

Authority: Item 12 Committee of the  
Whole Report 01-033  
(PD01184)  
CM: October 16, 2001

Bill No. 231

City of Hamilton

BY-LAW No. 04-231

Respecting:

Removal of Part Lot Control

Block 7, Registered Plan 62M-1004

**WHEREAS** the Planning Act, (R.S.O. 1990, Chapter P.13 sec.50 (5) as amended) establishes part-lot control on land within registered plans of subdivision;

**AND WHEREAS** the Planning Act, (sec.50 (7) states, in part, as follows:

- (7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.
- (7.1) **Requirement for approval of by-law.** -- A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.
- (7.2) **Exemption from approval.** -- An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.
- (7.3) **Expiration of by-law.** -- A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.
- (7.4) **Extension of time period.** -- The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.

(7.5) **Amendment or repeal.** -- The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

**AND WHEREAS** the land which is the subject of this By-law was, as of January 1st, 2001 — placed within the jurisdiction of the City of Hamilton, a new municipality incorporated as of January 1, 2001 by the City of Hamilton Act, 1999 (S.O. 1999, Chapter 14, Schedule C);

**AND WHEREAS** the City of Hamilton stands in the place of the former regional municipality, The Regional Municipality of Hamilton-Wentworth and in the place of the former area municipalities, namely The Corporation of the Town of Dundas;

**AND WHEREAS** the authority to approve this by-law enacted under subsection 7 of Section 50 of the Planning Act is vested in the City of Hamilton, as contemplated by section 50 (7.2) of the Act, because the City is, pursuant to section 51(6) of the Planning Act, the approval authority for plans of subdivision;

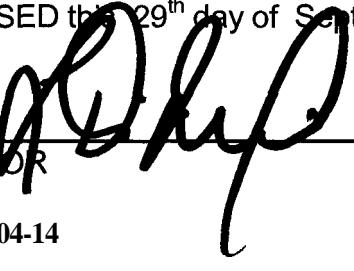
**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. Subsection 5 of Section 50 of the Planning Act, for the purpose of creating three (3) lots for townhouse dwellings, attached as Appendix "A" shall not apply to the portion of registered plan of subdivision that is designated as follows:

Block 7, Registered Plan Number 62M-1004, in the City of Hamilton (Stoney Creek).

2. This by-law shall be registered on title to the said land and shall come into force and effect on the date of such registration.
3. The time period, during which the By-law remains in force, shall expire on the following specified date: September 30, 2006.

PASSED the 29<sup>th</sup> day of September, 2004.

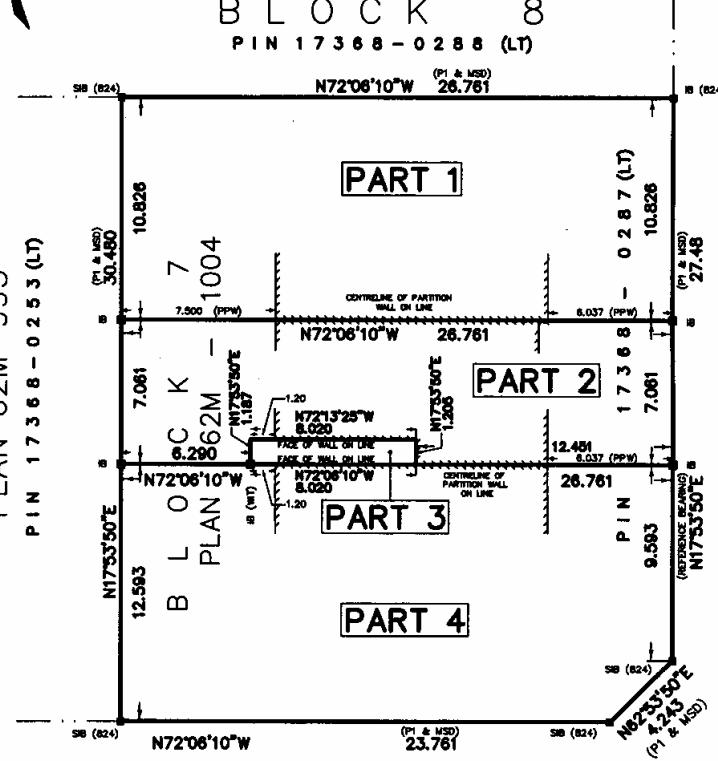
  
MAYOR

PLC-04-14

  
CLERK

Appendix "A" to By-Law No 04-231

<b>PLAN OF SURVEY</b> OF <b>BLOCK 7</b> <b>PLAN 62M-1004</b> IN THE <b>CITY OF HAMILTON</b> SCALE: 1:200 metres  <i>S.D. McLaren, O.L.S. - 2004</i>		<b>SCHEDULE</b> <table border="1"> <thead> <tr> <th>PART</th> <th>LOT</th> <th>PLAN</th> <th>P.I.N.</th> </tr> </thead> <tbody> <tr> <td>1</td> <td></td> <td></td> <td></td> </tr> <tr> <td>2</td> <td>ALL OF</td> <td>62M-1004</td> <td>17368-0287 (LT)</td> </tr> <tr> <td>3</td> <td></td> <td></td> <td></td> </tr> <tr> <td>4</td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p>NOTE: PARTS 1 - 4 COMprise ALL OF PIN 17368-0287 (LT)</p>				PART	LOT	PLAN	P.I.N.	1				2	ALL OF	62M-1004	17368-0287 (LT)	3				4				<b>PLAN 62 R-</b> RECEIVED AND DEPOSITED Date _____  LAND REGISTRAR FOR THE LAND TITLES DIVISION OF MENTWORTH (No. 62)  I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT. Date <u>AUGUST 23, 2004</u> .  <i>S.D. McLaren, O.L.S.</i>	
PART	LOT	PLAN	P.I.N.																								
1																											
2	ALL OF	62M-1004	17368-0287 (LT)																								
3																											
4																											


  
**BLOCK 8**  
 PIN 17368-0288 (LT)  
 N72°06'10" W 26.761  


**LOT 95**  
 PLAN 62M-995  
 PIN 17368-0253 (LT)  
 N72°06'10" E 23.761  
 N73°35'50" E 12.583  
**PLAN 62M-1004**  
 PIN 17368-0288 (LT)  
 N72°06'10" W 26.761  
**SONOMA LANE**  
 (ESTABLISHED BY PLAN 62M-955)  
 PIN 17368-0274 (LT)  
**BENZIGER LANE**  
 (ESTABLISHED BY PLAN 62M-1004)  
 PIN 17368-0283 (LT)

**METRIC NOTE**  
 DISTANCES SHOWN ON THIS  
 PLAN ARE IN METRES AND  
 CAN BE CONVERTED TO FEET  
 BY DIVIDING BY 0.3048

**BEARING NOTE:**  
 BEARINGS ARE ASTRONOMIC AND ARE  
 REFERRED TO THE WESTERLY LIMIT OF  
 BENZIGER LANE AS SHOWN ON PLAN  
 62M-1004 AS BEING N175°3'50"E.

**LEGEND:**

- DENOTES MONUMENT SET
- MONUMENT FOUND
- IRON BAR
- TAPERED IRON BAR
- 100' CHAIN
- A.T. MCLAREN, O.L.S.
- M. M. MCLAREN
- J.D. BARNES, O.L.S.
- WITNESS
- PRODUCTION OF CENTRELINE OF PARTITION WALL

**SURVEYOR'S CERTIFICATE**  
 I CERTIFY THAT:  
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH  
 THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT  
 AND THE REGULATIONS MADE UNDER THEM.  
 2. THE SURVEY WAS COMPLETED ON THE 26TH DAY OF JULY, 2004.  
 AUGUST 23, 2004.  
 DATE

*S.D. McLaren, O.L.S.*


**A.T. McLaren Limited**  
 LEGAL AND ENGINEERING SURVEYS  
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