



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 APPLICATION
CONSENT

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.:	HM/B-23:69	SUBJECT PROPERTY:	45 West Ave. S., Hamilton
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APPLICANTS: Owner S. McNair and M. Popowich
Agent SimpsonWigle Law LLP c/o A. Hashim

PURPOSE & EFFECT: To create an easement to maintenance purposes.

	Frontage	Depth	Area
SEVERED LANDS: (for Easement)	1.00 m [±]	22.30 m [±]	22.30 m ² ±
RETAINED LANDS:	8.04 m [±]	37.06 m [±]	297.96 m ² ±

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 decided upon by the Consent Authority, the Director of Planning and Chief Planning, no earlier than:

Monday, November 6, 2023

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

- Visit www.hamilton.ca/committeeofadjustment
- Email Committee of Adjustment staff at cofa@hamilton.ca
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

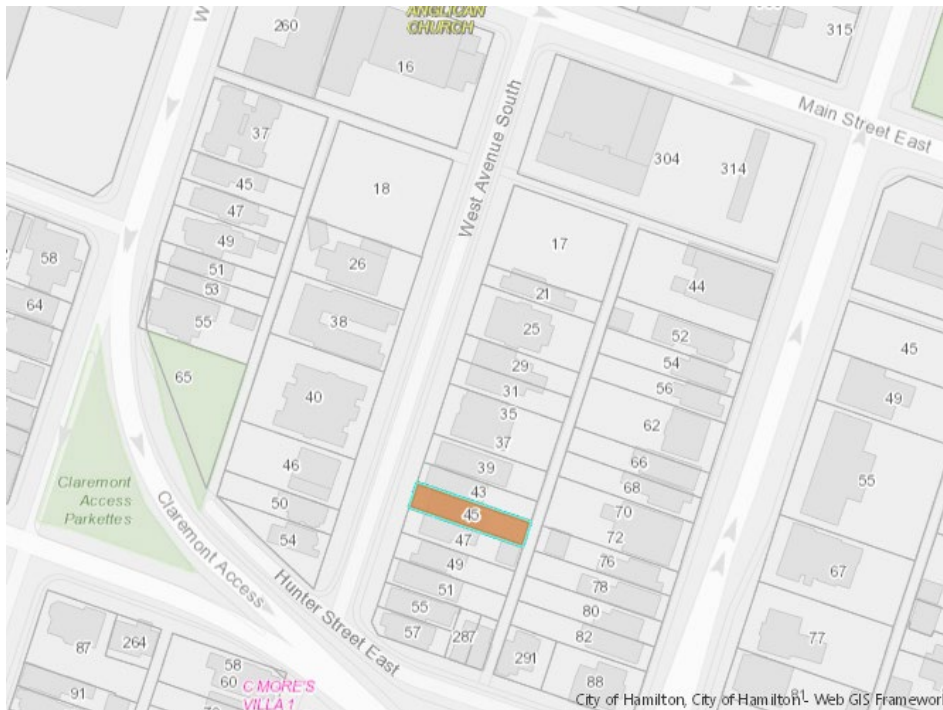
PUBLIC INPUT

Written: If you would like to submit written comments to the Consent Authority, you may do so via email or hardcopy. Written 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.**

Comments can also be placed in the drop box which is located at the back of the 1st Floor of City Hall, 71 Main Street West. All comments received by noon two business days before the meeting will be forwarded to the Committee members.

Comments will be available on [Click or tap to enter a date.](http://www.hamilton.ca/committeeofadjustment) on our website:
www.hamilton.ca/committeeofadjustment

Orally: Oral comments are not able to be submitted.



DATED: October 20, 2023

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

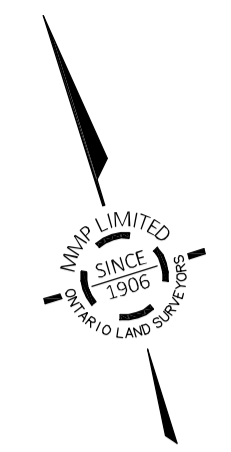
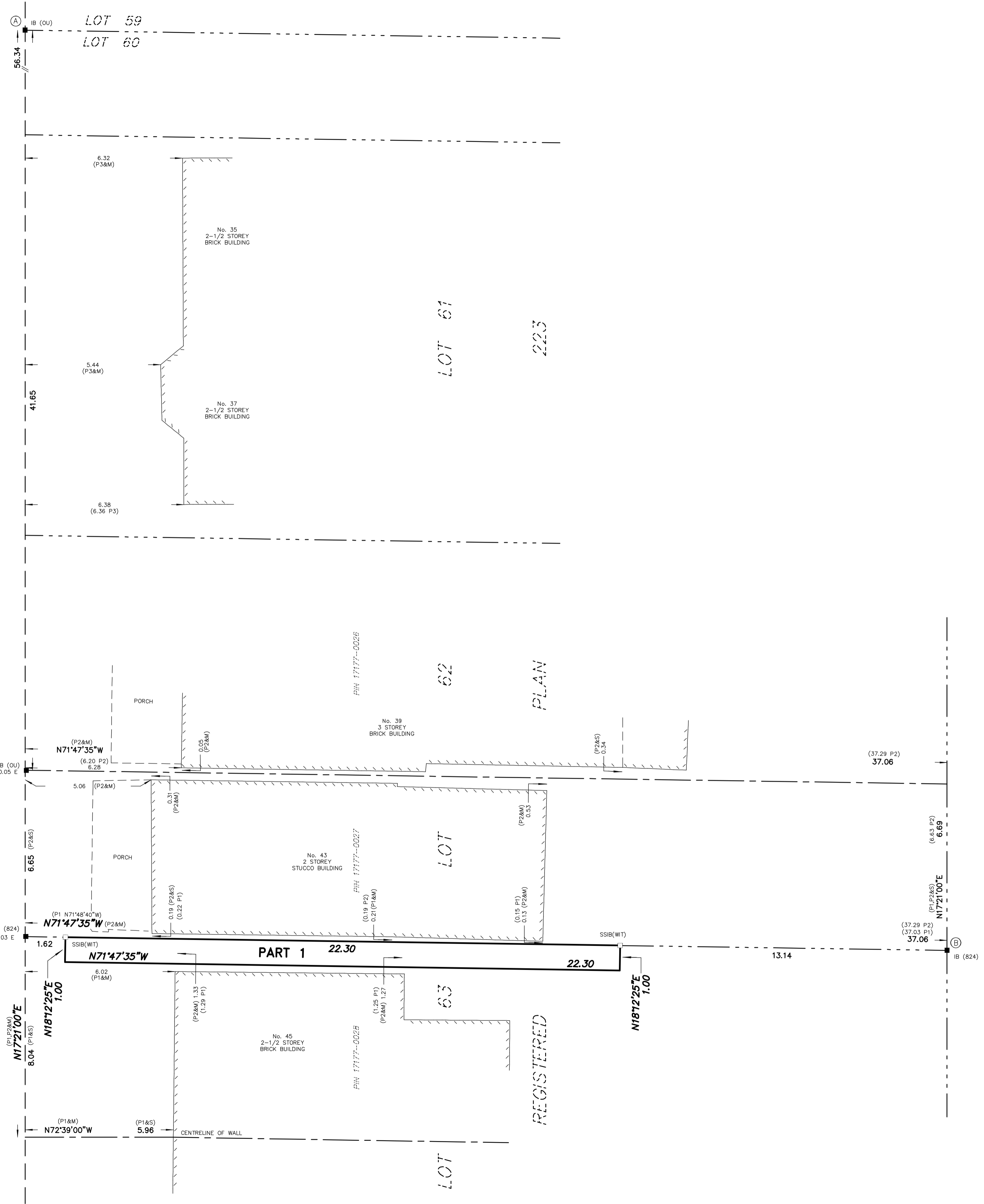
Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions,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

HM/B-23:69

If a person or public body that files an appeal of a Decision in respect of the proposed consent does not make written submissions before the Consent Authority 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 Consent Authority 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. A copy of the Decision will only be sent to those who request

ANCHOR AS WEST AVENUE SOUTH
(WEST AVENUE BY REGISTERED PLAN 223)



PLAN 62R-22202
 Received and deposited
 September 8th, 2023
 Dragana Jovanovic
 Representative for the
 Land Registrar for the
 Land Titles Division of
 Wentworth (No.62)

SCHEDULE			
PART	PART OF LOT	PLAN	PART OF PIN
1	63	REGISTERED PLAN 223	17177-0028

PLAN OF SURVEY OF
 PART OF
LOT 63
 REGISTERED PLAN 223
 IN THE
CITY OF HAMILTON
 SCALE 1 : 100



THE INTENDED PLOT SIZE OF THIS PLAN IS 760mm IN WIDTH BY 520mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:100

MackAY, MacKAY & PETERS LIMITED - ONTARIO LAND SURVEYORS - 2023
 METRIC DISTANCES AND COORDINATES SHOWN HEREON ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

INTEGRATION DATA		
OBSERVED REFERENCE POINTS (ORP's): UTM ZONE 17, NAD83 (CSRS) (2010.0)		
COORDINATES ARE TO AN URBAN ACCURACY PER SECTION 14(2) OF O.REG. 216/10		
POINT ID	NORTHING	EASTING
A	4789384.79	592642.70
B	4789327.15	592663.49
CAUTION: COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN		

BEARING REFERENCE
 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 ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99977692
 A ROTATION OF 0°1'00"10" HAS BEEN APPLIED TO BEARINGS ON P1 & P2

LEGEND
 ■ DENOTES A SURVEY MONUMENT FOUND
 □ DENOTES A SURVEY MONUMENT PLANTED
 IB DENOTES IRON BAR
 SSB DENOTES SHORT STANDARD IRON BAR
 P1 DENOTES PLAN BY A.T. McLAREN LIMITED DATED JULY 29, 1983
 P2 DENOTES PLAN MMP LIMITED DATED JULY 31, 1985 (Y-19772)
 P3 DENOTES PLAN MMP LIMITED DATED JULY 29, 1971 (Y-15203)
 PIN DENOTES PROPERTY IDENTIFICATION NUMBER
 (WT) DENOTES WITNESS MONUMENTATION

SURVEYOR'S CERTIFICATE
 I CERTIFY THAT:
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON THE 25th DAY OF AUGUST, 2023.

AUGUST 30, 2023
 DATE
 Roy E. Mayo
 ONTARIO LAND SURVEYOR
 FOR MACKAY, MACKAY & PETERS LIMITED

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER V-58269
 E:\(62) Hamilton-Wentworth\Registered Plans\RP0223\LOT 62, 63,23-038-RV23-038-R2.dwg

MMP MacKay, MacKay & Peters Limited LAND SURVEYORS & MAPPERS SINCE 1906	3380 South Service Road Unit 101 Burlington, ON L7N 3J5 (905) 639-1375 hamilton@mmplimited.com mmplimited.com	DRAWN BY: K.J.D. PARTY CHIEF: N.C. CHECKED BY: [Signature] PROJECT No.: 23-038-R
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LAND TITLES ACT

CERTIFICATE OF SOLICITOR

APPLICATION FOR CONSENT TO SEVER LAND and VALIDATION OF TITLE
UNDER SECTION 53 & 57 OF THE *PLANNING ACT*

Committee of Adjustment
71 Main Street West, 5th Floor
Hamilton, Ontario L8P 4Y5

RE: Consent Application - 45 West Avenue South, Hamilton, ON L8N 2S2
PIN: 17177-0028

THIS IS TO CERTIFY THAT:

1. I am the solicitor for the applicant(s) Susan McNair and Matthew Popowich, in respect of this application for Application for Consent to Sever Land and Validation of Title, part of PIN 17177-0028.
2. To the best of my knowledge, 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 *Planning Act*.

Dated at Hamilton this 3rd day of October, 2023.

Yours very truly,
SimpsonWigle LAW LLP



Asad Hashim

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

Phone: (905) 546-2424 ext. 4221

Email: cofa@hamilton.ca

Hamilton

APPLICATION FOR CONSENT TO SEVER LAND and VALIDATION OF TITLE UNDER SECTION 53 & 57 OF THE *PLANNING ACT*

Please see additional information regarding how to submit an application, requirements for the required sketch and general information in the Submission Requirements and Information.

1. APPLICANT INFORMATION

	NAME	MAILING ADDRESS
Purchaser*		
Registered Owners(s)	Susan Mary Ann McNair Matthew Popowich	
Applicant(s)**		
Agent or Solicitor	Asad Hashim SimpsonWigle LAW LLP	

*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.

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

1.2 All correspondence should be sent to Purchaser Owner
 Applicant Agent/Solicitor

1.3 Sign should be sent to Purchaser Owner
 Applicant Agent/Solicitor

1.4 Request for digital copy of sign Yes* No

If YES, provide email address where sign is to be sent AsadH@simpsonwigle.com

1.5 All correspondence may be sent by email Yes* No

If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	45 West Avenue South, Hamilton		
Assessment Roll Number	251803020201120		
Former Municipality			
Lot		Concession	
Registered Plan Number	223	Lot(s)	Part of Lot 63
Reference Plan Number (s)	62R-22202	Part(s)	Part 1

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)

- | | |
|---|--|
| <input type="checkbox"/> creation of a new lot(s) | <input type="checkbox"/> concurrent new lot(s) |
| <input type="checkbox"/> addition to a lot | <input type="checkbox"/> a lease |
| <input checked="" type="checkbox"/> an easement | <input type="checkbox"/> a correction of title |
| <input type="checkbox"/> validation of title (must also complete section 8) | <input type="checkbox"/> a charge |
| <input type="checkbox"/> cancellation (must also complete section 9) | |
| <input type="checkbox"/> creation of a new non-farm parcel (must also complete section 10)
(i.e. a lot containing a surplus farm dwelling
resulting from a farm consolidation) | |

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

2809628 ONTARIO INC.

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

3.4 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)

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of subject land:

All dimensions to be provided in metric (m, m² or ha), attach additional sheets as necessary.

	Retained (remainder)	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*
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Identified on Sketch as:		Part 1			
Type of Transfer	N/A	Easement			
Frontage	8.04 m	1.00 m			
Depth	37.06 m	22.30 m			
Area	297.96 m ²	22.30 m ²			
Existing Use	Residential	Residential			
Proposed Use		Residential			
Existing Buildings/ Structures	Dwelling				
Proposed Buildings/ Structures		Maintenance Easement to be granted.			
Buildings/ Structures to be Removed					

* Additional fees apply.

4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

provincial highway

municipal road, seasonally maintained

municipal road, maintained all year

right of way

other public road

b) 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) _____

c) 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): _____

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) D5 - Downtown Mixed Use

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

5.2 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 known, provide the appropriate file number and status of the application.

5.3 What is the existing zoning of the subject land? D5

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

5.4 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 known, provide the appropriate file number and status of the application.

5.5 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 * Submit Minimum Distance Separation Formulae (MDS) if applicable	<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"/>	

6 HISTORY OF THE SUBJECT LAND

- 6.1 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, provide the appropriate application file number and the decision made on the application.

- 6.2 If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.
-

- 6.3 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.

- 6.4 How long has the applicant owned the subject land?

2015/07/02

- 6.5 Does the applicant own any other land in the City? Yes No
If YES, describe the lands below or attach a separate page.
-

7 PROVINCIAL POLICY

- 7.1 Is this application consistent with the Policy Statements issued under Section 3 of the *Planning Act*?
 Yes No (Provide explanation)
-

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

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

- 7.4 Are the subject lands subject to the Niagara Escarpment Plan?
 Yes No (Provide explanation)
-

7.5 Are the subject lands subject to the Parkway Belt West Plan?

Yes No (Provide explanation)

7.6 Are the subject lands subject to the Greenbelt Plan?

Yes No (Provide explanation)

7.7 Are the subject lands within an area of land designated under any other provincial plan or plans?

Yes No (Provide explanation)

8 ADDITIONAL INFORMATION - VALIDATION

8.1 Did the previous owner retain any interest in the subject land?

Yes No (Provide explanation)

8.2 Does the current owner have any interest in any abutting land?

Yes No (Provide explanation and details on plan)

8.3 Why do you consider your title may require validation? (attach additional sheets as necessary)

9 ADDITIONAL INFORMATION - CANCELLATION

9.1 Did the previous owner retain any interest in the subject land?

Yes No (Provide explanation)

9.2 Does the current owner have any interest in any abutting land?

Yes No (Provide explanation and details on plan)

9.3 Why do you require cancellation of a previous consent? (attach additional sheets as necessary)

10 ADDITIONAL INFORMATION - FARM CONSOLIDATION**10.1 Purpose of the Application (Farm Consolidation)**

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate if the consolidation is for:

- Surplus Farm Dwelling Severance from an Abutting Farm Consolidation
- Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation

10.2 Location of farm consolidation property:

Municipal Address			
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

10.3 Rural Hamilton Official Plan Designation(s)

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 consolidation property.

10.4 Description of farm consolidation property:

Frontage (m):	Area (m ² or ha):
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Existing Land Use(s): _____ Proposed Land Use(s): _____

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

Frontage (m):	Area (m ² or ha):
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Existing Land Use: _____ Proposed Land Use: _____

10.7 Description of surplus dwelling lands proposed to be severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from Section 4.1)
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Front yard set back: _____

a) Date of construction:

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

b) Condition:

- Habitable Non-Habitable

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application Form
- Signatures Sheet

11.2 Validation of Title

- All information documents in Section 11.1
- Detailed history of why a Validation of Title is required
- All supporting materials indicating the contravention of the Planning Act, including PIN documents and other items deemed necessary.

11.3 Cancellation

- All information documents in Section 11.1
- Detailed history of when the previous consent took place.
- All supporting materials indicating the cancellation subject lands and any neighbouring lands owned in the same name, including PIN documents and other items deemed necessary.

11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
- Minimum Distance Separation Formulae (data sheet available upon request)
- Hydrogeological Assessment
- Septic Assessment
- Archeological Assessment
- Noise Study
- Parking Study
