

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

**Bill No. 073**

## **CITY OF HAMILTON**

### **BY-LAW NO. 08-073**

Respecting:

Removal of Part Lot Control  
Blocks 138-148, inclusive and Blocks 152-162, inclusive  
Registered Plan No. 62M-1101  
Upcountry Estates

**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:

five (5) lots for townhouse dwellings, shown as Parts 1 to 13, inclusive, including eight (8) parts for maintenance easements, shown as Parts 2, 3, 5, 6, 8, 9, 11, and 12, on deposited Reference Plan 62R-18146;

four (4) lots for townhouse dwellings, shown as Parts 1 to 9, inclusive, including five (5) parts for maintenance easements, shown as Parts 2, 4, 5, 6, and 9, on deposited Reference Plan 62R-18147;

four (4) lots for townhouse dwellings, shown as Parts 1 to 9, inclusive, including five (5) parts for maintenance easements, shown as Parts 2, 3, 4, 8, and 9, on deposited Reference Plan 62R-18148; and,

eight (8) lots for townhouse dwellings, shown as Parts 1 to 20, inclusive, including twelve (12) parts for maintenance easements, shown as Parts 2, 3, 7, 8, 10-12, inclusive, 14, 16, 17, 19, and 20, on deposited Reference Plan 62R-18149;

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four (4) lots for townhouse dwellings, shown as Parts 1 to 6, inclusive, including two (2) parts for maintenance easements, shown as Parts 3, and 4, on deposited Reference Plan 62R-18150;

four (4) lots for townhouse dwellings, shown as Parts 1 to 8, inclusive, including four (4) parts for maintenance easements, shown as Parts 4, 5, 7, and 8, on deposited Reference Plan 62R-18151;

five (5) lots for townhouse dwellings, shown as Parts 1 to 11, inclusive, including six (6) parts for maintenance easements, shown as Parts 4, 5, 7, 8, 10, and 11, on deposited Reference Plan 62R-18152;

five (5) lots for townhouse dwellings, shown as Parts 1 to 11, inclusive, including six (6) parts for maintenance easements, shown as Parts 2, 3, 5, 6, 8, and 9, on deposited Reference Plan 62R-18153;

four (4) lots for townhouse dwellings, shown as Parts 1 to 8, inclusive, including four (4) parts for maintenance easements, shown as Parts 2, and 4-6, inclusive, on deposited Reference Plan 62R-18154;

four (4) lots for townhouse dwellings, shown as Parts 1 to 8, inclusive, including four (4) parts for maintenance easements, shown as Parts 4, 5, 7, and 8, on deposited Reference Plan 62R-18155;

five (5) lots for townhouse dwellings, shown as Parts 1 to 11, inclusive, including six (6) parts for maintenance easements, shown as Parts 4, 5, 7, 8, 10, and 11, on deposited Reference Plan 62R-18156; and,

six (6) lots for townhouse dwellings, shown as Parts 1 to 13, inclusive, including seven (7) parts for maintenance easements, shown as Parts 4, 5, 7, 8, 10, 11, and 13, on deposited Reference Plan 62R-18157;

five (5) lots for townhouse dwellings, shown as Parts 1 to 12, inclusive, including seven (7) parts for maintenance easements, shown as Parts 2, 5, 6, 8, 9, 11, and 12, on deposited Reference Plan 62R-18158;

six (6) lots for townhouse dwellings, shown as Parts 1 to 14, inclusive, including eight (8) parts for maintenance easements, shown as Parts 3, 4, 6, 7, 9, 10, 12, and 13, on deposited Reference Plan 62R-18159;

six (6) lots for townhouse dwellings, shown as Parts 1 to 9, inclusive, including three (3) parts for maintenance easements, shown as Parts 2, 6, and 9, on deposited Reference Plan 62R-18160;

six (6) lots for townhouse dwellings, shown as Parts 1 to 13, inclusive, including seven (7) parts for maintenance easements, shown as Parts 3, 4, 6, 8, 10, 11, and 13, on deposited Reference Plan 62R-18161;

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six (6) lots for townhouse dwellings, shown as Parts 1 to 8, inclusive, including two (2) parts for maintenance easements, shown as Parts 3, and 6, on deposited Reference Plan 62R-18162;

six (6) lots for townhouse dwellings, shown as Parts 1 to 10, inclusive, including four (4) parts for maintenance easements, shown as Parts 4, 5, 7, and 8, on deposited Reference Plan 62R-18163;

six (6) lots for townhouse dwellings, shown as Parts 1 to 7, inclusive, including one (1) part for maintenance easements, shown as Part 5, on deposited Reference Plan 62R-18164;

six (6) lots for townhouse dwellings, shown as Parts 1 to 8, inclusive, including two (2) parts for maintenance easements, shown as Parts 4, and 5, on deposited Reference Plan 62R-18165;

six (6) lots for townhouse dwellings, shown as Parts 1 to 7, inclusive, including one (1) part for maintenance easements, shown as Part 6, on deposited Reference Plan 62R-18166; and,

six (6) lots for townhouse dwellings, shown as Parts 1 to 9, inclusive, including three (3) parts for maintenance easements, shown as Parts 3, 5, and 6, on deposited Reference Plan 62R-18167,

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

Blocks 138-148, inclusive, and 152-162, inclusive, Registered Plan No. 62M-1101, 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 9<sup>th</sup> day of April, 2010.

**PASSED and ENACTED** this 9<sup>th</sup> day of April, 2008.



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Brad Clark  
Acting Mayor



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Kevin C. Christenson  
City Clerk