

CONSENT APPLICATION SUBMISSION REQUIREMENTS AND INFORMATION

1.0 GENERAL NOTES

- 1.1 Prior to submitting an application, it is strongly recommended that you contact the planner responsible for your particular area in order to determine the feasibility of your proposal. Please contact the Planning office for further information (pd.generalinquiry@hamilton.ca).
- 1.2 The application fee is non-refundable whether the application is approved or denied.
- 1.3 Submission of this application constitutes tacit consent for authorized municipal staff and Committee members to inspect the subject lands or premises.
- 1.4 All information submitted in support of this application will be considered public information, including any reports, studies, drawings or other documentation. 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. The City of Hamilton is also permitted to provide copies of the application and any supporting information to any member of the public or other third party that requests the information.
- 1.5 This application form is to be used by persons or public bodies wishing to apply for the severance of land within the City of Hamilton. In this form, the term "subject land" means the land to be severed and the land to be retained.
- 1.6 The application form is formatted to be printed on paper sized 8.5" by 14" (legal).

2.0 FEES

The application fee is payable at the time of submission of the completed application and is **non-refundable** whether the application is approved or denied.

2.1 PAYMENT TYPES

- 1) Cheque and Credit (via phone call)

Please make cheques payable to **"The City of Hamilton."**

2.2 APPLICATION FEE:

1)	Property serviced with sanitary sewers and public watermains	\$2,985.00
2)	Property serviced with sanitary sewers and a well or cistern	\$3,000.00
3)	Property serviced with public watermains and a septic system	\$3,375.00
4)	Property serviced by a well or cistern and a septic system	\$3,390.00

Recirculation Fee - \$200.00

2.3 CONSERVATION AUTHORITY PLAN REVIEW FEES

Conservation Authority	Minor	Intermediate	Major
Hamilton Conservation Authority	\$845 ¹	n/a	\$1,820 ²
Conservation Halton	\$2,374 ¹	\$3,239 ⁵	\$4,492 ²
Niagara Peninsula Conservation Authority	\$570 ¹	n/a	TBD*
Grand River Conservation Authority	\$445 ³	n/a	\$1,140 ⁴

During the current closure of offices to the public, please contact the Conservation Authorities directly to arrange payment of Conservation Authority Plan Review Fees.

Contacts are:

Hamilton Conservation Authority: 905.525.2181

Halton Conservation Authority: 289-230-0104

Grand River Conservation Authority: (519) 621-2763 x2324

Niagara Peninsula Conservation Authority: 905 788 3135

Note: For lands located within the watershed boundaries of the Conservation Authority, combined applications will only be processed at the highest rate.

- 1 In the area of interest to the Conservation Authority (Scoped EIS).
- 2 Technical studies (i.e. Storm Water Management or Geotechnical) beyond a scoped EIS are required.
- 3 Low risk of impact on natural hazard or natural features, no technical reports required.
- 4 A hazard risk and/or potential impact to natural hazards or natural features and requires the review of one or more technical reports/studies.
- 5 One Technical study is required for review from the Conservation Authority.
- * Addition fee for the review of a technical report, if required.

3.0 SITE SKETCH

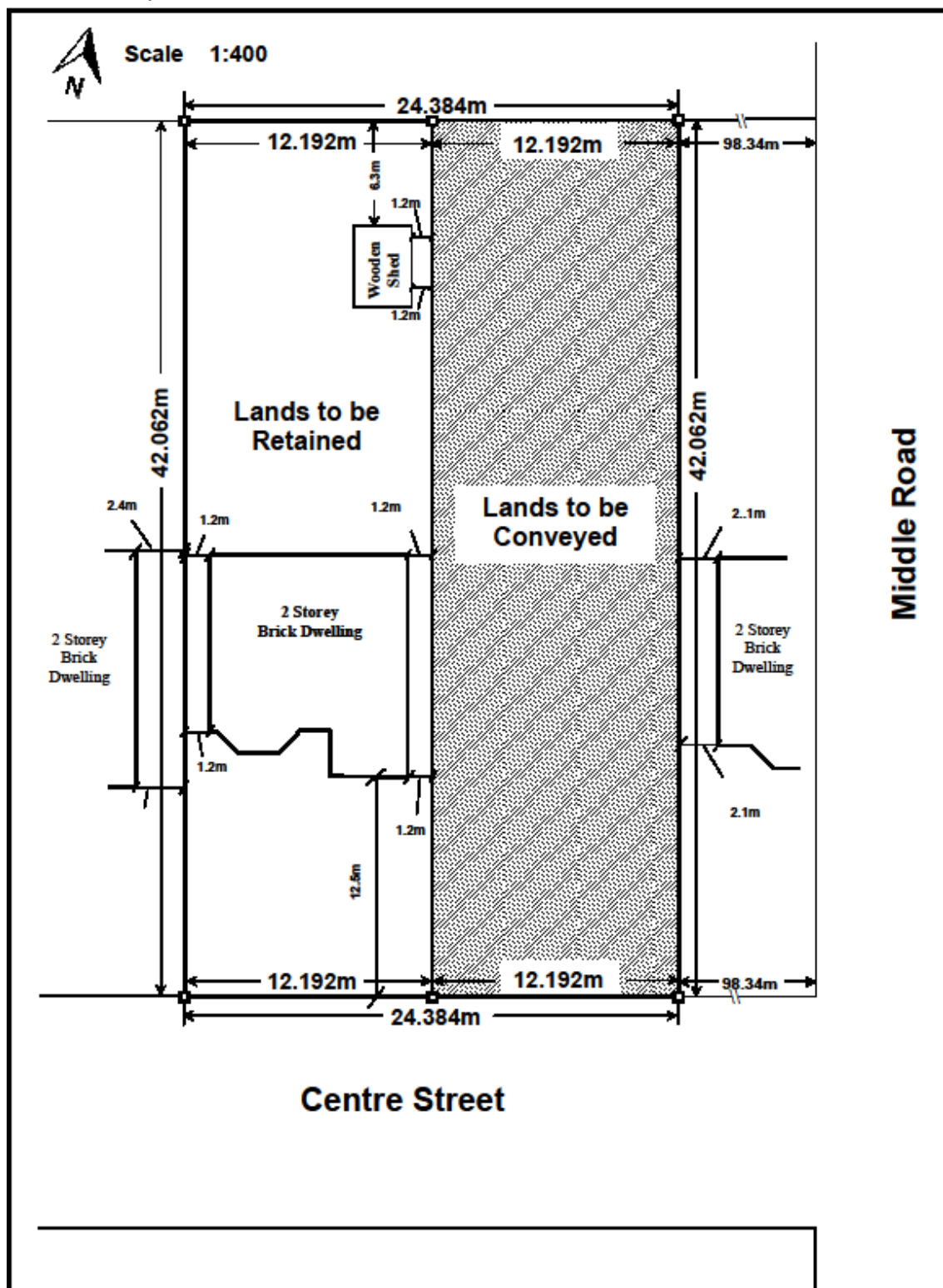
3.1 REQUIRED INFORMATION

The application must be accompanied by a sketch or survey plan (in metric) containing the following information (you may submit additional sketches if all information is not able to be provided on one plan):

- 1) the true dimensions and boundaries of the property for which the application is being made (note: a sidewalk is not usually a lot line);
- 2) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- 3) the distance between the subject land and the nearest township lot line or landmark, such as a railway crossing or bridge;
- 4) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- 5) the approximate location of all natural and artificial features on the subject land, and adjacent land, that in the opinion of the applicant may affect the application, such as buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic systems;
- 6) the current uses of land that is adjacent to the subject land;
- 7) the location, width and name of any roads within, or abutting, the subject land, indicating whether it is a Provincial highway, City Road, an unopened road allowance, a public traveled road, a private road or a right-of-way;

- 8) if access to the subject land is by water only, the approximate distance of the parking and docking facilities from the subject land and the nearest public road;
- 9) the location and nature of any easement affecting the subject land;
- 10) the location, size and type (e.g. deck, single family dwelling etc.) of all existing buildings, structures or uses on the subject property, including setbacks measured from the front, rear and side lot lines; and
- 11) clearly labeled “Severed” (or leased, easement etc.) and “Retained” (or remainder) portions, along with proposed dimensions.
- 12) the information provided must be legible and drawn with good drafting techniques;
- 13) sketch paper size is a minimum of Letter (A4, 8.5x11.5) and at least one copy a maximum of Ledger (A3, 11.5x17).

3.2 Example Sketch



4.0 COMPLETENESS OF THE APPLICATION

4.1 REQUIRED ITEMS (see Section 5 for complete details)

- 1) Application Form – Fully completed, with all sections filled out, signed by the owner (and agent if applicable). See Application form attached.
- 2) Sworn Affidavit – Must be signed by the applicant before a Commissioner of Oaths. Part 24 of the application form.
- 3) Prescribed Fee – See Section 2
- 4) Site Sketch – See Section 3

4.2 The information in this application form that must be provided by the applicant is prescribed in Ontario Regulation made under the *Planning Act*. This mandatory information must be provided along with the appropriate fee. If the mandatory information and fee are not provided, the City will return the application or refuse to further consider the application until the prescribed information and the fee are provided.

4.3 In the case of an approved application, conditions may be imposed as requested by circled agencies (i.e. - a 5 per cent park land dedication or cash-in-lieu thereof to the local municipality, a road widening dedication to the appropriate authority, and any other condition the Committee deems necessary).

4.4 The application form also sets out additional information (i.e. technical information or reports) that will assist the City in their planning evaluation of the consent application. To ensure the quickest and most complete review, this information should be submitted along with the mandatory information. In the absence of this additional information, it may not be possible to do a complete review within the legislated time frame for making a decision. As a result, the proposed severance application may be refused.

5.0 SUBMISSION OF THE APPLICATION

A separate application form is required for each parcel severed, along with the applicable fee as indicated above. Please note the nature of the information/reports varies with the type of land uses proposed, the existing land use and topographic features.

Applications may be submitted via Electronic Submission or Hardcopy submission. Electronic submissions must be sent to cofa@hamilton.ca. Hardcopy Submissions must be mailed to Committee of Adjustment, 5th floor, 71 Main Street West Hamilton, Ontario L8P 4Y5 or submitted on the 1st Floor of City Hall, 71 Main Street West. Hardcopy submissions (including envelopes containing cheques) must be clearly addressed to Committee of Adjustment.

5.1 ELECTRONIC SUBMISSION

- 1) Acceptable file formats are .pdf, .jpeg, or .doc. All other formats will be returned as we are unable to process them.
- 2) Naming convention for files is: LD_Address_Document Type (eg. LD_71 Main St. W._Application Form)
- 3) Electronic Submission:
 - a) One (1) copy of the completed application form (all applicable sections filled out and commissioned); and
 - b) One (1) copy of the Survey or Site Sketch, including all required information per Section 3;
 - c) One (1) of any additional information, including studies; and

d) Payment information, either credit card payment (name and phone number of the person paying, they will be contacted by staff) or scan/picture of cheque(s). All physical cheques must be mailed or dropped off at City all as per instructions above.

5.2 HARDCOPY SUBMISSION ONLY

- 1) All information noted below is required for a Hardcopy Only Submission.
- 2) Hardcopy Submission:
 - a) Two (2) copies of the completed application form;
 - b) Two (2) copies of the Survey or Site Sketch, including all required information per Section 5 (one (1) full scale size and one (1) no larger than ledger size paper 11" x 17");
 - c) Five (5) copies of the information/reports if indicated as needed when completing the sections of the application form; and
 - d) Payment, either credit card payment form or cheque(s).



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
UNDER SECTION 53 OF THE PLANNING ACT**

Office Use Only

Date Application Received:	Date Application Deemed Complete:	Submission No.:	File No.:
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1 APPLICANT INFORMATION

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

***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. (O. Reg. 786/21)**

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

1.3 All correspondence should be sent to Purchaser Owner
 Applicant Agent/Solicitor

2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality	Lot	Concession	Former Township
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address			Assessment Roll N°.

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)

a) Urban Area Transfer (do not complete Section 10):

- creation of a new lot
- addition to a lot
- an easement

- Other: a charge
 a lease
 a correction of title

b) Rural Area / Rural Settlement Area Transfer (Section 10 must also be completed):

- creation of a new lot
- creation of a new non-farm parcel
(i.e. a lot containing a surplus farm dwelling
resulting from a farm consolidation)
- addition to a lot

- Other: a charge
 a lease
 a correction of title
 an easement

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:

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be **Severed (lease, easement, charge etc.):**

Frontage (m)	Depth (m)	Area (m ² or ha)

Existing Use of Property to be severed:

- Residential
- Agriculture (includes a farm dwelling)
- Other (specify) _____
- Industrial
- Agricultural-Related
- Commercial
- Vacant

Proposed Use of Property to be severed:

- Residential
- Agriculture (includes a farm dwelling)
- Other (specify) _____
- Industrial
- Agricultural-Related
- Commercial
- Vacant

Building(s) or Structure(s):

Existing: _____

Proposed: _____

Existing structures to be removed: _____

Type of access: (check appropriate box)

- provincial highway
- municipal road, seasonally maintained
- municipal road, maintained all year
- right of way
- other public road

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)

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)

4.2 Description of land intended to be **Retained (remainder)**:

Frontage (m)	Depth (m)	Area (m ² or ha)

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)**

Existing Use of Property to be retained:

- Residential
- Agriculture (includes a farm dwelling)
- Other (specify) _____
- Industrial
- Agricultural-Related
- Commercial
- Vacant

Proposed Use of Property to be retained:

- Residential
- Agriculture (includes a farm dwelling)
- Other (specify) _____
- Industrial
- Agricultural-Related
- Commercial
- Vacant

Building(s) or Structure(s):

Existing: _____

Proposed: _____

Existing structures to be removed: _____

Type of access: (check appropriate box)

- provincial highway
- municipal road, seasonally maintained
- municipal road, maintained all year
- right of way
- other public road

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) _____

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): _____

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 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? _____

5.3 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*	<input type="checkbox"/>	
A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	
A provincially significant wetland within 120 metres	<input type="checkbox"/>	
A flood plain	<input type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

*Complete MDS Data Sheet if applicable

6 PREVIOUS USE OF PROPERTY

- Residential Industrial Commercial
 Agriculture Vacant Other (specify)

6.1 If Industrial or Commercial, specify use _____

6.2 Has the grading of the subject land been changed by adding earth or other material, i.e., has filling occurred?

- Yes No Unknown

6.3 Has a gas station been located on the subject land or adjacent lands at any time?

- Yes No Unknown

6.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

- Yes No Unknown

6.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

- Yes No Unknown

6.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or biosolids was applied to the lands?

- Yes No Unknown

6.7 Have the lands or adjacent lands ever been used as a weapons firing range?

- Yes No Unknown

6.8 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?

- Yes No Unknown

6.9 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)?

- Yes No Unknown

- 6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
 Yes No Unknown
- 6.11 What information did you use to determine the answers to 6.1 to 6.10 above?
- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, 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

7 PROVINCIAL POLICY

- 7.1 a) Is this application consistent with the Policy Statements issued under subsection of the *Planning Act*? (Provide explanation)
 Yes No
- b) Is this application consistent with the Provincial Policy Statement (PPS)?
 Yes No (Provide explanation)
- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
 Yes No (Provide explanation)
- d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)
 Yes No
- e) Are the subject lands subject to the Niagara Escarpment Plan?
 Yes No
 If yes, is the proposal in conformity with the Niagara Escarpment Plan?
 Yes No
 (Provide Explanation)
- f) Are the subject lands subject to the Parkway Belt West Plan?
 Yes No
 If yes, is the proposal in conformity with the Parkway Belt West Plan?
 Yes No (Provide Explanation)
- g) Are the subject lands subject to the Greenbelt Plan?
 Yes No

If yes, does this application conform with the Greenbelt Plan?
 Yes No (Provide Explanation)

8 HISTORY OF THE SUBJECT LAND

8.1 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, indicate the appropriate application file number and the decision made on the application.

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

8.3 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.

8.4 How long has the applicant owned the subject land?

8.5 Does the applicant own any other land in the City? Yes No
If YES, describe the lands in "11 - Other Information" or attach a separate page.

9 OTHER APPLICATIONS

9.1 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 if known, specify file number and status of the application.

9.2 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 if known, specify file number and status of the application(s).

File number _____ Status _____

10 RURAL APPLICATIONS

10.1 **Rural Hamilton Official Plan Designation(s)**

<input type="checkbox"/> Agricultural	<input type="checkbox"/> Rural	<input type="checkbox"/> Specialty Crop
<input type="checkbox"/> Mineral Aggregate Resource Extraction	<input type="checkbox"/> Open Space	<input type="checkbox"/> Utilities
<input type="checkbox"/> Rural Settlement Area (specify) _____	_____	_____
	Settlement Area	Designation

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 operation.

10.2 Type of Application (select type and complete appropriate sections)

- Agricultural Severance or Lot Addition
 - Agricultural Related Severance or Lot Addition
 - Rural Resource-based Commercial Severance or Lot Addition
 - Rural Institutional Severance or Lot Addition
 - Rural Settlement Area Severance or Lot Addition
- } (Complete Section 10.3)
- Surplus Farm Dwelling Severance from an Abutting Farm Consolidation (Complete Section 10.4)
 - Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation (Complete Section 10.5)

10.3 Description of Lands

a) Lands to be Severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from in Section 4.1)
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Existing Land Use: _____ Proposed Land Use: _____

b) Lands to be Retained:

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
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Existing Land Use: _____ Proposed Land Use: _____

10.4 Description of Lands (Abutting Farm Consolidation)

a) Location of abutting farm:

 (Street) (Municipality) (Postal Code)

b) Description abutting farm:

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

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

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

d) Description of surplus dwelling lands proposed to be severed:

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

e) Surplus farm dwelling date of construction:

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

f) Condition of surplus farm dwelling:

- Habitable
- Non-Habitable

g) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
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Existing Land Use: _____ Proposed Land Use: _____

10.5 Description of Lands (Non-Abutting Farm Consolidation)

a) Location of non-abutting farm

(Street) (Municipality) (Postal Code)

b) Description of non-abutting farm

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

c) Description of surplus dwelling lands intended to be severed:

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

d) Surplus farm dwelling date of construction:

Prior to December 16, 2004 After December 16, 2004

e) Condition of surplus farm dwelling:

Habitable Non-Habitable

f) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
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Existing Land Use: _____ Proposed Land Use: _____

11 OTHER INFORMATION

Is there any other information that you think may be useful to the Committee of Adjustment or other agencies in reviewing this application? If so, explain below or attach on a separate page.

12 ACKNOWLEDGEMENT CLAUSE

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 of its approval to this Application.

Date

Signature of Owner

13 AFFIDAVIT OR SWORN DECLARATION

13.1 Declaration For the Prescribed Information

I, _____ of the _____
of _____ 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 in respect of the
application is true.

Sworn (or declared) before me at the

City of Hamilton this)
)
)
)
____ day of _____, 20____)
)
)
)
____)
)
A Commissioner, etc.)

Applicant's Signature

14 AUTHORIZATIONS

14.1 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 Provide Personal Information

I, _____, am the owner of the land that is the subject of this application for
consent to sever land 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 the application.

Date

Signature of Owner

15 CONSENT OF THE OWNER

Complete the consent of the owner concerning personal information set out below.

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, _____, the _____,
(Print name) (purchaser, owner, etc.)

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

16 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, 1st floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone, 905-546-2424, ext.1284.

A File Number will be issued for complete applications and should be used in all communications with the City.



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 hereto have set their corporate seals under the hands of their duly authorized officers.

DATED at _____ this _____ day of _____, 20 ____.

WITNESS

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

Schedule "A"
Description of Lands

SCHEDULE "B"
FORM OF ASSUMPTION AGREEMENT

THIS AGREEMENT dated the _____ day of _____, 20____ .

BETWEEN

(hereinafter called the "Owner")

OF THE FIRST PART

-and-

(hereinafter called the "Assignee")

OF THE SECOND PART

-and-

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

Owner:
Title:
I have authority to bind the corporation

Assignee:
Title:
I have authority to bind the corporation

CITY OF HAMILTON

Mayor

Clerk



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

DATA SHEET – MDS I - (REPLACES AGRICULTURAL CODE OF PRACTICE)

This is to be completed and attached to the application when applying for a new non-farm use within 1000 metres (3,281 feet) of an existing livestock facility. Complete one sheet for each set of farm buildings.

Reference _____ No. _____ Date _____ By _____

Township _____ Lot _____ Concession _____

Closest distance from the livestock facility to the new use. _____ metres

Closest distance from the manure storage to the new use. _____ metres

Tillable Hectares where livestock facility located _____

Type of Livestock	Existing Housing Capacity #	Manure System (Check one box)			
		Covered Tank	Open Solid Storage	Open Liquid Tank	Earthen Manure Storage
DAIRY					
BEEF					
SWINE					
POULTRY					
HORSES					
SHEEP					
MINK – Adults					
WHITE VEAL CALVES					
GOATS					
OTHER					

The above information was supplied by:

Signature: _____ Date: _____

Note: Identify particular animal type for each livestock type under DESCRIPTION from Factor Tables, Table 1 attached as Appendix "A"

Table 1 Factor A (Outdoor Potential) and Factor D (Manure or Material Form in Storage Facility)

Animal Type or Material	Description	Number per NU	Factor A	Manure or Material Form in Permanent Storage	
				Liquid Manure: Factor D = 0.8 18 to 100% Dry Matter	Solid Manure: Factor D = 0.7 18 to 100% Dry Matter
Swine	Sows with litter, dry sows/boars Segregated Early Weaning (SEW)	3.33	1.0	Most systems have liquid manure stored under the barn slats for short or long periods, or in storages located outside	Systems with solid manure inside on deep bedded packs, or with scraped alleys
	Sows with litter, dry sows or boars (non-SEW)	3.5			
	Breeder gilts (entire barn designed specifically for this purpose)	5			
	Weaners (7 kg - 27 kg)	20			
	Feeders (27 kg - 105 kg)	6			
Dairy Cattle ¹	Milking-age cows (dry or milking)	0.7	0.7	Free-stall barns with minimal bedding, or sand bedding, or tie-stall barns with minimal bedding and milking centre washwater added	Tie-stall barns with lots of bedding, or loose housing with deep bedded pack, and with or without outside yard access
	- Large-framed 545 kg - 636 kg (e.g. Holsteins)				
	- Medium-framed 455 kg - 545 kg (e.g. Guernseys)	0.85			
	- Small-framed 364 kg - 455 kg (e.g. Jerseys)	1		Free-stall barns with minimal bedding, or sand bedding, or tie-stall barns with minimal bedding and milking centre washwater added	Bedded pens or stalls or heavily bedded calf hutches that are outside
	Heifers (5 months to freshening)	2			
	- Large-framed 182 kg - 545 kg (e.g. Holsteins)				
	- Medium-framed 148 kg - 455 kg (e.g. Guernseys)	2.4			
	- Small-framed 125 kg - 364 kg (e.g. Jerseys)	2.9			
	Calves (0 - 5 months)	6			
- Large-framed 45 kg - 182 kg (e.g. Holsteins)					
- Medium-framed 39 kg - 148 kg (e.g. Guernseys)	7				
- Small-framed 30 kg - 125 kg (e.g. Jerseys)	8.5				
Beef Cattle	Cows, including calves to weaning (all breeds)	1	0.7	N/A	Bedded pack barns with or without outside yard access
	Feeders (7 - 16 months)	3	0.8	Slatted floor systems, or barns with minimal bedding and yard scraped to a liquid storage	
	Backgrounders (7 - 12.5 months)	3	0.8		
	Shortkeepers (12.5 - 17.5 months)	2	0.8		
Veal	Milk-fed	6	1.1	Slatted floors or slatted stall system	Heavily bedded pack barns
	Grain-fed	6	0.8		
Goats	Does and bucks (for meat kids; includes unweaned offspring and replacements)	8	0.7	N/A	Heavily bedded pack barns
	Does and bucks (for dairy; includes unweaned offspring and replacements)	8			
	Kids (dairy or feeder kids)	20			
Sheep	Ewes and rams (for meat lambs; includes unweaned offspring and replacements)	8	0.7	N/A	All sheep systems
	Ewes and rams (dairy operation; includes unweaned offspring and replacements)	6			
	Lambs (dairy or feeder lambs)	20			
Horses	Large-framed, mature; > 681 kg (including unweaned offspring)	0.7	0.7	N/A	All horse systems
	Medium-framed, mature; 227 kg -680 kg (including unweaned offspring)	1			
	Small-framed, mature; < 227 kg (including unweaned offspring)	2			
Chickens	Layer hens (for eating eggs; after transfer from pullet barn)	150	1.0	Birds in cages, manure belts, no drying of manure, water added	Birds in cages, manure belts and drying, or floor systems
	Layer pullets (day olds until transferred into layer barn)	500	0.7		
	Broiler breeder growers (males/females transferred out to layer barn)	300	0.7	N/A	Bedded floors
	Broiler breeder layers (males/females transferred in from grower barn)	100	0.7	N/A	
	Broilers on an 8 week cycle	350	0.7	N/A	Bedded floors systems
	Broilers on a 9 week cycle	300			
	Broilers on a 10 week cycle	250			
	Broilers on a 12 week cycle	200			
Broilers on any other cycle, or if unknown, use 24.8 m ² /NU	24.8 m ²				
Turkeys	Turkey pullets (day old until transferred to layer turkey barn)	267	0.7	N/A	Bedded floor systems
	Turkey breeder layers (males/females transferred in from grower barn)	67			
	Breeder toms	45			
	Broilers (day olds to 6.2 kg)	133			
	Hens (day olds up to 6.2 kg to 10.8 kg; 7.5 kg is typical)	105			
	Toms (day olds to over 10.8 to 20 kg; 14.5 kg is typical)	75			
	Turkeys at any other weights, or if unknown, use 24.8 m ² /NU	24.8 m ²			
Quail	Use 24.8 m ² /NU	24.8 m ²	0.7	N/A	Bedded floor systems
Partridge	Use 24.8 m ² /NU	24.8 m ²			
Pheasants	Use 24.8 m ² /NU	24.8 m ²			
Squab	Use 24.8 m ² /NU	24.8 m ²			
Rheas	Adults (includes replacements and market birds)	13			
Emus	Adults (includes replacements and market birds)	12			
Ostriches	Adults (includes replacements and market birds)	4			
Ducks	Peking	105	0.8	Wire mesh flooring systems	Bedded floor systems
	Muscovy, use 24.8 m ² /NU	24.8 m ²			
Geese	Use 24.8 m ² /NU	24.8 m ²	0.8	N/A	Cage or floor systems
Rabbits	Breeding females (including males, replacements & market animals)	40			
Chinchillas	Breeding females (including males, replacements & market animals)	320			
Fox	Breeding females (including males, replacements & market animals)	25			
Mink	Breeding females (including males, replacements & market animals)	90			

**Table 1 Factor A (Outdoor Potential) and
Factor D (Manure or Material Form in Storage Facility)...cont'd**

Animal Type or Material	Description	Number per NU	Factor A	Manure or Material Form in Permanent Storage				
				Liquid Manure: Factor D = 0.8 18 to 100% Dry Matter	Solid Manure: Factor D = 0.7 18 to 100% Dry Matter			
Bison	Adults (includes unweaned calves and replacements)	1.3	0.7	N/A	Bedded pack barns with outside access or outside confinement areas			
	Feeders (170 kg - 477 kg)	4						
Llama	Adults (includes unweaned young and replacements)	5						
	Feeders (45 kg - 86 kg)	16						
Alpaca	Adults (includes unweaned young and replacements)	8						
	Feeders (23 kg - 48 kg)	26						
Wild Boar	Breeding age sows (includes boars, replacements and weaned piglets to 27 kg)	5						
	Finishing boars (27 - 86 kg)	7						
Deer	White tailed deer - Adults > 24 mo (including unweaned offspring)	11				0.7	N/A	Bedded pack barns with outside access or outside confinement areas.
	- Feeders	21						
	Red Deer - Adults > 24 MO (including unweaned offspring)	7						
	- Feeders	14						
	Elk - Adults > 24 MO (including unweaned offspring)	2						
	- Feeders	6						
	Elk/deer hybrids - Adults > 24 MO (including unweaned offspring)	4						
	- Feeders	10						
	Fallow deer - Adults > 24 MO (including unweaned offspring)	13						
	- Feeders	23						
Other livestock not listed in this table	To determine the number per NU, add up the total maximum live weight of animals and divide by the weight of animals per NU in the next column.	453.6 kg (1000lbs)	0.8	All storages with liquid manure.	All storages with solid manure.			
Manure imported to a lot not generating manure ²	Maximum capacity of permanent storages at any time: solid or liquid capacity.	19.8 m ³ (700 ft ³)	1.2	All storages with liquid manure.	All storages with solid manure.			
Storages for digestate from an Anaerobic Digester (odours reduced during this process)	Maximum capacity of permanent storages at any time: solid or liquid capacity.	19.8 m ³ (700 ft ³)	0.5	All storages with liquid manure.	All storages with solid manure.			

1. On farms with 100 milk-age cows (dry and milking), there are usually about 20 replacement calves and 80 replacement heifers.