

Bill No. 058

## CITY OF HAMILTON

BY-LAW NO. 08-058

Respecting:

Removal of Part Lot Control  
Elizabeth Gardens, Phase 3  
Block 132, Registered Plan No. 62M-1062

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

**AND WHEREAS** sub-section 50(7) of the *Planning Act*, provides 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."

**AND WHEREAS** the Council of the City of Hamilton is desirous of enacting such a by-law with respect to the lands hereinafter described;

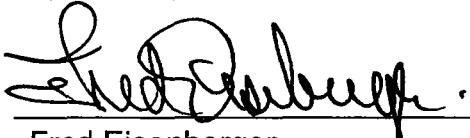
**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. Sub-section 5 of Section 50 of the *Planning Act*, for the purpose of creating seventy-four (74) lots for street townhouse dwellings, shown as Parts 1 to 74, 76 to 87 and 91 to 154 inclusive, including maintenance easements, shown as Parts 76 to 87 and 91 to 154 inclusive, and a common element condominium, including a private road, parking spaces, sidewalks, maintenance easements and amenity areas, shown as Parts 75, 88, 89, 90 and 155 inclusive on deposited Reference Plan 62R-18139, shall not apply to the portion of the registered plan of subdivision that is designated as follows, namely:

Block 132, Registered Plan No. 62M-1062, in the City of Hamilton

2. 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.
3. This by-law shall expire and cease to be of any force or effect on the 26<sup>th</sup> day of March, 2010.

**PASSED and ENACTED** this 26<sup>th</sup> day of March, 2008.



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Fred Eisenberger  
Mayor



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Kevin C. Christenson  
City Clerk