

**Authority:** Item 12 Committee of the Whole  
Report 01-033 (PD01 184)  
CM: October 16,2001

**Bill No. 316**

**City of Hamilton**

**BY-LAW No. 05-316**

**Respecting:**

**Removal of Part Lot Control  
Lot 17, Registered Plan No. 62M-1009**

**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.

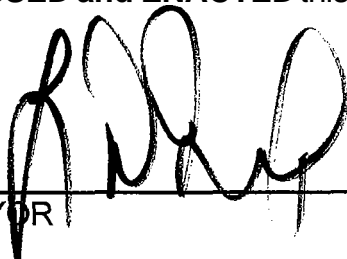
**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. Subsection 5 of Section 50 of the Planning Act, for the purpose of creating a parcel of land to be added to the abutting lands to the north, shown as Part 1 on deposited reference plan 62R-17182, attached as Appendix " A shall not apply to the portion of the registered plan of subdivision that is designated as follows:

Lot 17, Registered Plan No. 62M-1009, in the City of Hamilton

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: October 26, 2007.

**PASSED and ENACTED** this 26<sup>th</sup> day of October, 2005.

  
MAYOR

  
CLERK

PART OF SURVEY OF  
PART OF LOT 17  
PLAN 62M-1009  
IN THE  
CITY OF HAMILTON

SCALE 1:200  
B. V. CLARKE O.L.S.  
10 metres

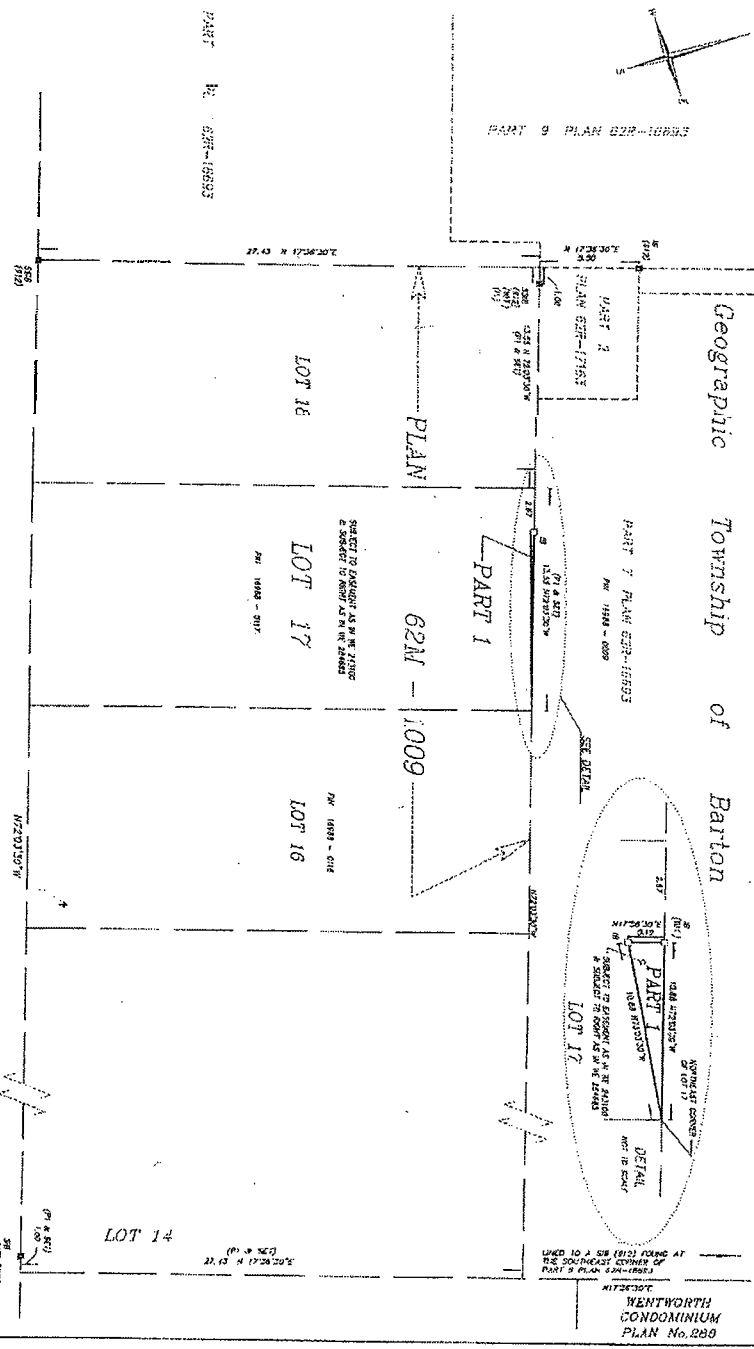


4 CONCESSION 6  
Geographic Township of Barton

DATE	LOT	PLAN	PLAN OF THE	AREA
1	1	420-1009	1748-0417	1.52 m <sup>2</sup>

PLAN 02M-11182  
RECEIVED AND DEPOSITED  
2005-06-22 CLAWSON & ADVE  
DATE  
LAND REGISTER FOR THE LAND TITLES  
DIVISION OF HAMILTON (O.A. 52)

1 REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE  
LAND TITLES ACT  
DATE 15 2005  
M. J. CLAWSON  
REGISTERED PLANNING  
HAMILTON (O.A. 52)



**SURVEYOR'S CERTIFICATE:**  
1. CERTIFY THAT  
1. THE 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 23rd DAY OF MAY 2005  
DATE 15 2005  
M. J. CLAWSON  
REGISTERED PLANNING

**LEGEND:**  
DOTTED LINE BOUNDARY OF AN UNREGISTERED PLANNING  
CONVEYANCE  
DASHED LINE BOUNDARY OF A REGISTERED PLANNING  
CONVEYANCE  
SOLID LINE BOUNDARY OF A REGISTERED PLANNING  
CONVEYANCE  
DOTTED LINE BOUNDARY OF A REGISTERED PLANNING  
CONVEYANCE  
DASHED LINE BOUNDARY OF A REGISTERED PLANNING  
CONVEYANCE  
SOLID LINE BOUNDARY OF A REGISTERED PLANNING  
CONVEYANCE

**WENTWORTH CONDOMINIUM PLAN No. 288**  
1. THIS PLAN IS A PART OF THE PLAN OF THE WENTWORTH  
CONDOMINIUM AS SHOWN IN PLAN 02M-11182  
2. THIS PLAN IS A PART OF THE PLAN OF THE WENTWORTH  
CONDOMINIUM AS SHOWN IN PLAN 02M-11182  
ON PLAN 62M-1009 HAVING A BEARING OF N 72°03'30"W

**CLAWSON & ADVE**  
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