

ORIGINAL SIGNATURES



Hamilton

Committee of Adjustment  
City Hall, 5<sup>th</sup> Floor,  
71 Main St. W.,  
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221  
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**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*	NATHAN AUBERT MEGAN BROS
Registered Owners(s)	MARION PAWLIK
Applicant(s)**	NATHAN AUBERT and MEGAN BROS
Agent or Solicitor	PATRICK G. MORRIS

\*Purchaser must provide a copy of the portion of the agreement or 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	2050 Centre Road, Hamilton, ON		
Assessment Roll Number	2518 303 970 00200 0000		
Former Municipality	FLAMBOROUGH (Geographic Township of East Flamborough)		
Lot	PART LOT 7	Concession	12
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

### 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)

- ☒ creation of a new lot(s) ☐ concurrent new lot(s)  
☐ addition to a lot ☐ a lease  
☐ an easement ☒ a correction of title  
☐ validation of title (must also complete section 8) ☐ a charge  
☐ cancellation (must also complete section 9)  
☐ 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:

NATHAN AUBERT and MEGAN BROS

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

N/A

### 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 <i>several lot which includes original parcel</i>	Parcel 2	Parcel 3*	Parcel 4*
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Identified on Sketch as:	Retained	Proposed			
Type of Transfer	N/A				
Frontage	366.95m	39.0m			
Depth	921.72m	104.12m			
Area	414340.58 m2	(102.36 acres)	4089.2 m2	(1.01 acres)	
Existing Use	residential	residential			
Proposed Use	residential	residential			
Existing Buildings/ Structures	farm dwelling and barns	existing family dwelling			
Proposed Buildings/ Structures	none to be removed	none			
Buildings/ Structures to be Removed	none to be removed	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

Rural Settlement Area: \_\_\_\_\_

Urban Hamilton Official Plan designation (if applicable) \_\_\_\_\_

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

Severed piece will be only 1 acre. The retained parcel will be 100+ acres. The merger has resulted in dwelling on same building lot and habitable dwelling before 2004. Merger has inadvertently created by City of Hamilton tax dept.

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? Zoned A2 - rural zone

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.

1989 severance - F132.89 Sept. 26, 1989

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

since 1958

- 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.

433 East 38 Street, Hamilton, ON L8V 4G7

## 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)

the severed and retained parcels meet policy 2.3.4 of the PPS 2020

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

☒ Yes ☐ No (Provide explanation)

see PPS 2020 Policy 2.3.4

- 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)

An existing farm and buildings and surplus dwelling with the protected countryside of the Greenbelt Plan.

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)

These lands which were once separate got joined (merged) but the owners want it back as it was

## 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)

n/a

## 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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10.6 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)
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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
- \_\_\_\_\_
- \_\_\_\_\_