



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

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

APPLICATION NO.:	FL/B-22:84	SUBJECT PROPERTY:	93 CONCESSION 7 E, FLAMBOROUGH
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APPLICANTS: Owner – Urmas Soomet & Barbara Kerr
Agent – Andrew & Cheryl Bradshaw

PURPOSE & EFFECT: To permit the conveyance of a parcel of land to be added to property known municipally as 99 Concession 7 E. as shown on the attached sketch.

	Frontage	Depth	Area
SEVERED LANDS:	15 m [±]	52.4 (IREG) m [±]	0.07 ha [±]
RETAINED LANDS:	96 m [±]	884 m [±]	14.8 ha [±]

Associated Planning Act File(s): N/A

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:

DATE:	Thursday, September 8, 2022
TIME:	1:25 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

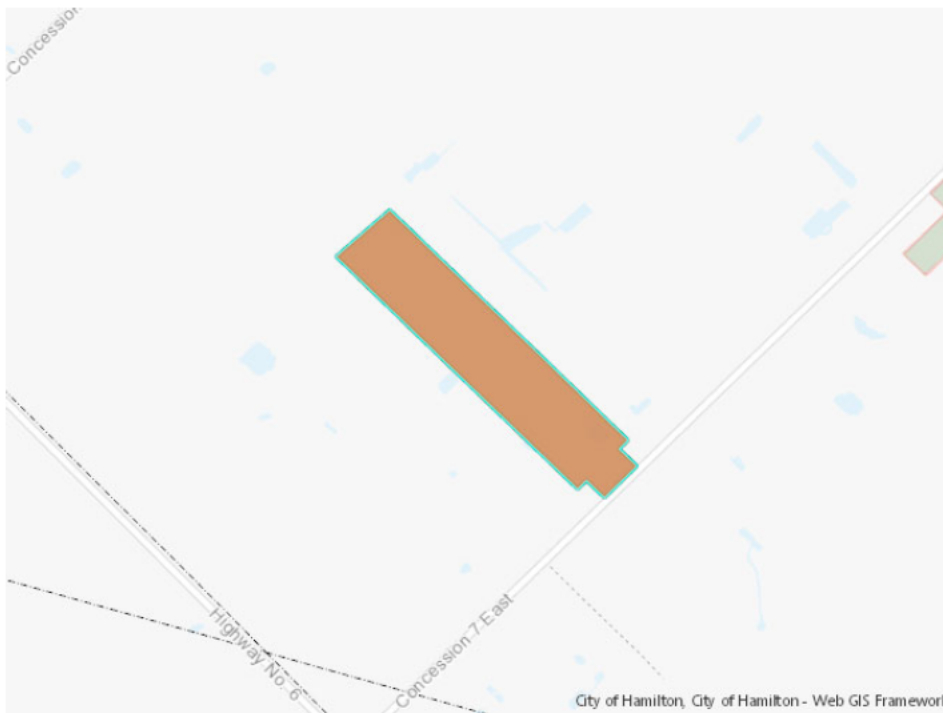
For more information on this matter, including access to drawings illustrating this request and other information submitted:

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th 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.



DATED: August 23, 2022

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..

FL/B-22:84

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 or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5.



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Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

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 or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th 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

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. 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 (2nd 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 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.

KENTVILLE ILLUSTRATIVE LAND DIVISION

NE 1/4

CITY OF HAMILTON

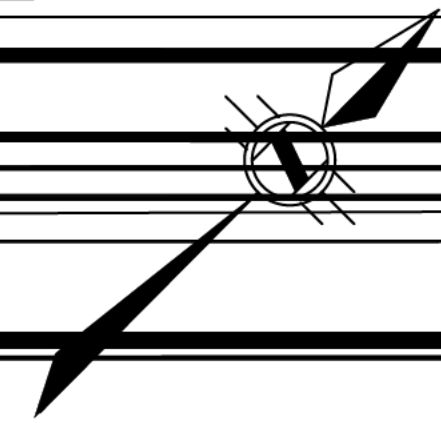
SCALE 1:4 METRES



A. T. McLAREN, L.L.B. - 2022

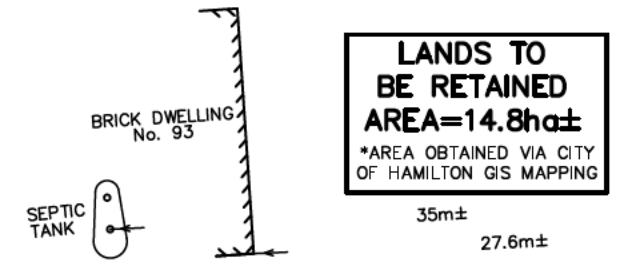
CONCESSION

LOT



LOT 11

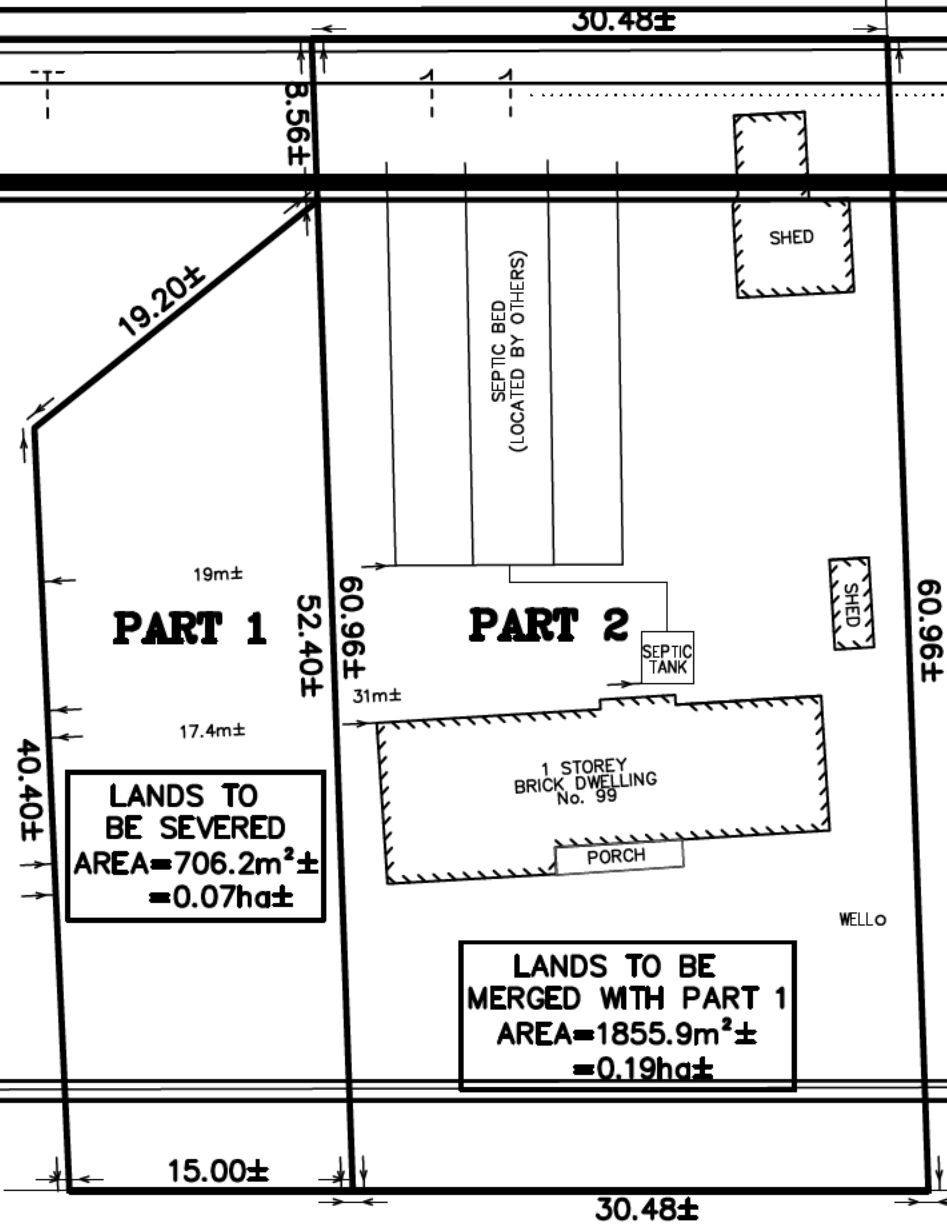
M.T. UTHERLY CORNER OF LOT 11, NE 1/4



LANDS TO BE RETAINED
AREA=14.8ha±
*AREA OBTAINED VIA CITY OF HAMILTON GIS MAPPING

LANDS TO BE SEVERED
AREA=706.2m²±
=0.07ha±

LANDS TO BE MERGED WITH PART 1
AREA=1855.9m²±
=0.19ha±



CONCESSION 7 EAST
(ORIGINAL ROAD ALLOWANCE BETWEEN CONCESSIONS 6 & 7)

AUTHOR:
A. T. McLAREN
SURVEY AND MAPPING
ENGINEER OF THE
UNIVERSITY OF HAMILTON
ON THE 17th DAY OF
MAY 2022

NOTE:
DISTANCES SHOWN ON THIS
PLAN WERE DERIVED FROM
PLAN BY A.T. McLAREN LTD.
DATED MAY 30, 2022

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

A.T. McLaren Limited
LEGAL AND ENGINEERING SURVEYS

69 JOHN STREET SOUTH, SUITE 230
HAMILTON, ONTARIO, L8N 2B9
PHONE (905) 527-8559 FAX (905) 527-0032

Drawn JC	Checked RAM	Crew Chief	Scale 1:400	Dwg.No. 36970-SK
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JUNE 17, 2022
DATE

SKETCH TO ILLUSTRATE LAND DIVISION

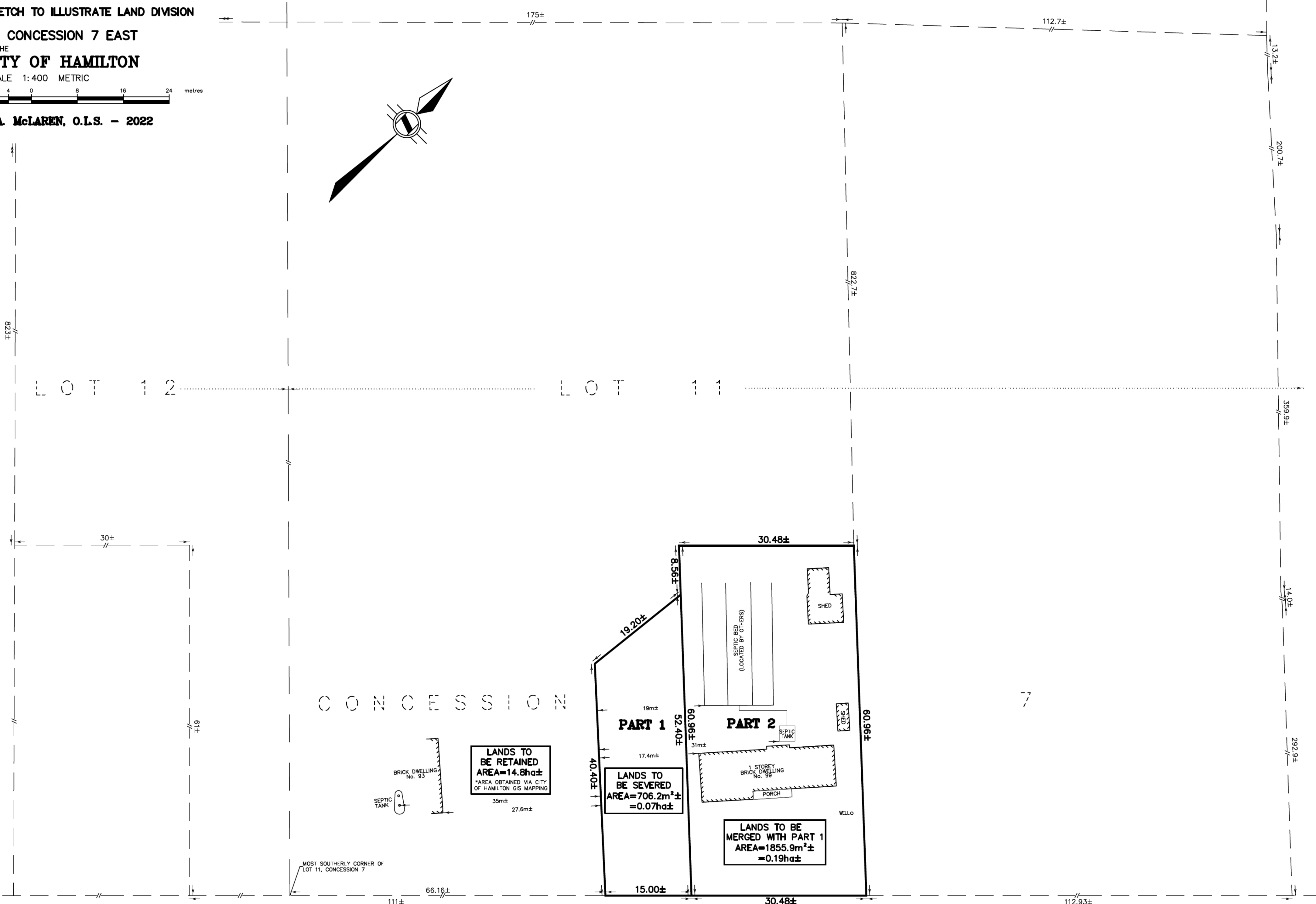
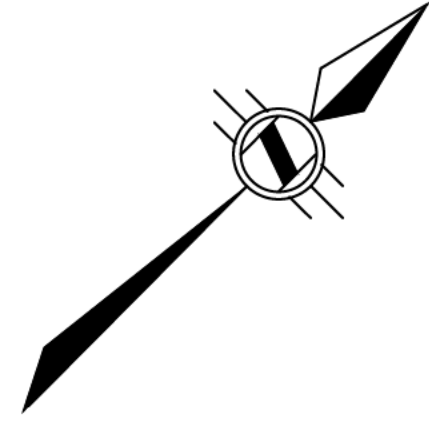
OF
93 CONCESSION 7 EAST

IN THE
CITY OF HAMILTON

SCALE 1:400 METRIC



R.A. McLAREN, O.L.S. - 2022



CAUTION:
A) THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.
B) THIS PLAN IS PROTECTED BY COPYRIGHT ©

NOTE:
DISTANCES SHOWN ON THIS PLAN WERE DERIVED FROM PLAN BY A.T. McLAREN LTD. DATED MAY 30, 2022 AND PLAN BY A.T. McLAREN LTD. DATED JANUARY 2, 2020.
DISTANCES FOR MUNICIPAL ADDRESS No. 93 CONCESSION 7 WERE DERIVED FROM THE CITY OF HAMILTON GIS MAPPING.

CONCESSION 7 EAST
(ORIGINAL ROAD ALLOWANCE BETWEEN CONCESSIONS 6 & 7)

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

JULY 21, 2022
DATE

A.T. McLaren Limited
LEGAL AND ENGINEERING SURVEYS
69 JOHN STREET SOUTH, SUITE 230
HAMILTON, ONTARIO, L8N 2B9
PHONE (905) 527-8559 FAX (905) 527-0032

Drawn JC	Checked RAM	Crew Chief MWJ	Scale 1:400	Dwg.No. 36970-SK
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SURVEYOR'S REAL PROPERTY REPORT

PLAN OF SURVEY OF
**PART OF LOT 11
 CONCESSION 7**
 GEOGRAPHIC TOWNSHIP OF EAST FLAMBOROUGH
 BEING IN THE
CITY OF HAMILTON

SCALE 1 : 200



MacKAY, MacKAY & PETERS LIMITED - ONTARIO LAND SURVEYORS
 © 2019

KNOWN AS MUNICIPAL No. : 99 7th CONCESSION ROAD EAST

REPORT SUMMARY BEING PART 2 (to be read in conjunction with Part 1)

LAND REGISTRY OFFICE TITLE INFORMATION ON SUBJECT PROPERTY INCLUDING
 BOUNDARIES, EASEMENTS AND RIGHT OF WAYS - DATE OCTOBER 9, 2019.

REGISTERED EASEMENTS AND/OR RIGHTS-OF-WAY:
 NONE

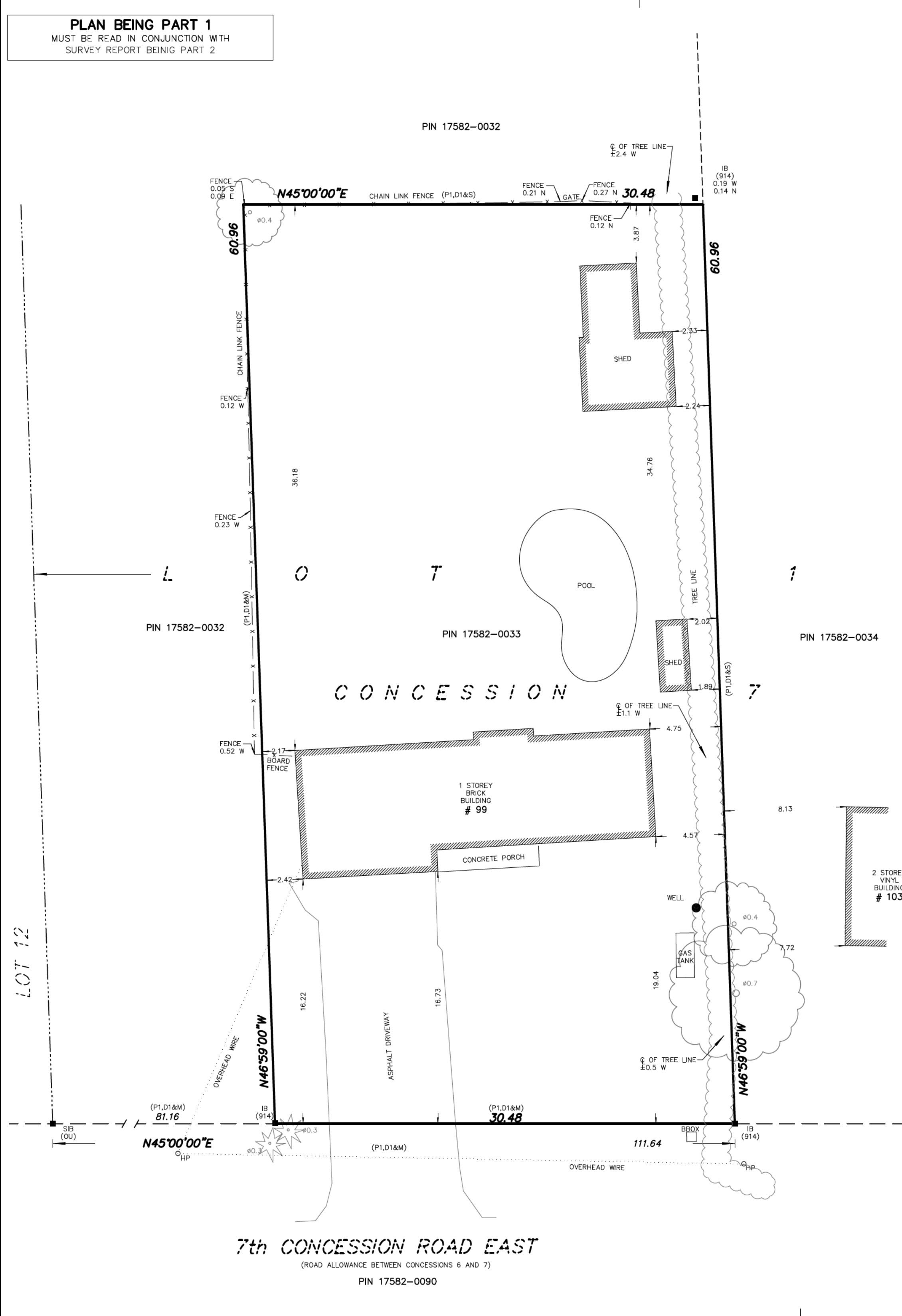
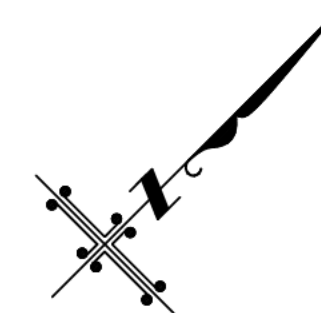
ADDITIONAL REMARKS:

REFER TO PART 1 OF SURVEY FOR THE LOCATION OF BUILDINGS, STRUCTURES, FENCES AND UTILITIES.

Note :

MacKAY, MacKAY & PETERS LIMITED grants CHERYL AND ANDREW BRADSHAW ["The Client(s)"], their solicitor and other related parties permission to use "Original Copies" of the Surveyor's Real Property Report in transactions involving "The Client(s)".

"METRIC" DISTANCES SHOWN HEREON ARE IN METRES AND
 CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048



Legend :

- DENOTES A SURVEY MONUMENT FOUND
- IB DENOTES IRON BAR
- SIB DENOTES STANDARD IRON BAR
- OU DENOTES ORIGIN UNKNOWN
- ⊙ DENOTES CENTRE LINE
- PIN DENOTES PROPERTY IDENTIFICATION NUMBER
- ⊙ DENOTES ROUND
- HP DENOTES HYDRO POLE
- BBOX DENOTES BELL BOX
- P1 DENOTES PLAN BY PETER DEWHIRST, OLS DATED AUGUST 16, 1968
- D1 DENOTES INST. No. AB107125

ALL TIES ARE TO FOUNDATION UNLESS OTHERWISE NOTED

Bearing Reference :

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE NORTHERLY LIMIT OF
 7th CONCESSION ROAD EAST, AS SHOWN ON P1, HAVING A BEARING OF N45°00'00\"/>

Surveyor's Certificate :

1. I CERTIFY THAT :
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 11th DAY OF OCTOBER, 2019.

OCTOBER 23, 2019
 DATE

Roy C. Mayo
ROY C. MAYO
 ONTARIO LAND SURVEYOR
 FOR MACKAY, MACKAY & PETERS LIMITED

**ASSOCIATION OF ONTARIO
 LAND SURVEYORS**

PLAN SUBMISSION FORM
2102777



**THIS PLAN IS NOT VALID
 UNLESS IT IS AN EMBOSSED
 ORIGINAL COPY
 ISSUED BY THE SURVEYOR**

In accordance with
 Regulation 1026, Section 29(3)

CAD FILE: E:\E:\(62) Hamilton-Wentworth\TWP) FLAMBOROUGH EAST\CON 7\LOT 11\19-243\19-243.dwg

MMP
 MacKay, MacKay & Peters Limited
 LAND SURVEYORS & MAPPERS
 SINCE 1906

3380 South Service Road
 Unit 101
 Burlington, ON
 L7N 3J5
 (905) 639-1375
 halton@mmplimited.com
 mmpsurveyors.ca
 mmplocators.ca

DRAWN BY: A.S.
 PARTY CHIEF: A.C.
 CHECKED BY: *FRM*
 PROJECT NO.:
19-243

PLAN BEING PART 1
 MUST BE READ IN CONJUNCTION WITH
 SURVEY REPORT BEING PART 2

7th CONCESSION ROAD EAST

(ROAD ALLOWANCE BETWEEN CONCESSIONS 6 AND 7)

PIN 17582-0090



**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
Purchaser*	Andrew Bradshaw Cheryl Bradshaw
Registered Owners(s)	Urrmas Soomet Barbara Kerr
Applicant(s)**	Andrew Bradshaw Cheryl Bradshaw
Agent or Solicitor	

*Purchaser must provide a copy of the portion 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 Flamborough	Lot 11	Concession 7 E	Former Township
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 93 Concession 7 E, Millgrove ON L8B1T7			Assessment Roll N°. 2518303710518000000

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
 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:

Andrew Bradshaw & Cheryl Bradshaw

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

Part 2 of site sketch (99 Concessoin 7 E)

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

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

Frontage (m)	Depth (m)	Area (m ² or ha)
15	52.4 (IREG)	0.07 ha

Existing Use of Property to be severed:

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

Proposed Use of Property to be severed:

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

Building(s) or Structure(s):

Existing: None

Proposed: Addition to home in part 2 (99 Concession 7 E)

Existing structures to be removed: None

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

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

Type of sewage disposal proposed: (check appropriate box)

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

4.2 Description of land intended to be **Retained (remainder)**:

Frontage (m) 96.0	Depth (m) 884.0	Area (m ² or ha) 14.8 ha
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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) _____
- Industrial
- Agricultural-Related
- Commercial
- Vacant

Proposed Use of Property to be retained:

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

Building(s) or Structure(s):

Existing: House

Proposed: None

Existing structures to be removed: 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) _____

Type of sewage disposal proposed: (check appropriate box)

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

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

- electricity
- telephone
- school bussing
- garbage collection

5 CURRENT LAND USE

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

Rural Hamilton Official Plan designation (if applicable): Agricultural

Urban Hamilton Official Plan designation (if applicable): _____

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

Does not negatively affect the agricultural resources in the area as the subject lands are vacant and not currently used for agricultural purposes.

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? A1

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"/>	270m
A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	30m
A provincially significant wetland within 120 metres	<input checked="" type="checkbox"/>	30m
A flood plain	<input type="checkbox"/>	15m
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)

- 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?
 Personal knowledge and that of the current owner of the subject lands.
- 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
 Conforms with the official plans and is compatible with neighbouring uses of land.
- b) Is this application consistent with the Provincial Policy Statement (PPS)?
 Yes No (Provide explanation)
 This application complies with the rural lands permitted uses of the PPS section 1.1.5 and will not negatively impact residential growth as set out in section 1.4.1.
- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
 Yes No (Provide explanation)
 Subject land is not serviced by existing or planned municipal water/wastewater and would not be used for future housing development.
- 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)
 N/A
- 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)
 N/A
- 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)

Not creating a new lot. Not a specialty crop area. Conforms to the policies for lands within the Protected Country Side.

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.

n/a

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.

n/a

8.4 How long has the applicant owned the subject land?

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) _____ A1 _____

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.

N/A

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) 15	Area (m ² or ha): (from in Section 4.1) 0.07 ha
--	---

Existing Land Use: VACANT Proposed Land Use: RESIDENTIAL

b) Lands to be Retained:

Frontage (m): (from Section 4.2) 66.16	Area (m ² or ha): (from Section 4.2) 14.8 ha
---	--

Existing Land Use: RESIDENTIAL Proposed Land Use: RESIDENTIAL

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

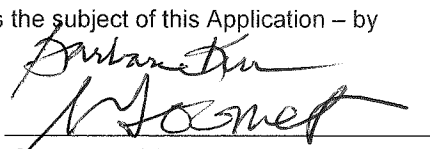
Is there any other information that you think may be useful to the Committee of Adjustment or other agencies in reviewing this application? If so, explain below or attach on a separate page.

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.

Aug 01, 2022 _____

Date


Signature of Owner

13 AFFIDAVIT OR SWORN DECLARATION

13.1 Declaration For the Prescribed Information

I, Andrew Bradshaw of the City of Hamilton
of the Province of Ontario make oath and
say (or solemnly declare) that the information contained in this application is true and that the
information contained in the documents that accompany this application in respect of the
application is true.

Sworn (or declared) before me at the

City of Hamilton this

2nd day of August, 2022

[Signature]
Applicant's Signature

[Signature]
A Commissioner, etc.

KATRINA JAMILA SHEFFIELD,
a Commissioner, etc., Province of Ontario,
for the City of Hamilton.
Expires July 30, 2025.

14 AUTHORIZATIONS

14.1 If the applicant is not the owner of the land that is the subject of this application,
the authorization set out below must be completed.

Authorization of Owner for Agent to Provide Personal Information

I, Urmas Soomet & Barbara Kerr, am the owner of the land that is the subject of this application for
consent to sever land and for the purpose of the *Municipal Freedom of Information and
Protection of Privacy Act*, R.S.O. 1990, c. M.56, I authorize Andrew Bradshaw & Cheryl Bradshaw, as my agent
for this application, to provide any of my personal information that will be included in this
application or collected during the processing of the application.

Aug 01, 2022
Date

[Signature]
Signature of Owner

15 CONSENT OF THE OWNER

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

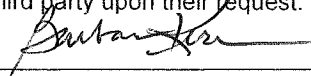
Consent of Owner to the Disclosure of Application Information and Supporting Documentation

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, Urmas Soomet & Barbara Kerr, the Owner(s),
(Print name) (purchaser, owner, etc.)

hereby agree and acknowledge 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.

Aug 01, 2022
Date


Signature

16 COLLECTION OF INFORMATION

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

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



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 2nd day of August, 2022.

BETWEEN:

Andrew Bradshaw & Cheryl Bradshaw

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 Ontario Land Tribunal, by a party other than the Developer, of an approval of a consent, rezoning, official plan amendment, plan of subdivision, and/or minor variance, such as, but not limited to, legal counsel costs, professional consultant costs and City staff costs, shall be paid by the Developer.

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

1. In this Agreement:
 - (a) "application" means the application(s) for a (circle applicable) consent/rezoning/official plan amendment/subdivision approval or minor variance dated _____ with respect to the lands described in Schedule "A" hereto.
 - (b) "Expenses" means all expenses incurred by the City if the application is: (a) approved by the City; (b) appealed to the Ontario Land Tribunal by a party other than the developer; and (c) the City appears before the Ontario Land 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 Ontario Land 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 Ontario Land 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 Ontario Land 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 ^{99 Concession 7 E Millgrove ON} this 01 day of August, 2022.

Urmas Soomet

WITNESS





Per:
I have authority to bind the corporation.

Barbara Kerr

WITNESS




Per:
I have authority to bind the corporation

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

City of Hamilton

Per: _____
Mayor

Per: _____
Clerk

Schedule "A"
Description of Lands

See drawings attached

SCHEDULE "B"
FORM OF ASSUMPTION AGREEMENT

THIS AGREEMENT dated the 01 day of August, 2022.

BETWEEN

Urmis Soomet & Barbara Kerr
(hereinafter called the "Owner")

OF THE FIRST PART

-and-

Andrew Bradshaw & Cheryl Bradshaw
(hereinafter called the "Assignee")

OF THE SECOND PART

-and-

CITY OF HAMILTON
(hereinafter called the "Municipality")

OF THE THIRD PART

WHEREAS the owner and the Municipality entered into and executed a Cost Acknowledgement Agreement dated Aug 01, 2022

AND WHEREAS Assignee has indicated that it will assume all of the Owner's duties, liabilities and responsibilities as set out in the Cost Acknowledgement Agreement.

AND WHEREAS Council for the Municipality has consented to releasing the Owner from its duties, liabilities and responsibilities under said Cost Acknowledgement Agreement subject to the Assignee accepting and assuming the Owner's duties, liabilities and responsibilities and subject to the Assignee the Owner and the Municipality entering into and executing an Assumption Agreement.

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the mutual covenants hereinafter expressed and other good and valuable consideration, the parties hereto agree as follows.

1. The Assignee covenants and agrees to accept, assume and to carry out the Owner's duties, liabilities and responsibilities under the Cost Acknowledgement Agreement and in all respects to be bound under said Cost Acknowledgement Agreement as if the Assignee had been the original party to the agreement in place of the Owner.
2. The Municipality hereby releases the Owner from all claims and demands of any nature whatsoever against the Owner in respect of the Cost Acknowledgement Agreement. The Municipality hereby accepts the Assignee as a party to the Cost Acknowledge Agreement in substitution of the Owner, and agrees with the Assignee that the Assignee will be bound by all the terms and conditions of the Cost Acknowledgement Agreement as if the Assignee had been the original executing party in place of the Owner.
3. All of the terms, covenants, provisos and stipulations in the said Cost Acknowledgement Agreement are hereby confirmed in full force save and except for such modifications as are necessary to make said clauses applicable to the Assignee.

IN WITNESS WHEREOF the Parties have hereunto affixed their corporate seals duly attested to by their proper signing officers in that behalf.

SIGNED, SEALED AND DELIVERED

Urmas Soomet & Barbara Kerr ^{c/s}

Owner: _____
Title: *Urmas Soomet Barbara Kerr*
I have authority to bind the corporation

Andrew Bradshaw & Cheryl Bradshaw ^{c/s}

Assignee: _____
Title: *Andrew Bradshaw Cheryl Bradshaw*
I have authority to bind the corporation

CITY OF HAMILTON

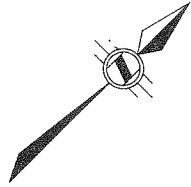
Mayor

Clerk

SKETCH TO ILLUSTRATE LAND DIVISION
OF
93 CONCESSION 7 EAST
IN THE
CITY OF HAMILTON
SCALE 1:400 METRIC

0 4 8 16 24 metres

R.A. McLAREN, O.L.S. - 2022



Subject land
property line

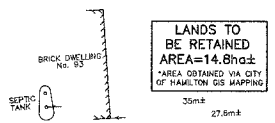
LOT 12

LOT 11

Residential

Residential

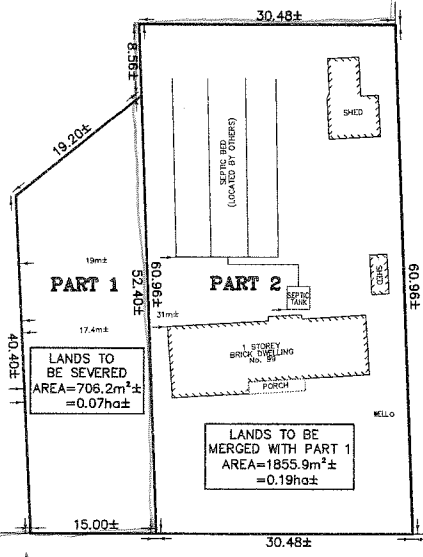
CONCESSION



LANDS TO BE RETAINED
AREA=14.8ha±
*AREA OBTAINED VIA CITY OF HAMILTON GIS MAPPING

LANDS TO BE SEVERED
AREA=706.2m²±
=0.07ha±

LANDS TO BE MERGED WITH PART 1
AREA=1855.9m²±
=0.19ha±



CAUTION:

A) THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.

B) THIS PLAN IS PROTECTED BY COPYRIGHT ©

NOTE:

DISTANCES SHOWN ON THIS PLAN WERE DERIVED FROM PLAN BY A.T. McLAREN LTD. DATED MAY 30, 2022 AND PLAN BY A.T. McLAREN LTD. DATED JANUARY 2, 2020.

DISTANCES FOR MUNICIPAL ADDRESS No. 93 CONCESSION 7 WERE DERIVED FROM THE CITY OF HAMILTON GIS MAPPING.

CONCESSION 7 EAST
(ORIGINAL ROAD ALLOWANCE BETWEEN CONCESSIONS 6 & 7)

METRIC NOTE:

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

JULY 21, 2022
DATE

A.T. McLaren Limited
LEGAL AND ENGINEERING SURVEYS
89 JOHN STREET SOUTH, SUITE 230
HAMILTON, ONTARIO, L8N 2B9
PHONE (905) 527-8559 FAX (905) 527-0032

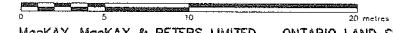
Drawn JC	Checked RAM	Cross Checked MFP	Scale 1:400	Drawn No. 36975-95
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PLAN BEING PART 1
MUST BE READ IN CONJUNCTION WITH
SURVEY REPORT BEING PART 2

SURVEYOR'S REAL PROPERTY REPORT

PLAN OF SURVEY OF
**PART OF LOT 11
CONCESSION 7**
GEOGRAPHIC TOWNSHIP OF EAST FLAMBOROUGH
BEING IN THE
CITY OF HAMILTON

SCALE 1 : 200



MacKAY, MacKAY & PETERS LIMITED - ONTARIO LAND SURVEYORS
© 2019

KNOWN AS MUNICIPAL No. : 99 7th CONCESSION ROAD EAST

REPORT SUMMARY BEING PART 2 (To be read in conjunction with Part 1)

LAND REGISTRY OFFICE TITLE INFORMATION ON SUBJECT PROPERTY INCLUDING
BOUNDARIES, EASEMENTS AND RIGHT-OF-WAYS - DATE OCTOBER 9, 2019.

REGISTERED EASEMENTS AND/OR RIGHTS-OF-WAY:
NONE

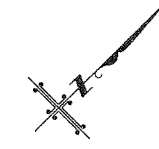
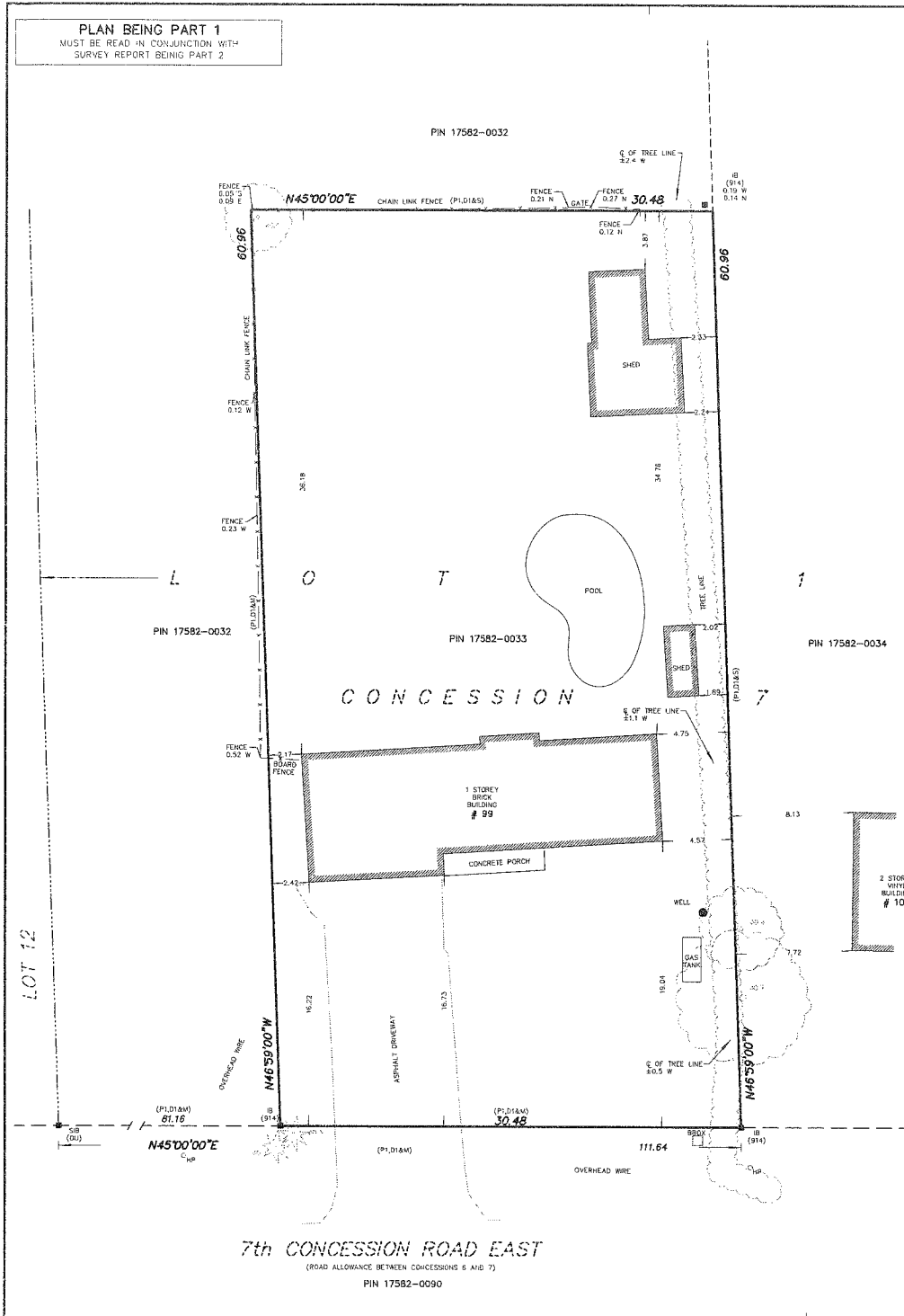
ADDITIONAL REMARKS:

REFER TO PART 1 OF SURVEY FOR THE LOCATION OF BUILDINGS, STRUCTURES, FENCES AND UTILITIES.

Note:

MacKAY, MacKAY & PETERS LIMITED grants CHEVEL AND ANDREW BRADSKAN [The Client], their auditor and other related parties permission to use "Original Copies" of the Surveyor's Real Property Report in transactions involving "The Client".

"METRIC" DISTANCES SHOWN HEREON ARE IN METRES AND
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048



Legend:

- DENOTES A SURVEY MONUMENT FOUND
 - ▣ DENOTES IRON BAR
 - ▤ DENOTES STANDARD IRON BAR
 - DENOTES DESIGN UNKNOWN
 - DENOTES CENTRE LINE
 - DENOTES PROPERTY IDENTIFICATION NUMBER
 - DENOTES ROUND
 - DENOTES HYDRO POLE
 - DENOTES BELL BOX
 - P1 DENOTES PLAN BY PETER DEWHIRST, OLS DATED AUGUST 16, 1968
 - 1 DENOTES INST. NO. A8107125
- ALL TIES ARE TO FOUNDATION UNLESS OTHERWISE NOTED

Bearing Reference:

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE NORTHERLY LIMIT OF
7th CONCESSION ROAD EAST, AS SHOWN ON P1, HAVING A BEARING OF N45°00'00".

Surveyor's Certificate:

1. I CERTIFY THAT:
WITH THE SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE
WITH THE SURVEYORS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT
AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 11th DAY OF OCTOBER, 2019.

OCTOBER 30, 2019
DATE

Roy C. Mackay
ROY C. MACKEY
ONTARIO LAND SURVEYOR
FOR MACKEY, MACKEY & PETERS LIMITED

ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN SUBMISSION FORM
2102777



THIS PLAN IS NOT VALID
UNLESS IT IS AN EMBOSSED
ORIGINAL COPY
ISSUED BY THE SURVEYOR
in accordance with
Regulation 1026, Section 28(3)

CAD FILE: E:\E:\[62] Hamilton-Westworth(TWP) FLAMBOROUGH EAST\CON 7\LOT 11\19-243\19-243.dwg

MMP
MacKAY, MacKAY & PETERS LIMITED
LAND SURVEYORS & MAPPERS
SRCT 1206

2380 South Service Road
Unit 101
Burlington, ON
L7R 3J3
(905) 683-1375
hamton@mmp.ca
mmp@surveys.on.ca
mmp@ontario.ca

DRAWN BY: A.S.
PARTY CHECK: A.C.
CHECKED BY: *[Signature]*
PROJECT NO.:
19-243

7th CONCESSION ROAD EAST

(ROAD ALLOWANCE BETWEEN CONCESSIONS 6 AND 7)

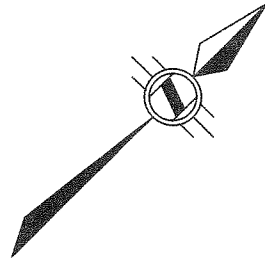
PIN 17582-0090

SKETCH TO ILLUSTRATE LAND DIVISION
OF
93 CONCESSION 7 EAST
IN THE
CITY OF HAMILTON

SCALE 1:400 METRIC



R.A. McLAREN, O.L.S. - 2022



C O N C E S S I O N

L O T

7

LOT 11

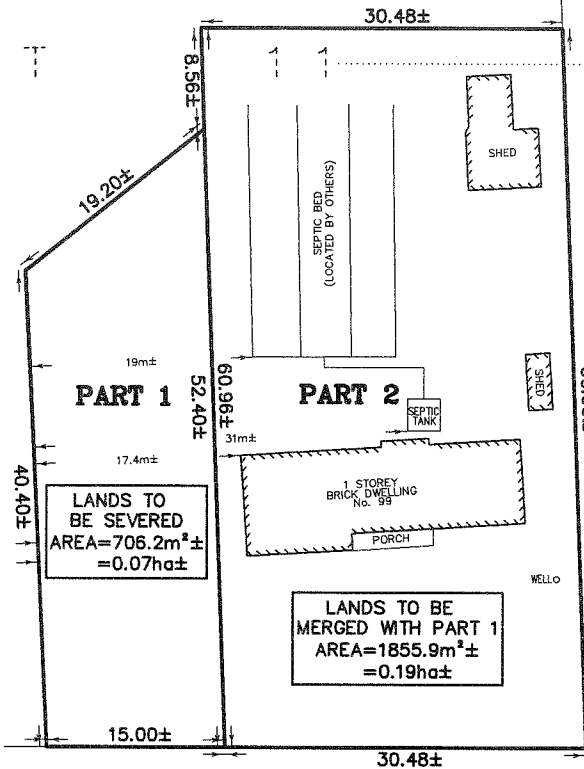
MOST SOUTHERLY CORNER OF
LOT 11, CONCESSION 7



BRICK DWELLING
No. 93

LANDS TO
BE RETAINED
AREA=14.8ha±
*AREA OBTAINED VIA CITY
OF HAMILTON GIS MAPPING

35m±
27.6m±



PART 1

PART 2

LANDS TO
BE SEVERED
AREA=706.2m²±
=0.07ha±

LANDS TO BE
MERGED WITH PART 1
AREA=1855.9m²±
=0.19ha±

CONCESSION 7 EAST
(ORIGINAL ROAD ALLOWANCE BETWEEN CONCESSIONS 6 & 7)

CAUTION:

A) THIS IS NOT A PLAN OF
SURVEY AND SHALL NOT BE
USED EXCEPT FOR THE
PURPOSE INDICATED IN THE
TITLE BLOCK.

B) THIS PLAN IS PROTECTED
BY COPYRIGHT ©

NOTE:

DISTANCES SHOWN ON THIS
PLAN WERE DERIVED FROM
PLAN BY A.T. McLAREN LTD.
DATED MAY 30, 2022

METRIC NOTE:

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

JUNE 17, 2022

DATE



A.T. McLaren Limited
LEGAL AND ENGINEERING SURVEYS

69 JOHN STREET SOUTH, SUITE 230
HAMILTON, ONTARIO, L8N 2B9

PHONE (905) 527-8559 FAX (905) 527-0032

Drawn JC	Checked RAM	Crew Chief	Scale 1:400	Dwg.No. 36970-SK
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