

Authority: Item 12 Committee of the
Whole Report 01-033
(PD01184)
CM: October 16, 2001
Bill No. 124

City of Hamilton

BY-LAW No. 04-124

Respecting:

Removal of Part Lot Control
Lots 29 to 33 inclusive
Registered Plan No. 62M-970

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.

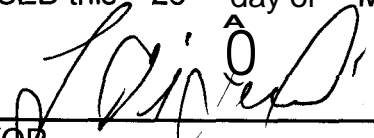
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Subsection 5 of Section 50 of the Planning Act, for the purpose of creating 10 lots for each ½ of a semi-detached dwelling, shown as Parts 1, 2, 3, and 4 on deposited reference plan 62R-16756, attached as Appendix "A", and Parts 1, 2, 3, 4 and 5, 6 and 7, and Parts 8 and 9 on deposited reference plan 62R-16758, attached as Appendix "B" shall not apply to the portion of the registered plan of subdivision that is designated as follows:


Lots 29-33, inclusive, Registered Plan No. 62M-970, in the City of Hamilton (Glanbrook)

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: May 12, 2006.

PASSED this 26th day of May 2004.



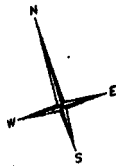
MAYOR



CLERK

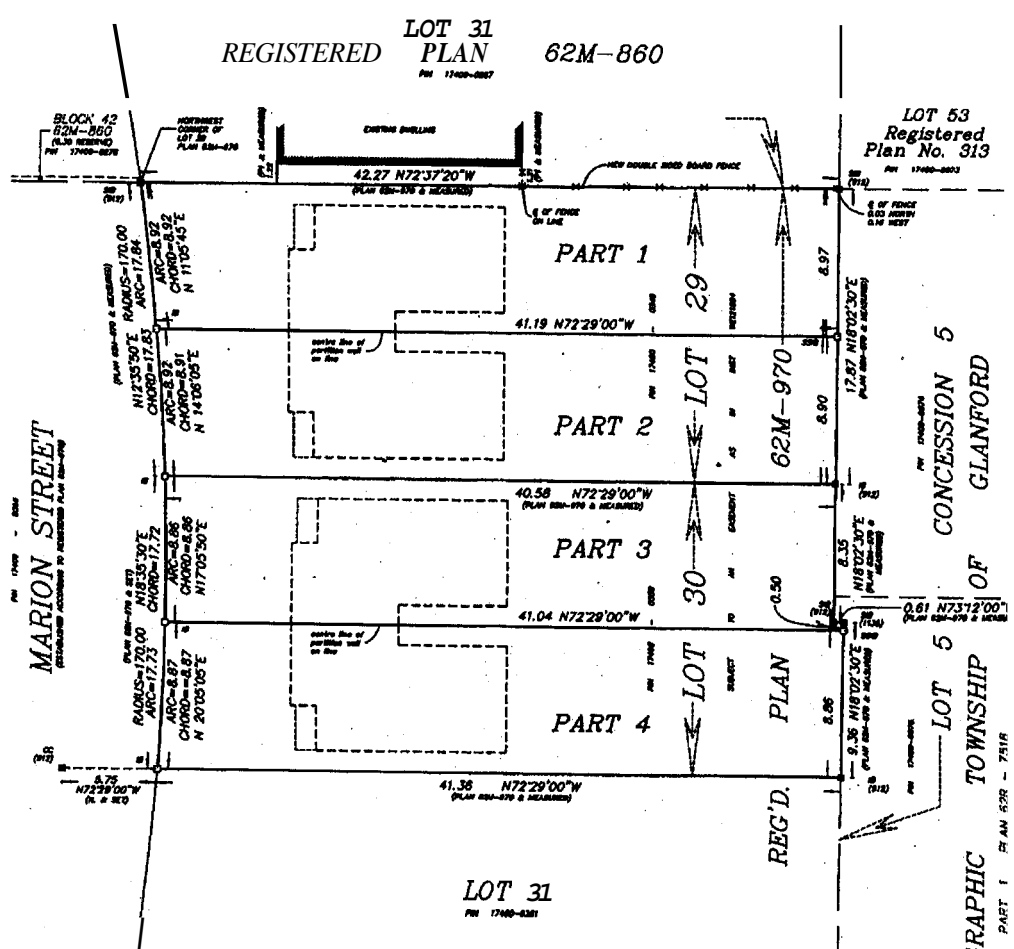
PLC-04-03

PLAN OF SURVEY OF
LOTS 29 AND 30
PLAN 62M-970
CITY OF HAMILTON
SCALE 1:200
G.G. ALDWORTH O.L.S.



SCHEDULE				
PART	LOT	PLAN	FM	AREA
1	29		ALL OF 17400-860	376.80 m ²
2	30	REG'D. PLAN 62M-970		364.80 m ²
3	31		ALL OF 17400-830	366.80 m ²
4	31		ALL OF 17400-830	364.80 m ²

PLAN 62R-16756
RECEIVED AND DEPOSITED
Date: April 10, 2004
DATE: March 31, 2004
LAND REGISTRAR FOR THE LAND TITLES DIVISION OF ONTARIO (No. 62)
I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.
DATE: March 31, 2004
LORI HAMILTON



SURVEYOR'S CERTIFICATE:
I HEREBY CERTIFY
THAT 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
THE SURVEY WAS COMPLETED ON THE 09th DAY OF JANUARY 2004
MARCH 31, 2004
DATE

LEGEND:
 (S) SURVEY MONUMENT PLANTED
 (M) METRIC
 (P) PART
 (C) CONVEYED HOLDINGS BY A.J. CLARKE AND ASSOCIATES LTD.
 (D) DEPOSITED HEREIN BY A.J. CLARKE AND ASSOCIATES LTD.
 (R) REGISTERED PLAN OF SURVEY BY A.J. CLARKE AND ASSOCIATES LTD.
 (S) SURVEYOR'S OFFICE
 (M) METRIC
 (P) PART
 (C) CONVEYED HOLDINGS BY A.J. CLARKE AND ASSOCIATES LTD.
 (D) DEPOSITED HEREIN BY A.J. CLARKE AND ASSOCIATES LTD.
 (R) REGISTERED PLAN OF SURVEY BY A.J. CLARKE AND ASSOCIATES LTD.

SEARCHES AND ATTESTATIONS AND RETURNED TO THE MORTGAGE LIST OF LOT 31 AS SHOWN ON PLAN 62M-870 HAVING A BEARING OF N 72°37'20" W
METRIC:
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

A.J. Clarke and Associates Ltd.
SURVEYORS - PLANNERS - ENGINEERS
30 MAIN STREET WEST, SUITE 300
HAMILTON, ONTARIO L8P 4M1
TEL: 905-528-4300 FAX: 905-528-2200
email: ajc@ajclarke.com

All Lots 16-19 of Concession 5 of Glanford Township

