



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

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

- Application for: [X] Official Plan Amendment
[ ] Zoning By-law Amendment (Major)
[ ] Zoning By-law Amendment (Secondary Suite)
[ ] Removal of "H" Holding Symbol
[ ] Complex [ ] Routine [ ] Downtown

Note: The following Parts of the application are prescribed by regulation and must be completed:

- i) For Official Plan Amendment applications all Parts except Part 7; and
ii) For Zoning By-law Amendment applications, including Removal of "H" Holding Provision, all Parts except Part 6.

FORMAL CONSULTATION is required prior to submitting an application, unless waived.

[ ] Formal Consultation has been completed.
File Number: FC- \_\_\_\_\_ Document Dated: \_\_\_\_\_

[ ] This Proposal has been waived from Formal Consultation.
The Formal Consultation Waiver letter dated \_\_\_\_\_ is attached.

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

**1. APPLICANT INFORMATION**

NAME	ADDRESS	CONTACT INFORMATION
Registered Owner* Wilson St. Ancaster Inc.	1 James Street South, 8th Floor, Hamilton, ON L8P 4R5	Phone: 905-389-6421
		Email: giovanni@spallaccigroup.com
Applicant Same as Owner		Phone:
		Email:
Agent UrbanSolutions Planning & Land Development Consultants Inc. c/o Matt Johnston (UrbanSolutions)	3 Studebaker Place, Unit 1, Hamilton, ON L8L 0C8	Phone: 905-546-1087
		Email: mjohnston@urbansolutions.info
<b>All correspondence should be sent to (check one):</b> <input type="checkbox"/> Owner <input type="checkbox"/> Applicant <input checked="" type="checkbox"/> Agent		

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

**2. PROPERTY INFORMATION**

2.1 Legal Description of the subject lands.

Municipal Address	392, 398, 400, 402, 406, & 412 Wilson St. E. & 15 Lorne Ave.		
Former Municipality	Ancaster		
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number(s)		Part(s)	

2.2 Property details.

Frontage (metres)	Depth (metres)	Area (hectares)
142.68m	Varies (+/- 38m to 83m )	0.779 ha

2.3 The date the subject lands were acquired by current owner: Unknown

2.4 Encumbrances

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

Yes       No

If yes, provide names and addresses of the holders of any mortgages, charges or other encumbrances in respect of the subject lands.

2.5 Existing use of the subject lands.

Residential  Industrial  Commercial  Agricultural  Vacant

Other(s) \_\_\_\_\_

2.6 How long has this existing use continued? **Unknown**

2.7 List of existing buildings / structures on the subject lands.

Type of Buildings or Structures	All Yard Setbacks (m)				Building Dimensions	Ground Floor Area	Height	Year Built
	Front	Rear	Side	Side				
1. <b>Marr House</b>	Please refer to enclosed Architectural Package.							
2.								
3.								

2.8 Previous use of the subject lands.

Residential  Industrial  Commercial  Agricultural  Vacant

Other(s) Formerly Fina Gas Station (Demolished)

If Industrial or Commercial, specify use:

Ancaster Farmers Market & Ivory Estate Bridals

2.9 Details of previous use.

	Yes	No	Unknown
(a) Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Has a gas station been located on the subject land or adjacent lands at any time?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Has there been petroleum or other fuel stored on the subject land or adjacent lands?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(e) Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(f) Have the lands or adjacent lands ever been used as a weapons firing range?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

(g) Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational /non-operational landfill or dump?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(h) If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(i) Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2.10 What information did you use to determine the answers to 2.9 (a) to (i) above?

[Phase 1 & 2 Environmental Site Assessment prepared by Landtek Ltd.](#)

2.11 If previous use of property is industrial or commercial, or if Yes to any of the above, 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

This has been addressed through the enclosed Phase I & II Environmental Site Assessment prepared by Landtek Ltd. Please refer to ZAC-22-011 and UHOPA-22-004.

2.12 Adjacent uses to the subject lands

North	Commercial	East	Residential
South	Commercial/Residential	West	Commercial

2.13 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.

N/A

2.14 Has the subject land, or land within 120 metres of the subject land, been subject of any of the following applications under the Planning Act?

	Yes	No	Unknown	File No.	Status / Approval Date
Official Plan Amendment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	UHOPA-22-004	Dismissed
Zoning By-law Amendment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	ZAC-22-011	Approved 09/19/2023
Draft Plan of Subdivision	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Draft Plan of Condominium	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Severance/Consent	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Minor Variance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Site Plan Control	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	DA-23-011	Ongoing
Minister's Zoning Order	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	O. Reg. No.	

2.15 If yes, provide a description of the subject land, and the effect on **this** application.

UHOPA-22-004: N/A. ZAC-22-011: OPA required to bring approved zoning into conformity with the UHOP. DA-22-011: N/A

**3. PURPOSE OF THE APPLICATION**

3.1 Provide a brief description of the proposal.

Please refer to enclosed Cover Letter.

3.2 List any proposed building or structures on the subject land.

Proposed Buildings or Structures	All Yard Setbacks(m)				Building Dimensions	Ground Floor Area (m <sup>2</sup> )	Total Floor Area (m <sup>2</sup> )	Building Height and No. of storeys
	Front	Rear	Side	Side				
1.	Please refer to enclosed Architectural Package.							
2.								
3.								

**4. SERVICING AND ACCESS**

**Types of Servicing**

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

4.1 Water Supply

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

4.2 Sewage Disposal

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

4.3 Storm Drainage

- Sewer
- Ditches
- Swales
- Others (specify and provide explanation)

4.4 Road access and / or frontage.

Name of Road [Wilson Street East \(Local Public Road\)](#), [Academy Street \(Local Public Road\)](#), [Lorne Avenue \(Local Public Road\)](#)

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

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.

5. PROVINCIAL POLICY

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

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

[Please refer to enclosed Cover Letter.](#)

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

- |  |                              |  |
|--|------------------------------|--|
| Growth Plan for the Greater Golden Horseshoe | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Greenbelt Plan                               | <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 |

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

[Please refer to enclosed Cover Letter.](#)

5.4 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, or the proposed official plan amendment that deals with this matter.

N/A

5.5 Is this application to remove land from an area of employment?  Yes  No

If yes, provide the current official plan policies, if any, or the proposed official plan amendment that deals with this matter.

N/A

5.6 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.

SIGNIFICANT FEATURES				
Feature or Development Circumstance	Is the feature on or within 500m of the subject lands? OR If a development circumstance does it apply?		If a feature, specify distance in metres.	Potential Information Needs
	Yes	No		
Non-farm development near designated urban areas or rural settlement area	<input type="checkbox"/>	<input checked="" type="checkbox"/>	m	Demonstrate sufficient need within 20-year projections and that proposed development will not hinder efficient expansion of urban or
Class 1 industry <sup>1</sup>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	m	Assess development for residential and other sensitive uses within 70 metres
Class 2 industry <sup>2</sup>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	m	Assess development for residential and other sensitive uses within 300 metres
Class 3 industry <sup>3</sup>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	m	Assess development for residential and other sensitive uses within 1000 metres
Land Fill Site	<input type="checkbox"/>	<input checked="" type="checkbox"/>	m	Address possible leachate, odour, vermin and other impacts

SIGNIFICANT FEATURES				
Feature or Development Circumstance	Is the feature on or within 500m of the subject lands? OR If a development circumstance does it apply?		If a feature, specify distance in metres.	Potential Information Needs
	Yes	No		
Sewage Treatment Plant	<input type="checkbox"/>	<input checked="" type="checkbox"/>	m	Assess the need for a feasibility study for residential and other sensitive land uses
Waste Stabilization Pond	<input type="checkbox"/>	<input checked="" type="checkbox"/>	m	Assess the need for a feasibility study for residential and other sensitive land uses
Active Railway line	<input type="checkbox"/>	<input checked="" type="checkbox"/>	m	Evaluate impacts within 100 metres
Controlled access highways or freeways, including designated future routes	<input type="checkbox"/>	<input checked="" type="checkbox"/>	m	Evaluate impacts within 100 metres
Airports where noise exposure forecast (NEF) or noise exposure projection (NEP) is 28 or greater	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Demonstrate feasibility of development above 28 NEF for sensitive land uses. Above the 35 NEF/NEP contour, development of sensitive land uses is not permitted
Electric transformer station	<input type="checkbox"/>	<input checked="" type="checkbox"/>	m	Determine possible impacts within 200 metres
High voltage electric transmission line	<input type="checkbox"/>	<input checked="" type="checkbox"/>	m	Consult the appropriate electric power service
Transportation and infrastructure corridors	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Will the corridor be protected?
Prime agricultural land	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Demonstrate need for use other than agricultural and indicate how impacts are to be mitigated
Agricultural operations	<input type="checkbox"/>	<input checked="" type="checkbox"/>	m	Development to comply with the Minimum Distance Separation Formulae
Mineral aggregate resource areas	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Will development hinder access to the resource or the establishment of new resource operations?
Existing Pits and Quarries	<input type="checkbox"/>	<input checked="" type="checkbox"/>	m	Will development hinder continued operation or extraction?
Mineral and petroleum resource areas	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Will development hinder access to the resource or the establishment of new resource operations?
Significant wetlands	<input type="checkbox"/>	<input checked="" type="checkbox"/>	m	Development is not permitted



SIGNIFICANT FEATURES				
Feature or Development Circumstance	Is the feature on or within 500m of the subject lands? OR If a development circumstance does it apply?		If a feature, specify distance in metres.	Potential Information Needs
	Yes	No		
Significant portions of habitat of endangered species and threatened species	<input type="checkbox"/>	<input checked="" type="checkbox"/>	m	Development is not permitted
Significant fish habitat, woodlands, valley lands, areas of natural and scientific interest,	<input type="checkbox"/>	<input checked="" type="checkbox"/>	m	Demonstrate no negative impacts
Significant groundwater recharge areas, headwaters and aquifers	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Demonstrate that these features will be protected
Significant built heritage resources and cultural heritage landscapes	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Development should conserve significant built heritage resources and cultural heritage landscapes
Significant archaeological resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Assess development proposed in areas of medium and high potential for significant archaeological resources. These resources are to be studied and preserved, or, where
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

SIGNIFICANT FEATURES				
Feature or Development Circumstance	Is the feature on or within 500m of the subject lands? OR If a development circumstance does it apply?		If a feature, specify distance in metres.	Potential Information Needs
	Yes	No		
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 <sup>4</sup>	<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
<p>1 Class 1 industry: Small scale, self-contained plant, no outside storage, low probability of fugitive emissions and daytime operations only.</p> <p>2 Class 2 industry: Medium scale processing and manufacturing with outdoor storage, periodic output of emissions, shift operations and daytime truck traffic.</p> <p>3 Class 3 industry: Processing and manufacturing with frequent and intense off-site impacts and a high probability of fugitive emissions.</p> <p>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.</p>				

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

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

Yes  No

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

Yes  No

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

Yes  No

d) An “H” holding provision in the zoning that requires the submission and approval of a Cultural Heritage Impact Assessment prior to the holding being lifted?  
 Yes  No

5.8 Are any adjacent properties to the subject lands recognized as protected heritage property (i.e., designated or subject to an easement or covenant under the *Ontario Heritage Act*)?  
 Yes  No

5.9 If yes to either of 5.7 a), b), c) or d), or 5.8 above, a Cultural Heritage Impact Assessment is required. Is a Cultural Heritage Impact Assessment attached?  
 Yes  No

5.10 Has the Owner received a “Request to Enter into a Mutual Agreement” to eliminate or extend the Prescribed Event 90-day time period under the *Ontario Heritage Act*?  
 N/A  Yes  No

Is the Owner willing to enter into a Mutual Agreement to eliminate or extend the Prescribed Event 90-day time period under the *Ontario Heritage Act*?

N/A  Yes  No

## 6. OFFICIAL PLAN AMENDMENT APPLICATION

Prescribed Information Requirements per Schedule 1 – Ontario Regulation 543/06

6.1 Indicate the current designation of the subject land in the Urban / Rural Hamilton Official Plan, and the land uses that the designation authorizes.

Mixed Use - Medium Density (UHOP Sched. E-1 - Urban Land Use); Permitted Uses: Commercial Uses; Institutional Uses; Arts, Cultural, Entertainment, and Recreational Uses; Hotels; Multiple Dwellings; and Accessory Uses.

6.2 Are the subject lands located within an existing Secondary Plan?

Yes  No

If yes, what is the designation on the subject lands?

Mixed Use - Medium Density, Pedestrian Focus Overlay (Ancaster Wilson Street Secondary Plan).

6.3 Is the proposed amendment intended to change, delete or replace an approved Official Plan policy?

Yes  No

If yes, list the policy or policies proposed to be changed, replaced, or deleted?

Describe the purpose of the requested amendment. (Attach the text of the requested amendment)

To reflect the approved zoning on the lands and permit a maximum height of 8 storeys whereas a maximum height of 3 storeys is permitted within the Mixed Use - Medium Density designation of the Ancaster Wilson Street Secondary Plan.

6.4 Is the proposed amendment intended to add new policy?

Yes       No

If yes, provide details for the requested new policy.

N/A

Describe the purpose of the requested amendment. (Attach the text of the requested amendment)

N/A

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

Yes       No

If yes, what is the proposed designation on the subject land, and the land uses that will be permitted by the proposed designation? (Attach the schedule and the accompanying text of the requested amendment)

Describe the purpose of the requested amendment.

To reflect the approved zoning on the lands and permit a maximum height of 8 storeys whereas a maximum height of 3 storeys is permitted within the Mixed Use - Medium Density designation of the Ancaster Wilson Street Secondary Plan.

**7. ZONING BY-LAW AMENDMENT APPLICATION**

Prescribed Information Requirements per Schedule 1 – Ontario Regulation 545/06

7.1 What is the current zoning on the subject land?

7.2 What is the proposed zoning? Provide an explanation why the rezoning is being requested.

7.3 What is the current designation of the subject land in the Official Plan? Provide an explanation of how the requested rezoning conforms with the Official Plan.

7.4 Is this application within an area where zoning with conditions may apply?

Yes       No

If yes, provide details of how the application conforms to Official Plan policies relating to the Zoning with conditions.

7.5 Is this application within an area where the municipality has pre-determined the minimum and maximum density requirements, or the minimum and maximum height requirements?

Yes       No

If yes, provide a statement of these requirements.

- 7.6 For Zoning By-law Amendment Applications, a sketch (in metric) must be attached showing the following:
1. the boundaries and dimensions of the subject lands;
  2. the location, size and type of all existing and proposed buildings and structures on the subject land, indicating their distance from the front lot line, rear lot line and side lot lines;
  3. the approximate location of all natural and artificial features (for example, buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that:
    - (i) are located on the subject land and on land that is adjacent to it, and
    - (ii) in the applicant's opinion may affect the application;
  4. the current uses of land that is adjacent to the subject land;
  5. 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;
  6. if access to the subject land will be water only, the location of the parking and docking facilities to be used; and,
  7. the location and nature of any easement affecting the subject land.

**Instructions for Sections 8 – 10 below:**

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


**8. CONSENT OF THE OWNER(S)**

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

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

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

202/12/23  
Date

  
Signature of Owner(s)

**9. AUTHORIZATION**

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

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

I, Wilson St. Ancaster Inc., am the Owner(s) of the land that is the subject of this application and I authorize UrbanSolutions c/o Matt Johnston 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.

202/12/23  
Date

  
Signature of Owner(s)

9.2 **Authorization of Owner for Agent to Provide Personal Information**


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


2024/12/23  
Date


  
Signature of Owner(s)

10. **ACKNOWLEDGEMENTS**

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

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

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

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

2024/12/23  
Date

  
Signature of Owner(s)



**11. AFFIDAVIT OR SWORN DECLARATION**

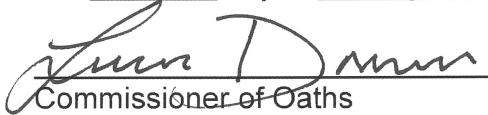
This declaration must be sworn before a Commissioner of Oaths. A Commissioner is available at the following Departments:

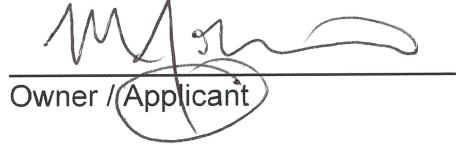
- Planning Division, City Hall, 5th Floor
- Building Division, City Hall, 3rd Floor
- City Clerk’s Division, City Hall, 1st Floor

I, Matt Johnston 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 23 day of December, 2024.

Laura Leigh Drennan, a Commissioner,  
etc., Province of Ontario, for  
UrbanSolutions Planning & Land  
Development Consultants Inc.  
Expires January 13, 2026.

  
Commissioner of Oaths

  
Owner / Applicant

**12. COLLECTION OF INFORMATION**

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the request and application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Planning Division at [pdgeninq@hamilton.ca](mailto:pdgeninq@hamilton.ca) or 905-546-2424 ext. 1355.

**CITY OF HAMILTON  
COST ACKNOWLEDGEMENT AGREEMENT**

**THIS AGREEMENT** made this 23 day of December, 20 24.

**BETWEEN:**

Wilson St. Ancaster Inc.

*Applicant's name(s)*

hereinafter referred to as the "Developer"

-and-

**CITY OF HAMILTON**

hereinafter referred to as the "City"

**WHEREAS** the Developer represents that he/she is the registered owner of the lands described in Schedule "A" attached hereto, and which lands are hereinafter referred to as the "lands";

**AND WHEREAS** the Developer has filed for an application for a (circle applicable) consent / rezoning / official plan amendment / subdivision approval / minor variance.

**AND WHEREAS** it is a policy of the City that any City costs associated with an appeal to the Ontario Land Tribunal, by a party other than the Developer, of an approval of a consent, rezoning, official plan amendment, plan of subdivision, and/or minor variance, such as, but not limited to, legal counsel costs, professional consultant costs and City staff costs, shall be paid by the Developer.

**NOW THEREFORE THIS AGREEMENT WITNESSETH** that in consideration of the sum of two dollars (\$2.00) now paid by the City to the Developer, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. In this Agreement:

- (a) "Application" means the application(s) for a (circle applicable) consent/rezoning/official plan amendment/subdivision approval or minor variance dated \_\_\_\_\_ with respect to the lands described in Schedule "A" hereto.
- (b) "Expenses" means all expenses incurred by the City if the application is: (a) approved by the City; (b) appealed to the Ontario Land Tribunal by a party other than the developer; and (c) the City appears before the Ontario Land Tribunal or any other tribunal or Court in support of the application, including but not limited to: City staff time, City staff travel expenses and meals, City disbursements, legal counsel fees and disbursements and all consultant fees and disbursements including, without limiting the generality of the foregoing planning, engineering or other professional expenses.

2. The City agrees to process the application and, where the application is approved by the City but appealed to the Ontario Land Tribunal by a party other than the Developer, the Developer shall file an initial deposit, in the form of certified cheque or cash with the General Manager, Finance & Corporate Services within fifteen days of the date of the appeal of the application by a third party in the amount of 50% of the estimated expenses associated with the appeal as estimated by the City Solicitor in his sole discretion which shall be credited against the Expenses.
3. It is hereby acknowledged that if the deposit required pursuant to section 2 of this Agreement is not paid by the Developer the City shall have the option, at its sole discretion, of taking no further steps in supporting the Developer's application before the Ontario Land Tribunal.
4. It is hereby acknowledged that all expenses shall be paid for by the Developer. The Developer shall reimburse the City for all expenses the City may be put to in respect of the application upon demand.
5. It is hereby acknowledged and agreed that all expenses shall be payable by the Developer whether or not the Developer is successful before the Ontario Land Tribunal or any other tribunal or Court in obtaining approval for their application.
6. The City shall provide the Developer with copies of all invoices of external legal counsel or consultants included in the expenses claimed by the City.
7. The City shall provide the Developer with an accounting of all staff costs and City disbursements included in the expenses claimed by the City.
8. The City may, at any time, draw upon the funds deposited in accordance with sections 2 and 9 of this Agreement to satisfy expenses incurred pursuant to the appeal of the application.
9. In the event that the amount deposited pursuant to section 2 of this Agreement is reduced to less than 10% of the initial deposit, the City may halt all work in respect of the appeal of the application until the Developer deposits with the City a sum sufficient to increase the deposit to an amount which is equal to 100% of the expenses estimated pursuant to paragraph 2 of this Agreement and still to be incurred by the City.
10. Within 60 days of: (a) a decision being rendering in respect of the appeal or any legal proceedings resulting from the decision, whichever is later; or (b) the termination of all legal proceedings in respect of the application, the City shall prepare and submit a final account to the Developer. If there are any deposit funds remaining with the City they shall be applied against the account. Any amount owing in respect of the final account in excess of deposit funds shall be paid by the Developer within 30 days of the date of the final account. If any deposit funds are remaining after the final account has been paid they shall be returned to the developer within 30 days of the date of the final account.
11. This Agreement shall not be construed as acceptance of the application and nothing herein shall require or be deemed to require the City to approve the application.
12. This Agreement shall not stand in lieu of or prejudice the rights of the City to require such further and other agreements in respect of the application that the City may deem necessary.
13. Every term, covenant, obligation and condition in this Agreement ensures to the benefit of and is binding upon the parties hereto and their respective heirs, executors,

administrators, successors, trustees and assigns.

14. When the context so requires or permits, the singular number is to be read as if the plural were expressed, and the masculine gender as if the feminine, as the case may be, were expressed; and,
15. This Agreement and the schedules hereto constitute the entire agreement between the parties in respect of the subject matter contained herein and is not subject to, or in addition to, any other agreements, warranties or understandings, whether written, oral or implied. This Agreement may not be modified or amended except by instrument in writing signed by the Developer and the City, and,
16. The waiver or acquiescence by the City of any default by the Developer under any obligation to comply with this Agreement shall not be deemed to be a waiver of that obligation or any subsequent or other default under this Agreement.
17. The Developer covenants and agrees to be bound by the terms and conditions of this Agreement and not to seek a release from the provisions thereof until such time as the Developer's obligations hereunder have been assumed by its successor, assignee or transferee by way of written agreement in the form set out in Schedule "B" to this Agreement.

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

**SIGNED, SEALED AND DELIVERED**

  
\_\_\_\_\_  
Owner: [Wilson Street Ancaster Inc.](#) c/s  
Title: [A.S.O.](#)  
I have authority to bind the corporation

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

**CITY OF HAMILTON**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk