

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: WARD 14
COMMITTEE DATE: August 14, 2012	
SUBJECT/REPORT NO: Application for an Official Plan Amendment to the Rural Hamilton Official Plan and an Amendment to the Town of Ancaster Zoning By-law No-87-57 for the Lands at 401 Lynden Road (Ancaster) (PED12137) (Ward 14)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Cam Thomas (905) 546-2424 Ext. 4229
SIGNATURE:	

RECOMMENDATION

- (a) That **Amended Official Plan Amendment Application OPA-11-020, by Joost DeBleik, Owner**, to permit a surplus farm dwelling lot to be created notwithstanding that the dwelling was constructed after December 16, 2004, and to permit the depth of the surplus farm dwelling lot to be 216.95 metres, as opposed to 122 metres, on lands located at 401 Lynden Road (Ancaster), as shown on Appendix "A" to Report PED12137, be **DENIED** on the following basis:
- (i) The application does not conform to the Greenbelt Plan with respect to the requirement for a surplus dwelling to be an existing use as of the date the Greenbelt Plan came into effect (i.e. December 16, 2004).

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- (b) That **Amended Zoning Application ZAR-11-075, by Joost DeBleik, Owner**, for a change in zoning from the Agricultural “A” Zone to a Site-Specific “A” Agricultural Zone in order to permit the lands to be used exclusively for agricultural purposes, for lands located at 401 Lynden Road (Ancaster), as shown on Appendix “A” to Report PED12137, be **DENIED** on the following basis:
- (i) The application does not conform to the Greenbelt Plan with respect to the creation of a surplus dwelling lot which is required to be an existing use as of the date the Greenbelt Plan came into effect.

EXECUTIVE SUMMARY

The proposed Official Plan Amendment is for lands located at 401 Lynden Road (Ancaster), which are the subject of approved Consent Application AN/B-11:83, and is required to permit a 2.25 ha. surplus farm dwelling lot to be created notwithstanding that the dwelling was constructed after December 16, 2004, and to permit the depth of the surplus farm dwelling lot to be 216.95 metres, as opposed to 122 metres, (see Appendix “A”). The proposed Zoning By-law Amendment is required to place the severed farm parcel in a Site-Specific Agricultural "A" Zone that would prohibit the development of a future farm dwelling. The existing dwelling on the subject lands was constructed in 2009.

Staff does not support the proposed amendments because they do not conform to the Greenbelt Plan with respect to the definition of “Existing Uses” because the house subject to the severance for the surplus farm dwelling lot was not constructed on or before December 16, 2004.

Alternatives for Consideration - See Page 15.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial: None.

Staffing: None.

Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for an Official Plan Amendment and Zoning By-law Amendment.

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HISTORICAL BACKGROUND

The following applications are required as Conditions of Approval for Consent Application AN/B-11:83, which is intended to create a 2.25 ha surplus farm dwelling lot at 401 Lynden Road through the consolidation of the agricultural property at 401 Lynden Road with an existing farm at 568 Lynden Road.

Proposed Official Plan Amendment

Previous Proposed Official Plan Amendment:

The proposed Official Plan Amendment (OPA) is required for the final approval of Consent Application AN/B-11:83 (see Appendix "C" - Condition 3). The purpose of the OPA was initially required to permit a non-abutting farm consolidation with an existing farm at 568 Lynden Road. At the time of the application, the proposed Official Plan Amendment required an exemption from Policy 7.7.2.5.i) of the Ancaster Official Plan, which requires that in cases in which the consolidation of farms would result in the creation of a surplus dwelling, the lands to be consolidated are required to be abutting.

In addition, the proposed Official Plan Amendment was also required to allow the consolidation of the parcel to occur under separate ownership. In this instance, the applicant had proposed that the "farm consolidation" would occur after the severance has been finalized, in order to retain the ownership of the existing dwelling on the remaining 2.25 ha. portion of land, which the applicant is characterizing as a surplus farm dwelling.

Revised Official Plan Amendment:

Staff was advised on June 5, 2012, that the ownership of the property at 401 Lynden Road had been consolidated through the sale of the property to Joost DeBlik, the owner of 568 Lynden Road.

As of March 7, 2012, the Rural Official Plan is no longer under appeal and is in full force and effect. On April 25, 2012, the Rural Official severance policies and definitions were deemed to also be in full force and effect. The effect of this change is that the Ancaster Official Plan policies would no longer apply for the rural area and, therefore, an Ancaster Official Plan Amendment is no longer applicable.

The revised Official Plan Amendment for this application would apply to the Rural Hamilton Official Plan to permit changes to Policy F.1.14.2.2d) to permit:

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- (i) A proposed surplus farm dwelling which has been constructed after December 16, 2004, instead of on or before December 16, 2004 (Policy “F1.14.2.2(d)(i); and,
- (ii) The depth of the surplus farm dwelling lot to be 216.95 metres, instead of a maximum of 122 metres (400 feet) (Policy F1.14.2.2(d)(iv)2.

Proposed Zoning By-law Amendment

The proposed Zoning By-law Amendment is required as a condition of Consent Application AN/B-11:83 (Appendix “C” - Condition 2). The purpose of this application is to rezone the surplus portion of the property at 401 Lynden Road (i.e. 17.24 ha), which is proposed to be consolidated with the farm operation at 568 Lynden Road from the Agricultural “A” Zone, to a Site-Specific “A” Agricultural Zone, in order to restrict the use of the lands to be used exclusively for agricultural purposes, and prohibit the development of any future single detached dwelling on the remnant agricultural lands.

Consent Application AN/B-11:83

Consent Application AN/B-11:83 is intended to permit the consolidation of the 17.24 ha parcel with an existing farm at 568 Lynden Road, in order to allow for the creation of larger farm holdings comprising 154.8 hectares, which includes 5 other properties. This application would also create a retained 2.25 ha parcel, with a surplus dwelling at 401 Lynden Road. More specifically, the applicant proposed that the existing dwelling at 401 Lynden Road would be surplus to the farm at 568 Lynden Road, following the merging of the conveyed farm parcel because it would be recognized as the second dwelling. The consent application was made without the farm parcels being under common ownership.

Planning staff did not support the proposed Consent Application on the basis of non-compliance with the Ancaster Official Plan. However, the application was conditionally approved on October 27, 2011, subject to a number of conditions, including the requirement for a rezoning to prohibit residential uses on the consolidated parcel (see Appendix “C” - Condition 2) and for an Official Plan Amendment (see Appendix “C” - Condition 3). The decision was not appealed by staff to the Ontario Municipal Board, as staff was wrongly under the impression that it constituted a farm consolidation. Subsequent to the decision, the matter has been extensively discussed with Committee. At Committee’s direction, an outside Planning opinion was obtained from Mark Dorfman, which confirmed that this is not a farm consolidation under the Provincial Policy Statement and Greenbelt Plan, as no farm consolidation had occurred.

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For the information of Committee, this is one of the applications brought to the attention of senior staff where there was inconsistency in interpretation, as identified in Report PED12069 - Farm Consolidation and Surplus Farm Dwelling Review and Analysis.

Details of Submitted Application

Chronology:

October 27, 2011: Consent Application AN/B-11:83 approved by the Committee of Adjustment for 401 Lynden Road.

December 19, 2011: Submission of Applications OPA-11-020 and ZAR-11-075 by owner/ applicant, Paul Errygers.

January 6, 2012: Waiver of Formal Consultation is provided to owner.

January 16, 2012: Applications OPA-11-020 and ZAR-11-075 are deemed complete.

March 8, 2012: Site Visit.

June 6, 2012: Consolidation of Property under one ownership (DeBleik) and Amended Application.

July 27, 2012: Circulation of Notice of Public Meeting to all residents within 120m of the subject lands.

Details of Submitted Applications

Owner: Joost DeBleik (formerly Paul and Patricia Errygers)

Location: 401 Lynden Road (Ancaster) (See Schedule "A")

Property Size:

Lot Frontage: 481.17m

Lot Depth: 408.55m

Lot Area: 19.54 ha.

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EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Rural Single Detached Dwelling (on retained portion) and Agricultural on conveyed portion	Agricultural "A" Zone
<u>Surrounding Lands:</u>		
North	Rural Single Detached Dwelling and Agriculture	Agricultural "A" Zone
South	Rural Single Detached Dwelling and Agriculture	Agricultural "A" Zone
East	Rural Single Detached Dwelling and Agriculture	Agricultural "A" Zone
West	Rural Single Detached Dwelling and Agriculture	Agricultural "A" Zone

POLICY IMPLICATIONS

Provincial Policy Statement (2005)

The application has been reviewed with respect to the Provincial Policy Statement (PPS, (2005)). The following policies from the PPS are applicable to the proposed applications.

Policy 2.3.3.1 states that in prime agricultural area, permitted uses and activities are: agricultural uses, secondary uses, and agriculture-related uses.

In addition, Policy 2.3.4.1 states that lot creation in prime agricultural areas is discouraged and may only be permitted for:

- "c) A residence surplus to a farming operation, as a result of farm consolidation, provided that the planning authority ensures that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on

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the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective.”

Policy 2.3.4.3 further states that the creation of new residential lots in prime agricultural areas shall not be permitted, except in accordance with Policy 2.3.4.1 (c).

With respect to the above-noted policy, the PPS defines a “Residence surplus to a farming operation” as:

“An existing farm residence that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation).”

Staff recognizes that the requirement for “farm consolidation” has now occurred because the property is no longer in the applicant’s ownership. As a result, the process of declaring an existing farm residence to be surplus has occurred, although in principle, the consolidation should have occurred prior to the application for the severance. Accordingly, the proposed applications are considered to be more consistent with the applicable policies of the PPS.

Greenbelt Plan

The subject lands are designated as “Protected Countryside - Prime Agricultural Area” within the Greenbelt Plan. Policy 3.1.3.1 states that within prime agricultural areas, as identified in municipal Official Plans, normal farm practices and a full range of agricultural, agriculture-related and secondary uses are supported and permitted.

Lot creation for lands within the Protected Countryside is addressed in Policy 4.6. Lot creation within the specialty crop area and prime agricultural area, as noted in Policy 4.6.3, is permitted for:

- “c) The severance of a residence surplus to a farming operation as a result of a farm consolidation, which residence was an existing use as of the date this Plan came into force, provided that the planning authority ensures that a residential dwelling is not permitted in perpetuity on the retained lot of farmland created by this severance. Approaches to ensuring no new residential dwellings on the retained lot of farmland may be recommended by the Province, or municipal approaches that achieve the same objective, should be considered;”

In addition, the Greenbelt Plan refers to the same definition as is provided in the PPS for “Residence surplus to a farm operation”, and defines “Farm consolidation” as:

“The acquisition of additional farm parcels to be operated as one farm operation.”

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With respect to the proposed applications, staff would note that as per the Provincial Policy Statement analysis, “farm consolidation” has occurred as the property ownership has been transferred to Joost DeBliiek (568 Lynden Road). It would, therefore, be possible for the new owner to declare the residence a surplus dwelling in accordance with the Greenbelt Plan. However, the consolidation of the farm parcels is the first requirement of this process to ensure the continuation of agricultural operations, rather than after the severance has been granted. The severance of a residence surplus to a farming operation is required to occur only after the farm consolidation has taken place. This is required in order for the owner to make a determination that a dwelling is no longer required for the enlarged farm and that it can, therefore, be reasonably considered to be surplus to the farm operation.

It has been further noted that the Greenbelt Plan does not preclude non-abutting parcels from becoming consolidated. In this regard, the proposed farm consolidation of non-abutting farm parcels would not be contrary to the Greenbelt Plan, with the exception that the farm consolidation is required to occur before the severance. In addition, the applicant’s proposal to prohibit the construction of an additional single detached dwelling on the parcel to be conveyed through the creation of specific zoning provisions would also be consistent with the direction of Policy 4.6.3c).

The main area of concern under the Greenbelt Plan is that the residence at 401 Lynden Road was not an existing use at the date the Greenbelt Plan came into force and effect (December 16, 2004). The Greenbelt Plan defines “Existing Uses” as “uses legally established prior to the date that the Greenbelt Plan came into force.” As the previous house was removed in 2008, and a new house was constructed in 2009 in a different location, which was further from Lynden Road than the original, the dwelling would not meet the Greenbelt Plan definition of an “existing use”. This requirement is necessary to ensure the protection of farmland from fragmentation by minimizing the development of new dwellings on smaller lots in the Rural Area.

As the dwelling was not an “existing residence” at the time the Greenbelt Plan came into effect (December 16, 2004), the proposal is not considered to be in conformity to the applicable policies of the Greenbelt Plan.

Hamilton-Wentworth Official Plan

The Hamilton-Wentworth Official Plan is no longer in effect and has been replaced by the Rural Hamilton Official Plan.

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Ancaster Official Plan

The Ancaster Official Plan severance policies were in effect at the beginning of the review process of this application, but are now superseded by the approval of the Rural Hamilton Official Plan on March 7, 2012, and April 25, 2012.

Rural Hamilton Official Plan

The Rural Hamilton Official Plan applies to the proposed Official Plan Amendment and Zoning By-law Amendment application. The Rural Hamilton Official Plan came into full force and effect as of March 7, 2012, and the policies for severances and definitions came into full force and effect as of April 25, 2012.

The Rural Hamilton Official Plan designates the subject property as “Agriculture”.

With respect to lot creation, the following policies are applicable:

“F.1.14.2.2c) In cases of a farm dwelling made surplus as a result of acquisition as part of a farm operation that does not result in the merging in title of abutting parcels of land, applications for severance of the surplus dwelling shall comply with the following conditions:

- i) The owner and operator of the farm maintain an existing dwelling on land that is also part of the consolidated farm operation;
- ii) The parcels of land comprising the consolidated farm operation shall be a minimum of 38.4 hectares (95 acres) in total;
- iii) The parcel of land from which the surplus dwelling is severed shall be a minimum of 8.1 hectares (20 acres) in size for lands designated Specialty Crop on Schedule D - Rural Land Use Designations, or 16.2 hectares (40 acres) in size for lands designated Agriculture or Rural on Schedule D - Land Use Designations;
- iv) Prior to the granting of final consent, one of the following conditions shall be met for the retained farm parcel as a result of a surplus farm dwelling severance:
 1. The land owner shall apply for and receive final approval to rezone the farm parcel to prohibit the construction of a dwelling unit; or,

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2. The land owner shall grant in favour of the City, a restrictive covenant which prohibits the construction of a dwelling unit.
- v) If the land owner grants a restrictive covenant in favour of the City, the City shall rezone the farm parcel to prohibit the construction of any dwelling unit;”

With respect to the above-noted policies, staff provides the following responses.

Concerning Item i), it is noted that the new owner of the consolidated farm currently owns a dwelling on the property at 568 Lynden Road. Concerning Item ii), the consolidated farm, based on the owner’s existing holdings and the additional parcel, would be 154.8 ha in area and would satisfy the overall minimum lot area requirement for the consolidated farm. Concerning Item iii), the current parcel has an area of 19.44 hectares (48 acres), which would meet the minimum parcel size of 16.2 hectares required to permit the severance. Concerning Items iv) and v), the owner’s intention to prohibit the construction of a dwelling on the portion of land to be severed for the farm consolidation through a change in zoning would be consistent with the policy requirement.

“F.1.14.2.2 d) In all cases where surplus farm dwellings are to be severed, the following conditions shall apply:

- i) The proposed surplus farm dwelling:
 1. Shall have been built on or before December 16, 2004; and,
 2. Shall be habitable on the date of the application for the surplus farm dwelling severance, and shall meet the City’s standards for occupancy without requiring substantial demolition and new construction.
- ii) The surplus dwelling lot shall be a minimum of 0.4 hectares (1 acre), or such larger area as may be required by Section C.5.1, sustainable Private Water and Wastewater Services of this Plan;
- iii) A private well and private sewage disposal system shall be provided in accordance with Section C.5.1, sustainable Private Water and Wastewater Service of this Plan;

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- iv) The shape and dimensions of the surplus farm dwelling lot shall:
 - 1. Not impair agricultural operations on the retained land; and,
 - 2. Generally shall not exceed a depth of 122 metres (400 feet).
- v) The surplus dwelling lot shall not include barns or other farm buildings which are not suitable to be used as accessory structures to a residential use prescribed by the Zoning By-law, and no such buildings or structures shall be used for industrial or commercial purposes.
- vi) Where a barn or other farm building exists within the immediate vicinity of the surplus residence, the City may require demolition of the barn.”

Concerning Item i), an Official Plan Amendment is required, as the dwelling to be deemed surplus was only constructed in 2009, and replaces an earlier dwelling that was removed by demolition in 2008. As noted, the dwelling would not meet the definition of an “existing use” under the Greenbelt Plan. This policy is a requirement of the Greenbelt Plan, and is not subject to modifications by the municipality. In particular, without adherence to this requirement, further fragmentation of the rural landscape would occur because it would allow any dwelling in the Rural Area to be removed and replaced and declared a “surplus dwelling” providing the balance of the lands could be joined to an existing farm.

Concerning Item ii), the dwelling lot, which is intended to be deemed surplus, would meet the minimum area requirement as it would be 2.25 hectares. Concerning Item iii), in the event that the proposed amendments are approved, it would be necessary for the severed lot to contain a private water well and a private sewage disposal system. If the application is supported, the applicant’s cistern would need to be removed and replaced with a proper well system in accordance with this policy. Accordingly, staff would recommend that the Official Plan Amendment and amending Zoning By-law be tabled until a well system is in place.

Concerning Item iv), which also is subject to an Official Plan Amendment, the proposed surplus dwelling lot would have a lot depth of 216.95m, which would exceed the recommended lot depth requirement by 94.95m (77.8%). The proposed lot depth was based on the location of the dwelling, which is setback substantially (i.e. 118.8m) from Lynden Road. There is a concern that the surplus dwelling lot would take agricultural land out of production, which is contrary to the Greenbelt Plan as it would exceed the minimum size of 0.40 ha (1 acre). As well, the additional depth of the lot may pose an

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impediment to agriculture because it may interfere with planting and harvesting processes due to the reduction of land for agricultural purposes.

Concerning Items v) and vi), it is noted that the proposed surplus dwelling lot does not contain any buildings which are intended for agricultural use.

RELEVANT CONSULTATION

The following internal Departments and external agencies had no concerns or objections to the proposed applications:

- Budgets and Finance Division, Corporate Services Department.
- Traffic Engineering Section, Public Works Department.
- Forestry and Horticultural Section, Public Works Department.
- Hamilton Municipal Parking System.
- Horizon Utilities.

Public Consultation

In accordance with Council's Public Participation Policy, preliminary circulation of the Zoning By-law Amendment was not required since the applications were the subject of Consent Application AN/B-11:83, which was a public process. A letter of objection was read from a prepared statement and submitted for the record by the adjoining property owners to the south (277 Lynden Road).

In accordance with the new provisions of the Planning Act, Notice of a Complete Application for the Zoning By-law Amendment and Official Plan Amendment was circulated to 13 property owners within 120 metres of the subject property on February 10, 2012. To date, one letter has been received from the public, and is in support of this application.

Notice of the Public Meeting was given in accordance with the requirements of the Planning Act through the circulation to property owners within 120 metres of the subject lands and through the posting of a sign on the property. Further, a Public Notice sign for the Official Plan and Zoning By-law Amendments was posted on the property on January 24, 2012. The Public Notice sign is being updated as of June 27, 2012, to reflect the requisite changes to the Official Plan Amendment.

ANALYSIS / RATIONALE FOR RECOMMENDATION

1. The proposal cannot be supported because it does not conform with the Greenbelt Plan, which requires that a dwelling that is to be declared surplus shall be an existing use as of the date the Greenbelt Plan came into effect (December 16, 2004).
2. The proposed Official Plan Amendment would require modifications to the Rural Hamilton Official Plan, to Policy F1.14.2.2(d)i), to permit a surplus farm dwelling to be constructed after December 16, 2004, which is the date the Greenbelt Plan came into effect, and to Policy F1.14.2.2(d)(iv)2, to permit the depth of the surplus farm dwelling lot to be 216.95 metres instead of a maximum of 122 metres (400 feet).

Concerning the 1st modification, staff has noted that the same policy is also provided in the Greenbelt Plan, which is not subject to amendments at the municipal level. The Greenbelt Plan requires that a residence to be deemed surplus is to be an “Existing Use” at the time that the Greenbelt Plan came into effect. “Existing Use” is defined in the Greenbelt Plan as “uses legally established prior to the date that the Greenbelt Plan came into force.” As the former dwelling was removed in favour of a new dwelling that was constructed in a different location on the property over 4 years after the Greenbelt Plan came into effect, the new dwelling would not meet this criteria.

The implications to the City in approving this change are that it would allow people to purchase lots with the intention of establishing new dwellings and creating smaller lots by having the new dwellings declared surplus to a farm dwelling. This practice is discouraged, as it will contribute to the further fragmentation of farms and the rural area. The current policy has the effect of limiting changes within the rural area and to farm operations, as it provides a fixed number of dwellings that would be eligible for severance and, as such, it affords greater protection against the fragmentation of the rural area.

In addition, it would contribute to situations which may be incompatible with agriculture, such as oversizing dwellings and locating dwellings in the middle of properties which may limit the timing of when certain types of agricultural processes could occur because of the residential use.

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Concerning the 2nd modification, the proposed amendment to permit the depth of the lot for the surplus dwelling to be greater than 122m would set an undesirable precedent, which may have implications on agriculture by unnecessarily reducing the size of farm operations. It also is fundamentally contrary to the purpose of the Greenbelt Plan, which is to protect agricultural land rather than to enable the severance of dwelling lots for non-farm purposes.

On the basis of the foregoing staff does not support the proposed Official Plan Amendment because it would be contrary to the Greenbelt Plan.

3. The proposed Zoning By-law Amendment would result in a Site-Specific Agricultural "A" Zone, which would apply to the farm portion of the property. The zoning would be limited to agricultural uses and accessory uses only. The proposed non farm dwelling lot and farm parcel to be consolidated would meet the minimum lot area and lot frontage requirements of the Agricultural "A" Zone. If the severance and proposed zoning become finalized, MDS requirements would be triggered for any future livestock barns that are constructed on the farm parcel because of the creation of the non-farm dwelling lot.
4. At the meeting of February 28, 2012, the Planning Committee directed staff "to obtain an outside Planning opinion on the interpretation of the PPS and Greenbelt Plan respecting farm consolidation and residence surplus to a farming operation severance(s)." This Report was presented at the Planning Committee meeting on April 3, 2012, and with respect to "farm consolidation" severances, concluded that:

"A severance for a surplus farm dwelling on its own lot must be considered and consented to by the authority, subject to the policies of the Official Plan, when the owner has acquired the farm as part of a farm consolidation, and only afterwards determines that an existing farm dwelling located on the farm that is part of the consolidation is surplus to the needs of the farming operation."

In light of the consolidation that has now occurred, staff's recommendation to deny the proposed Official Plan Amendment and Zoning By-law Amendment is based upon the fact that the dwelling to be declared surplus would not meet the definition of an "Existing Use" as it was constructed after December 16, 2004, and, therefore, does not conform to the Greenbelt Plan.

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ALTERNATIVES FOR CONSIDERATION

Should the proposed Official Plan Amendment and Zoning By-law Amendment applications be approved, the applicant would be able to proceed with the finalization of Consent Application AN/B-11:83, contrary to Provincial Policy.

CORPORATE STRATEGIC PLAN

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

Financial Sustainability

- ◆ Effective and sustainable Growth Management requires adherence to Provincial.

Environmental Stewardship

- ◆ No new development would occur as a result of these applications.

Healthy Community

- ◆ Plan and manage the built environment.

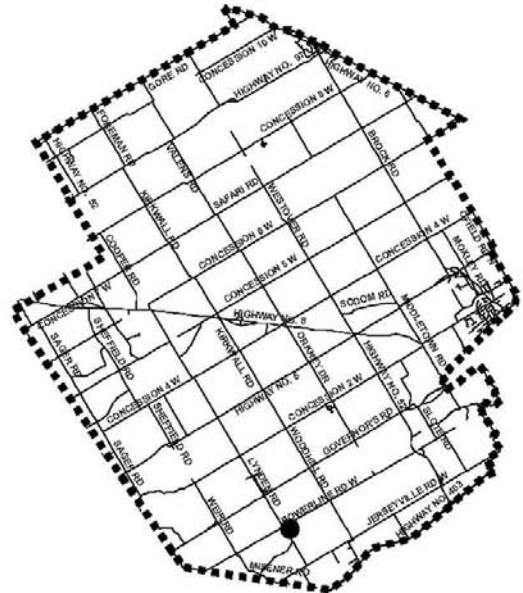
APPENDICES / SCHEDULES

- Appendix "A": Location Map
- Appendix "B": Draft Survey for Proposed Consent
- Appendix "C": Decision for Consent Application
- Appendix "D": Planning Comments for Consent Application
- Appendix "E": Letter from Area Resident
- Appendix "F": Transfer of Ownership Documentation

:CT
Attachs. (6)



● Site of the Application



Ward 14 Key Map

N.T.S.

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAR-11-075 / OPA-11-020

Date:
April 25, 2012

Appendix "A"

Scale:
N.T.S.

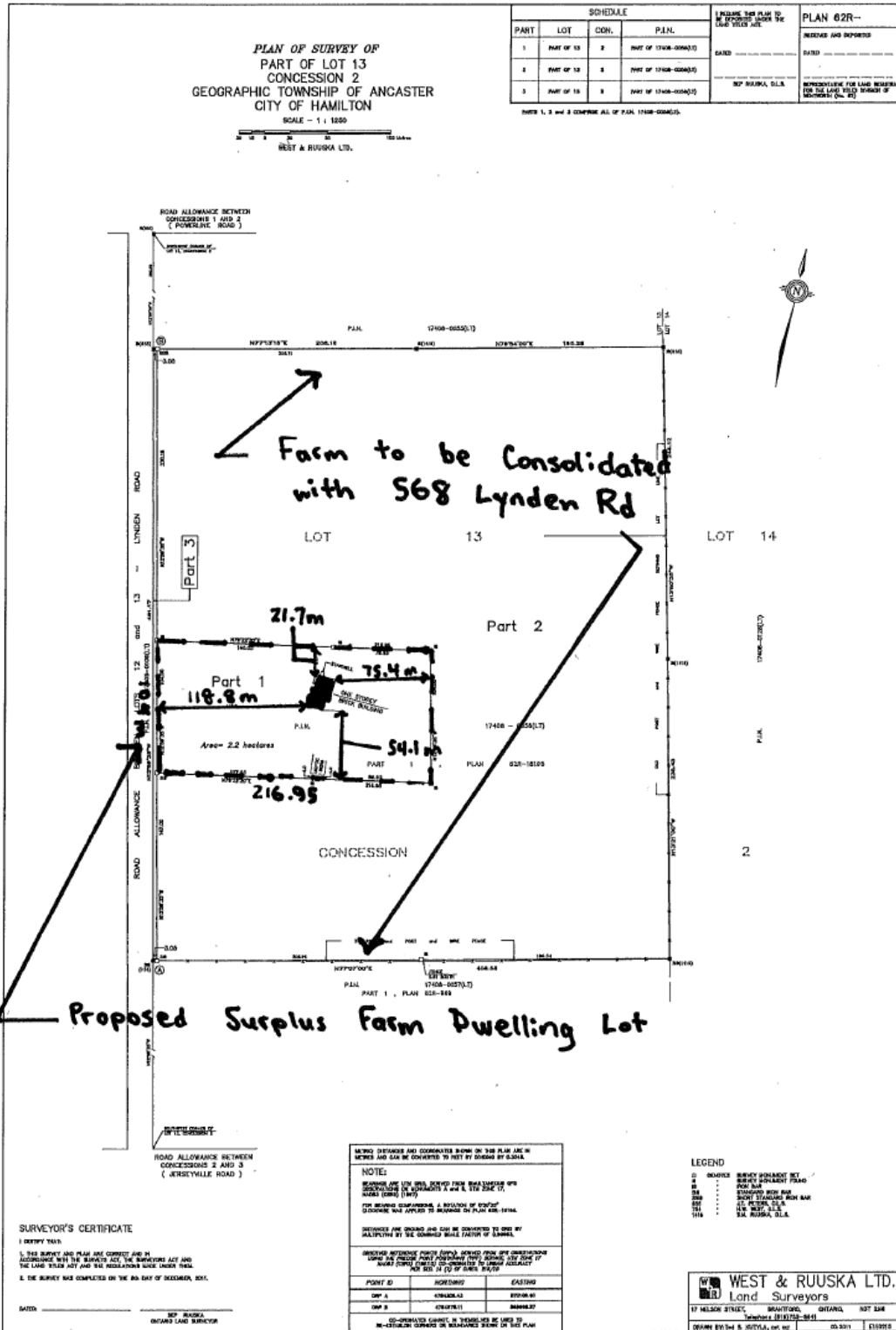
Planner/Technician:
CT/AL

Subject Property

401 Lynden Road - Lands Subject to Proposed Official Plan and Zoning By-law Amendments.

- Agricultural Lands that have been consolidated with 568 Lynden Road following severance (to be rezoned to prohibit a future dwelling).
- Portion of 401 Lynden Road to be severed and retained as a surplus farm dwelling
- 568 Lynden Road (Existing farm)

Appendix "B" to Report PED12137
 Draft Survey for Proposed
 Consent Application AN/B-11:83
 (Page 1 of 1)





Committee of Adjustment
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COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT/LAND SEVERANCE

APPLICATION NO. AN/B-11:83
SUBMISSION NO. B-83/11

IN THE MATTER OF The Planning Act, R.S.O. 1990, Chapter P13, Section 53(1);

AND IN THE MATTER OF the Premises known as 401 Lynden Road, formerly in the Town of Ancaster, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent David Stevens on behalf of the owners Paul and Patricia Errygers, for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of an irregular U shaped parcel of land measuring approximately 239.0m and 136m on Lynden Road by 403.4m deep with an area of 17.24hectares to be used for agricultural purposes, and to retain a parcel of land measuring approximately 104m on Lynden Road by 220m deep with an area of 2.3hectares containing the existing single family dwelling for residential purposes.

THE DECISION OF THE COMMITTEE IS:

That the said application, as set out in paragraph three above, **IS APPROVED** for the following reasons:

1. The proposal does not conflict with the intent of the Hamilton-Wentworth and Town of Ancaster Official Plans.
2. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
3. The Committee considers the proposal to be in keeping with development in the area.

Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following conditions.


1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar.
2. That the owner/applicant receive rezoning approval to the satisfaction of the Manager of Development Planning to prohibit any residential uses.
3. That the owner/applicant receive approval of an Official Plan Amendment to the satisfaction of the Manager of Development Planning.
4. That the Owner dedicate a 10 ft (3.048 m) of land from the lands to be severed and retained for road allowance widening purposes to establish a property line of 43 ft (13.106 m) from the centreline of Lynden Road.
5. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation to the satisfaction of the Planning and Economic Development Department (Building Services Division).
6. The owner shall demolish all or an appropriate portion of any buildings straddling the proposed property line, to the satisfaction of the Planning and Economic Development Department (Building Services Division). May be subject to a demolition permit issued in the normal manner.

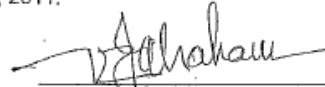
Appendix "C" to Report PED12137
Committee of Adjustment Decision for
Consent Application AN/B-11:83
(Page 2 of 2)

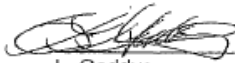
AN/B-11:83
Page 2

7. The owner shall submit survey evidence that the existing structures located on the lands to be retained (and if there are any buildings located on the lands to be conveyed) conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Services Division).
8. The owner/applicant shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be retained, to the satisfaction of the Planning and Economic Development Department (Building Services Division).
9. The applicant shall confirm how the "farm equipment building" is now accessory to the single family dwelling or receive final approval of a zoning By-Law amendment or minor variance for the lands to be retained. If the building is no longer intended to be constructed, the applicant shall cancel building permit 10-187648.
10. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

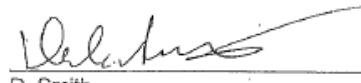
DATED AT HAMILTON this 27th day of October, 2011.



M. Dudzic, Chairman


V. Abraham


L. Gaddy


D. Serwatuk


D. Smith


D. Drury

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS November 3rd, 2011.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS
NOTICE OF DECISION (November 3rd, 2012) OR THE APPLICATION SHALL BE DEEMED TO
BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL
BOARD MAY BE FILED IS November 23rd, 2011.

NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.

NOTES (TO BE INCLUDED IN DECISION IF APPROVED):

1. The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances and the applicant is advised to conduct a Stage 1 and 2 archaeological assessment prior to such impacts in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Testing and Stage 4 Mitigation may be required as determined by the Ontario Ministry of Culture. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Culture.

Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry of Culture (MCL) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MCL and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392).

2. Based on the attached plans, and on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be conveyed will be assigned the municipal address of 435 Lynden Road, and that the lands to be retained will remain as 401 Lynden Road.

October 27th, 2011

AN/B-11:83 (401 Lynden Road, Ancaster)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – West:

The applicant is proposing to sever a surplus farm dwelling created as a result of farm consolidation.

Greenbelt Plan

The subject lands are designated as "**Protected Countryside – Prime Agricultural Area**" within the Greenbelt Plan. Policy 4.6 addresses lot creation for lands falling within the Protected Countryside. Policy 4.6.3 states that within the specialty crop area and prime agricultural area, lot creation is permitted for:

- a) Agricultural uses where the severed and retained lots are intended for agricultural uses and provided the minimum lot size is 40 acres within specialty crop area and 100 acres within prime agricultural areas;
- b) Existing and new agriculture-related uses, provided that any new lot will be limited to the minimum size needed to accommodate the use, including a sewage and water system appropriate for such a use;
- c) The severance of a residence surplus to a farming operation as a result of a farm consolidation, which residence was an existing use as of the date this Plan came into force, provided that the planning authority ensures that a residential dwelling is not permitted in perpetuity on the retained lot of farmland created by this severance. Approaches to ensuring no new residential dwellings on the retained lot of farmland may be recommended by the Province, or municipal approaches that achieve the same objective should be considered;
- d) The surplus dwelling policy in 4.6.3(c) also applies to rural areas as defined by municipal official plans. The severance should be limited to the minimum size needed to accommodate the dwelling, including existing and reserve areas for individual sewage and water services.

Staff note that the subject severance application is required as a result of a non-abutting farm consolidation. The severed portion of the property is to be consolidated with agricultural land holdings located at 568 Lynden Road. However, and in order to ensure conformity with Policy 4.6.3 c), should the Committee approve the subject application, staff require the fulfillment of condition No.1 stated below.

Provincial Policy Statement

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Policy 2.3.4 addresses lot creation and lot adjustments within agricultural areas. Specifically, Policy 2.3.4.1 states that lot creation in prime agricultural areas is discouraged and may only be permitted for:

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- a) Agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
- b) Agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;
- c) A residence surplus to a farming operation as a result of farm consolidation, provided that the planning authority ensures that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective; and
- d) Infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of way.

Further, Policy 2.3.4.3 states that the creation of new residential lots in prime agricultural areas shall not be permitted, except in accordance with policy 2.3.4.1 (c).

As the subject application is for the severance of a residence surplus to a farming operation as a result of a farm consolidation, staff find it consistent with 2.3.4.1 c) of the PPS, subject to the fulfillment of condition No. 1 stated below.

Hamilton-Wentworth Official Plan

The subject lands are designated as "**Rural Area – Prime Agricultural Area**" within the Hamilton-Wentworth Official Plan. Policy D-8 of the Plan addresses land severances and states that the severance of land on prime agricultural lands, is generally inconsistent with the principles of sustainable development. In addition, Policy D-8.1.1 states that policies related to Rural Settlement Areas, mineral aggregate areas, separation distances from watercourses, the Agricultural Code of Practice, consolidation of agricultural lands, surplus farm houses, continued farm viability and lots limited to appropriate size of intended use must be incorporated into the Area Municipal Official Plans. Therefore, please refer to comments provided by the Development Planning, West Section with regards to any applicable Ancaster Official Plan policies.

Policy D-8.2.1 states that the Region will establish a minimum lot size in the Rural Area of 0.4 hectares (approximately 1 acre). A larger lot size may be required by the Regional Public Health Department depending upon soil and site conditions or the findings of a hydrogeological study. A potable water supply must be available for the intended use of the land. Staff note that the parcel of land to be retained is 2.3 ha (5.7 acres) in size and contains a single detached dwelling serviced by an individual well and septic system.

Rural Hamilton Official Plan:

The subject lands are designated as "**Agriculture**" under the Ministerial approved Rural Hamilton Official Plan. Staff note that the Ontario Municipal Board (OMB) issued an order on June 28, 2011 approving portions of the Rural Hamilton Official Plan, including the "Agriculture"

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designation; however, errors in this decision have led to the City to request corrections to the order and one appellant to request a review of the decision in its entirety. An OMB ruling on the matter, including whether or not portions of the Rural Hamilton Official Plan came into effect June 28, is not expected until October.

In addition, staff note that the Lot Creation Policies of the Plan are still subject to an appeal before the Ontario Municipal Board and as such are not currently in force and effect.

Staff advise that Policy F.1.14.2.2 states that an existing farm dwelling that is a residence surplus to a farm operation as a result of a farm consolidation may be severed provided that:

b) the lot to be created for the surplus farm dwelling shall comply with the provisions of Section F.1.14.2.2 d) of this Plan.

c) In cases of a farm dwelling made surplus as a result of acquisition as part of a farm operation that does not result in the merging in title of parcels of land, applications for severance of the surplus dwelling shall comply with the following conditions:

- i) The owner and operator of the farm maintains an existing dwelling on land that is also part of the consolidated farm operation and is located in Rural Hamilton;
- ii) The parcels of land comprising the consolidated farm operation shall be a minimum of 38.4 hectares (95 acres) in total;
- iii) The parcel of land from which the surplus dwelling is severed shall be a minimum of 16.2 hectares (40 acres) in size for lands designated Agriculture or Rural on Schedule D – Rural Land Use Designations;
- iv) The parcel of land from which the surplus dwelling is severed shall have been owned and part of the consolidated farm operation for at least one year;
- v) The owner of the retained land shall grant in favour of Hamilton a restrictive covenant prior to the granting of final consent which prohibits the construction of any dwelling unit;
- vi) The land retained as a result of the severance of a surplus dwelling shall be rezoned prior to the granting of final consent to prohibit the construction of any dwelling unit; and
- vii) Barns and farm buildings situated on the land retained as a result of surplus farm dwelling severance shall comply with the Minimum Distance Separation 1 formula of the Province; and

d) states that in all cases where surplus farm dwellings are to be severed the following conditions shall also apply:

- i) The surplus dwelling to be severed shall be at least 25 years old;
- ii) The surplus dwelling lot shall be a minimum of 0.4 hectares (1acre), or such larger area as may be required by Section C.5.1, Sustainable Private Water and Wastewater Services of this Plan;
- iii) A private water well and private sewage disposal system shall be provided in accordance with Section C.5.1, Sustainable Private Water and Wastewater Services of this Plan;

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- iv) The shape and dimensions of the surplus farm dwelling lot shall not impair agricultural operations on the retained land and shall not exceed 122 metres (400 feet) in depth; and
- v) The surplus dwelling lot shall not include barns or other farm buildings which are not suitable to be used as accessory structures to a residential use prescribed by the Zoning By-law, and no such buildings or structures shall be used for industrial or commercial purposes."

For information purposes, staff note that this application would not meet Policy F.1.14.2.2 c) ii) as the consolidated farm operation will be 31.4 ha (78 acres) in size. In addition, the application would not meet Policy F.1.14.2.2 c) iv), as the parcel of land from which the surplus dwelling is severed is not currently owned and part of the consolidated farm operation. Further, staff note that in 2008 a dwelling was demolished and a new dwelling constructed on the surplus dwelling lot and as such this application would not meet Policy F.1.14.2.2 d) i). Finally, this application would not meet Policy F.1.14.2.2 d) iv) as the proposed depth of the surplus dwelling lot is 220 metres (722 feet).

The subject property meets four of the ten criteria used by the City of Hamilton and Ministry of Tourism and Culture for determining archaeological potential:

- 1) Within 300 metres of a primary watercourse or permanent water body, 200 metres of a secondary watercourse or seasonal water body, or 300 metres of a prehistoric watercourse or permanent water body;
- 2) Local knowledge associates areas with historic events/activities/occupations;
- 3) In an area of sandy soil in areas of clay or stone; and,
- 4) Along historic transportation routes.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the Planning Act and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application, which would normally require an archaeological assessment. This application will not result in significant soil disturbance. If this severance is granted staff do not require an archaeological assessment, but retains the authority to require one for any future applications on the subject property under the Planning Act, and require the inclusion of note No. 1 stated below.

Town of Ancaster Official Plan

The subject property is designated "Agricultural" in the Town of Ancaster Official Plan. Policy 4.1.1 states "The predominant use of lands designated Agricultural on Schedule A shall be for agriculture, forestry, and activities connected with the conservation of soil and wildlife. Agriculture uses shall include field crops, cattle, sheep, swine, and poultry production, apiaries, nurseries, greenhouses and mushroom farms."

Policy 4.1.3 states "In addition to the predominant uses of land expressed in Policy 4.1.1 and the ancillary uses in Policy 4.1.2, the following additional uses may be permitted on a limited basis:

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Page 5

- ii) A detached dwelling on an existing lot of record."

Policy 7.7.2.1 states "In considering consents for severance in the Agricultural Area, regard shall be had to the policies of this plan, the Hamilton-Wentworth Official Plan, and within the area of the Niagara Escarpment Plan, the provision of the Niagara Escarpment Plan. No consent shall be permitted unless the application complies with the policies of the relevant land use designation, Policy 7.7.1 and the following policies:

- i) Any proposal for consent within the Agricultural Area shall:
- a. not prejudice the existing and/or potential viability for a farm unit; nor interfere with the efficient agricultural operation of remaining lands or adjacent agricultural lands;
 - b. not adversely affect the natural environment of the particular area or existing and/or proposed adjacent agricultural uses;
 - c. result in uses compatible with existing or proposed nearby land uses and shall not adversely affect the surrounding rural landscape;
 - d. only be permitted where evidence is submitted that the requirements of the Ministry of the Environment and the Regional Department of Health or its agent can be complied with including the availability of private sewage disposal facilities and potable water supply;
 - e. comply with the minimum distance requirements of the Agricultural Code of Practice, as amended from time to time, where applicable; and,
 - f. be encourage to locate on the least productive portion of the applicants land holding where possible."

Policy 7.7.2.5 i) state "An application for one severance may be permitted where abutting farms have been consolidated by common ownership into one agricultural unit resulting in an extra surplus dwelling, the existing dwelling may be conveyed provided that no severance has been granted within the previous 3 years, a severance has not been granted under section 7.7.2.2 and 7.7.2.3 and that all parcels of land in the consolidated unit are registered in the same name and title.

The proposed lands to be severed are to be integrated into the farming operation of the property at 568 Lynden Road, however the property at 568 Lynden Road is not abutting the lands to be severed, as the proposal is to sever a surplus dwelling for lands that are not abutting, the proposal will not conform to policy 7.7.2.5 i) of the Town of Ancaster Official Plan.

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Town of Ancaster Zoning By-law

The subject property is zoned Agricultural "A" Zone in the Town of Ancaster Zoning By-law, to which the proposed use complies.

The proposed lands to be severed and lands to be retained will meet the minimum lot area requirement of 2,000 sq. m. and the minimum lot frontage requirement of 30m. The proposed lands to be severed and lands to be retained will also meet the minimum lot frontage requirement of 90m for a livestock agricultural property and the minimum lot area requirement of 2ha for a livestock agricultural property.

As the proposed lands to be severed do not abut the property at 568 Lynden Road the applicant will be required as a condition of consent approval, to rezone the property in order to prohibit a dwelling on the lands to be severed.

Recommendation:

As the proposed severance does not conform to the policies of the Town of Ancaster Official Plan, staff recommends that the proposed severance be **Denied**.

Conditions (To Be Included If Approved):

- 1) That the owner/applicant receive rezoning approval to the satisfaction of the Manager of Development Planning.
- 2) That the owner/applicant receive approval of an Official Plan Amendment to the satisfaction of the Manager of Development Planning.

NOTES (TO BE INCLUDED IN DECISION IF APPROVED):

1. That prior to any further approvals under the Planning Act or any construction requiring a building permit issued by the City of Hamilton, the property owner shall carry out an archaeological assessment of the entire development property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning and the Ministry of Tourism and Culture confirming that all archaeological resource concerns have met licensing and conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Tourism and Culture.

The subject lands are considered to be of archeological potential, and should deeply buried archaeological remains be found on the property during any of the above development activities the Ontario Ministry of Tourism and Culture (MTC) should be notified immediately (519.675.7742). In the event that human remains are encountered during construction, the

Appendix "D" to Report PED12137
Planning Comments for
Consent Application AN/B-11:83
(Page 7 of 7)

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Page 7

applicant/landowner should immediately contact both MTC and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government Services (416.326.8392).

2. Based on the attached plans, and on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be conveyed will be assigned the municipal address of 435 Lynden Road, and that the lands to be retained will remain as 401 Lynden Road.

Thomas, Cameron

From: Glen Plant
Sent: Tuesday, June 19, 2012 9:35 PM
To: Thomas, Cameron
Subject: severance

RE: file OPA-11=020 and ZAR-11-075, 401 Lynder Rd.

This property currently has an application to sever a portion of lands from a larger parcel. Originally there was an old house on the property and a new owner removed this and put a new home in its place. The application appears to want to separate the house and small acreage from the larger parcel and thus create a separate residential lot and a larger acreage for the purpose of farming. The way the layout appears places the home in the middle of the farm acreage with land on three sides of the house.

Years ago, a number of rural residents were dismayed with the creation of the green belt. Our understanding is that this restricted our ability to sever portions of our lands even when the lands are surplus to our needs. There are a number of properties in the 20 to 100 acres size that are too small by today's standards to be viable farm operations. Most of us end up either leaving the land fallow or renting it out to local farmers who crop these lands. In many cases a farmer may be interested in purchasing this surplus land but does not want the house that is attached. With the creation of the green belt, the opportunity to sever became very remote with a detrimental impact on our ability to maximize the proceeds from our lands.

I support this application for severance. I currently own two properties in the area, one of which is similar to the applicant. Myself and several of my neighbours see this as an opportunity to realize a greater return from our properties, allowing us to sever the house and then sell the surplus land to an interested farmer. Most of our properties are a similar size to the applicant and see this as a precedent setting ruling that will set the pattern for future applications.

Glen Plant
220 Parsonage Rd.,
Ancaster, Ont.

Appendix "F" to Report PED12137
Transfer of Ownership Documents
(Page 1 of 3)

LRO # 02 Transfer

Recorded as W8888908 on 2012 06 06 at 11:51

The applicant(s) hereby apply to the Land Registrar:

yyy mm dd

Page 1 of 2

Properties

R/W 17428 - 0000 LT Interest/Estate Fee Simple
Description PT LT 13, CON 2 ANCASTER, AS IN A8148540 EXCEPT PT 1 628668; ANCASTER
CITY OF HAMILTON
Address 401 LYNDEN RD
ANCASTER

Consideration

Consideration \$ 387,000.00

Transferor(s)

The transferor(s) hereby transfers the land to the transferee(s).

Name ERNYGERS, PATRICIA
Address for Service 401 Lynden Road
Ancaster, Ontario L8R 1T0

I am at least 18 years of age.

PAUL ERNYGERS and I are spouses of one another and are both parties to this document.

This document is not authorized under Power of Attorney by this party.

Name ERNYGERS, PAUL
Address for Service 401 Lynden Road
Ancaster, Ontario
L8R 1T0

I am at least 18 years of age.

PATRICIA ERNYGERS and I are spouses of one another and are both parties to this document.

This document is not authorized under Power of Attorney by this party.

Transferee(s)

Capacity

Share

Name DEBLIECK, JOOST A.H.
Date of Birth 1949 04 15
Address for Service 588 Lynden Road
FLR #2
Lynden, Ontario
L8R 1T0

Signed By

David Arthur Stevens 161 King Street West acting for Signed 2012 06 06
Dundas
L8W 1Y3
Transferor(s)
Tel 9056273831
Fax 9056280018

I am the solicitor for the transferor(s) and the transferee(s) and this transfer is being completed in accordance with my professional standards.

I have the authority to sign and register the document on behalf of all parties to the document.

Appendix "F" to Report PED12137
Transfer of Ownership Documents
(Page 2 of 3)

LRO # 02 Transfer

Received as WE888888 on 2012-06-08 at 11:51

The applicant(s) hereby applies to the Land Registrar:

yyyy mm dd Page 2 of 2

Signed By

David Arthur Stevens	181 King Street West Dundas L8H 1V3	solicitor for Transfer(s)	Signed	2012-06-08
Tel: 9056273531				
Fax: 9056280038				

I am the solicitor for the transfer(s) and the transferee(s) and this transfer is being completed in accordance with my professional standards.

I have the authority to sign and register the document on behalf of all parties to the document.

Submitted By

HINES & STEVENS	181 King Street West Dundas L8H 1V3			2012-06-08
Tel: 9056273531				
Fax: 9056280038				

Fees/Taxes/Payment

Statutory Registration Fee	\$60.00
Provincial Land Transfer Tax	\$4,280.00
Total Paid	\$4,340.00

LAND TRANSFER TAX STATEMENTS

In the matter of the conveyance of: 17408 - 0056 PTLT 13, CON 2 ANCASTER, AS IN A8145540 EXCEPT PT 1 62R555;
 ANCASTER CITY OF HAMILTON

BY: ERRYDERS, PATRICIA
 ERRYDERS, PAUL
 TO: DEBLIECK, JOOST A.H. %[all PIRs]

1. DEBLIECK, JOOST A.H.

I am

- (a) A person in trust for whom the land conveyed in the above-described conveyance is being conveyed;
- (b) A trustee named in the above-described conveyance to whom the land is being conveyed;
- (c) A transferee named in the above-described conveyance;
- (d) The authorized agent or solicitor acting in this transaction for _____ described in paragraph(s) _____ above.
- (e) The President, Vice-President, Manager, Secretary, Director, or Treasurer authorized to act for _____ described in paragraph(s) _____ above.
- (f) A transferee described in paragraph () and am making these statements on my own behalf and on behalf of _____ who is my spouse described in paragraph () and as such, I have personal knowledge of the facts herein reported to.

3. The total consideration for this transaction is allocated as follows:

(a) Money paid or to be paid in cash	387,000.00
(b) Mortgages (i) assumed (show principal and interest to be credited against purchase price)	0.00
(ii) Given Back to Vendor	0.00
(c) Property transferred in exchange (detail below)	0.00
(d) Fair market value of the land(s)	0.00
(e) Liens, legacies, annuities and maintenance charges to which transfer is subject	0.00
(f) Other valuable consideration subject to land transfer tax (detail below)	0.00
(g) Value of land, building, fixtures and goodwill subject to land transfer tax (total of (a) to (f))	387,000.00
(h) VALUE OF ALL CHATTELS - items of tangible personal property	0.00
(i) Other considerations for transaction not included in (g) or (h) above	0.00
(j) Total consideration	387,000.00

PROPERTY Information Record

A. Nature of Instrument: Transfer
 LRD 62 Registration No. WE835308 Date: 2010/06/06

B. Property(s): PIN 17408 - 0056 Address 401 LYNDEN RD Assessment 2514100 - 21026000
 ANCASTER Roll No

C. Address for Service: 588 Lynden Road
 R.R. 42
 Lynden, Ontario
 L0R 1T0

D. (i) Last Conveyance(s): PIN 17408 - 0056 Registration No. WE844322
 (ii) Legal Description for Property Conveyed: Same as in last conveyance? Yes No Not known

E. Tax Statements Prepared By: David Arthur Stevens
 181 King Street West
 Dundas L9H 1Y3