



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: AN/B-21:17

SUBJECT PROPERTY: 766 Book Rd. E., Ancaster

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 V. Nickel
Owner J. Shihadeh

PURPOSE OF APPLICATION: To permit the conveyance of a vacant parcel of land being the land known as 844 Glanaster Rd. and to retain a parcel of land known municipally as 766 Book Rd. E. containing an existing dwelling and accessory structures (to remain). These properties inadvertently merged in title and the owner wishes to recreate the two original lots.

Severed lands:
687m[±] x 327m[±] and an area of 26.7 ha[±]

Retained lands:
518m[±] x 560m[±] and an area of 12.4 ha[±]

The Committee of Adjustment will hear this application on:

DATE: Thursday, April 22nd, 2021
TIME: 1:25 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

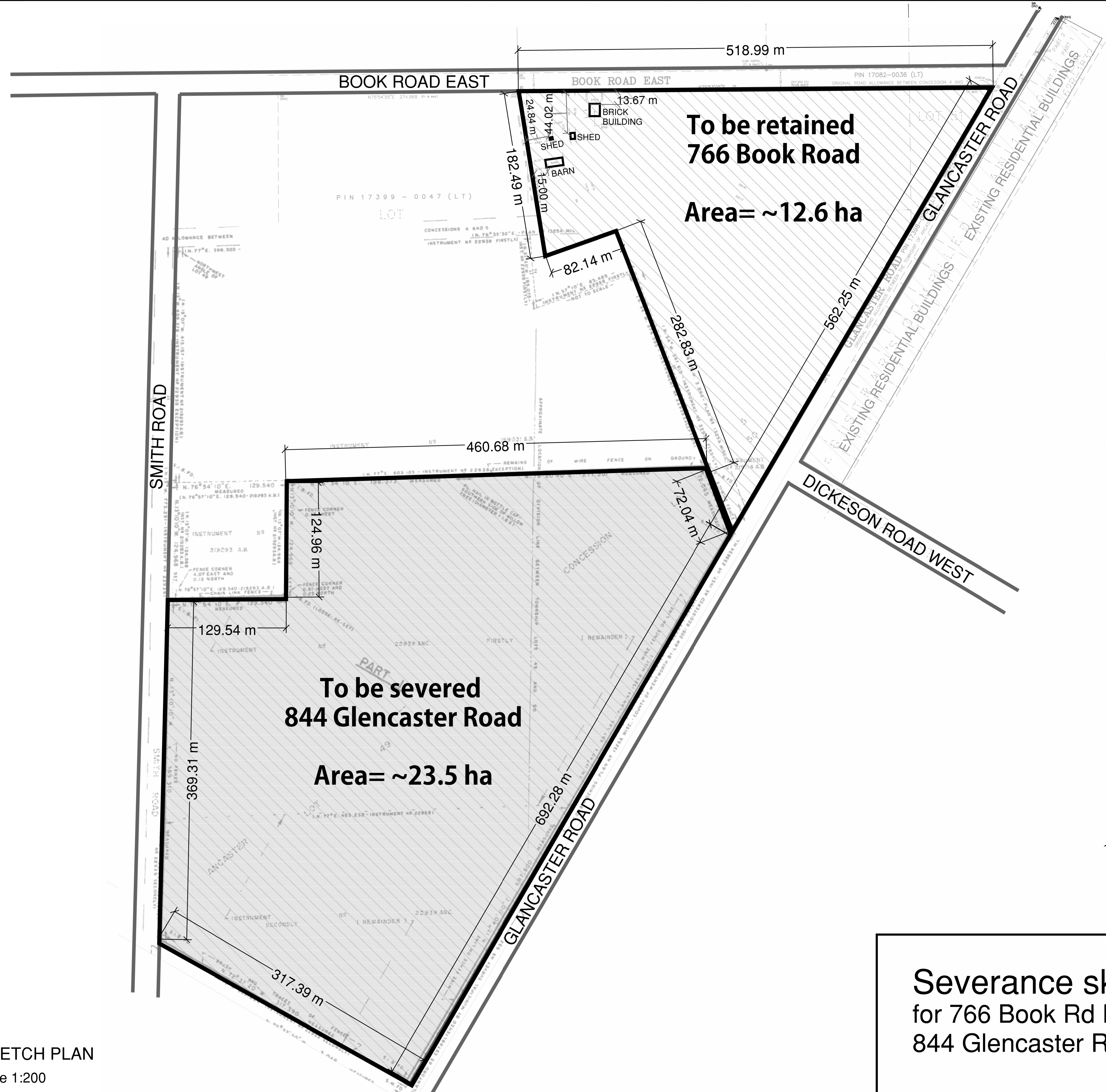
DATED: April 6th, 2021

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

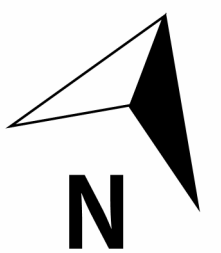
Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions,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



KEY PLAN




SKETCH PLAN
scale 1:200



**Severance sketch
for 766 Book Rd E and
844 Glancaster Road**

ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN SUBMISSION FORM
2053922



THIS PLAN IS NOT VALID
UNLESS IT IS AN EMBOSSED
ORIGINAL COPY
ISSUED BY THE SURVEYOR
In accordance with
Regulation 1502, Section 29(3).

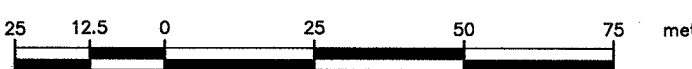
**SURVEYOR'S REAL PROPERTY REPORT
(PART 2)**
PART OF LOTS 49 & 50, AND ALL OF LOT 51,
CONCESSION 5, TOWNSHIP OF ANCASTER AS
ILLUSTRATED ON THE PLAN.

THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH
ZONING BY-LAWS.

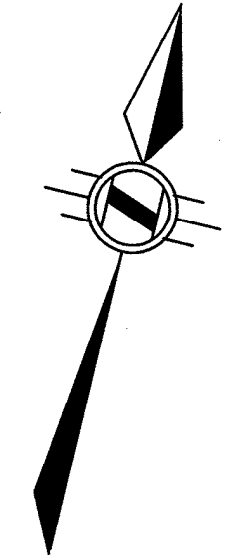
THIS PLAN WAS PREPARED FOR SIMO MARIC AND
STANA MARIC.

SURVEYOR'S REAL PROPERTY REPORT
PART 1, PLAN OF PART OF
LOTS 49, 50
AND ALL OF
LOT 51
CONCESSION 5
GEOGRAPHIC
TOWNSHIP OF ANCASTER
IN THE
CITY OF HAMILTON

SCALE 1:1250 METRIC



S.D. McLaren, O.L.S. - 2018



- LEGEND:**
- DENOTES MONUMENT SET
 - MONUMENT FOUND
 - IB STANDARD IRON BAR
 - SSB SHORT STANDARD IRON BAR
 - SM STONE MONUMENT
 - PS PLASTIC BAR
 - D1 INSTRUMENT
 - 824 A.T. McLAREN, O.L.S.
 - 717 J. KISWAY, O.L.S.
 - 606 M.E. MARTIN
 - 600 S.W. WOODS
 - OU ORIGIN UNKNOWN
 - Meas MEASURED
 - P1 PLAN BY S.W. WOODS DATED JULY 4, 1989
 - P2 62R-4427
 - FI FIELD NOTES BY A.L. CLARKE, O.L.S. DATED AUGUST 9, 1985

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

NOTE:
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY
MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.9996585

INTEGRATION DATA

POINT ID	NORTHING	EASTING
ORP A	4782622.875	586458.950
ORP B	4782496.157	585503.812

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

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

SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH
THE SURVEY ACT, THE SURVEYORS ACT
AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 2ND DAY OF MAY, 2018

MAY 3, 2018

DATE

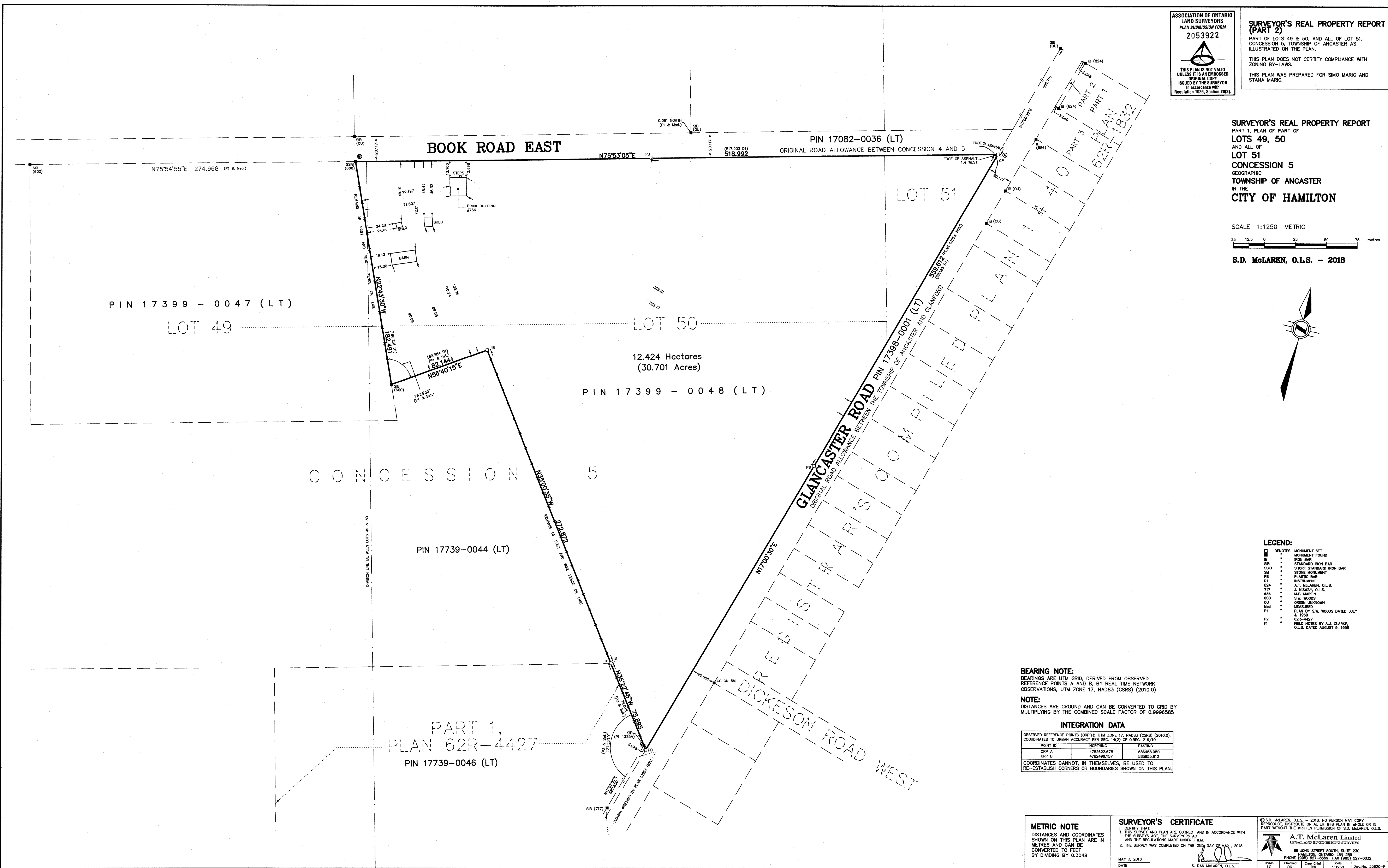
S. DAN McLAREN, O.L.S.

© S.D. McLaren, O.L.S. - 2018. NO PERSON MAY COPY
REPRODUCE, DISTRIBUTE OR ALTER THIS PLAN IN WHOLE OR IN
PART WITHOUT THE WRITTEN PERMISSION OF S.D. McLaren, O.L.S.

A.T. McLaren Limited
LEGAL AND ENGINEERING SURVEYS

69 JOHN STREET SOUTH, SUITE 230
HAMILTON, ONTARIO, L8N 2B9
PHONE (905) 527-2622 FAX (905) 527-0032

Drawn	Checked	Crossed	Scale	Dwg. No.
LC	DC	DW	1:1250	35620-F



Alan White
LAND REGISTRAR
FOR THE REGISTRY DIVISION OF
WENTWORTH-NR 62

I REQUIRE THIS PLAN TO BE
DEPOSITED UNDER PART III
OF THE REGISTRY ACT.
DATE September 26, 1978

Michael J. Lawlor
MICHAEL J. LAWLOR

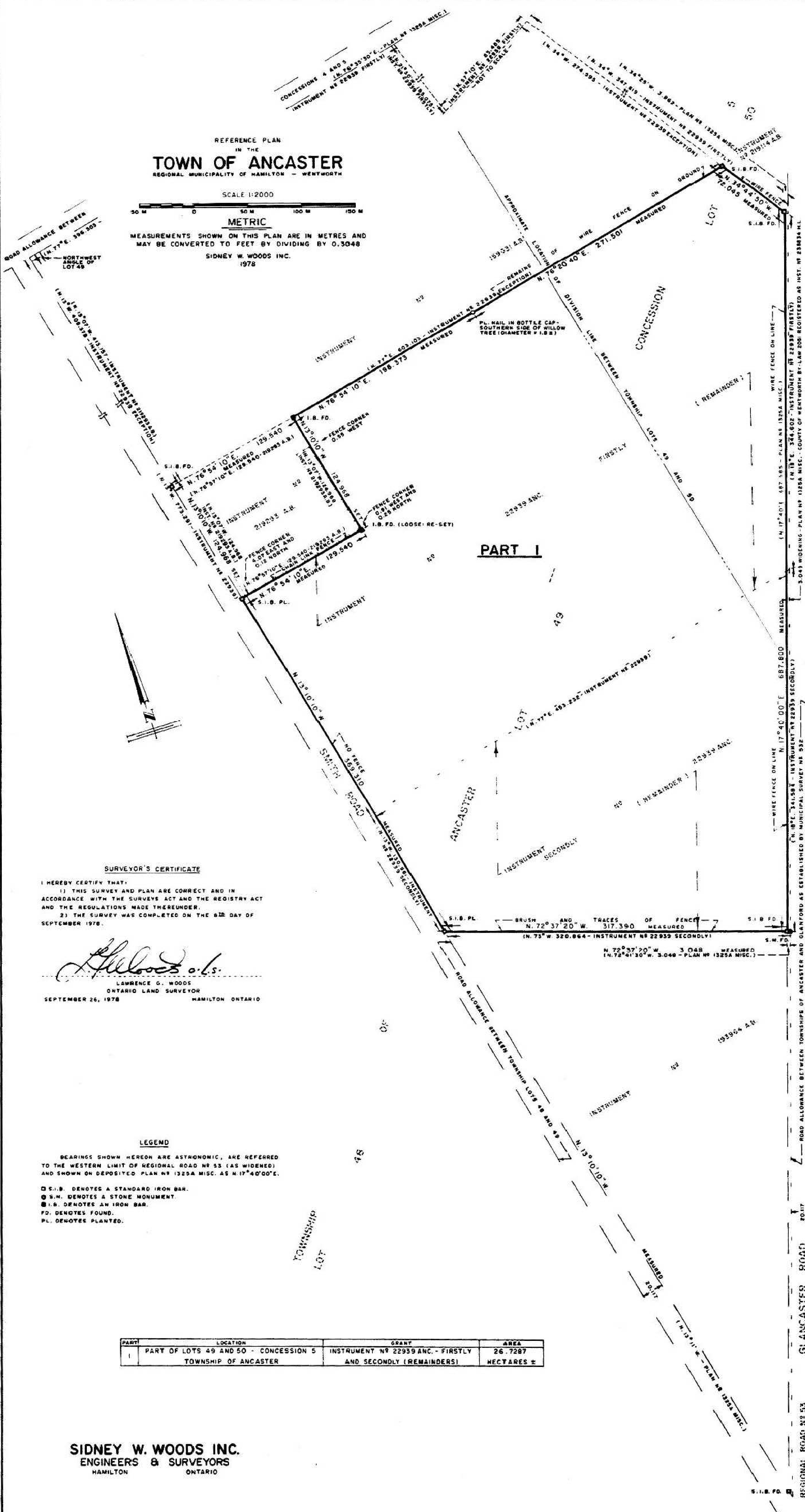
CAUTION:
THIS PLAN IS NOT A PLAN OF
SUBDIVISION WITHIN THE
MEANING OF SECTION 29, 32
OR 33 OF THE PLANNING ACT.

REFERENCE PLAN
IN THE
TOWN OF ANCASTER
REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH



MEASUREMENTS SHOWN ON THIS PLAN ARE IN METRES AND
MAY BE CONVERTED TO FEET BY DIVIDING BY 0.3048
SIDNEY W. WOODS INC.
1978

ROAD ALLOWANCE BETWEEN
N. 13° 10' 10" W. INSTRUMENT NO 22939 (EXCEPTION)
N. 13° 10' 10" W. INSTRUMENT NO 22939 (EXCEPTION)
NORTHWEST
ANGLE OF
LOT 48



SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT:
 1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE REGULATIONS MADE THEREUNDER.
 2) THE SURVEY WAS COMPLETED ON THE 26th DAY OF SEPTEMBER 1978.

Lawrence G. Woods
 LAWRENCE G. WOODS
 ONTARIO LAND SURVEYOR
 SEPTEMBER 26, 1978 HAMILTON ONTARIO

LEGEND

BEARINGS SHOWN HEREON ARE ASTRONOMIC, ARE REFERRED TO THE WESTERN LIMIT OF REGIONAL ROAD NO 53 (AS WIDENED) AND SHOWN ON DEPOSITED PLAN NO 1325A MISC. AS N 17° 40' 00" E.
 S.I.B. DENOTES A STANDARD IRON BAR.
 S.M. DENOTES A STONE MONUMENT.
 I.B. DENOTES AN IRON BAR.
 F.D. DENOTES FOUND.
 P.L. DENOTES PLANTED.

PART	LOCATION	GRANT	AREA
1	PART OF LOTS 49 AND 50 - CONCESSION 5 TOWNSHIP OF ANCASTER	INSTRUMENT NO 22939 ANC. - FIRSTLY AND SECONDLY (REMAINDERS)	26.7287 HECTARES ±

SIDNEY W. WOODS INC.
 ENGINEERS & SURVEYORS
 HAMILTON ONTARIO



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 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

1.1, 1.2	NAME	ADDRESS	
Registered Owners(s)	Jamal Shihadeh c/o JMJ Property Investment Inc	[REDACTED]	E-mail: [REDACTED]
Applicant(s)*	Valdemer Nickel	[REDACTED]	Phone: [REDACTED] E-mail: [REDACTED]
Agent or Solicitor	Peter R. Welsh	[REDACTED]	E-mail: [REDACTED]

* 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 Hamilton	Lot part 1 plan of lot 49,50 & all of 50	Concession 5	Former Township Ancaster
Registered Plan N°.	Lot(s) Pt50 & PT 51	Reference Plan N°.	Part(s)
Municipal Address 766 Book Rd E (& 844 Glencaster Rd see Scheduling A)			Assessment Roll N°. 1404205100000

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):

creation of a new lot

Other: a charge

- addition to a lot
 an easement

- 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:

Hazelview Investments

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

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

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

Frontage (m)	Depth (m)	Area (m ² or ha)
687.8	327.913 (max)	26.7287 ha

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: none

Proposed: none

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)

land division only, no structure or servicing proposed

Type of sewage disposal proposed: (check appropriate box)

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

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

Frontage (m)	Depth (m)	Area (m ² or ha)
518.992 (Book Rd E)	559.612 (Glencaster)	12.424 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: Residential dwelling, shed and barn

Proposed: no change

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)

land division only, no new structure/service proposed

Type of sewage disposal proposed: (check appropriate box)

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

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

- electricity
 telephone
 school bussing
 garbage collection

5 CURRENT LAND USE

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

Rural Hamilton Official Plan designation (if applicable): _____

Urban Hamilton Official Plan designation (if applicable) Employment Area, Airport Employment Growth District

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

Designated Employment Area, Airport Employment Growth District (zoned M11 H37); no change in land use; lots comply to zoning requirements, are appropriate employment scale, compatible and consistent to neighbouring lot/parcel fabric (sizes/area/dimensions/shapes) and facilitates for permitted employment uses for future development. There are no Key Natural Features, Environmentally Significant Areas, Woodlots or Hydrology present on the sites. It is of the opinion the proposal maintains

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? M11 H37

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 checked="" type="checkbox"/>	400m

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?
Phase 1 Environmental Site Assessment, 2018
-
- 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

The proposed lot size/shapes are not changed from original lot fabric and are comparable to the existing employment lots in the area. Future development will be located in an existing designated employment area, lot size is of a scale to accommodate employment uses and appropriate for the airport context. It is our opinion the severance satisfies the criteria under Section 53 of the Planning Act.

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

The proposed severance, to return abutting lots back to original pre-merger occur in an urban boundary employment area. It is consistent with PPS (2020) sec 1.3 Employment

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

The proposal is consistent with the vision of the GGH (2020) accommodating forecasted growth and providing future employment opportunities for complete communities within established urban area (including policies in sec 2.2.5) including proximity to the airport

- 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

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?

744 Book Rd E since May 2018, 844 Glencaster Rd since May 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)

- 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
 Agricultural Related Severance or Lot Addition
 Rural Resource-based Commercial Severance or Lot Addition
 Rural Institutional Severance or Lot Addition
 Rural Settlement Area Severance or Lot Addition } (Complete Section 10.3)
- 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)	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 (m ² 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 ² 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.

Request is technical in nature; abutting lots were inadvertently merged and unintentionally assembled on title due to adjacency and ownership under the same name.

No change in lot shape, size, area, frontage or configurations is proposed.

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

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

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

13 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.

March 02 2021

Date

Signature of Owner



Wednesday, March 03, 2021

Committee of Adjustment
City of Hamilton
Planning & Economic Development Department
Planning Division
77 James Street North
Hamilton, Ontario, L8R 2K3

RE: Consent to Sever 766 Book Rd E from 844 Glencaster Rd

Dear Sir/Madam

JMJ Property Investment Inc. ("JMJ"), the Registered owner of 844 Glencaster Road, Hamilton, Ontario has retained this Law Office (and my Colleague, Mr. Shaffi Dar of RealCorp Law Professional Corporation) to assist in the sale of this Property (the "844 Property") to Hazelview Acquisitions Inc., which sale is requiring a Severance from the adjoining property known municipally as 766 Book Road East, Hamilton, (the "766 Property") also owned by JMJ.

We are attaching:

- Parcel Register for 844 Glencaster Road, (PIN 17399-0046) marked as such for reference;
- Last Transfer for 844 Glencaster Road, registered May 14, 2018, in favour of JMJ;
- Good root of title for 844 Glencaster Road by way of a Deed registered to Craig Dwight Smith, October 13, 1978, which also appears to be the immediately preceding Transfer of the Glencaster Property;
- Parcel Register for 766 Book Road East, (PIN 17399-0048) marked as such for reference;
- Last Transfer for 766 Book Road East, registered May 30, 2018 in favour of JMJ, just 16 days after the transfer to JMJ for 844 Glencaster Road;
- Property Index Map

844 Glencaster Road, Hamilton

From what we have determined, the origin of JMJ's Title to this Property was directly from the "Good Root of Title", from Craig Dwight Smith, with no intervening Transfers or severances, sub-divisions or any other impediments, rights-of-way, easements or encumbrances with the exception of the Hamilton Airport Zoning Regulations and the use of the Property, as far as our Client is aware.

At the time of acquisition by JMJ, it did not own or have an interest in any contiguous lands. Note that the PIN # for the 844 property has not merged with the 766 Property, despite 3 years having transpired.

766 Book Road East, Hamilton

Neither I, my office nor Mr. Dar was on this or 844 Property titles at time of either acquisition but understand that 766 Book Road East was acquired by JMJ without any intention of "merger-at-law", or, for that matter, any merger of title at all.

The Transfer to JMJ of this 766 Property was from an entirely different, un-related source (Simo Maric and Stana Maric), which held this 766 Property from April 6, 1995, and again, we understand for Agricultural purposes

Again, note the PIN # for the 766 Property has not merged with the 844 Property, again despite 3 years passage of ample time to have done so, if the properties were to have merged.

"once severed, always severed"

As the parcels are not whole lots within a plan of subdivision, we must therefore request and apply to the Committee of Adjustment for a consent to sever. While we do not have any explanation from the Land Registry Office why "severance" now is required at all, especially given separate PIN Numbers, it was never the intention of JMJ either upon acquisition 3 years ago or now that the 2 Properties were to be or are to be merged, even "at law" or inadvertently. They were purchased as severed and presumably, "once severed, always severed".

Accordingly, we submit that the Properties should be "severed" and treated as "severed" and look to you (and the LRO) for that confirmation to allow the sale of 844 Glencaster to proceed.

Thank you



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