APPLICATION FOR CONSENT TO SEVER LAND
UNDER SECTION 53 OF THE PLANNING ACT

APPLICATION FEE:

Property serviced with sanitary sewers and public watermains  $2,801.00
Property serviced with sanitary sewers and a well or cistern  $2,860.00
Property serviced with public watermains and a septic system  $3,172.00
Property serviced by a well or cistern and a septic system  $3,231.00

RECIRCULATION FEE:  $ 190.00
Please make cheques payable to "The City of Hamilton."

CONSERVATION AUTHORITY PLAN REVIEW FEES:

<table>
<thead>
<tr>
<th>Conservation Authority</th>
<th>Minor</th>
<th>Major</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hamilton Conservation Authority</td>
<td>$790.00 ¹</td>
<td>$1,695.00 ²</td>
</tr>
<tr>
<td>Conservation Halton</td>
<td>$2,090.00 ¹</td>
<td>$3,955.00 ²</td>
</tr>
<tr>
<td>Niagara Peninsula Conservation Authority</td>
<td>$570.00 ¹</td>
<td>TBD*</td>
</tr>
<tr>
<td>Grand River Conservation Authority</td>
<td>$410.00 ³</td>
<td>$1,060.00 ⁴</td>
</tr>
</tbody>
</table>

Once an application is submitted, City of Hamilton staff will advise the proponent if their application requires Conservation Authority review, and if so, which Conservation Authority their project falls within. The fee is to be made payable to the appropriate Conservation Authority and submitted to the City of Hamilton upon request. The fee will be forwarded to the Conservation Authority along with the application.

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

NOTE TO APPLICANTS:

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.

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. 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 call the Committee of Adjustment office for further information.

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

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.
* Addition fee for the review of a technical report, if required.
COMPLETENESS OF THE APPLICATION:

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.

In the case of an approved application, conditions may be imposed as requested by circulated 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).

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.

SUBMISSION OF THE APPLICATION:

A separate application form is required for each parcel severed, along with the applicable fee as indicated below.

The Committee of Adjustment needs:
Two (2) copies of the completed application form;
Three (3) copies of the sketch or survey of the property must be submitted (one (1) full scale size and two (2) no larger than ledger size paper 11” x 17”); and
Five (5) copies of the information/reports if indicated as needed when completing the sections of the application form. The nature of the information/reports varies with the type of land uses proposed, the existing land use and topographic features.

This application form is available in Microsoft Word and PDF.
# APPLICATION FOR CONSENT TO SEVER LAND UNDER SECTION 53 OF THE PLANNING ACT

### 1 APPLICANT INFORMATION

1.1, 1.2

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>PHONE/FAX</th>
</tr>
</thead>
<tbody>
<tr>
<td>Registered Owners(s)</td>
<td>Business ( )</td>
<td>Fax: ( )</td>
</tr>
<tr>
<td></td>
<td>E-mail:</td>
<td></td>
</tr>
<tr>
<td>Applicant(s)*</td>
<td>Business ( )</td>
<td>Fax: ( )</td>
</tr>
<tr>
<td></td>
<td>E-mail:</td>
<td></td>
</tr>
<tr>
<td>Agent or Solicitor</td>
<td>Business ( )</td>
<td>Fax: ( )</td>
</tr>
<tr>
<td></td>
<td>E-mail:</td>
<td></td>
</tr>
</tbody>
</table>

* Owner’s authorisation required if the applicant is not the owner.

1.3 All correspondence should be sent to:  
☐ 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 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 SERVING INFORMATION

4.1 Description of land intended to be Severed:

<table>
<thead>
<tr>
<th>Frontage (m)</th>
<th>Depth (m)</th>
<th>Area (m² or ha)</th>
</tr>
</thead>
</table>

Existing Use of Property to be severed:

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

Proposed Use of Property to be severed:

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

Building(s) or Structure(s):
- Existing: ___________________________________________________________________
- Proposed:  _________________________________________________________________

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:

<table>
<thead>
<tr>
<th>Frontage (m)</th>
<th>Depth (m)</th>
<th>Area (m² or ha)</th>
</tr>
</thead>
</table>

Existing Use of Property to be retained:

- Residential
- Agriculture (includes a farm dwelling)
- Industrial
- Agricultural-Related
- Commercial
- Vacant
- Other (specify) ____________________________________________________________
Proposed Use of Property to be retained:

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

Building(s) or Structure(s):

Existing: ___________________________________________________________________

Proposed:  _________________________________________________________________

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

☐ publicly owned and operated piped water system  ☐ lake or other water body
☐ privately owned and operated individual well  ☐ 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.

<table>
<thead>
<tr>
<th>Use or Feature</th>
<th>On the Subject Land</th>
<th>Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)</th>
</tr>
</thead>
<tbody>
<tr>
<td>An agricultural operation, including livestock facility or stockyard</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>
Consent Application Form (May 9, 2019)

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)

☐ Agricultural  ☐ Rural  ☐ Specialty Crop
☐ Mineral Aggregate Resource Extraction  ☐ Open Space  ☐ Utilities
☐ 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

(Complete Section 10.3)
Rural Settlement Area Severance or Lot Addition

- 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:

<table>
<thead>
<tr>
<th>Frontage (m): (from Section 4.1)</th>
<th>Area (m² or ha): (from Section 4.1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Land Use: ___________</td>
<td>Proposed Land Use: ______________</td>
</tr>
</tbody>
</table>

#### b) Lands to be Retained:

<table>
<thead>
<tr>
<th>Frontage (m): (from Section 4.2)</th>
<th>Area (m² or ha): (from Section 4.2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Land Use: ___________</td>
<td>Proposed Land Use: ______________</td>
</tr>
</tbody>
</table>

### 10.4 Description of Lands (Abutting Farm Consolidation)

#### a) Location of abutting farm:

____________________________###
(Street) (Municipality) (Postal Code)

#### b) Description abutting farm:

<table>
<thead>
<tr>
<th>Frontage (m):</th>
<th>Area (m² or ha):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Land Use(s): ___________</td>
<td>Proposed Land Use(s): ______________</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Frontage (m):</th>
<th>Area (m² or ha):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Land Use: ___________</td>
<td>Proposed Land Use: ______________</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Frontage (m): (from Section 4.1)</th>
<th>Area (m² or ha): (from Section 4.1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front yard set back: __________</td>
<td></td>
</tr>
</tbody>
</table>

#### 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):

<table>
<thead>
<tr>
<th>Frontage (m): (from Section 4.2)</th>
<th>Area (m² or ha): (from Section 4.2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Land Use: ___________</td>
<td>Proposed Land Use: ______________</td>
</tr>
</tbody>
</table>

### 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

<table>
<thead>
<tr>
<th>Frontage (m):</th>
<th>Area (m² or ha):</th>
</tr>
</thead>
</table>

Existing Land Use(s): ___________  Proposed Land Use(s): _________________

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

<table>
<thead>
<tr>
<th>Frontage (m): (from Section 4.1)</th>
<th>Area (m² or ha): (from Section 4.1)</th>
</tr>
</thead>
</table>

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):

<table>
<thead>
<tr>
<th>Frontage (m): (from Section 4.2)</th>
<th>Area (m² or ha): (from Section 4.2)</th>
</tr>
</thead>
</table>

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 SKETCH (Use the attached Sketch Sheet as a guide)

12.1 The application shall be accompanied by a sketch showing the following in metric units:

- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- (b) the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- (c) the boundaries and dimensions of the subject land, the part that is intended to be severed and the part that is intended to be retained;
- (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- (e) the approximate location of all natural and artificial features (for example, buildings, barns, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that, if they are located on the subject land an on land that is adjacent to it, and in the applicant’s opinion, may affect the application;
- (f) the current uses of land that is adjacent to the subject land (for example, residential, agricultural or commercial);
- (g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private...
road or a right of way;
(h) the location and nature of any easement affecting the subject land.

13 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

14 AFFIDAVIT OR SWORN DECLARATION

14.1 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___

__________________________
Applicant’s Signature

A Commissioner, etc.

15 AUTHORIZATIONS

15.1 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
16 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 Owner, 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

17 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.

APPLICANT’S CHECKLIST

Please attach all items listed below:

☒ Two (2) copies of the completed application form (Ensure you have a copy for yourself);
☒ Three (3) copies of the prescribed sketch or survey (one (1) full scale size and two (2) no larger than ledger size paper 11” x 17”); and
☐ The required fee. (A cheque or money order payable to the City of Hamilton)
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 Local Planning Appeal 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 Local Planning Appeal Tribunal by a party other than the developer; and (c) the City appears before the Local Planning Appeal 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 Local Planning Appeal 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 Local Planning Appeal 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 Local Planning Appeal 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 -

__________________ (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
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_____________________________

<table>
<thead>
<tr>
<th>Type of Livestock</th>
<th>Existing Housing Capacity #</th>
<th>Manure System (Check one box)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Covered Tank</td>
</tr>
<tr>
<td>DAIRY</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BEEF</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SWINE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>POULTRY</td>
<td></td>
<td></td>
</tr>
<tr>
<td>HORSES</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SHEEP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MINK – Adults</td>
<td></td>
<td></td>
</tr>
<tr>
<td>WHITE VEAL CALVES</td>
<td></td>
<td></td>
</tr>
<tr>
<td>GOATS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>OTHER</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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>
<thead>
<tr>
<th>Animal Type or Material</th>
<th>Description</th>
<th>Manure or Material in Permanent Storage</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Liquid Manure: Factor D = 0.8 18 to 100% Dry Matter</td>
</tr>
<tr>
<td><strong>Swine</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sows with litter, dry sows/broilers Segregated Early Weaning (SEW)</td>
<td>1.33</td>
<td>1.0</td>
</tr>
<tr>
<td>Sows with litter, dry sows or broilers (non-SEW)</td>
<td>1.3</td>
<td></td>
</tr>
<tr>
<td>Breeder gilts (entire barn designed specifically for this purpose)</td>
<td>1.1</td>
<td></td>
</tr>
<tr>
<td>Weaners (2 kg - 27 kg)</td>
<td>20</td>
<td>1.1</td>
</tr>
<tr>
<td>Feeders (27 kg - 105 kg)</td>
<td>6</td>
<td>1.2</td>
</tr>
<tr>
<td><strong>Dairy Cattle</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Milking-age cows (dry or milking)</td>
<td>0.7</td>
<td></td>
</tr>
<tr>
<td>- Large-framed 45-55 kg - 635 kg (e.g. Holstein)</td>
<td>0.85</td>
<td></td>
</tr>
<tr>
<td>- Medium-framed 45 kg - 545 kg (e.g. Guernsey)</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>- Small-framed 364 kg - 465 kg (e.g. Jerseys)</td>
<td>0.7</td>
<td></td>
</tr>
<tr>
<td>Heifers (5 months to fulling)</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>- Large-framed 148 kg - 545 kg (e.g. Holstein)</td>
<td>2.4</td>
<td></td>
</tr>
<tr>
<td>- Medium-framed 148 kg - 455 kg (e.g. Guernsey)</td>
<td>2.9</td>
<td></td>
</tr>
<tr>
<td>Calves (0 - 5 months)</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>- Large-framed 45 kg - 152 kg (e.g. Holstein)</td>
<td>7</td>
<td></td>
</tr>
<tr>
<td>- Medium-framed 35 kg - 148 kg (e.g. Guernsey)</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>- Small-framed 30 kg - 125 kg (e.g. Jerseys)</td>
<td>8.5</td>
<td></td>
</tr>
<tr>
<td><strong>Beef Cattle</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cows, including calves to weaning (all breeds)</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>- Feeders (1 - 5 months)</td>
<td>3</td>
<td>0.8</td>
</tr>
<tr>
<td>- Backgrounders (6 - 12.5 months)</td>
<td>3</td>
<td>0.8</td>
</tr>
<tr>
<td>- Shortkeepers (12.5 - 17.5 months)</td>
<td>2</td>
<td>0.8</td>
</tr>
<tr>
<td><strong>Veal</strong></td>
<td>Milk-fed</td>
<td>1.1</td>
</tr>
<tr>
<td></td>
<td>Goat-fed</td>
<td>0.8</td>
</tr>
<tr>
<td><strong>Goats</strong></td>
<td>Does and bucks (for meat kids, includes unweaned offspring and replacements)</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>Kids (farrowed kids)</td>
<td>20</td>
</tr>
<tr>
<td><strong>Sheep</strong></td>
<td>Ewes and rams (for meat lambs, includes unweaned offspring and replacements)</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>Lambs (farrowed kids)</td>
<td>20</td>
</tr>
<tr>
<td><strong>Horses</strong></td>
<td>Large-framed, mature; &gt; 661 kg (including unweaned offspring)</td>
<td>0.7</td>
</tr>
<tr>
<td></td>
<td>Medium-framed, mature; 227 kg - 660 kg (including unweaned offspring)</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Small-framed, mature; &lt; 227 kg (including unweaned offspring)</td>
<td>2</td>
</tr>
<tr>
<td><strong>Chickens</strong></td>
<td>Layer hens (for laying eggs, all feed used in feed yard)</td>
<td>1.0</td>
</tr>
<tr>
<td></td>
<td>Broiler breeder growers (males/females transferred to laying barn)</td>
<td>0.7</td>
</tr>
<tr>
<td></td>
<td>Broiler breeder layers (males/females transferred in from grower barn)</td>
<td>0.7</td>
</tr>
<tr>
<td></td>
<td>Broilers on an 8 week cycle</td>
<td>0.7</td>
</tr>
<tr>
<td></td>
<td>Broilers on a 12 week cycle</td>
<td>0.7</td>
</tr>
<tr>
<td><strong>Turkeys</strong></td>
<td>Turkey pullets (day old transferred to layer turkey barn)</td>
<td>0.7</td>
</tr>
<tr>
<td></td>
<td>Turkey breeder layers (males/females transferred in from grower barn)</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Broilers or males</td>
<td>67</td>
</tr>
<tr>
<td></td>
<td>Broilers (day old to 6.2 kg)</td>
<td>45</td>
</tr>
<tr>
<td></td>
<td>Tomtos (day old to 10.8 to 20 kg; 15.4 kg is typical)</td>
<td>75</td>
</tr>
<tr>
<td><strong>Quail</strong></td>
<td>Use 24.8 m^3/NU</td>
<td>24.8 m^3</td>
</tr>
<tr>
<td><strong>Pigeons</strong></td>
<td>Use 24.8 m^3</td>
<td>24.8 m^3</td>
</tr>
<tr>
<td><strong>Rabbits</strong></td>
<td>Use 24.8 m^3</td>
<td>24.8 m^3</td>
</tr>
<tr>
<td><strong>Ducks</strong></td>
<td>Pekin</td>
<td>20</td>
</tr>
<tr>
<td>- Muscovy, use 24.8 m^3/NU</td>
<td>24.8 m^3</td>
<td></td>
</tr>
<tr>
<td><strong>Chickens</strong></td>
<td>Breeding females (including males, replacements &amp; market animals)</td>
<td>0.8</td>
</tr>
<tr>
<td>- Breeding females (including males, replacements &amp; market animals)</td>
<td>320</td>
<td></td>
</tr>
<tr>
<td>- Breeding females (including males, replacements &amp; market animals)</td>
<td>25</td>
<td></td>
</tr>
<tr>
<td>- Breeding females (including males, replacements &amp; market animals)</td>
<td>90</td>
<td></td>
</tr>
</tbody>
</table>

Appendix “A” (MDS Factor Tables) (Page 1 of 2)
### Appendix “A” (MDS Factor Tables)

#### Table 1 Factor A (Outdoor Potential) and Factor D (Manure or Material Form in Storage Facility)…cont’d

<table>
<thead>
<tr>
<th>Animal Type or Material</th>
<th>Description</th>
<th>Number per NU</th>
<th>Factor A</th>
<th>Manure or Material Form in Permanent Storage</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Liquid Manure: Factor D = 0.8 18 to 100% Dry Matter</td>
</tr>
<tr>
<td><strong>Bison</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Adults (includes unweaned calves and replacements)</td>
<td>1.3</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Feeders (370 kg - 477 kg)</td>
<td>4</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Adults (includes unweaned young and replacements)</td>
<td>5</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Feeders (45 kg - 86 kg)</td>
<td>16</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Llama</strong></td>
<td></td>
<td></td>
<td>0.7</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Adults (includes unweaned young and replacements)</td>
<td>8</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Feeders (23 kg - 48 kg)</td>
<td>26</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Alpaca</strong></td>
<td></td>
<td></td>
<td>0.7</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Adults (includes unweaned young and replacements)</td>
<td>5</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Feeders (27 - 86 kg)</td>
<td>7</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Wild Boar</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>White tailed deer</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Adults &gt; 24 mo (including unweaned offspring)</td>
<td>11</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Feeders</td>
<td>23</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Red Deer</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Adults &gt; 24 MO (including unweaned offspring)</td>
<td>7</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Feeders</td>
<td>14</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Elk</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Adults &gt; 24 MO (including unweaned offspring)</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Feeders</td>
<td>6</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Elk/deer hybrids</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Adults &gt; 24 MO (including unweaned offspring)</td>
<td>4</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Feeders</td>
<td>10</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Fallow deer</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Adults &gt; 24 MO (including unweaned offspring)</td>
<td>13</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Feeders</td>
<td>23</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Other livestock not listed in this table</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>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.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Maximum capacity of permanent storages at any time: solid or liquid capacity.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>453.6 kg (1000lbs)</td>
<td>0.8</td>
<td></td>
<td>All storages with liquid manure.</td>
</tr>
<tr>
<td><strong>Manure imported to a lot not generating manure</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Maximum capacity of permanent storages at any time: solid or liquid capacity.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>19.8 m³ (700 ft³)</td>
<td>1.2</td>
<td></td>
<td>All storages with liquid manure.</td>
</tr>
<tr>
<td><strong>Storages for digestate from an Anaerobic Digester (odours reduced during this process)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Maximum capacity of permanent storages at any time: solid or liquid capacity.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>19.8 m³ (700 ft³)</td>
<td>0.5</td>
<td></td>
<td>All storages with liquid manure.</td>
</tr>
</tbody>
</table>

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

---

Consent Application Form (May 9, 2019) 20