

Bill No. 217

City of Hamilton

BY-LAW No. 05-217

Respecting:

Removal of Part Lot Control
Block 23, Registered Plan No. 62M-968
TRILLIUM GARDENS

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 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.

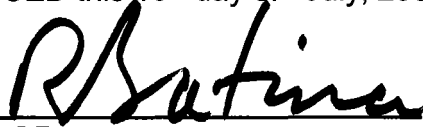
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Subsection 5 of Section 50 of the Planning Act, for the purpose of creating 7 lots for street townhouse dwellings, shown as Parts 1 to 7 inclusive, and a maintenance easement and rights of encroachment, shown as Part 8, on deposited Reference Plan 62R-17147, attached as Appendix "A", shall not apply to the portion of the registered plan of subdivision that is designated as follows:

Block 23, Registered Plan No. 62M-968, 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. The time period, during which the By-law remains in force, shall expire on the following specified date: July 13, 2007.

PASSED this 13th day of July, 2005.


MAYOR


CLERK

PLAN OF SURVEY
OR PART OF
BLOCK 23
PLAN 62M-968
IN THE
CITY OF HAMILTON

SCALE 1:200 METRIC

SIC McLAREN, O.L.S. - 2006



SCHEDULE			
PART	LOT	PLAN	P.I.N.
1			
2			
3			
4	PART OF	PLAN	ALL OF
5	BLOCK 23	62M-968	P.I.N. 17347-0854(LT)
6			
7			
8			

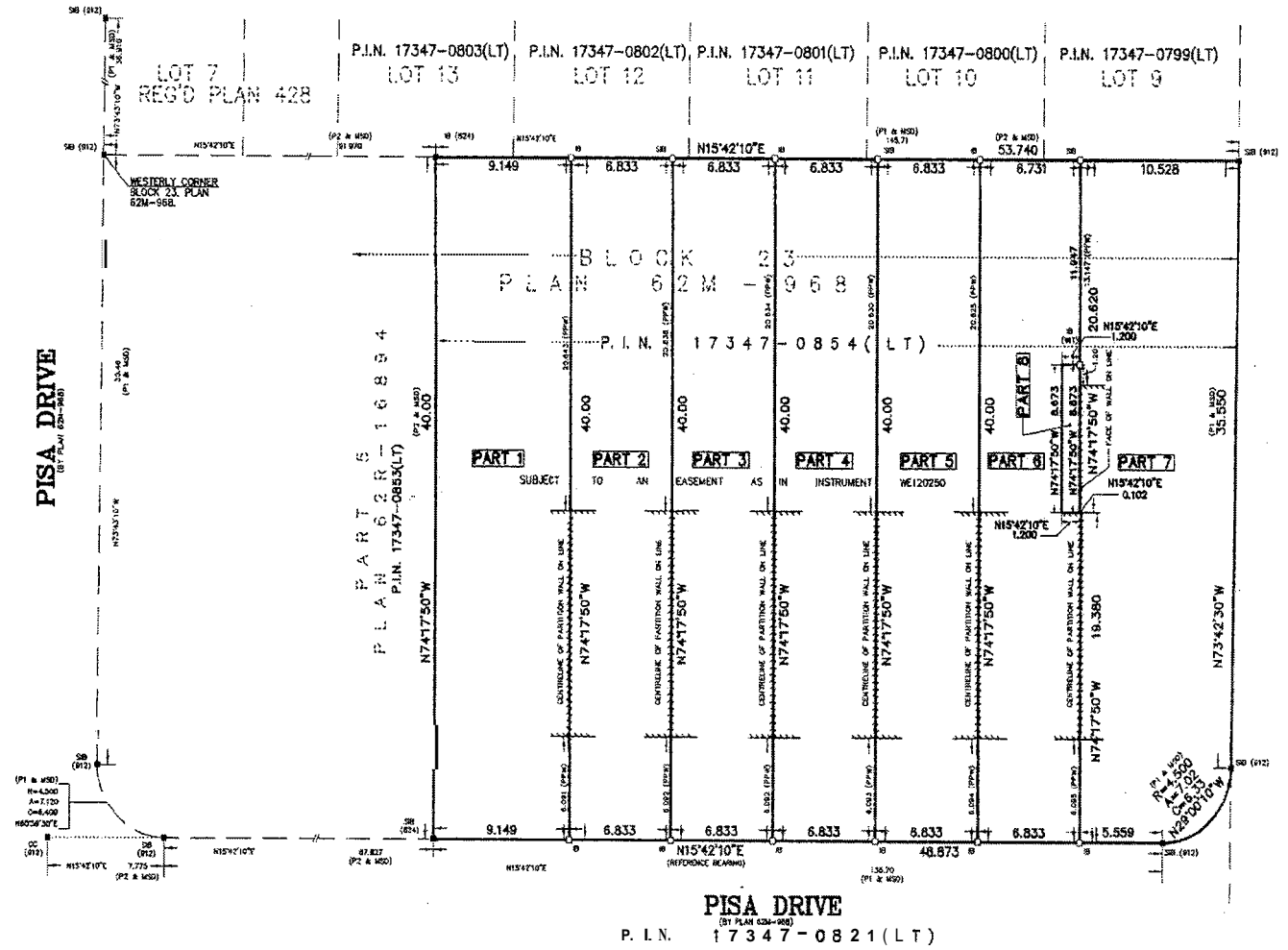
PLAN 62 R- 17147
RECEIVED AND DEPOSITED
Date 2005-05-11

C. LANGRISH AOR
LAND REGISTRAR FOR THE LAND
TITLES DIVISION OF ONTARIO (No. 62)

I REQUIRE THIS PLAN TO BE
DEPOSITED UNDER THE LAND
TITLES ACT.
Date MAY 3, 2006

S.D. McLAREN, O.L.S.

PARTS 1 TO 8 ARE SUBJECT TO AN EASEMENT AS IN
INSTRUMENT WE120250.



- LEGEND:**
- DOCKET
 - MONUMENT SET
 - MONUMENT FOUND
 - IRON BAR
 - STEELING IRON BAR
 - MEASURED
 - ATLASLAND O.L.S.
 - A.T. McLAREN, O.L.S.
 - PLAN 62M-968
 - PLAN 62M-1594
 - CUT CROSS
 - PRODUCTION OF CENTRELINE OF PARTITION WALL
 - PRODUCTION OF FACE OF WALL

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

BEARING NOTE:
BEARINGS ARE ASTRONOMIC AND ARE
REFERRED TO THE NORTHWESTERLY LIMIT
OF PISA DRIVE AS SHOWN ON PLAN
62M-968 AS BEING N15°42'10\"/>

SURVEYOR'S CERTIFICATE
I, SURVEYOR
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH
THE SURVEY ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT
AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 19th DAY OF APRIL, 2006

MAY 3, 2006
S.D. McLAREN, O.L.S.

A.T. McLaren Limited
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Drawn: JH Checked: JG Scale: 1:200 [Aug/Dec 2006-13]