



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: 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

APPLICATION NO.:	B.24.33	SUBJECT PROPERTY:	81 & 85 Lower Horning Road, Hamilton
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APPLICANTS: Owner: Edith Gerber and Heidi Susan Gerber
Agent: Mark Giavedoni

PURPOSE & EFFECT: To permit the conveyance of a parcel of land being the land known as 81 Lower Horning Road, Hamilton (Containing an existing dwelling) and to retain a parcel of land known municipally as 85 Lower Horning Road, Hamilton containing an existing dwelling. These properties inadvertently merged in title and the owner wishes to recreate the two original lots.

	Frontage	Depth	Area
SEVERED LANDS (81 Lower Horning Road):	24.68 m [±]	15.24 m [±]	376 m ² [±]
RETAINED LANDS (85 Lower Horning Road):	15.85 m [±]	30.48 m [±]	483.11 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 heard by the Committee as shown below:

DATE:	Tuesday, June 25, 2024
TIME:	2:50 p.m.
PLACE:	City Hall Council Chambers (71 Main St. W., Hamilton)
	To be streamed (viewing only) at

B.24.33

www.hamilton.ca/committeeofadjustment
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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
- Email Committee of Adjustment staff at 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 noon **June 21, 2024**

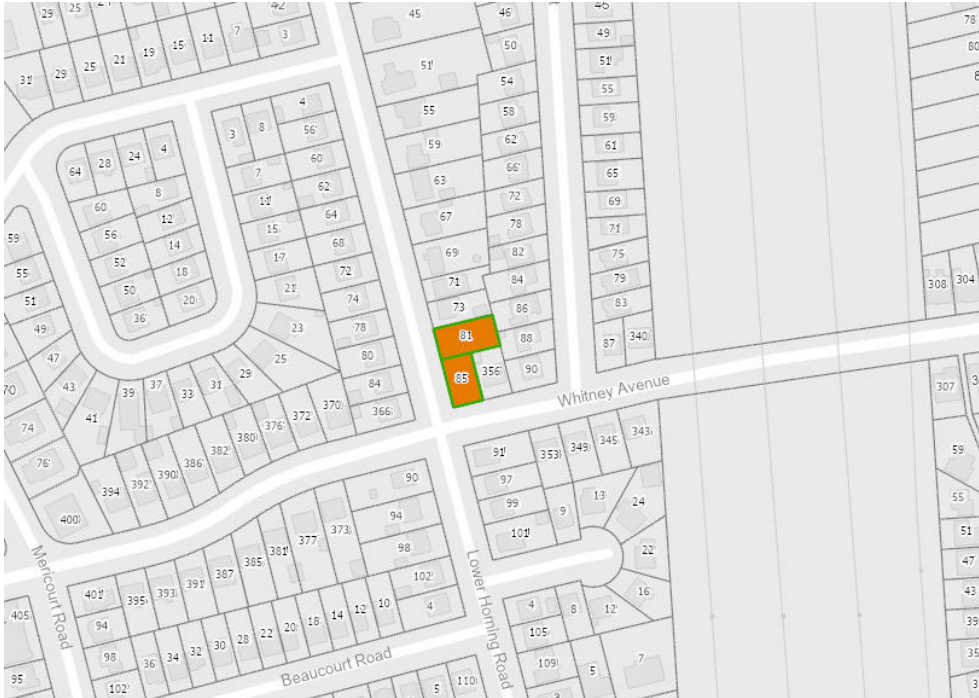
Orally: If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, registration to participate virtually must be received no later than noon **June 24, 2024**

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding B.24.33, you must submit a written request to 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 or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5.

B.24.33



 **Subject Lands**

DATED: June 6, 2024

**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.

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.



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E-mail: cofa@hamilton.ca

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 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

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. 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 or by phone at 905-977-1654.

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.

Sy 952

BEAUCOURT ADDITION

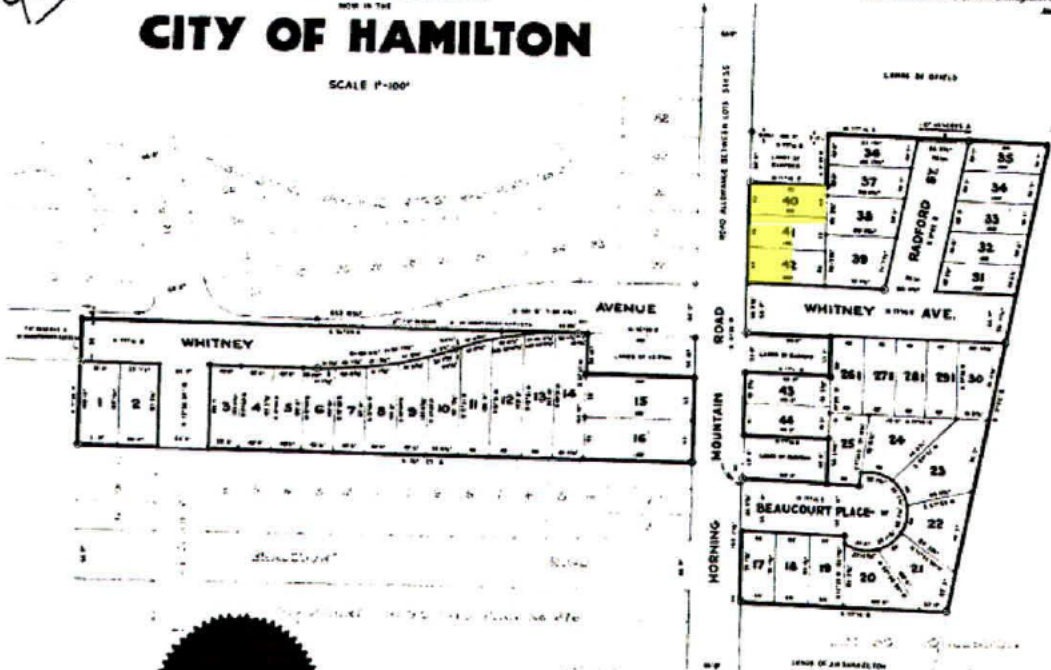
being a subdivision of parts of
LOTS 54 & 55 CONCESSION I
IN THE
TOWNSHIP OF ANCASTER
NOW IN THE

CITY OF HAMILTON

SCALE P=100'

952

LEGEND
The field notes of this survey are incorporated in this plan.
Sign \odot denotes a zinc-rod monument
Sign \bullet denotes a standard iron bar
Sign \ast denotes a wooden stake
Bearings are referred to Magnetic North
Steel as a 1/2" x 1/2" as shown on Registered Plan No. 92



952.

MORTGAGEE'S CERTIFICATE

I hereby certify to the registration of this plan

Edward J. ...
Wm. ...
Victor C. ...
Case & ...

OWNER'S CERTIFICATE

Lots 1 to 16 on both exclusive interests and the streets enclosed within the red lines on this plan are laid out according to our instructions and the said streets are hereby dedicated as public highways

WILBURN H. COOPER (CONSTRUCTION NUMBER 112)
OWNER

RESIDENT
 SECRETARY

AFFIDAVIT OF ATTESTATION

County of Westchester State of N.Y. I, *Wm. ...*
 of the City of Hamilton, in the presence of *Wm. ...*
 do hereby make oath and say:
 1. That I was personally present and did see the Plan and Duplicate duly signed by *Edward J. ...*
 2. That the said Plan and Duplicate were signed by the said party (ies) at *Hamilton, N.Y.*
 3. That I know the said party (ies)
 4. That I am a subscribing witness to the said signing

Subscribed and sworn to before me in the County of *Westchester*
 this *5th* day of *November*, 1953
Wm. ...
 Notary Public

SURVEYOR'S CERTIFICATE

SIDNEY W. WOODS
 an Ontario Land Surveyor, certify that:
 (1) I was present at and did personally supervise the survey represented by this plan;
 (2) this plan accurately shows the manner in which the lands depicted on this plan have been surveyed and subdivided by me;
 (3) Every angle of the exterior boundaries of the plan is either in the survey shown by a monument and a monument is placed at the angle of each such intersection shown on this plan;
 (4) I have indicated on the plan the precise area here of each of the lots shown;
 (5) the monuments conform in all respects to the provisions of section 13 of the Survey Act;
 (6) the survey was made by me or under my direction on the 4th day of November and the 10th day of April, 1953;
 (7) the survey has been accurately made in accordance with all the provisions of the Survey Act and the Registry Act relating thereto.

Dated at *Hamilton* this *5th* day of *November*, A.D. 1953
Sidney W. Woods
 Ontario Land Surveyor

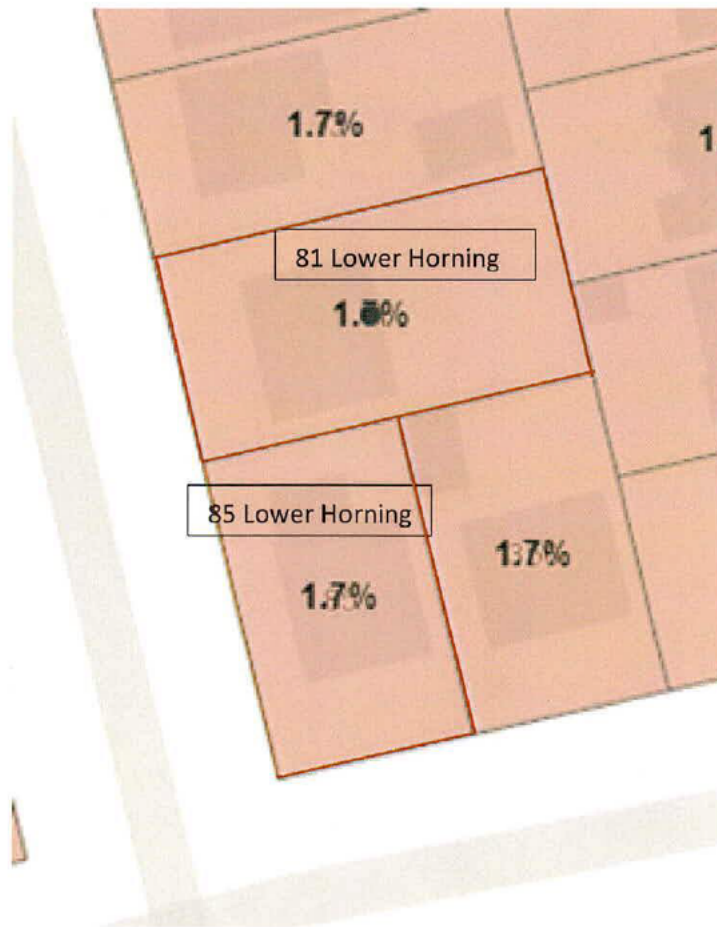
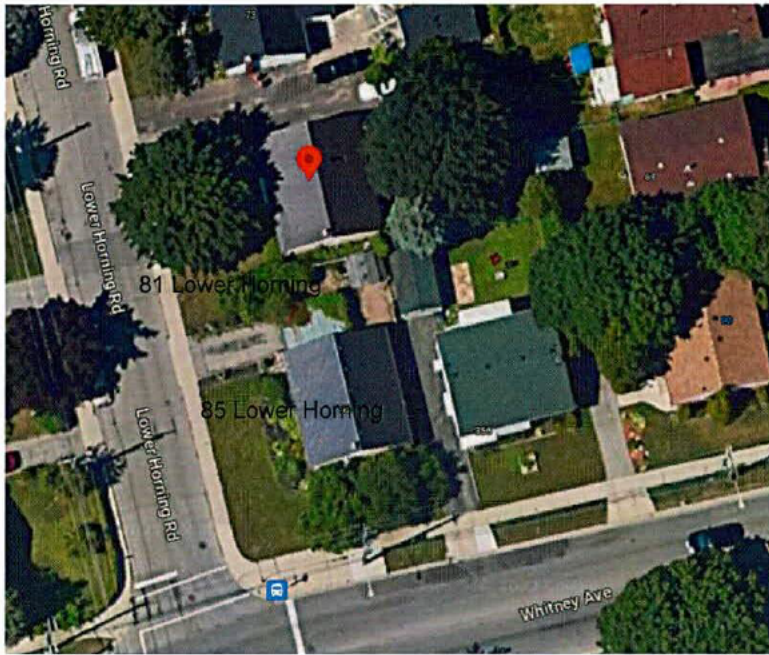
SURVEYOR'S DUPLICATE CERTIFICATE
 I hereby certify that this plan is an exact duplicate of the original plan prepared by me to be registered in the Registry Office of the Registry Division of the County of Westchester
Sidney W. Woods
 Ontario Land Surveyor

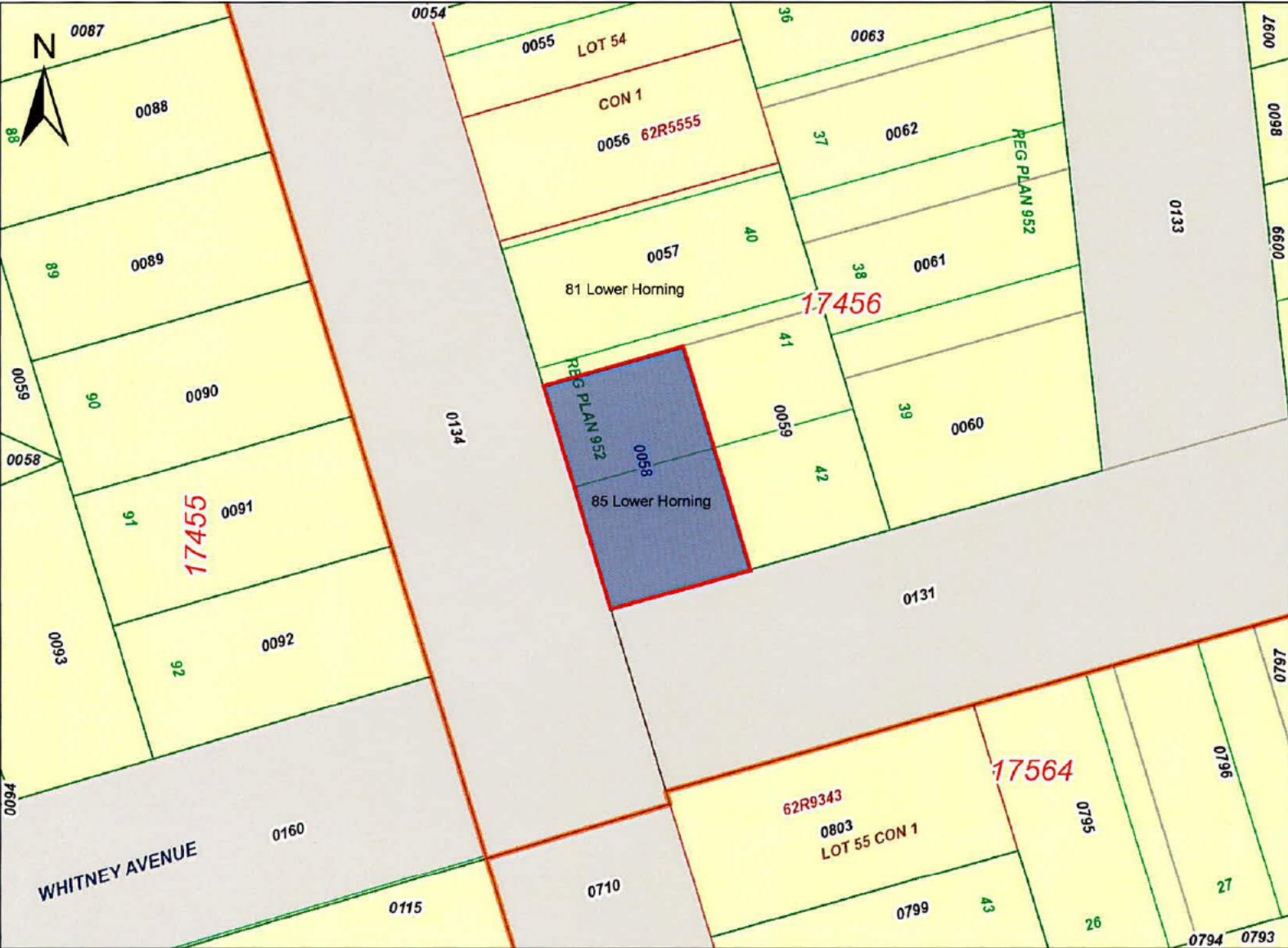
Approved under Section 26 of
 THE PLANNING ACT
 This *5th* day of *Nov.*, 1953
Wm. ...
 MINISTER OF PLANNING & DEVELOPMENT

SIDNEY W. WOODS
 SURVEYOR & ENGINEER
 HAMILTON - ONTARIO



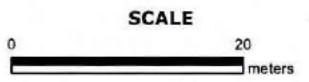
REGISTRAR'S CERTIFICATE
 Received from *Sidney W. Woods*
 and registered this *10th* day of *November*
 A.D. 1953 of 10 copies in plan No. *952*
Wm. ...





ServiceOntario

PRINTED ON 01 OCT, 2021 AT 13:06:34
FOR BHUTCHISON



PROPERTY INDEX MAP WENTWORTH(No. 62)

LEGEND

FREEHOLD PROPERTY	
LEASEHOLD PROPERTY	
LIMITED INTEREST PROPERTY	
CONDOMINIUM PROPERTY	
RETIRED PIN (MAP UPDATE PENDING)	
PROPERTY NUMBER	0449
BLOCK NUMBER	08050
GEOGRAPHIC FABRIC	
EASEMENT	

THIS IS NOT A PLAN OF SURVEY

NOTES

REVIEW THE TITLE RECORDS FOR COMPLETE PROPERTY INFORMATION AS THIS MAP MAY NOT REFLECT RECENT REGISTRATIONS

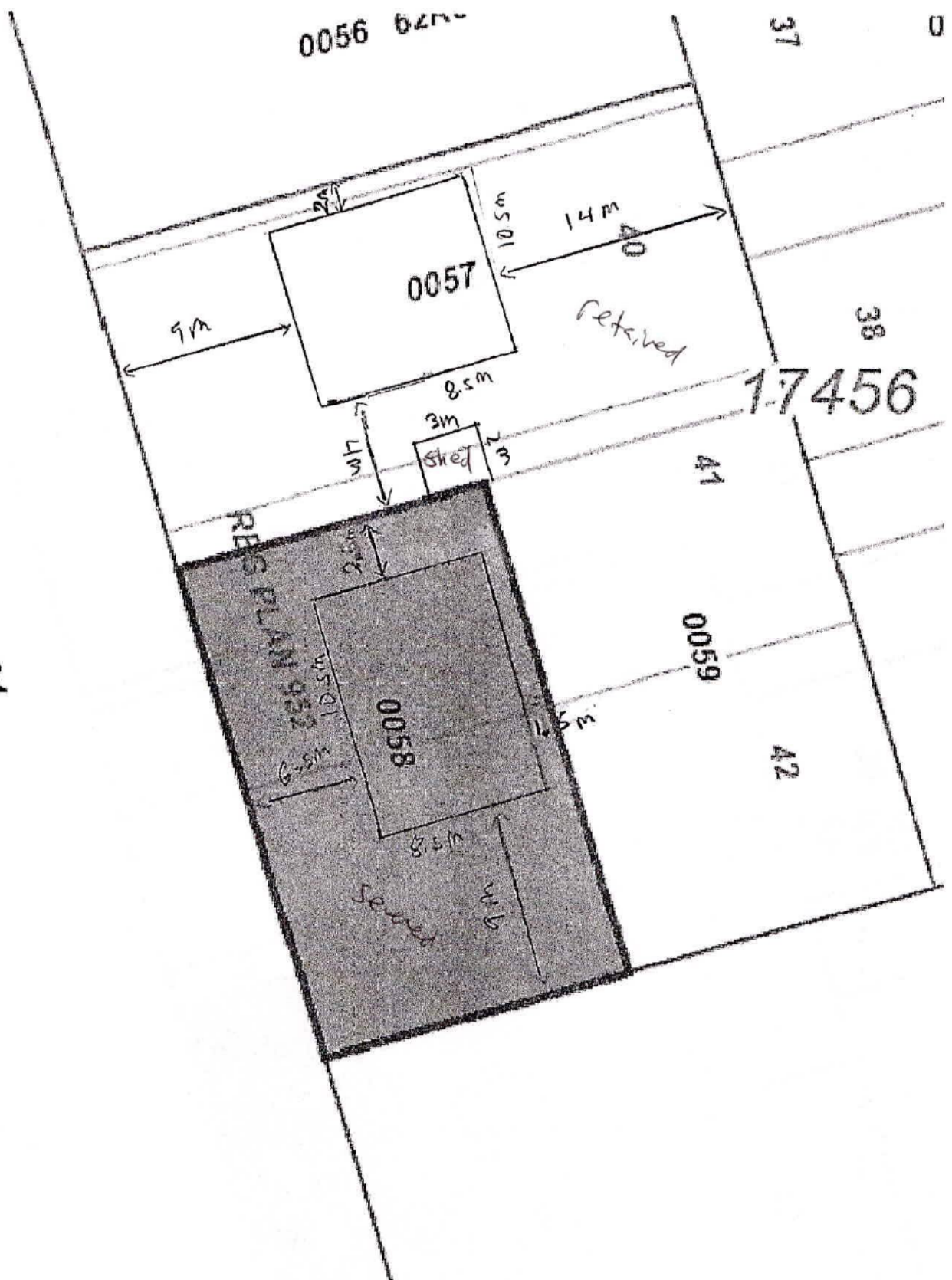
THIS MAP WAS COMPILED FROM PLANS AND DOCUMENTS RECORDED IN THE LAND REGISTRATION SYSTEM AND HAS BEEN PREPARED FOR PROPERTY INDEXING PURPOSES ONLY

FOR DIMENSIONS OF PROPERTIES BOUNDARIES SEE RECORDED PLANS AND DOCUMENTS

ONLY MAJOR EASEMENTS ARE SHOWN

REFERENCE PLANS UNDERLYING MORE RECENT REFERENCE PLANS ARE NOT ILLUSTRATED





0056 62m

37

D

0057

14m

Retrieved

9m

8.5m

3m

shed

4m

38

17456

41

RES PLAN 952

0059

0058

12.5m

42

8.5m

Sewer

MSD

201



GOWLING WLG

Alexander De Sousa

Associate

T +1 905 540 7115 ext. 27115

alexander.desousa@gowlingwlg.com

Gowling WLG (Canada) LLP
1 First Canadian Place
100 King Street West
Suite 1600
Toronto, Ontario
M5X 1G5 Canada
T +1 416 862 7525

gowlingwlg.com



March 13, 2024

SENT VIA EMAIL

Committee of Adjustment
City Hall, 5th Floor
71 Main St. West
Hamilton, ON L8P4Y5

Mark R. Giavedoni
Certified Specialist (Real Estate Law)
Phone +1 905 540 8208
Direct Fax: +1 905 523 2954
mark.giavedoni@gowlingwlg.com
File no. H229411

Attention: Jamila Sheffield Secretary Treasurer

Dear Ms. Sheffield:

Re: Severance of 85 Lower Horning Road, Ancaster, being all of PIN 17456-0058 (LT) (the "Retained Lands") from 81 Lower Horning Road, Ancaster, being all of PIN 17456-0057 (LT) (the "Severed Lands", and together with the Severed Lands, collectively, the "Properties")

We act as solicitors for Edith Gerber and Heidi Susan Gerber (collectively, the "Owners") who are the owners of the Properties and we are submitting the attached application as agent on their behalf.

This application is to sever the Properties, retaining the Retained Lands and severing the Severed Lands. The goal is to obtain consent to formally re-establish the Properties as separate lots. The Properties were inadvertently merged through common ownership by a previous Transfer on November 30, 2004. Because the Retained Lands and Severed lands were never consolidated and maintain separate legal descriptions and continue to have separate tax rolls, we believe a severance can be granted without the need for a new reference plan as the Land Register will not need a new plan to describe the parcels. The Owners do not own any other lands abutting the Properties.

The application package contains:

1. Application for Consent to Sever Land;
2. Sketch illustrating the Properties;
3. Parcel Register 17456-0057 (LT); and
4. Parcel Register 17456-0058 (LT).

Attached ~~separately in the email~~ is our firm's cheque in the amount of \$3,360.00 payable to the City of Hamilton as its fee for the application.

We appreciate you reviewing this application and look forward to confirmation of the hearing date.

Gowling WLG (Canada) LLP

De Sousa,
Alexander Digitally signed by: De Sousa, Alexander
DN: CN = De Sousa, Alexander
Date: 2024.03.13 16:43:30 -0400 per Mark R. Giavedoni

Mark R. Giavedoni
Partner
MRG/ad
Encls.

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

PROPERTY DESCRIPTION: LT 40, PL 952 ; PT LT 41, PL 952 , AS IN NS252760 ; PT LT 55, CON 1 ANCASTER , AS IN HL67076 ; ANCASTER; CITY OF HAMILTON

PROPERTY REMARKS:

ESTATE/QUALIFIER:

FEE SIMPLE
LT CONVERSION QUALIFIED

RECENTLY:

FIRST CONVERSION FROM BOOK

PIN CREATION DATE:

1996/11/18

OWNERS' NAMES

GERBER, EDITH
GERBER, HEIDI SUSAN

CAPACITY SHARE

TCOM 99.0%
TCOM 1.0%

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
<p>**EFFECTIVE 2000/07/29 THE NOTATION OF THE "BLOCK IMPLEMENTATION DATE" OF 1996/11/18 ON THIS PIN**</p> <p>**WAS REPLACED WITH THE "PIN CREATION DATE" OF 1996/11/18**</p> <p>** PRINTOUT INCLUDES ALL DOCUMENT TYPES AND DELETED INSTRUMENTS SINCE 1996/11/15 **</p> <p>**SUBJECT, ON FIRST REGISTRATION UNDER THE LAND TITLES ACT, TO:</p> <p>** SUBSECTION 44(1) OF THE LAND TITLES ACT, EXCEPT PARAGRAPH 11, PARAGRAPH 14, PROVINCIAL SUCCESSION DUTIES * AND ESCHEATS OR FORFEITURE TO THE CROWN. * * * * *</p> <p>** THE RIGHTS OF ANY PERSON WHO WOULD, BUT FOR THE LAND TITLES ACT, BE ENTITLED TO THE LAND OR ANY PART OF IT THROUGH LENGTH OF ADVERSE POSSESSION, PRESCRIPTION, MISDESCRIPTION OR BOUNDARIES SETTLED BY CONVENTION. * * * * *</p> <p>** ANY LEASE TO WHICH THE SUBSECTION 70(2) OF THE REGISTRY ACT APPLIES. * * * * *</p> <p>**DATE OF CONVERSION TO LAND TITLES: 1996/11/18 **</p>						
NS252760	1954/09/30	TRANSFER		*** COMPLETELY DELETED ***	STEVENS, HARRY MCKAY STEVENS, IRENE CATHERINE	
HL67076	1958/10/27	TRANSFER		*** COMPLETELY DELETED ***	STEVENS, HARRY MCKAY STEVENS, IRENE CATHERINE	
HL151899	1961/01/20	CERT R SUC DU ACT		*** COMPLETELY DELETED ***		
HL167546	1961/06/29	BYLAW				C
WE108925	2002/07/26	APL OF SURV-LAND		*** COMPLETELY DELETED *** STEVENS, HARRY MCKAY	STEVENS, IRENE CATHERINE	

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
WE108926	2002/07/26	APL CH NAME OWNER		*** COMPLETELY DELETED *** STEVENS, IRENE CATHERINE	WILSON, IRENE CATHERINE	
		REMARKS: HL67076				
WE109278	2002/07/26	TRANSFER		*** COMPLETELY DELETED *** WILSON, IRENE CATHERINE	GERBER, EDITH	
WE109280	2002/07/26	CHARGE	\$123,750	GERBER, EDITH	THE BANK OF NOVA SCOTIA	C
WE1157376	2016/10/14	TRANSFER	\$1,000	GERBER, EDITH	GERBER, EDITH GERBER, HEIDI SUSAN	C
		REMARKS: PLANNING ACT STATEMENTS.				
WE1157377	2016/10/14	CHARGE	\$500,000	GERBER, EDITH GERBER, HEIDI SUSAN	THE TORONTO-DOMINION BANK	C

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.



LAND
REGISTRY
OFFICE #62

17456-0058 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

PROPERTY DESCRIPTION: PT LTS 41 & 42, PL 952 , AS IN VM110415 ; S/T INTEREST(S) IN VM110415 ; ANCASTER; CITY OF HAMILTON

PROPERTY REMARKS:

ESTATE/QUALIFIER:
FEE SIMPLE
LT CONVERSION QUALIFIED

RECENTLY:
FIRST CONVERSION FROM BOOK

PIN CREATION DATE:
1996/11/18

OWNERS' NAMES
GERBER, EDITH
GERBER, HEIDI SUSAN

CAPACITY SHARE
TCOM 99.0%
TCOM 1.0%

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
<p>**EFFECTIVE 2000/07/29 THE NOTATION OF THE "BLOCK IMPLEMENTATION DATE" OF 1996/11/18 ON THIS PIN**</p> <p>**WAS REPLACED WITH THE "PIN CREATION DATE" OF 1996/11/18**</p> <p>** PRINTOUT INCLUDES ALL DOCUMENT TYPES AND DELETED INSTRUMENTS SINCE 1996/11/15 **</p> <p>**SUBJECT, ON FIRST REGISTRATION UNDER THE LAND TITLES ACT, TO:</p> <p>** SUBSECTION 44(1) OF THE LAND TITLES ACT, EXCEPT PARAGRAPH 11, PARAGRAPH 14, PROVINCIAL SUCCESSION DUTIES * AND ESCHENTS OR FORFEITURE TO THE CROWN.</p> <p>** THE RIGHTS OF ANY PERSON WHO WOULD, BUT FOR THE LAND TITLES ACT, BE ENTITLED TO THE LAND OR ANY PART OF IT THROUGH LENGTH OF ADVERSE POSSESSION, PRESCRIPTION, MISDESCRIPTION OR BOUNDARIES SETTLED BY CONVENTION.</p> <p>** ANY LEASE TO WHICH THE SUBSECTION 70(2) OF THE REGISTRY ACT APPLIES.</p> <p>**DATE OF CONVERSION TO LAND TITLES: 1996/11/18 **</p>						
VM110415	1992/02/03	TRANSFER		*** COMPLETELY DELETED ***	GERBER, HEIDI SUSAN	
VM110416	1992/02/03	CHARGE		*** COMPLETELY DELETED ***	THE TORONTO-DOMINION BANK	
LT552744	1999/05/21	CHARGE		*** COMPLETELY DELETED *** GERBER, HEIDI SUSAN	THE TORONTO-DOMINION BANK	
WE27564	2001/03/13	CHARGE		*** COMPLETELY DELETED *** GERBER, HEIDI SUSAN	THE BANK OF NOVA SCOTIA	
WE31896	2001/04/18	DISCH OF CHARGE		*** COMPLETELY DELETED *** THE TORONTO-DOMINION BANK		
REMARKS: RE: LT552744						

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
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* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
WE39728	2001/06/08	DISCH OF CHARGE		*** COMPLETELY DELETED *** THE TORONTO-DOMINION BANK		
	REMARKS: RE: VM110416					
WE277617	2004/11/30	TRANSFER		*** COMPLETELY DELETED *** GERBER, HEIDI SUSAN	GERBER, EDITH	
WE277618	2004/11/30	CHARGE		*** COMPLETELY DELETED *** GERBER, EDITH	THE BANK OF NOVA SCOTIA	
WE289448	2005/02/02	DISCH OF CHARGE		*** COMPLETELY DELETED *** THE BANK OF NOVA SCOTIA		
	REMARKS: RE: WE27564					
WE301327	2005/04/08	APL (GENERAL)		GERBER, EDITH	THE BANK OF NOVA SCOTIA	C
	REMARKS: AMENDING WE277618					
WE1157376	2016/10/14	TRANSFER	\$1,000	GERBER, EDITH	GERBER, EDITH GERBER, HEIDI SUSAN	C
	REMARKS: PLANNING ACT STATEMENTS.					
WE1157377	2016/10/14	CHARGE	\$500,000	GERBER, EDITH GERBER, HEIDI SUSAN	THE TORONTO-DOMINION BANK	C
WE1161032	2016/10/31	DISCH OF CHARGE		*** COMPLETELY DELETED *** THE BANK OF NOVA SCOTIA		
	REMARKS: WE277618.					

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
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City Hall, 5th Floor,
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Hamilton, ON L8P4Y5

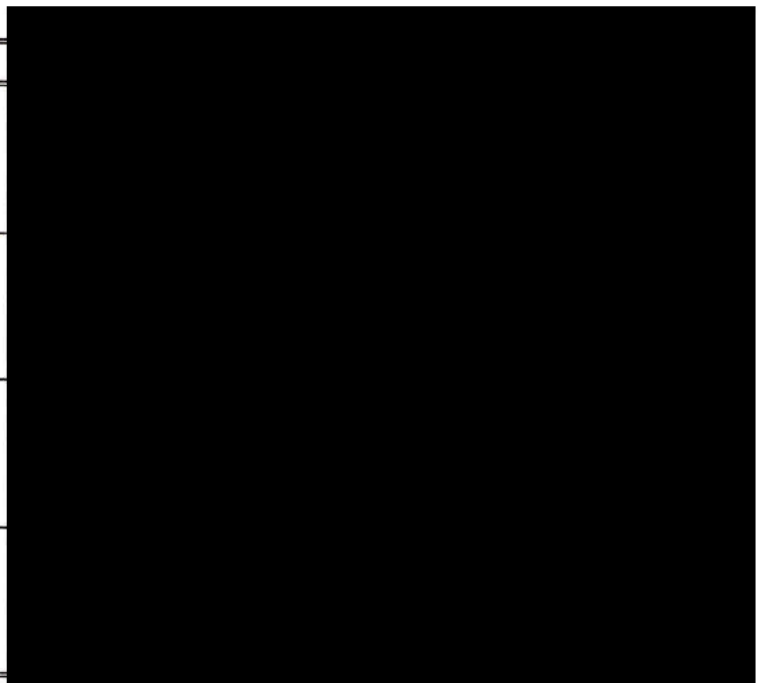
Phone: (905) 546-2424 ext. 4221
Email: cofa@hamilton.ca

**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
Purchaser*	
Registered Owners(s)	Edith Gerber Heidi Susan Gerber
Applicant(s)**	Heidi Susan Gerber
Agent or Solicitor	Mark Giavedoni



*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 Primary contact 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 Mark.Giavedoni@gowlingwlg.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.

DS
HG

1.6 Payment type

 In person
 Cheque

 Credit over phone*

*Must provide number above

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	81 Lower Horning Road		
Assessment Roll Number			
Former Municipality	Hamilton		
Lot	40	Concession	
Registered Plan Number	PL 952	Lot(s)	41, 55
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)

- | | |
|---|---|
| <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 type="checkbox"/> an easement | <input checked="" 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:

unknown

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, m² or ha), attach additional sheets as necessary.

	Retained (remainder)	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*
Identified on Sketch as:					
Type of Transfer	N/A				
Frontage	15.85	24.68			
Depth	30.48	15.24			
Area	483.11	376 m			
Existing Use	Residential	Residential			
Proposed Use	Residential	Residential			
Existing Buildings/ Structures	One House on the property <i>Shed</i>	One House on the property			
Proposed Buildings/ Structures	No plans to build	No plans to build			
Buildings/ Structures to be Removed	No plans to remove	No plans to remove			

* 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?

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Rural Hamilton Official Plan designation (if applicable): N/A

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) Neighbourhood

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

Severing the lot to render it compliant with the existing official plan. The lots were unintentionally merged and this would return them to the pre-merger boundaries. This upholds all policies in relation to being a low density site in the middle of a neighborhood.

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? C/S- 1335a Urban Protected Residential with

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 checked="" type="checkbox"/>	J/S-1522 (Light & Limit)
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

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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.

Lands were established following the Beacourt Addition Plan 952 from 1953

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

N/A

- 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?

The severed lands since 2004 and the retained lands since 2002 but has been in the family since

- 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.

58 Bertram Dr Dundas, ON L9H 4T3 - Heidi Susan Gerber
37 Hatt St Dundas, ON L9H 2G2 - Heidi Susan Gerber

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 policy statements focus on efficiently using the land. Severing the lots to return them to their initial configuration in the subdivision is consistent with efficiently using the land while remaining within the municipal zoning regulations. Furthermore, it does not contradict other policies such as transit supportive or environmentally friendly growth.

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

The application is consistent as it returns the site to its initial two-site existence. Promotes the total community idea to support healthy living. Does not increase strain on infrastructure or negatively affect the environment, cultural heritage sites or prime agricultural lands.

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

Does not remove agricultural lands, negatively affect climate change or degrade the natural or cultural resources of the land. Furthermore, it's location means inhabitants of the residence continue to use existing infrastructure.

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

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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)

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)~~

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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 (m² or ha):
--------------------------	--

~~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 (m² or ha):
--------------------------	--

~~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 (m² 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~~

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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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