

Authority: Item 12, COW
Report 01-033 (PD01 184)
CM: October 16,2001

Bill No. 126

City of Hamilton

BY-LAW No. 05-126

Respecting:

**REMOVAL OF PART LOT CONTROL
WITHIN A PORTION OF
"Goldenvue Terrace, Phase 2" , Blocks 13-25, PLAN 62M-1026**

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.

By-law Respecting the exemption of lands from part lot control
"Goldenview Terrace, Phase 2", Plan 62M-1026

- (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 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:

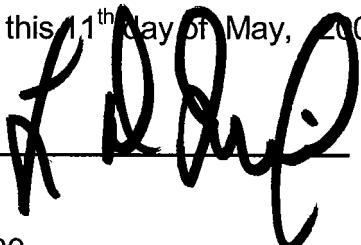
1. Subsection 5 of Section 50 of the Planning Act, for the purpose of creating twenty-six (26) lots for semi-detached dwellings, shown as Parts 25 to 50, inclusive, on deposited reference plan 62R-17113, attached as Schedule "A" shall not apply to the portion of the registered plan of subdivision that is designated as follows:

Blocks 13 to 25 (inclusive), Registered Plan Number 62M-1026, 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: May 11, 2007

PASSED this 11th day of May, 2005.

MAYOR

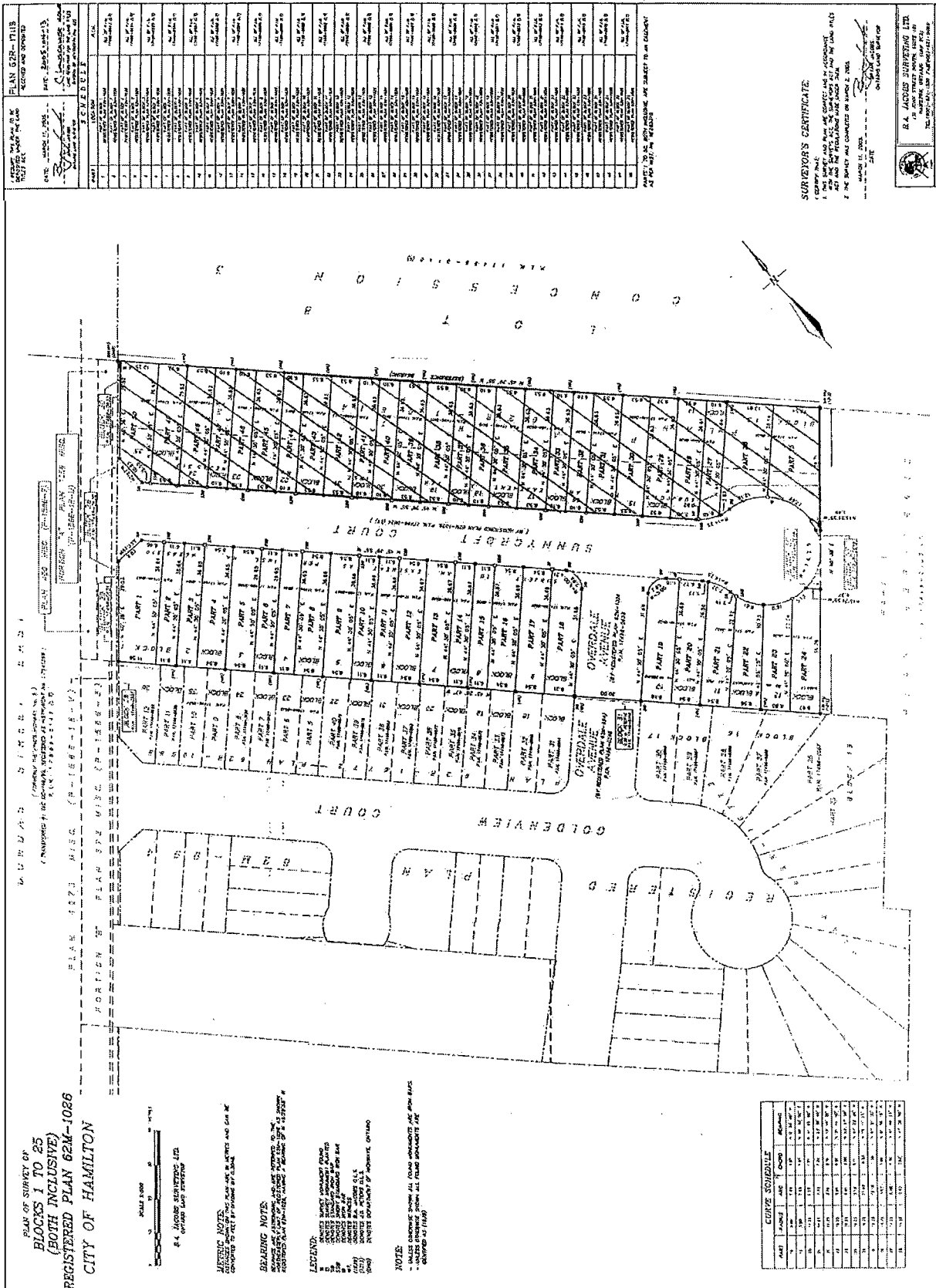


CLERK



PLC-05-09

By-law Respecting the exemption of lands from part lot control "Goldenview Terrace, Phase 2", Plan 62M-1026



PLAN 62M-1026 THIS RECORD AND SHOWN TO

DATE: 1998-11-20

BY: S. JACQUES SURVEYING LTD.

FOR: S. JACQUES SURVEYING LTD.

SCALE: 1:1000

PROJECT: PLAN 62M-1026

DESCRIPTION: PLAN OF SURVEY OF BLOCKS 1 TO 25 (BOTH INCLUSIVE) REGISTERED PLAN 62M-1026 CITY OF HAMILTON

SCHEDULE

NO.	DESCRIPTION	AREA (SQ. M.)	REMARKS
1	LOT 1	123.45	
2	LOT 2	123.45	
3	LOT 3	123.45	
4	LOT 4	123.45	
5	LOT 5	123.45	
6	LOT 6	123.45	
7	LOT 7	123.45	
8	LOT 8	123.45	
9	LOT 9	123.45	
10	LOT 10	123.45	
11	LOT 11	123.45	
12	LOT 12	123.45	
13	LOT 13	123.45	
14	LOT 14	123.45	
15	LOT 15	123.45	
16	LOT 16	123.45	
17	LOT 17	123.45	
18	LOT 18	123.45	
19	LOT 19	123.45	
20	LOT 20	123.45	
21	LOT 21	123.45	
22	LOT 22	123.45	
23	LOT 23	123.45	
24	LOT 24	123.45	
25	LOT 25	123.45	

SURVEYOR'S CERTIFICATE:

I, S. JACQUES SURVEYING LTD., a duly qualified and licensed surveying firm, do hereby certify that the above is a true and correct copy of the original plan and that the same has been filed for record in the office of the Registrar of Titles in the City of Hamilton, Ontario.

S. JACQUES SURVEYING LTD.
15, 200 PRINCE STREET, SUITE 101
HAMILTON, ONTARIO L8N 3K4
TEL: (905) 571-1111 FAX: (905) 571-1112

**Blocks Subject to Removal
of Part Lot Control
(Blocks 13 to 25, Plan 62M-1026)**

Schedule "A"