

**NOTICE OF PUBLIC HEARING**  
**Consent/Land Severance**

**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

<b>APPLICATION NO.:</b>	<b>HM/B-22:70</b>	<b>SUBJECT PROPERTY:</b>	<b>330 DUNDURN STREET S, HAMILTON</b>
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**APPLICANTS:** Owner – 2178949 Ontario Inc. c/o Mr. Yaniv Geler  
Agent – IBI Group c/o Carmen Jandu

**PURPOSE & EFFECT:** To permit the partial discharge of a mortgage to facilitate the future development of the Charged Lands.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>CHARGE/DISCHARGE LANDS:</b>	10.9 m <sup>±</sup>	Varies m <sup>±</sup>	3,076.3 m <sup>2±</sup>
<b>REMAINDER LANDS:</b>	64.0 m <sup>±</sup>	78.35 m <sup>±</sup>	4,483.0 m <sup>2±</sup>

Associated Planning Act File(s): Site Plan Approval City of Hamilton DA-21-133, HM/A-22:190

**This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.**

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

<b>DATE:</b>	<b>Thursday, August 11, 2022</b>
<b>TIME:</b>	<b>2:50 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

## 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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.



**Subject Lands**

DATED: July 26, 2022

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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

## **HM/B-22:70**

If a person or public body that files an appeal of a decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent does not make written submissions to The City of Hamilton Committee of Adjustment before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

If you wish to be notified of the decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent, you must make a written request to the Secretary-Treasurer of The City of Hamilton Committee of Adjustment by email at [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5.

## PARTICIPATION PROCEDURES

### Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5<sup>th</sup> Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)

### Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

#### 1. Virtual Oral Submissions

**Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.**

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email [cofa@hamilton.ca](mailto:cofa@hamilton.ca). The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

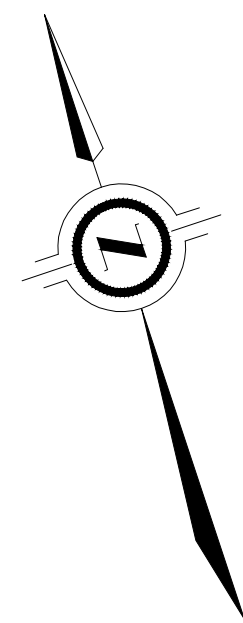
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

#### 2. In person Oral Submissions

**Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2<sup>nd</sup> floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.**

We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.



HOMWOOD AVENUE  
(BY REGISTERED PLAN No. 405)

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.	PLAN 62R-
DATE _____	RECEIVED AND DEPOSITED
G.T. STIDWILL ONTARIO LAND SURVEYOR	DATE _____
	REPRESENTATIVE FOR THE LAND REGISTRAR FOR THE LAND TITLES DIVISION OF WENTWORTH (No 62)

SCHEDULE			
PART	LOT	PLAN	PIN
1	BLOCKS A AND B	REGISTERED PLAN 1295	ALL OF PIN 17132-0295 (LT)
2	PART OF PARK LOT 20	SIR ALLAN N. MACNAB SURVEY	ALL OF PIN 17132-0296 (LT)

PART 1 IS SUBJECT TO AN EASEMENT AS IN INST No. LT543331.

PLAN OF SURVEY OF  
BLOCKS A AND B  
REGISTERED PLAN 1295 AND  
PART OF PARK LOT 20  
SIR ALLAN N. MACNAB SURVEY  
CITY OF HAMILTON

SCALE 1 : 250  
5 0 5 10 15 metres

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

NOTES  
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0).  
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999684.

INTEGRATION DATA			
OBSERVED REFERENCE POINTS (ORPs): UTM ZONE 17, NAD83 (CSRS) (2010.0).			
COORDINATES TO AN URBAN ACCURACY PER SECTION 14 (2) OF O.REG 216/10.			
POINT ID	EASTING	NORTHING	
ORP (A)	589 779.75	4 789 414.23	
ORP (B)	589 879.86	4 789 320.49	
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.			
THE RESULTANT TIE BETWEEN ORP (A) AND ORP (B) IS 137.19 N46°53'00"W			

CITY OF HAMILTON

MINOR ARTERIAL

LEGEND	
■ DENOTES SURVEY MONUMENT FOUND	
SIB DENOTES STANDARD IRON BAR	
SSIB DENOTES SHORT STANDARD IRON BAR	
IB DENOTES IRON BAR	
CC DENOTES CUT CROSS	
CP DENOTES CONCRETE PIN AND WASHER	
WIT DENOTES WITNESS	
OU DENOTES ORIGIN UNKNOWN	
P1 DENOTES SURVEYOR'S REAL PROPERTY REPORT BY J.D. BARNES LTD., O.L.S., DATED FEBRUARY 12, 2021 (PROJECT No. 20-30-616-00-A)	
P2 DENOTES SURVEYOR'S REAL PROPERTY REPORT BY SPEIGHTS, VAN NOSTRAND & GIBSON LTD., O.L.S., DATED JUNE 11, 1993 (FILE 93-4317)	
N1 DENOTES SURVEY NOTES FROM MATHEWS, CAMERON, HEYWOOD - KERRY T. HOWE SURVEYING LTD., O.L.S., DATED NOVEMBER 10, 2014 (REF. No.: 14-16-146-00)	
MEAS DENOTES MEASURED	
JDB DENOTES J.D. BARNES LIMITED	
744 DENOTES MATTHEWS, CAMERON, HEYWOOD - KERRY T. HOWE SURVEYING LTD., O.L.S.	
MMP DENOTES MACKAY, MACKAY & PETERS, LIMITED, O.L.S.	
655 DENOTES JOHN T. PETERS, O.L.S.	
1213 DENOTES J.D. PETERS, O.L.S.	
SVN&G DENOTES SPEIGHT, VAN NOSTRAND & GIBSON, LTD., O.L.S.	
NI DENOTES NO IDENTIFICATION	

N=North / S=South / E=East / W=West

SURVEYOR'S CERTIFICATE  
I CERTIFY THAT:  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.  
2. THE SURVEY WAS COMPLETED ON THE 16th DAY OF SEPTEMBER, 2021.

DATE \_\_\_\_\_ G.T. STIDWILL  
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER XXXXXX		
LAND INFORMATION SPECIALISTS		
401 WHEELABRATOR WAY, SUITE A, MILTON, ON L9T 3C1		
T: (905) 875-9955 F: (905) 875-9956 www.jdbarnes.com		
DRAWN BY: MB	CHECKED BY: GS	REFERENCE NO.: 20-30-616-01-A
PLOTTED: \$DATE\$		DATED: 6/07/2022

EXISTING RESIDENTIAL  
PART OF PARK LOT 20  
High Rise Residential and surface parking  
SIR A. N. MACNAB SURVEY

EXISTING RESIDENTIAL  
One and Two Storey brick homes

EXISTING COMMERCIAL USES  
1 Storey Brick and concrete  
Multiple commercial unit building

PART 1  
LANDS TO BE CONVEYED  
(PARTIAL DISCHARGE OF MORTGAGE)

PART 2  
LANDS TO BE RETAINED  
ABERDEEN RETIREMENT HOME

EXISTING COMMERCIAL USES  
One to Three Storey commercial buildings

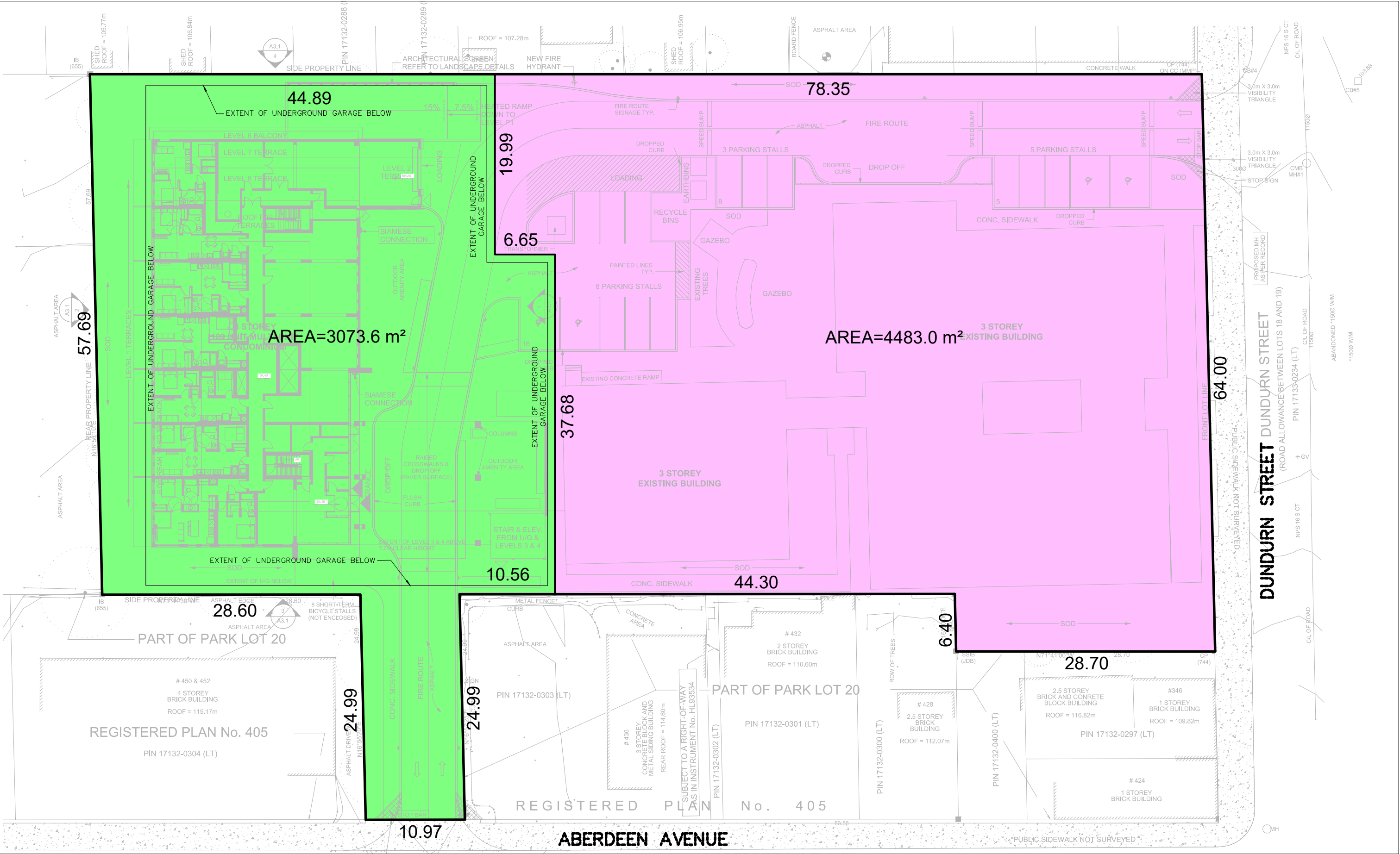
2 STOREY  
BRICK DWELLING

EXISTING RESIDENTIAL  
Four Storey brick apartment buildings

KNOWN AS ABERDEEN AVENUE  
(INST. No. CD63527, BY-LAW R77-78)  
(ROAD ALLOWANCE BETWEEN CONCESSIONS 3 AND 4)

CITY OF HAMILTON - MINOR ARTERIAL



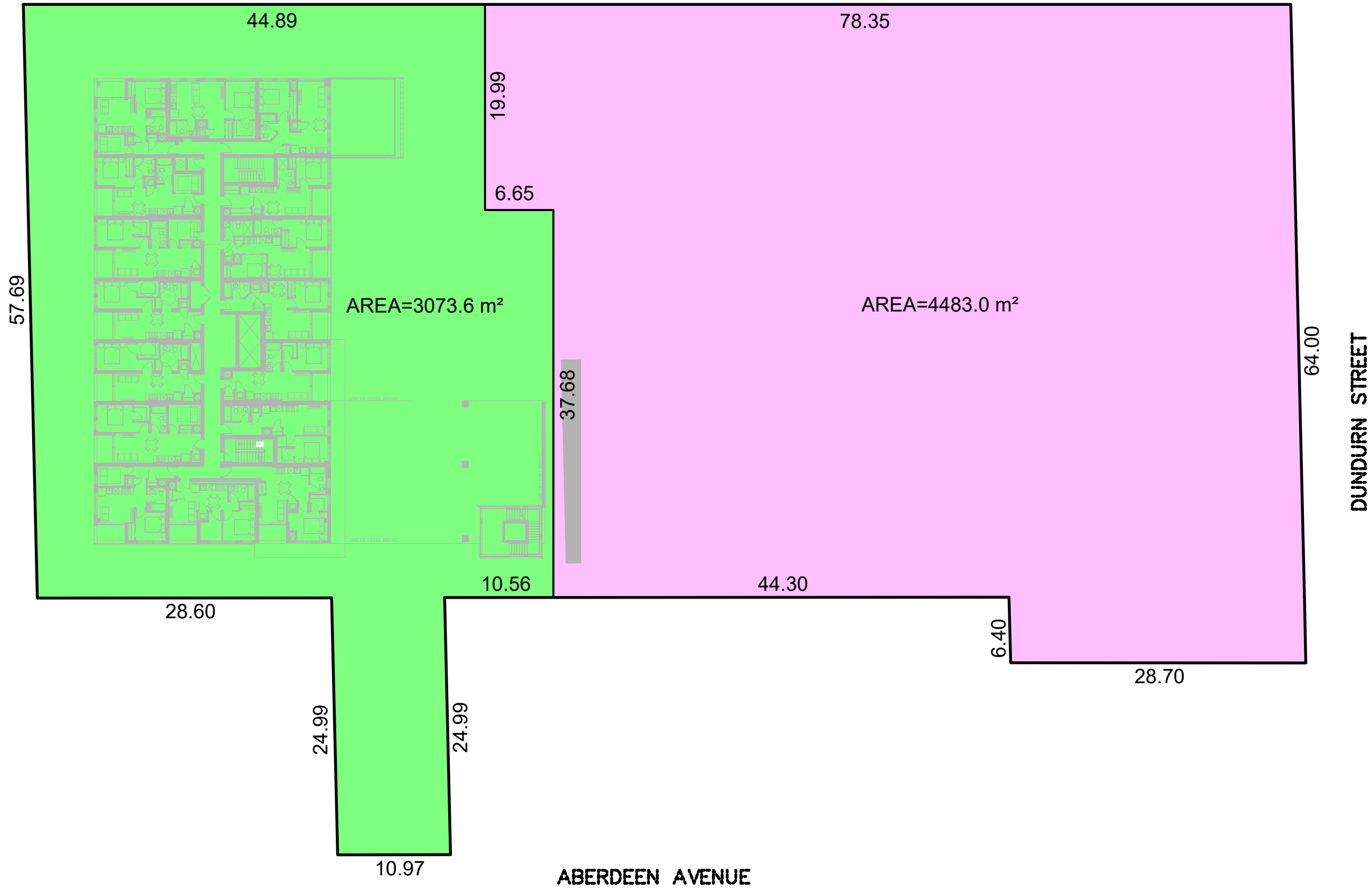


COLOURED MORTGAGE DISCHARGE SKETCH  
GROUND FLOOR

File: 21-101SK01

- FREEHOLD (REMAINDER LANDS)
- LAND TO BE DISCHARGED FROM MORTGAGE FOR FUTURE CONSTRUCTION

AREAS (m²)	DATE: JUNE 22, 2022
4483.0 m²	SHEET 1 OF 3
3073.6 m²	
TOTAL AREA: 7556.6 m²	KRCMTR



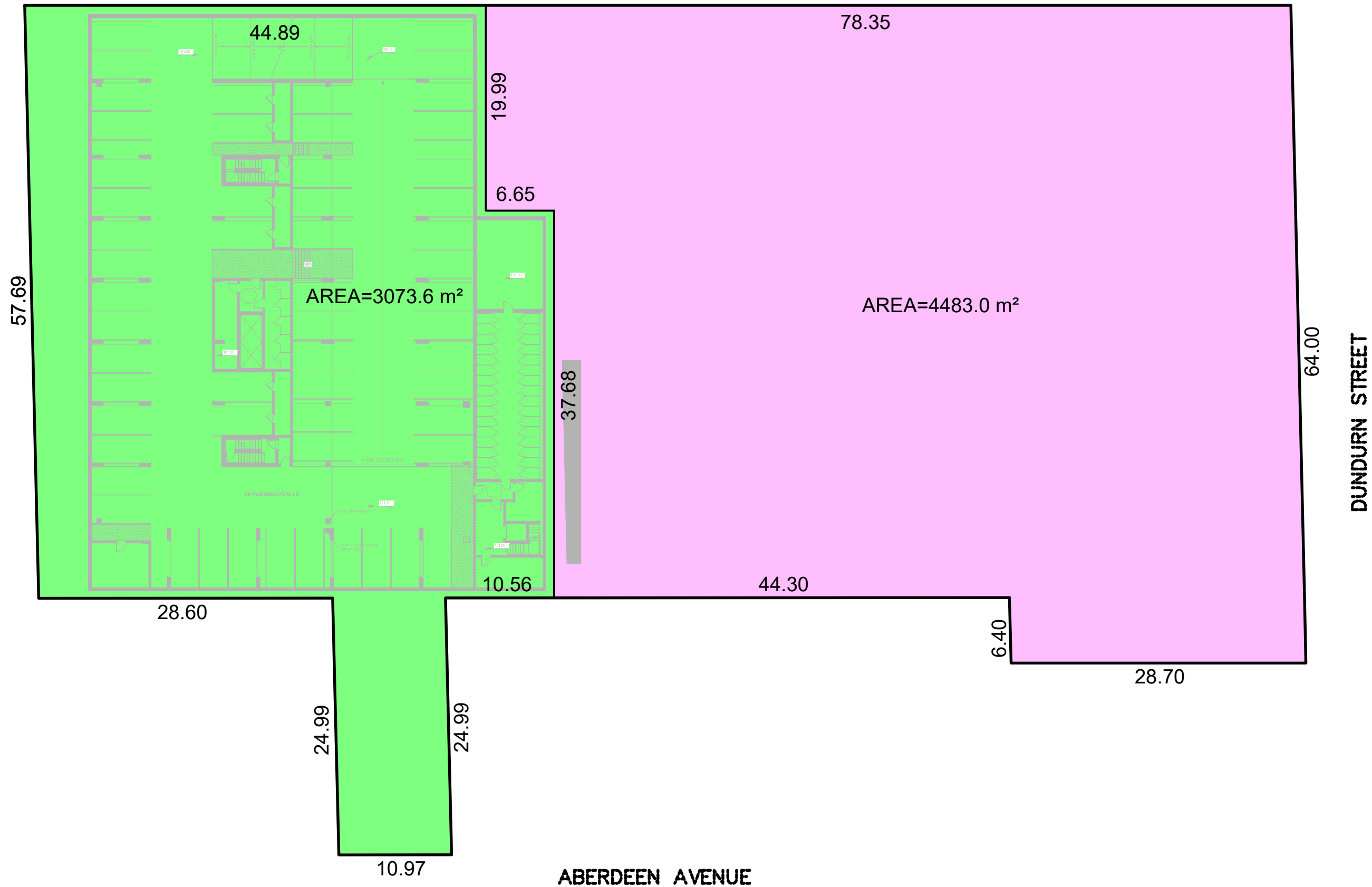
COLOURED MORTGAGE DISCHARGE SKETCH  
2nd FLOOR and ABOVE

File: 21-101SK01



- FREEHOLD (REMAINDER LANDS)
- LAND TO BE DISCHARGED FROM MORTGAGE FOR FUTURE CONSTRUCTION

AREAS (m <sup>2</sup> )	
	4483.0 m <sup>2</sup>
	3073.6 m <sup>2</sup>
TOTAL AREA:	7556.6 m <sup>2</sup>



COLOURED MORTGAGE DISCHARGE SKETCH  
FLOORS P1, P2 AND BELOW

File: 21-101SK01



- FREEHOLD (REMAINDER LANDS)
- LAND TO BE DISCHARGED FROM MORTGAGE FOR FUTURE CONSTRUCTION

AREAS (m <sup>2</sup> )	
4483.0 m <sup>2</sup>	
3073.6 m <sup>2</sup>	
TOTAL AREA:	7556.6 m <sup>2</sup>

DATE: JUNE 22, 2022  
SHEET 3 OF 3

KRCMTR



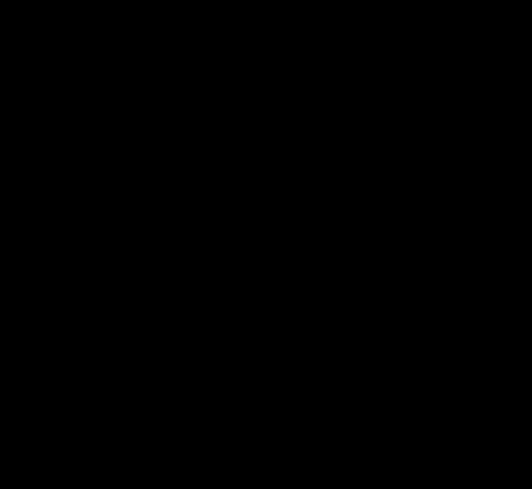


**APPLICATION FOR CONSENT TO SEVER LAND**  
**UNDER SECTION 53 OF THE *PLANNING ACT***

**Office Use Only**

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

	NAME	MAILING ADDRESS	
<b>Purchaser*</b>			Phone:  E-mail:
<b>Registered Owners(s)</b>	2178949 Ontario Inc. c/o Mr. Yaniv Geler		
<b>Applicant(s)**</b>	Same as Owner		
<b>Agent or Solicitor</b>	IBI Group c/o Carmen Jandu		

\*Purchaser must provide a copy of the position of the agreement of purchase and sale that authorizes the purchaser to make the application in respect of the land that is the subject of the application. (O. Reg. 786/21)

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

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

**2 LOCATION OF SUBJECT LAND** Complete the applicable lines

2.1 Area Municipality Hamilton	Lot	Concession	Former Township
Registered Plan N°. 1295	Lot(s) Blk A & B	Reference Plan N°.	Part(s)
Municipal Address 330 Dundurn St S			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:

### 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 (Partial Discharge of Mortgage)

☐ a lease

☐ a correction of title

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

2178949 Ontario Inc.

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

### 4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

Part 1 as shown

4.1 Description of land intended to be **Severed (lease, easement, charge etc.)**: on Site Sketch

Frontage (m)	Depth (m)	Area (m <sup>2</sup> or ha)
10.9	varies	3,076.3 m <sup>2</sup>

Existing Use of Property to be severed:

☐ Residential

☐ Agriculture (includes a farm dwelling)

☐ Other (specify) Surface parking area and stormwater management facility

☐ Industrial

☐ Agricultural-Related

☐ Commercial

☒ Vacant

Proposed Use of Property to be severed:

☒ Residential

☐ Agriculture (includes a farm dwelling)

☐ Other (specify) Conditionally site plan approved City of Hamilton File No. DA-21-133

☐ Industrial

☐ Agricultural-Related

☐ Commercial

☐ Vacant

Building(s) or Structure(s):

Existing: \_\_\_\_\_

Proposed: 8 storey apartment building - condominium tenure

Existing structures to be removed: \_\_\_\_\_

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 (remainder)**: Part 2 as shown on Site Sketch

Frontage (m)	Depth (m)	Area (m <sup>2</sup> or ha)
64.0	78.35	4,483.0 m <sup>2</sup>

Certificate Request for Retained Lands: ☐ Yes\*

\* If yes, a statement from an Ontario solicitor in good standing that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Act. (**O. Reg. 786/21**)

Existing Use of Property to be retained:

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

Proposed Use of Property to be retained:

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

Building(s) or Structure(s):

Existing: 3 storey retirement home

Proposed: n/a

Existing structures to be removed: \_\_\_\_\_

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

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

Type of sewage disposal proposed: (check appropriate box)

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

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

- ☒ electricity    ☒ telephone    ☒ school bussing    ☒ garbage collection

## 5 CURRENT LAND USE

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

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

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

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

The neighbourhoods designation permits residential uses of various forms generally throughout the entire designation.

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? Major Institutional (I3)

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"/>	

\*Complete MDS Data Sheet if applicable

6 PREVIOUS USE OF PROPERTY

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

- 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?  
The lands are currently developed with a retirement home. This use has continued for ±30 years
- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.  
Is the previous use inventory attached?  
☒ Yes ☐ No Please see Phase 1 and 2 Environmental Reports prepared by Landtek Limited.

## 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 lands are located within the Urban boundary, where development is generally to be directed.
- b) Is this application consistent with the Provincial Policy Statement (PPS)?  
☒ Yes ☐ No (Provide explanation)  
The lands are located within the Urban boundary, where development is generally to be directed.
- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?  
☒ Yes ☐ No (Provide explanation)  
The lands are located within the Urban boundary, where development is generally to be directed.
- 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.

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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?

Acquired in 2007.

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 HM/A - 22-190 Status PENDING (JULY 14 AGENDA)

## 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)

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

**10.3 Description of Lands**

a) Lands to be Severed:

Frontage (m): (from Section 4.1)	Area (m <sup>2</sup> or ha): (from Section 4.1)
----------------------------------	---

Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

b) Lands to be Retained:

Frontage (m): (from Section 4.2)	Area (m <sup>2</sup> 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 <sup>2</sup> or ha):
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Existing Land Use(s): \_\_\_\_\_ Proposed Land Use(s): \_\_\_\_\_

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

Frontage (m):	Area (m <sup>2</sup> or ha):
---------------	------------------------------

Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

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

Frontage (m): (from Section 4.1)	Area (m <sup>2</sup> or ha): (from Section 4.1)
----------------------------------	---

Front yard set back: \_\_\_\_\_

e) Surplus farm dwelling date of construction:

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

f) Condition of surplus farm dwelling:

- ☐ Habitable      ☐ Non-Habitable

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

Frontage (m): (from Section 4.2)	Area (m <sup>2</sup> or ha): (from Section 4.2)
----------------------------------	---

Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

## 10.5 Description of Lands (Non-Abutting Farm Consolidation)

a) Location of non-abutting farm

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

b) Description of non-abutting farm

Frontage (m):	Area (m <sup>2</sup> or ha):
---------------	------------------------------

Existing Land Use(s): \_\_\_\_\_ Proposed Land Use(s): \_\_\_\_\_

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

Frontage (m): (from Section 4.1)	Area (m <sup>2</sup> or ha): (from Section 4.1)
----------------------------------	---

Front yard set back: \_\_\_\_\_

d) Surplus farm dwelling date of construction:

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

e) Condition of surplus farm dwelling:

☐ Habitable ☐ Non-Habitable

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

Frontage (m): (from Section 4.2)	Area (m <sup>2</sup> or ha): (from Section 4.2)
----------------------------------	---

Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

## 11 OTHER INFORMATION

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

--

## 12 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.

June 29 2022

Date



Signature of Owner



**IBI GROUP**  
200 East Wing – 360 James Street North  
Hamilton ON L8L 1H5 Canada  
tel 905 546 1010  
[ibigroup.com](http://ibigroup.com)

July 5, 2022

Chair and Members of Committee of Adjustment  
c/o Ms. Jamila Sheffield, Secretary-Treasurer, Committee of Adjustment  
City of Hamilton  
71 Main Street West, 5th Floor  
Hamilton, Ontario L8P 4Y5

Dear Chair and Members of Committee of Adjustment:

**APPLICATION FOR CONSENT TO SEVER - DISCHARGE OF MORTGAGE  
330 DUNDURN STREET SOUTH, HAMILTON**

IBI Group (Hamilton) are the planning consultants for Lev Living, the owners of the lands located at 330 Dundurn Street South, Hamilton (the “Subject Lands”), currently known as the Aberdeen Gardens Retirement Residence.

Surrounding Site Context

The subject lands are located north of Aberdeen Avenue, east of MacDonald Avenue, south of Homewood Avenue, and west of Dundurn Street South. To the north of the subject lands are single detached dwellings, retail, and an elementary school. To the east are low density multiple dwellings, single-detached dwellings, a medical clinic (Rexall), and a church. To the south are mixed-use residential dwellings, multi-residential dwellings (apartment), and single-detached dwellings. To the west are a parking lot, single detached dwellings, attached dwellings, apartments, and open space.

Current Planning Processes

In 2021, Lev Living submitted an application for Site Plan Approval for the redevelopment of the western portion of the subject lands currently being utilized as surface parking and stormwater management. The redevelopment concept for the Site Plan Approval application envisions the construction of an eight-storey, residential apartment building with 109 units and 1 level of underground parking, a rendering of the proposed building has been included in this application for your convenience. The proposed development was granted Conditional Site Plan Approval in Spring 2022 and the owner is currently in the process of clearing conditional site plan conditions to finalize the Site Plan approval. Future planning processes will include the submission of a plan of condominium application anticipated for submission in mid 2023.

Partial Discharge of Mortgage

In order to arrange for construction financing, the owner will require a partial discharge for the portion of lands that encompass the new building. We understand that the owner had initiated discussion with their current mortgage lender, BMO, who have approved the direction to apply for

Chair and Members of Committee of Adjustment – July 5, 2022

a partial discharge of mortgage. We also understand that BMO will likely be the loan entity for construction financing.

The partial discharge of the mortgage permitted under Section 50(16) of the Planning Act, requires a legal description for the portion of lands that will be subject to the discharge of mortgage. The portion of lands subject to partial discharge of the will be created through the application for Consent to Sever under Section 53 of the *Planning Act*.

The lands which are to be severed for the purposes of discharge of mortgage are shown as Part 1 of the attached site sketch and described as Block A, Registered Plan 1295 and Park of Park lot 20, Sir Allan N. MacNab Survey, in the City of Hamilton. Please see attached Site Sketch and Coloured Mortgage Discharge Sketch, showing Parts 1 and 2 where Part 1 would be severed and Part 2 would be retained.

In addition to this, the proposed severance would continue to comply with the zoning. The lands are Zoned Major Institutional (I3) within the City of Hamilton Zoning By-law 05-200. Permitted uses within the zone include Multiple Dwellings and Retirement Homes. It is noted that Multiple Dwelling Uses are only permitted on the same lot as an Educational Establishment, Retirement Home, or Long-Term Care Facility.

As noted above the proposed consent application is to allow for a partial discharge of the mortgage on Part 1 of the subject lands. The partial discharge of the Mortgage would not technically sever the lands and both parts will continue to be owned by the same legal entity. The ultimate development will operate and function as one site with shared facilities which will be detailed in the future plan of condominium declaration and shared facilities agreement. As such, the lands will remain as one parcel, and therefore the proposed use continues to be permitted on the subject lands.

In support of the proposed consent application, for purposes of partial discharge of mortgage, please find enclosed the following:

- A Completed Application Form;
- Phase 1 and 2 Environmental Site Assessment as prepared by Landtek Limited;
- A Rendering of the proposed 8 Storey apartment building as prepared by SRM Architects;
- Coloured Mortgage Discharge Sketch as prepared by Krcmar Surveyors; and,
- A Site Sketch.

We request that the application fee of \$2,985.00 be paid via credit card, and that instructions for payment be provided to our client for coordination. Please see contact information below for your convenience:

Mr. Yaniv Geler, President  
Lev Living  
Telephone: 416-849-5030

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Furthermore, we are pleased to provide this application via electronic submission, however, please advise the undersigned if a hardcopy will be required.

Yours truly,

**IBI GROUP (Hamilton) Inc.**

A handwritten signature in black ink, appearing to read 'C. Jandu', written in a cursive style.

Carmen Jandu, MCIP RPP

Copy:

Mr. Y. Geler – Lev Living

Mr. A. Katz- Harris and Schaffer





## **LANDTEK LIMITED**

*Consulting Engineers*

205 Nebo Road, Unit 3  
Hamilton, Ontario  
Canada  
L8W 2E1

Phone: 905-383-3733  
Fax: 905-383-8433  
engineering@landteklimited.com  
www.landteklimited.com

**Available for Viewing**  
**Contact [cofa@hamilton.ca](mailto:cofa@hamilton.ca) for more information.**

**Phase One Environmental Site Assessment**  
**330 Dundurn Street South**  
**City of Hamilton, Ontario**

Prepared for:

**Greenwood Retirement Communities**  
2200 Yonge Street, Suite 805  
Toronto, Ontario  
M4S 2C6

File: 15291  
September 28, 2015



## **LANDTEK LIMITED**

*Consulting Engineers*

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Fax: 905-383-8433  
engineering@landteklimited.com  
www.landteklimited.com

**Available for Viewing**  
**Contact [cofa@hamilton.ca](mailto:cofa@hamilton.ca) for more information.**

**Limited Phase Two**  
**Environmental Site Assessment**  
330 Dundurn Street South (Western Parcel) Street  
Hamilton, Ontario

Prepared for:  
**2178949 Ontario Inc.**  
2200 Yonge Street, Suite 602  
Toronto, Ontario  
M4S 2CS

File: 20465.1

April 2020