



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>B-25:046</b>	<b>SUBJECT PROPERTY:</b>	245 Garner Road West, Ancaster
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**APPLICANTS:** Owner: Tappky Binet Ancaster Inc c/o Sue Davidson  
Agent: A.J Clarke & Associated Ltd c/o Franz Kloibhofer and James Thomas

**PURPOSE & EFFECT:** To sever the existing institutional lot into three (3) parcels. The one (1) severed lot will be a vacant residential building lot with a proposed single-detached dwelling. The one (1) retained residential lot will be a vacant residential building lot with a proposed single-detached dwelling, and the one (1) retained institutional lot will contain the existing private school within a converted dwelling which is intended to remain. To permit the creation of two (2) easements over a portion of land for mutual access purposes.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS (PART 2):</b>	12 m <sup>±</sup>	55.6 m <sup>±</sup> (min)	668 m <sup>2</sup> <sup>±</sup>
<b>RETAINED LANDS (PART 3):</b>	12 m <sup>±</sup>	55.7 m <sup>±</sup> (min)	668 m <sup>2</sup> <sup>±</sup>
<b>RETAINED LANDS (PART 1):</b>	31.4 m <sup>±</sup>	55.6 m <sup>±</sup> (min)	1,900 m <sup>2</sup> <sup>±</sup>
<b>EASEMENT (PART 4):</b>	2.25 m <sup>±</sup>	21.7 m <sup>±</sup>	48.8 m <sup>2</sup> <sup>±</sup>
<b>EASEMENT (PART 5):</b>	2.25 m <sup>±</sup>	21.7 m <sup>±</sup>	48.8 m <sup>2</sup> <sup>±</sup>

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:

<b>DATE:</b>	<b>Thursday, August 14, 2025</b>
<b>TIME:</b>	<b>1:40 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> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton

## **PUBLIC INPUT**

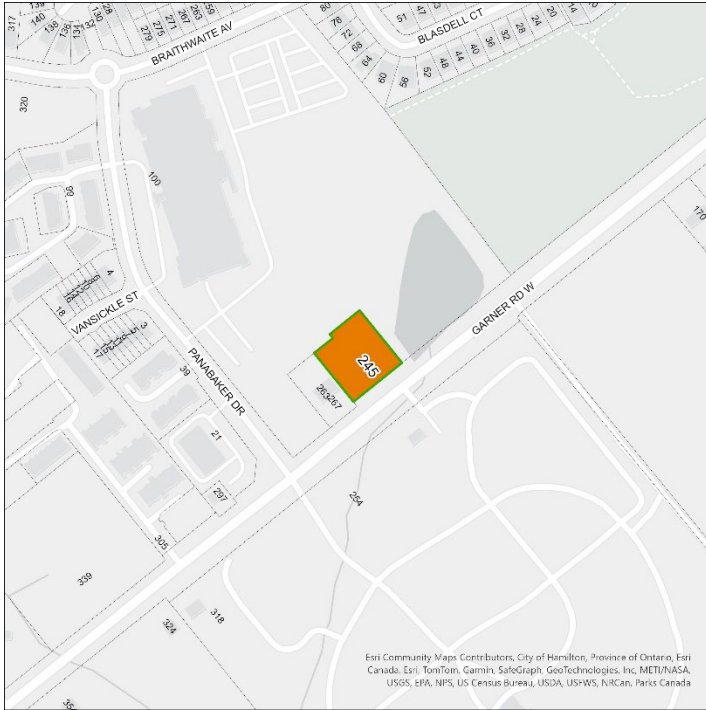
**Written:** If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than noon **August 12, 2025**

**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 **August 13, 2025**

## **FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding B-25:046, 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.



**Subject Lands**

**DATED: July 28, 2025**

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**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 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.



## 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)

## PARTICIPATION PROCEDURES

### Written Submission Ahead of the Meeting

Members of the public who wish to provide input without speaking at the Hearing may submit written comments in advance of the meeting. Comments must be received by 12:00 p.m. (noon) on the date listed on the Notice of Public Hearing.

### How to Submit Written Comments:

#### By Email:

Send to: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

#### By Mail:

Committee of Adjustment  
City of Hamilton  
71 Main Street West, 5th Floor  
Hamilton, Ontario  
L8P 4Y5

All written comments received will be made available to the Committee and the public by the Tuesday prior to the Hearing.

### Oral Submissions During the Hearing

Interested members of the public, agents, and owners may provide oral comments on Committee of Adjustment Hearing items either virtually via Webex (computer or phone) or by attending in person.

#### Speaking Time Limit:

All participants providing oral submissions, either in person or virtually are limited to a maximum of 5 minutes to speak. This is to ensure all parties have an equal opportunity to be heard and that the meeting runs efficiently.

### In-Person Oral Submissions

To participate in person, attend Council Chambers on the date and time listed in the Notice of Public Hearing. You will be required to provide your name and address for the record. It is recommended you arrive at least 10 minutes prior to the scheduled start time.



## **Virtual Oral Submissions**

To participate virtually, you must register by 12:00 p.m. (noon) on the date listed on the Notice of Public Hearing. To register, email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) with the following information:

- Committee of Adjustment file number
- Hearing date
- Name and mailing address of each person wishing to speak
- Method of participation (phone or video), and, if applicable, the phone number to be used
- Each person must register separately

Registered participants will receive a Webex link one business day before the Hearing. Only those registered will be called upon to speak.

## **Presentations**

All presentations are permitted at the discretion of the Committee.

### **Virtual Presentations:**

Presenters participating virtually may be granted permission to share their screen during the Hearing. A copy of the presentation must be submitted to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) no later than 12:00 p.m. (noon) on the business day prior to the Hearing. The submission must be one document in PDF format only.

### **In-Person Presentations:**

Presenters attending in person may be granted permission to use the presentation screen. Presentations must be brought on a USB device and opened by the owner/applicant. A copy of the presentation must also be sent to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) by 12:00 p.m. (noon) on the business day prior to the Hearing in PDF format as a single document. Handouts are permitted only if the same content can be displayed on the presentation screen.

## **Additional Notes**

- Webex (video) participation requires a compatible computer or smartphone. The necessary application must be downloaded in advance.
- It is the interested party's responsibility to ensure their device is functional and compatible prior to the Hearing.

**For any questions, contact staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or call 905-546-2424 ext. 4221.**

(TRANSFERRED BY O/C 1908/97, REGISTERED AS LT485387 OCTOBER 1, 1997)

DRAWN BY: JT	CHECKED BY: NPM	PROJECT No. 248073D	INDEX No. R-5064A
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*A. J. Clarke and Associates Ltd.*

SURVEYORS • PLANNERS • ENGINEERS

City of Hamilton  
Committee of Adjustment  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON L8P 4Y5

July 8, 2025

Attn: Justin Leung  
Secretary Treasurer, Committee of Adjustment (email: [justin.leung@hamilton.ca](mailto:justin.leung@hamilton.ca))

**Re: 245 Garner Road West, Hamilton: Severance Application Submission**

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Dear Mr. Leung:

A.J. Clarke and Associates Ltd. has been retained by the owners of the subject lands municipally known as 245 Garner Road West, for the purposes of submitting the enclosed Severance Application. Below is a summary of the materials submitted to your attention:

- One (1) digital copy of the executed Severance Application Form;
- One (1) digital copy of the Sketch for Consent R-5064
- One (1) digital copy of the supporting Cultural Heritage Impact Assessment  
\* as described in application, payment will be made by credit card over phone

This analysis is in support of the submitted Severance Application for the subject lands. The development will sever the existing residential lands into three (3) lots in total; one (1) retained educational establishment lot, and two (2) proposed low-rise, low-density, residential lots.

The subject lands are located on the north side of Garner Road West between Panabaker Drive, to the west, and Braithwaite Avenue to the east, within the built-up, urban area of Hamilton. The lands have a frontage of 55.45 metres along Garner Road West, with a total lot area of ±3,236 square metres. The lands are currently occupied by Tapply Binet College, a small private educational establishment within a repurposed heritage home (Marshall House).

The subject lands were designated under Part IV of the Heritage Act through By-law 04-065 in March 2004. A Cultural Heritage Impact Assessment of the proposed development on the designated subject lands has been concurrently submitted for review. The concept design was coordinated with Hobson Built Heritage and incorporates increased front yard setbacks to maintain a sightline to the heritage structure, and retention of existing front yard, driveway, and existing heritage building. A mutual access easement is proposed that will facilitate vehicular access to the proposed dwellings, maintain a larger front yard landscaped area, and reduce the number of accesses on an arterial road.

The surrounding area to the north of Garner Road West is within the built-up, urban area of Hamilton. The lands south of Garner Road West are located outside of the existing urban boundary within the Protected Countryside of the Greenbelt Plan. The subject lands were involved in the overall subdivision of lands (62M-1002) that facilitated most of the development of the surrounding neighbourhood in 2003-2004. Adjacent neighbourhoods to the east were developed in 1996, 1998, and 2006. Most recently, development has been implemented further west of Panabaker Drive with multiple condominium block



developments of back-to-back and block townhouse multiple dwelling units from 2007-2025. A local commercial plaza is located at the corner of Panabaker Drive and Garner Road West that includes restaurants, grocer, dentist, and fitness club. The lands to the south include agricultural croplands and a Catholic cemetery. Bishop Tonnes Secondary School is located adjacent to the subject lands and James Smith Park is located  $\pm 125$  metres from the subject lands and bus stops are located  $\pm 70$  metres west.

The immediate surrounding land uses include:

<b>North and East</b>	Bishop Tonnes Secondary School
<b>South</b>	Catholic Cemetery
<b>West</b>	Single-Detached Dwelling

A review of the applicable planning policies has been included below.

## **Planning Policy Overview**

### **Planning Act**

The proposed severance will not result in any unreasonable impact to the surrounding neighbourhood and conforms to the Planning Act. The proposed development has sufficient regard for the matters of provincial interest outlined in Section 2 of the *Planning Act*.

The proposed development is an example of gentle intensification within the urban boundary that will sever two additional lots for residential use in a safe and orderly manner. The lands are located outside of any ecological and natural areas. The heritage structure, driveway, and front yard will be maintained with appropriate heritage sightlines provided by increasing front yard setbacks. The subject lands are fully serviced municipally, and have access to electrical, communication, and transportation systems. The development is not anticipated to negatively impact the financial well-being of the province or municipality. The lands are adjacent to a secondary school and are within walking distance to mass transit, parks, and local commercial uses.

### **Provincial Planning Statement (PPS), 2024**

The proposed consent and development of the lands is consistent with the Provincial Planning Statement (PPS) through numerous applicable policies.

#### **Policy Section 2.1 - "Planning for People and Homes"**

The lands are adjacent to sufficient servicing lines and existing transportation infrastructure and have been designated and zoned institutional, with residential permissions including the single-detached dwellings proposed.

Planning authorities should support the achievement of complete communities by accommodating for an appropriate range and mix of land uses, housing options, transportation options, employment, public service facilities, recreation, and parks. The subject lands are in proximity to public service facilities, parks, and local commercial uses for daily needs.



### **Policy Section 2.2 - Housing**

Policy 2.2.1 reiterates the responsibility of planning authorities to provide for a range and mix of housing options and densities to meet projected housing needs. This includes permitting and facilitating all types of residential intensification, promoting densities for new housing that efficiently use resources, and prioritizing intensification in proximity to transit. As stated, the residential intensification proposed is an efficient use of existing servicing and infrastructure.

### **Policy Section 4.6 - Cultural Heritage and Archaeology**

This section provides policy ensuring protection and conservation of heritage properties and archaeological resources. The subject lands are a designated property through Part IV of the *Ontario Heritage Act*. Policies 4.6.1 and 4.6.2 look to conserve built heritage resources. Development and site alteration is not permitted on protected heritage properties unless the heritage attributes of the property are conserved.

A concurrently submitted Cultural Heritage Impact Assessment has been prepared by Hobson Built Heritage in support of the applications. Plans and concept designs were developed in coordination with Hobson Built Heritage to implement a plan that can ensure the built cultural heritage of the subject lands is appropriately conserved.

### **Urban Hamilton Official Plan, 2022**

The subject lands are designated 'Neighbourhoods' on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The 'Neighbourhoods' designation permits the use proposed by this application.

Policy B.2.4.1.3.c) states that *"30% of the residential intensification target is anticipated to occur within the Neighbourhoods as illustrated on Schedule E – Urban Structure. The City will review and update its Zoning By-law to facilitate the planned housing units to be developed within the Neighbourhoods through intensification."* Policy E.2.2.6 also states that *"Intensification, redevelopment and compact form will be encouraged generally throughout the built-up area in accordance with appropriate development standards."*

Policies B.2.4.1.4 and B.2.4.2.2 of the Official Plan list numerous criteria with that residential intensification developments shall be evaluated against. The proposed severance will facilitate two new lots for additional single-detached dwellings having a density of  $\pm 15$  UPH. The lot pattern and use proposed is compatible within the existing neighbourhood and meet or exceed the zoning provisions. The parcels will be served by municipal water and wastewater, electric, telecommunications and transportation systems. The lands are in proximity to existing mass transit service and to multiple public facilities and services. No impacts from shadowing, overlook, noise, lighting, traffic, or other nuisances are expected as the proposed lots and setbacks would comply with the existing residential zoning. The proposal will retain the existing heritage structure located on the proposed retained lot, reducing unnecessary waste. These same qualities described above also show the development to be in conformity with Chapter F, Section 1.14.3.1 regarding lot creation in "Neighbourhoods" designated lands.



## **Chapter B, Section 3.4 – Cultural Heritage Resources Policies**

This section of the UHOP provides policy for the identification, protection, and conservation of cultural heritage and archaeological resources within the City. As stated, the proposed design was drafted in coordination with Hobson Built Heritage and is supported through the concurrently supplied Cultural Heritage Impact Assessment and the proposed development will ensure the protection and conservation of the existing built cultural heritage features of the subject lands. See report for full details.

### **Shaver Neighbourhood Secondary Plan**

As per Map B.2.2-1, the subject lands are further designated within the Shaver Neighbourhood Secondary Plan as “Institutional – SSS” and under Site Specific Policy Area A.

As per consultation with City of Hamilton planning staff members Melanie Pham and Lauren Vraets in July 2024, the “SSS” portion of the designation discussed in Policy 2.2.4.1.b) of the Secondary Plan only refers to the existing Bishop Tonnes Secondary School lands.

Site Specific Policy Area A states the existing Marshall House shall be retained, conserved, and incorporated into the permitted development for the area designated as “Low Density Residential 1.” It further looks to conserve specific features of the home and permits new rear additions to accommodate the adaptive reuse. The features described will be conserved in the proposed severance development of the lands.

Chapter E, Section 6.0 of Volume 1 describes the permitted uses and policies pertaining to institutionally designated lands. As per Policy E.6.2.6 states:

“Notwithstanding Policy E.6.2.2, where institutional uses cease on lands designated Institutional, low density residential uses, parks and open space uses, or community facilities/services uses may be permitted without an amendment to this Plan, provided the uses are compatible with the surrounding area and are in keeping with the policies of this Plan. (OPA 64)”

As the open side yard is not utilized for any ancillary use to the existing educational establishment, the proposed severance would remove the lands from the institutional use and low-density residential uses may be permitted provided the uses are compatible with the surrounding area and are in keeping with the policies of the UHOP.

The proposed severance would create two low-density residential lots with a density of  $\pm 15$  units per hectare. The buildings proposed would maintain the UHOP and Zoning By-law provisions regarding built forms, massing, and setbacks. Building heights, while yet to be determined, would be three storeys or less and would be accessed at grade. While direct access to major and minor arterial roads is generally discouraged for low-density development, this land use is common along the north side of Garner Road West and currently exists directly adjacent to the subject lands. Further, the proposed mutually beneficial access easement between the two residential lots reduces the number of accesses required.



### City of Hamilton Zoning By-law 05-200

The subject lands are currently zoned “Community Institutional (I2) Zone” in the City of Hamilton Zoning By-law 05-200. The (I2) Zone permits, among many other uses, the existing educational establishment as well as duplexes, single- and semi-detached dwellings, and street townhouse dwellings. The proposed single-detached residential land use is permitted in this zone, adhering to the provisions of Section 8.2.3.3:

I2 Zone Single Detached Dwellings	Requirement	Part 2 (lands to be severed)	Part 3 (lands to be retained)
Min Lot Area	330 m <sup>2</sup>	±668m <sup>2</sup>	±688.9m <sup>2</sup>
Min Lot Width	12 metres	12 metres	12 metres
Min Front Yard	4.5 metres for dwelling; 5.8 for attached garage	24.85 metres	21.73 metres
Min Side Yard	1.2 metres	1.2 metres	1.2 metres
Min Rear Yard	7.5 metres	7.5 metres	7.5 metres
Max Building Height	10.5 metres	To conform	To conform

A review of the applicable zoning provisions for the existing educational use is provided below:

I2 Zone - Educational Establishment	Requirement	Part 1 (lands to be retained)
Min Yard	6 metres where a lot line abuts residential zone.	±668m <sup>2</sup>
Max Building Height	10.5 metres	Existing heritage condition ( 2 storey)

In accordance with the above criteria, the subject land is appropriate for the redevelopment, has sufficient regard for the matters listed under Section 2 of the *Planning Act*, is consistent with the policies of the Provincial Planning Statement, 2024, conforms to and maintains the intent of the policies of the Urban Hamilton Official Plan, maintains the intent and direction of the Zoning By-law, represents good planning, and should be approved.

We trust that you will find the enclosed satisfactory for your purposes. Please confirm receipt of this submission and we look forward to being scheduled for the next available hearing date. If you have any questions or require additional information, please do not hesitate to contact our office.

Prepared by:

James Thomas, CPT, HBA  
Planner

A. J. Clarke and Associates Ltd.

Reviewed by:

Franz Kloibhofer, MCIP, RPP, BES (Hons.)  
Principal, Planning Manager

A.J. Clarke and Associates Ltd.





# HERITAGE IMPACT ASSESSMENT

## Rymal-Marshall House

245 Garner Road West, Ancaster



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## EXECUTIVE SUMMARY

**Hobson Built Heritage** was retained by Tapply Binet College to prepare a *Heritage Impact Assessment* (HIA) for an application to sever open space on the west part of their property at 245 Garner Road West in Ancaster to create two new residential lots on Garner Road West. The site plan for the severance application prepared by A.J. Clarke & Associates is included in the appendix of this report

The subject property is Designated under Part IV of the *Ontario Heritage Act* and contains a stone house built for Philip Rymal in 1857 and later occupied by Fred Marshall that is known locally as the Rymal-Marshall House. The property is approximately 0.8-acres and the house is situated in the east half of the lot and oriented towards Garner Road West. The Rymal-Marshall House has been restored and well maintained by the college since the owner acquired the property in 2005.

The land proposed for severance is an open grassy area on the west side of the driveway that is surplus to the needs of the College. The College will continue to occupy the Rymal-Marshall House that will be retained on an approximately ½-acre lot that includes the existing driveway on the west side of the house.

The sale of the surplus land will support the operation of the school and ongoing stewardship of the historic stone house that is quite expensive to maintain. Therefore, the severance will have positive impacts for allowing a compatible use to continue that contributes to the long-term conservation of the heritage resource.

The impact of the proposed severance is limited to the west side yard, a flat featureless area that has no trees or structures and does not contribute to the heritage value. The creation of two new residential lots for single-detached dwellings oriented towards Garner Road West is a compatible form of development and an appropriate land use adjacent to the heritage resource.

Therefore, the negative impacts are negligible and can be mitigated through development controls and design guidelines to ensure that new residential development on the severed lots is compatible with the heritage property. The zoning by-law generally provides adequate controls, but additional design guidelines outlined in the conditions below are recommended to ensure that the new development is compatible and that views to the Rymal-Marshall House from Garner Road West are protected.

It is recommended that heritage approval be granted, subject to the following conditions:

1. that archaeological clearance is obtained for the lands to be severed
2. that a registered survey of the retained lot containing the heritage building is provided to the City for the purposes of amending the *Designation By-law*
3. that new development on the severed lots is consistent with recommendations in this report, including:

- a. a single-detached residential form with a gable or hipped roof and cladding materials such as red brick, buff-coloured stone, or wood siding.
  - b. a front setback that maintains views to the heritage house from Garner Road West:
    - i. minimum front setback for Part 2 = 24.85 m
    - ii. minimum front setback for Part 3 = 21.73 m
  - c. a maximum height that does not exceed the height of the heritage house
4. if an application is received for new development that is inconsistent with the recommendations in this report, a further *Heritage Impact Assessment* may be requested, at the discretion of heritage staff

## 1.0 INTRODUCTION

Preparation of this report included site investigation, a review of relevant heritage policies and applicable legislation, a review of existing historical information about the subject property and its cultural context. Drawings for the proposed severance by A.J. Clarke are included in the appendix of this report.

## 2.0 LOCATION & SITE DESCRIPTION



**AERIAL VIEW:** Tapply Binet College, 245 Garner Road West, backs onto Bishop Tonnos Secondary School. ^N The College proposes to sever the west part of their property to create two new residential lots on Garner Road West. Part 1: To be Retained – Parts 2 & 3: To be Severed

The subject property is an approximately 0.8-acre property in Ancaster in the City of Hamilton. It is situated on the north side of Garner Road West just east of Panabaker Drive. Garner Road West has a rural character with no sidewalks or curbs and has drainage ditches along the road edges. Land uses on Garner Road West are predominantly residential and there is an active cemetery across the street. The subject property backs onto the Bishop Tonnos Secondary School and the school's athletic field borders the east side of the subject property.

The subject property contains a 2-storey stone house that is oriented towards Garner Road West and is set well back from the road with a long driveway on the west side of the house. There is open space with lawn in front of the house and on the west side of the driveway. The property slopes up slightly from Garner Road West and the house sits on the highest point of the lot with a raised bank around the foundation of the house.





Rymal-Marshall House (1857), 245 Garner Road West – the house is situated in the east half of the lot and sits on the highest point of the property, making it highly visible from Garner Road West

The open space on the west side of the driveway that is proposed for severance has no structures, trees or landscape features and is flat and featureless. This area contains lawn. There is a 1-storey dwelling to the west of the subject property with municipal address 263 Garner Road West that is built closer to Garner Road West than the subject building.



ADJACENT PROPERTY – the existing bungalow next door at 263 Garner Road West (left) – the flat lawn on the west side of the heritage building is not being used by the school and they are proposing to sever it to create two new residential lots on Garner Road West

Bishop Tonnos was completed in 2005 and the playing field installed in 2016. There is a new commercial plaza at the corner of Garner Road West and Paradise Drive and new residential development was under construction on Garner Road West, west of Paradise Drive, at the time of the site visit. Therefore, the area appears to be in transition as it continues to evolve from rural to suburban.



Bishop Tonnos Catholic Secondary School was built behind the subject property in 2005 (left) and this spurred new residential development in the area (right)

### 3.0 HERITAGE PLANNING CONTEXT



HERITAGE MAPPING – the subject property located at 245 Garner Road West is Designated under Part IV of the Ontario Heritage Act. There is an Inventoried heritage resource across the street that is the Resurrection Catholic Cemetery located at 254 Garner Road West.

The subject property is Designated under Part IV of the *Ontario Heritage Act* through *Municipal By-Law 04-065*. It contains a stone farmhouse that is known locally as the **Rymal-Marshall House**. The *Designation By-law* is included in the appendix of this report. The heritage attributes include exterior and interior features of the house, the landscape around the house, and a large conifer in front of the house. (\*The large conifer no longer remains).

There is an Inventoried heritage property across the street that is the **Resurrection Catholic Cemetery** at 254 Garner Road West. The land for the cemetery was purchased from S. Ravida by



the Catholic Diocese of Hamilton in 1973. The cemetery opened in 1984. It is an active cemetery that contains over 1,000 monuments.

Garner Road is an early concession road and there a number of historic farmhouses scattered along this road. The Rymal-Marshall House makes a notable contribution to the character of this historic settlement road due to its early date, large size, stone construction and elevated position.

#### DESIGNATED HERITAGE HOUSES ON GARNER ROAD



1028 Garner Rd W  
Shaver House (1863)



245 Garner Rd W  
Rymal-Marshall House (1857)

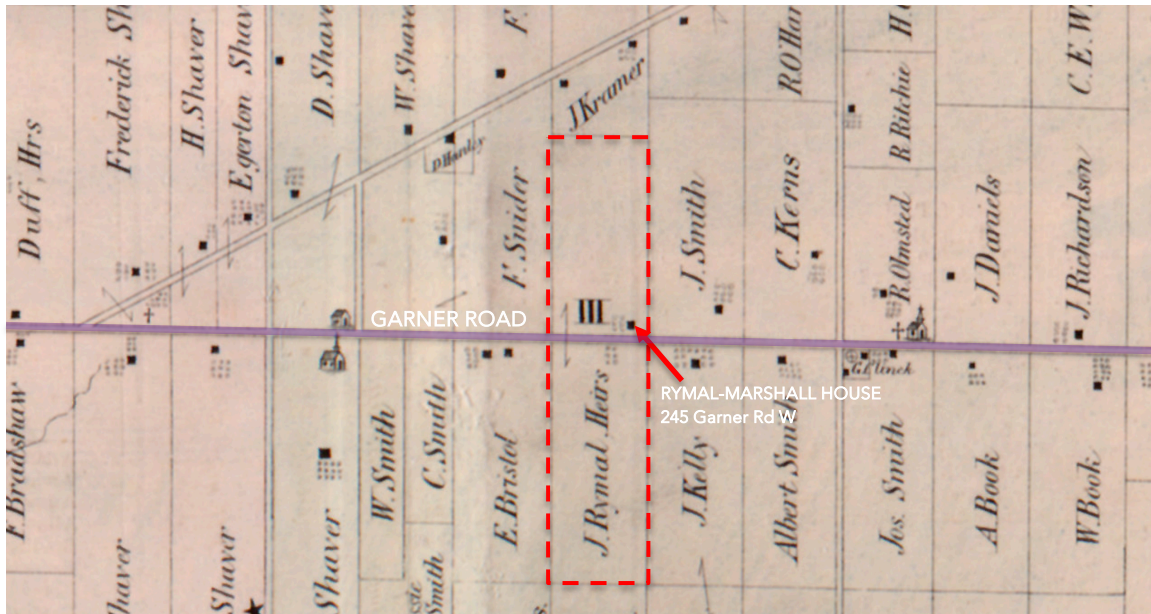


243 Garner Rd E  
Richardson-Hyslop-Frebold House (1858)

## 4.0 HISTORICAL CONTEXT

### 19<sup>th</sup> Century

Historically, the subject property is located on **Part of the south half of Lot 40, Concession 3, Ancaster**. The south half of Lot 40 in Concession 3 was purchased by **William Rymal** in 1816, along with the south half of Lot 40 in Concession 4.



Wentworth County Atlas (1875) – the 'heirs of J. Rymal' own most of Lot 40 in Concessions 3 & 4. J. Rymal refers to John E. Rymal (son of Philip & Eve (Horning) Rymal). The stone house at 245 Garner Road West is recorded on this map. There appears to be an orchard on the west side of the house. There do not appear to be any remnants of this orchard on the property today. Garner Road is a concession road between Concessions 3 and 4.

William Rymal emigrated to this area from the United States after the American Revolutionary War. In 1829, he sold both parcels to his son **Philip Rymal (1792-1868)**. In 1857, the Rymals built a "fine big square house on the homestead on the south half of Lot 40, Concession 3 (now **245 Garner Road West**), and it is thought that a frame house was built about this time across the road as we find Philip and Eve (Rymal) living here in 1861 and **Louisa Rymal, widow**, living in the stone house." ... "The **Old Rymal homestead** is \*now surrounded by velvet lawns and a pond to enhance the beauty of the old stone house."<sup>1</sup> \*the pond referred to in this 1973 publication was built over for the Bishop Tonnos football field.

The Rymal family made a significant contribution to the early settlement and agricultural development of Ancaster Township. There are several locally significant historic sites in Ancaster associated with the Rymal family. Up until the early 20<sup>th</sup> century the area remained rural and agricultural uses survived. In the post-war period, agricultural lands began to be severed for residential subdivisions.

## 20<sup>th</sup> Century

In 1930, the old stone house with approximately 40 acres were sold to **Fred Victor Marshall** who continued farming operations, including potato farming. Marshall was related through marriage to the Olmsted family, another early settlement family in Ancaster Township.



1999 Aerial photo [McMaster] – the Rymal-Marshall House with associated pond to the east and agricultural buildings to the south prior to construction of Bishop Tonnos Highschool. Trees on the west side of the driveway that appear in the 1999 aerial photo have not survived. Inset image is the current aerial view on Google Earth.

In 2004, a local lawyer named **Edward Young Morwick** purchased the 40-acre Marshall farm as an investment. Morwick sold most of the land to the Hamilton Wentworth Catholic School Board to build the new **Bishop Tonnos Secondary School**. The pond on the east side of the house was

<sup>1</sup> See Ancaster Historical Society, *Ancaster's Heritage* (1973), Vol. 1; p 272 and Addendum; p. 14.



filled in for the school's football field. An aerial photo from 1999 shows the property prior to construction of the high school.

The stone farmhouse was retained on a parcel that has a narrow east side yard and small rear yard due to the sale of lands for the school. The open space and driveway on the west side of the house were retained, corresponding to the current boundaries. In 2004, the stone farmhouse was Designated under Part IV of the *Ontario Heritage Act*.

In 2005, **Tapply Binet College**, a private co-educational day school established in 2003, purchased the approximately 0.8-acre parcel containing the historic stone farmhouse. At the time of purchase, the old stone house had been abandoned for several decades and was in very poor condition. Significant improvements were undertaken by the College to restore and upgrade the house.



Rymal-Marshall Farmhouse (1857), adaptively reused as Tapply Binet College. The proceeds from the sale of surplus lands on the west side of the driveway will support operation of the school and ongoing stewardship of the heritage building.

## 5.0 STATEMENT OF CULTURAL HERITAGE VALUE

The *Designation By-law* contains the following statement of cultural heritage value:

245 Garner Road West possesses cultural heritage value, expressed in historical **associations with the Rymal and Marshall families** and is associated with the **early agricultural development of Ancaster**. The former farmhouse located on this property is of architectural value as an example of a two-storey, vernacular interpretation of the **Italianate architectural style**. The former farmhouse is also a rare surviving example of **Pre-Confederation stone construction**.

The Reasons for Designation apply to all elevations and the roof of the former farmhouse including all entranceways, windows and chimneys, together with construction materials of stone, wood and glazing, building techniques, specific interior features and landscape features as follows:

- **Front (North) Elevation:**
  - Symmetrical arrangement of three bays with central projecting bay;
  - roof and roofline together with wood fascia and eaves with wood brackets;
  - frontispiece together with moderately pitched gable roof with return eaves, wood paneled door with hardware, six-light transom and tri-pane sidelights;
  - all six-over-six windows together with the openings, wood frames, lintels, sills, muntins and glazing;
  - arched window on the second floor together with the opening, wood frame, voussoirs, sill, muntins and glazing; and,
  - dressed stone walls with raised mortar joints.
- **Side (West) Elevation:**
  - Roof and roofline together with wood fascia and eaves with wood brackets;
  - all six-over-six windows on the second floor together and one-over-one sash windows on the first floor with the openings, wood frames, lintels, sills, muntins and glazing;
  - window openings on the first floor together with lintels and sills; and,
  - two-storey rear addition together with roof, all windows and stucco exterior.
- **Rear (South) Elevation:**
  - Roof and roofline together with wood fascia and eaves with wood brackets;
  - two-storey enclosed verandah together with roof, all windows and stucco exterior;
  - second storey window opening together with lintel and sill; and,

- randomly coursed stone wall with raised mortar joints.
- **Side (East) Elevation:**
  - Roof and roofline together with wood fascia and eaves with wood brackets;
  - six-over-six window on the second floor together with the opening, wood frame, lintel, sill, muntins and glazing;
  - window openings on the first and second floors together with lintels and sills; and,
  - randomly coursed stone wall with raised mortar joints.
- **Interior:**
  - Front foyer together with door surrounds and wood doors with hardware;
  - main staircase together with handrail and balustrade; and,
  - wood doors on the first and second floor together with surrounds and hardware.
- **Landscape Features:**
  - Front and side yards with grassy open space;
  - existing grades and topography;
  - driveway leading to west side of the house; and,
  - coniferous tree in the front yard.

The attached garage is not to be included in the Reasons for Designation.



Rymal-Marhsall House (1857)



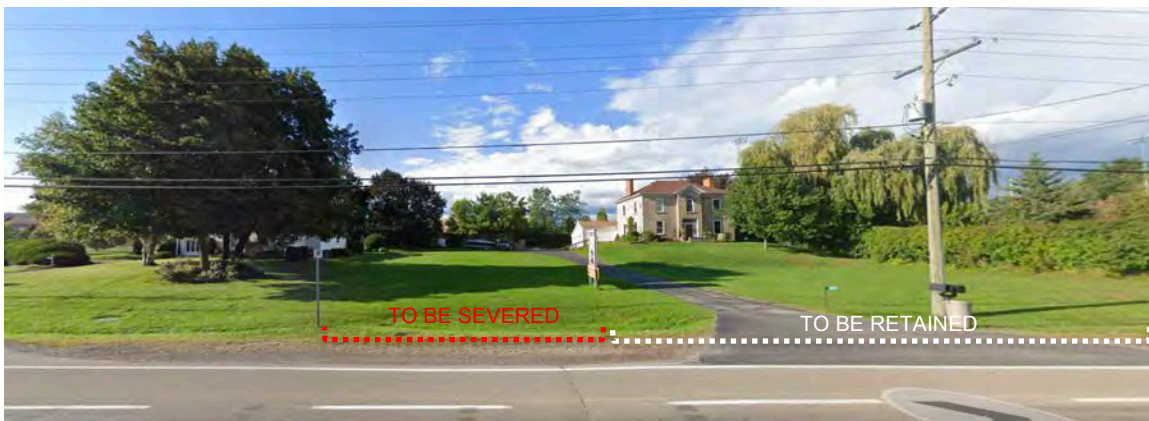
## 6.0 PROPOSED SEVERANCE

The owner of the subject property is making an application to sever open space on the west part of the lot to create two new residential lots fronting on Garner Road West. The new lots will be sold for redevelopment in the form of one single-detached dwelling on each lot. The owner is requesting that the *Designation By-law* be amended to reflect the boundaries of the retained lot containing the heritage house and driveway, identified on the proposed Site Plan below as Part 1.

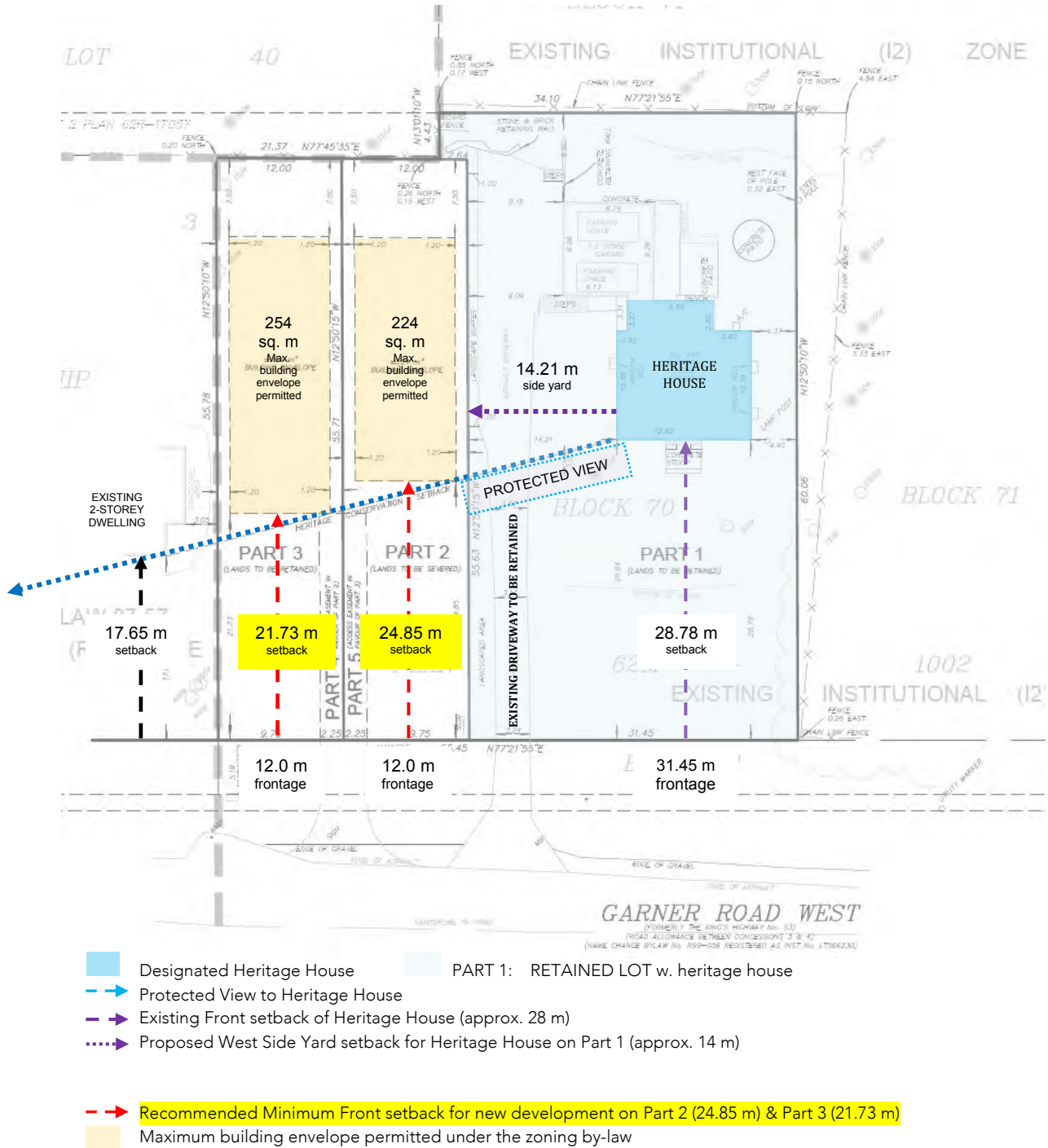


PROPOSED SEVERANCE - open space on west side of the property to be severed for two new residential lots. There are no landscape features, trees or structures on this portion of the property.

	PART 1 (RETAINED LOT)	PART 2 (NEW LOT)	PART 3 (NEW LOT)
AREA	1,899 sq. m.	668 sq. m	668 sq. m
FRONTAGE	31.45 m	12.0 m	12.0 m



GARNER ROAD WEST STREETSCAPE - rural character with no sidewalks. The east half of the property slopes up from Garner Road West and the heritage building sits at the highest point on the property, making it highly visible from Garner Road West. By contrast, the west half of the property is flat and featureless with no structures or trees.



PROPOSED SEVERANCE to create two new residential lots on Garner Road West. [A.J. CLARKE & Associates]

## 7.0 HERITAGE IMPACT ASSESSMENT

There will be no impact to the exterior or interior heritage attributes identified in the *Designation By-law*. The heritage building will be retained on a large approximately ½-acre lot that includes the existing driveway on the west side of the house.

The impacts are limited to the 'grassy open space' on the west side of the driveway. Site investigation confirmed that there are no structures, trees or landscape features on this part of the property.

An analysis of potential impacts on specific heritage attributes listed in the *Designation By-law* is provided in the table below:

HERITAGE ATTRIBUTE	ANALYSIS
Exterior features	NO IMPACT
Interior Features	NO IMPACT
Landscape Features	LIMITED IMPACT
o front and side yards with grassy open space	MINOR IMPACT The open grassy space on the west side of the driveway is flat and featureless. It has no structures, trees, or landscape elements that contribute to the cultural heritage value. <u>The proposed severance will not have a negative impact on the cultural heritage value.</u>
o existing grades and topography	NO IMPACT
o driveway leading to west side of the house	NO IMPACT
o coniferous tree in the front yard	NOT APPLICABLE. This tree has been removed.

Impacts may occur as a result of new development on the severed lands, including:

1. Potential impacts to archaeological resources due to lands disturbances associated with new development on the severed lands.
2. Potential impacts to significant views to the heritage building from Garner Road West due to its deep front setback compared to minimum setbacks permitted for new construction on the severed lots under the zoning by-law. Therefore, an appropriate front setback for new dwellings on the severed lots should be a condition of the approval.

## Ontario Heritage Toolkit: Impacts

The *Ontario Heritage Toolkit* provides guidance on identifying and mitigating impacts on cultural heritage resources as a result of site alteration or new development on property that contains a heritage resource or property that is adjacent to a heritage resource.

Impacts may be direct or indirect, temporary, or permanent. Negative impacts should be described in terms of their effect on specific heritage attributes, or, in some cases, the overall cultural heritage value or interest of a property.

The impacts of the proposed severance and residential development on the cultural heritage value and heritage attributes of the subject property are outlined in the table below:

NEGATIVE IMPACTS <i>Ontario Heritage Toolkit</i> (2006)	IMPACT ASSESSMENT	RECOMMENDATION
<b>DIRECT IMPACTS</b>		
<b>Destruction</b> of any, or part of any, significant heritage attributes or features	NO NEGATIVE IMPACTS	The lands to be severed do not contain significant heritage attributes or features.
<b>Alteration</b> that is not sympathetic, or is incompatible, with the historic fabric and appearance	Not applicable	-
<b>INDIRECT IMPACTS</b>		
<b>Shadows</b> created that alter the appearance of a heritage attribute or change the viability of an associated natural feature or plantings, such as a garden	Not applicable	-
<b>Isolation</b> of a heritage attribute from its surrounding environment, context or or a significant relationship	NO NEGATIVE IMPACTS	Significant relationships to Garner Road West will be maintained because the heritage building will remain <i>in situ</i> on a large approximately ½-acre lot.
<b>Direct or indirect obstruction of significant views or vistas</b> within, from, or of built and natural features	POTENTIAL IMPACTS:  PARTIAL OBSTRUCTION OF VIEWS TO THE HERITAGE HOUSE	<u>MITIGATION REQUIRED</u>  The zoning by-law permits front setback for new dwellings that is not compatible with protecting views of the heritage building from Garner Road West.

	FROM GARNER ROAD WEST	<p>Therefore, a greater setback for new development on the severed lots is recommended to protect views to the heritage resource from the public realm.</p> <p><b>*The recommended front setback for new residential development on the severed lots is:</b></p> <ul style="list-style-type: none"> <li>• Part 2: 24.86 m</li> <li>• Part 3: 21.73 m</li> </ul>
<b>A change in land use</b> (such as rezoning a church to a multi-unit residence) where the change in use negates the property's cultural heritage value	NOT APPLICABLE	No change in land use is proposed. Residential uses and single-detached housing forms are permitted.
<b>Land disturbances</b> such as a change in grade that alters soils, and drainage patterns that adversely affect a cultural heritage resource, including archaeological resources	<p>POTENTIAL IMPACTS:</p> <p>ARCHAEOLOGICAL RESOURCES ON THE LANDS TO BE SEVERED</p>	<p><u>MITIGATION REQUIRED</u></p> <p>Severance for new residential development will result in land disturbances on the severed lands.</p> <p><b>*Archaeological clearance may be required for the lands to be severed. Consult the Ministry to clarify archaeological requirements.</b></p>

## Ontario Heritage Toolkit: Mitigation Strategies

Mitigation strategies outlined in the *Ontario Heritage Tool Kit* include the following:

- Alternative development approaches;
- Isolating development and site alteration from significant built and natural features and vistas;
- Design guidelines that harmonize mass, setback, setting, and materials;
- Limiting height and density;
- Allowing only compatible infill and additions;
- Reversible alterations.

The proposed severance to create two new residential lots on Garner Road West will have no negative impacts on the heritage value or attributes of the heritage resource. The heritage building will be retained on a large lot that is large enough to support a range of compatible uses, preserves its picturesque setting, and maintains its prominence on Garner Road West.



The proposed zoning change to permit two new single-detached dwellings on the severed lots is compatible with the residential character of the heritage building and its adaptive-reuse as a private day school.

Therefore, the proposed severance and residential development is compatible with conserving the heritage value and attributes of the heritage resource and an alternative development approach is not required.

Impacts of the new residential development on the severed lots can be effectively mitigated through the following design measures:

1. The zoning by-law permits residential uses and built form that are generally compatible with the heritage building but the minimum front setback should be increased so that the new dwellings do not negatively impact views to the heritage house from Garner Road West. Therefore, the recommended minimum front setbacks for new dwelling on the severed lots is 24.86 m on Part 2 and 21.73 m on Part 3.
2. The zoning by-law does not contain design guidelines for new residential dwellings. Therefore, it is recommended that the new dwellings have traditional gable or hipped roof forms and employ complementary cladding materials such as red brick, buff-coloured stone, or wood siding.

## 8.0 CONCLUSIONS & RECOMMENDATIONS

Tapply Binet College has been a good steward of the heritage property, restoring and updating the heritage building and maintaining the building and grounds in good condition. The lands to be severed are surplus to their needs and the proceeds of the sale will support the operation of the school and the ongoing care and maintenance of the heritage building and grounds.

The land proposed for severance is an open grassy area on the west side of the driveway that is surplus to the needs of the College. The College will continue to occupy the Rymal-Marshall House that will be retained on an approximately ½-acre lot that includes the existing driveway on the west side of the house.

The sale of the surplus land will support the operation of the school and ongoing stewardship of the historic stone house that is quite expensive to maintain. Therefore, the severance will have positive impacts for allowing a compatible use to continue that contributes to the long-term conservation of the heritage resource.

The impact of the proposed severance is limited to the west side yard, a flat featureless area that has no trees or structures and does not contribute to the heritage value. The creation of two new residential lots for single-detached dwellings oriented towards Garner Road West is a compatible form of development and an appropriate land use adjacent to the heritage resource.

Therefore, the negative impacts are negligible and can be mitigated through development controls and design guidelines to ensure that new residential development on the severed lots is compatible with the heritage property. The zoning by-law generally provides adequate controls, but additional design guidelines outlined in the conditions below are recommended to ensure that the new development is compatible and that views to the Rymal-Marshall House from Garner Road West are protected.

**It is recommended that heritage approval be granted, subject to the following conditions:**

1. that archaeological clearance is obtained for the lands to be severed
2. that a registered survey of the retained lot containing the heritage building is provided to the City for the purposes of amending the *Designation By-law*
3. that new development on the severed lots is consistent with recommendations in this report, including:
  - a. a single-detached residential form with a gable or hipped roof and cladding materials such as red brick, buff-coloured stone, or wood siding.
  - b. a front setback that maintains views to the heritage house from Garner Road West:
    - i. minimum front setback for Part 2 = 24.85 m
    - ii. minimum front setback for Part 3 = 21.73 m
  - c. a maximum height that does not exceed the height of the heritage house
4. if an application is received for new development that is inconsistent with the recommendations in this report, a further *Heritage Impact Assessment* may be requested, at the discretion of heritage staff

## 9.0 SOURCES

Ancaster Historical Society, *Ancaster's Heritage* (1973)

City of Hamilton, *Designation By-law 04-065; 245 Garner Road West, former Town of Ancaster,*

-----, *Hamilton Heritage Volume 5: Reasons for Designation Under Part IV of the Ontario Heritage Act* (2005)

-----, *Hamilton Heritage Volume 6: Inventory of Cemeteries & Burial Grounds* (2005)

Ministry of Tourism, Culture & Sport (MTCS). *Ontario Heritage Toolkit* (2006)

Parks Canada, *Standards & Guidelines for the Conservation of Historic Places in Canada* (2010)

## 10.0 QUALIFICATIONS OF THE AUTHOR

The author of this report is a professional member of the *Canadian Association of Heritage Professionals*. Formal education includes a *Master of Arts in Architectural History* from the University of Toronto and a *Diploma in Heritage Conservation* from the Willowbank School of Restoration Arts. Professional experience includes an internship at the Ontario Heritage Trust, three years as Architectural Historian & Conservation Specialist at Taylor Hazell Architects in Toronto, and 12 years in private practice in Ontario as a heritage consultant. Other relevant experience includes teaching Architectural History at the University of Toronto and McMaster University and teaching Research Methods and Conservation Planning at the Willowbank School for Restoration Arts in Queenston. In addition to numerous heritage reports, the author has published work in academic journals such as the *Journal of the Society for the Study of Architecture in Canada* and the *Canadian Historical Review*.

## APPENDIX A: PHOTO DOCUMENTATION



RYDAL-MARSHALL HOUSE (1857), now houses Tapply Binet College



VIEW FROM GARNER ROAD WEST – the house sits on a high point on the property





TO BE RETAINED (PART 1) – the heritage house will be retained on an approximately ½-acre lot that includes the long driveway on the west side of the house



ATTACHED GARAGE – the paved driveway and parking area on the west side of the house





REAR YARD – lands to the rear were severed for Bishop Tonnos Secondary School, leaving a small back yard behind the heritage house - the chain link fence was put up by the Catholic School Board.



PARTS 2 & 3 (TO BE SEVERED) – surplus land on the west side of the driveway is proposed for severance to create two new residential lots on Garner Road West.





PART 2 & 3 (TO BE SEVERED) - There are no structures, trees or landscape features on the west lawn that is proposed for severance. This area is flat and featureless.



CONTEXT – EXISTING CHARACTER - The adjacent property to the west on Garner Road West contains a one-storey bungalow with hipped and gable roofs.



CONTEXT – EXISTING CHARACTER - There is a 2-storey red brick farmhouse across the street with gable roof forms.



CONTEXT – AREA IN TRANSITION – New residential development on Garner Road West under construction



CONTEXT – AREA IN TRANSITION - New commercial plaza at the corner of Garner Road West and



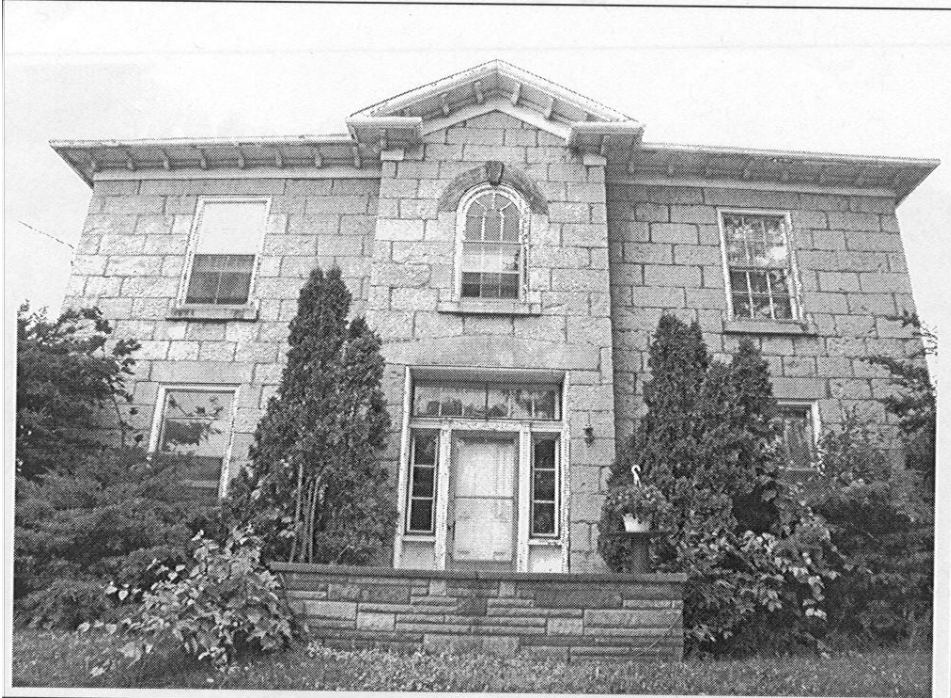
## APPENDIX B: HISTORIC DOCUMENTATION



1875 WENTWORTH COUNTY ATLAS [McGill] – the subject building appears and is the 'Rymal Farmstead' – there is an orchard on the west side of the house – it is located on a large 180-acre farmstead belonging to the 'Heirs of J. Rymal' including 100 acres in Lot 40 Concession 3 and 80 acres in Lot 40 Concession 4. The subject building fronts on the road between Concessions 3 and 4 (now Garner Road West) and is located in Lot 40 Concession 3.



1999 AERIAL PHOTO [McMaster] – the subject property is now the 'Marshall Farmstead' – there are agricultural buildings behind the house and a pond beside the house to the east, all gone now and replaced by Bishop Tonnos Catholic School and football field



2004 PHOTO - Rymal-Marshall Farmhouse around the time of its Heritage Designation in 2004

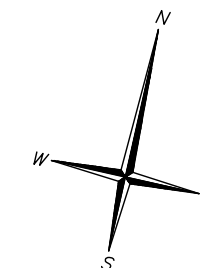


1859 WENTWORTH COUNTY MAP – Vignette of Daniel Shaver's house in Ancaster (377 Shaver Road, damaged by fire and demolished) – very similar to the Rymal-Marshall house built in 1857.



ANCASTER ZONING BY-LAW 87-57  
EXISTING INSTITUTIONAL (I-495) ZONE

BLOCK 71



LOT 40

EXISTING INSTITUTIONAL (I2) ZONE

CONCESSION

GEOGRAPHIC TOWNSHIP  
OF ANCASTER

ANCASTER ZONING BY-LAW 87-57  
EXISTING RESIDENTIAL 3 (R3) ZONE

PLAN

62M

BLOCK 71

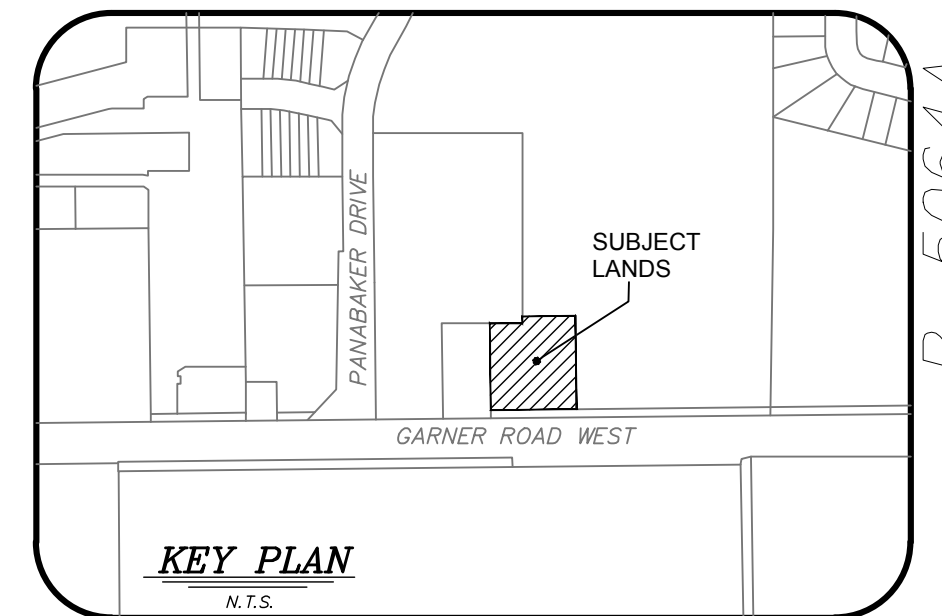
EXISTING INSTITUTIONAL (I2) ZONE

BLOCK 81

GARNER ROAD WEST

(FORMERLY THE KING'S HIGHWAY No. 53)  
(ROAD ALLOWANCE BETWEEN CONCESSIONS 3 & 4)  
(NAME CHANGE BYLAW No. R99-056 REGISTERED AS INST No. LT566230)

(TRANSFERRED BY O/C 1908/97, REGISTERED AS LT485387 OCTOBER 1, 1997)

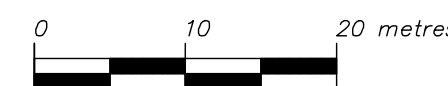


KEY PLAN  
N.T.S.

SKETCH FOR CONSENT TO SEVER

245 GARNER ROAD WEST  
CITY OF HAMILTON

SCALE 1:500



THE ABOVE NOTED LANDS ARE:  
BLOCK 70  
PLAN 62M-1002

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

NOTES:  
THIS SKETCH IS BASED ON A PLAN OF SURVEY PREPARED BY  
OUR OFFICE DATED NOV. 1, 2024; INDEX No. R-4900.  
  
THIS SKETCH IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL  
COPY OR CERTIFIED DIGITAL COPY ISSUED BY THE SURVEYOR

CAUTION:  
THIS IS NOT A PLAN OF SUBDIVISION AND SHALL NOT BE  
USED FOR TRANSACTION OR MORTGAGE PURPOSES.

THIS SKETCH IS PREPARED TO ACCOMPANY AN APPLICATION  
TO THE LAND DIVISION COMMITTEE REQUESTING A GRANT  
OF SEVERANCE AND IS NOT INTENDED FOR REGISTRATION.

CONSENT SCHEDULE:  
PART 1 (LANDS TO BE RETAINED) AREA = ±1,899.20 m<sup>2</sup>  
PART 2 (PROPOSED SEVERANCE) AREA = ±668.00 m<sup>2</sup>  
PART 3 (LANDS TO BE RETAINED) AREA = ±668.89 m<sup>2</sup>  
PART 4 (ACCESS EASEMENT)  
PART 5 (ACCESS EASEMENT)

JUNE 11, 2025  
DATE



A. J. Clarke and Associates Ltd.

SURVEYORS • PLANNERS • ENGINEERS  
25 MAIN STREET WEST, SUITE 300  
HAMILTON, ONTARIO, L8P 1H1  
TEL. 905-528-8761 FAX 905-528-2289  
email: [ajc@ajclarke.com](mailto:ajc@ajclarke.com)

DRAWN BY: JT	CHECKED BY: NPM	PROJECT No. 248073D	INDEX No. R-5064A
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Hamilton

**Committee of Adjustment**

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	MAILING ADDRESS
Purchaser* TBD	TBD	
Registered Owners(s)	TAPPLY BINET ANCASTER INC. c/o Sue Davidson	
Applicant(s)**	Same as above	
Agent or Solicitor	A.J. Clarke & Associates Ltd. c/o Franz Kloibhofer and James Thomas	

\*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	245 Garner Road West		
Assessment Roll Number	251814022050370		
Former Municipality	Ancaster		
Lot	40	Concession	3
Registered Plan Number	PLAN 62M1002	Lot(s)	BLOCK 70
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:

WE221348 - TRANSFER OF SURFACE DRAINAGE EASEMENT TO THE CITY**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:

unknown

## 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, m<sup>2</sup> or ha), attach additional sheets as necessary.

	Retained (remainder)	Parcel 1	Parcel 2	<del>Parcel 3*</del> Easement	<del>Parcel 4*</del> Easement
Identified on Sketch as:	PART 1	PART 2	PART 3	PART 4	PART 5
Type of Transfer	N/A	lot creation	lot creation	mutual access easement	mutual access easement
Frontage	±31.4	12m	12m	2.25	2.25
Depth	Min 55.6	Min 55.6m	Min 55.7m	±21.7	±21.7
Area	±1,900m <sup>2</sup>	±668	±668m <sup>2</sup>	±48.8m <sup>2</sup>	±48.8m <sup>2</sup>
Existing Use	private school	Vacant	Vacant	vacant	vacant
Proposed Use	private school	Vacant (residential)	Vacant (residential)	driveway	driveway
Existing Buildings/ Structures	converted house	None	None	none	None
Proposed Buildings/ Structures		Single-detached dwelling	Single-detached dwelling	None	None
Buildings/ Structures to be Removed	None	None	None	None	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 Settlement Area: \_\_\_\_\_

Urban Hamilton Official Plan designation (if applicable) Shaver Neighbourhood Secondary Plan  
"Institutional - SSS"

Please provide an explanation of how the application conforms with a City of Hamilton Official Plan. Site Specific Policy "A" Area

School is maintained in the existing Marshall House.  
Creation of residential lots in a serviced urban environment

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? Community Institutional (I2) 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"/>	±500m southwest
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	Commercial Plaza on Panabaker (±100m from subject lands)
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.

Lands are Block 70 of Plan 62M-1002, created in 2004. Previous severance application AN/B-07:52

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

School maintains driveway on same lot as heritage building. Side yard is appropriately divided, lots and proposed structures maintain zoning provisions. Supported by fulsome CHIA by heritage consultant.

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?

January 2005

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)

Application is consistent with Provincial Policy Statements and relevant plans.

7.2 Is this application consistent with the Provincial <sup>Planning</sup> Policy Statement (PPS)?

☒ Yes ☐ No (Provide explanation)

Please refer to cover letter.

7.3 ~~Does this application conform to the Growth Plan for the Greater Golden Horseshoe?~~

~~☐ Yes ☐ No (Provide explanation)~~

No longer applicable

7.4 Are the subject lands subject to the Niagara Escarpment Plan?

☐ Yes ☒ No (Provide explanation)

N/A

7.5 Are the subject lands subject to the Parkway Belt West Plan?

☐ Yes ☒ No (Provide explanation)

N/A

7.6 Are the subject lands subject to the Greenbelt Plan?

☐ Yes ☒ No (Provide explanation)

N/A

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 NOT APPLICABLE

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 NOT APPLICABLE

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 NOT APPLICABLE

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

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)
----------------------------------	---

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 NOT APPLICABLE

- ☐ 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 NOT APPLICABLE

- ☐ 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

Cultural Heritage Impact Assessment

\_\_\_\_\_

\_\_\_\_\_