Hamilton

APPLICATION FOR AN OFFICIAL PLAN AMENDMENT
Under Section 22 of the *Planning Act*

APPLICATION FOR A ZONING BY-LAW AMENDMENT
Under Sections 34 and 36 of the *Planning Act*

Note: ***The following items are prescribed by regulation and must be completed:***
i) For Official Plan Amendment applications all items except Part V; and
ii) For Zoning By-law Amendment applications all items except Part IV
To avoid delays, other information supplied must be complete and accurate.
A sketch map and legal description are required. Incomplete applications will be returned.
All applications must be signed. Metric units must be used. Please type or print.

Office Use Only

Date Application Received	Date Application Deemed Completed	File No(s)	Fees Paid

PART I GENERAL PROPERTY DESCRIPTION

1. Application for:

- ☐ Regional Official Plan Amendment
- ☐ Local Official Plan Amendment
- ☑ Zoning By-law Amendment

2. Former Area Municipality City of Hamilton

3. All applicants are <u>required</u> to consult with the City of Hamilton prior to the submission of an application for Official Plan Amendment or Zoning By-law Amendment.

3.1 Have you formally consulted with the City of Hamilton prior to submitting this application? (If yes, please attach record of Formal Consultation to application) ☑ Yes ☐ No

3.2 Have the required studies, plans or reports been submitted? ☑ Yes ☐ No

4. Applicant Information

NAME	ADDRESS	TELEPHONE NO.
*Registered Owner(s)** 2806131 Ontario Limited (Royal Living Development Group Ltd.) c/o Alex Arab	1059 Upper James Street Hamilton, Ontario L9C 3A6	Home: ( ) Business: (905) 961-6787 E-Mail: alex.arbab@royalldgroup.com
Applicant Same as above		Home: ( ) Business: ( ) E-Mail:
Agent or Solicitor T.Johns Consulting Group Ltd. c/o Diana Morris	310 Limeridge Rd. W., Suite 6 Hamilton, ON L9C 2V2	Business: (905) 574 1993 ext. 202 E-mail: dmorris@tjohnsconsulting.com
All correspondence should be sent to (check one):	☐ Owner ☐ Applicant	☑ Agent/Solicitor

** If a numbered company, give name and address of principal owner*

5. Location of Property

Municipal Address	*Lot/Parcel No.*	*Concession*	*Former Township*
251 Stone Church Road West	Lot 17	Concession 8	Hamilton
Registered Plan No.	*Lot(s)/Block(s)*	*Reference Plan No.*	*Part(s)*

6. Particulars of Property (*in metric units*)

Frontage 60.96m	*Depth* 132.77m	*Area* 8096m² (0.81 hectares)

7. Encumbrances

7.1 Are there any mortgages, easements or restrictive covenants affecting the subject land? Yes
If yes, provide names and addresses of the holders of any mortgages, charges or other encumbrances in respect of the subject lands. Meridian Credit Union, 2 King St W, Hamilton, ON L8P 1A1

7.2 How long have the subject lands been in the owner's possession? July 2021

8. Existing Use of Property

☑ Residential ☐ Industrial ☐ Commercial ☐ Farmland ☐ Vacant ☐ Other(s)

8.1 How long has this existing use continued? Unknown

9. Previous Use of Property

☑ Residential ☐ Industrial ☐ Commercial ☐ Farmland ☐ Vacant ☐ Other(s)

9.1 If Industrial or Commercial, specify use: _____

9.2 ***Details of Previous Uses***

		Yes	***No***	***Unknown***
9.2.1	*Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?*	☐	☑	☐
9.2.2	*Has a gas station been located on the subject land or adjacent lands at any time?*	☐	☑	☐
9.2.3	*Has there been petroleum or other fuel stored on the subject land or adjacent lands?*	☐	☑	☐
9.2.4	*Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?*	☐	☑	☐
9.2.5	*Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?*	☐	☑	☐
9.2.6	*Have the lands or adjacent lands ever been used as a weapons firing range?*	☐	☑	☐
9.2.7	*Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational /non-operational landfill or dump?*	☐	☑	☐
9.2.8	*If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?*	☐	☑	☐
9.2.9	*Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?*	☐	☑	☐

9.3 What information did you use to determine the answers to 9.2 above?

Environmental Impact Statement submitted in support of the application.

9.4 If previous use of property is industrial or commercial or if YES to any of 9.2, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land is needed. Is the previous use inventory attached? _____

10. Uses Adjacent to the Subject Lands

North Low density residential

South Vacant lands (proposed residential development-by others)

East Low density residential

West Place of worship, Vacant lands

10.1 If applicable, describe any adjacent lands owned by the applicant(s)/owner(s) and/or lands in which the applicant(s)/owner(s) have a legal interest.

N/A

Frontage (metric)	*Depth (metric)*	*Area (metric)*

11. Related Planning Applications – Adjacent lands

11.1 Are there any applications under the Planning Act, such as for approval of an official plan amendment, a zoning by-law amendment, a minor variance, a plan of subdivision or a site plan, or for a consent, that includes land within 120 metres of the subject land? ☑ Yes ☐ No ☐ Unknown

11.2 If yes, and if known, list details below (if multiple applications, attach a separate page).

Approval authority: City of Hamilton

Type of application and File number: Formal Consultation (FC-21-116) 243 Stone Church Road West
Formal Consultation (FC-21-108) 305 Stone Church Road West

Description of land that is the subject of the application: Vacant Lands/existing single detached dwelling on #243

Purpose of the Application: Proposed residential (townhouses/singles)

*Effect on **this** application:* Proposed developments located directly to the east and south

Status of the application: Formal Consultation(s) completed

12. Heritage Features

12.1 Are there any buildings or structures on the subject lands that are on the list of Architectural and/or Historical Interest or have been designated under the Ontario Heritage Act? ☐ Yes ☑ No

12.2 Are there any buildings or structures on abutting lands that are on the list of Architectural and/or Historical Interest or have been designated under the Ontario Heritage Act? ☐ Yes ☑ No

12.3 If yes to either of the above, a Heritage Impact Assessment is needed. Is a Heritage Impact Assessment attached? ☐ Yes ☑ No

13. Provide a complete written description of the application with details of the proposed development including, but not limited to: proposed use(s), development details (i.e. height/storeys, floor area(s), number of parking/loading spaces, lot coverage, landscape area, etc.). Indicate type of business proposed with a proposed number of employees. If additional space is needed, attach a separate page.

The redevelopment of 251 Stone Church Rd W proposes to demolish the existing single-detached dwelling to accommodate the construction of one (1) multiple dwelling unit building. The building is proposed to be a total of 4-storeys with one hundred and sixteen (161) dwelling units. The proposed building will be supported by one (1) loading space and two hundred and three (203) parking spaces, including twenty (23) visitor parking spaces and six (6) barrier free parking spaces. Parking will be accommodated by surface parking and one (1) level of underground parking. Ninety (90) secure bicycle parking spaces are proposed within the underground parking area.

13.1 Provide details of the Owner/Applicant's proposed strategy for consulting with the public with respect to the application. If additional space is needed, attach a separate page.

Refer to Planning Justification Report.

PART II SERVICING (REQUIRED TO BE COMPLETED FOR ALL APPLICATONS)

14. Types of Servicing

This property will be serviced by (please check appropriate boxes):

14.1 Water Supply

☑ Municipal Piped Water System

☐ Private Well(s) *Specify individual or communal wells:* _____

☐ Other *(Specify)* _____

14.2 Sewage Disposal

☑ Municipal Sanitary Sewer System
☐ Private Septic Tank and Tile Field *Specify individual or communal septic system:* _____
☐ Other *(Specify)* _____

14.3 Storm Drainage

☑ Sewer
☐ Ditches
☐ Swales
☐ Others *(specify and provide explanation)* _____

14.4 Road Access and/or Frontage

Name of Road Stone Church Road West

Type of Road (i.e. Provincial Highway, Regional Road, Local Public Road, Private Road, Other)
Minor Arterial

If Other, specify details, including water and right of ways, if access to the subject land will be by water only, the parking and docking facilities used or to be used, and the approximate distance of these facilities from the subject land and the nearest public road.

PART III PROVINCIAL POLICY

15. Provincial Policy and Plans

15.1 a) Is the subject land within an area designated under any of the following Provincial Plans?

Growth Plan for the Greater Golden Horseshoe (P2G)	☑ Yes	☐ No
Greenbelt Plan	☐ Yes	☑ No
Niagara Escarpment Commission Plan	☐ Yes	☑ No
Parkway Belt West Plan	☐ Yes	☑ No
Other (Specify) _____	☐ Yes	☑ No

b) Explain how the requested Official Plan Amendment and / or Zoning By-law Amendment conforms or does not conflict with each of the applicable Provincial Plan(s). (Incorporate as part of Planning Justification Report if possible).

Refer to Planning Justification Report.

c) Explain how the requested amendment or rezoning is consistent with the Provincial Policy Statement (PPS) (Incorporate as part of Planning Justification Report if possible).

Refer to Planning Justification Report.

d) *Are the parts of the Official Plan that would be affected by the requested Official Plan Amendment inconsistent with a policy statement issued under subsection 3(1) of the Planning Act or fails to conform or conflicts with a provincial plan?*

☐ Yes ☑ No

If yes, explain how. (Incorporate as part of the Planning Justification Report)

e) *Are the existing parts of the Zoning By-law that would be affected by the requested Zoning By-law Amendment inconsistent with a policy statement issued under subsection 3(1) of the Planning Act, or fail to conform or conflict with a provincial plan?*

☐ Yes ☑ No

If yes, explain how. (Incorporate as part of the Planning Justification Report)

Refer to Planning Justification Report.

f) *Do the existing parts of the Zoning By-law that would be affected by the requested Zoning By-law Amendment fail to conform with a City of Hamilton Official Plan?*

☐ Yes ☑ No

If yes, explain how. (Incorporate as part of the Planning Justification Report)

g) *Is the proposed Zoning By-law Amendment consistent with policy statements issued under subsection 3(1) of the Planning Act and does it conform with or not conflict with a provincial plan?*

☑ Yes ☐ No

If yes, explain how. (Incorporate as part of the Planning Justification Report)

Refer to Planning Justification Report.

h) *Does the proposed Zoning By-law Amendment conform with a City of Hamilton Official Plan?* ☑ Yes ☐ No

If yes, explain how. (Incorporate as part of the Planning Justification Report)
Refer to Planning Justification Report.

15.2 Is this application to implement an alteration to the boundary of an area of settlement or to implement a new area of settlement? ☐ Yes ☑ No

If yes, provide the current official plan policies if any, dealing with the alteration or establishment of an area of settlement. Also, provide the details of the proposed official plan amendment.

15.3 Is this application to remove land from an area of employment? ☐ Yes ☑ No

If yes, provide the current official plan policies, if any, dealing with the removal of land from an area of employment. Also, provide details of the proposed official plan amendment.

16. Significant Features

16.1 All applications under the Planning Act are subject to review for regard to the Provincial Policy Statement issued by the Province of Ontario. Complete the following table and be advised of the potential information requirements in the noted section. ***If the information is not submitted, it may not be possible to do a complete and proper planning evaluation.***

TABLE – SIGNIFICANT FEATURE CHECKLIST

Feature or Development Circumstance	If a feature, is it on site or within 500 m OR If a development circumstance, does it apply?		If a feature, specify distance in metres.	Potential Information Needs
	Yes (X)	No (X)		
Non-farm development near designated urban areas or rural settlement area	☐	☑		*Demonstrate sufficient need within 20-year projections and that proposed development will not hinder efficient expansion of urban or rural settlement areas*
Class 1 industry[1]	☐	☑	m	*Assess development for residential and other sensitive uses within 70 metres*
Class 2 industry[2]	☐	☑	m	*Assess development for residential and other sensitive uses within 300 metres*
Class 3 industry[3]	☐	☑	m	*Assess development for residential and other sensitive uses within 1000 metres*
Land Fill Site	☐	☑	m	*Address possible leachate, odour, vermin and other impacts*
Sewage Treatment Plant	☐	☑	m	*Assess the need for a feasibility study for residential and other sensitive land uses*
Waste Stabilization Pond	☐	☑	m	*Assess the need for a feasibility study for residential and other sensitive land uses*
Active Railway line	☐	☑	m	*Evaluate impacts within 100 metres*
Controlled access highways or freeways, including designated future routes	☐	☑	m	*Evaluate impacts within 100 metres*
Airports where noise exposure forecast (NEF) or noise exposure projection (NEP) is 28 or greater	☐	☑		*Demonstrate feasibility of development above 28 NEF for sensitive land uses. Above the 35 NEF/NEP contour, development of sensitive land uses is not permitted*

Feature or Development Circumstance	If a feature, is it on site or within 500 m OR If a development circumstance, does it apply?		If a feature, specify distance in metres.	Potential Information Needs
	Yes (X)	No (X)		
Electric transformer station	☐	☑	m	*Determine possible impacts within 200 metres*
High voltage electric transmission line	☐	☑	m	*Consult the appropriate electric power service*
Transportation and infrastructure corridors	☐	☑		*Will the corridor be protected?*
Prime agricultural land	☐	☑		*Demonstrate need for use other than agricultural and indicate how impacts are to be mitigated*
Agricultural operations	☐	☑	m	*Development to comply with the Minimum Distance Separation Formulae*
Mineral aggregate resource areas	☐	☑		*Will development hinder access to the resource or the establishment of new resource operations?*
Existing Pits and Quarries	☐	☑	m	*Will development hinder continued operation or extraction?*
Mineral and petroleum resource areas	☐	☑		*Will development hinder access to the resource or the establishment of new resource operations?*
Significant wetlands	☐	☑	m	*Development is not permitted*
Significant portions of habitat of endangered species and threatened species	☐	☑	m	*Development is not permitted*
Significant fish habitat, woodlands, valley lands, areas of natural and scientific interest, wildlife habitat	☐	☑	m	*Demonstrate no negative impacts*
Significant groundwater recharge areas, headwaters and aquifers	☐	☑		*Demonstrate that these features will be protected*
Significant built heritage resources and cultural heritage landscapes	☐	☑		*Development should conserve significant built heritage resources and cultural heritage landscapes*

Feature or Development Circumstance	If a feature, is it on site or within 500 m OR If a development circumstance, does it apply?		If a feature, specify distance in metres.	Potential Information Needs
	Yes (X)	No (X)		
Significant archaeological resources	☐	☑		*Assess development proposed in areas of medium and high potential for significant archaeological resources. These resources are to be studied and preserved, or, where appropriate, removed, catalogued and analysed prior to development.*
Great Lakes system: A - within defined portions of the dynamic beach and 1:100 year flood level along connecting channels B - on lands subject to flooding and erosion	☐	☑		*A - Development is not permitted.* *B - Development may be permitted; demonstrate that hazards can be safely addressed*
Erosion hazards	☐	☑		*Determine feasibility within the 1:100 year erosion limits of ravines, river valleys and streams*
Floodplains	☐	☑		*Where one-zone floodplain management is in effect, development is not permitted within the floodplain.* *Where two-zone floodplain management is in effect, development is not permitted within the floodway.* *Where a floodplain Special Policy Area (SPA) has been established through approval from the Ministry of Natural Resources and the Ministry of Municipal Affairs and Housing, must meet the official plan policies for the SPA.*
Hazardous sites[4]	☐	☑		*Demonstrate that hazards can be addressed*
Contaminated sites	☐	☑		*Assess an inventory of previous uses in areas of possible soil contamination*

1 *Class 1 industry: Small scale, self-contained plant, no outside storage, low probability of fugitive emissions and daytime operations only.*

2 *Class 2 industry: Medium scale processing and manufacturing with outdoor storage, periodic output of*

emissions, shift operations and daytime truck traffic.

[3] *Class 3 industry: Processing and manufacturing with frequent and intense off-site impacts and a high probability of fugitive emissions.*

[4] *Hazardous sites: property or lands that could be unsafe for development or alteration due to naturally occurring hazard. These hazards may include unstable soils or unstable bedrock.*

17. Please provide any additional information which may assist staff and other agencies in reviewing this application.

Refer to Planning Justification Report.

PART IV	**OFFICIAL PLAN AMENDMENT (MUST BE COMPLETED FOR OFFICIAL PLAN AMENDMENT APPLICATIONS)**

18. Current Development Applications[1] N/A

([1] This Section is in addition to Section 11 – Relating Planning Applications, and is required to be completed by Ontario Regulation for Official Plan Amendments)

18.1 Is the subject land or land within 120 metres of it the subject of an application by the applicant under the Planning Act for a:

(a)	Minor Variance	☐ Yes	☐ No
	Consent	☐ Yes	☐ No
	Amendment to an official plan	☐ Yes	☐ No
	Zoning by-law	☐ Yes	☐ No
	Minister's zoning order	☐ Yes	☐ No
	Approval of a plan of subdivision	☐ Yes	☐ No
	Site plan	☐ Yes	☐ No

(b) If the answer to part (a) is Yes, the following information must be provided:

(i) File number(s) _____

(ii) Name of the approval authority considering the application(s) _____

(iii) Land(s) affected _____

(iv) Purpose of Application(s)_____

_____

(v) Status of the Application(s) _____

(vi) Effect on the requested amendment _____

_____

19. Official Plan Information

19.1 What is the existing Rural Hamilton Official Plan designation on the subject lands?

_____

Explain how the subject lands conform to the existing Rural Hamilton Official Plan designation.

_____

_____

_____

19.2 What is the existing Urban Hamilton Official Plan designation on the subject lands?

_____

Explain how the subject lands conform to the existing Urban Hamilton Official Plan designation.

_____

_____

_____

19.4 Are the subject lands located within an existing Secondary Plan? ☐ Yes ☐ No

If yes, what is the designation on the subject lands?

_____

Explain how the subject lands conform to the existing secondary plan designation.

_____

_____

19.3 Is the proposed Official Plan amendment intended to change, delete or replace an approved (Rural or Urban) official plan policy? ☐ Yes ☐ No

If yes, which policy or policies are proposed to be changed, replaced, or deleted?

_____

_____

_____

Describe the purpose of the requested amendment

_____

_____

_____

19.4 Is the proposed Official Plan amendment intended to add new policy? ☐ Yes ☐ No

If yes, provide details for the requested new policy

_____

_____

_____

Describe the purpose of the requested amendment

_____

_____

_____

19.5 Is the proposed Official Plan amendment intended to change or replace a land use designation? ☐ Yes ☐ No

If yes, what is the proposed designation on the subject land?

_____

_____

_____

What land use(s) will be permitted by the proposed designation on the subject land?

_____

_____

_____

Describe the purpose of the requested amendment

_____

_____

_____

19.6 What are the proposed Land Uses of the Property?

☐ Residential ☐ Commercial ☐ Mixed Use ☐ Industrial ☐ Institutional ☐ Other(s)

19.7 Why is this Amendment(s) required? Outline the planning evidence providing justification for the amendment(s). This should address, but not be limited to, why the proposed change is desirable and how it relates to the overall goals and objectives of the Rural Hamilton Official Plana and the Urban Hamilton Official Plan. (Incorporate as part of Planning Justification Report if possible)

_____

_____

_____

19.8 If a policy in the official plan is being changed, replaced or deleted or if a policy is being added, provide the text of the requested amendment(s). (attach to application)

19.9 If the requested amendment changes or replaces a schedule in the official plan, provide the requested schedule and the text that accompanies it. (attach to application)

PART V	ZONING BY-LAW AMENDMENT (MUST BE COMPLETED FOR ZONING BY-LAW AMENDMENT APPLICATIONS)

20. Official Plan and Zoning Information

20.1 Do the existing parts of the Zoning By-law that would be affected by the requested Zoning By-law Amendment fail to conform or conform with the Rural Hamilton Official Plan? Please explain. (Incorporate as part of the Planning Justification Report.

Refer to Planning Justification Report.

20.2 Do the existing parts of the Zoning By-law that would be affected by the requested Zoning By-law Amendment fail to conform or conform with the Urban Hamilton Official Plan? Please explain. (Incorporate as part of the Planning Justification Report.

Refer to Planning Justification Report.

20.3 What is the existing Zoning on the subject lands? "AA" (Agricultural) District in Zoning By-law No. 6593

20.4 What is the proposed Zoning? (Provide Reason for Rezoning)

"E-2/S-XX" (Multiple Dwelling District), Modified is proposed to facilitate the development. Refer to Planning Justification Report for details.

20.5 Is this application within an area where zoning with conditions may apply? ☐ Yes ☑ No

If yes, provide details of how the application conforms to Official Plan policies relating to the Zoning with conditions.

20.6 Is this application within an area where the municipality has pre-determined the minimum and maximum density requirements, or the minimum and maximum height requirements? ☑ Yes ☐ No

If yes, provide a statement of these requirements. Refer to Planning Justification Report.

21. List any Existing Buildings or Structures on the Property * = Zoning Application Only

Type of Buildings or Structures	*All Yard Setbacks (m)				*Building Dimensions	*Ground Floor Area	*Height	*When Built
	Front	Rear	Side	Side				
1.	See Survey Plan							

2.								
3.								

22. List any Proposed Buildings or Structures on the Property

Proposed Buildings or Structures	*All Yard Setbacks(m)				*Building Dimensions	*Ground Floor Area (m^2)	*Total Floor Area (m^2)	Building Height and No. of storeys
	Front	Rear	Side	Side				
1.								
2.								
3.								

See Concept Plan

23. Related Planning Applications – Subject lands

23.1 Has the subject land ever been the subject of an Official Plan amendment and/or rezoning application? ☐ Yes ☑ No ☐ Unknown

If yes, state type of application, file number and status. _____

_____

23.2 Has a severance/consent application ever been made? ☐ Yes ☑ No ☐ Unknown

If yes, state type of application, file number and status. _____

_____

Note: If a decision on the severance has been made, please enclose a copy of the decision with this application.

23.3 Does the proposed amendment involve a subdivision or condominium application? ☐ Yes ☑ No ☐ Unknown

If yes, state type of application, file number and status. _____

_____

_____

23.4 Has the subject lands ever been the subject of a Minister's Zoning Order? ☐ Yes ☑ No ☐ Unknown

If yes, provide the Ontario Regulation number of that order and details. _____

_____

_____

_____

24. For Zoning By-law Amendment applications, a sketch (in metric units) must be attached showing the following:

(a) the boundaries and dimensions of the subject lands;
(b) the location, size and type of all existing and proposed buildings and structures on the subject land, indicating their distance from the front lot line, rear lot line and side lot lines;
(c) the approximate location of all natural and artificial features (for example, buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that,

(i) are located on the subject land and on land that is adjacent to it, and

(ii) in the applicant's opinion may affect the application;

(d) the current uses of land that is adjacent to the subject land;

(e) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;

(f) if access to the subject land will be water only, the location of the parking and docking facilities to be used; and

(g) the location and nature of any easement affecting the subject land.

PART VI	

25. ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for identification and remediation of contamination on the property, which is the subject of this Application - by reason of its approval to this Application.

16-MAY-2022
Date

Signature of Owner

26. AFFIDAVIT OR SWORN DECLARATION

I, Diana Morris of the City of Hamilton in the Region of Hamilton-Wentworth/Province of ON make oath and say (or solemnly declare) that the information contained in this application is true and that the information contained in the documents that accompany this application is true.

Sworn (or declared) before me
at the City of Hamilton
in the Province of Ontario
this 4th day of May, 2022

U. Krugel
A Commissioner, etc.

URSULA KRUGEL,
a Commissioner, etc., Province of Ontario,
for T. Johns Consulting Group Ltd.
Expires January 7, 2023.

D Morris
Applicant

27. AUTHORIZATION

If the applicant is not the owner of the land that is the subject of this application, the authorization set out below must be completed.

Authorization of Owner for Agent to Make the Application

I, ALI ARBAN, am the owner of the land that is the subject of this application and I authorize T. Johns Consulting Group to act as my agent in this matter and to make this application on my behalf and to provide any of my personal information that will be included in this application or collected during the processing of the application.

16-may-2022
Date

Signature of Owner

28. CONSENT OF THE OWNER

Consent of Owner to the Disclosure of Application Information and Supporting Documentation

Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted to the City.

I, 2806131 Ontario Limited c/o Alex Arbab , the Owner, hereby agree and acknowledge that the information
(Print name of Owner)
contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

Furthermore, I acknowledge that if the Public Notice Sign is not removed within 30 days of City Council's decision, the City is authorised to enter the land and to remove the sign at my expense.

16 may -2022
Date

Signature of Owner

29. COLLECTION OF INFORMATION

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 71 Main Street West, 1st Floor, City Hall., Hamilton, Ontario, Telephone: 905-546-2424, ext. 1928.

CITY OF HAMILTON
COST ACKNOWLEDGEMENT AGREEMENT

THIS AGREEMENT is made this _____ day of _____, 20 _____.

BETWEEN:

2806131 Ontario Limited c/o Alex Arbab
Applicant's name(s)
hereinafter referred to as the "Developer"

-and-

CITY OF HAMILTON
hereinafter referred to as the "City"

WHEREAS the Developer represents that he/she is the registered owner of the lands described in Schedule "A" attached hereto, and which lands are hereinafter referred to as the "lands";

AND WHEREAS the Developer has filed for an application for a (circle applicable) consent / rezoning / official plan amendment / subdivision approval / minor variance.

AND WHEREAS it is a policy of the City that any City costs associated with an appeal to the Ontario Land Tribunal, by a party other than the Developer, of an approval of a consent, rezoning, official plan amendment, plan of subdivision, and/or minor variance, such as, but not limited to, legal counsel costs, professional consultant costs and City staff costs, shall be paid by the Developer.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the sum of two dollars ($2.00) now paid by the City to the Developer, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. In this Agreement:

   (a) "Application" means the application(s) for a (circle applicable) consent / rezoning / official plan amendment / subdivision approval or minor variance dated _____with respect to the lands described in Schedule "A" hereto.

   (b) "Expenses" means all expenses incurred by the City if the application is: (a) approved by the City; (b) appealed to the Ontario Land Tribunal by a party other than the developer; and (c) the City appears before the Ontario Land Tribunal or any other tribunal or Court in support of the application, including but not limited to: City staff time, City staff travel expenses and meals, City disbursements, legal counsel fees and disbursements and all consultant fees and disbursements including, without limiting the generality of the foregoing planning, engineering or other professional expenses

2. The City agrees to process the application and, where the application is approved by the City but appealed to the Ontario Land Tribunal by a party other than the Developer, the Developer shall file an initial deposit, in the form of certified cheque or cash with the General Manager, Finance & Corporate Services within fifteen days of the date of the appeal of the application by a third party in the amount of 50% of the estimated expenses associated with the appeal as estimated by the City Solicitor in his sole discretion which shall be credited against the Expenses.

3. It is hereby acknowledged that if the deposit required pursuant to section 2 of this Agreement is not paid by the Developer the City shall have the option, at its sole discretion, of taking no further steps in supporting the Developer's application before the Ontario Land Tribunal.

4. It is hereby acknowledged that all expenses shall be paid for by the Developer. The Developer shall reimburse the City for all expenses the City may be put to in respect of the application upon demand.

5. It is hereby acknowledged and agreed that all expenses shall be payable by the Developer whether or not the Developer is successful before the Ontario Land Tribunal or any other tribunal or Court in obtaining approval for their application.

6. The City shall provide the Developer with copies of all invoices of external legal counsel or consultants included in the expenses claimed by the City.

7. The City shall provide the Developer with an accounting of all staff costs and City disbursements included in the expenses claimed by the City.

8. The City may, at any time, draw upon the funds deposited in accordance with sections 2 and 9 of this Agreement to satisfy expenses incurred pursuant to the appeal of the application.

9 In the event that the amount deposited pursuant to section 2 of this Agreement is reduced to less than 10% of the initial deposit, the City may halt all work in respect of the appeal of the application until the Developer deposits with the City a sum sufficient to increase the deposit to an amount which is equal to 100% of the expenses estimated pursuant to paragraph 2 of this Agreement and still to be incurred by the City.

10. Within 60 days of: (a) a decision being rendering in respect of the appeal or any legal proceedings resulting from the decision, whichever is later; or (b) the termination of all legal proceedings in respect of the application, the City shall prepare and submit a final account to the Developer. If there are any deposit funds remaining with the City they shall be applied against the account. Any amount owing in respect of the final account in excess of deposit funds shall be paid by the Developer within 30 days of the date of the final account. If any deposit funds are remaining after the final account has been paid they shall be returned to the developer within 30 days of the date of the final account.

11. This Agreement shall not be construed as acceptance of the application and nothing herein shall require or be deemed to require the City to approve the application.

12. This Agreement shall not stand in lieu of or prejudice the rights of the City to require such further and other agreements in respect of the application that the City may deem necessary.

13. Every term, covenant, obligation and condition in this Agreement ensures to the benefit of and is binding upon the parties hereto and their respective heirs, executors, administrators, successors, trustees and assigns.

14. When the context so requires or permits, the singular number is to be read as if the plural were expressed, and the masculine gender as if the feminine, as the case may be, were expressed; and,

15. This Agreement and the schedules hereto constitute the entire agreement between the parties in respect of the subject matter contained herein and is not subject to, or in addition to, any other agreements, warranties or understandings, whether written, oral or implied. This Agreement may not

be modified or amended except by instrument in writing signed by the Developer and the City, and,

16. The waiver or acquiescence by the City of any default by the Developer under any obligation to comply with this Agreement shall not be deemed to be a waiver of that obligation or any subsequent or other default under this Agreement.

17. The Developer covenants and agrees to be bound by the terms and conditions of this Agreement and not to seek a release from the provisions thereof until such time as the Developer's obligations hereunder have been assumed by its successor, assignee or transferee by way of written agreement in the form set out in Schedule "B" to this Agreement.

IN WITNESS WHEREOF the parties hereto have set their corporate seals under the hands of their duly authorized officers.

DATED at HAMILTON this 16th day of May, 20 22.

WITNESS UGO GIAMMARCO

Per:
I have authority to bind the corporation.

WITNESS

Per:
I have authority to bind the corporation

DATED at Hamilton, Ontario this _____ day of _____, 20 _____.

City of Hamilton

Per: _____
Mayor

Per: _____
Clerk