

**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)



Hamilton

**NOTICE OF DECISION**  
**Consent/Land Severance**

<b>APPLICATION NO.:</b>	<b>FL/B-23:61</b>	<b>SUBJECT PROPERTY:</b>	169 & 193 WEIRS LANE, FLAMBOROUGH
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**APPLICANTS:**      **Owner:** ROBERT BERNSTEIN  
                              **Agent:** FRANCO ROMANO

**PURPOSE & EFFECT:**      To sever the existing residential lot into two parcels, the severed lands will be a residential lot with a house to remain and the retained lands will contain the existing dwelling which is intended to remain.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS (Parcel 1 – 169 Weirs Lane):</b>	123.4 m <sup>±</sup>	82.3 m <sup>±</sup>	0.61 ha <sup>±</sup>
<b>RETAINED LANDS (Parcel 2 – 193 Weirs Lane):</b>	322.5 m <sup>±</sup>	392.9 m <sup>±</sup>	14.03 ha <sup>±</sup>

Associated Planning Act File(s): N/A

**THE DECISION OF THE COMMITTEE IS:**

That the said application, as set out above, Approved, for the following reasons:

1. The proposal does not conflict with the intent of the Urban/Rural Hamilton Official Plan.
2. The proposal does not contravene Zoning By-law requirements.
3. The Committee considers the proposal to be in keeping with development in the area.
4. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
5. The submissions made regarding this matter affected the decision by supporting the granting of the application.

FL/B-23:61

DATED AT HAMILTON, October 19, 2023.

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D. Smith (Chairman)	M. Dudzic
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B. Charters	T. Lofchik
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N. Mleczko	D. Serwatuk
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The date of the giving of this Notice of Decision is **October 26, 2023**. Above noted conditions **MUST** be fulfilled within **TWO (2) YEARS** of the date of this Notice of Decision (October 26, 2025) or the application shall be deemed to be REFUSED (Planning Act, 53(41)).

NOTES:

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS **November 15, 2023** A Notice of Appeal must be filed with the Secretary-treasurer of the Committee of Adjustment, must set out the reasons for the appeal and must be accompanied by the applicable fee. See Appeal Information Consents/Severances for more information.
2. **This Decision is not final and binding unless otherwise noted and must not be acted upon until the period of appeal has expired.**
3. The Decision does not release any persons from the necessity of observing the requirements of building regulations, the license by-law, or any other by-law of the City of Hamilton.



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**APPEAL INFORMATION – CONSENTS/SEVERANCES****1. Who may file an appeal of the Decision of the Committee of Adjustment or Consent Authority?**

Please note neighbours and other interested parties not defined are no longer eligible to file Planning Act Section 53(19) appeals. See [Bill 23, More Homes Built Faster Act, 2022](#) for more information.

Planning Act Section 53(19) appeals may be filed by the applicant, the Minister of Municipal Affairs and Housing, a “specified person” (as defined by Planning Act 1(1)), and any “public body” (as defined by Planning Act 1(1)).

**2. When must an appeal be received to be considered?**

Planning Act Section 53(19) appeals must be received no later than the end of business on the last date of appeal listed on the Notice of Decision. The last date of appeal is 20 days from the date of the giving of Notice of the Decision. Please see Notice of Decision for exact date.

**3. Where must the appeal be filed to be considered?**

Planning Act Section 53(19) appeals must be received either by hardcopy or electronic copy. Please see below for more information:

Hardcopy: at City Hall and addressed to the Secretary-Treasurer of the Committee of Adjustment, Hamilton City Hall, 5th Floor, 71 Main Street West, Hamilton, ON, L8P 4Y5. Do not address appeals to any other departments or locations. Appeals received by the office of the Committee of Adjustment after the last date of appeal as a result of second-hand mailing will be time barred and of no effect.

Electronic copy: by email delivered to [cofa@hamilton.ca](mailto:cofa@hamilton.ca). Do not address appeals to any other departments or locations. Appeals received by the office of the Committee of Adjustment after the last date of appeal as a result of incorrectly addressed emails will be time barred and of no effect. If the information submitted will include large file sizes not able to be sent in one email, please contact [cofa@hamilton.ca](mailto:cofa@hamilton.ca) in advance to request a file sharing link.

**4. What information must be submitted for the appeal to be considered?**

Planning Act Section 53(19) appeals must include:

- Notice of appeal, the Ontario Land Tribunal (OLT) Appeal Form, this can be found by contacting Committee of Adjustment staff at the 5<sup>th</sup> floor of City Hall or at the OLT website <https://olt.gov.on.ca/appeals-process/forms/>, a cover letter, etc. may also be submitted if there is not sufficient room in the form;

- Filing fee, the fee is currently \$400 (subject to change) and must be paid as outlined on the OLT Appeal Form;
- All other information as required by the Appeal Form.

Questions or Information:  
Contact Committee of Adjustment Staff ([cofa@hamilton.ca](mailto:cofa@hamilton.ca))