Docusign Envelope ID: 8B2B0C1A-0DD1-8395-814A-C30A2A2ACD3D

Hamilton

Planning and Economic Development
City Hall, 5th Floor
71 Main St. W., Hamilton, ON L8P 4Y5
Phone: (905) 546-2424 ext. 1355
Email: planningapps@hamilton.ca

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
- [ ] Official Plan Amendment (Urban Boundary Expansion)
- [ ] Official Plan Amendment (Secondary Plan for Expansion Area)
- [X] Zoning By-law Amendment (Major)
- [ ] Zoning By-law Amendment (Secondary Suite)
- [ ] Removal of "H" Holding Symbol (specify type):
  - [ ] Standard
  - [ ] Site Plan

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.

Has a Formal Consultation been completed for this proposal?

- [ ] Yes, File Number: FC- _____ Document Dated: _____

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

- [X] No, Formal Consultation was not completed for this proposal.

- [X] The required plans, studies and reports as per the Urban Hamilton Official Plan or Rural Hamilton Official Plan have been submitted.

Please note that all required plans, studies and reports which were confirmed by City Planning staff on May 12, 2026 have been included within the enclosed submission package.

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1. APPLICANT INFORMATION

NAME	ADDRESS	CONTACT INFORMATION
Registered Owner* Forum Properties c/o Mr. Toby Singlehurst	202-3027 Harvester Road, Burlington, ON L7N 3G7	Phone: (416) 219-3874 Email: toby@forumproperties.com
Applicant Same as owner	Same as owner	Phone: Same as owner Email: Same as owner
Agent UrbanSolutions Planning & Land Development Consultants Inc. c/o Matt Johnston	3 Studebaker Place, Unit 1, Hamilton, ON L8L 0C8	Phone: (905) 546-1087 Email: mjohnston@urbansolutions.info
All correspondence should be sent to (check one): ☐ Owner ☐ Applicant ☒ 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	1310 South Service Road		
Former Municipality	Stoney Creek		
Lot	9, 10 & 11	Concession	N/A
Registered Plan Number	310	Lot(s)	N/A
Reference Plan Number(s)	N/A	Part(s)	Part of Lots 12 to 16

2.2 Property details.

Frontage (metres)	Depth (metres)	Area (hectares)
+/- 94.07 m	+/- 147.2 m	+/- 2.36 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.

N/A

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. The subject lands are currently vacant

Type of Buildings or Structures	All Yard Setbacks (m)				Building Dimensions	Ground Floor Area	Height	Year Built
	Front	Rear	Side	Side				
1.								
2.								
3.								

2.8 Previous use of the subject lands.

☐ Residential ☐ Industrial ☐ Commercial ☐ Agricultural ☐ Vacant

☐ Other(s) _____

If Industrial or Commercial, specify use:

N/A

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?	☑	☐	☐
(b) Has a gas station been located on the subject land or adjacent lands at any time?	☑	☐	☐
(c) Has there been petroleum or other fuel stored on the subject land or adjacent lands?	☑	☐	☐
(d) Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?	☐	☐	☑
(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?	☐	☑	☐
(f) Have the lands or adjacent lands ever been used as a weapons firing range?	☐	☑	☐

(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?	☐	☑	☐
(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)?	☐	☑	☐
(i) Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?	☐	☐	☑

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

Consultation with the owner.

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

2.12 Adjacent uses to the subject lands

North	South Service Road / QEW	East	Commercial
South	Commercial (Costco)	West	Vacant (approved mixed-use development)

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	☑	☐	☐	UHOPA-22-026	Unknown
Zoning By-law Amendment	☑	☐	☐	ZAC-22-063	Unknown
Draft Plan of Subdivision	☐	☑	☐		
Draft Plan of Condominium	☐	☑	☐		
Severance/Consent	☐	☑	☐		
Minor Variance	☑	☐	☐	SC/A-18:117 & SC/A-12:139	Approved
Site Plan Control	☑	☐	☐	DA-13022	Approved
Minister's Zoning Order	☐	☑	☐	O. Reg. No.	

Other applications within 120 metres of subject lands include SC/A-23:120, A-2026-00072, DA-22-081, ZAC-21-008, UHOPA-21-004, SC/B-16:51,SC/B-15:41, SC/B-13:77, SC/B-13:78 and SPA-22-141.

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2.15 If yes to any in 2.14, provide a description of the subject land, and the effect on **this** application.

The proposed development has been designed having regard for the existing and planned land use framework and is intended to be compatible with surrounding development. The applications identified do not adversely affect the merits of the current OPA/ZBA application and supports the evolving development pattern and planning context of the area.

3. PURPOSE OF THE APPLICATION

Type text here

3.1 Provide a brief description of the proposal.

The proposed development entails the expansion of Costco's surface parking lot on the southerly portion of the subject lands and a mid-rise residential development on the northerly portion of the lands. The required land consolidation is to be facilitated through a forthcoming Consent to Sever application. Please refer to the enclosed Cover Letter and Planning Justification Report prepared by UrbanSolutions for more information on the proposal.

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^2)	Total Floor Area (m^2)	Building Height and No. of storeys
	Front	Rear	Side	Side				
1. Building A	19.64 m	N/A	11.42 m	40.35 m	61.22 m x 19.87 m	875.56 sq. m	7,880.04 sq. m	9
2. Building B	N/A	7.55 m	29.7 m	40.53 m	61.22 m x 19.87 m	875.56 sq. m	7,880.04 sq. m	9
3.								

4. SERVICING AND ACCESS

Types of Servicing

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

4.1 Water Supply

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

4.2 Sewage Disposal

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

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4.3 Storm Drainage

- [X] Sewer
- [ ] Ditches
- [ ] Swales
- [ ] Others (specify and provide explanation) _____

4.4 Road access and / or frontage.

Name of Road Vince Mazza Way

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

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

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 the enclosed Planning Justification Report prepared by UrbanSolutions for information on the proposal's consistency with the Provincial Planning Statement.

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

Provincial Planning Statement	[X] Yes	[ ] No
Greenbelt Plan	[ ] Yes	[X] No
Niagara Escarpment Commission Plan	[ ] Yes	[X] No
Parkway Belt West Plan	[ ] Yes	[X] No
Other (Specify)	[ ] Yes	[X] No

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

Please refer to the enclosed Planning Justification Report prepared by UrbanSolutions for information on the proposal's conformity with applicable Provincial policies.

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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 designation(s), proposed official plan designation(s) and gross hectare amount of land to be added or removed from an area of settlement.

N/A

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

If yes, provide the current official plan designation(s), proposed official plan designation(s) and gross hectare amount of land requested to be removed from an area of employment.

N/A

5.6 All applications under the *Planning Act* are subject to review for regard to the Provincial Planning 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.

Feature or Development Circumstance	**Is the feature on site or within 500m OR If a development circumstance does it apply?**		**If a feature, specify the distance in metres.**	**Potential Information Needs**
	Yes	**No**		
Non-farm development near designated urban areas or rural settlement area	☐	☒	N/A	Demonstrate sufficient need within 20-year projections and that proposed development will not hinder efficient expansion of urban or rural settlement areas
Class 1 industry[1]	☐	☒	N/A	Assess development for residential and other sensitive uses within 70 metres
Class 2 industry[2]	☐	☒	N/A	Assess development for residential and other sensitive uses within 300 metres

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Feature or Development Circumstance	Is the feature on site or within 500m OR If a development circumstance does it apply?		If a feature, specify the distance in metres.	Potential Information Needs
	Yes	No		
Class 3 industry[3]	☐	☒	N/A	Assess development for residential and other sensitive uses within 1000 metres
Land Fill Site	☐	☒	N/A	Address possible leachate, odour, vermin and other impacts
Sewage Treatment Plant	☐	☒	N/A	Assess the need for a feasibility study for residential and other sensitive land uses
Waste Stabilization Pond	☐	☒	N/A	Assess the need for a feasibility study for residential and other sensitive land uses
Active Railway line	☐	☒	N/A	Evaluate impacts within 100 metres
Controlled access highways or freeways, including designated future routes	☒	☐	35 metres	Evaluate impacts within 100 metres
Airports where noise exposure forecast (NEF) or noise exposure projection (NEP) is 28 or greater	☐	☒	N/A	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	☐	☒	N/A	Determine possible impacts within 200 metres
High voltage electric transmission line	☐	☒	N/A	Consult the appropriate electric power service
Transportation and infrastructure corridors	☒	☐	35 metres	Will the corridor be protected?
Prime agricultural land	☐	☒	N/A	Demonstrate need for use other than agricultural and indicate how impacts are to be mitigated
Agricultural operations	☐	☒	N/A	Development to comply with the Minimum Distance Separation Formulae

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Feature or Development Circumstance	Is the feature on site or within 500m OR If a development circumstance does it apply?		If a feature, specify the distance in metres.	Potential Information Needs
	Yes	No		
Mineral aggregate resource areas	☐	☒	N/A	Will development hinder access to the resource or the establishment of new resource operations?
Existing Pits and Quarries	☐	☒	N/A	Will development hinder continued operation or extraction?
Mineral and petroleum resource areas	☐	☒	N/A	Will development hinder access to the resource or the establishment of new resource operations?
Significant wetlands	☐	☒	N/A	Development is not permitted
Significant portions of habitat of endangered species and threatened species	☐	☒	N/A	Development is not permitted
Significant fish habitat, woodlands, valley lands, areas of natural and	☐	☒	N/A	Demonstrate no negative impacts
Significant groundwater recharge areas, headwaters and aquifers	☐	☒	N/A	Demonstrate that these features will be protected
Significant built heritage resources and cultural heritage landscapes	☐	☒	N/A	Development should conserve significant built heritage resources and cultural heritage landscapes
Significant archaeological resources	☐	☒	N/A	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.

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Feature or Development Circumstance	Is the feature on site or within 500m OR If a development circumstance does it apply?		If a feature, specify the distance in metres.	Potential Information Needs
	Yes	No		
Great Lakes system: A - Within defined portions of the dynamic beach and 1:100 year flood level along connecting channels	☐	☒	N/A	A - Development is not permitted.
B - On lands subject to flooding and erosion	☐	☒		B - Development may be permitted; demonstrate that hazards can be safely addressed
Erosion hazards	☐	☒	N/A	Determine feasibility within the 1:100 year erosion limits of ravines, river valleys and streams
Floodplains	☐	☒	N/A	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 Special Policy Area (SPA) is in effect, must meet the official plan policies for the SPA.
Hazardous sites[4]	☐	☒	N/A	Demonstrate that hazards can be addressed
Contaminated sites	☐	☒	Unknown	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.

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[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.

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 N/A

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.

Neighbourhoods - Schedule E-1 - Urban Land Use Designations

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

☒ Yes ☐ No

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

Medium Density Residential 2, Special Policy Area "O" - Fruitland Winona Secondary Plan - Map B.7.4-1 - Land Use 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?

Please refer to the enclosed Cover Letter and Planning Justification Report prepared by UrbanSolutions.

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

Please refer to the enclosed Cover Letter and Planning Justification Report prepared by UrbanSolutions.

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)

Please refer to the enclosed Planning Justification Report and Draft Official Plan Amendment prepared by UrbanSolutions.

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)

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Describe the purpose of the requested amendment.

Please refer to the enclosed Planning Justification Report and Draft Official Plan Amendment prepared by UrbanSolutions.

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?

Mixed Use Medium Density (C5, 851, H112) in Zoning By-law No. 05-200.

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

District Commercial (C6, 301) for the southerly portion of the subject lands proposed to accommodate the expanded parking lot area. Please note that a separate Zoning By-law Amendment application is being submitted to permit the proposed residential development on the northerly portion of the lands.

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.

The proposed zoning will conform to the policies of the Urban Hamilton Official Plan, as amended through the corresponding Official Plan Amendment application for this proposal. Please refer to the enclosed Planning Justification Report prepared by UrbanSolutionsfor information pertaining to zoning conformity with the Urban Hamilton 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.

N/A

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.

The subject lands are currently zoned C5, 851, H112. Special Exemption 851 notes a maximum building height in accordance with Figure 35 of Schedule F which ranges from 14 metres to 45 metres permitted. In addition, minimum density of 60 units per hectare and maximum density of 310 units per hectare.

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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.

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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, Forum Properties c/o Mr. Toby Singlehurst (Founding Partner) !!!!!!!!!!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.

August 20, 2026
Date

DocuSigned by:
787D0065FB35418...
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, Forum Properties c/o Mr. Toby Singlehurst (Founding Partner), am the Owner(s) of the land that is the subject of this application, and I authorize UrbanSolutions Planning & Land Development Consultants Inc. 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.

August 20, 2026
Date

DocuSigned by:
787D0065FB35418...
Signature of Owner(s)

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

I, Forum Properties c/o Mr. Toby Singlehurst (Founding Partner), am the Owner(s) of the land that is the subject of this application 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 Planning & Land Development Consultants Inc. 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.

August 20, 2026
Date

DocuSigned by:
787D0065FB35418...
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 DS TS

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 DS TS

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 DS TS

August 20, 2026
Date

DocuSigned by:
787D0065FB35418...
Signature of Owner(s)

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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
- 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 5th day of August, 2026.

Commissioner of Oaths

Laura Leigh Drennan, a Commissioner, etc., Province of Ontario, for UrbanSolutions Planning & Land Development Consultants Inc. Expires January 13, 2029.

Owner / Applicant

Agent per

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 pdgening@hamilton.ca or 905-546-2424 ext. 1355.

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CITY OF HAMILTON
COST ACKNOWLEDGEMENT AGREEMENT

THIS AGREEMENT made this _____ day of _____, 20 _____.

BETWEEN:

Forum Properties c/o Mr. Toby Singlehurst
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.

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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.

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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

DocuSigned by:
787D0065FB35418...
_____ c/s
Owner: Forum Properties c/o Mr. Toby Singlehurst
Title: A.S.O.
I have authority to bind the corporation

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

CITY OF HAMILTON

_____
Mayor

_____
Clerk

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SCHEDULE "A"
DESCRIPTION OF LANDS

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SCHEDULE "B"
FORM OF ASSUMPTION AGREEMENT

THIS AGREEMENT is made this _____ day of _____, 20 _____.

BETWEEN

Forum Properties c/o Mr. Toby Singlehurst
(hereinafter called the "Owner)

OF THE FIRST PART

-and-

_____
(hereinafter called the "Assignee")

-and-

OF THE SECOND PART

CITY OF HAMILTON
(hereinafter called the "Municipality")

OF THE THIRD PART

WHEREAS the owner and the Municipality entered into and executed a Cost Acknowledgement Agreement dated _____.

AND WHEREAS Assignee has indicated that it will assume all of the Owner's duties, liabilities and responsibilities as set out in the Cost Acknowledgement Agreement.

AND WHEREAS Council for the Municipality has consented to releasing the Owner from its duties, liabilities and responsibilities under said Cost Acknowledgement Agreement subject to the Assignee accepting and assuming the Owner's duties, liabilities and responsibilities and subject to the Assignee the Owner and the Municipality entering into and executing an Assumption Agreement.

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the mutual covenants hereinafter expressed and other good and valuable consideration, the parties hereto agree as follows.

1. The Assignee covenants and agrees to accept, assume and to carry out the Owner's duties, liabilities and responsibilities under the Cost Acknowledgement Agreement and in all respects to be bound under said Cost Acknowledgement Agreement as if the Assignee had been the original party to the agreement in place of the Owner.

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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

DocuSigned by:
787D0065FB35418...
c/s
Owner: Forum Properties c/o Mr. Toby Singlehurst
Title: A.S.O.
I have authority to bind the corporation

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

CITY OF HAMILTON

Mayor

Clerk