

NOTICE OF APPLICATION
VALIDATION OF TITLE

You are receiving this notice as information for review of this file.

APPLICATION NO.:	B-25:036	SUBJECT PROPERTY:	48 Humphrey Street, Flamborough
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APPLICANTS: Owner: Yongbum Park and Sungshin Lim
Agent: Wendy Greenspoon-Soer

PURPOSE & EFFECT: To validate the title of a parcel of land under the provisions of Section 57(1) of the Planning Act, correcting a Planning Act Validation that occurred during a past real estate transaction on the subject property.

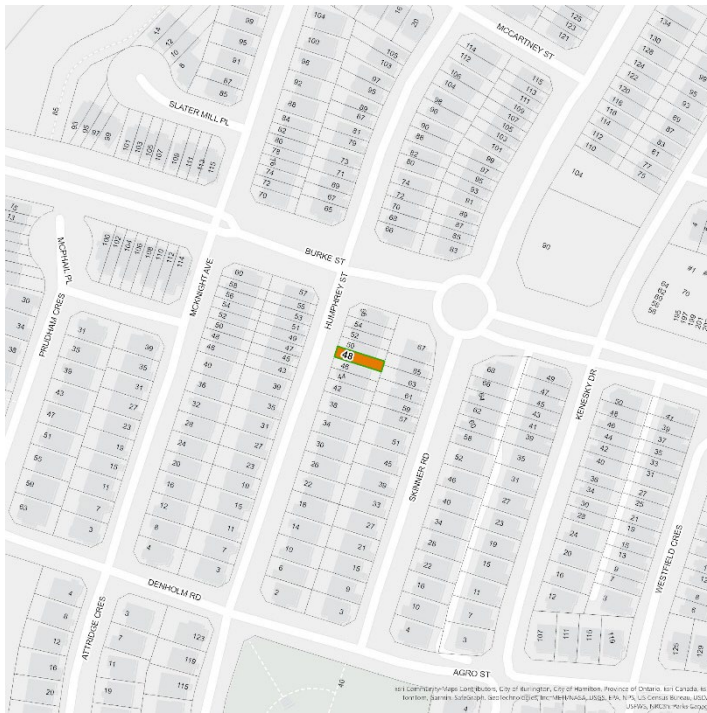
Associated Planning Act File(s): N/A

This application will be decided upon by the Consent Authority, the Director of Planning and Chief Planning, no earlier than:

Thursday, July 17, 2025

For more information on this matter, including access to drawings illustrating this request and other information submitted:

- Visit www.hamilton.ca/committeeofadjustment - Delegated Consent Authority Tab
- Email Committee of Adjustment staff at cofa@hamilton.ca



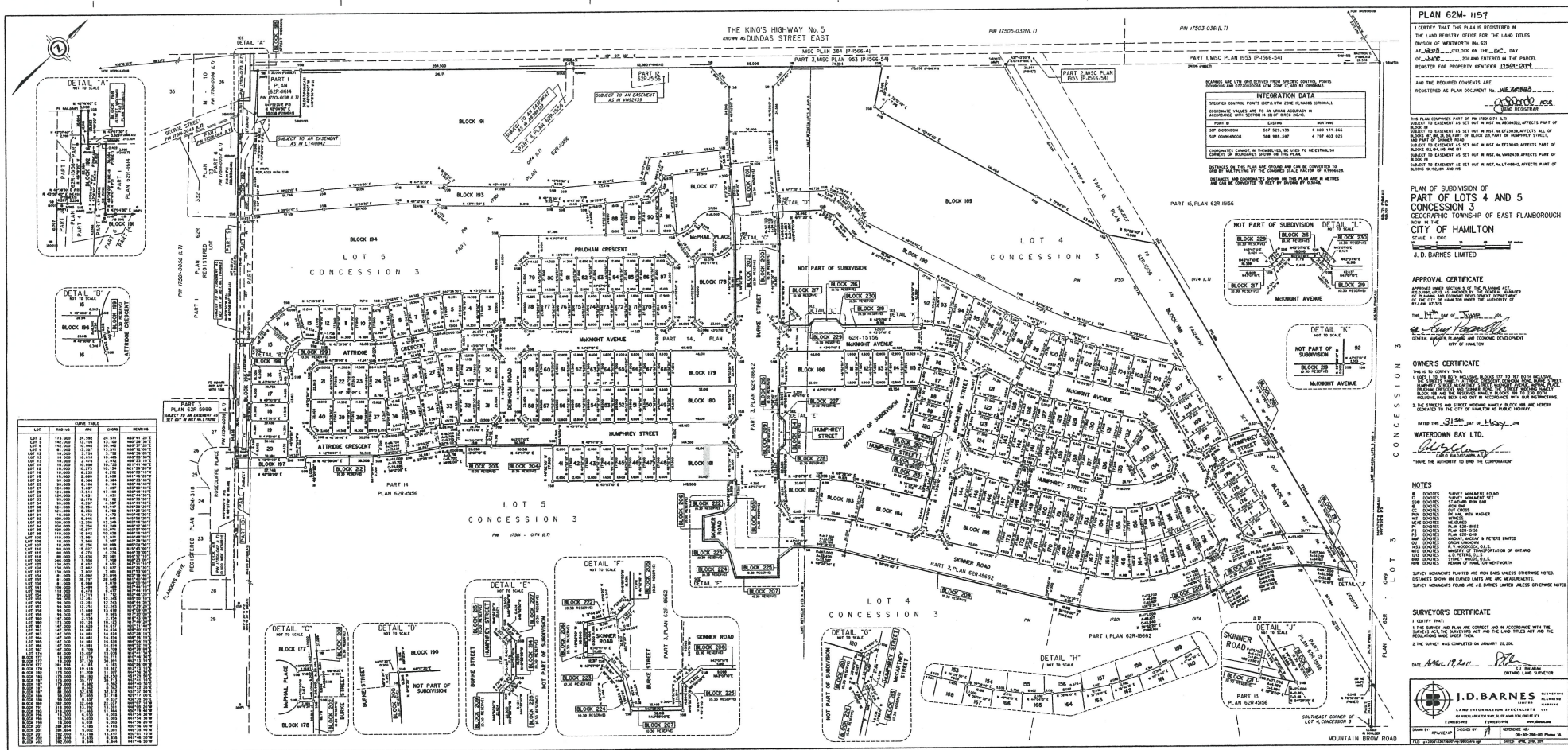
Subject Lands

DATED: June 30, 2025

Justin Leung,
Secretary-Treasurer
Committee of Adjustment

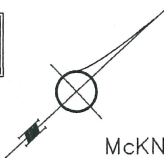
Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.

If you wish to be notified of the Decision of Consent Authority in respect of the proposed application, **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. A copy of the Decision will only be sent to those who request.



Bearings Table

BLOCK/LOT	CODE	BEARING
BLOCK	(A)	N43°07'10"E
179,180,181	(B)	N46°52'50"W



McKNIGHT AVENUE
(BY REGISTERED PLAN 62M-1157)
PIN 17501 - 0422 (LT)

PLAN OF SURVEY OF
BLOCKS 179, 180 AND 181
REGISTERED PLAN 62M-1157
CITY OF HAMILTON
SCALE 1 : 300

Salma Surveying
Ontario Land Surveyors

I REQUIRE THIS PLAN TO BE
DEPOSITED UNDER THE
LAND TITLES ACT.

PLAN 62R-1944
RECEIVED AND DEPOSITED :

DATE : Nov. 9th 2012

DATE NOVEMBER 19, 2012

Robert Salma
Robert Salma
Ontario Land Surveyor

C.P. Salma
REPRESENTATIVE FOR LAND REGISTRAR
FOR THE LAND TITLES DIVISION OF
WENTWORTH (No. 62)

Metric DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

Schedule

PART	ALL OF BLOCK	REGD PLAN	ALL OF P.I.N.
1	BLOCK 179	62R-1157	PIN 17501-0360 (LT)
2			
3			
4			
5			
6			
7			
8			
9			
10			
11	BLOCK 180	62R-1157	PIN 17501-0361 (LT)
12			
13			
14			
15			
16			
17			
18			
19			
20			
21	BLOCK 181	62R-1157	PIN 17501-0362 (LT)
22			
23			
24			
25			
26			
27			
28			
29			
30			

- PARTS 1 THROUGH 10 ARE SUBJECT TO AN EASEMENT FOR ENTRY AS IN WE820252
- PARTS 11 THROUGH 20 ARE SUBJECT TO AN EASEMENT FOR ENTRY AS IN WE820253
- PARTS 21 THROUGH 30 ARE SUBJECT TO AN EASEMENT FOR ENTRY AS IN WE820254
- PARTS 1 THROUGH 30 ARE SUBJECT TO AN EASEMENT IN GROSS AS IN WE767448

Specified Control Points

POINT ID	NORTHING	EASTING
SCP 00119653086	4797593.538	590791.146
SCP 00119653089	4799076.395	592051.545

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

Bearing Note

BEARINGS ARE UTM GRID, DERIVED FROM SPECIFIED CONTROL POINTS 00119653086 AND 00119653089, AND ARE REFERRED TO THE 6° UTM CENTRAL MERIDIAN 81° WEST LONGITUDE, ZONE 17, NAD83 (CSRS) (1997.0).

Grid Scale Conversion

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE CORNERED SCALE FACTOR OF 0.999642402.

Notes

ALL FOUND MONUMENTS ARE J.D. BARNES LIMITED UNLESS OTHERWISE NOTED. UNLESS OTHERWISE NOTED.

SURVEY MONUMENTS PLANTED ARE IRON BARS UNLESS OTHERWISE NOTED.

Legend

■	denotes	FOUND MONUMENT
□	denotes	SET MONUMENT
SIB	denotes	STANDARD IRON BAR
SIB	denotes	SHORT STANDARD IRON BAR
IB	denotes	IRON BAR
MEAS	denotes	MEASURED
PIN	denotes	PROPERTY IDENTIFIER NUMBER
INST.	denotes	INSTRUMENT
No.	denotes	NUMBER
D.U.C.	denotes	DWELLING UNDER CONSTRUCTION
G.U.C.	denotes	GARAGE UNDER CONSTRUCTION
MUN.	denotes	MUNICIPAL
P.C.	denotes	POINT OF CURVATURE
P.C.C.	denotes	POINT OF COMPOUND CURVATURE
FW	denotes	FACE OF WALL
CF	denotes	CONCRETE FOUNDATION
WIT	denotes	WITNESS MONUMENT
PLD	denotes	PART LIMIT WITHIN DEMISING WALL
P1	denotes	PLAN 62M-1157
P2	denotes	SRPP LOTS 44-48, BY P. SALMA COMPANY LTD.
		DATED: JULY 31ST, 2012. JOB #: 12020
P2	denotes	SRPP LOTS 49-54, 63-68, BY P. SALMA COMPANY LTD.
		DATED: AUGUST 17, 2012. JOB #: 12020
R.P.	denotes	REGISTERED PLAN

Surveyor's Certificate

I CERTIFY THAT :

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 9th DAY OF OCTOBER, 2012

OCTOBER 26, 2012

Date

Robert Salma
Ontario Land Surveyor

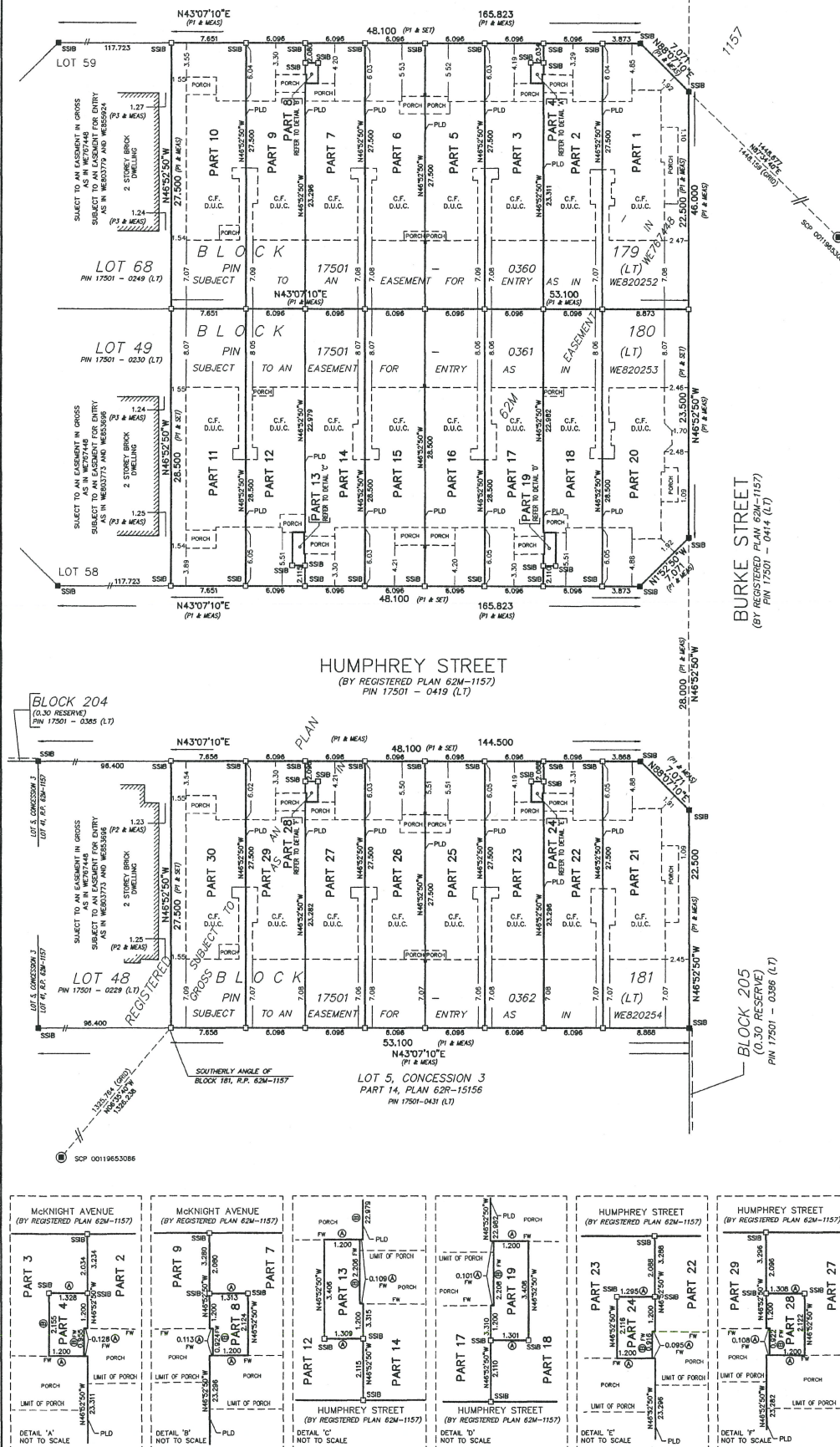
SALMA SURVEYING
Ontario Land Surveyors
P. SALMA COMPANY LTD.
64 INDUSTRIAL ROAD, RICHMOND HILL, ONTARIO L4C 2Y1
TELEPHONE (905) 884-3988 FAX (905) 737-7516

DRAWN BY: S.J.N.

JOB #: 12020

CHECKED BY: M.J.N.

CAD FILE: \RUSSELL GARDEN\GRAFFED PROJECTS\12020_R-PLAN-BLOCK 179-181



May 22, 2025

SENT BY EMAIL: cofa@hamilton.ca

Planning and Economic Development Department
Committee of Adjustment
City Hall, 5th Floor
71 Main Street West,
Hamilton, Ontario

Dear Sir/Madam:

**Re: Application for validation of title - Our Client's Property: 48 Humphrey Street
Hamilton, Ontario (the "Property")**
**Legal Description: PT BLOCK 181, PLAN 62M1157 BEING PT 26 ON 62R19441;
SUBJECT TO AN EASEMENT IN GROSS AS IN WE767448; SUBJECT TO AN
EASEMENT FOR ENTRY AS IN WE820254; SUBJECT TO AN EASEMENT FOR
ENTRY AS IN WE894463; CITY OF HAMILTON; being all PIN 17501 – 0474 (LT)**

We are the lawyers for, Yongbum Park and Sungshin Lim, the registered and beneficial owners of the lands, municipally known as 48 Humphrey Street Hamilton, Ontario.

It recently came to our clients' attention that the Property was conveyed to them and subsequently mortgaged by them in contravention of section 50 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended (the "*Planning Act*"). Subsection 50(21) of the *Planning Act* provides that any transfer, mortgage, or charge granted in contravention of section 50 does not "create or convey any interest in land". As a result of this discovery, our clients have instructed us to submit the enclosed application for a Certificate of Validation in order to validate their interest in the Property.

The following provides some additional background as to the basis and justification for the application: The following provides some additional background:

- The Property is one of eight townhouse dwellings shown as parts 21 to 30, inclusive, undeposited, Reference Plan 62R19441;
- The Property is designated as Part 26 on Reference Plan 62R-19441;
- On April 10, 2013, the City of Hamilton issued bylaw number 13-091 being a bylaw to designate certain lands as not being subject to part lot control (the "Bylaw");
- The Bylaw specified a two-year period of validity commencing from April 10, 2013, and expiring on April 10, 2015;
- The conveyance of the Property to our clients on May 16, 2016, by Transfer WE1119469 (the "Transfer") was approximately 11 months after the expiry of the Bylaw. Furthermore, the Transferor continued to own abutting lands as of May 16, 2016, namely the adjacent lands comprising PIN 17501- 0473 (LT);
- Accordingly, the Transfer to our clients was legally ineffective due to a violation of subdivision control provisions, a Charge granted by our client to B2B Bank on May

16, 2016, registered as WE1119470. That charge (the "Charge") is similarly legally ineffective.

In our submission, it is fair and appropriate that the Committee of Adjustment for the City of Hamilton issue the requested Certificate of Validation in respect of the Property to validate the Transfer, the Charge, and all subsequent dealings with the Property. In this regard, we would note that:

- The Property was recently developed in conjunction with the City's approval of the site plan and the issuance of the Bylaw, all of which was considered and approved in conformity with the Town's Official Plan, applicable zoning, and good land use planning principles. No new development is proposed as part of this application.
- The Property conforms with the same criteria that apply to the granting of consents under section 53 of the *Planning Act*.

The requested Certificate of Validation would retroactively cure the *Planning Act* contravention and validate the Transfer and Charge and all subsequent dealings with the Property, by providing that section 50 of the *Planning Act* does not have and shall be deemed never to have had the effect of preventing the conveyance of or creation of any interest in the Property.

The applicants have entered into an Agreement of Purchase and Sale with respect to the Property which is scheduled to close by July 31st, which is the outside extended Closing Date pursuant to an Extension Agreement between the applicant and the purchasers. As such, this matter is of some urgency. Your cooperation in expediting this matter would be greatly appreciated.

In support of the within application, we hereby enclose:

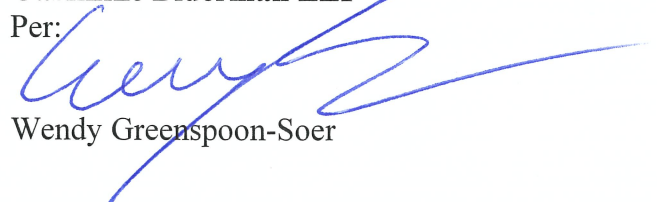
1. Completed Application for Consent/Validation of Title;;
2. Parcel register for the property being PIN 17501-0474;
3. Parcel register for abutting lands PIN 17501-0473;
4. Property Index Map;
5. Transfer WE1119469 registered May 16, 2016;
6. Charge WE1119470 registered May 16, 2016;
7. Reference Plan 62R19441;
8. Site Plan 62M1157; and
9. Our cheque payable to the City of Hamilton in the amount of \$545.00 (to follow by mail) in satisfaction of the application fee.

Should you require anything further in regard to the foregoing, please advise us at your earliest opportunity.

Yours very truly,

Garfinkle Biderman LLP

Per:



Wendy Greenspoon-Soer

WGS:mg

Encl.



Hamilton

Committee of Adjustment

City Hall, 5th Floor,
71 Main St. W.,
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	MAILING ADDRESS	
Purchaser*			Phone:
			E-mail:
Registered Owners(s)	Yongbum Park and Sungshin Lim		
Applicant(s)**			
Agent or Solicitor	Wendy Greenspoon-Soer		

*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
☐ Applicant

☐ Owner
☒ Agent/Solicitor

1.3 Sign should be sent to

☐ Purchaser
☐ Applicant

☒ Owner
☐ 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.

1.6 Payment type

☐ In person☐ Credit over phone*☒ Cheque

*Must provide number above

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	48 Humphrey Street, Hamilton		
Assessment Roll Number	303.310.07216.0000		
Former Municipality			
Lot	BLK 181	Concession	
Registered Plan Number	62M1157	Lot(s)	
Reference Plan Number (s)	62R19441	Part(s)	26

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:

easement for entry

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:

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, 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					
Depth					
Area					
Existing Use					
Proposed Use					
Existing Buildings/ Structures					
Proposed Buildings/ Structures					
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): _____

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.

continuation of existing use. no changes

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? R6-19

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.

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?

since May 16, 2016

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.

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)

The previous owner retained an interest in the abutting land at time of purchase

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)

See attached cover letter.

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 ² 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 (m ² 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 ² 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
