



Hamilton

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

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

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

Office Use Only

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

PART I GENERAL PROPERTY DESCRIPTION

1. **Application for:** ☐ Regional Official Plan Amendment
☒ Local Official Plan Amendment
☒ Zoning By-law Amendment
2. **Former Area Municipality**
3. **All applicants are required to consult with the City of Hamilton prior to the submission of an application for Official Plan Amendment or Zoning By-law Amendment.**
- 3.1 *Have you formally consulted with the City of Hamilton prior to submitting this application? (If yes, please attach record of Formal Consultation to application)* ☒ Yes ☐ No
- 3.2 *Have the required studies, plans or reports been submitted?* ☒ Yes ☐ No

4. Applicant Information

NAME	ADDRESS	TELEPHONE NO.
<i>Registered Owner(s)*</i> Main Carling Investments LTD. c/o David Horwood	242 Main St. E, Hamilton, Ontario, L8N 1H5	Home: ()
		Business: (905) 528 8600
		Fax: ()
		E-Mail: dh@efforttrust.ca
<i>Applicant</i> same as owner		Home: ()
		Business: ()
		Fax: ()
		E-Mail:
<i>Agent or Solicitor</i> UrbanSolutions Planning & Land Development Consultants Inc. c/o Sergio Manchia	105 Main St. E, Suite 501, Hamilton, Ontario, L8N 1G6	Business: (905) 546 1087
		Fax: ()
		E-mail: smanchia@urbansolutions.info
All correspondence should be sent to (check one):	<input type="checkbox"/> Owner <input type="checkbox"/> Applicant <input checked="" type="checkbox"/> Agent/Solicitor	

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

5. Location of Property

Municipal Address 644 Main Street West	Lot/Parcel No.	Concession	Former Township Hamilton
Registered Plan No. See survey for legal description.	Lot(s)/Block(s)	Reference Plan No.	Part(s)

6. Particulars of Property (in metric units)

Frontage +/- 214.42 m	Depth varies	Area +/- 13,132.48 m²
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7. Encumbrances

7.1 Are there any mortgages, easements or restrictive covenants affecting the subject land? Yes
If yes, provide names and addresses of the holders of any mortgages, charges or other encumbrances in respect of the subject lands. Subject to an easement as in instrument AB34159.

7.2 How long have the subject lands been in the owner's possession? Since approximately 1967-1968

8. Existing Use of Property

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

8.1 How long has this existing use continued? Since approximately 1967-1968

9. Previous Use of Property

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

9.1 If Industrial or Commercial, specify use: N/A

9.2 Details of Previous Uses

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

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

Consultation with the owner.

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

10. Uses Adjacent to the Subject Lands

North Residential

South Commercial

East Highway 403

West Institutional & Residential

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

2-6 Olmstead Street and 690 Main Street West.

Frontage (metric)	Depth (metric)	Area (metric)
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11. Related Planning Applications – Adjacent lands

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

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

Approval authority: _____

Type of application and File number: _____

Description of land that is the subject of the application: _____

Purpose of the Application: _____

Effect on **this** application: _____

Status of the application: _____

12. Heritage Features

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

- 12.2 Are there any buildings or structures on abutting lands that are on the list of Architectural and/or Historical Interest or have been designated under the Ontario Heritage Act? ☐ Yes ☒ No
- 12.3 If yes to either of the above, a Heritage Impact Assessment is needed. Is a Heritage Impact Assessment attached? ☐ Yes ☒ No

13. Employment Information pertaining to this application N/A

Number of Shifts _____

Number of Employees _____ Full Time _____ Part Time _____

Number of Employees per Shift _____ Full Time _____ Part Time _____

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

The proposal entails an 18 storey (69.4m) residential building that includes a total of 167 units. Of these 167 units, 48 units are proposed to be less than 50m² and 119 units are proposed to be greater than 50 m². A one (1) storey podium is proposed for parking with a total of 73 parking spaces, including one (1) barrier-free space and five (5) tandem spaces. 23 Surface parking spaces are also proposed including two (2) barrier-free spaces. The podium parking and surface parking have separate entrances from Carling Street. Please see attached concept plan for more details.

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

Please see attached public consultation strategy prepared by UrbanSolutions.

PART II	SERVICING (REQUIRED TO BE COMPLETED FOR ALL APPLICATIONS)
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15. Types of Servicing

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

15.1 Water Supply

- ☒ Municipal Piped Water System
☐ Private Well(s) *Specify individual or communal wells:* _____
☐ Other (Specify) _____

15.2 *Sewage Disposal*

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

15.3 *Storm Drainage*

- ☒ Sewer
☐ Ditches
☐ Swales
☐ Others (specify and provide explanation) _____

15.4 *Road Access and/or Frontage*

Name of Road Main Street West, Macklin Street South, Carling Street

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

Main Street West - Major Arterial, Macklin Street South - Collector, Carling Street - Local

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

N/A

PART III PROVINCIAL POLICY

16.1 a) *Is this application consistent with the Policy Statements issued under subsection 3(1) of the Planning Act?* Yes

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

Growth Plan for the Greater Golden Horseshoe (P2G)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Greenbelt Plan 2005	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Niagara Escarpment Commission Plan	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Parkway Belt West Plan	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Other (Specify) _____	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

c) *Explain how the requested amendment or rezoning conforms to or does not conflict with each of the applicable Provincial Plan(s) (Incorporate as part of Planning Justification Report if possible).*

Please refer to the Planning Justification Report prepared by UrbanSolutions.

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

Please refer to the Planning Justification Report prepared by UrbanSolutions.

- 16.2 Is this application to implement an alteration to the boundary of an area of settlement or to implement a new area of settlement? ☐ Yes ☒ No

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

N/A

- 16.3 Is this application to remove land from an area of employment? ☐ Yes ☒ No

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

N/A

17. Significant Features

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

TABLE – SIGNIFICANT FEATURE CHECKLIST

Feature or Development Circumstance	If a feature, is it on site or within 500 m OR If a development circumstance, does it apply?		If a feature, specify distance in metres.	Potential Information Needs
	Yes (X)	No (X)		
Non-farm development near designated urban areas or rural settlement area	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<i>Demonstrate sufficient need within 20-year projections and that proposed development will not hinder efficient expansion of urban or rural settlement areas</i>
Class 1 industry ¹	<input type="checkbox"/>	<input checked="" type="checkbox"/>	m	<i>Assess development for residential and other sensitive uses within 70 metres</i>
Class 2 industry ²	<input checked="" type="checkbox"/>	<input type="checkbox"/>	+/- 188 m	<i>Assess development for residential and other sensitive uses within 300 metres</i>
Class 3 industry ³	<input type="checkbox"/>	<input checked="" type="checkbox"/>	m	<i>Assess development for residential and other sensitive uses within 1000 metres</i>
Land Fill Site	<input type="checkbox"/>	<input checked="" type="checkbox"/>	m	<i>Address possible leachate, odour, vermin and other impacts</i>
Sewage Treatment Plant	<input type="checkbox"/>	<input checked="" type="checkbox"/>	m	<i>Assess the need for a feasibility study for residential and other sensitive land uses</i>
Waste Stabilization Pond	<input type="checkbox"/>	<input checked="" type="checkbox"/>	m	<i>Assess the need for a feasibility study for residential and other sensitive land uses</i>
Active Railway line	<input checked="" type="checkbox"/>	<input type="checkbox"/>	+/- 315 m	<i>Evaluate impacts within 100 metres</i>
Controlled access highways or freeways, including designated future routes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Abuts to the East m	<i>Evaluate impacts within 100 metres</i>
Airports where noise exposure forecast (NEF) or noise exposure projection (NEP) is 28 or greater	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<i>Demonstrate feasibility of development above 28 NEF for sensitive land uses. Above the 35 NEF/NEP contour, development of sensitive land uses is not permitted</i>
Electric transformer station	<input type="checkbox"/>	<input checked="" type="checkbox"/>	m	<i>Determine possible impacts within 200 metres</i>
High voltage electric transmission line	<input type="checkbox"/>	<input checked="" type="checkbox"/>	m	<i>Consult the appropriate electric power service</i>

Feature or Development Circumstance	If a feature, is it on site or within 500 m OR If a development circumstance, does it apply?		If a feature, specify distance in metres.	Potential Information Needs
	Yes (X)	No (X)		
Transportation and infrastructure corridors	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<i>Will the corridor be protected?</i>
Prime agricultural land	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<i>Demonstrate need for use other than agricultural and indicate how impacts are to be mitigated</i>
Agricultural operations	<input type="checkbox"/>	<input checked="" type="checkbox"/>	m	<i>Development to comply with the Minimum Distance Separation Formulae</i>
Mineral aggregate resource areas	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<i>Will development hinder access to the resource or the establishment of new resource operations?</i>
Existing Pits and Quarries	<input type="checkbox"/>	<input checked="" type="checkbox"/>	m	<i>Will development hinder continued operation or extraction?</i>
Mineral and petroleum resource areas	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<i>Will development hinder access to the resource or the establishment of new resource operations?</i>
Significant wetlands	<input type="checkbox"/>	<input checked="" type="checkbox"/>	m	<i>Development is not permitted</i>
Significant portions of habitat of endangered species and threatened species	<input type="checkbox"/>	<input checked="" type="checkbox"/>	m	<i>Development is not permitted</i>
Significant fish habitat, woodlands, valley lands, areas of natural and scientific interest, wildlife habitat	<input checked="" type="checkbox"/>	<input type="checkbox"/>	+/- 215 m	<i>Demonstrate no negative impacts</i>
Significant groundwater recharge areas, headwaters and aquifers	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<i>Demonstrate that these features will be protected</i>
Significant built heritage resources and cultural heritage landscapes	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<i>Development should conserve significant built heritage resources and cultural heritage landscapes</i>
Significant archaeological resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<i>Assess development proposed in areas of medium and high potential for significant archaeological resources. These resources are to be studied and preserved, or, where appropriate, removed, catalogued and analysed prior to development.</i>

Feature or Development Circumstance	If a feature, is it on site or within 500 m OR If a development circumstance, does it apply?		If a feature, specify distance in metres.	Potential Information Needs
	Yes (X)	No (X)		
Great Lakes system: A - within defined portions of the dynamic beach and 1:100 year flood level along connecting channels B - on lands subject to flooding and erosion	<input type="checkbox"/>	<input checked="" type="checkbox"/>		A - Development is not permitted. B - Development may be permitted; demonstrate that hazards can be safely addressed
Erosion hazards	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Determine feasibility within the 1:100 year erosion limits of ravines, river valleys and streams
Floodplains	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Where one-zone floodplain management is in effect, development is not permitted within the floodplain. Where two-zone floodplain management is in effect, development is not permitted within the floodway. Where a floodplain Special Policy Area (SPA) has been established through approval from the Ministry of Natural Resources and the Ministry of Municipal Affairs and Housing, must meet the official plan policies for the SPA.
Hazardous sites ⁴	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Demonstrate that hazards can be addressed
Contaminated sites	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Assess an inventory of previous uses in areas of possible soil contamination

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

² Class 2 industry: Medium scale processing and manufacturing with outdoor storage, periodic output of emissions, shift operations and daytime truck traffic.

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

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

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

[Please refer to the enclosed plans, studies, and reports.](#)

PART IV	OFFICIAL PLAN AMENDMENT (MUST BE COMPLETED FOR OFFICIAL PLAN AMENDMENT APPLICATIONS)
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19. Current Development Applications¹

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

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

- | | | | |
|-----------------------------------|---|--|--|
| (a) Minor Variance | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | |
| Consent | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | |
| Amendment to an official plan | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | |
| Zoning by-law | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | |
| Minister's zoning order | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | |
| Approval of a plan of subdivision | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | |
| Site plan | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | |

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

- (i) File number(s) A Zoning By-law Amendment application is being concurrently submitted with this application.
- (ii) Name of the approval authority considering the application(s) City of Hamilton
- (iii) Land(s) affected 644 Main Street West
- (iv) Purpose of Application(s) To construct an 18 storey residential apartment building
- (v) Status of the Application(s) Under review
- (vi) Effect on the requested amendment The proposed change in zoning implements the proposed official plan amendment.

20. Official Plan Information

20.1 What is the existing Regional Official Plan designation on the subject lands?

N/A

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

N/A

20.2 What is the existing Local Official Plan designation on the subject lands?

[Urban Hamilton Official Plan - Neighbourhoods, Open Space,](#)

[Ainslie Wood Westdale Secondary Plan - High Density Residential 1, General Open Space](#)

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

[Please refer to the Planning Justification Report prepared by UrbanSolutions.](#)

20.3 Is the proposed Official Plan amendment intended to change, delete or replace an approved (Regional or Local) official plan policy?

☐ Yes

☒ No

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

Describe the purpose of the requested amendment

20.4 Is the proposed Official Plan amendment intended to add new policy?

☒ Yes

☐ No

If yes, provide details for the requested new policy

[Site specific policy in the Ainslie Wood Westdale Secondary Plan regarding height and density.](#)

Describe the purpose of the requested amendment

[To permit a density of 325 units per hectare and height of 18 storeys for the new building, and to permit a density of 355 units per hectare and a height of 17 storeys for the existing building.](#)

20.5 Is the proposed Official Plan amendment intended to change or replace a land use designation?

☒ Yes

☐ No

What is the proposed designation on the subject land?

[Urban Hamilton Official Plan - From Open Space to Neighbourhoods designation](#)

[Ainslie Wood Westdale Secondary Plan - From General Open Space to Site Specific - High Density Residential 1](#)

What land uses will be permitted by the proposed designation on the subject land?

[Multiple residential dwellings](#)

(d)				
(e)				

31. During the planning, engineering and construction phase of the project (includes renovation) indicate:

	<i>Name of Firms Involved</i>	<i>Where they are Municipally Located</i>
(a)	<u>Scott Llewellyn and Associates</u>	<u>Burlington</u>
(b)	<u>Paradigm Transportation Solutions</u>	<u>Waterloo</u>
(c)	<u>McCallum Sather Architects</u>	<u>Hamilton</u>
(d)	<u>RWDI Consulting Engineers and Scientists</u>	<u>Guelph</u>

32. In terms of the manpower required to carry out the project, indicate the following: Unknown at this time.

- (a) Manpower will consist of people mainly from firms located in:
- (i) City of Hamilton ☐
- (ii) Other (please specify) _____
- (b) Total number of jobs created during the planning and construction period: _____

33. Total cost of the project will be:

- (a) Less than \$100,000 ☐
- (b) \$101,000 to \$500,000 ☐
- (c) \$501,000 to \$1,000,000 ☐
- (d) Greater than \$1,000,000 ☒

34. Will the project use products and components manufactured locally? ☐ Yes ☐ No

Identify the firms and what material components they will supply: Unknown at this time.

	<i>Name of Firms Involved</i>	<i>Material and Components</i>
(a)	_____	_____
(b)	_____	_____
(c)	_____	_____
(d)	_____	_____

PART VII

35. ACKNOWLEDGEMENT CLAUSE

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

March 30, 2017

Date

Pr. [Signature]
Signature of Owner

36. AFFIDAVIT OR SWORN DECLARATION

I, Victoria Coates of the City of Hamilton
in the Province of Ontario make oath and say (or solemnly
declare) that the information contained in this application is true and that the information contained in the
documents that accompany this application is true.

Sworn (or declared) before me

at the City of Hamilton

in the Province of Ontario

this 30th day of March, 2017

Sacha Stephanie Aide,
a Commissioner, etc., Province of
Ontario, for UrbanSolutions Planning &
Land Development Consultants Inc.
Sacha Aide
A Commissioner, etc. Expires February 8, 2020.

V. Coates
Applicant

37. AUTHORIZATION

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

**Authorization of Owner for Agent
to Make the Application**

I, Main Carling Investments Ltd., am the owner of the land that is the subject of this
application and I authorize UrbanSolutions to act as my agent in this matter and to
make this application on my behalf and to provide any of my personal information that will be included in this
application or collected during the processing of the application.

Date: March 30, 2017

Pr. [Signature]
owner

Date

Signature of Owner

38. CONSENT OF THE OWNER

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

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

I, Main Carling Investments Ltd., the Owner, hereby agree and acknowledge that the information
(Print name of Owner)

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

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

march 30, 2017

Date

P. M. Munn

Signature of Owner

39. COLLECTION OF INFORMATION

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 71 Main Street West, 1st Floor, City Hall., Hamilton, Ontario, Telephone: 905-546-2424, ext.1284.

**CITY OF HAMILTON
COST ACKNOWLEDGEMENT AGREEMENT**

THIS AGREEMENT is made this 30th day of March, 20 17.

BETWEEN:

Math Carling Investments Ltd.
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 Municipal Board, 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 March 30/17 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 Municipal Board by a party other than the developer; and (c) the City appears before the Ontario Municipal Board 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 Municipal Board 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 Municipal Board.
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 Municipal Board 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 rendered in respect of the appeal or any legal proceedings resulting from the decision, whichever is later; or (b) the termination of all legal proceedings in respect of the application, the City shall prepare and submit a final account to the Developer. If there are any deposit funds remaining with the City they shall be applied against the account. Any amount owing in respect of the final account in excess of deposit funds shall be paid by the Developer within 30 days of the date of the final account. If any deposit funds are remaining after the final account has been paid they shall be returned to the developer within 30 days of the date of the final account.
11. This Agreement shall not be construed as acceptance of the application and nothing herein shall require or be deemed to require the City to approve the application.
12. This Agreement shall not stand in lieu of or prejudice the rights of the City to require such further and other agreements in respect of the application that the City may deem necessary.
13. Every term, covenant, obligation and condition in this Agreement ensures to the benefit of and is binding upon the parties hereto and their respective heirs, executors, administrators, successors, trustees and assigns.
14. When the context so requires or permits, the singular number is to be read as if the plural were expressed, and the masculine gender as if the feminine, as the case may be, were expressed; and,
15. This Agreement and the schedules hereto constitute the entire agreement between the parties in respect of the subject matter contained herein and is not subject to, or in addition to, any other agreements, warranties or understandings, whether written, oral or implied. This Agreement may not be modified or amended except by instrument in writing signed by the Developer and the City, and,

16. The waiver or acquiescence by the City of any default by the Developer under any obligation to comply with this Agreement shall not be deemed to be a waiver of that obligation or any subsequent or other default under this Agreement.
17. The Developer covenants and agrees to be bound by the terms and conditions of this Agreement and not to seek a release from the provisions thereof until such time as the Developer's obligations hereunder have been assumed by its successor, assignee or transferee by way of written agreement in the form set out in Schedule "B" to this Agreement.

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

DATED at Hamilton this 30th day of March, 20 17.



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