

Authority: Item 12, COW
Report 01-003 (PD01184)
CM: October 16, 2001

Bill No. 037

City of Hamilton

BY-LAW No. 05-037

Respecting:

**REMOVAL OF PART LOT CONTROL
WITHIN A PORTION OF
"Goldenview Terrace"— BLOCKS 1 & 2, PLAN 62M-994**

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

By-law Respecting the exemption of lands from Part- lot control
"Goldenvue Terrace", Blocks 1 & 2 Plan 62M-994

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 as provided for in section 50(7.2) quoted above, this by-law is exempt from an approval in addition to this bylaw of the Council of the City of Hamilton because City Council is authorized to approve plans of subdivision under section 51 of the Planning Act.

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

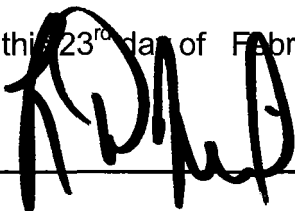
1. Subsection 5 of Section 50 of the Planning Act, for the purpose of creating four (4) lots for semi-detached dwellings, shown as Parts 1 to 4, inclusive, on deposited reference plan 62R-16988, attached as Schedule "A" shall not apply to the portion of the registered plan of subdivision that is designated as follows:

Blocks 1 and 2, Registered Plan Number 62M-994, in the former Town of Flamborough.

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. The time period, during which this By-law remains in force, shall expire on the following specified date: February 28, 2007

PASSED this 23rd day of February, 2005.

MAYOR

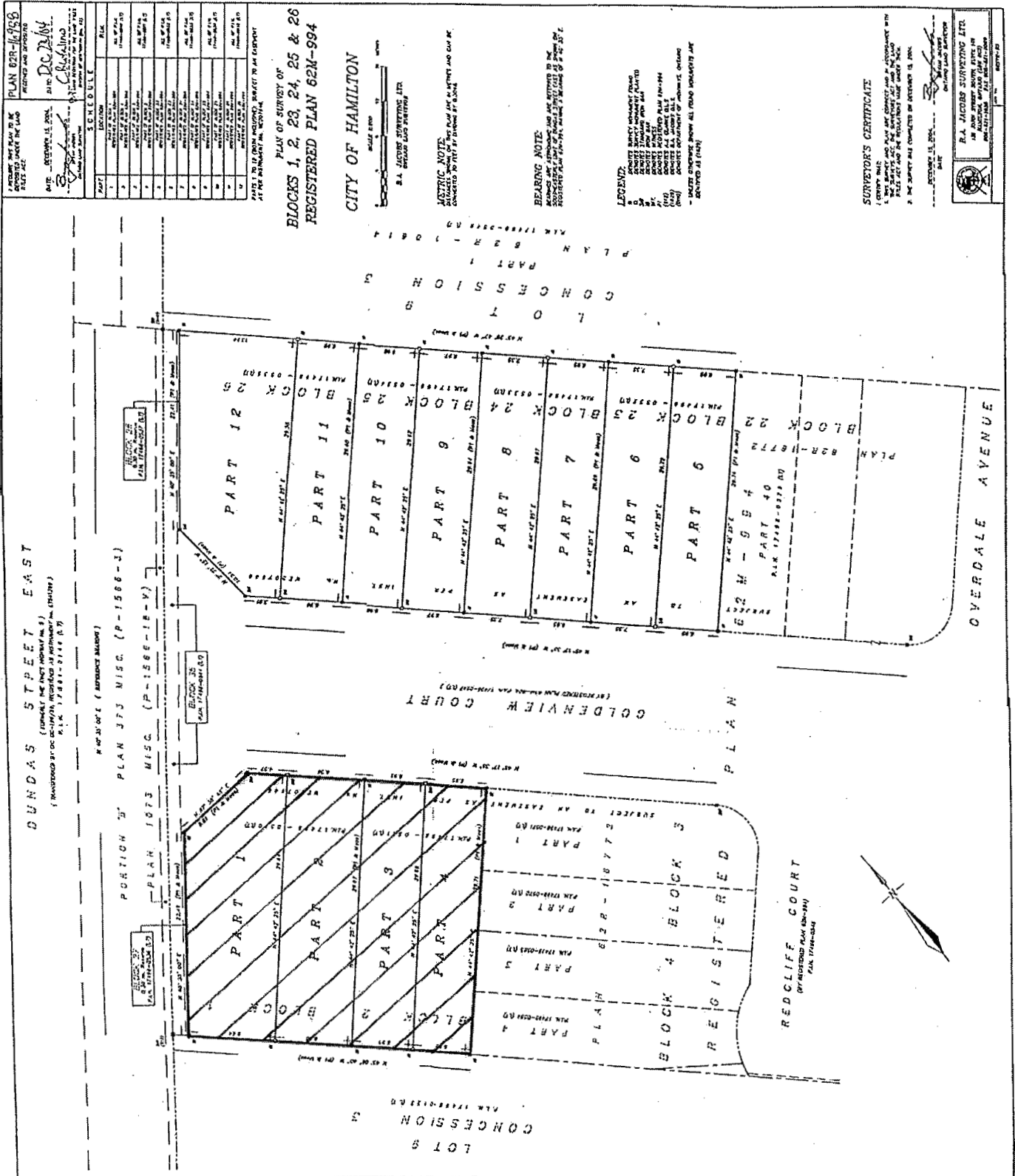


CLERK



PLC-04-27

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 "Goldenview Terrace", Blocks 1 & 2 Plan 62M-994

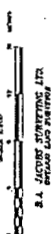


PLAN 62M-994
 RECEIVED AND APPROVED
 DATE: 12/15/2004
 BY: R.A. JACOBS
 SURVEYOR

PART	LOCATION	BLK.
1	SECTION 10	10
2	SECTION 10	10
3	SECTION 10	10
4	SECTION 10	10
5	SECTION 10	10
6	SECTION 10	10
7	SECTION 10	10
8	SECTION 10	10
9	SECTION 10	10
10	SECTION 10	10
11	SECTION 10	10
12	SECTION 10	10
13	SECTION 10	10
14	SECTION 10	10
15	SECTION 10	10
16	SECTION 10	10

PLAN OF SURVEY OF
 BLOCKS 1, 2, 23, 24, 25 & 26
 REGISTERED PLAN 62M-994

CITY OF HAMILTON



METRIC NOTE:
 CONVERSION TO METERS BY DIVIDING BY 3.2808

BEARING NOTE:
 BEARINGS ARE GIVEN IN DEGREES, MINUTES AND SECONDS
 MEASURED FROM THE MERIDIAN OF GREENWICH

- LEGEND:
- 1. UNREGISTERED PARTS
 - 2. REGISTERED PARTS
 - 3. REGISTERED BLOCKS
 - 4. REGISTERED LOTS
 - 5. REGISTERED ALIENS
 - 6. REGISTERED EASEMENTS
 - 7. REGISTERED RIGHTS OF WAY
 - 8. REGISTERED RIGHTS OF ACCESS
 - 9. REGISTERED RIGHTS OF UTILITIES
 - 10. REGISTERED RIGHTS OF INTERFERENCE
 - 11. REGISTERED RIGHTS OF ENCUMBRANCE
 - 12. REGISTERED RIGHTS OF RESERVATION
 - 13. REGISTERED RIGHTS OF REDEMPTION
 - 14. REGISTERED RIGHTS OF FORFEITURE
 - 15. REGISTERED RIGHTS OF EXTINGUISHMENT
 - 16. REGISTERED RIGHTS OF TERMINATION
 - 17. REGISTERED RIGHTS OF EXTENSION
 - 18. REGISTERED RIGHTS OF ALTERATION
 - 19. REGISTERED RIGHTS OF VARIATION
 - 20. REGISTERED RIGHTS OF MODIFICATION

SURVEYOR'S CERTIFICATE

1. THE SURVEY AND PLAN ARE CORRECT AND ACCORDANT WITH THE ACT AND REGULATIONS AND THE SURVEYOR HAS BEEN DULY QUALIFIED AND LICENSED BY THE GOVERNMENT OF ONTARIO.

2. THE SURVEY WAS COMPLETED ON 12/15/2004.

R.A. JACOBS SURVEYING LTD.
 1000 SHEPPARD AVENUE EAST
 SUITE 100
 SCARBOROUGH, ONTARIO M1S 1T7
 TEL: (416) 291-1111
 FAX: (416) 291-1112
 www.rajacobs.com