

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

Bill No. 142

City of Hamilton

BY-LAW No. 04-142

Respecting:

REMOVAL OF PART-LOT CONTROL
BLOCK 66,
REGISTERED PLAN 62M-I002

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, namely The Corporation of the Town of Ancaster;

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:

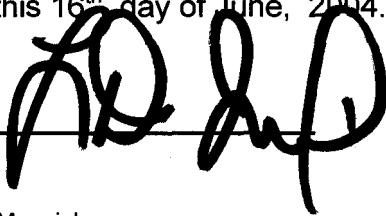
1. Subsection 5 of Section 50 of the Planning Act, for the purpose of creating eight (8) lots for street townhouse dwellings, shown as Parts 1-8 (inclusive) on deposited reference plan 62R-16781, attached as Appendix "A", shall not apply to lands within the portions of the registered plan of subdivision that are designated as follows:

Block 66, Registered Plan 62M-1002, in the Former Town of Ancaster

2. This by-law shall be registered on title to the said 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 June 16th, 2006.

PASSED this 16th day of June, 2004.

MAYOR



Edward Young Morwick
PLC-04-07

CLERK



Schedule "A"
ap Forming Part of
By-law 04-142

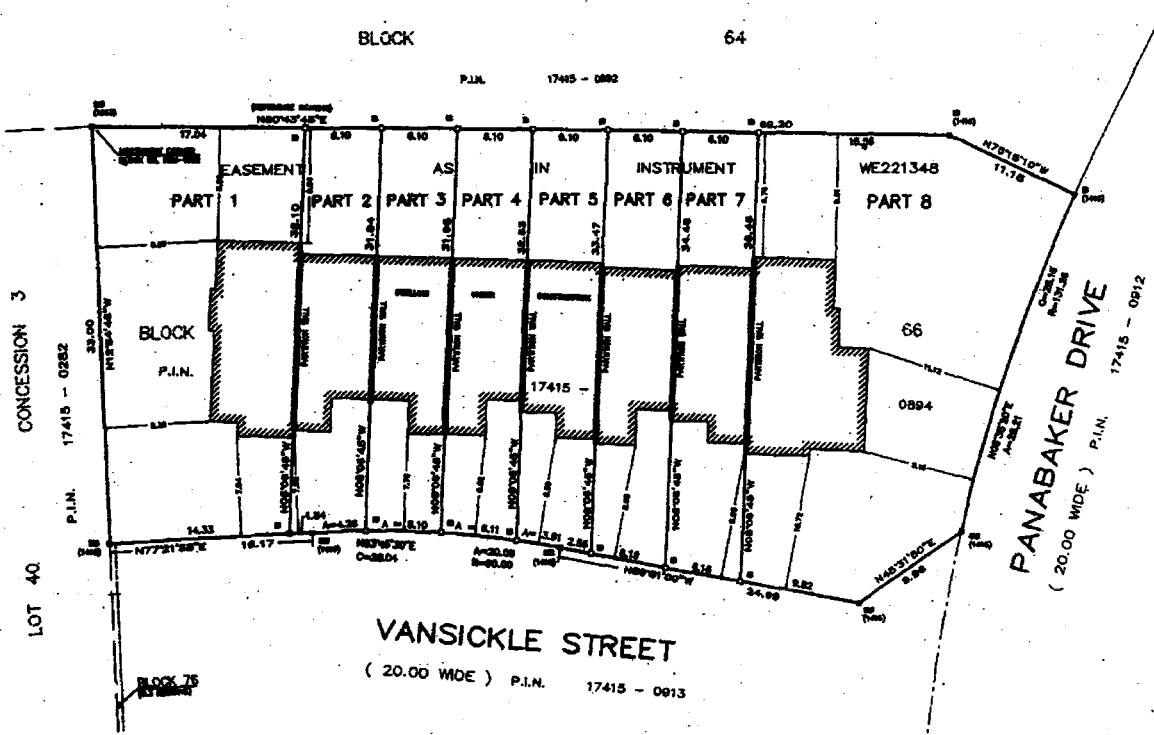
METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

SCHEDULE									
PART	BLOCK	PLAN	P.I.N. No.	AREA	PART	BLOCK	PLAN	P.I.N. No.	AREA
1	PART OF 66	62M-1002	PART OF 17415-0894	810 m ²	5	PART OF 66	62M-1002	PART OF 17415-0894	201 m ²
2	PART OF 66	62M-1002	PART OF 17415-0894	195 m ²	6	PART OF 66	62M-1002	PART OF 17415-0894	207 m ²
3	PART OF 66	62M-1002	PART OF 17415-0894	195 m ²	7	PART OF 66	62M-1002	PART OF 17415-0894	213 m ²
4	PART OF 66	62M-1002	PART OF 17415-0894	100 m ²	8	PART OF 66	62M-1002	PART OF 17415-0894	735 m ²

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TILES ACT.
DATED May 3, 2004
Daniel Kuge
DANIEL KUGE O.L.S.

PLAN 62R-16781
RECEIVED AND DEPOSITED
DATED May 4, 2004
H. Macmillan
LAND REGISTRAR FOR THE LAND TILES DIVISION OF WENTWORTH (No. 62)

PARTS 1, 2, 3, 4, 5, 6, 7, AND 8 TOGETHER COMPRISE ALL OF P.N. 17415 - 0894
PARTS 1, 2, 3, 4, 5, 6, 7, AND 8 SUBJECT TO EASEMENT BELOW



PLAN OF SURVEY OF
BLOCK 66
PLAN 62M-1002
(FORMER TOWN OF ANCASTER)
a n of HAMILTON
SCALE - 1 : 250
WEST & RUUSKA LTD.

CURVE INFORMATION			
PART	RADIUS	ARC CHORD	BEARING
2	80.00	4.28	4.28 N79°03'20"E
3	80.00	6.10	6.10 N85°01'18"E
4	80.00	6.11	6.11 N85°5'23"E
5	80.00	3.61	3.61 N89°00'05"E

SURVEYOR'S CERTIFICATE

- I CERTIFY THAT THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TILES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 03RD DAY OF APRIL, 2004.

DATED: May 3, 2004
Daniel Kuge
DANIEL KUGE
CHIEF LAND SURVEYOR

BEARING NOTE
BEARINGS ARE AZIMUTHIC AND ARE REFERRED TO THE NORTHERLY LIMIT OF BLOCK 66, PLAN 62M-1002, THROUGH THEREON AS INDICATED.

LEGEND

- DENOTES SET MONUMENT
- DENOTES FOUND INCREMENT
- DENOTES IRON BAR
- DENOTES STANDARD IRON BAR
- 1/4" DENOTES S.A. RADIUS, O.L.S.
- 1/2" DENOTES I.D. PETERS, O.L.S.
- PLAN DENOTES PLAN 62M-1002

WEST & RUUSKA LTD.
Land Surveyors
17 NELSON STREET, BRANTFORD, ONTARIO, N5T 2M8
Telephone (519)762-9841
DRAWN BY: J.B.S. FRACARSON FLS02287
DISK 902