



Hamilton

Committee of Adjustment

City Hall, 5th Floor,

71 Main St. W.,

Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: cofa@hamilton.ca

**APPLICATION FOR CONSENT TO SEVER LAND
and VALIDATION OF TITLE
UNDER SECTION 53 & 57 OF THE PLANNING ACT**

Please see additional information regarding how to submit an application, requirements for the site sketch and general information in the Submission Requirements and Information document.

1. APPLICANT INFORMATION

	NAME	MAILING ADDRESS	
Purchaser*			Phone:
			E-mail:
Registered Owner(s)			Phone:
			E-mail:
Applicant(s)**			Phone:
			E-mail:
Agent or Solicitor			Phone:
			E-mail:

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

*Purchaser must provide a copy of the portion of the agreement of purchase and sale that authorizes the purchaser to make the application in respect of the land that is the subject of the application.

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

1.2 Primary contact

Purchaser
Applicant

Owner
Agent/Solicitor

1.3 Sign should be sent to

Purchaser
Applicant

Owner
Agent/Solicitor

1.4 Request for digital copy of sign

Yes* No

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

1.5 All correspondence may be sent by email

Yes* No

If Yes, a valid email must be included for the Registered Owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service.

This request does not guarantee all correspondence will sent by email.

1.6 Payment type	In person Cheque	Credit card over phone*
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*Must provide phone number above

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

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

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

Yes No

If YES, describe the easement or covenant and its effect:

3 PURPOSE OF THE APPLICATION

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

creation of a new lot(s)	concurrent new lot(s)
addition to a lot	a lease
an easement	a correction of title
validation of title (must also complete section 8)	a charge
cancellation (must also complete section 9)	
creation of a new non-farm parcel (must also complete section 10) (i.e. a lot containing a surplus farm dwelling resulting from a farm consolidation)	

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

3.3 If a lot addition, identify the lands to which the parcel will be added:

3.4 Certificate Request for Retained Lands: Yes*

* If yes, a statement from an Ontario solicitor in good standing that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Act. (O. Reg. 786/21)

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of subject land (including any proposed easements):

All dimensions to be provided in metric (m, m² or ha); attach additional sheets as necessary.

	Retained (remainder)	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*
Identified on Sketch as:					
Type of Transfer					
Frontage					
Depth					
Area					
Existing Use					
Proposed Use					
Existing Buildings/ Structures					
Proposed Buildings/ Structures					
Buildings/ Structures to be Removed					

* Additional fees apply.

4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

provincial highway
 municipal road, seasonally maintained
 municipal road, maintained all year

right of way
other public road

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

publicly owned and operated piped water system
 privately owned and operated individual well

lake or other water body
other means (specify)

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

publicly owned and operated sanitary sewage system
 privately owned and operated individual septic system
 other means (specify)

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

electricity

telephone

school bussing

garbage collection

5 CURRENT LAND USE

5.1 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable):

Rural Settlement Area:

Urban Hamilton Official Plan designation (if applicable)

Please provide an explanation of how the application conforms with a City of Hamilton Official Plan.

5.2 Is the subject land currently the subject of a proposed official plan amendment that has been submitted for approval?

Yes No Unknown

If YES, and known, provide the appropriate file number and status of the application.

5.3 What is the existing zoning of the subject land?

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number?

5.4 Is the subject land the subject of any other application for a Minister's zoning order, zoning by-law amendment, minor variance, consent or approval of a plan of subdivision?

Yes No Unknown

If YES, and known, provide the appropriate file number and status of the application.

5.5 Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply.

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard * Submit Minimum Distance Separation Formulae (MDS) if applicable		
A land fill		
A sewage treatment plant or waste stabilization plant		
A provincially significant wetland		
A provincially significant wetland within 120 metres		
A flood plain		
An industrial or commercial use, and specify the use(s)		
An active railway line		
A municipal or federal airport		

6 HISTORY OF THE SUBJECT LAND

6.1 Has the subject land ever been the subject of an application for approval of a plan of subdivision or a consent under sections 51 or 53 of the *Planning Act*?

Yes No Unknown

If YES, and known, provide the appropriate application file number and the decision made on the application.

6.2 If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.

6.3 Has any land been severed or subdivided from the parcel originally acquired by the owner of the subject land?

Yes No

If YES, and if known, provide for each parcel severed, the date of transfer, the name of the transferee and the land use.

6.4 How long has the applicant owned the subject land?

6.5 Does the applicant own any other land in the City? Yes No

If YES, describe the lands below or attach a separate page.

7 PROVINCIAL POLICY

7.1 Is this application consistent with the Policy Statements issued under Section 3 of the *Planning Act*?

Yes No (Provide explanation)

7.2 Is this application consistent with the Provincial Planning Statement (PPS)?

Yes No (Provide explanation)

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

Yes No (Provide explanation)

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

Yes No (Provide explanation)

7.5 Are the subject lands subject to the Greenbelt Plan?

Yes No (Provide explanation)

7.6 Are the subject lands within an area of land designated under any other provincial plan or plans?

Yes No (Provide explanation)

8 ADDITIONAL INFORMATION - VALIDATION

8.1 Did the previous owner retain any interest in the subject land?

Yes No (Provide explanation)

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

Yes No (Provide explanation and details on plan)

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

9 ADDITIONAL INFORMATION - CANCELLATION

9.1 Did the previous owner retain any interest in the subject land?

Yes No (Provide explanation)

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

Yes No (Provide explanation and details on plan)

9.3 Why do you require cancellation of a previous consent? (attach additional sheets as necessary)

10 ADDITIONAL INFORMATION - FARM CONSOLIDATION

10.1 Purpose of the Application (Farm Consolidation)

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate if the consolidation is for:

Surplus Farm Dwelling Severance from an Abutting Farm Consolidation

Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation

10.2 Location of farm consolidation property:

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

10.3 Rural Hamilton Official Plan Designation(s)

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate the existing land use designation of the abutting or non-abutting farm consolidation property.

10.4 Description of farm consolidation property:

Frontage (m):	Area (m ² or ha):
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Existing Land Use(s): **Proposed Land Use(s):**

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

Frontage (m):	Area (m ² or ha):
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10.7 Description of surplus dwelling lands proposed to be severed:

Frontage (m): (from Section 4.1) Area (m² or ha): (from Section 4.1)

Front yard set back:

a) Date of construction:

Prior to December 16, 2004

After December 16, 2004

b) Condition:

Habitable

Non-Habitable

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

Application Fee

Site Sketch

Complete Application Form

Signatures Sheet

11.2 Validation of Title

All information documents in Section 11.1

Detailed history of why a Validation of Title is required

All supporting materials indicating the contravention of the Planning Act, including PIN documents and other items deemed necessary.

11.3 Cancellation

All information documents in Section 11.1

Detailed history of when the previous consent took place.

All supporting materials indicating the cancellation subject lands and any neighbouring lands owned in the same name, including PIN documents and other items deemed necessary.

11.4 Other Information Deemed Necessary

Cover Letter/Planning Justification Report

Minimum Distance Separation Formulae (data sheet available upon request)

Hydrogeological Assessment

Septic Assessment

Archeological Assessment

Noise Study

Parking Study

12. OWNER AUTHORIZATION

One authorization (if applicable) must be completed for every owner registered on title at the time of application.

12.1 Owner(s) Authorization (Person(s))

As of the date of this application, I (Name) am the registered Owner(s) of the lands described in this application, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize (Name of Agent) of (Name of Agent Company)

to act as my agent in this matter and to provide any of my personal information that will be included in this application or collected during the processing of the application.

DATE SIGNED

12.2 Owner(s) Authorization (Corporation)

As of the date of this application, I (Name) having signing authority for (Name of Corporation), that is the registered Owner of the lands described in this application, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize (Name of Agent) of (Name of Agent Company)

to act as my agent in this matter and to provide any of my personal information that will be included in this application or collected during the processing of the application.

DATE SIGNED

13. ACKNOWLEDGEMENTS

Acknowledgements may be signed by the owner(s) or the owner's authorized agent as noted above. Initial beside each item and sign below.

- 13.1 I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason to this Application. Initials
- 13.2 I acknowledge that all information submitted with the application or during the processing of the application 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. The City of Hamilton is permitted to make the application and any associated supporting information available to the general public, including posting electronic versions of the application form and associated studies and reports online. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1st floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone: 905-546-2424, ext.1284. Initials
- 13.3 I acknowledge that the members of the Committee of Adjustment and members of staff of the City of Hamilton may enter the subject lands for the limited purposes of evaluating this application. Initials

13.4 I acknowledge that a sign is required to be posted on the subject lands, clearly visible and legible from a public highway (road). The sign must be posted no later than 14 days before the Hearing for consents, and no later than 10 days before the Hearing for minor variances. I acknowledge that the sign will remain posted and visible until after the Hearing. Failure to post the sign in accordance with the requirements may result in a deferral of the application. Initials

13.5 I acknowledge that it is a policy of the City of Hamilton that any City costs associated with an appeal to the Ontario Land Tribunal, by a party other than the Applicant, of an approval of a consent, rezoning, official plan amendment, plan of subdivision, minor variance, and/or any other development application under the *Planning Act*, such as, but not limited to, legal counsel costs, professional consultant costs and City staff costs, shall be paid by the Applicant. I acknowledge and agree that a Cost Acknowledgment Agreement may be required to be filed in this event. Questions about this agreement should be directed to cofa@hamilton.ca. Initials

NAME

DATE

SIGNED

14. AFFIDAVIT OR SWORN DECLARATION

This declaration must be sworn before a Commissioner of Oaths.

I, _____ of the _____, in the _____ solemnly declare that:

All of the above statements and information submitted with the application are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Sworn (or declared) before me
at the _____
in the _____
this _____ day of _____, _____.

A Commissioner, etc.

Owner/Agent, etc.