

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: GL/B-20:60

SUBJECT PROPERTY: 110 Aeropark Blvd., Glanbrook

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): Webb Planning Consultants on behalf of the owners
11035380 Canada Inc. & GreyCan 8 Properties Inc.

PURPOSE OF APPLICATION: To create land to be leased, for a period greater than
21 years

Leased Lands:
378m[±] x 200m[±] and an area of 22.7ha[±]

The Committee of Adjustment will hear this application on:

DATE: Thursday, October 22nd , 2020

TIME: 3:00 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.

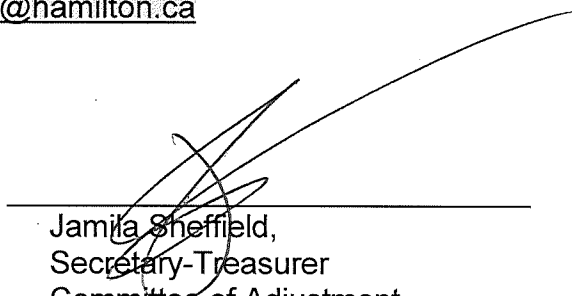
MORE INFORMATION

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

GL/B-20:60
PAGE 2

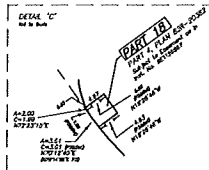
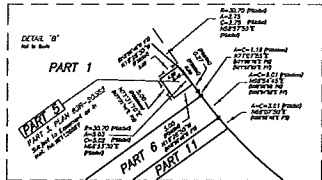
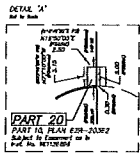
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 4144
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: October 6th, 2020



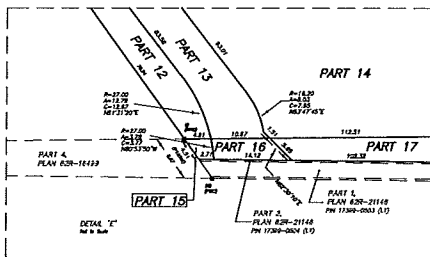
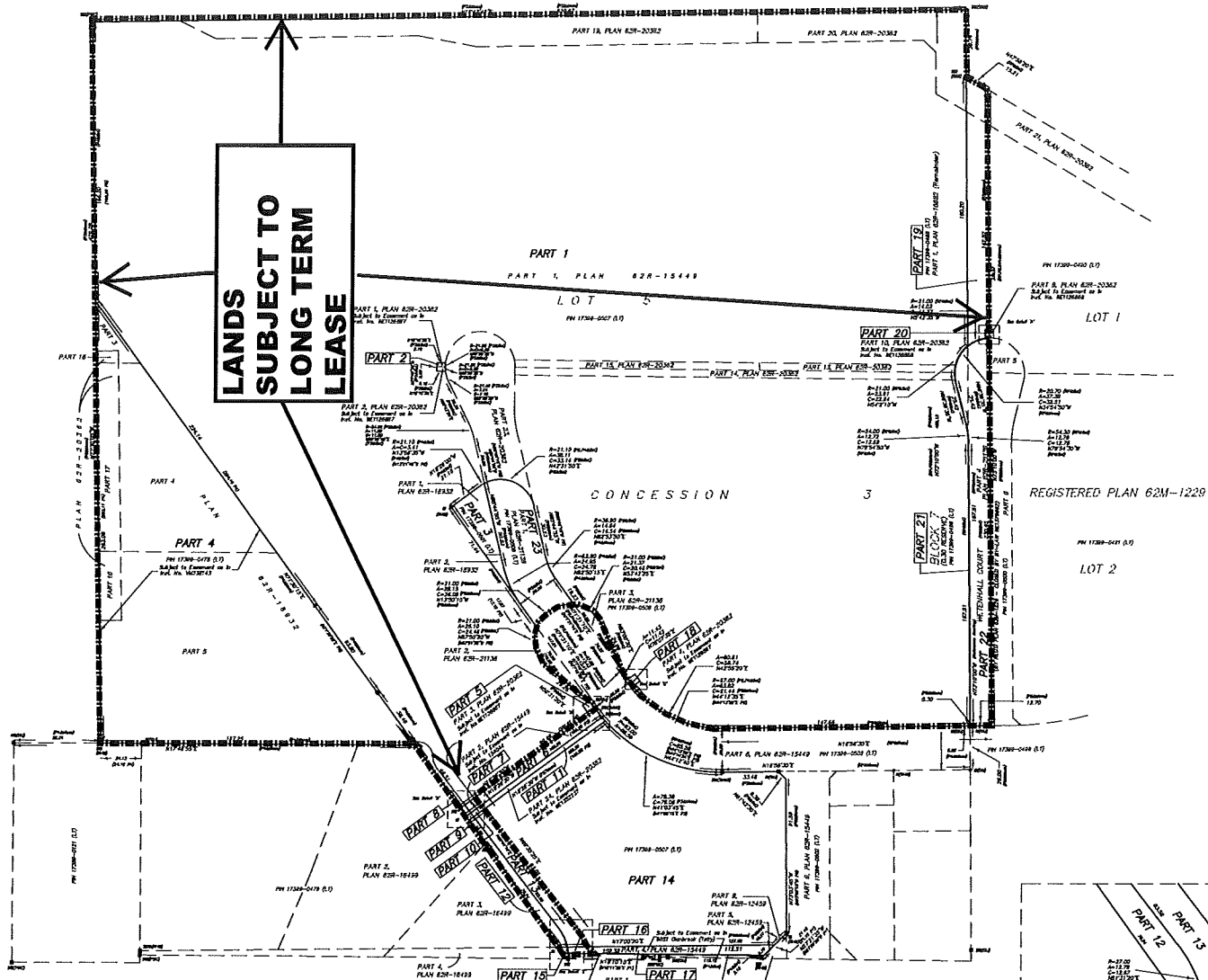
Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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.



PART 3, PLAN 62R-11334
PH 17369-040 (D)

PART 1, PLAN 62R-11334
PH 17369-040 (D)



UPPER JAMES STREET
ROAD ALLEVIANCE BETWEEN LOTS 9 AND 11
(TOWNSHIP OF HAMILTON AND PART OF PLAN 62R-11334)
PH 17369-000 (D)

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT		PLAN 62R-	
DATE		RECEIVED AND DEPOSITED	
DATE		DATE	
O. A. WILSON CHARTERED LAND SURVEYOR		REPRESENTATIVE FOR LAND REGISTRATION FOR THE LAND TITLES DIVISION OF THE MIDDLE-LEVEL OFFICE (S. 62)	

SCHEDULE			
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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

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

Office Use Only

Date Application Received:	Date Application Deemed Complete:	Submission No.:	File No.:
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1 APPLICANT INFORMATION

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 City of Hamilton	Lot Part Lot 5	Concession Con 3	Former Township GLam
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 110 Aeropark Blvd.			Assessment Roll N°.

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:

Storm easement in favour of City of Hamilton

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:

To be determined_____

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**: **N/A**

Frontage (m)	Depth (m)	Area (m² or ha)
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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: _____

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 (m² or ha)
378 m	200 m (irregular)	22.7 ha

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

☒ Industrial

☐ Commercial

☐ Agriculture (includes a farm dwelling)

☐ Agricultural-Related

☐ Vacant

☐ Other (specify) _____

Building(s) or Structure(s):

Existing: None, lands are vacant and pending for development

Proposed: Industrial warehouse, 80,081 sq. m

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): N/A

Urban Hamilton Official Plan designation (if applicable) Airport Prestige Business (AEGD)

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

Proposed warehouse is permitted employment use per Policies of AEGD, lands are fully

Serviced, frontage on existing municipal streets, no natural or cultural heritage resources

5.2 What is the existing zoning of the subject land? **M-11, M-11, 37**

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

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"/>	Abutting

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?
Site inspection, review of available reports_____
- 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)
- ☒ Yes ☐ No
See discussion below regarding PPS_____
- _____
- _____

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

Lands are within designated settlement area and fully serviced with municipal water, wastewater services and storm sewers. Proposal implements intended employment use, no conflicts with Natural or Cultural Heritage Resources

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

Land is within designated settlement area and within the designated built-up area. Proposal supports economic development & competitiveness through by development of planned employment uses, full munic. services available

- 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.

Draft Plan of Industrial Subdivision, 25T-200225(R), Draft Approved

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

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? Since 2018

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	}	(Complete Section 10.4)
<input type="checkbox"/> Surplus Farm Dwelling Severance from an Abutting Farm Consolidation		
<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 (m ² 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 ² 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 ² 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 ² 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 (m ² 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.

Application seeks Consent Approval to permit a long term lease for the _____

proposed employment tenant. _____

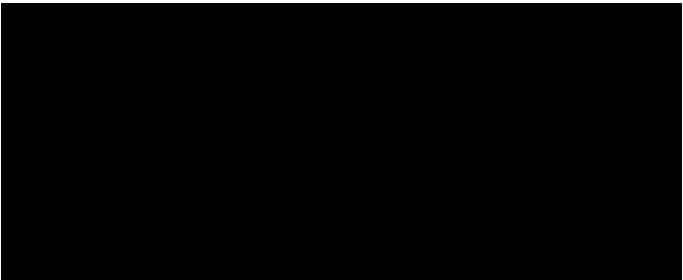
12 SKETCH (Use the attached Sketch Sheet as a guide)

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 an 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.

13 ACKNOWLEDGEMENT CLAUSE

I acknowledge that The City of Hamilton is not responsible for the remediation of contamination on the property which is the reason of its approval to this Application.



9/3/2020

Date



d
e

application is true.

Sworn (or declared) before me at the

City of Hamilton this

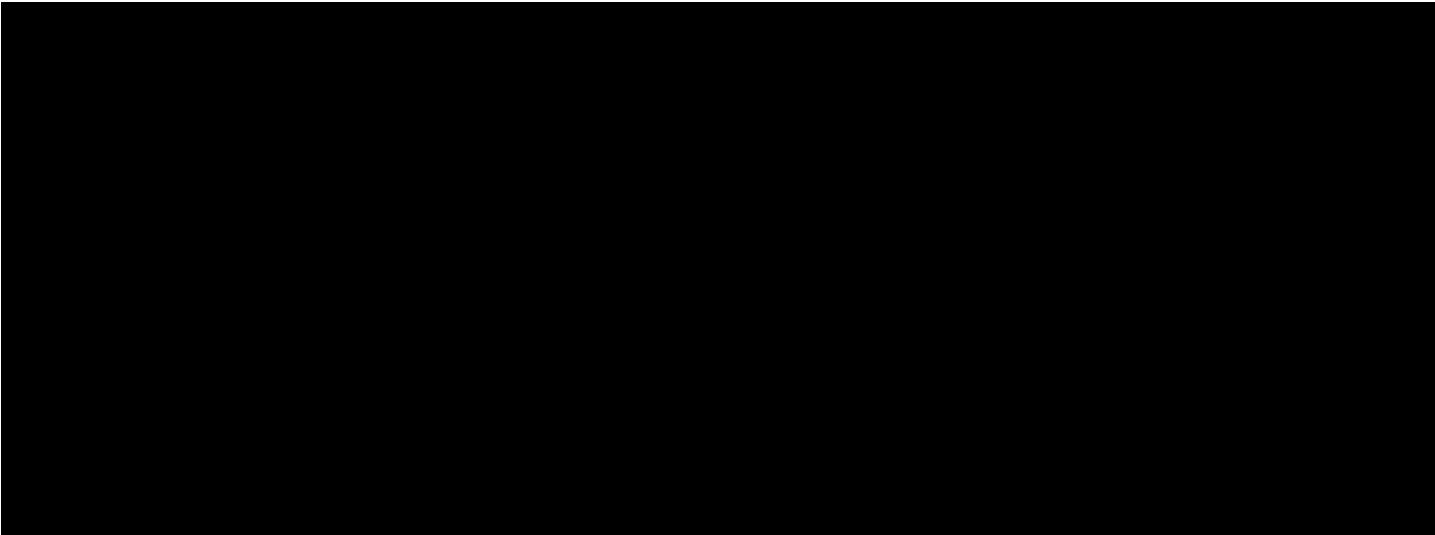
_____ day of _____, 20____)

Applicant's Signature

A Commissioner, etc.

15 AUTHORIZATIONS

15.1 If the applicant is not the owner of the land that is the subject of this application, the



16 CONSENT OF THE OWNER

Complete the consent of the owner concerning personal information set out below.

Consent of Owner to the Disclosure of Application Information and Supporting Documentation

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17 COLLECTION OF INFORMATION

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1st floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone, 905-546-2424, ext.1284.

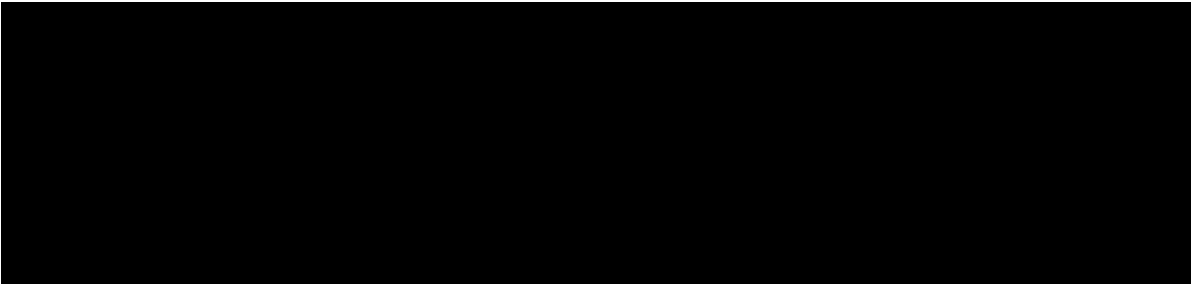
A File Number will be issued for complete applications and should be used in all communications with the City.

APPLICANT'S CHECKLIST

Please attach all items listed below:

- ☒ Two (2) copies of the completed application form (Ensure you have a copy for yourself);
- ☒ Three (3) copies of the prescribed sketch or survey (one (1) full scale size and two (2) no larger than ledger size paper 11" x 17"); and
- ☒ The required fee. (**A cheque or money order payable to the City of Hamilton**)

CITY OF HAMILTON
COST ACKNOWLEDGEMENT AGREEMENT



-and-

City of Hamilton

hereinafter referred to as the “City”

WHEREAS the Developer represents that he/she is the registered owner of the lands described in Schedule “A” attached hereto, and which lands are hereinafter referred to as the “lands”;

AND WHEREAS the Developer has filed for an application for a (circle applicable) consent/rezoning/official plan amendment/subdivision approval/minor variance.

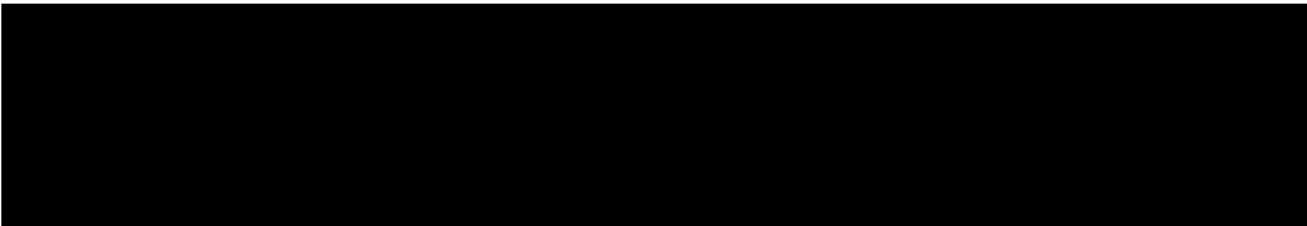
AND WHEREAS it is a policy of the City that any City costs associated with an appeal to the Local Planning Appeal Tribunal, by a party other than the Developer, of an approval of a consent, rezoning, official plan amendment, plan of subdivision, and/or minor variance, such as, but not limited to, legal counsel costs, professional consultant costs and City staff costs, shall be paid by the Developer.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the sum of two dollars (\$2.00) now paid by the City to the Developer, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. In this Agreement:
 - (a) “application” means the application(s) for a (circle applicable) consent/rezoning/official plan amendment/subdivision approval or minor variance dated _____ with respect to the lands described in Schedule “A” hereto.
 - (b) “Expenses” means all expenses incurred by the City if the application is: (a) approved by the City; (b) appealed to the Local Planning Appeal Tribunal by a party other than the developer; and (c) the City appears before the Local Planning Appeal Tribunal or any other tribunal or Court in support of the application, including but not limited to: City staff time, City staff travel expenses and meals, City disbursements, legal counsel fees and disbursements and all consultant fees and disbursements including, without limiting the generality of the foregoing planning, engineering or other professional expenses
2. The City agrees to process the application and, where the application is approved by the City but appealed to the Local Planning Appeal Tribunal by a party other than the Developer, the Developer shall file an initial deposit, in the form of certified cheque or cash with the General Manager, Finance & Corporate Services within fifteen days of the date of the appeal of the application by a third party in the amount of 50% of the estimated expenses associated with the appeal as estimated by the City Solicitor in his sole discretion which shall be credited against the Expenses.
3. It is hereby acknowledged that if the deposit required pursuant to section 2 of this Agreement is not paid by the Developer the City shall have the option, at its sole discretion, of taking no further steps in supporting the Developer’s application before the Local Planning Appeal Tribunal.
4. It is hereby acknowledged that all expenses shall be paid for by the Developer. The Developer shall reimburse the City for all expenses the City may be put to in respect of the application upon demand.

5. It is hereby acknowledged and agreed that all expenses shall be payable by the Developer whether or not the Developer is successful before the Local Planning Appeal Tribunal or any other tribunal or Court in obtaining approval for their application.
6. The City shall provide the Developer with copies of all invoices of external legal counsel or consultants included in the expenses claimed by the City.
7. The City shall provide the Developer with an accounting of all staff costs and City disbursements included in the expenses claimed by the City.
8. The City may, at any time, draw upon the funds deposited in accordance with sections 2 and 9 of this Agreement to satisfy expenses incurred pursuant to the appeal of the application.
9. In the event that the amount deposited pursuant to section 2 of this Agreement is reduced to less than 10% of the initial deposit, the City may halt all work in respect of the appeal of the application until the Developer deposits with the City a sum sufficient to increase the deposit to an amount which is equal to 100% of the expenses estimated pursuant to paragraph 2 of this Agreement and still to be incurred by the City.
10. Within 60 days of: (a) a decision being rendering in respect of the appeal or any legal proceedings resulting from the decision, whichever is later; or (b) the termination of all legal proceedings in respect of the application, the City shall prepare and submit a final account to the Developer. If there are any deposit funds remaining with the City they shall be applied against the account. Any amount owing in respect of the final account in excess of deposit funds shall be paid by the Developer within 30 days of the date of the final account. If any deposit funds are remaining after the final account has been paid they shall be returned to the developer within 30 days of the date of the final account.
11. This Agreement shall not be construed as acceptance of the application and nothing herein shall require or be deemed to require the City to approve the application.
12. This Agreement shall not stand in lieu of or prejudice the rights of the City to require such further and other agreements in respect of the application that the City may deem necessary.
13. Every term, covenant, obligation and condition in this Agreement ensures to the benefit of and is binding upon the parties hereto and their respective heirs, executors, administrators, successors, trustees and assigns.
14. When the context so requires or permits, the singular number is to be read as if the plural were expressed, and the masculine gender as if the feminine, as the case may be, were expressed; and,
15. This Agreement and the schedules hereto constitute the entire agreement between the parties in respect of the subject matter contained herein and is not subject to, or in addition to, any other agreements, warranties or understandings, whether written, oral or implied. This Agreement may not be modified or amended except by instrument in writing signed by the Developer and the City, and,
16. The waiver or acquiescence by the City of any default by the Developer under any obligation to comply with this Agreement shall not be deemed to be a waiver of that obligation or any subsequent or other default under this Agreement.
17. The Developer covenants and agrees to be bound by the terms and conditions of this Agreement and not to seek a release from the provisions thereof until such time as the Developer's obligations hereunder have been assumed by its successor, assignee or transferee by way of written agreement in the form set out in Schedule "B" to this Agreement.

IN WITNESS WHEREOF the parties hereto have set their corporate seals under the hands of their duly authorized officers.



WITNESS

Per:
I have authority to bind the corporation

DATED at Hamilton, Ontario this ____ day of _____, 20 ____.

City of Hamilton

Per: _____
Mayor

Per: _____
Clerk

Schedule “A”

Description of Ownership

Hamilton Airport Lands Limited Partnership by its General Partner 11035380 Canada Inc.,
GreyCan 8 Properties Limited Partnership by its General Partner GreyCan 8 Properties Inc.

ASO – Wade Dobbin

Description of Lands

PIN 17399-0478(LT)

Part of Lot 5, Concession 3, Glanford being Part 4, Plan 62R-
Subject to easement over Part 4 as in Instrument No. VM238143

PIN 17399-0488(LT)

Part of Lot 5, Concession 3, Glanford being Parts 19 and 20, Plan 62R-
Subject to easement in gross over Part 20, Plan 62R- as in Instrument No. WE1126868

PIN 17399-0496(LT)

Block 7 0.30 Reserve, Registered Plan 62M1229, being Part 21, Plan 62R-

Part of PIN 17399-0500(LT)

Part of Wetenhall Court, Registered Plan 62M1229, Closed by By-Law 19-194
Being Part 22, Plan 62R-

PIN 17399-0501(LT)

Part of Lot 5, Concession 3, Glanford being Part 3, Plan 62R-

Part of PIN 17399-0507(LT)

Part of Lot 5, Concession 3, Glanford being Parts 1, 2, 5, 7, 8, 9, 10, 12, 13, 15, 16 and 18,
Plan 62R-

Subject to easement over Parts 2, 5 and 18, Plan 62R- as in Instrument No. WE1126867

Subject to easement over Parts 15 and 16, Plan 62R- as in Instrument No. 9651

Glanbrook (firstly)

Subject to easement over Parts 7 and 8, Plan 62R- as in Instrument No. 154044

Subject to easement over Parts 9 and 10, Plan 62R- as in Instrument No. WE1352237

PIN 17399-0508(LT)

Part of Lot 5, Concession 3, Glanford being Part 23, Plan 62R-



September 8, 2020

City of Hamilton
Planning & Economic Development Department
Committee of Adjustment
71 Main Street West
Hamilton ON L8P 4Y5

Attention: Ms. Jamila Sheffield
Secretary Treasurer

Dear Ms. Sheffield,

Re: Application for Consent (Long Term Lease)
110 Aeropark Boulevard, Mt. Hope, City of Hamilton

WEBB Planning Consultants are retained by the property owners, 11035380 Canada Inc. and Greycan 8 Properties Inc., to facilitate the municipal planning approvals required to implement the planned development of their lands located on Aeropark Boulevard, adjacent to the John C. Monroe International Airport.

The City of Hamilton has granted Site Plan Approval to facilitate the planned development of an industrial warehouse having a total gross floor area in the range of 80,000 sq. metres on a parcel of land comprising 22.7 hectares. Pursuant to Site Plan file No. SPA-20-060, all Conditions of Approval have been satisfied, Building Permits have been issued and construction has commenced.

The tenant for the proposed industrial warehouse will be occupying the lands on the basis of a long term lease with the property owners. As the term for the lease will exceed 21 years, it is necessary to obtain Consent Approval pursuant to an Application to the Committee of Adjustment under Section 53 of the Planning Act.

The specific portion of the lands that will be the subject of the lease are graphically shown on the accompanying sketch. A Reference Plan is being prepared based on the proposed boundary and will be deposited in the Registry Office to provide the necessary legal description for the lands.

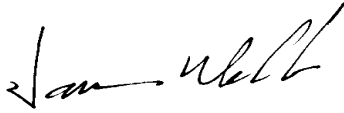
In keeping with the City's requirements for the submission of an Application for Consent, the following materials are enclosed:

- Completed Application for Consent;
- Application fee of \$5,370.00 payable to the City of Hamilton;
- Sketch Plan illustrating the lands subject to the Long Term Lease.

We trust that you will find the enclosed materials complete and suitable for the purpose of processing this Application for Consent. Please contact our office immediately should you have any questions or require additional information in support of this submission.

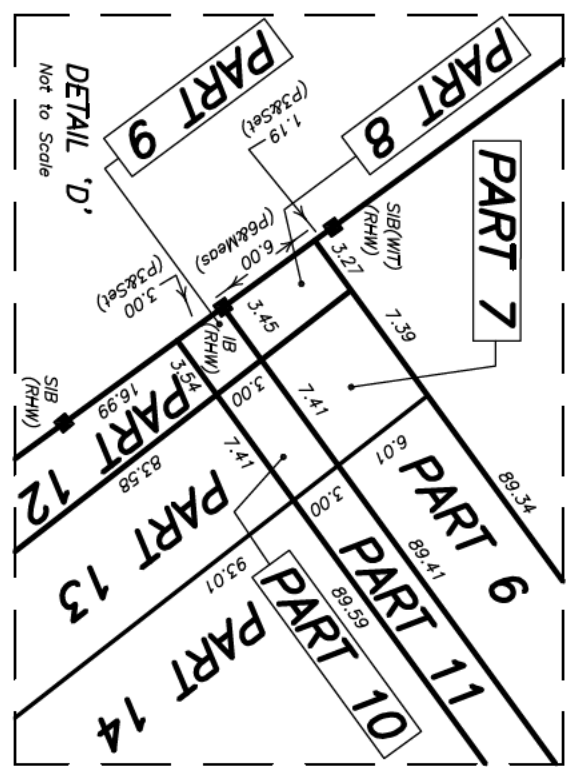
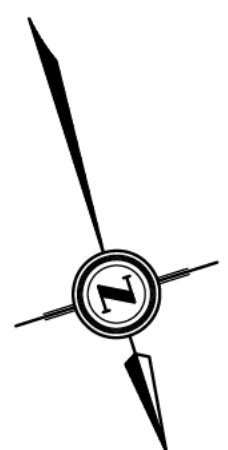
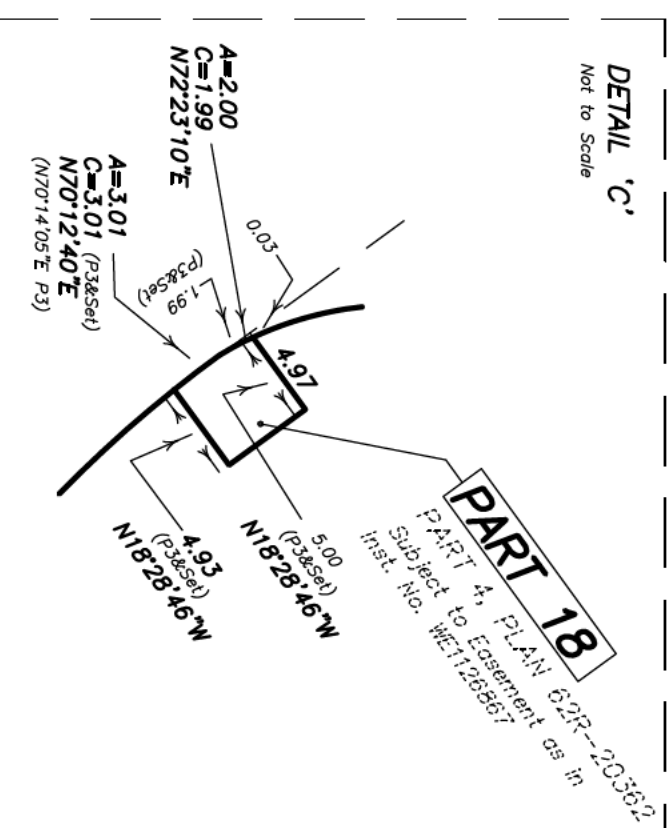
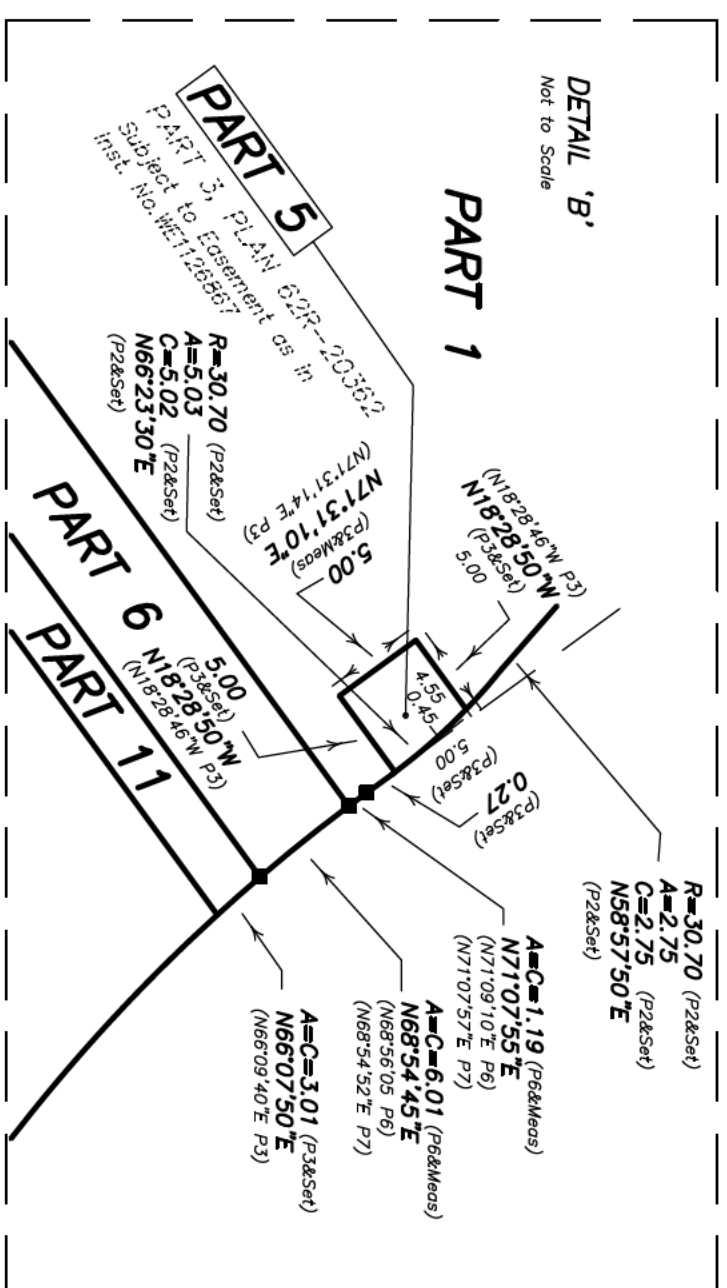
Yours truly,

WEBB Planning Consultants Inc.

A handwritten signature in black ink, appearing to read 'James Webb', with a stylized flourish at the end.

James Webb, MCIP, RPP

cc: 11035380 Canada Inc. and Greycan 8 Properties Inc.,

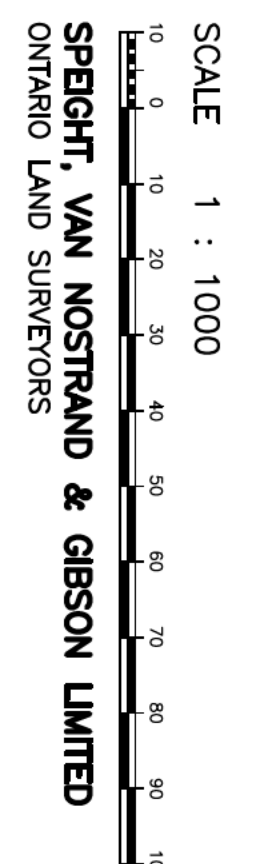


PART	PART OF LOT	CONCESSION/PLAN	PART OF FINANCIAL
SCHEDULE			
TO BE DEPOSITED UNDER THE LAND TITLES ACT			
DATE _____		RECEIVED AND DEPOSITED	
_____		DATE _____	
D. A. WINTON OWNER LAND SURVEYORS		RESERVING PART AND RE- LEASED TO THE LAND TITLES ACT (No. 02)	

PART	PART OF LOT	CONCESSION/PLAN	PART OF IN
1		17399-0507 (LT)	
2		17399-0507 (LT)	
3		17399-0501 (LT)	
4		17399-0478 (LT)	
5		17399-0478 (LT)	
6			
7			
8			
9			
10	5	CONCESSION 3	
11			
12			
13			
14			
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21			
22	BLOCK 7 METHUEN COURT 5	PLAN 630-1229 CONCESSION 3	17399-0486 (LT) 17399-0500 (LT) 17399-0508 (LT)

PART 1, 2, 5 TO 20 COMPRESS AS OF FN 17399-0507 (LT)
 PART 3 COMPRESSES ALL OF FN 17399-0501 (LT)
 PART 4 COMPRESSES ALL OF FN 17399-0486 (LT)
 PART 2 COMPRESSES ALL OF FN 17399-0500 (LT)
 PART 23 COMPRESSES ALL OF FN 17399-0500 (LT)
 PART 23 COMPRESSES ALL OF PART OF FN 17399-0508 (LT)
 PART 2, 5 AND 18 SUBJECT TO EASEMENT IN N/ST NO. WE126867
 PART 8, 9 AND 10 SUBJECT TO EASEMENT IN N/ST NO. WE234143
 PART 8, 9 AND 10, 11, SUBJECT TO EASEMENT IN N/ST NO. WE126867
 PARTS 9, 10 & 11, SUBJECT TO EASEMENT IN N/ST NO. WE126867
 PARTS 9, 10 & 11, SUBJECT TO EASEMENT IN N/ST NO. WE126867
 PART 20: SUBJECT TO EASEMENT IN GROSS AS IN N/ST NO. 9651 GLENDALE RD. (1st)

PLAN OF SURVEY OF
PART OF LOT 5
CONCESSION 3
(GEOGRAPHIC TOWNSHIP OF GLANFORD)
PART OF WETENHALL COURT
(CLOSED BY BY-LAW WE1379/86Z)
BLOCK 7 (0.30 RESERVE)
REGISTERED PLAN 62M-1229S
CITY OF HAMILTON



ONTARIO LAND SURVEYORS

BEARING NOTE

BEARINGS HEREON ARE GRID BEARINGS AND ARE REFERRED TO THE EASTERLY LIMIT OF BLOCK 7 AS SHOWN ON REGISTERED PLAN 62M-129, HAVING A BEARING OF N73°10'00"W.

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

[illegible]

SURVEYOR'S CERTIFICATE

I CERTIFY THAT :

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT,
THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM

2. THE SURVEY WAS COMPLETED ON _____

DATE : _____

D. A. WILTON _____

CURTIS, LARRY D. AIRBORNE

SPEIGHT, VAN NOSTRAND & GIBSON LIMITED
ONTARIO LAND SURVEYORS
7550 CAMDEN ROAD, Units 65 & 66, TORONTO, ONTARIO M3N 2Z4
TEL 416 749-SNVC(7864) FAX 416 749-7866
E-MAIL: toronto@snyg.on.ca

DRAWN :	F. P. B.	JOB No. :	180-0300
CHECKED :	D. A. W.	REF. No. :	
FILE NAME :	RI1800300.DWG	PLOTTED :	July 6, 2020
PLOT SCALE :	NET 1:1=1.00	1:1=1.00	