



Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

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

E-mail: [cofa@hamilton.ca](mailto: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

<b>APPLICATION NO.:</b>	<b>DN/B-23:80</b>	<b>SUBJECT PROPERTY:</b>	10 Woodley Lane, Dundas
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**APPLICANTS:** Owner: Dundas Valley Golf & Curling Club  
Purchaser/ Applicant: Bruce Trail Conservancy

**PURPOSE & EFFECT:** To permit the conveyance of two parcels of land containing the Bruce trail access and to retain a parcel of land containing an existing 1 storey building (to remain) & to permit the creation of an easement over a portion of land for access and maintenance purposes.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>RETAINED LANDS:</b>	8.9 m <sup>±</sup>	802.8 m <sup>±</sup>	62.07 ha <sup>±</sup>
<b>SEVERED LANDS (Part A):</b>	0 m <sup>±</sup>	14.8 m <sup>±</sup>	5,964 m <sup>2±</sup>
<b>SEVERED LANDS (Part B):</b>	2.6 m <sup>±</sup>	4.5 m <sup>±</sup>	3,679 m <sup>2±</sup>
<b>EASEMENT LANDS:</b>	0 m <sup>±</sup>	4.5 m <sup>±</sup>	364 m <sup>2±</sup>

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:

<b>DATE:</b>	<b>Thursday, December 7, 2023</b>
<b>TIME:</b>	<b>11:30 a.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>

	<b>To be streamed (viewing only) at</b> <a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a>
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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)
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto: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 Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

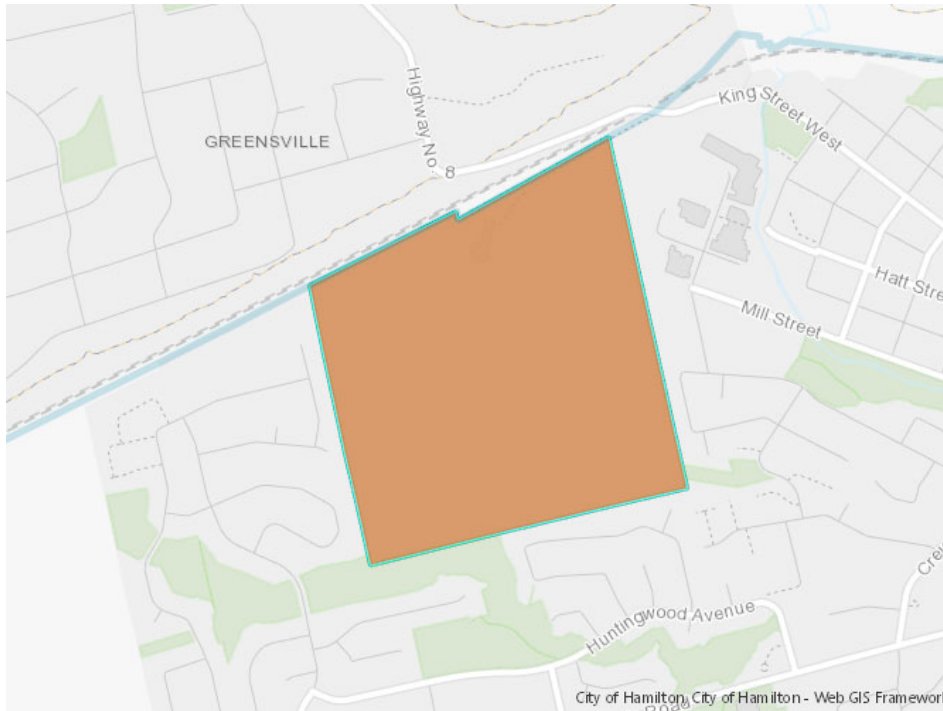
**Orally:** If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

## **FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding DN/B-23:80, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

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.



 **Subject Lands**

DATED: November 21, 2023

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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.



Hamilton

## COMMITTEE OF ADJUSTMENT

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## 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, 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 are available two days prior to the Hearing and are available on our website: [www.hamilton.ca/committeofadjustment](http://www.hamilton.ca/committeofadjustment)

### Oral Submissions During the Virtual Meeting

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating through Webex via computer or phone. Participation in this format requires pre-registration in advance. **Interested members of the public must register by noon the day before the hearing.**

To register to participate by Webex either via computer or phone, please contact Committee of Adjustment staff by email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221. The following information is required to register: Committee of Adjustment file number that you wish to speak to, the hearing date, name and address of the person wishing to speak, if they will be connecting via 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.

All members of the public who register will be contacted by Committee Staff to confirm details of the registration prior to the Hearing and provide an overview of the public participation process.

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.





# Bruce Trail CONSERVANCY

October 18, 2023

City of Hamilton  
Committee of Adjustment  
City Hall, 5<sup>th</sup> Floor  
71 Main Street West  
Hamilton, ON L8P 4Y5

## **Attention: Secretary-Treasurer, Committee of Adjustment**

**RE: Application for Consent for a conservation severance of the property legally described as PT LT 10-11 CON 1 W FLAMBOROUGH PT 1, 2 62R2566; S/T VM247760; CITY OF HAMILTON TOGETHER WITH AN EASEMENT OVER PT LT 12, CON 1 WEST FLAMBOROUGH, PT 1 ON 62R14603 AS IN WE757113 being part of PIN 174851230 (LT), municipally known as 10 Woodley's Lane**

We respectfully submit this Planning Justification Report in support of a consent application to sever land from the property owned by Dundas Valley Golf & Curling Club (DVG&CC) (subject described above) to be conveyed to the Bruce Trail Conservancy (BTC) to secure a section of the Bruce Trail Optimum Route corridor.

The purpose and effect of the application is to secure a permeant route for the Bruce Trail.

### **Proposed Development**

DVG&CC owns more or less 63.05 hectares (155.79 acres) located at 10 Woodley's Lane, west of Highway 8 and south of the CN Rail corridor in Dundas. The property is an active Golf Club and Curling Club facility, comprising a clubhouse, curling rink, and other structures used for maintenance and storage purposes. The DVG&CC has agreed to sell  $\pm$  0.93 hectares (2.3 acres) of vacant land in addition to a  $\pm$  364 square-metre easement area to the Bruce Trail Conservancy (BTC) to conserve land for the Bruce Trail corridor. These lands will secure 502 metres of Bruce Trail Optimum Route (broad overview map and consent sketch attached).

Critically, the proposed conservation severance will result in the securement of a safe hiking route through Dundas, avoiding 3 kilometres of road walking and completing securement of a 7-kilometre stretch of Bruce Trail Optimum Route through the Dundas Valley.

### **Approvals Required**

The proposed severance and easement requires approval of a Consent application by the City's Committee of Adjustment.

### **Niagara Escarpment Plan**

The subject land is designated mostly Escarpment Protection, with the northern portion being designated Escarpment Natural under the Niagara Escarpment Plan (NEP). This proposal is consistent with the fundamental spirit of the NEP in that it preserves land on the Escarpment while also providing

responsible access to it. Specifically, the proposal is consistent with the Lot Creation policies under of the NEP, that permit a severance for conservation and Bruce Trail purposes (s. 2.4). This proposal is also consistent with policies under s. 1.3 and Part 3 (Niagara Escarpment Parks and Open Space System). BTC is a recognized *public body* within the NEP, and is able to sever land for conservation and Bruce Trail purposes (Appendix 2). In this instance, approximately 502 metres of Bruce Trail Optimum Route will be secured. Furthermore, under Part 3.4 of the NEP, land acquisition to grow the Niagara Escarpment Parks and Open Spaces System (NEPOSS) is recognized, and lands acquired can be included in the NEP maps without an NEP amendment. The Bruce Trail is the common link that connects or will connect the approximately 163 parks and open spaces of NEPOSS into one System.

NEC staff have had an opportunity to review the proposal and has confirmed that it is consistent with the NEP. The NEC does not consider this type of severance to constitute development under the Niagara Escarpment Planning and Development Act. Thus it is not subject to a permit from the NEC.

### **Official Plan**

The subject lands are designated 'Open Space' in the Urban Hamilton Official Plan (2013) as amended. The 'Open Space' designation seeks to retain, enhance and expand viable open spaces throughout the City to provide citizens with health, environmental, aesthetic and economic benefits, which are identified as essential elements for a good quality of life. This designation permits the existing use on the lands, and the Bruce Trail is also identified (s3.3) as an essential component of the Niagara Escarpment Parks and Open Spaces System.

### **Background**

The Bruce Trail is Canada's oldest and longest footpath. It was founded in the early 1960s as a way of raising awareness for the need to protect the Niagara Escarpment. Today, the Bruce Trail stretches from Queenston in Niagara to the tip of the Bruce Peninsula. Including side trails, it is more than 1,300 kilometres long and is recognized as one of Canada's premier natural recreational opportunities and one of the world's great hiking trails. It forms an integral part of the Southern Ontario landscape, allowing people to explore the beautiful Niagara Escarpment and become more aware of the need for its protection. To date the Bruce Trail Conservancy and its partners have been responsible for conserving more than 18,000 acres and secured 70 percent of the Bruce Trail's Optimum Route. The work continues, however, to secure the remaining links within the NEPOSS. We are, therefore, happy to bring forward this proposal to preserve another section of Bruce Trail Optimum Route.

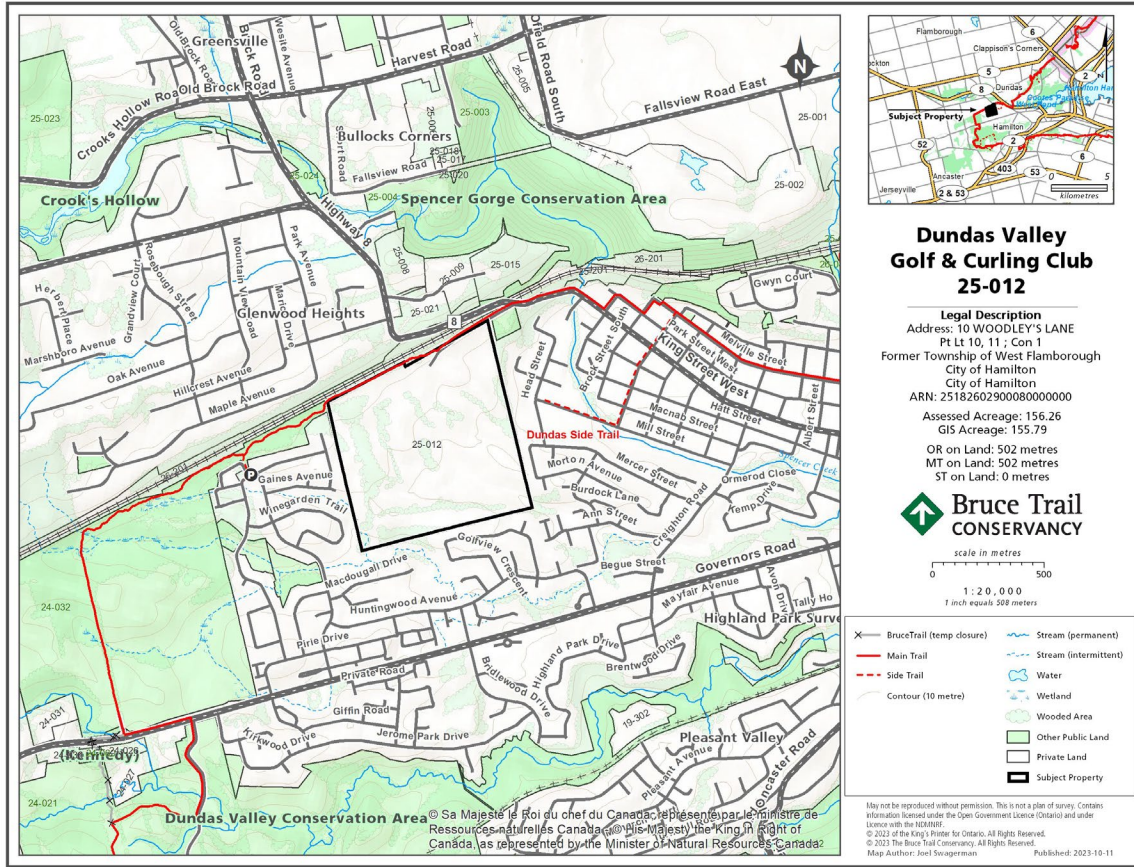
We thank you for your consideration of this application and look forward to hearing from you soon. I can be reached at [jswagerman@bruce-trail.org](mailto:jswagerman@bruce-trail.org) or (800) 665-4453 ext. 231 if you have any questions or require any further information.

Best regards,



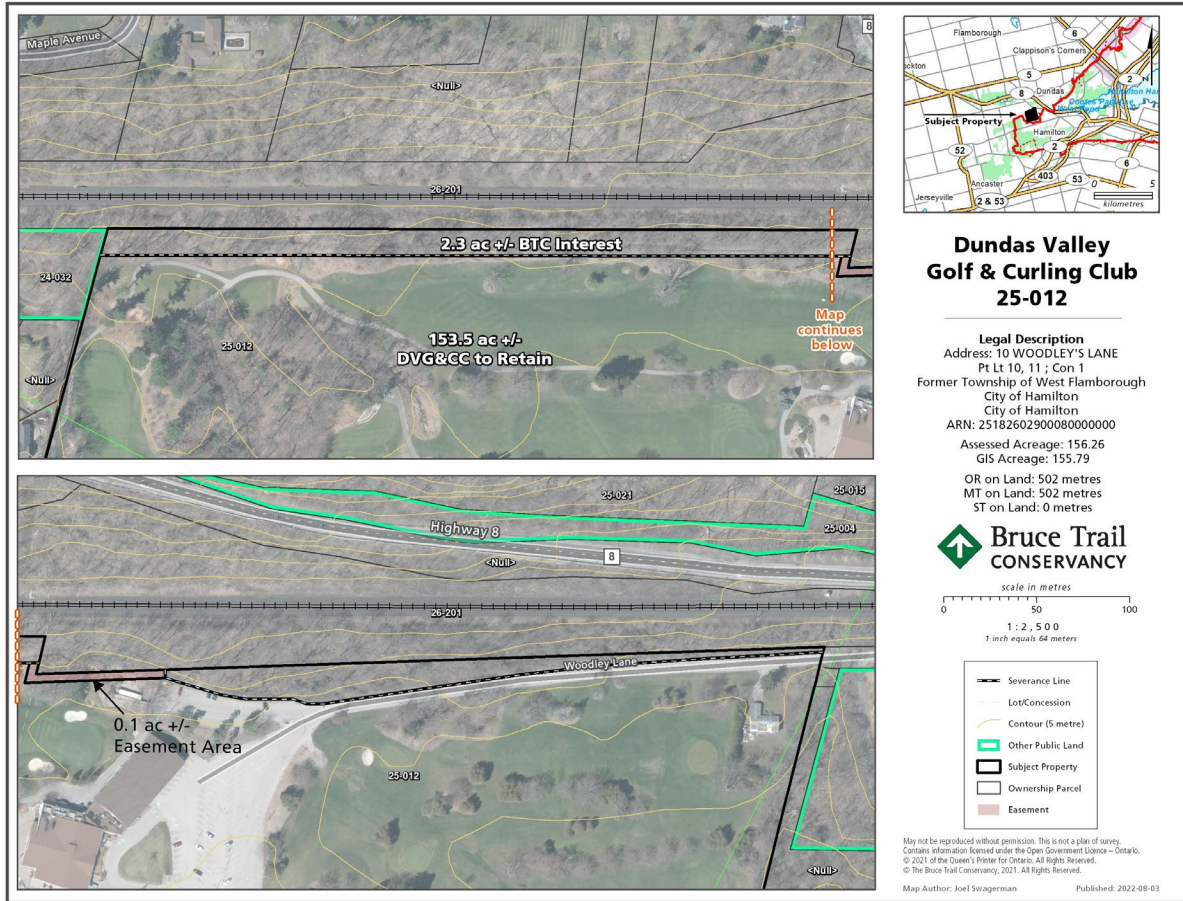
Joel Swagerman, MCIP RPP  
Land Securement Planner  
Bruce Trail Conservancy

Map 1: Topographic map of the subject lands





## Map 2: Proposed Conservation Severance & Easement



**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**

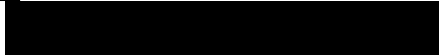
	NAME
Purchaser*	
Registered Owners(s)	
Applicant(s)**	
Agent or Solicitor	
	E-mail:

\*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 

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	10 Woodleys Lane		
Assessment Roll Number	25182602900080000000		
Former Municipality	West Flamborough		
Lot	Pt Lt 10-11	Concession	1
Registered Plan Number		Lot(s)	
Reference Plan Number (s)	62R2566	Part(s)	1, 2

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:

VM247760, Bell Canada; WE1549910, Enbridge Gas

## 3 PURPOSE OF THE APPLICATION

3.1 Type and purpose of proposed transaction: (check appropriate box)

- |                                                                                                                                                                                       |                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| <input checked="" 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 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)<br>( i.e. a lot containing a surplus farm dwelling<br>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:

Bruce Trail Conservancy

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, m<sup>2</sup> 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:	DVG&CC to Ret	Part A	Easement Area	Part B	
Type of Transfer	N/A	Fee simple	Easement	Fee Simple	
Frontage	+/- 8.9 m	0 m	0 m	+/- 2.6 m	
Depth	+/- 802.8 m	+/- 14.8 m	+/- 4.5 m	+/- 4.5 m	
Area	+/- 62.07 ha	+/- 5,964 sq m	+/- 364 sq m	+/- 3,679 sq m	
Existing Use	Golf & Curling C	Bruce Trail	Golf & Curling C	Bruce Trail	
Proposed Use	No change	Bruce Trail & Cc	Bruce Trail	Bruce Trail & Cc	
Existing Buildings/ Structures	Clubhouse, curling rink	None	None	None	
Proposed Buildings/ Structures	None	None	None	None	
Buildings/ Structures to be Removed	None	None	None	None	

\* 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) Open Space

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

C3.3 Bruce Trail is an essential component of the Niagara Escarpment Parks and Open Spaces System.  
 City's goal to establish and maintain an integrated parks and recreation system  
 Pedestrian pathways and passive recreation are identified as permitted uses in the Open Space designation

- 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.

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- 5.3 What is the existing zoning of the subject land? SPA1 NEC Development Control

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

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- 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.

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- 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)
<b>An agricultural operation, including livestock facility or stockyard</b> * Submit Minimum Distance Separation Formulae (MDS) if applicable	<input type="checkbox"/>	
<b>A land fill</b>	<input type="checkbox"/>	
<b>A sewage treatment plant or waste stabilization plant</b>	<input type="checkbox"/>	
<b>A provincially significant wetland</b>	<input type="checkbox"/>	
<b>A provincially significant wetland within 120 metres</b>	<input type="checkbox"/>	
<b>A flood plain</b>	<input checked="" type="checkbox"/>	0 m
<b>An industrial or commercial use, and specify the use(s)</b>	<input checked="" type="checkbox"/>	Industrial park
<b>An active railway line</b>	<input checked="" type="checkbox"/>	0 m
<b>A municipal or federal airport</b>	<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.

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

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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.

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6.4 How long has the applicant owned the subject land?

Approx 94 years

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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.

See attached list

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## 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)

n/a

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7.2 Is this application consistent with the Provincial Policy Statement (PPS)?

Yes  No (Provide explanation)

1.5.1 of the PPS states that "healthy active communities should be promoted by b) planning and providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including... open space areas, trails and linkages..."

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7.3 Does this application conform to the Growth Plan for the Greater Golden Horseshoe?

Yes  No (Provide explanation)

4.2.5 of GPGGH states that Municipalities, conservation authorities, non-governmental organizations, and other interested parties are encouraged to develop a system of publicly- accessible parkland, open space, and trails

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7.4 Are the subject lands subject to the Niagara Escarpment Plan?

Yes  No (Provide explanation)

Designated Escarpment Natural and Escarpment Protection in the Niagara Escarpment Plan. The Bruce Trail Conservancy is recognized as a public body in the Niagara Escarpment Plan and is permitted to sever lands for conservation and Bruce Trail purposes.

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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)

As previously stated, the subject lands are within the Niagara Escarpment Plan area.

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

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

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