

NOTICE OF APPLICATION
VALIDATION OF TITLE

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

APPLICATION NO.:	B-26:016	SUBJECT PROPERTY:	209 Gibson Avenue, Hamilton
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APPLICANTS: Owner: Scarlett, Panning-Stinson
Applicant: Sigma One Capital Inc. Nitin Joshi
Agent: Prudent Law-Devesh Gupta/Omar Saab

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, April 30, 2026

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: April 13, 2026

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 in respect of the proposed consent does not make written submissions before the Consent Authority gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

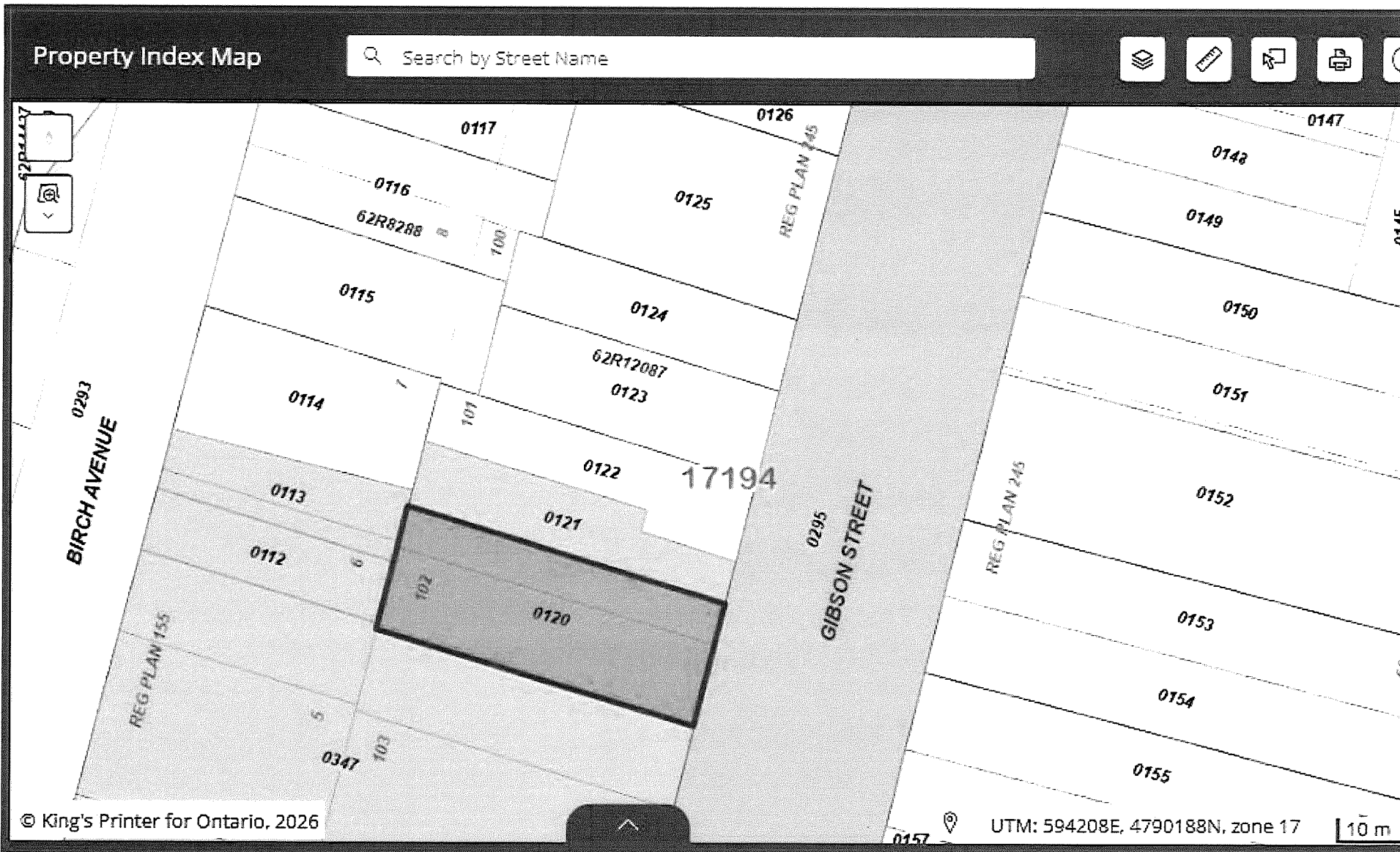
If you wish to be notified of the Decision of Consent Authority in respect of the proposed consent, **you must make a written request** to the Secretary-Treasurer of The City of Hamilton Committee of Adjustment by email at cofa@hamilton.ca or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5. A copy of the Decision will only be sent to those who request.

Map: 17194-0120 (LT)

Adjacents

Custom

Parcel Types: (LT) Land Titles - (R) Registry




Notes: Address may be unavailable or approximate, areas are approximate

PIN	Type	Address	Area	Map Status



REAL ESTATE | CORPORATE | CIVIL LITIGATION

 905-361-9789

 info@prudentlaw.ca

www.prudentlaw.ca

Suite 360, 4 Robert Speck
Parkway, Mississauga, ON
L4Z 1S1

March 12th, 2025

**Planning and Economic Development Department
Committee of Adjustment**

City Hall, 5th Floor,
71 Main Street West,
Hamilton, Ontario

VIA EMAIL: cofa@hamilton.ca

RE: Application for validation of title- 209 Gibson Ave, Hamilton, ON (the “**Property**”)

Legal Description: PT LTS 101 & 102, PL 245 , AS IN VM215164 , HAMILTON;SUBJECT TO AN EASEMENT OVER PT LTS 101 & 102, PL 245 , AS IN VM215164 IN FAVOUR OF PT LT 11 & 12 CON 1 BARTON , AS IN HA330950 , HA62990 EXCEPT PT 1 ON 62R-16341 AND PT LTS 9 & 10, CON 1 BARTON , AS IN BR94B, BR72B & BR128B;LYING BTN SHERMAN AV N & WENTWORTH AV N AND PT LT 8 CON 1 BARTON AS IN BR117B EXCEPT PT 2, 5, 6, 7, 8 & 9,62R11449 AND PT LT 7 CON 1 BARTON AS IN HA56B AS IN WE1519866

We are solicitors for Sigma One Capital Inc. holding security over the above-noted lands (the “**Lender**”).

This letter accompanies an Application for Validation of Title submitted pursuant to Section 57 of the *Planning Act (Ontario)* in respect of the above-noted lands.

During the course of reviewing title in connection with the Lender’s security, it was identified that two parcels of land which historically existed as separate conveyable parcels have merged for the purposes of the *Planning Act* as a result of coming into common ownership, thereby creating a restriction on separate conveyance.

Historically, the lands consisted of the following parcels:

1. 17194-0120 (LT) municipally known as 209 Gibson Ave, Hamilton, ON;
2. 17194-0347 (LT) municipally known as 601 Barton Street, East, Hamilton, ON.

Based on a review of the parcel registers and historical conveyances, each of the above parcels existed as separate and independently conveyable parcels prior to coming into common ownership. Following the acquisition of both parcels by the same owner, the parcels appear to have merged in title, thereby preventing them from being conveyed or otherwise dealt with separately without municipal consent pursuant to the provisions of the *Planning Act*. The requested Validation of Title

will permit the parcels to be recognized and treated as separate conveyable parcels, consistent with their historical status.

Planning Rationale

The requested validation is appropriate and consistent with sound planning principles for the following reasons:

1. Each parcel historically existed as a distinct conveyable lot prior to the parcels coming into common ownership. The present application seeks to restore the parcels to their historical planning and title status, rather than to create any new lot or intensification of land use.
2. To the best of our understanding, each parcel is capable of functioning independently and is not anticipated to create any planning conflict with the applicable zoning framework in the City of Hamilton.

Granting the requested Validation of Title will allow the parcels to be dealt with independently for title and financing purposes, while maintaining consistency with their historical use and the existing planning framework. The requested validation does not create a new lot, intensify the use of land, or alter the existing development pattern within the surrounding neighbourhood.

There is no new development proposed as part of this application and the property conforms with the same criteria that apply to the granting of consents under section 53 of the *Planning Act (Ontario)*. The requested Certificate of Validation would retroactively cure the Planning Act contravention and validate the Transfer registered on December 2, 2022 as instrument No.: WE1649243 thereby restoring the ability of the parcels to be conveyed or encumbered separately.

We trust the foregoing is satisfactory for the purposes of the City's review of the enclosed application and ancillary documents as listed below:

- Application for Consent to sever land and validation of title under section 53 & 57 of the Planning Act;
- Parcel Register re: 17194 0120;
- Parcel Register re: 17194 0347;
- Property Index Map;
- Transfer WE1649243 registered on December 2, 2022; and
- 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 the Committee or planning staff require any additional information or clarification, we would be pleased to provide the same.

Yours very truly,



Omar Saab
Prudent Law



**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 site sketch and general information in the Submission Requirements and Information document.

1. APPLICANT INFORMATION

	NAME	MAILING ADDRESS
Purchaser*		
Registered Owner(s)	Scarlett, Panning -Stinson	
Applicant(s)**	Sigma One Capital Inc. Nitin Joshi	
Agent or Solicitor	Prudent Law- Devesh Gupta/Omar Saab	

Please include contact person's name if applying as a company or organization.

*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 authorization required if the applicant is not the owner or purchaser.

1.2 Primary contact Purchaser Owner
 Applicant Agent/Solicitor

1.3 Sign should be sent to Purchaser Owner
 Applicant Agent/Solicitor

1.4 Request for digital copy of sign Yes* No

If YES, provide email address where sign is to be sent

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
 Cheque

Credit card over phone*

*Must provide phone number above

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	209 Gibson Ave, Hamilton, ON L8L 6K2		
Assessment Roll Number	2518030 - 23501750		
Former Municipality			
Lot		Concession	
Registered Plan Number	245	Lot(s)	Part Lots 101 and 102
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:

Operational emissions re: Railway

3 PURPOSE OF THE APPLICATION

3.1 Type and purpose of proposed transaction: (check appropriate box)

- | | |
|---|--|
| <input type="checkbox"/> creation of a new lot(s) | <input type="checkbox"/> concurrent new lot(s) |
| <input type="checkbox"/> addition to a lot | <input type="checkbox"/> a lease |
| <input type="checkbox"/> an easement | <input type="checkbox"/> a correction of title |
| <input checked="" type="checkbox"/> validation of title (must also complete section 8) | <input type="checkbox"/> a charge |
| <input type="checkbox"/> cancellation (must also complete section 9) | |
| <input type="checkbox"/> creation of a new non-farm parcel (must also complete section 10)
(i.e. a lot containing a surplus farm dwelling resulting from a farm consolidation) | |

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

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 (including any proposed easements):

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:	N/A				
Type of Transfer	N/A				
Frontage	n/a				
Depth	n/a				
Area	n/a				
Existing Use	no change				
Proposed Use	no change				
Existing Buildings/ Structures	Residential Home				
Proposed Buildings/ Structures	None				
Buildings/ Structures to be Removed	None				

* Additional fees apply.

4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

- | | |
|---|--|
| <input type="checkbox"/> provincial highway | <input type="checkbox"/> right of way |
| <input type="checkbox"/> municipal road, seasonally maintained | <input type="checkbox"/> other public road |
| <input checked="" type="checkbox"/> municipal road, maintained all year | _____ |

b) Type of water supply proposed: (check appropriate box)

- | | |
|--|---|
| <input checked="" type="checkbox"/> publicly owned and operated piped water system | <input type="checkbox"/> lake or other water body |
| <input type="checkbox"/> privately owned and operated individual well | <input type="checkbox"/> other means (specify) |
| | _____ |

c) Type of sewage disposal proposed: (check appropriate box)

- | |
|--|
| <input checked="" type="checkbox"/> publicly owned and operated sanitary sewage system |
| <input type="checkbox"/> privately owned and operated individual septic system |
| <input type="checkbox"/> other means (specify) _____ |

4.3 Other Services: (check if the service is available)

- | | | | |
|--------------------------------------|------------------------------------|---|---|
| <input type="checkbox"/> electricity | <input type="checkbox"/> telephone | <input type="checkbox"/> school bussing | <input type="checkbox"/> 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? E/S-1724

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?

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 Planning Statement (PPS)?

Yes No (Provide explanation)

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

Yes No (Provide explanation)

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

Yes No (Provide explanation)

7.5 Are the subject lands subject to the Greenbelt Plan?

Yes No (Provide explanation)

7.6 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)

n/a

8.2 Does the current owner have any interest in any abutting land?

Yes No (Provide explanation and details on plan)

n/a

8.3 Why do you consider your title may require validation? (attach additional sheets as necessary)

Kindly see the attached 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):
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Existing Land Use(s): _____ Proposed Land Use(s): _____

10.5 Description of abutting consolidated farm (excluding lands intended to be severed for the surplus dwelling)

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

10.6 Existing Land Use: _____ Proposed Land Use: _____

10.7 Description of surplus dwelling lands proposed to be severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from Section 4.1)
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Front yard set back: _____

a) Date of construction:

- Prior to December 16, 2004
- After December 16, 2004

b) Condition:

- Habitable
- Non-Habitable

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application Form
- Signatures Sheet

11.2 Validation of Title

- All information documents in Section 11.1
- Detailed history of why a Validation of Title is required
- All supporting materials indicating the contravention of the Planning Act, including PIN documents and other items deemed necessary.

11.3 Cancellation

- All information documents in Section 11.1
- Detailed history of when the previous consent took place.
- All supporting materials indicating the cancellation subject lands and any neighbouring lands owned in the same name, including PIN documents and other items deemed necessary.

11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
- Minimum Distance Separation Formulae (data sheet available upon request)
- Hydrogeological Assessment
- Septic Assessment
- Archeological Assessment
- Noise Study
- Parking Study
