



**APPLICATION FOR APPROVAL OF A DRAFT PLAN OF SUBDIVISION
OR CONDOMINIUM DESCRIPTION**

Under Section 51 of the *Planning Act*

N.B. Submission of this application constitutes tacit consent for authorized City of Hamilton staff to inspect the subject lands or premises.

Application for:

- Draft Plan of Subdivision
- Revision to Draft Approved Plan of Subdivision (specify type)
 - Major
 - Minor
- Draft Plan of Condominium Description (specify type)
 - Standard Condominium
 - Common Element Condominium
 - Phased Condominium
 - Vacant Land Condominium
- Revision to Draft Approved Plan of Condominium
- Conversion from Rental to Condominium

Has a Formal Consultation been completed for this proposal?

Applicable only to applications for Draft Plan of Subdivision or Draft Plan of Condominium (Vacant Land)

Yes, File Number: FC- _____ Document Dated: _____

The required studies, plans and/or reports as outlined in the Formal Consultation Document have been submitted.

No, Formal Consultation was not completed for this proposal.

The required plans, studies and reports as per the Urban Hamilton Official Plan or Rural Hamilton Official Plan have been submitted.

1. APPLICANT INFORMATION

NAME	ADDRESS	CONTACT INFORMATION
Registered Owner*		Phone:
		Email:
Applicant		Phone:
		Email:
Agent		Phone:
		Email:
<p>All correspondence should be sent to (check one):</p> <p><input type="checkbox"/> Owner <input type="checkbox"/> Applicant <input type="checkbox"/> Agent</p>		

* If a numbered company, provide name and address of principal Owner(s).

2. PROPERTY INFORMATION

2.1 Legal Description of the subject lands.

Municipal Address			
Former Municipality			
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number(s)		Part(s)	

2.2 Encumbrances

Are there any easements or restrictive covenants affecting the subject land?

Yes No

If yes, provide description.

2.3 Indicate the location and area of adjoining or nearby lands in which the Owner has an interest.

2.4 Previous use of the subject lands.

Residential Industrial Commercial Agricultural Vacant Other(s)

If Industrial or Commercial, specify use:

2.5 Details of previous uses.

	Yes	No	Unknown
(a) Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Has a gas station been located on the subject land or adjacent lands at any time?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Has there been petroleum or other fuel stored on the subject land or adjacent lands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(e) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(f) Have the lands or adjacent lands ever been used as a weapons firing range?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(g) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(h) 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(i) Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2.6 What information did you use to determine the answers to 2.5(a) to (i) above?

2.7 If previous use of property is industrial or commercial, or if Yes to any of 2.5(a) to (i), 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? Yes No

2.8 Has the property been subject of any of the following applications under the *Planning Act*?

	Yes	No	Unknown	File No.	Status / Approval Date
Official Plan Amendment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Zoning By-law Amendment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Draft Plan of Subdivision	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Draft Plan of Condominium	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Severance/Consent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Minor Variance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Site Plan Control	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Minister's Zoning Order	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	O. Reg. No.	

3. PURPOSE OF THE APPLICATION

3.1 Current use of the subject land.

3.2 Current Official Plan designation of the subject land.

3.3 Explain how the draft plan conforms to the applicable Official Plan.

3.4 Proposed Uses.

Proposed Land Use	Number of Units or Dwellings	Number of Lots and/or Blocks on the Draft Plan	Area (ha)	Density (Units, Dwellings per ha)	Number of Parking Spaces ¹
Detached Residential					
Semi-detached Residential					
Multiple attached Residential					
Apartment Residential					

Seasonal Residential					
Mobile home					
Other Residential (specify)					
Commercial					
Industrial					
Park, Open Space					
Institutional (specify)					
Roads					
Other (specify)					
TOTAL					

¹ Complete only for detached and semi-detached residential if for approval of condominium description

3.5 Provide any additional information which may assist staff and other agencies in reviewing this proposal.

ADDITIONAL INFORMATION FOR CONDOMINIUM APPLICATIONS ONLY

3.6 Has a site plan for the proposed condominium been approved? Yes No
 If yes, indicate file number and the status of the application, and site plan agreement information (if applicable).

3.7 Has a site plan agreement been entered into? Yes No
 If yes, and if known, indicate file number and the status of the application.

3.8 Has a building permit for the proposed condominium been issued? Yes No

3.9 Has construction of the development started? Yes No

3.10 If construction is completed, indicate the date of completion.

3.11 Is this a conversion of a building containing rental residential units? Yes No
 If Yes, please complete Table A and Table B.

TABLE A – Building Characteristics

Year Built:	
Gross Floor Area (m ²):	
Number of Storeys:	
Total # of Units:	
By Bedroom Type	
Bachelor	unit(s)
1 Bedroom	unit(s)
2 Bedroom	unit(s)
3 Bedroom	unit(s)
4 Bedroom	unit(s)

TABLE B – Existing tenants and market rents in the building
 (List by unit number and bedroom type or attach Rent Roll)

Units #	Number of Bedrooms	Rent (\$)	Effective Date of Rent Figure	Name of Tenants(s)

(If additional entries, attach as a separate page.)

4. SERVICING AND ACCESS

4.1 Sewage Disposal and Water Supply

Indicate the proposed servicing type in the table below. Attach and provide the servicing information/reports as indicated in the Table.

Service Type		Action or Needed Information Mandatory Reports
Sewage Disposal		
<input type="checkbox"/>	Public piped sewage system	No action at this time. City will need to confirm that capacity is available to service this application.

<input type="checkbox"/>	Public or private communal septic system.	Communal systems for the development of more than 5 lots/units: servicing report ¹ , hydrogeological report ² , and indication whether a public body is willing to own and operate the system ³ .
<input type="checkbox"/>		Communal systems for the development of 5 or less lots/units and generating less than 4500 units per day effluent: hydrogeological report ² .
<input type="checkbox"/>	Individual septic system(s)	Individual septic systems for the development of more than 5 lots/units: servicing report ¹ and hydrogeological report ² .
<input type="checkbox"/>		Individual septic systems for the development of 5 or less lots/units and generating less than 4500 litres per day effluent: hydrogeological report ² .
<input type="checkbox"/>	Other	To be described by the applicant.
Water Supply		
<input type="checkbox"/>	Public piped water system	No action at this time. City will need to confirm that capacity is available to service this application.
<input type="checkbox"/>	Public or private communal well(s)	Communal well systems for the development of more than 5 lots/units: servicing report ¹ , hydrogeological report ² and indication whether a public body is willing to own and operate the system ³ .
<input type="checkbox"/>		Communal well systems for non-residential development where water will be used for human consumption: hydrogeological report ² .
<input type="checkbox"/>	Individual well(s)	Individual wells for the development of more than 5 lots/units: servicing report ¹ and hydrogeological report ² .
<input type="checkbox"/>		Individual wells for non-residential development where water will be used for human consumption: hydrogeological report ² .
<input type="checkbox"/>	Communal surface water	Approval of a "water taking permit" under Section 34 of the Ontario Water Resources Act is necessary for this type of servicing.
<input type="checkbox"/>	Individual surface water	MNR clearance should accompany the servicing options report submitted to MECP.
<input type="checkbox"/>	Other	To be described by applicant.

1. Confirmation that the Ministry of Environment, Conservation and Parks (MECP) and the City concur with the mandatory servicing report will facilitate the review of the application.
2. All development on individual or communal septic tanks requires a mandatory hydrogeological report. Before undertaking a hydrogeological report, consult MECP about the type of hydrogeological assessment that MECP would expect to see given the nature and location of the proposal.

3. Where communal services are proposed (water and/or sewage), these services must be owned by the City, unless otherwise permitted by MECP.

4.2 Storm Drainage, Road Access and Water Access

Indicate the proposed type of storm drainage and access in the Table below. Attach and provide the servicing information as indicated in the Table.

Service Type		Action or Needed Information/Reports
Storm Drainage		
<input type="checkbox"/>	Sewers	A preliminary stormwater management report is recommended, and should be prepared concurrent with any hydrogeological reports for submission with the application. A storm water management plan will be needed prior to final approval of a plan of subdivision or as a requirement of site plan approval.
<input type="checkbox"/>	Ditches or Swales	
<input type="checkbox"/>	Other	
Road Access		
<input type="checkbox"/>	Provincial highway	Application for an access permit should be made concurrent with this application. An access permit is required from MTO before any development can occur.
<input type="checkbox"/>	Municipal road maintained all year	No action at this time. The municipality will indicate acceptance of road alignment and access when the application is circulated for comment.
<input type="checkbox"/>	Municipal road maintained seasonally	Subdivision or condominium development is not usually permitted on seasonally maintained roads.
<input type="checkbox"/>	Right-of-way	Access by right-of-ways on private roads are not usually permitted, except as part of condominium.
<input type="checkbox"/>	Water Access	Information from the owner of the docking facility on the capacity to accommodate the proposed development will assist the review. If Water Access is proposed, attach a description of the parking and docking facilities to be used and the approximate distance of these facilities from the subject land and the nearest public road.

- 4.3 Have you attached a preliminary stormwater management report? If not attached as a separate report, in what report can it be found?

Yes No

- 4.4 Are the water, sewage or road works associated with the proposal subject to the provisions of the Environmental Assessment Act?

Yes No

If Yes, do you want the notice of public meeting for this application to be modified to state that the public meeting will address the requirements of both the Planning Act and the Environmental Assessment Act?

Yes No

5. PROVINCIAL POLICY

This section is required to be completed for all applications. If sufficient room is not provided on the application form, detailed explanations can be provided as part of the Planning Justification Report.

5.1 Explain how the draft plan is consistent with the Policy Statements issued under subsection 3(1) of the Planning Act.

5.2 Is the subject land within an area designated under any of the following Provincial Plans?

Provincial Planning Statement	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Greenbelt Plan	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Niagara Escarpment Commission Plan	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Parkway Belt West Plan	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Other (Specify)	<input type="checkbox"/> Yes	<input type="checkbox"/> No

5.3 Explain how the application conforms or does not conflict with the applicable Provincial Plan(s).

5.4 All applications under the Planning Act are subject to review for regard to the Provincial Planning 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 will not be possible to do a complete and proper planning evaluation.

Feature or Development Circumstance	Is the feature on site or within 500m OR If a development circumstance does it apply?		If a feature, specify the distance in metres.	Potential Information Needs
	Yes	No		
Non-farm development near designated urban areas or rural settlement area	<input type="checkbox"/>	<input type="checkbox"/>		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	<input type="checkbox"/>	<input type="checkbox"/>		Assess development for residential and other sensitive uses within 70 metres
Class 2 industry ²	<input type="checkbox"/>	<input type="checkbox"/>		Assess development for residential and other sensitive uses within 300 metres
Class 3 industry ³	<input type="checkbox"/>	<input type="checkbox"/>		Assess development for residential and other sensitive uses within 1000 metres
Land Fill Site	<input type="checkbox"/>	<input type="checkbox"/>		Address possible leachate, odour, vermin and other impacts
Sewage Treatment Plant	<input type="checkbox"/>	<input type="checkbox"/>		Assess the need for a feasibility study for residential and other sensitive land uses
Waste Stabilization Pond	<input type="checkbox"/>	<input type="checkbox"/>		Assess the need for a feasibility study for residential and other sensitive land uses
Active Railway line	<input type="checkbox"/>	<input type="checkbox"/>		Evaluate impacts within 100 metres
Controlled access highways or freeways, including designated future routes	<input type="checkbox"/>	<input type="checkbox"/>		Evaluate impacts within 100 metres
Airports where noise exposure forecast (NEF) or noise exposure projection (NEP) is 28 or greater	<input type="checkbox"/>	<input type="checkbox"/>		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
Electric transformer station	<input type="checkbox"/>	<input type="checkbox"/>		Determine possible impacts within 200 metres

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

Feature or Development Circumstance	Is the feature on site or within 500m OR If a development circumstance does it apply?		If a feature, specify the distance in metres.	Potential Information Needs
	Yes	No		
Significant archaeological resources	<input type="checkbox"/>	<input type="checkbox"/>		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	<input type="checkbox"/>	<input type="checkbox"/>		A - Development is not permitted. B - Development may be permitted; demonstrate that hazards can be safely addressed
Erosion hazards	<input type="checkbox"/>	<input type="checkbox"/>		Determine feasibility within the 1:100 year erosion limits of ravines, river valleys and streams
Floodplains	<input type="checkbox"/>	<input type="checkbox"/>		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 Special Policy Area (SPA) is in effect, must meet the official plan policies for the SPA.
Hazardous sites ⁴	<input type="checkbox"/>	<input type="checkbox"/>		Demonstrate that hazards can be addressed

Feature or Development Circumstance	Is the feature on site or within 500m OR If a development circumstance does it apply?		If a feature, specify the distance in metres.	Potential Information Needs
	Yes	No		
Contaminated sites	<input type="checkbox"/>	<input type="checkbox"/>		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.

5.5 Does the subject land have cultural heritage value or interest recognized by:

a) Designation under Part IV or Part V of the *Ontario Heritage Act*?

Yes No

b) Listing as a non-designated property on the Municipal Heritage Register under Section 27 of the *Ontario Heritage Act*?

Yes No

c) An easement or covenant under the *Ontario Heritage Act*?

Yes No

d) An "H" holding provision in the zoning requiring that requires the submission and approval of a Cultural Heritage Impact Assessment prior to the holding being lifted?

Yes No

5.6 Are any *adjacent* properties to the subject lands recognized as *protected heritage property* (i.e., designated or subject to an easement or covenant under the *Ontario Heritage Act*)?

Yes No

5.7 If yes to either of 5.5 a), b), c) or d), or 5.6 above, a Cultural Heritage Impact Assessment is required. Is a Cultural Heritage Impact Assessment attached?

Yes No

- 5.8 If the plan would permit development on land that is an area of archaeological potential or that contains known archaeological resources, the following are required to be submitted:
- a) an archaeological assessment prepared by a person who holds a licence that is effective with respect to the subject land, issued under Part VI (Conservation of Resources of Archaeological Value) of the Ontario Heritage Act; and
 - b) a conservation plan for any archaeological resources identified in the assessment.

Is an Archaeological Assessment attached?

Yes No

6. DRAFT PLAN

- 6.1 The Planning Act requires submission of a key map, at a scale of not less than 1:10,000 and draft plan drawn to scale, showing the matters described in Subsection 51(17) of the Act, listed as follows:
- a. the boundaries of the land proposed to be subdivided, certified by an Ontario land surveyor;
 - b. the locations, widths and names of the proposed highways within the proposed subdivision and of existing highways on which the proposed subdivision abuts;
 - c. on a small key plan, on a scale of not less than one centimetre to 100 metres, all of the land adjacent to the proposed subdivision that is owned by the applicant or in which the applicant has an interest, every subdivision adjacent to the proposed subdivision and the relationship of the boundaries of the land to be subdivided to the boundaries of the township lot or other original grant of which the land forms the whole or part;
 - d. the purpose for which the proposed lots are to be used;
 - e. the existing uses of all adjoining lands;
 - f. the approximate dimensions and layout of the proposed lots;
 - f.1 if any affordable housing units are being proposed, the shape and dimensions of each proposed affordable housing unit and the approximate location of each proposed affordable housing unit in relation to other proposed residential units;
 - g. natural and artificial features such as buildings or other structures or installations, railways, highways, watercourses, drainage ditches, wetlands and wooded areas within or adjacent to the land proposed to be subdivided;
 - h. the availability and nature of domestic water supplies;
 - i. the nature and porosity of the soil;
 - j. existing contours or elevations as may be required to determine the grade of the highways and the drainage of the land proposed to be subdivided;
 - k. the municipal services available or to be available to the land proposed to be subdivided; and
 - l. the nature and extent of any restrictions affecting the land proposed to be subdivided, including restrictive covenants or easements.

Instructions for Sections 7 – 9 below:

- Use a separate page for each registered owner of the property.
- Where the owner is a Corporation, include the full name of the Corporation and name and title of signing officer.

7. CONSENT OF THE OWNER(S)

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.

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

I, _____, the Owner(s), hereby agree and acknowledge that the information 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.

Date

Signature of Owner(s)

8. AUTHORIZATIONS

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

8.1 Authorization of Owner for Agent to Make the Application

I, _____, am the Owner(s) of the land that is the subject of this application and I authorize _____ 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.

Date

Signature of Owner(s)

8.2 Authorization of Owner for Agent to Provide Personal Information

I, _____, am the Owner(s) of the land that is the subject of this application for approval of a plan of subdivision (or condominium description) and for the purpose of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56. I authorize _____ as my agent for this application, to provide any of my personal information that will be included in this application or collected during the processing of this application.

Date

Signature of Owner(s)

9. ACKNOWLEDGEMENTS

Acknowledgements must be signed by the owner(s). Initial beside each item and sign below.

9.1 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. Initials

9.2 I acknowledge the City of Hamilton has not verified servicing capacity and the City is not making any guarantees or representations that there is servicing capacity for any proposed development. Initials

9.3 I acknowledge that a Public Notice sign is required to be posted on the subject lands, clearly visible and legible from a public highway (road), and at the sole expense of the Owner. The sign must be posted no later than 7 days after receiving the Sign Posting Requirements letter from the Planning Division. I acknowledge that the sign will remain posted and visible until after the Public Meeting. **Failure to post the sign in accordance with the requirements will result in the City posting the sign and invoicing the Owner.** Furthermore, I acknowledge that if the Public Notice Sign is removed within 30 days of City Council’s decision, the City is authorized to enter the land and to remove the sign at my expense. Initials

Date

Signature of Owner(s)

10. AFFIDAVIT OR SWORN DECLARATION

This declaration must be sworn before a Commissioner of Oaths. A Commissioner is available at the following Departments:

- Planning Division, City Hall, 5th Floor
- City Clerk’s Division, City Hall, 1st Floor

I, _____ of the _____, in the _____ 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 _____

in the _____

this _____ day of _____, _____.

Commissioner of Oaths

Owner / Applicant

11. 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 request and 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 Planning Division at pdgeninq@hamilton.ca or 905-546-2424 ext. 1355.

**CITY OF HAMILTON
COST ACKNOWLEDGEMENT AGREEMENT**

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

BETWEEN:

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 have hereunto affixed their corporate seals duly attested to by their proper signing officers in that behalf.

SIGNED, SEALED AND DELIVERED

_____ c/s
 Owner:
 Title:
 I have authority to bind the corporation

_____ c/s
 Assignee:
 Title:
 I have authority to bind the corporation

CITY OF HAMILTON

 Mayor

 Clerk

SCHEDULE "A"
DESCRIPTION OF LANDS

**SCHEDULE “B”
FORM OF ASSUMPTION AGREEMENT**

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

BETWEEN

(hereinafter called the “Owner”)

OF THE FIRST PART

-and-

(hereinafter called the “Assignee”)

-and-

OF THE SECOND PART

CITY OF HAMILTON
(hereinafter called the “Municipality”)

OF THE THIRD PART

WHEREAS the owner and the Municipality entered into and executed a Cost Acknowledgement Agreement dated _____.

AND WHEREAS Assignee has indicated that it will assume all of the Owner’s duties, liabilities and responsibilities as set out in the Cost Acknowledgement Agreement.

AND WHEREAS Council for the Municipality has consented to releasing the Owner from its duties, liabilities and responsibilities under said Cost Acknowledgement Agreement subject to the Assignee accepting and assuming the Owner’s duties, liabilities and responsibilities and subject to the Assignee the Owner and the Municipality entering into and executing an Assumption Agreement.

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the mutual covenants hereinafter expressed and other good and valuable consideration, the parties hereto agree as follows.

1. The Assignee covenants and agrees to accept, assume and to carry out the Owner’s duties, liabilities and responsibilities under the Cost Acknowledgement Agreement and in all respects to be bound under said Cost Acknowledgement Agreement as if the Assignee had been the original party to the agreement in place of the Owner.

2. The Municipality hereby releases the Owner from all claims and demands of any nature whatsoever against the Owner in respect of the Cost Acknowledgement Agreement. The Municipality hereby accepts the Assignee as a party to the Cost Acknowledge Agreement in substitution of the Owner, and agrees with the Assignee that the Assignee will be bound by all the terms and conditions of the Cost Acknowledgement Agreement as if the Assignee had been the original executing party in place of the Owner.
3. All of the terms, covenants, provisos and stipulations in the said Cost Acknowledgement Agreement are hereby confirmed in full force save and except for such modifications as are necessary to make said clauses applicable to the Assignee.

IN WITNESS WHEREOF the Parties have hereunto affixed their corporate seals duly attested to by their proper signing officers in that behalf.

SIGNED, SEALED AND DELIVERED

_____ c/s
Owner:
Title:
I have authority to bind the corporation

_____ c/s
Assignee:
Title:
I have authority to bind the corporation

CITY OF HAMILTON

Mayor

Clerk