



## City of Hamilton

# Report for Consideration

**To:** Chair and Members  
Planning Committee

**Date:** April 14, 2026

**Report No:** PED26057

**Subject/Title:** Application to Deem Lands Being Lots 1 and 2 of Registered Plan 62M-1229, known as 50 Aeropark Boulevard, and Block 7 of Registered Plan 62M-1229, known as Part of 110 Aeropark Boulevard, Glanbrook, not to be Part of a Registered Plan of Subdivision for the Purposes of Subsection 50(3) of the *Planning Act*

**Ward(s) Affected:** Ward 11

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## Recommendations

- a) That the application to deem Lots 1 and 2 of Registered Plan 62M-1229, known as 50 Aeropark Boulevard, and Block 7 of Registered Plan 62M-1229, known as Part of 110 Aeropark Boulevard, Glanbrook, as shown on Appendix "A" to Report PED26057, not to be Part of a Registered Plan of Subdivision for the purposes of Subsection 50(3) of the *Planning Act*, **BE APPROVED**; and,
- b) That the draft By-law, attached as Appendix "E" to Report PED26057, which has been prepared in a form satisfactory to the City Solicitor, **BE ENACTED**.

PED26057 – Application to Deem Lands Being Lots 1 and 2 of Registered Plan 62M-1229, known as 50 Aeropark Boulevard, and Block 7 of Registered Plan 62M-1229, known as Part of 110 Aeropark Boulevard, Glanbrook, not to be Part of a Registered Plan of Subdivision for the Purposes of Subsection 50(3) of the *Planning Act* – Ward 11

Page 2 of 10

## Key Facts

- The purpose of the application is to deem Lots 1 and 2, and Block 7, of Registered Plan 62M-1229 (also known as 50 Aeropark Boulevard and Part of 110 Aeropark Boulevard) not to be part of a Registered Plan of Subdivision.
- The *Planning Act* allows lands within a Plan of Subdivision that has been registered for 8 years or more to be deemed not to be part of a Registered Plan.
- Consent application B-25:088, approved on January 20, 2026, severed the northerly portion of the former Wetenhall Court from the southerly portion, with the intent to merge the northerly lands with 50 Aeropark Boulevard and to merge the southerly lands with 110 Aeropark Boulevard (mergers are required as conditions of consent approval).
- To allow for these mergers to occur, Lots 1 and 2 of Registered Plan 62M-1229, known as 50 Aeropark Boulevard, and Block 7 of Registered Plan 62M-1229, known as part of 110 Aeropark Boulevard, must be deemed not to be part of a Registered Plan of Subdivision.

## Financial Considerations

Not applicable.

## Background

*Draft Plan of Subdivision Application 25T-200525 “Orlick Aeropark”*

The Draft Plan of Subdivision “Orlick Aeropark” for lands described as Part of Lot 5,

PED26057 – Application to Deem Lands Being Lots 1 and 2 of Registered Plan 62M-1229, known as 50 Aeropark Boulevard, and Block 7 of Registered Plan 62M-1229, known as Part of 110 Aeropark Boulevard, Glanbrook, not to be Part of a Registered Plan of Subdivision for the Purposes of Subsection 50(3) of the *Planning Act* – Ward 11

Page 3 of 10

Concession 3, Glanbrook, under File No. 25T200525 was draft approved on November 22, 2006, and subsequently revised on September 22, 2008, and January 26, 2018, as shown on Appendix “B” to Report PED26057. The subject lands are within Phase 1 of the Subdivision, which was registered on June 10, 2016, as Registered Plan 62M-1229, as shown on Appendix “C” to Report PED26057.

Through Site Plan Control application DA-18-217, 50 Aeropark Boulevard developed as a consolidated lot development on Lots 1, 2, and the northerly portion of the former Wetenhall Court of Plan 62M-1229.

Further, the development that proceeded on the (unregistered) Phase 2 lands (known as 110 Aeropark Boulevard) through Site Plan Amendment application SPA-20-060 is comprised of Lots 2, 3, 4, 5, 6, and a portion of Lot 1 of the Draft Plan of Subdivision as shown on Appendix “B” to Report PED26057, as well as the southerly portion of the former Wetenhall Court and Block 7 of Plan 62M-1229.

Aeropark Boulevard has been constructed and assumed by the City to be a public highway. A previous consent application (B-24:043) separated the Phase 2 lands into two separate lots, known as 95 and 110 Aeropark Boulevard. There was a consent condition that required the Owner to close the Draft Plan of Subdivision since the lot fabric was to be established through the consent application and therefore registration of Phase 2 was no longer required. As such, the City withdrew its draft approval for Orlick Aeropark (25T200525) on September 23, 2024.

As the above-noted developments proceeded through their respective Site Plan Control applications, Wetenhall Court was stopped up and closed and transferred along with Block 7 (0.3 metre reserve block) to the proponent.

PED26057 – Application to Deem Lands Being Lots 1 and 2 of Registered Plan 62M-1229, known as 50 Aeropark Boulevard, and Block 7 of Registered Plan 62M-1229, known as Part of 110 Aeropark Boulevard, Glanbrook, not to be Part of a Registered Plan of Subdivision for the Purposes of Subsection 50(3) of the *Planning Act* – Ward 11

Page 4 of 10

### *Consent Application B-25:088*

Consent application B-25:088 for the lands comprising the former Wetenhall Court was conditionally approved by the Committee of Adjustment on January 20, 2026. The consent application severs the northerly portion of Wetenhall Court (identified as Parts 5 and 6 on Appendix “D” to Report PED26057) to be added to 50 Aeropark Boulevard, while the southerly portion (identified as Part 4 on Appendix “D” to Report PED26057) is to be added to 110 Aeropark Boulevard. The consent application noted that the consent reflects the established developments on the lands, and therefore the land assembly through the consent application is recognizing an existing situation.

As conditions of approval of the consent application, the severed lands (Parts 5 and 6) must be merged in title with the lands at 50 Aeropark Boulevard, and the remaining lands (Part 4) must be merged in title with the lands at 110 Aeropark Boulevard. The current application to de-register Lots 1 and 2 of 62M-1229, known as 50 Aeropark Boulevard, and Block 7 of 62M-1229, known as part of 110 Aeropark Boulevard, will facilitate these mergers. Of note, the lands comprising the former Wetenhall Court do not need to be included in the de-registration by-law given the lands will no longer form a full Block in a Registered Plan upon final approval of the consent application, and therefore will not be restricted from legally merging. As such, it is noted that the de-registration should not occur until after the consent application is final approved (i.e. all conditions have been cleared and the final consent certificate is issued). The by-law attached as Appendix “E” to Report PED26057 includes the requirement that the by-law will not come into force and effect until after the by-law is registered at the land registry office, and a Solicitor’s Undertaking has been provided by the proponent which stipulates that the By-law will not be registered until after the consent is final approved. The applicant concurs with this order of operations.

PED26057 – Application to Deem Lands Being Lots 1 and 2 of Registered Plan 62M-1229, known as 50 Aeropark Boulevard, and Block 7 of Registered Plan 62M-1229, known as Part of 110 Aeropark Boulevard, Glanbrook, not to be Part of a Registered Plan of Subdivision for the Purposes of Subsection 50(3) of the *Planning Act* – Ward 11

Page 5 of 10

## **Analysis**

### *Proposal*

The subject lands are located on the west side of Aeropark Boulevard, south of Dickenson Road West, Glanbrook, as identified on Appendix “A” to Report PED26057.

The Owner / Applicant has submitted an application pursuant to Subsection 50(4) of the *Planning Act*, for approval of a By-law to deem Lots 1, 2, and Block 7 of Registered Plan 62M-1229 (as shown on Appendix “C” to Report PED26057) not to be part of a Registered Plan of Subdivision for the purposes of Subsection 50(3) of the *Planning Act*.

The effect of the application to de-register the lands is to allow for two land mergers that are consistent with the established development of the lands. Firstly, Lots 1 and 2 of 62M-1229 along with the northerly portion of Wetenhall Court (being Parts 5 and 6 as shown on Appendix “D” to Report PED26057), were assembled for development purposes and developed as one site. Secondly, the southerly portion of Wetenhall Court (being Part 4 as shown on Appendix “D” to Report PED26057), Block 7 of 62M-1229, and the abutting lands to the south, collectively known as 110 Aeropark Boulevard, were assembled for development purposes and developed as one site. A successful application to de-register the lands is required in order to facilitate the legal merger of the parcels of land as described above and satisfy the required conditions of consent application B-25:088.

PED26057 – Application to Deem Lands Being Lots 1 and 2 of Registered Plan 62M-1229, known as 50 Aeropark Boulevard, and Block 7 of Registered Plan 62M-1229, known as Part of 110 Aeropark Boulevard, Glanbrook, not to be Part of a Registered Plan of Subdivision for the Purposes of Subsection 50(3) of the *Planning Act* – Ward 11

Page 6 of 10

The de-registration is required because full Lots or Blocks within a Registered Plan of Subdivision cannot legally merge with other lands as per section 50(3) of the *Planning Act* (see below).

## *Legislative / Policy Review*

### ***Planning Act***

As prescribed under Subsection 50(4) of the *Planning Act*, the Council of a Municipality may, by By-law, designate any Plan of Subdivision, or part thereof, that has been registered for eight years or more, and deem it not to be a Registered Plan of Subdivision for the purpose of the subdivision control provisions of Subsection 50(3) of the *Planning Act*. The subject lands are located within Registered Plan 62M-1229 which was registered on June 10, 2016, therefore meeting the *Planning Act* requirement of being registered for eight years or more.

Per the *Planning Act*, a Public Meeting is not required to consider a By-law to designate any Plan of Subdivision, or part thereof, that has been registered for eight years or more, and deem it not to be a Registered Plan of Subdivision for the purpose of the subdivision control provisions of Subsection 50(3) of the *Planning Act*.

The *Planning Act* requires that a copy of the By-law (Appendix “E” to Report PED26057) be lodged with the Minister of Municipal Affairs and Housing. Staff will ensure the By-law is sent to the Ministry upon enactment by Council and registration.

Additionally, a certified copy or duplicate copy of the deeming By-law must be registered against the title to the lands in the Land Registry Office. This By-law shall come into

PED26057 – Application to Deem Lands Being Lots 1 and 2 of Registered Plan 62M-1229, known as 50 Aeropark Boulevard, and Block 7 of Registered Plan 62M-1229, known as Part of 110 Aeropark Boulevard, Glanbrook, not to be Part of a Registered Plan of Subdivision for the Purposes of Subsection 50(3) of the *Planning Act* – Ward 11

Page 7 of 10

force and take effect when registered in the Land Registry Office. The applicant will be required to register the By-law and provide a registered copy to the City.

Lastly, notice of passing of the By-law must be given within 30 days of the date of passing to each person appearing on the last revised assessment roll to be the owner of land to which the By-law applies.

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

The application has been reviewed with respect to the Provincial Planning Statement.

As the proposal will facilitate the necessary land mergers to allow for separate tenure for two separate developments, which are developed with employment uses in connection with warehousing and goods movement, in an employment area within the urban area, the proposal is consistent with the Provincial Planning Statement and is supported by staff.

### ***Urban Hamilton Official Plan***

The subject lands are identified as “Employment Areas” on Schedule “E” – Urban Structure and are designated as “Airport Employment Growth District” on Schedule “E-1” – Urban Land Use Designations of Volume 1 of the Urban Hamilton Official Plan. Further, the subject lands are designated “Airport Prestige Business” within the Airport Employment Growth District Secondary Plan.

As noted above, the proposal is to facilitate two land mergers, as required by the conditions of consent application B-25:088.

Policy F.1.14.1.5 of Volume 1 of the Urban Hamilton Official Plan (UHOP) states:

PED26057 – Application to Deem Lands Being Lots 1 and 2 of Registered Plan 62M-1229, known as 50 Aeropark Boulevard, and Block 7 of Registered Plan 62M-1229, known as Part of 110 Aeropark Boulevard, Glanbrook, not to be Part of a Registered Plan of Subdivision for the Purposes of Subsection 50(3) of the *Planning Act* – Ward 11

Page 8 of 10

“If a plan of subdivision or part thereof has been registered for eight years or more and does not conform to the policies of this Plan, the City may use its authority under the *Planning Act* to deem it not to be a registered plan of subdivision.”

Accordingly, the UHOP recognizes the City’s ability, in accordance with the *Planning Act*, to deem lands not to be a registered plan of subdivision provided the Plan has been registered for eight years or more. Registered Plan 62M-1229 was registered in June 2016 and therefore conforms to the requirement of eight years or more of the plan having been registered.

Therefore, the proposal to deem Lots 1, 2, and Block 7 of Registered Plan 62M-1229 not to be part of a Registered Plan for the purposes of Subsection 50(3) of the *Planning Act*, in order to accommodate the mergers and proper land titles for these two existing developments, conforms with the Urban Hamilton Official Plan and is supported by staff.

## **Alternatives**

If the application is denied, Subsection 50(3) of the *Planning Act* would continue to apply to the lands and therefore the lands would be unable to legally merge. The conditions of consent application B-25:088 applicable to the lands comprising the former Wetenhall Court could not be cleared, and the consent would not be finalized.

## **Relationship to Council Strategic Priorities**

1. Sustainable Economic & Ecological Development
  - 1.2. Facilitate the growth of key sectors

PED26057 – Application to Deem Lands Being Lots 1 and 2 of Registered Plan 62M-1229, known as 50 Aeropark Boulevard, and Block 7 of Registered Plan 62M-1229, known as Part of 110 Aeropark Boulevard, Glanbrook, not to be Part of a Registered Plan of Subdivision for the Purposes of Subsection 50(3) of the *Planning Act* – Ward 11

Page 9 of 10

The recommendations encourage optimization of lands around the Hamilton International Airport.

## **Previous Reports Submitted**

Not applicable.

## **Consultation**

Tim Vrooman, Area Planning Manager, Development Planning, Planning and Economic Development Department

Zivko Panovski, Manager – Development Engineering, Growth Management Division, Planning and Economic Development Department

Ashley McMillan, Law Clerk, Legal and Risk Management Services, Corporate Services

## **Appendices and Schedules Attached**

Appendix A: Location Map

Appendix B: Revised Draft Approved Plan of Subdivision

Appendix C: Registered Plan 62M-1229

Appendix D: Severance Sketch – Consent Application B-25:088

Appendix E: By-law to Deem Lands not to be Part of a Registered Plan

PED26057 – Application to Deem Lands Being Lots 1 and 2 of Registered Plan 62M-1229, known as 50 Aeropark Boulevard, and Block 7 of Registered Plan 62M-1229, known as Part of 110 Aeropark Boulevard, Glanbrook, not to be Part of a Registered Plan of Subdivision for the Purposes of Subsection 50(3) of the *Planning Act* – Ward 11

Page **10** of **10**

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**Submitted and Recommended by:**

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