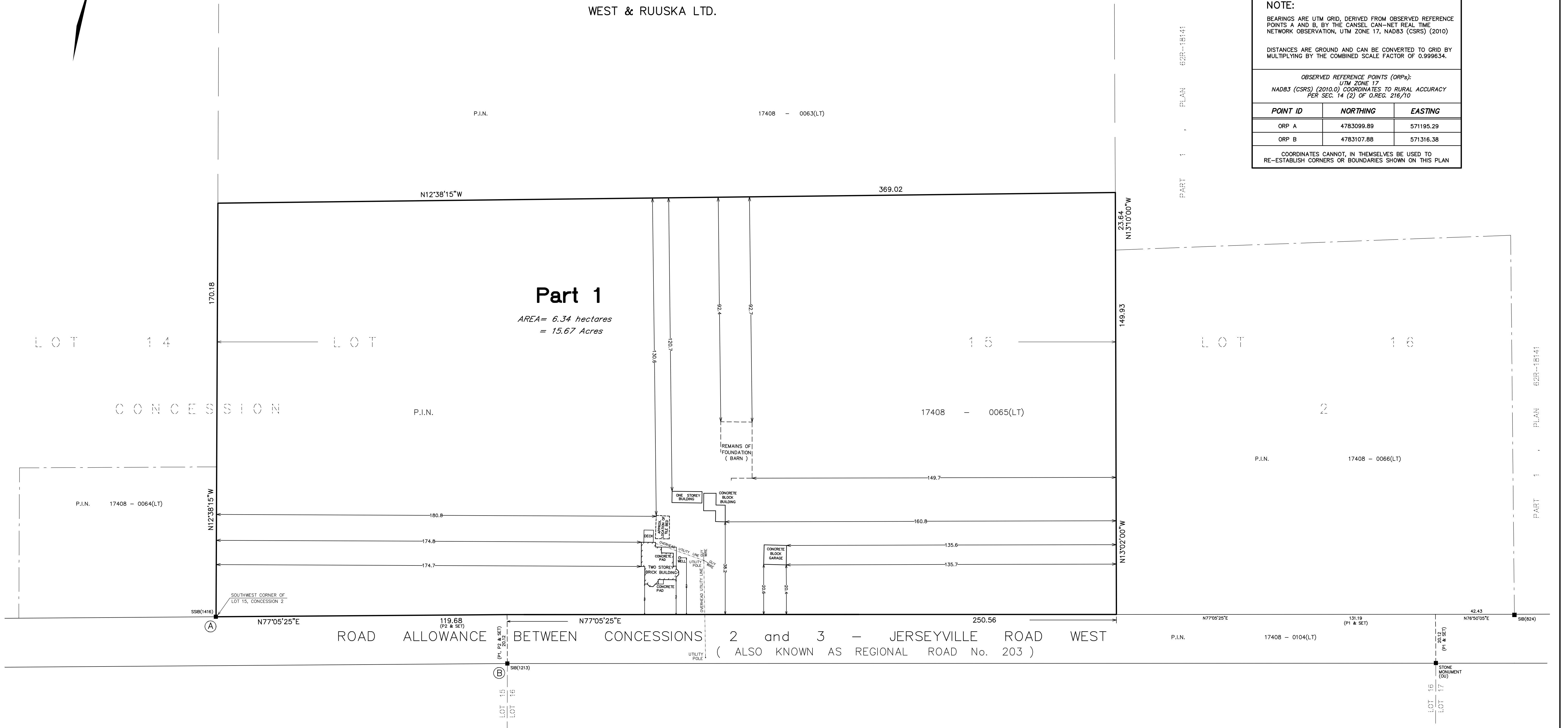
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DRAWN BY: Ted S. KUTYLA, CST, CET

M190222



**Hamilton**

Planning and Economic Development Department  
Planning Division

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

20-173393

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

Office Use Only

Date Application Received: <i>June 30/20</i>	Date Application Deemed Complete:	Submission No.: <i>A10/B-20:39</i>	File No.:
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RECEIVED  
JUN 30 2020  
COM OF ADJUSTMT

**1 APPLICANT INFORMATION**

1.1, 1.2	NAME	ADDRESS	PHONE/FAX
Registered Owners(s)	<i>750970 OUT INC</i>		
Applicant(s)*			
Agent or Solicitor	<i>Kirk R. McPherson</i>		

\* 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 <i>HAMILTON</i>	Lot <i>14</i>	Concession <i>2</i>	Former Township <i>ANCASTER</i>
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address <i>3011 JERSEVILLE RD W</i>			Assessment Roll N°. <i>140210270000000</i>

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

Yes  No

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

**3 PURPOSE OF THE APPLICATION**

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

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

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:

2296544 ONTARIO INC.

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 <sup>2</sup> or ha)
482.56		6.915

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: FARM HOUSE, GARAGE, .

Proposed: \_\_\_\_\_

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 <sup>2</sup> or ha)
232.926		73.148

Existing Use of Property to be retained:

- Residential  
 Agriculture (includes a farm dwelling)
- Industrial  
 Agricultural-Related  
 Commercial  
 Vacant

Proposed Use of Property to be retained:

- Residential  Industrial  Commercial  
 Agriculture (includes a farm dwelling)  Agricultural-Related  Vacant  
 Other (specify) \_\_\_\_\_

Building(s) or Structure(s):

Existing: \_\_\_\_\_ GRAIN ELEVATOR

Proposed: \_\_\_\_\_ GRAIN ELEVATOR

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

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

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): AGRICULTURAL

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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? AGRICULTURAL

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)

A land fill	<input type="checkbox"/>	NO
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	NO
A provincially significant wetland	<input type="checkbox"/>	NO
A provincially significant wetland within 120 metres	<input type="checkbox"/>	NO
A flood plain	<input type="checkbox"/>	NO
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	NO
An active railway line	<input type="checkbox"/>	NO
A municipal or federal airport	<input type="checkbox"/>	NO

**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?  
know property for 50 years
- 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 of the Planning Act? (Provide explanation)



\_\_\_\_\_  
\_\_\_\_\_

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? (If YES, provide explanation on whether the application conforms or does not conflict with the 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)

\_\_\_\_\_  
\_\_\_\_\_

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.

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

8.3 Has any land been severed or subdivided from the parcel originally acquired by the owner of the subject land?  Yes  No  
*N/A*

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?

*NOV 2019*

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)

- Agricultural  Rural  Specialty Crop
- Mineral Aggregate Resource Extraction  Open Space  Utilities
- 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)

Agricultural Severance or Lot Addition

- Rural Settlement Area Severance or Lot Addition
- Surplus Farm Dwelling Severance from an Abutting Farm Consolidation (Complete Section 10.4)
- 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) <u>482.56</u>	Area (m <sup>2</sup> or ha): (from in Section 4.1) <u>6.915</u>
Existing Land Use: <u>AF</u>	Proposed Land Use: <u>AF</u>

b) Lands to be Retained:

Frontage (m): (from Section 4.2) <u>232.926</u>	Area (m <sup>2</sup> or ha): (from Section 4.2) <u>73.148</u>
Existing Land Use: <u>AF</u>	Proposed Land Use: <u>AF</u>

**10.4 Description of Lands (Abutting Farm Consolidation)**

a) Location of abutting farm:

\_\_\_\_\_  
(Street) (Municipality) (Postal Code)

b) Description abutting farm:

Frontage (m):	Area (m <sup>2</sup> 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 (m <sup>2</sup> 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 (m <sup>2</sup> 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 (m <sup>2</sup> 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

b) Description of non-abutting farm

Frontage (m):	Area (m <sup>2</sup> 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 (m <sup>2</sup> 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 (m <sup>2</sup> 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.

Title of two (2) properties  
merged, being in the same  
name. intent of this application  
is to sever the lands as  
they previously existed.

**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,

PROPERTIES OWNED BY 750970 ONTARIO INC

CITY OF HAMILTON

<u>NAME</u>	<u>LOT</u>	<u>CON</u>	<u>TOTAL ACRES</u>	<u>WORKING ACRES</u>	<u>ROLL #</u>
ALDERSON 442 Sunnyridge Rd	16	3	57.36	49	1403 1015 4010000 ANC TWP
BAKER 3291 Jerseyville Rd W	12	2		37	1402 1005 2000000 ANC TWP
✓ BELL 3569 Jerseyville Rd W	9 & 10	2	98.23	85	1402 1006 4000000 ANC TWP
✓ GROEN 96 Orkney Rd	PT LOT 25&26	1	156.24	123	3011 4030 310000 BEV TWP
✓ HOME FARM 3011 Jerseyville Rd W	14&15	2	180.75	144	1402 1027 0000000 ANC TWP
HUNTER 436 Sunnyridge Rd	PT LOT 17&18	3	136.06	161	1403 1016 6000000 ANC TWP
✓ HUNTER 476 Sunnyridge Rd	PT LOT 18	3	0.17		1403 1016 8000000 ANC TWP
✓ KLOPFER 3133 Jerseyville Rd W	13	2	73.54	70	1402 1027 4000000 ANC TWP
✓ LEO 3585 Indian Trail	PT LOT 9	2	99.18	69.5	1402 1010 1000000 ANC TWP
✓ MISNER 121 Misener Rd	PT LOT 7&8	2	40	35	1402 1006 8000000 ANC TWP
✓ REED NORTH/WEST 3200 Jerseyville Rd W	13	3	21.55	21.48	1403 1002 0000000 ANC TWP
REED SOUTH/WEST	13	3	25.74	25.74	1403 1002 0010000 ANC TWP
THOMAS 1809 Wilson Rd W	PT LOT 29	3	91.23	80	1403 1044 2000000 ANC TWP
<b>TOTALS</b>			<b>980.05</b>	<b>846.72</b>	

BRANTFORD TOWNSHIP

✓ ALLARDYCE 364 Johnson Rd	47	3		55	
✓ BELL 3569 Jerseyville Rd	56	2	0.75	0.75	2920 004 050 40800 0000
✓ CLEVELAND-LEROY 117 Powerline Rd	44 & 45	1	114.82	66	2904 050 000 05400 0000
✓ CLEVELAND-JIM 91 Powerline Rd	46 47 & 48	1	231.19	147	2920 004 050 05200 0000
ROBERTSON	58	3	52.57	39	2920 004 050 41200 0000

449-2971  
1691

**TOTALS**

**399.33    252.75**

PROPERTIES OWNED BY 2296544 ONTARIO INC

GOODBRAND - SOUTH	PT LOT 14	3	69.04	43	1403 1002 3010000	ANC TWP
GOODBRAND - NORTH 3134 Jerseyville Rd W	PT LOT 14	3	40.18	36	1403 1002 6000000	ANC TWP
✓ PEPPER-SOUTH	PT LOT 7&8	1	41.42	37.5	3011 1051 4000000	BEV TWP
✓ PEPPER-NORTH 4509 Governors Rd	PT LOT 7&8	1	86.11	57.5	3011 1051 4010000	BEV TWP
✓ SMACHYLO 3453 Jerseyville Rd W	PT LOT 10	2	30	25.0	1402 1006 0000000	ANC TWP
			<b>236.75</b>	<b>195</b>		

**ACKNOWLEDGEMENT AND DIRECTION**

**TO:** Enno Trignani  
(Insert lawyer's name)

**AND TO:** BODDY RYERSON LLP  
(Insert firm name)

22964

**RE:** 750970 Ontario Inc. p/f Batushin Estate - 2943 Jerseyville Road, Hamilton ("the transaction")  
(Insert brief description of transaction)

**This will confirm that:**

- I/We have reviewed the information set out in this Acknowledgement and Direction and in the documents described below (the "Documents"), and that this information is accurate;
- You, your agent or employee are authorized and directed to sign, deliver, and/or register electronically, on my/our behalf the Documents in the form attached.
- You are hereby authorized and directed to enter into an escrow closing arrangement substantially in the form attached hereto being a copy of the version of the Document Registration Agreement, which appears on the website of the Law Society of Upper Canada as the date of the Agreement of Purchase and sale herein. I/We hereby acknowledge the said Agreement has been reviewed by me/us and that I/We shall be bound by its terms;
- The effect of the Documents has been fully explained to me/us, and I/we understand that I/we are parties to and bound by the terms and provisions of the Documents to the same extent as if I/we had signed them; and
- I/we are in fact the parties named in the Documents and I/we have not misrepresented our identities to you.
- I, \_\_\_\_\_, am the spouse of \_\_\_\_\_, the (Transferor/Chargor), and hereby consent to the transaction described in the Acknowledgment and Direction. I authorize you to indicate my consent on all the Documents for which it is required.

**DESCRIPTION OF ELECTRONIC DOCUMENTS**

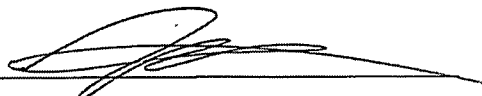
The Document(s) described in the Acknowledgement and Direction are the document(s) selected below which are attached hereto as "Document in Preparation" and are:

- A Transfer of the land described above.
- A Charge of the land described above.
- Other documents set out in Schedule "B" attached hereto.

Dated at Brantford, this 21 day of November, 20 19.

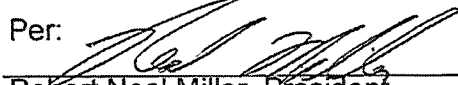
**WITNESS**

(As to all signatures, if required)



750970 ONTARIO INC

Per:



Robert Neal Miller, President

I have the authority to bind the Corporation.

**Properties**

*PIN* 17408 - 0065 LT *Interest/Estate* Fee Simple  
*Description* PT LT 15, CON 2 ANCASTER , AS IN VM205977 ; ANCASTER CITY OF HAMILTON  
*Address* 2943 JERSEYVILLE RD W  
 HAMILTON

**Consideration**

*Consideration* \$1,025,000.00

**Transferor(s)**

The transferor(s) hereby transfers the land to the transferee(s).

*Name* LORENZON, LANA  
 Acting as an individual  
*Address for Service* 152 Second Avenue  
 Uxbridge, Ontario L9P 1Z1

This document is not authorized under Power of Attorney by this party.

*Name* BATUSHIN, PETER  
 Acting as an individual  
*Address for Service* 2-538 Concord Avenue  
 Toronto, Ontario M6H 2R1

This document is not authorized under Power of Attorney by this party.

*Name* KUMAR KATHERINE  
 Acting as a company  
*Address for Service* 89 Stonebridge Boulevard  
 Scarborough, Ontario M1W 4A8

This document is not authorized under Power of Attorney by this party.

*Name* BATUSHIN-SZWEZ, TANIA  
 Acting as an individual  
*Address for Service* 54 Euclid Avenue  
 Toronto, Ontario M6J 2J6

This document is not authorized under Power of Attorney by this party.

*Name* BATUSHIN, ANGELA  
 Acting as an individual  
*Address for Service* 69 Bishop Avenue  
 Willowdale, Ontario M2M 1Z4

This document is not authorized under Power of Attorney by this party.

**Transferee(s)****Capacity****Share**

*Name* 750970 ONTARIO INC.  
 Acting as a company  
*Address for Service* 2943 JERSEYVILLE RD W  
 HAMILTON, ONTARIO

Registered Owner



**Statements**

solicitor in good standing.

**Calculated Taxes**

Provincial Land Transfer Tax	\$16,975.00
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**LAND TRANSFER TAX STATEMENTS**

In the matter of the conveyance of: 17408 - 0065 PT LT 15, CON 2 ANCASTER , AS IN VM205977 ; ANCASTER CITY OF HAMILTON

BY: LORENZON, LANA  
 BATUSHIN, PETER  
 KUMAR KATHERINE  
 BATUSHIN-SZWEZ, TANIA  
 BATUSHIN, ANGELA

TO: 750970 ONTARIO INC.

Registered Owner

1. ROBERT NEAL MILLER, PRESIDENT

I am

- (a) A person in trust for whom the land conveyed in the above-described conveyance is being conveyed;
- (b) A trustee named in the above-described conveyance to whom the land is being conveyed;
- (c) A transferee named in the above-described conveyance;
- (d) The authorized agent or solicitor acting in this transaction for \_\_\_\_\_ described in paragraph(s) ( ) above.
- (e) The President, Vice-President, Manager, Secretary, Director, or Treasurer authorized to act for 750970 ONTARIO INC. described in paragraph(s) (C) above.
- (f) A transferee described in paragraph ( ) and am making these statements on my own behalf and on behalf of \_\_\_\_\_ who is my spouse described in paragraph ( ) and as such, I have personal knowledge of the facts herein deposed to.

2. I have read and considered the definition of "single family residence" set out in subsection 1(1) of the Act. The land being conveyed herein: contains at least one and not more than two single family residences.

3. The total consideration for this transaction is allocated as follows:

(a) Monies paid or to be paid in cash	\$1,025,000.00
(b) Mortgages (i) assumed (show principal and interest to be credited against purchase price)	\$0.00
(ii) Given Back to Vendor	\$0.00
(c) Property transferred in exchange (detail below)	\$0.00
(d) Fair market value of the land(s)	\$0.00
(e) Liens, legacies, annuities and maintenance charges to which transfer is subject	\$0.00
(f) Other valuable consideration subject to land transfer tax (detail below)	\$0.00
(g) Value of land, building, fixtures and goodwill subject to land transfer tax (total of (a) to (f))	\$1,025,000.00
(h) VALUE OF ALL CHATTELS -items of tangible personal property	\$0.00
(i) Other considerations for transaction not included in (g) or (h) above	\$0.00
(j) Total consideration	\$1,025,000.00

6. Other remarks and explanations, if necessary.

1. The information prescribed for the purposes of section 5.0.1 of the Land Transfer Tax Act is required to be provided for this conveyance. The information has been provided as confirmed by A966409.
2. The transferee(s) has read and considered the definitions of "designated land", "foreign corporation", "foreign entity", "foreign national", "specified region" and "taxable trustee" as set out in subsection 1(1) of the Land Transfer Tax Act. The transferee(s) declare that this conveyance is not subject to additional tax as set out in subsection 2(2.1) of the Act because:
3. (c) The transferee(s) is not a "foreign entity" or a "taxable trustee".
4. The transferee(s) declare that they will keep at their place of residence in Ontario (or at their principal place of business in Ontario) such documents, records and accounts in such form and containing such information as will enable an accurate determination of the taxes payable under the Land Transfer Tax Act for a period of at least seven years.
5. The transferee(s) agree that they or the designated custodian will provide such documents, records and accounts in such form and containing such information as will enable an accurate determination of the taxes payable under the Land Transfer Tax Act, to the Ministry of Finance upon request.

**PROPERTY Information Record**

A. Nature of Instrument: Transfer By Personal Representative  
 LRO 62 Registration No. Date:

B. Property(s): PIN 17408 - 0065 Address 2943 JERSEYVILLE Assessment 2514100 - 21026400  
 RD W Roll No  
 HAMILTON

C. Address for Service: 2943 JERSEYVILLE RD W  
 HAMILTON ONTARIO

June 24, 2020

City of Hamilton – CITY HALL  
Committee of Adjustment  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON L8P 4Y5

Dear Sir/Madam:

**Re: Miller Farms – 750970 Ontario Inc.**  
**Application for Consent to Sever Land Under Section 53 of the *Planning Act***

We are the solicitors for 750970 Ontario Inc. They are submitting an application for consent to sever land result of title merging between two properties. In that regard, we enclose the following:

1. Application for Consent to Sever Land;
2. Cheque in the amount of three thousand five hundred and four dollars (\$3,504.00) being the cost for property service by a well or cistern and a septic system (\$3,309.00) and the recirculation fee of one hundred and ninety-five dollars (\$195.00);
3. Cheque in the amount of four hundred and ten dollars (\$410.00) for the Grand River Conservation Authority Plan Review.

If you have any questions, please do not hesitate to contact our office. We look forward to hearing from you with regard to a date for the hearing.

Yours very sincerely,  
**SULLIVAN FESTERYGA LLP**



**KIRK R. MCPHERSON**  
KRM/sf  
Encl.