



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

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>FL/B-24:06</b>	<b>SUBJECT PROPERTY:</b>	151 HIGHWAY 8, FLAMBOROUGH
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**APPLICANTS:**      Owner: CHARLES WEBSTER  
                          Applicant: THUSHARI & PRIYANKARA DAYANANDA  
                          Agent: JESSICA SANGES

**PURPOSE & EFFECT:**      To permit the conveyance of a parcel of land to be added to property known municipally as Part Lot 7, Concession 1, Geographical Township of West Flamborough, Part 2 on 62R20562 (Property known as 9 Herbert Place).

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS (Part 3):</b>	53.894 m <sup>±</sup>	5.007 m <sup>±</sup>	284.38 m <sup>2</sup> <sup>±</sup>
<b>RETAINED LANDS (Parts 4 &amp; 5):</b>	59.077 m <sup>±</sup>	124.932 m <sup>±</sup>	6431.11 m <sup>2</sup> <sup>±</sup>

Associated Planning Act File(s): FL/B-11:81

**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>Tuesday, February 27, 2024</b>
<b>TIME:</b>	<b>1:55 p.m.</b>
<b>PLACE:</b>	<b>City Hall Council Chambers (71 Main St. W., Hamilton)</b>
	<b>To be streamed (viewing only) at</b> <a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a>

## GL/A-24:09

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

## 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, written comments must be received no later than **February 23, 2024**

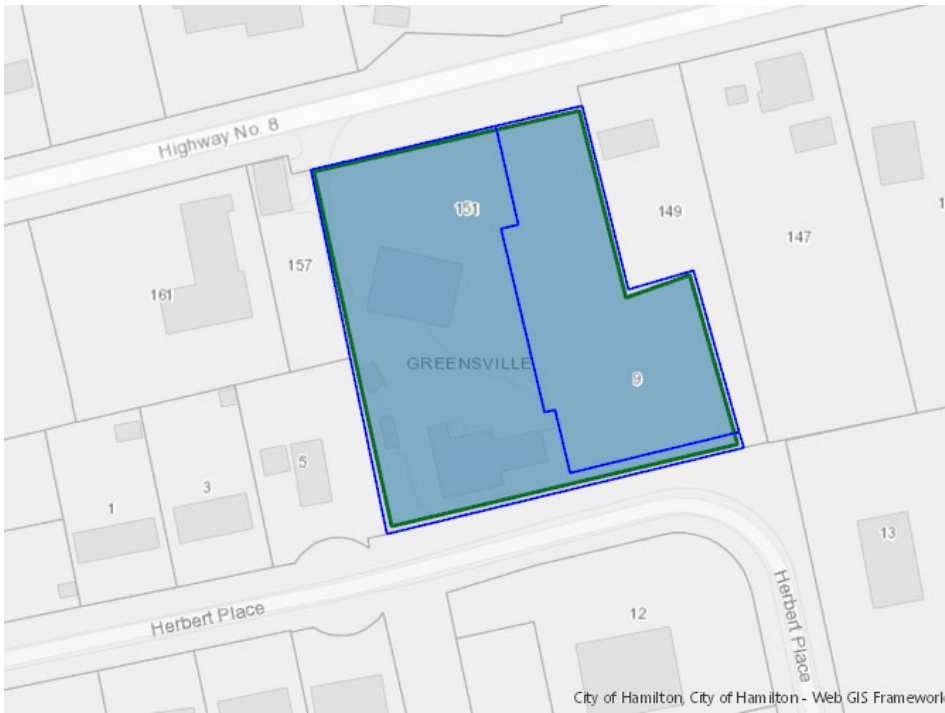
**Orally:** If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, registration to participate virtually must be received no later than **February 26, 2024**

## FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding GL/A-24:09, 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 the Notice of Decision 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](mailto:cofa@hamilton.ca) or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON 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: February 8, 2024

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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.



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## 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 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 on the date listed on the Notice of Public Hearing.**

Comments are available the Friday prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://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 on the day listed on the Notice of Public 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](mailto: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 one business day before the Hearing. Only those registered will be called upon to speak.

#### 2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person may attend Council Chambers on the date and time listed on the Notice of Public Hearing. Please note, you will be required to provide your name and address for the record. It is advised that you arrive **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](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.

CRP DERIVED FROM GPS OBSERVATIONS USING THE 3000 POSERNET NETWORK  
 UTM ZONE 17, CENTRAL MERIDIAN BY 0° W LONGITUDE. COORDINATES ARE TO  
 URBAN ACCURACY AS PER O. REG. 216/10 SEC 14.2 (0.080 M)

POINT ID	NORTHING	EASTING
CRP 1	4 841 898.528	586 513.888
CRP 2	4 841 878.230	586 213.870

COORDINATES CANNOT IN THEMSELVES BE USED TO RE-ESTABLISH  
 CORNERS OR BOUNDARIES SHOWN ON THIS PLAN

PLAN OF SURVEY  
 OF  
**PART OF LOT 7  
 CONCESSION 1**  
 AND  
**PART OF ROAD ALLOWANCE BETWEEN  
 LOTS 6 AND 7, CONCESSION 1  
 CLOSED BY BY-LAW NO. 88-37-R**  
 GEOGRAPHIC TOWNSHIP OF WEST FLAMBOROUGH  
 IN THE  
**CITY OF HAMILTON**  
 SCALE 1:200 METRIC  
 ERIC G. SALZER O.L.S.  
 2017

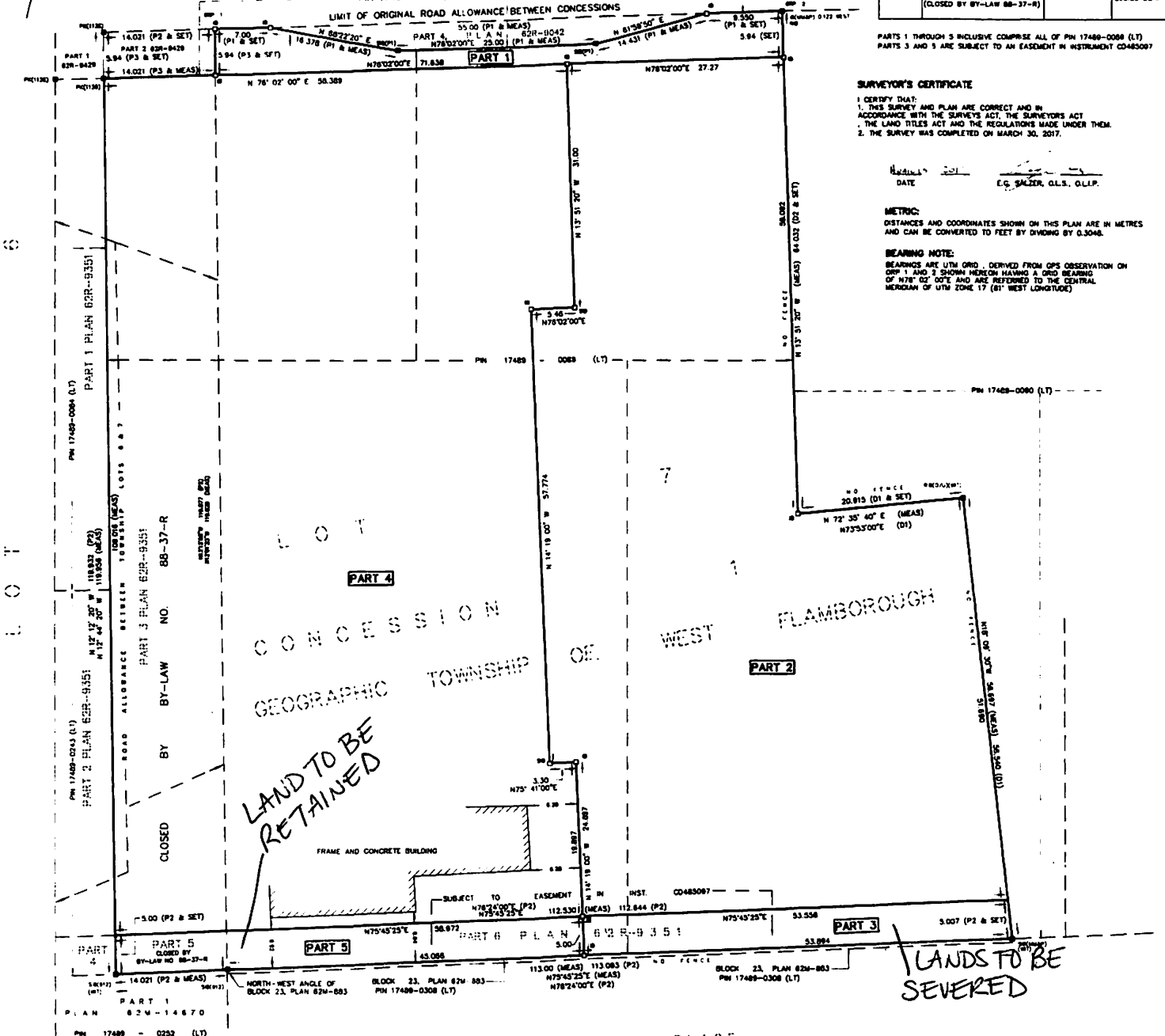
I REQUIRE THIS PLAN TO  
 BE DEPOSITED UNDER THE  
 LAND TITLES ACT.  
 DATE: March 30, 2017  
 E.G. SALZER O.L.S.  
 REPRESENTATIVE FOR THE LAND  
 TITLES DIVISION OF WENTWORTH (62)

**PLAN 62R-20552**  
 RECEIVED AND DEPOSITED  
 DATE: Apr 21, 2017

SCHEDULE			
PART	LOCATION	P.I.N.	AREA
1	PART OF LOT 7 CONCESSION 1	PART OF PIN 17489-0084 (LT)	283.35 SQ.M.
2			4475.24 SQ.M.
3			284.36 SQ.M.
4	PART OF LOT 7 CONCESSION 1 AND PART OF ROAD ALLOWANCE BETWEEN LOTS 6 AND 7 CONCESSION 1 (CLOSED BY BY-LAW 88-37-R)	PART OF PIN 17489-0084 (LT)	6133.91 SQ.M.
5			285.20 SQ.M.



**THE KING'S HIGHWAY No. 8**  
 REFERENCE BEARING N78°02'00"E  
 PIN 17489-0135 (LT)



**SURVEYOR'S CERTIFICATE**  
 I CERTIFY THAT:  
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN  
 ACCORDANCE WITH THE SURVEYORS ACT, THE SURVEYORS ACT  
 THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.  
 2. THE SURVEY WAS COMPLETED ON MARCH 30, 2017.

DATE: 30  
 E.G. SALZER, O.L.S., O.L.P.

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

**BEARING NOTE:**  
 BEARINGS ARE UTM GRID, DERIVED FROM GPS OBSERVATION ON  
 CRP 1 AND 2 SHOWN HEREON HAVING A GRID BEARING  
 OF N78°02'00"E AND ARE REFERRED TO THE CENTRAL  
 MERIDIAN OF UTM ZONE 17 (E7 WEST LONGITUDE)

HERBERT PLACE  
 PIN 17489 - 0360 (LT)  
 PLAN 62M-883

**L.G. WOODS SURVEYING INC.**  
 PROFESSIONAL LAND SURVEYORS  
 334 HATT STREET - DUNDAS DISTRICT  
 CITY OF HAMILTON, L9H 2H9  
 TEL (905) 627-0978 - FAX (905) 627-2818

- LEGEND:**
- CO DENOTES PLANTED MONUMENT
  - FO DENOTES FOUND MONUMENT
  - SB DENOTES STANDARD IRON BAR
  - SD DENOTES SLOW BALL
  - CC DENOTES CUI CROSS
  - PC DENOTES PLAN 62R-8042
  - P2 DENOTES PLAN 62R-8351
  - P3 DENOTES PLAN 62R-8429
  - P4 DENOTES PLAN 62R-883
  - O1 DENOTES INSTRUMENT NO. A8237510
  - CRP DENOTES OBSERVED REFERENCE POINT
  - 113 DENOTES L.G. WOODS SURVEYING INC.
  - 812 DENOTES A.L. CLARKE O.L.S.



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

Phone: (905) 546-2424 ext. 4221  
Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**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
<b>Purchaser*</b>	Thushari Dayananda Priyankara Dayananda
<b>Registered Owners(s)</b>	Charles Gordon Webster
<b>Applicant(s)**</b>	Thushari Dayananda Priyankara Dayananda
<b>Agent or Solicitor</b>	Jessica Sanges

\*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	9 Herbert Place		
Assessment Roll Number			
Former Municipality	Flamborough		
Lot	7(PT)	Concession	1
Registered Plan Number		Lot(s)	7(PT)
Reference Plan Number (s)	62R20562	Part(s)	3

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:

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## 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 checked="" 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:

Priyankara Dayananda and Thushari Dayananda

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

Pt Lot 7, Concession 1, Geographical Township of West Flamborough, Part 2 on 62R20562

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*

Identified on Sketch as:	Parts 4 & 5	Part 3			
Type of Transfer	N/A				
Frontage	59.077m	53.894m			
Depth	124.932m	5.007m			
Area	6431.11m <sup>2</sup>	284.38 m <sup>2</sup>			
Existing Use	Single family dwelling				
Proposed Use		single family dw			
Existing Buildings/ Structures	frame and concrete building				
Proposed Buildings/ Structures		single family dwelling			
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): N/A

Rural Settlement Area: Greensville Rural



Urban Hamilton Official Plan designation (if applicable) N/A

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? S-1

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

- 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)
<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 type="checkbox"/>	
<b>An industrial or commercial use, and specify the use(s)</b>	<input type="checkbox"/>	
<b>An active railway line</b>	<input type="checkbox"/>	
<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.

FL/B-11:81

- 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.

Part 2 62R20562, July 4, 2017, Priyankara Dyananda and Thushari Dayananda, single family

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

6.5 years

- 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.

5 Mazza Avenue, Dundas, ON

## 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 <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):
---------------	------------------------------

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

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