



# Part Lot Control

in the City of Hamilton

## What is Part Lot Control?

Part Lot Control regulates the sale or transfer of *part of a lot or block* within a registered plan of subdivision. Part Lot Control allows municipalities to regulate the sale, transfer or division of part lots or blocks within a Plan of Subdivision after the plan has been registered. Property owners may apply for a Part Lot Control Exemption to remove part lot control from a lot or block within a Registered Plan of Subdivision.

## What is a Part Lot Control Exemption?

Section 50(7) of the Planning Act authorizes municipalities to pass by-laws to permit whole blocks and lots within registered plans of subdivisions to be further divided. City Council may pass a by-law exempting land situated in a Registered Plan of Subdivision from part lot control to allow the division of the lands into smaller parcels, make minor boundary adjustments, or establish maintenance easements by way of a Reference Plan.

Exemptions from Part Lot Control are often used to facilitate semi-detached and townhouse developments. This approach is used to ensure that the common centre wall between two dwelling units is constructed on the property line.

## How can I apply for a Part Lot Control Exemption?

Applications for Part Lot Control are available at:  
**Planning and Economic Development Department**  
City Hall  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, Ontario, L8P 4Y5  
Or online at: [www.hamilton.ca/pedapplications](http://www.hamilton.ca/pedapplications)



## What do I need to submit with my application to make sure it's complete?

The following information must accompany the submission in order to deem the application complete:

- Copy of deed of subject property to current registered owner;
- Copy of deed of subject property to applicant (if different from above);
- Copy of draft proposed Transfer, which applicant would sign if the by-law were to be enacted;
- Copy of the Registered Plan of Subdivision that includes the subject property;
- Copy of a Deposited Reference Plan defining the parts to be created;
- One (1) copy of the Reference Plan reduced to 8½ x 11 and an electronic copy;
- A certified list showing the lot area and frontage of each lot to be created;
- Name, address, and phone number of applicant's lawyer, who will handle the City's inquiries on this application;
- Name, address, and phone number of lawyer for the Transferee of the correcting Transfer (if Part Lot Control By-law is enacted);
- Five (5) copies of the information/reports, if indicated, in support of application; and,
- The applicable application fee(s) in accordance with the current Fee Schedule.

## What is the process for reviewing my application?

The assigned planner of the Development Planning Section will review the application to ensure it is complete and that all required Plans and information have been submitted. The application will then be circulated to various municipal departments and external agencies for review and comment.

Once all comments are received, the assigned Planner prepares a Report recommending approval or denial of the application for the General Manager of the Planning and Economic Development Department's approval. If any issues are identified through the circulation process, the identified issues will have to be addressed prior to forwarding the report to the General Manager. If approved, the assigned Planner will then forward the By-law, attaching the DEPOSITED Reference Plan, to City Council for adoption, effective for a maximum two (2) year period. Once it has been passed by City Council, the By-law is then registered at the Registry Office by the applicant's lawyer.

**Please note:** The Part Lot Control Application and report are not required to be reviewed by the Economic Development and Planning Committee. The Part Lot Control By-law is submitted directly to Council for adoption. There is an option for an extension to the Part Lot Control By-law.

## Who has the authority to approve exemptions?

Hamilton's City Council has delegated the authority to approve an application for exemption from Part Lot Control for lands within the City to the General Manager of the Planning and Economic Development Department. If the General Manager's decision is to approve the exemption, Council will then adopt the By-law exempting the lands from Part Lot Control Exemption.

## Can I appeal a decision?

No, all decisions are final as a Part Lot Control Exemption cannot be appealed to the Ontario Municipal Board (OMB).

Information collected in the Part Lot Control application process, including personal information, is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13 and is subject to the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56.

## For more information contact:

### Planning Division

Planning and Economic Development Department  
City Hall  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, Ontario, L8P 4Y5  
Website: [www.hamilton.ca/developmentplanning](http://www.hamilton.ca/developmentplanning)

### Monday - Friday

8:30 a.m. - 4:30 p.m.

**East Wards - 3,4,5,6,9,10 and 11**

Phone: 905.546.2424 Ext. 1355

**West Wards - 1,2,7,8,12,13,14 and 15**

Phone: 905.546.2424 Ext. 2799

All Department brochures can be found at: [www.hamilton.ca/pedpublications](http://www.hamilton.ca/pedpublications)

All Department applications can be found at: [www.hamilton.ca/pedapplications](http://www.hamilton.ca/pedapplications)

