



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
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.: SC/A-21:70

APPLICANTS: Owners M. & S. Desai

SUBJECT PROPERTY: Municipal address **1024 Barton St., Stoney Creek**

ZONING BY-LAW: Zoning By-law 3692-92, as Amended by By-Law 5068-00

ZONING: RR district (Rural Residential)

PROPOSAL: To permit the conversion of the existing single family dwelling to a duplex dwelling, notwithstanding that:

1. The use of a duplex dwelling shall be permitted, instead of the requirement that only single detached dwellings are permitted.
2. Two (2) parking spaces shall be provided in the required front yard, instead of the requirement that a maximum of one (1) parking space is permitted to be located in the required front yard.

NOTE:

Specific details regarding the dimensions of the proposed parking spaces have not been provided. Further variances may be required if compliance with Section 4.10.3(a) cannot be achieved

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

DATE: Thursday, March 18th, 2021

TIME: 3:30 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

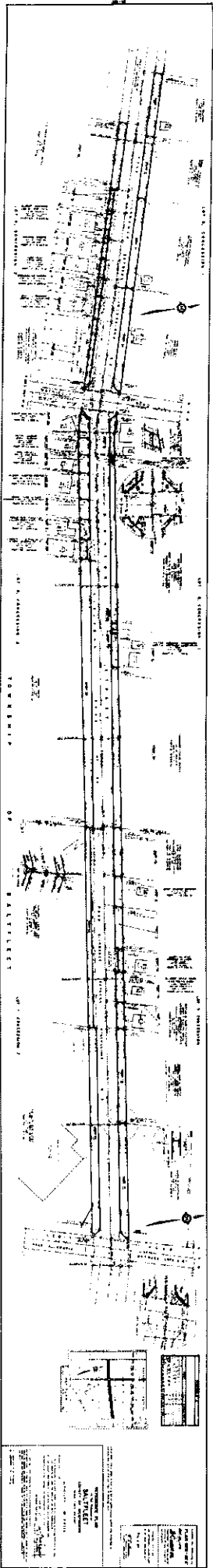
For more information on this matter, including access to drawings illustrating this request:

- 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: March 2nd, 2021.

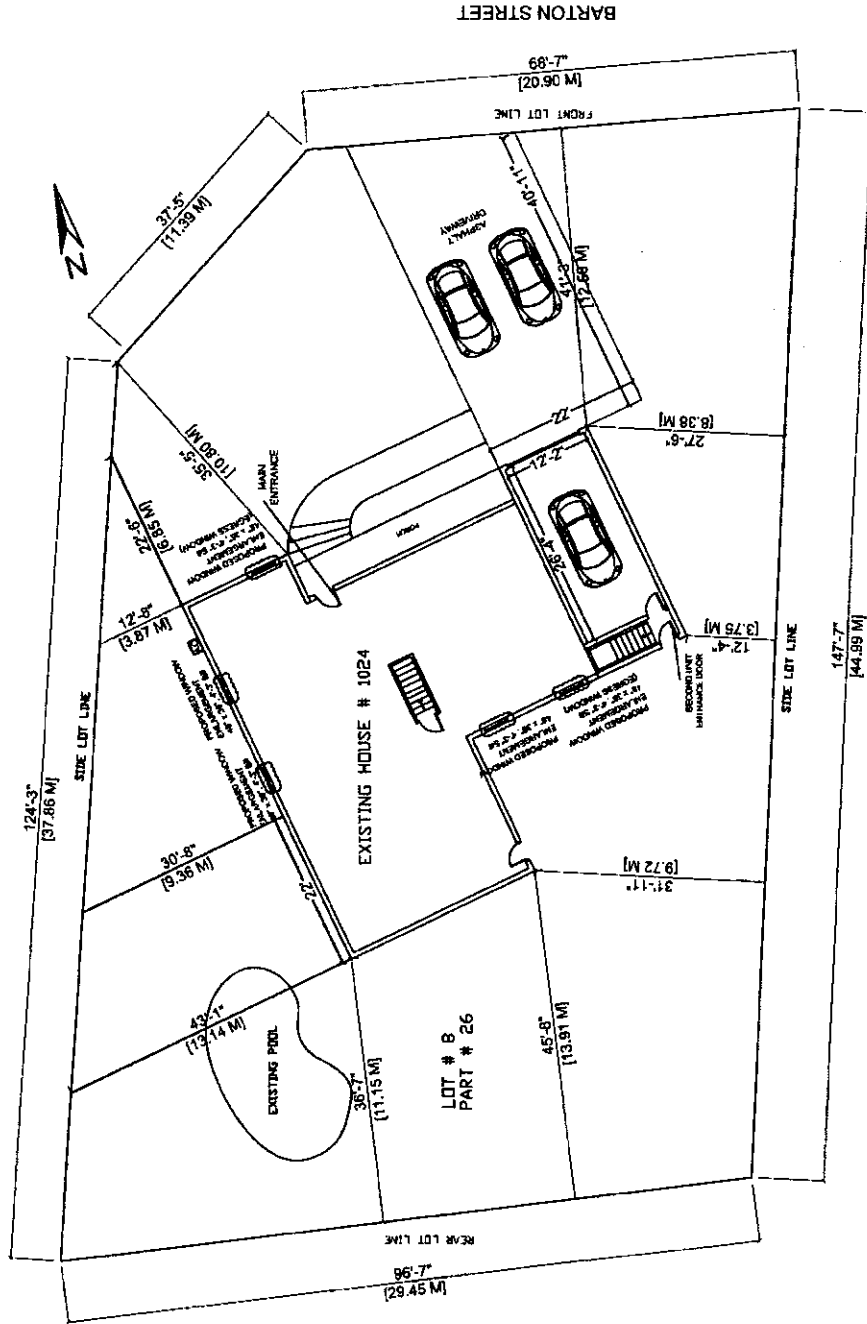
Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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.



ENGINEER'S OFFICE
 100 N. 1st St.
 ST. LOUIS, MO.
 DRAWING NO. 100-100-100
 SHEET NO. 100-100-100
 DATE 10-10-100
 SCALE 1" = 100'
 PROJECT NO. 100-100-100
 CITY OF ST. LOUIS
 DEPARTMENT OF PUBLIC WORKS
 DIVISION OF STREETS
 PROJECT: IMPROVEMENTS TO LESLIE ST.
 SHEET: GENERAL PLAN
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]

DIMENSIONS OF LOT AND SETBACKS ARE MEASURED USING ONLINE TOOLS, AS LEGAL SURVEY PLAN IS NOT VERY CLEAR



03/10/21
J. Johnston

SETBACK PLAN
SCALE: 1/16" = 1'-0"

MAIN UNIT AREA : 1862.48sq.ft.(173.03 sq.m.)
SECOND UNIT AREA (BASEMENT) : 1458.53 sq.ft. (135.50 sq.m.)

RELEASED FOR BUILDING PERMIT
CONTRACTOR SHALL CHECK ALL DIMENSIONS ON THE WORK AND REPORT ANY DISCREPANCIES TO THE OWNER IMMEDIATELY UPON DISCOVERY.
ALL DIMENSIONS AND SPECIFICATIONS ARE THE PROPERTY OF CANAM ENGINEERING INC. AND SHALL BE USED FOR THE CONSTRUCTION OF THE PROJECT ONLY.
NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF CANAM ENGINEERING INC.

- LEGENDS:-**
- █ Building Walls
 - Entry Wall
 - Light
 - Emergency Light
 - Electrical Switch
 - 3-way switch
 - Supply Air Ducts
 - Return Air Filter
 - Fan (marked is interlock with thermostat)
 - Smoke Alarm
 - Carbon Monoxide Alarm
 - DUCT THERMISTOR DETECTOR
 - SPM/MALR
 - TANKLESS WATER HEATER



11/1/21

CANAM ENGINEERING INC.
98 Russell Creek Drive
Brimley, ON L6R 4A1
Phone: 647-485-8315
Info@canamengineering.com

Project Name and Address:
GM GLOBAL CONSTRUCTION INC.
1224 Barton St.
Stoney Creek, ON L8E 5Y3

Project Name and Address:
1224 Barton St.
Stoney Creek, ON L8E 5Y3

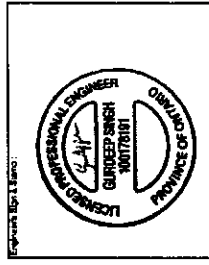
Drawing No.:
SETBACK PLAN
Date: 11/1/21
Scale: 1/16" = 1'-0"

Sheet: A 0.1

General Notes:
 1. REFERENCED BUILDING PERMITS
 2. COMPANION PERMITS ISSUED TO THE OWNER FOR THE WORK
 3. ALL WORK SHALL BE IN ACCORDANCE WITH THE CANADA BUILDING
 4. ALL WORK SHALL BE IN ACCORDANCE WITH THE CANADA ELECTRICAL
 5. ALL WORK SHALL BE IN ACCORDANCE WITH THE CANADA PLUMBING
 6. ALL WORK SHALL BE IN ACCORDANCE WITH THE CANADA MECHANICAL
 7. ALL WORK SHALL BE IN ACCORDANCE WITH THE CANADA GAS
 8. ALL WORK SHALL BE IN ACCORDANCE WITH THE CANADA
 9. ALL WORK SHALL BE IN ACCORDANCE WITH THE CANADA
 10. ALL WORK SHALL BE IN ACCORDANCE WITH THE CANADA

- LEGENDS:**
- Existing Walls
 - Block walls
 - 30 min. fire rated walls
 - Light
 - Frequency Light
 - Electrical Switch
 - 3-way Switch
 - Supply Air Outlet
 - Return Air Inlet
 - Exhaust Fan
 - Exhaust Fan for kitchen with
 - Exhausting duct
 - Smoke alarm
 - Carbon Monoxide Alarm
 - Duct Tyrephone Detector
 - Sprinkler
 - Tankless Water Heater

No.	Description	Date



11/1/21

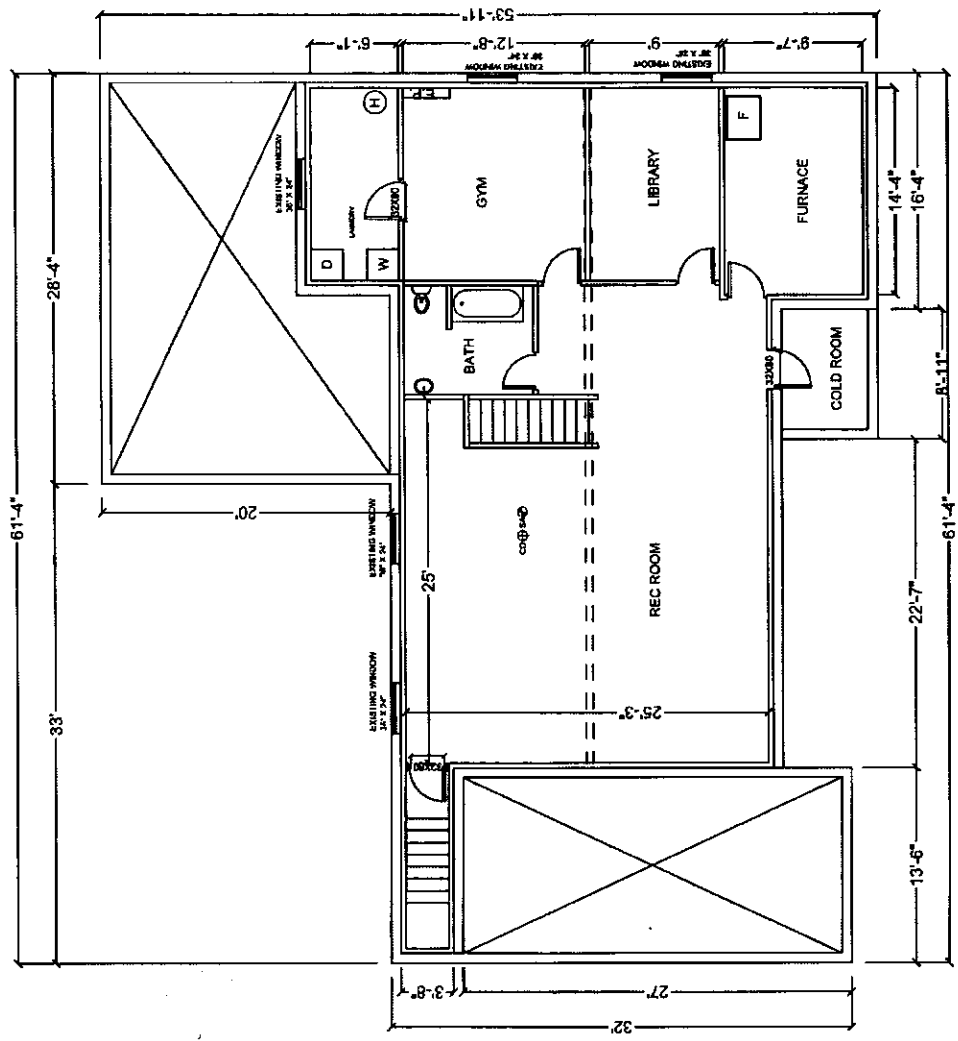
CANAM ENGINEERING INC.
 58 Russell Creek drive,
 Brampton, ON, L6R 4A1
 Phone: 647-488-8315
 Info@canamengineering.com

CH GLOBAL CONSTRUCTION INC.
 Phone: 905-884-3789
 info@chglobal.com

Project Name and Location:
 1026 Burton St
 Stoney Creek, ON L6E 6R0

Project No.:
 1026 Burton St
 1026 Burton St
 1026 Burton St

Sheet:
 A 1.1

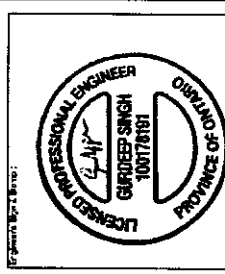


BASEMENT ASBUILD
 SCALE : 1/8"=1'-0"

02/08/21
 L. Hunter

General Notes
 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF BIRMINGHAM BUILDING DEPARTMENT PERMITS AND REGULATIONS.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND REGULATIONS FROM THE CITY OF BIRMINGHAM BUILDING DEPARTMENT.
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- LEGENDS:**
- Existing Walls
 - New Walls
 - 30 min. fire rated walls
 - EMERGENCY LIGHT
 - ELECTRICAL SWITCH
 - 3-way switch
 - Supply Air Outlet
 - Return Air Inlet
 - Eye Window to exterior with Enlargement
 - Smoke alarm
 - Carbon Monoxide Alarm
 - DUCT TYPE SMOKE DETECTOR
 - SPRINKLER
 - TANKLESS WATER HEATER

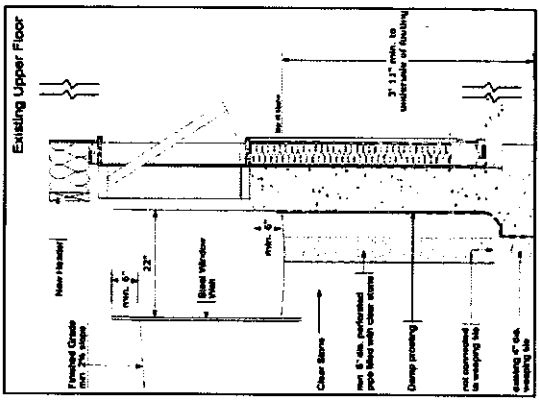
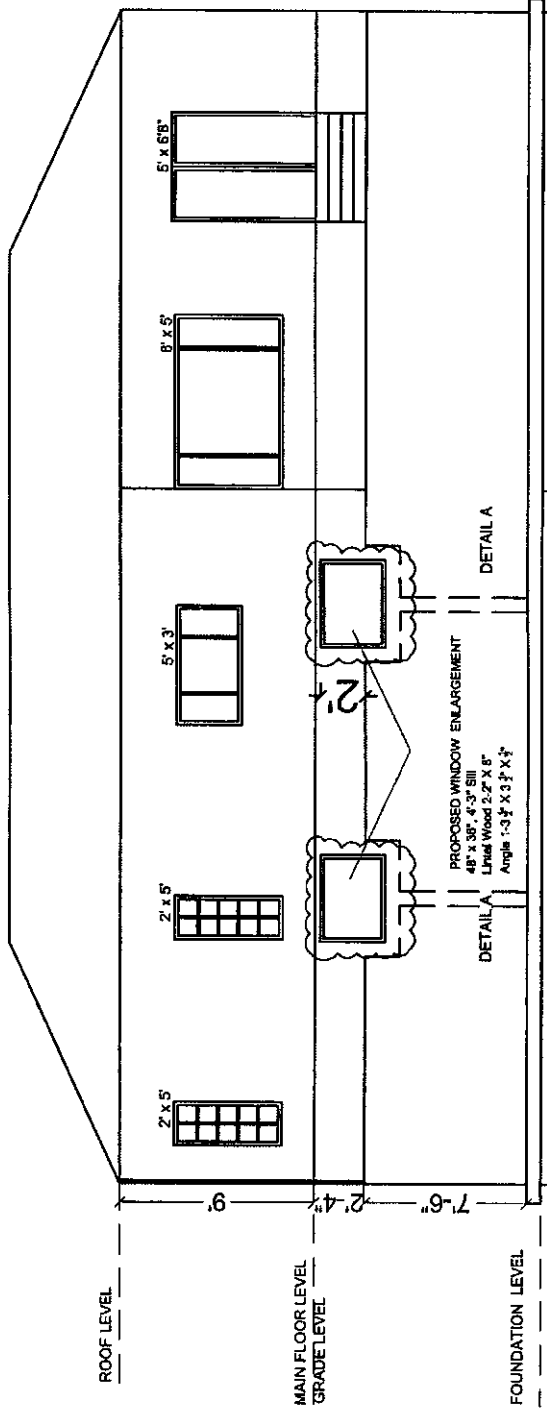


11/1/21

CANAM ENGINEERING INC.
 98 Russell Creek drive,
 Brampton, ON, L6R 4A1
 Phone: 647-466-6315
 Info@canamengineering.com

GH GLOBAL CONSTRUCTION INC.
 Project Name and Address:
 1024 Bacon St
 Slattery Creek, ON L8E 5R6

Project No.	181
Sheet No.	A 2.2
Scale	1/8" = 1'-0"



02/10/8/21
 J. Johnson

WALL SURFACE AREA = 611.05 SQ.FT. (56.76 SQ.M.)
 ALLOWABLE MAXIMUM % OF EXPOSING BUILDING FACE AREA
 (360.16 SQ.FT.) X 20 % = 72.03 SQ.FT. (6.68 SQ.M.)
 (LIMITING DISTANCE = 3.0 m.) (9.10.15.4.(1),(2), TABLE 9.10.15.4)
 + (249.33 SQ.FT.) X 100 % = 249.33 SQ.FT. (23.17 SQ.M.)
 (LIMITING DISTANCE = 9.0 m.) (9.10.15.4.(1),(2), TABLE 9.10.15.4)
 TOTAL ALLOWABLE WINDOW OPENING AREA = 321.36 SQ.FT. (29.86 SQ.M.)
 PROPOSED WINDOW OPENING AREA = 124.35 SQ.FT. (11.56 SQ.M.)

SIDE ELEVATION
 SCALE : 3/16" = 1'-0"

Construction Notes: As Built condition

Exterior Walls

- See typical section drawing attached

Interior partition Walls

- 2 in. x 4 in. wood studs @ 16 in. O.C. separated from concrete with 6 mil. poly

Ceiling

- Existing joist & spacing of joists @ 16 O.C. visible only in furnace room

- ceiling height in each room as per table for room size

Floor finish : laundry, kitchen and washroom tiled rest of area laminated flooring.

Furnace and other equipment :

- Clearances around furnaces and hot water appliances are as per manufacturer's specifications and/or the Gas Code.

- Doors :

- 1" door undercut to be provided for rooms without a return air register.

1

FURNACE ROOM - CODE REFERENCE, PART 11, C 152, C 147, C 175

- 1) SMOKE DETECTOR TO BE INSTALLED IN THE SUPPLY OR RETURN AIR DUCT WHICH WOULD TURN OFF FUEL SUPPLY AND ELECTRICAL POWER TO THE HEATING SYSTEM WHEN TRIGGERED
- 2) AUTOMATIC RESIDENTIAL FULL FLOW-THROUGH SYSTEM CONSISTING OF 3/4" COPPER PIPE (MIN.) SPRINKLER IN A POSITION SO THAT RESPONSE TIME AND DISCHARGE ARE NOT UNDULY AFFECTED BY OBSTRUCTION

2

MASTER BED - CODE REFERENCE, 9.10.19.9.33.4

- 1) INTERCONNECTED HARD WIRED SMOKE ALARM REQUIRED WITH VISUAL SIGNALING COMPONENT

3

BED 2 - CODE REFERENCE, 9.10.19.9.33.4

- 1) INTERCONNECTED HARD WIRED SMOKE ALARM REQUIRED WITH VISUAL SIGNALING COMPONENT

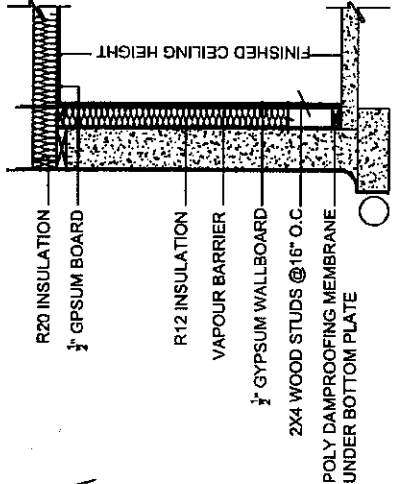
4

COMMON AREA - CODE REFERENCE, 9.10.19.9.33.4

- 1) INTERCONNECTED HARD WIRED SMOKE ALARM REQUIRED WITH VISUAL SIGNALING COMPONENT

5

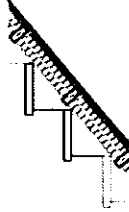
FIRE RATED DOOR - MINIMUM 20 MIN. FIRE RATED WITH SELF-CLOSING DEVICE



DETAILS OF WALL SECTION

- 2"x4" WOOD STUDS TO SUPPORT CEILING SOUND INSULATION (OPTIONAL)
- 2 LAYERS TYPE 'X' GYPSUM BOARD RATING PER BUILDING CONDITION

UNDERSIDE OF STAIR FIRE SEPARATION



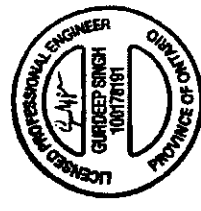
SECOND UNIT DWELLING - ROOMS :

ROOM USE	AREA (SQ.FT.)	WINDOW (SQ.FT.)	HEIGHT (FEET)
LIV. + DIN.	238.96	24	7'-6"
BEDROOM 1	238.96	12	7'-6"
BEDROOM 2	139.30	12	7'-6"
KITCHEN	82	0	7'-6"
STORE	147	0	7'-6"
REC ROOM	127.11	12	7'-6"

NOT FABRICATED FOR BUILDING PERMIT
 CONSTRUCTION SHALL CHECK ALL DIMENSIONS ON THE WORK
 PROCEEDING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE
 COMPLIANCE WITH ALL APPLICABLE CODES AND REGULATIONS.
 THE DRAWING IS NOT TO BE USED FOR CONSTRUCTION UNLESS
 THE CONTRACTOR HAS BEEN ADVISED BY THE ARCHITECT THAT THE
 DRAWING IS CURRENT TO HIS USE FOR CONSTRUCTION UNLESS
 OTHERWISE NOTED TO THE CONTRARY.

LEGENDS:

- Blank Wall
- 30 min. Fire rated wall
- Light
- EMERGENCY LIGHT
- ELECTRICAL SWITCH
- 3-way SWITCH
- Single Air Outlet
- Return Air Inlet
- Return Air Outlet
- Smoke alarm
- Carbon Monoxide Alarm
- DUCT THROUGH DETECTOR
- SPRINKLER
- TANKLESS WATER HEATER



11/1/21

CANAM ENGINEERING INC.
 88 Russell Creek drive,
 Brampton, ON, L6R 4A1
 Phone: 647-466-8315
 info@canamengineering.com

GM GLOBAL CONSTRUCTION INC.
 1024 Barton St
 Stoney Creek, ON L3E 9J9

Project Name and Address:
 1024 Barton St
 Stoney Creek, ON L3E 9J9

GENERAL NOTES
 SHEET: A 3.0

To
The committee of Adjustment
Stoney Creek

Date: 5th Feb 2021

Subject: Application for Minor Variance for 1024 Barton St. Stoney Creek

Respected Committee members,

I Manish Desai residing at the address 1024 Barton St. in Stoney Creek would like to apply for Minor variance as the property is located under the Stoney Creek by-law in zone "RR" which does not permit Two Family Dwelling as per current bylaw. I have already applied for Building Permit # 21 101181 000 00 R9 and received comments from Zoning Department.



Due to Covid 19 all our future plans are getting blurry and to have an additional financial source has become a necessity. I have come to know that by creating a legal Second Unit, I can rent the basement officially to manage my economics.

I would request the committee members to consider this minor variance to support affordable housing. Site photos are attached for your ready reference

Thanks

Manish Desai
1024 Barton St.
Stoney Creek ON L8E 5H3
manishdesai16@gmail.com



Hamilton

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

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

APPLICATION FOR A MINOR VARIANCE

FOR OFFICE USE ONLY.	
APPLICATION NO. _____	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1, 2	NAME	ADDRESS	
Registered Owners(s)	MANISH Y DESAI	1024 BARTON ST E STONE CREEK ON	Phone: [REDACTED]
	SHILPABEN DESAI		E-mail: [REDACTED]
Applicant(s)*			Phone:
			E-mail:
Agent or Solicitor			Phone:
			E-mail:

Note: Unless otherwise requested all communications will be sent to the agent, if any.

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:

Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled

4. Nature and extent of relief applied for:

Proposed Second Unit in RR Zone

5. Why it is not possible to comply with the provisions of the By-law?

The property is located under the Stoney Creek by-law in zone "RR" which does not permit two family dwellings.

6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):

1024 Barton st Stoney Creek ON L8E 5H3, Lot 8 Part 26, Plan 62R 565

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial

Agricultural Vacant

Other _____

8.1 If Industrial or Commercial, specify use _____

8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No Unknown

8.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No Unknown

8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes No Unknown

8.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No Unknown

8.8 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

8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

8.11 What information did you use to determine the answers to 9.1 to 9.10 above?

No change in existing building footprint

8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, 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

9. ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application -- by reason of its approval to this Application.

FEB 1ST 2021

Date


Signature Property Owner

MANISH Y DESAI

Print Name of Owner

10. Dimensions of lands affected:

Frontage	<u>105.96 Ft = 32.30 M.</u>
Depth	<u>147.00Ft = 44.81 M.</u>
Area	<u>1270.35 Sq. M.</u>
Width of street	<u>120 Ft = 36.58 M.</u>

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: _

Main Unit Are : 1862.48 Sq. Ft. (173.03 Sq.M.)

Gross Floor Area : 1862.48 Sq. Ft. (173.03 Sq.M.)

No of Stories 1 (Bungalow) Length : 61'- 4" Ft Width : 53' -11" Height : As per Zoning By Law
Proposed

Main Unit Are : 1862.48 Sq. Ft. (173.03 Sq.M.)

Second Unit Area (Basement) : 1458.53 Sq. Ft. (135.50 Sq.M.)

Gross Floor Area : 3321.01 Sq. Ft (308.53 Sq. M.)

No of Stories 1 (Bungalow) Length: 61'-4"Ft., Width : 53'-11" Height : As per Zoning By Law

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing:

Front = 41'3" Ft = 12.58 M.

Left Side : 12'4"Ft. = 3.75 M.

Right Side: 12'8"Ft. =3.87 M.

Rear Side : 36'7"Ft = 11.15M

Proposed:

Front = 41'3" Ft = 12.58 M.

Left Side : 12'4"Ft. = 3.75 M.

Right Side : 12'8"Ft. =3.87 M.

Rear Side : 36'7"Ft = 11.15M

13. Date of acquisition of subject lands:
December 2020
-
14. Date of construction of all buildings and structures on subject lands:
-
15. Existing uses of the subject property:
Single Unit Dwelling
16. Existing uses of abutting properties:
17. Length of time the existing uses of the subject property have continued:
18. Municipal services available: (check the appropriate space or spaces)
 Water YES Connected YES
 Sanitary Sewer YES Connected YES
 Storm Sewers YES
19. Present Official Plan/Secondary Plan provisions applying to the land:
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
 If the answer is yes, describe briefly.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. Additional Information
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.
 Survey Attached to the application

PART 25 AFFIDAVIT OR SWORN DECLARATION

This declaration to be sworn by a Commissioner of Oaths.

I, _____ of the _____ of _____
in the _____ of _____ solemnly declare that:

All of the above statements are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me at the _____
at the _____ of _____)
in the _____)
of _____)
this ____ day of _____ A.D. 20__)
Applicant _____)

A Commissioner, etc.

PART 26 OWNERS AUTHORIZATION

As of the date of this application, I (NAME) _____ am the registered Owner of the lands described in this application, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize:

_____ of _____
to act as my agent in this matter and to provide any of my personal information that will be included in this application or collected during the processing of the application.

DATE Feb 1st 2021 SIGNED *Manish Desai*

PART 27 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
Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted to the City.

I, MANISH DESAI, the Owner, hereby agree and acknowledge
(Print name of Owner)

that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

Date Feb 1st 2021 Signature of Owner *Manish Desai*

PART 28 PERMISSION TO ENTER

Date: 1st Feb 2021

Secretary/Treasurer
Committee of Adjustment
City of Hamilton,
City Hall

Dear Secretary/Treasurer,

Re: Application to Committee of Adjustment
Location of Land: 1024 BARTON ST STONEY CDREEK L8E 5H3 ON
(Municipal address)

I hereby authorize the members of the Committee of Adjustment and members of the staff of the City of Hamilton to enter on to the above-noted property for the limited purposes of evaluating the merits of this application.



Signature of Owner or Authorized agent

MANISH DESAI

Please print name

Note: The Committee of Adjustment requires that all properties be identified with the municipal address clearly visible from the street. Where there is no municipal address or the property is vacant then the property shall be identified in accordance with the Committee's policy included on the back of the Application Form. Failure to properly identify the subject property may result in the deferral of the application.

PART 29 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.



Hamilton

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

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

CITY OF HAMILTON
COST ACKNOWLEDGEMENT AGREEMENT

This Agreement made this 1st day of Feb, 20 21.

BETWEEN: MANISH DESAI
Applicant's name(s)

hereinafter referred to as the "Developer"

-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 1-2-2021 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 rendered 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.

DATED at MONDAY this 1ST day of FEBRUARY, 20 21.

S. M. Osell
WITNESS

[Signature]
Per:
I have authority to bind the corporation.

WITNESS

Per:
I have authority to bind the corporation

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

City of Hamilton

Per: _____
Mayor

Per: _____
Clerk