

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

Bill No. 152

City of Hamilton

BY-LAW No. 05-152

Respecting:

REMOVAL OF PART LOT CONTROL
BLOCK 10, 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;

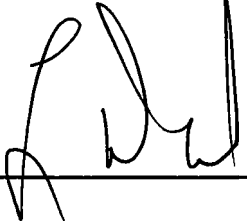
AND WHEREAS the authority to approve this by-law enacted under subsection 7 of Section 50 of the Planning Act is vested in the City of Hamilton, as contemplated by section 50 (7.2) of the Act, because the City is, pursuant to section 51(6) of the Planning Act, the approval authority for plans of subdivision;

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 seven (7) lots for freehold townhouses described as Parts 1 & 2, 5 & 6, 7 & 8, 9 & 10, 11 & 12, 13, & 14 and 15 & 16 on Reference Plan No. 62R-17125 and one (1) maintenance easement described as Parts 3 & 4 on Reference Plan No. 62R-17125, attached as Appendix "A", shall not apply to the portion of registered plan of subdivision that is designated as follows:

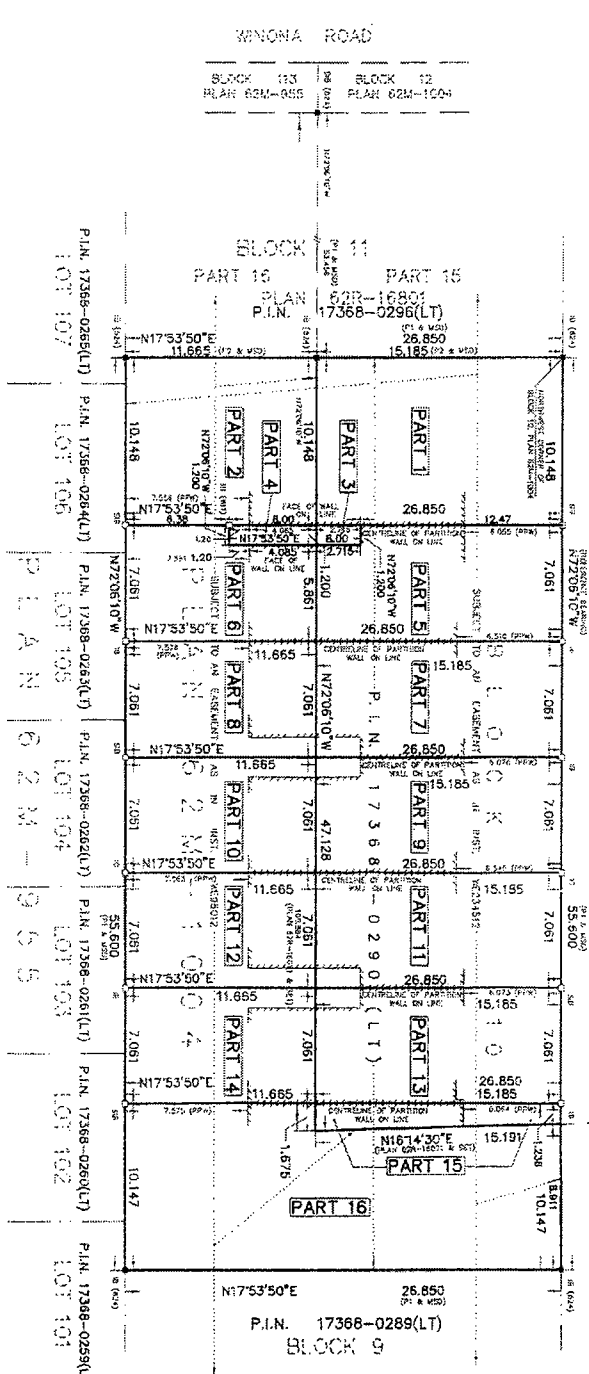
Block 10, Registered Plan Number 62M-1004,
in the City of Hamilton (Stoney Creek)

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 May 25, 2007.

MAYOR 

CLERK 

PLAN OF SURVEY
 BLOCK 10
 PLAN 62M-1004
 IN THE
 CITY OF HAMILTON
 SCALE: 1:200 metres
 S.D. McLAREN, O.L.S. - 2005



BENZIGER LANE
 (ESTABLISHED BY PLAN 62M-1004)
 P. I. N. 17368-0293 (LT)

NOTES:
 PARTS 1 - 16 ARE SUBJECT TO AN EASEMENT AS IN INSTRUMENT W234512
 PARTS 2, 4, 5, 6, 8, 10, 12, 14 AND 15 ARE SUBJECT TO AN EASEMENT AS IN INSTRUMENT W03551

SCHEDULE		
PART	LOT	PLAN
1		
2		
3		
4		
5		
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8		
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10		
11		
12		
13		
14		
15		
16		

PLAN 62M-1004
 I.T.S.
 I HAVE RECEIVED FOR THE LAND REFERRED AND DESIGNATED HEREIN AND I HAVE FILED THIS INSTRUMENT UNDER THE LAND REGISTRY ACT.
 S.D. McLAREN, O.L.S.

LEGEND:

- 1. UNIMPROVED LAND
- 2. IMPROVED LAND
- 3. EASEMENT
- 4. BOUNDARY
- 5. CURB
- 6. SIDEWALK
- 7. DRIVE
- 8. FENCE
- 9. UTILITY
- 10. PROPERTY OF CITY OF HAMILTON
- 11. PROPERTY OF HAMILTON WATER

BEARING NOTE:
 BEARINGS ARE GIVEN AS TRUE BEARINGS AND NOT MAGNETIC BEARINGS. THE MAGNETIC DECLINATION FOR THE YEAR 2005 IS 11° 15' 00\"/>

METRIC NOTE:
 DISTANCES SHOWN ON THIS PLAN ARE IN METERS AND ARE TO BE CONSIDERED TO FEET AND INCHES BY 0.3048

SURVEYOR'S CERTIFICATE:
 I, THE SURVEYOR, HAVE BEEN DULY SWORN AND I HAVE BEEN PROVIDED WITH ALL THE NECESSARY INFORMATION AND I HAVE BEEN ADVISED THAT THE INFORMATION IS TRUE AND CORRECT AND I HAVE BEEN ADVISED THAT THE INFORMATION IS TRUE AND CORRECT AND I HAVE BEEN ADVISED THAT THE INFORMATION IS TRUE AND CORRECT.

A. J. McLAREN Limited
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