City of Hamilton

BY-LAW No. 04-234

Respecting:

Removal of Part Lot Control

Block 5, 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, namely The Corporation of the Town of Dundas;

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 four (4) lots for townhouse dwellings, attached as Appendix "A", shall not apply to the portion of registered plan of subdivision that is designated as follows:

   Block 5, Registered Plan Number 62M-1004, in the City of Hamilton (Stoney Creek).

2. 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.

3. The time period, during which the By-law remains in force, shall expire on the following specified date: September 30, 2006.

PASSED this 29th day of September, 2004.

MAYOR

CLERK

PLC-04-15
Appendix “A” to By-law 04-234

PLAN OF SURVEY
BLOK 6
PLAN 62M-1004
IN THE
CITY OF HAMILTON

SCALE: 1:200 metres
S.D. McLaren, G.L.S. — 2004

LOT 4, CONCESSION 1
CANADIAN NATIONAL RAILWAYS
PIN 17398-0122 (LT)

BENZIGER LANE
(ESTABLISHED BY PLAN 62M-1004)
PIN 17398-0293 (LT)

SCHEDULE

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NOTES:
1. ALL OF BLOCK 6
2. PLAN 62M-1004

LEGEND

A.T. McLaren Limited
LEGAL AND ENGINEERING SURVEYS
25 JOHN STREET NORTH, SUITE 202
HAMilton, ONTARIO, L8K 1V2
PHONE (905) 525-6688 FAX (905) 525-8222

SURVEYOR’S CERTIFICATE

I, the undersigned, do certify that the plan marked PLAN 62M-1004
is true and correct and has been prepared and approved by

AUGUST 21, 2004
S.D. McLaren, G.L.S.