

City of Hamilton

BY-LAW No. 05-268

Respecting:

REMOVAL OF PART LOT CONTROL
BLOCK 3, 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 six (6) lots for freehold townhouses described as Parts 1, 3, 4, 5, 6 and 8 on Reference Plan No. 62R-17255 and two (2) maintenance easements described as Parts 2 and 7 on Reference Plan No. 62R-17255, attached as Schedule "A", shall not apply to the portion of registered plan of subdivision that is designated as follows:

Block 3, 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 September 14, 2007.

PASSED AND ENACTED on this 14th day of September, 2005.

MAYOR

PLC-05-22

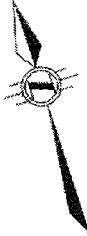
CLERK

PLAN OF SURVEY
of
BLOCK 3
PLAN 62M-1004
IN THE
CITY OF HAMILTON

SCALE: 1:200 metres



S.D. McLAREN, O.L.S. - 2005



LOT 4
CONCESSION 1
CANADIAN NATIONAL RAILWAYS
P. I. N. 17368-0122 (LT)

SCHEDULE

P	LOT	PLAN	P.I.N.
1			
2			
3			
4	ALL OF BLOCK 3	62M-1004	ALL OF 17386-0283 (LT)
5			
6			
7			
8			

PLAN 82 R-17355

RECEIVED AND DEPOSITED
ON: 2005-08-31

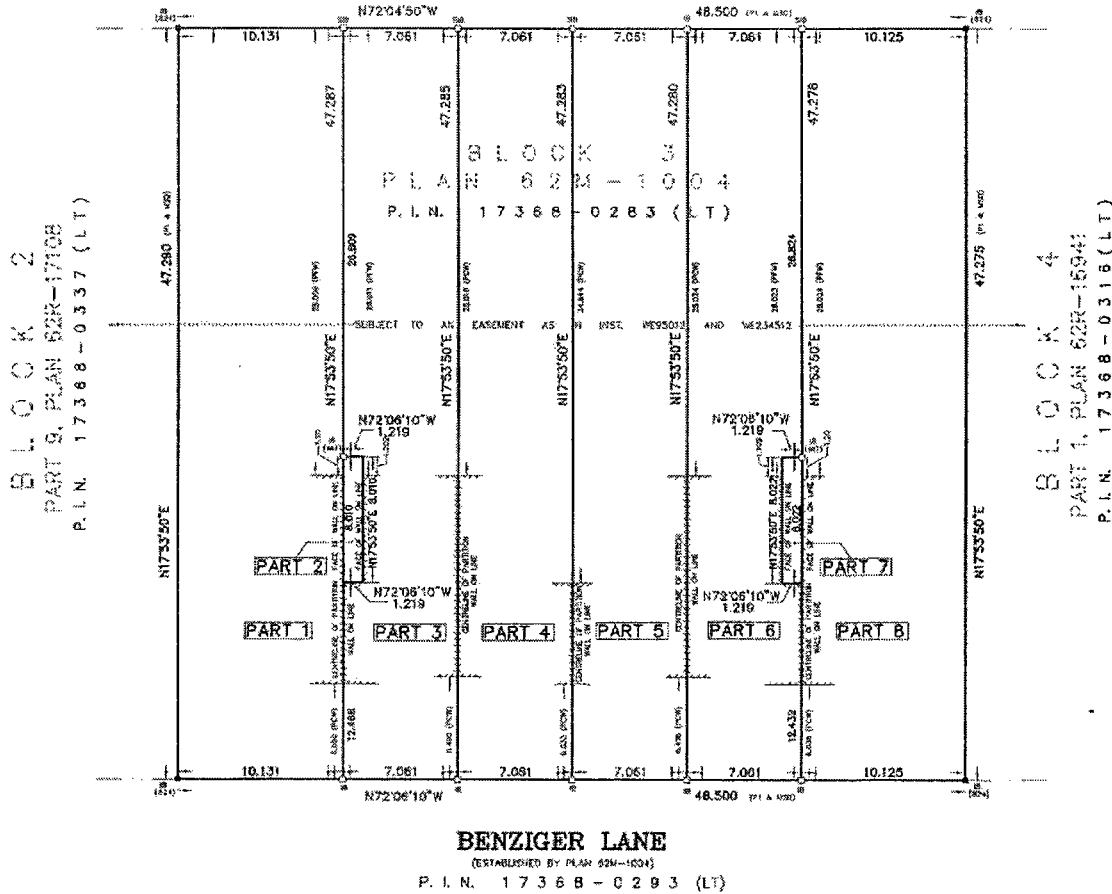
C. LANGRISH SOLICITOR
LAND REGISTRAR FOR THE LAND
TILES DIVISION OF ONTARIO (REG. #2)

I REQUIRE THIS PLAN TO BE
DEPOSITED UNDER THE LAND
TILES ACT.

Date: August 31, 2005

[Signature]
S. McLAREN, O.L.S.

NOTE: PARTS 1 - 8 ARE SUBJECT TO AN EASEMENT
AS IN INSTRUMENT WE25012 AND WE234512



BLOCK 2
PART 2, PLAN 62R-17108
P. I. N. 17368-0337 (LT)

BLOCK 4
PART 1, PLAN 62R-16941
P. I. N. 17368-0316 (LT)

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

LEGEND:
 1 EASEMENT SET
 2 MEASUREMENT POINTS
 3 BENCH MARK
 4 EASEMENT AREA
 5 EASEMENT AREA
 6 EASEMENT AREA
 7 EASEMENT AREA
 8 EASEMENT AREA
 9 EASEMENT AREA
 10 EASEMENT AREA
 11 EASEMENT AREA
 12 EASEMENT AREA
 13 EASEMENT AREA
 14 EASEMENT AREA
 15 EASEMENT AREA
 16 EASEMENT AREA
 17 EASEMENT AREA
 18 EASEMENT AREA
 19 EASEMENT AREA
 20 EASEMENT AREA

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 ASTROUBIC AND ARE
 REFERRED TO THE HORIZONTAL LINE OF
 BENZIGER LANE AS SHOWN ON PLAN
 62M-1004 AS BEING N72°08'10"W.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT
 1. I AM A REGISTERED SURVEYOR IN THE PROVINCE OF ONTARIO;
 2. I HAVE PERSONALLY CONDUCTED THE SURVEY;
 3. THE INSTRUMENTS AND INSTRUMENTS REFERRED TO IN THIS PLAN WERE
 USED IN THE SURVEY;
 4. THE SURVEY WAS COMPLETED ON THE DATE SHOWN ON THIS PLAN.



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Schedule "A"