

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

Bill No. 031

CITY OF HAMILTON

BY-LAW No. 06-031

Respecting:

**REMOVAL OF PART LOT CONTROL
BLOCKS 113, 114, 115 and 116 REGISTERED PLAN 62M-1040 (Avalon Phase 3)**

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

By-law to remove Blocks 113, 114, 115 and 116
Registered Plan 62M-1040
from Part Lot Control

2

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 of the said Region;

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 18 small lots for single detached dwellings described as Parts 1 to 36, inclusive, and 12 interlink lots for single detached dwellings described as Parts 37 to 72, inclusive, on Reference Plan No. 62R-17319, shall not apply to the portion of registered plan of subdivision that is designated as follows:

Blocks 113, 114, 115 and 116 Registered Plan Number 62M-1040,
in the City of Hamilton.

2. Subsection 5 of Section 50 of the Planning Act, for the purpose of creating maintenance easements described as follows:

<u>Lot/Part Number</u>	<u>"Together With" a 1.2 metre wide Maintenance Easement Over</u>
Parts 3 and 4, 62R-17319	Part 2, 62R-17319
Parts 5 and 6, 62R-17319	Part 4, 62R-17319
Parts 7 and 8, 62R-17319	Part 6, 62R-17319
Parts 9 and 10, 62R-17319	Part 8, 62R-17319
Parts 11 and 12, 62R-17319	Part 10, 62R-17319
Parts 13 and 14, 62R-17319	Part 12, 62R-17319

By-law to remove Blocks 113, 114, 115 and 116
Registered Plan 62M-1040
from Part Lot Control

3

**"Together With" a 1.2 metre wide
Maintenance Easement Over**

<u>Lot/Part Number</u>	
Parts 15 and 16, 62R-17319	Part 14, 62R-17319
Parts 17 and 18 62R-17319	Part 16, 62R-17319
Parts 19 and 20, 62R-17319	Part 18, 62R-17319
Parts 21 and 22, 62R-17319	Part 20, 62R-17319
Parts 23 and 24, 62R-17319	Part 22, 62R-17319
Parts 25 and 26, 62R-17319	Part 24, 62R-17319
Parts 27 and 28, 62R-17319	Part 26, 62R-17319
Parts 29 and 30, 62R-17319	Part 28, 62R-17319
Parts 31 and 32, 62R-17319	Part 30, 62R-17319
Parts 33 and 34, 62R-17319	Part 32, 62R-17319
Parts 35 and 36, 62R-17319	Part 34, 62R-17319
Lot 6, 62M-1040	Part 36, 62R-17319
Lot 58, 62M-1040	Part 37, 62R-17319
Parts 37, 38 and 39, 62R-17319	Part 41, 62R-17319
Parts 37, 38 and 39, 62R-17319	Part 46, 62R-17319
Parts 40, 41, and 42, 62R-17319	Part 39, 62R-17319
Part 43, 44 and 45 62R-17319	Part 42, 62R-17319
Part 43, 44 and 45 62R-17319	Part 48, 62R-17319
Parts 48, 46 and 47, 62R-17319	Part 45, 62R-17319
Lot 62, 62M-1040	Part 44, 62R-17319
Lot 55, 62M-1040	Part 49, 62R-17319
Parts 49, 50 and 51, 62R-17319	Part 53, 62R-17319
Parts 49, 50 and 51, 62R-17319	Part 58, 62R-17319
Parts 53, 52 and 54, 62R-17319	Part 51, 62R-17319
Parts 55, 56 and 57, 62R-17319	Part 54, 62R-17319
Parts 55, 56 and 57, 62R-17319	Part 60, 62R-17319
Parts 58, 59 and 60, 62R-17319	Part 57, 62R-17319

By-law to remove Blocks 113, 114, 115 and 116
 Registered Plan 62M-1040
 from Part Lot Control

4

**"Together With" a 1.2 metre wide
Maintenance Easement Over**

<u>Lot/Part Number</u>	
Lot 52, 62M-1040	Part 61, 62R-17319
Parts 61, 62 and 63, 62R-17319	Part 65, 62R-17319
Parts 61, 62 and 63, 62R-17319	Part 70, 62R-17319
Parts 64, 65 and 66, 62R-17319	Part 63, 62R-17319
Part 67, 68 and 69, 62R-17319	Part 66, 62R-17319
Part 67, 68 and 69, 62R-17319	Part 72, 62R-17319
Part 70, 71 and 72, 62R-17319	Part 69, 62R-17319
Lot 68, 62M-1040	Part 68, 62R-17319

<u>Lot/Part Number</u>	<u>"Subject to" a 1.2 metre wide Maintenance Easement on</u>	<u>Maintenance Easement in Favour of</u>
Parts 37, 38 and 39, 62R-17319	Part 37, 62R-17319	Lot 58, 62M-1040
Parts 37, 38 and 39, 62R-17319	Part 39, 62R-17319	Parts 40, 41 and 42, 62R-17319
Parts 41, 40 and 42, 62R-17319	Part 41, 62R-17319	Parts 37, 38 and 39, 62R-17319
Parts 40, 41 and 42, 62R-17319	Part 42, 62R-17319	Parts 43, 44 and 45 62R-17319
Parts 46, 47 and 48, 62R-17319	Part 46, 62R-17319	Parts 37, 38 and 39, 62R-17319
Parts 46, 47 and 48, 62R-17319	Part 48, 62R-17319	Part 43, 44 and 45, 62R-17319

By-law to remove Blocks 113, 114, 115 and 116
Registered Plan 62M-1040
from Part Lot Control

5

<u>Lot/Part Number</u>	<u>"Subject to" a 1.2 metre wide Maintenance Easement on</u>	<u>Maintenance Easement in Favour of</u>
Parts 43, 44 and 45, 62R-17319	Part 44, 62R-17319	Lot 62, 62M-1040
Parts 43, 44 and 45 62R-17319	Part 45, 62R-17319	Parts 46, 47 and 48, 62R-17319
Parts 49, 50 and 51, 62R-17319	Part 49, 62R-17319	Lot 55, 62M-1040
Parts 49, 50 and 51, 62R-17319	Part 51, 62R-17319	Parts 52, 53 and 54, 62R-17319
Parts 52, 53 and 54, 62R-17319	Part 53, 62R-17319	Parts 49, 50 and 51, 62R-17319
Parts 52, 53 and 54, 62R-17319	Part 54, 62R-17319	Parts 55, 56 and 57, Plan 62R-17319
Parts 55, 56 and 57, 62R-17319	Part 56, 62R-17319	Lot 65, 62M-1040
Parts 55, 56 and 57, 62R-17319	Part 57, 62R-17319	Parts 58, 59 and 60, 62R-17319
Parts 58, 59 and 60, 62R-17319	Part 60, 62R-17319	Parts 55, 56 and 57, 62R-17319
Parts 58, 59 and 60, 62R-17319	Part 58, 62R-17319	Parts 49, 50 and 51, 62R-17319
Parts 61, 62 and 63, 62R-17319	Part 61, 62R-17319	Lot 52, 62M-1040
Parts 61, 62 and 63, 62R-17319	Part 63, 62R-17319	Parts 64, 65 and 66, 62R-17319
Part 64, 65 and 66, 62R- 17319	Part 65, 62R-17319	Parts 61, 62 and 63, 62R-17319
Part 64, 65 and 66, 62R- 17319	Part 66, 62R-17319	Parts 67, 68 and 69, 62R-17319

By-law to remove Blocks 113, 114, 115 and 116
 Registered Plan 62M-1040
 from Part Lot Control

6

<u>Lot/Part Number</u>	<u>"Subject to" a 1.2 metre wide</u> <u>Maintenance Easement on</u>	<u>Maintenance</u> <u>Easement in Favour of</u>
Parts 67, 68 and 69, 62R-17319	Part 68, 62R-17319	Lot 68, 62M-1040
Parts 67, 68 and 69, 62R-17319	Part 69, 62R-17319	Parts 70, 71 and 72, 62R-17319
Part 70, 71 and 72 62R-17319	Part 70, 62R-17319	Parts 61, 62 and 63, 62R-17319
Part 70, 71 and 72 62R-17319	Part 72, 62R-17319	Parts 67, 68 and 69, 62R-17319
Parts 1 and 2, 62R- 17319	Part 2 62R-17292	Parts 3 and 4 62R-17319
Parts 3 and 4, 62R- 17319	Part 4, 62R-17319	Parts 4 and 5 62R-17319
Parts 5 and 6, 62R- 17319	Part 6, 62R-17319	Parts 7 and 8 62R-17319
Parts 7 and 8, 62R- 17319	Part 8, 62R-17319	Parts 9 and 10 62R-17319
Parts 9 and 10, 62R- 17319	Part 10 2R-17319	Parts 11 and 12 62R-17319
Parts 11 and 12, 62R- 17319	Part 12, 62R-17319	Parts 13 and 14 62R-17319
Parts 13 and 14, 62R- 17319	Part 14, 62R-17319	Part 15 and 16 62R-17319
Parts 15 and 16, 62R- 17319	Part 16, 62R-17319	Part 17 and 18 62R-17319
Parts 17 and 18 62R- 17319	Part 18 62R-17319	Part 19 and 20 62R-17319
Parts 19 and 20, 62R- 17319	Part 20, 62R-17319	Part 21 and 22 62R-17319
Parts 21 and 22, 62R- 17319	Part 22, 62R-17319	Part 23 and 24 62R-17319
Parts 23 and 24, 62R- 17319	Part 24, 62R-17319	Part 25 and 26 62R-17319
Parts 25 and 26, 62R- 17319	Part 26, 62R-17319	Part 27 and 28 62R-17319

By-law to remove Blocks 113, 114, 115 and 116
Registered Plan 62M-1040
from Part Lot Control

7

<u>Lot/Part Number</u>	<u>"Subject to" a 1.2 metre wide Maintenance Easement on</u>	<u>Maintenance Easement in Favour of</u>
Parts 27 and 28, 62R-17319	Part 28, 62R-17319	Part 29 and 30 62R-17319
Parts 29 and 30, 62R-17319	Part 30, 62R-17319	Part 31 and 32 62R-17319
Parts 31 and 32, 62R-17319	Part 32, 62R-17319	Part 33 and 34 62R-17319
Parts 33 and 34, 62R-17319	Part 34, 62R-17319	Part 35 and 36 62R-17319

shall not apply to lands within the portions of the registered plan of subdivision that are designated as follows:

Blocks 113, 114, 115 and 116 Registered Plan Number 62M-1040, in the City of Hamilton.

3. Content of above said maintenance agreements shall be to the satisfaction of the City's Manager of Development Engineering.
4. This by-law shall be registered on title to the said designated land and shall come into force and effect on the date of such registration.
5. This By-law shall cease, expire and be of no further effect on February 15, 2008.

PASSED and ENACTED this 15th day of February, 2006.

MAYOR

CLERK

PLC-05-41