

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

Bill No. 026

City of Hamilton

BY-LAW No. 05-026

Respecting:

REMOVAL OF PART-LOT CONTROL

FOR BLOCK 9,  
REGISTERED PLAN 62M-1006

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

**AND WHEREAS** the Planning Act, Section 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 City of Hamilton;

**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 permitting the sale of the following land into ten (10) residential parcels for the development of street townhouse units, described as Parts 1 to 37 (inclusive), on Reference Plan 62R-16986, attached as Schedule "A", shall not apply to lands within the portions of the registered plan of subdivision that are designated as follows:

Block 9, Registered Plan 62M-1006, in the City of Hamilton

2. Subsection 5 of Section 50 of the Planning Act, for the purpose of creating twelve (12) utility easements, described as Parts 2, 5, 9, 13, 17, 21, 22, 25, 26, 29, 33 and 37 on Reference Plan 62R-16986, attached as Schedule "A", shall not apply to lands within the portions of the registered plan of subdivision that are designated as follows:

Block 9, Registered Plan 62M-1006, in the City of Hamilton

3. Subsection 5 of Section 50 of the Planning Act, for the purpose of creating six (6) maintenance easements, described as Parts 6, 10, 14, 18, 30, and 34 on Reference Plan 62R-16986, attached as Schedule "A", shall not apply to lands within the portions of the registered plan of subdivision that are designated as follows:

Block 9, Registered Plan 62M-1006, in the City of Hamilton

4. Subsection 5 of Section 50 of the Planning Act, for the purpose of creating nine (9) access easements, described as Parts 3, 7, 11, 15, 19, 23, 27, 31, and 35 on Reference Plan 62R-16986, attached as Schedule "A", shall not apply to lands within the portions of the registered plan of subdivision that are designated as follows:

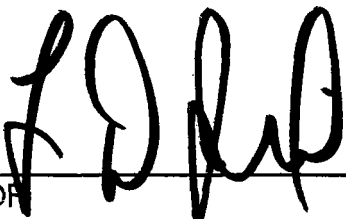
Block 9, Registered Plan 62M-1006, in the City of Hamilton


5. Subsection 5 of Section 50 of the Planning Act, for the purpose of creating a condominium corporation for access to individual driveways for the ten (10) residential parcels, described as Part 38 on Reference Plan 62R-16986, attached as Schedule "A", shall not apply to lands within the portions of the registered plan of subdivision that are designated as follows:

Block 9, Registered Plan 62M-1006, in the City of Hamilton

6. 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.
7. This By-law shall cease, expire and be of no further effect on February 28, 2007.

**PASSED and ENACTED** this 23<sup>rd</sup> day of February A.D. 2005.

  
MAYOR

  
CLERK

PART 13  
PLAN 62R-11311  
PIN 16905-0069  
ESTABLISHED AND LAID OUT  
AS PUBLIC HIGHWAY BY  
BY-LAW No 92-255,  
REGISTERED AS INSTRUMENT  
No VM39394

PART 3  
PLAN 62R-11311  
PIN 16905-0096  
SUBJECT TO RIGHT-OF-WAY  
AS SET OUT IN VM00028

ARROWHEAD DRIVE  
PIN 16905-0073

ESTABLISHED AND LAID OUT  
AS PUBLIC HIGHWAY BY  
BY-LAW No 92-254,  
REGISTERED AS INSTRUMENT  
No VMI39396

PART 4  
PLAN 62R-11311  
PIN 16905-0096  
SUBJECT TO RIGHT-OF-WAY  
AS SET OUT IN VMO02B

UPPER WENTWORTH STREET  
PART 5 PLAN 62R-113H  
PIN 16905-0069  
ESTABLISHED AND LAID OUT AS PUBLIC HIGHWAY BY BY-LAW No 92-556  
REGISTERED AS INSTRUMENT No V4139394

ESTABLISHED AND LAID OUT AS PUBLIC HIGHWAY BY BY-LAW No 92-256  
 OF THE TOWN OF LAC-MAISONNEUVE, QUEBEC, CANADA

AND LAID OUT AS PUBLIC HIGHWAY BY BY-LAW No 92-256

AND LAID OUT AS PUBLIC HIGHWAY BY BY-L  
RESOLUTION OF THE BOARD OF SUPERVISORS OF  
COUNTY OF LOS ANGELES, CALIFORNIA, PASSED

**BLOCK 10**  
**REGISTERED PLAN 62M-1006**

The map shows 36 lots, each divided into parts. The lots are arranged in a grid-like pattern. The dimensions and bearings for each lot and part are as follows:

- Lot 1:** 36.00' x 120.00' (N7°13'55"W, S78°59'45"E, S78°59'45"E, N7°13'55"W)
- Lot 2:** 36.00' x 120.00' (N7°13'55"W, S78°59'45"E, S78°59'45"E, N7°13'55"W)
- Lot 3:** 36.00' x 120.00' (N7°13'55"W, S78°59'45"E, S78°59'45"E, N7°13'55"W)
- Lot 4:** 36.00' x 120.00' (N7°13'55"W, S78°59'45"E, S78°59'45"E, N7°13'55"W)
- Lot 5:** 36.00' x 120.00' (N7°13'55"W, S78°59'45"E, S78°59'45"E, N7°13'55"W)
- Lot 6:** 36.00' x 120.00' (N7°13'55"W, S78°59'45"E, S78°59'45"E, N7°13'55"W)
- Lot 7:** 36.00' x 120.00' (N7°13'55"W, S78°59'45"E, S78°59'45"E, N7°13'55"W)
- Lot 8:** 36.00' x 120.00' (N7°13'55"W, S78°59'45"E, S78°59'45"E, N7°13'55"W)
- Lot 9:** 36.00' x 120.00' (N7°13'55"W, S78°59'45"E, S78°59'45"E, N7°13'55"W)
- Lot 10:** 36.00' x 120.00' (N7°13'55"W, S78°59'45"E, S78°59'45"E, N7°13'55"W)
- Lot 11:** 36.00' x 120.00' (N7°13'55"W, S78°59'45"E, S78°59'45"E, N7°13'55"W)
- Lot 12:** 36.00' x 120.00' (N7°13'55"W, S78°59'45"E, S78°59'45"E, N7°13'55"W)
- Lot 13:** 36.00' x 120.00' (N7°13'55"W, S78°59'45"E, S78°59'45"E, N7°13'55"W)
- Lot 14:** 36.00' x 120.00' (N7°13'55"W, S78°59'45"E, S78°59'45"E, N7°13'55"W)
- Lot 15:** 36.00' x 120.00' (N7°13'55"W, S78°59'45"E, S78°59'45"E, N7°13'55"W)
- Lot 16:** 36.00' x 120.00' (N7°13'55"W, S78°59'45"E, S78°59'45"E, N7°13'55"W)
- Lot 17:** 36.00' x 120.00' (N7°13'55"W, S78°59'45"E, S78°59'45"E, N7°13'55"W)
- Lot 18:** 36.00' x 120.00' (N7°13'55"W, S78°59'45"E, S78°59'45"E, N7°13'55"W)
- Lot 19:** 36.00' x 120.00' (N7°13'55"W, S78°59'45"E, S78°59'45"E, N7°13'55"W)
- Lot 20:** 36.00' x 120.00' (N7°13'55"W, S78°59'45"E, S78°59'45"E, N7°13'55"W)
- Lot 21:** 36.00' x 120.00' (N7°13'55"W, S78°59'45"E, S78°59'45"E, N7°13'55"W)
- Lot 22:** 36.00' x 120.00' (N7°13'55"W, S78°59'45"E, S78°59'45"E, N7°13'55"W)
- Lot 23:** 36.00' x 120.00' (N7°13'55"W, S78°59'45"E, S78°59'45"E, N7°13'55"W)
- Lot 24:** 36.00' x 120.00' (N7°13'55"W, S78°59'45"E, S78°59'45"E, N7°13'55"W)
- Lot 25:** 36.00' x 120.00' (N7°13'55"W, S78°59'45"E, S78°59'45"E, N7°13'55"W)
- Lot 26:** 36.00' x 120.00' (N7°13'55"W, S78°59'45"E, S78°59'45"E, N7°13'55"W)
- Lot 27:** 36.00' x 120.00' (N7°13'55"W, S78°59'45"E, S78°59'45"E, N7°13'55"W)
- Lot 28:** 36.00' x 120.00' (N7°13'55"W, S78°59'45"E, S78°59'45"E, N7°13'55"W)
- Lot 29:** 36.00' x 120.00' (N7°13'55"W, S78°59'45"E, S78°59'45"E, N7°13'55"W)
- Lot 30:** 36.00' x 120.00' (N7°13'55"W, S78°59'45"E, S78°59'45"E, N7°13'55"W)
- Lot 31:** 36.00' x 120.00' (N7°13'55"W, S78°59'45"E, S78°59'45"E, N7°13'55"W)
- Lot 32:** 36.00' x 120.00' (N7°13'55"W, S78°59'45"E, S78°59'45"E, N7°13'55"W)
- Lot 33:** 36.00' x 120.00' (N7°13'55"W, S78°59'45"E, S78°59'45"E, N7°13'55"W)
- Lot 34:** 36.00' x 120.00' (N7°13'55"W, S78°59'45"E, S78°59'45"E, N7°13'55"W)
- Lot 35:** 36.00' x 120.00' (N7°13'55"W, S78°59'45"E, S78°59'45"E, N7°13'55"W)
- Lot 36:** 36.00' x 120.00' (N7°13'55"W, S78°59'45"E, S78°59'45"E, N7°13'55"W)


BLOCK 10  
REGISTERED PLAN 62M-1006

7-OT

SCHEDULE			
PART	LOCATION	P. I. N.	AREA
1			281.2
2			36.7
3			12.6
4			159.8
5			21.0
6			2.3
7			7.2
8			160.
9			21.0
10			2.4
11			7.2
12			161.3
13			21.0
14			2.4
15			7.2
16			162.4
17			21.0
18			2.3
19			7.2
20	ALL OF BLOCK 9 REGISTERED PLAN 528-1006	ALL OF 16905-0808	193.
21			24.5
22			4.2
23			431.4
24			194.6
25			4.2
26			24.5
27			431.4
28			165.85
29			21.0
30			2.3
31			7.2
32			168.8
33			21.0
34			2.4
35			7.2
36			242.3
37			28.7
38			533.2

I REQUIRE THIS PLAN TO BE  
DEPOSITED UNDER THE  
LAND TITLES ACT.

DATE DECEMBER 17, 2004

  
JASON P. HAZEN  
ONTARIO LAND SURVEYOR

PLAN 62R-16986

RECEIVED AND DEPOSITED

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PLAN OF SURVEY OF  
BLOCK 9  
REGISTERED PLAN 62M-1006  
IN THE  
CITY OF HAMILTON

SCALE 1 : 250

J. D. BARNES LIMITED

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

## NOTES

BEARINGS ARE ASTRONOMIC AND REFERRED TO THE WESTERN  
LIMIT OF BLOCK 9 HAVING A BEARING OF N18°59'45"E AS  
SHOWN ON REGISTERED PLAN 62M-1006.

□	DENOTES	SURVEY MONUMENT FOUND
○	DENOTES	SURVEY MONUMENT SET
SIB	DENOTES	STANDARD IRON BAR
IB	DENOTES	IRON BAR
SSIB	DENOTES	SHORT STANDARD IRON BAR
PMS	DENOTES	REGISTERED PLAN 62M-1006 AND SET
PM	DENOTES	REGISTERED PLAN 62M-1006 AND MEASURED
PL	DENOTES	PLAN 122-1833
PJB	DENOTES	J. D. BARNES LIMITED
D.U.C.	DENOTES	DWELLING UNDER CONSTRUCTION
F/W	DENOTES	FACE OF WALL
C/W	DENOTES	CENTLINE OF WALL
P/W	DENOTES	PRODUCTION OF FACE OF 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 15th DAY OF SEPTEMBER, 2004.

DATE DECEMBER 17, 2004

ONTARIO LAND SURVEYOR



J.D.BARNES

MARKED BY INNOVATION. MEASURED BY REPUTATION™ 013  
401 WHEELABRATOR WAY, SUITE A MILTON, ON L9T 3C1  
(905) 875-9955 F: (905) 875-9956 [www.klbeacon.com](http://www.klbeacon.com)

**DRAWN BY:**

CHECKED BY:

REFERENCE NO.:	88-20-421-44-B
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PLOTTED: 20 DEC 2004