

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

**Bill No.231**

## **CITY OF HAMILTON**

BY-LAW NO. 08-231

Respecting:

Removal of Part Lot Control  
Blocks 244, 264 and 265, Registered Plan No. 62M-1061  
"Summerlea – Phase 2" and Repeal of By-Law No. 08-210

**WHEREAS** the sub-section 50(5) of the *Planning Act*, (R.S.O. 1990, Chapter P.13, as amended, establishes part-lot control on land within registered plans of subdivision;

**AND WHEREAS** sub-section 50(7) of the *Planning Act*, provides 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 Council of the City of Hamilton is desirous of enacting such a by-law with respect to the lands hereinafter described;

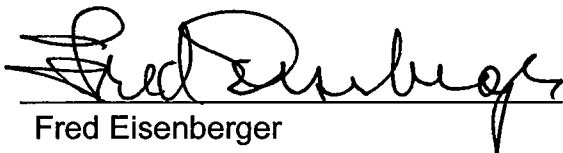
**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. Sub-section 5 of Section 50 of the *Planning Act*, for the purpose of creating forty-six (46) lots for street townhouse dwellings, shown as Parts 1 - 56, inclusive, and a block for a future common-element condominium, that will include: a private road; parking spaces; walkways; and, landscaped amenity area, shown as Part 57, on deposited Reference Plan 62R-18279, shall not apply to the portion of the registered plan of subdivision that is designated as follows, namely:

Blocks 244, 264 and 265, Registered Plan No. 62M-1061, 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. This by-law shall expire and cease to be of any force or effect on the 24<sup>th</sup> day of September, 2010.
4. By-Law No. 08-210 is hereby repealed in its entirety.

**PASSED and ENACTED** this 24<sup>th</sup> day of September, 2008.



Fred Eisenberger  
Mayor



Kevin C. Christenson  
City Clerk