

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

Bill No. 024

City of Hamilton

**BY-LAW No. 05-024**

Respecting:

**REMOVAL OF PART LOT CONTROL**

**WITHIN A PORTION OF  
“Marshall Estates” – Block 67,  
PLAN 62M-1002**

**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 Ancaster;

**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 Plannina Act, the approval authority for plans of subdivision;

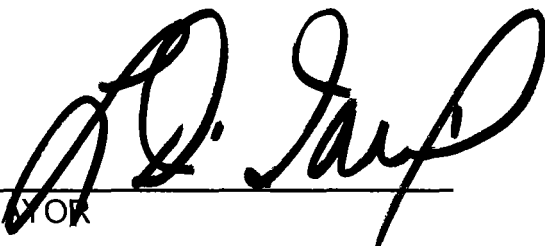
**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. Subsection 5 of Section 50 of the Planning Act, for the purpose of creating eight (8) lots for street townhouses, shown as Parts 1 to 8, inclusive, on deposited reference plan 62R-16939, attached as Schedule " A ,shall not apply to the portion of the registered plan of subdivision that is designated as follows:

Block 67, Registered Plan 62M-1002, in the City of Hamilton.

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: February 28, 2007.

**PASSED and ENACTED** this 9<sup>TH</sup> day of February A.D. 2005.

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
CLERK

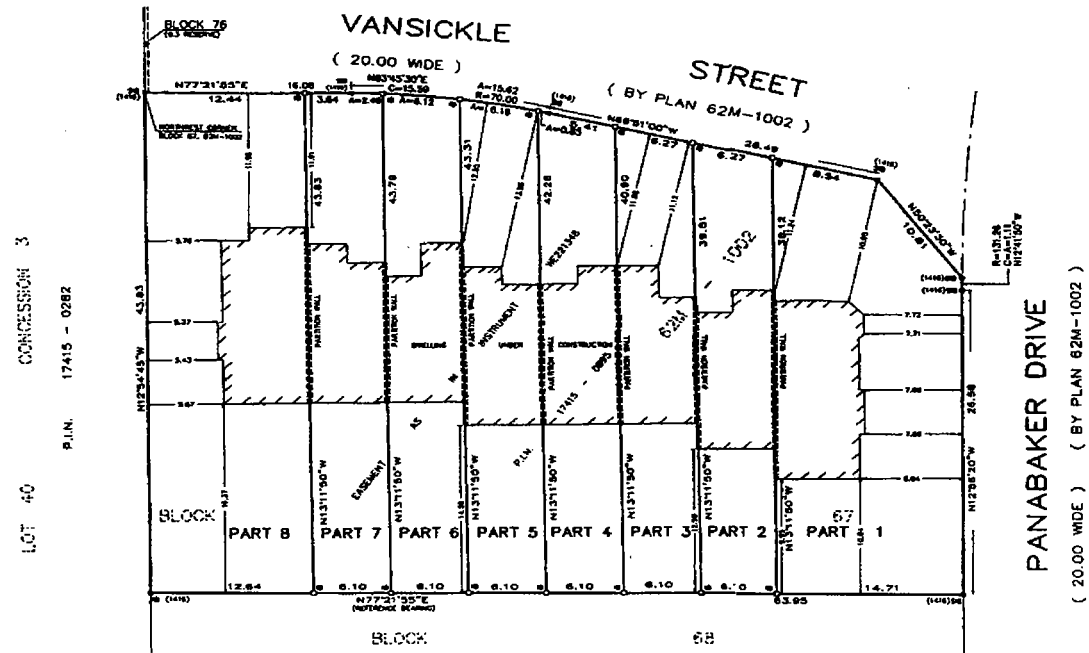
METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

SCHEDULE									
PART	BLOCK	PLAN	P.I.N. No.	AREA	PART	BLOCK	PLAN	P.I.N. No.	AREA
1	PART OF 67	62M-1002	PART OF 17415-0895	516 m <sup>2</sup>	5	PART OF 67	62M-1002	PART OF 17415-0895	281 m <sup>2</sup>
2	PART OF 67	62M-1002	PART OF 17415-0895	237 m <sup>2</sup>	6	PART OF 67	62M-1002	PART OF 17415-0895	288 m <sup>2</sup>
3	PART OF 67	62M-1002	PART OF 17415-0895	245 m <sup>2</sup>	7	PART OF 67	62M-1002	PART OF 17415-0895	267 m <sup>2</sup>
4	PART OF 67	62M-1002	PART OF 17415-0895	254 m <sup>2</sup>	8	PART OF 67	62M-1002	PART OF 17415-0895	518 m <sup>2</sup>

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TILES ACT.  
 DATED Nov 5, 2004  
*Daniel Kneze*  
 DANIEL KNEZE, O.L.S.

PLAN 62R-16939  
 RECEIVED AND DEPOSITED  
 DATED 2004/11/09  
*C. LANGRISH*  
 LAND REGISTRAR FOR THE LAND TILES DIVISION OF ONTARIO (No. 62)

PARTS 1, 2, 3, 4, 5, 6, 7, AND 8 TOGETHER COMRISE ALL OF PIN 17415 - 0895  
 PARTS 1, 2, 3, 4, 5, 6, 7, AND 8 SUBJECT TO EASEMENT W221340



PUN OF SURVEY OF  
 BLOCK 67  
 PLAN 62M-1002  
 CITY OF HAMILTON  
 SCALE - 1 : 250  
 WEST & RUUSKA LTD.



CURVE INFORMATION				
PART	RADIUS	ARC	CHORD	CHORD BEARING
4	70.00	0.85	0.85	N89°48'15"E
5	70.00	6.18	6.18	N88°20'20"E
6	70.00	6.12	6.12	N81°02'35"E
7	70.00	2.46	2.46	N78°22'15"E

**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 TILES ACT AND THE REGULATIONS MADE UNDER THEM.  
 2. THE SURVEY WAS COMPLETED ON THE 1ST DAY OF NOVEMBER, 2004.

DATED: Nov 5, 2004  
*Daniel Kneze*  
 DANIEL KNEZE  
 ONTARIO LAND SURVEYOR

**BEARING NOTE**  
 BEARINGS ARE ASTROMERIC AND ARE REFERRED TO THE SOUTHERLY PART OF BLOCK 67, PLAN 62M-1002, SHOWN THEREON AS N77°21'55"E.

**LEGEND**  
 ○ DENOTES SET MONUMENT  
 ● DENOTES FOUND MONUMENT  
 SB IRON BAR  
 1416 STANDARD IRON BAR  
 PLAN S.W. RUUSKA, O.L.S.  
 PLAN 62M-1002

**WEST & RUUSKA LTD.**  
 Land Surveyors  
 17 NELSON STREET, BRANTFORD, ONTARIO, N3T 2M6  
 Telephone (519) 752-0641  
 DRAWN BY: JK      FRACAPSAN      Y040188

Schedule "A"