

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

Bill No. 072

City of Hamilton

BY-LAW No. 05-072

Respecting:

REMOVAL OF PART LOT CONTROL  
BLOCK 8 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 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:

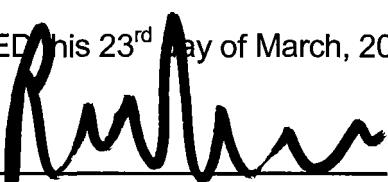
1. Subsection 5 of Section 50 of the Planning Act, for the purpose of creating five (5) lots for freehold townhouses described as Parts 1, 3, 4, 5 and 6 on Reference Plan No. 62R-17041 and one (1) maintenance easement described as Part 2 on Reference Plan No. 62R-17041, attached as Appendix "A", shall not apply to the portion of registered plan of subdivision that is designated as follows:

Block 8, Registered Plan Number 62M-1004,  
in the City of Hamilton (Stoney Creek)

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 cease, expire and be of no further effect on March 23, 2007.

PASSED this 23<sup>rd</sup> day of March, 2005.

MAYOR



CITY CLERK

PLC-05-04

Appendix "A"

<p>PLAN OF SURVEY OF BLOCK 8 PLAN 62M-1004 IN THE CITY OF HAMILTON SCALE 1:200 METRIC</p> <p>S.D. McLAREN, O.L.S. - 2005</p>		<p>COPIES ISSUED</p> <table border="1"> <tr> <th>PART</th> <th>LOT</th> <th>PLAN</th> <th>P.I.N.</th> </tr> <tr> <td>1</td> <td></td> <td></td> <td></td> </tr> <tr> <td>2</td> <td></td> <td></td> <td></td> </tr> <tr> <td>3</td> <td></td> <td>ALL OF BLOCK 8</td> <td>62M-1004</td> </tr> <tr> <td>4</td> <td></td> <td></td> <td>ALL OF 17368-0288 (LT)</td> </tr> <tr> <td>5</td> <td></td> <td></td> <td></td> </tr> <tr> <td>6</td> <td></td> <td></td> <td></td> </tr> </table> <p>NOTE: PARTS 1 - 6 ARE SUBJECT TO AN EASEMENT AS IN INSTRUMENT WES5012 AND WES34512.</p>		PART	LOT	PLAN	P.I.N.	1				2				3		ALL OF BLOCK 8	62M-1004	4			ALL OF 17368-0288 (LT)	5				6				<p>PLAN OF SURVEY RECEIVED AND DEPOSITED Date 2005-02-11</p> <p>C. JOHNSON ADLR. LAND REGISTRAR FOR THE LAND TITLES DIVISION OF WENTWORTH (No. 52)</p> <p>I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.</p> <p>Date FEBRUARY 9, 2005</p> <p>S.D. McLAREN, O.L.S.</p>	
PART	LOT	PLAN	P.I.N.																														
1																																	
2																																	
3		ALL OF BLOCK 8	62M-1004																														
4			ALL OF 17368-0288 (LT)																														
5																																	
6																																	

**BENZIGER LANE**  
(ESTABLISHED BY PLAN 62M-1004)

P. I. N. 17368 - 0293 (LT)

Reference Bearing: N72°08'10" W

Subject: 26.850 (LT)

Lot 97 P.I.N. 17368-0255(LT) P.I.N. 17368-0254(LT) P.I.N. 17368-0253(LT)

Lot 96 P.I.N. 17368-0255(LT) P.I.N. 17368-0254(LT) P.I.N. 17368-0253(LT)

Lot 95 P.I.N. 17368-0255(LT) P.I.N. 17368-0254(LT) P.I.N. 17368-0253(LT)

Block 7, Plan 62M-1004

Surveyor's Certificate

Surveyor: S.D. McLAREN, O.L.S.

Date: FEBRUARY 9, 2005

Comments:

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 astronomical and are expressed in the direction of bearing of the property line of Benziger Lane as shown in Plan 62M-1004 as being N72°08'10" W.

Surveyor's Certificate

1. THIS PLAN AND SURVEY ARE COMPLETED AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, AND THE LAND TITLES ACT AND THE PLANS ACT, ON THE 9TH DAY OF FEBRUARY, 2005.

2. THIS SURVEY WAS COMPLETED ON THE 9TH DAY OF FEBRUARY, 2005.

A.T. McLaren Limited  
LEGAL AND ENGINEERING SERVICES  
99 JOHN STREET SOUTH, SUITE 230  
HAMILTON, ONTARIO, L8N 2B9  
PHONE (905) 527-8559 FAX (905) 527-0032

Drawn by S.D. McLAREN, O.L.S.

Checked by S.D. McLAREN, O.L.S.

Surveyed by S.D. McLAREN, O.L.S.

Approved by S.D. McLAREN, O.L.S.

Drawn on Drawing No. Date: Feb 9, 2005