

City of Hamilton

BY-LAW No. 05-325

Respecting:

REMOVAL OF PART LOT CONTROL  
BLOCK 12, REGISTERED PLAN 62M-1030  
RED HILL VISTA

**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 bylaw.** -- 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 bylaw.** -- 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 lots for street townhouses described as Parts 10, 13, 15, 18, 20, and 22 on Reference Plan No. 62R-17302, and nine maintenance easements described as Parts 11, 12, 14, 16, 17, 19, 21, 23, and 24 on Reference Plan No. 62R-17302, attached as Schedule "A", shall not apply to the portion of registered plan of subdivision that is designated as follows:

Block 12 , Registered Plan Number 62M-1030,  
in the City of Hamilton (Stoney Creek)

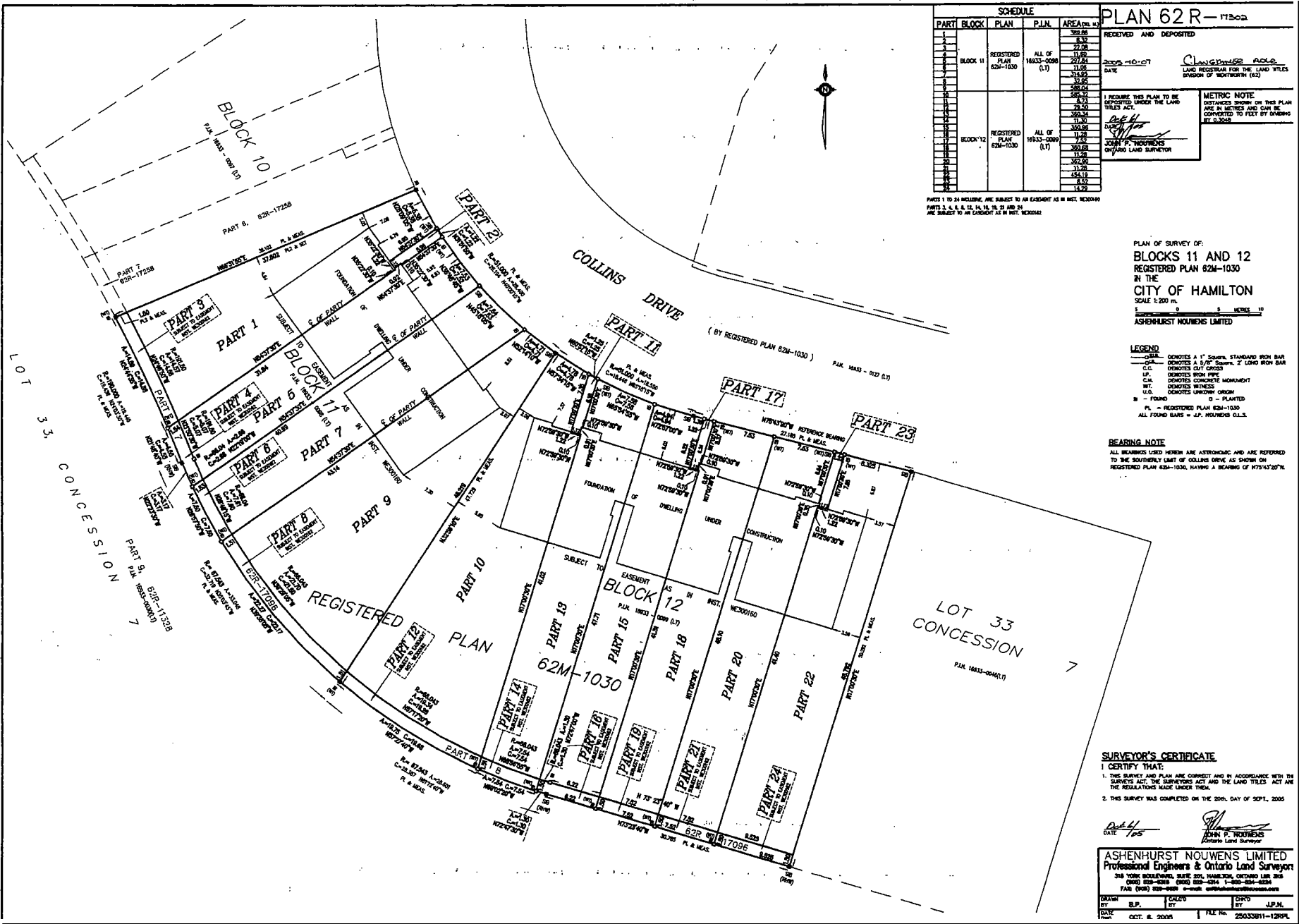
2. This by-law shall be registered on title to the said designated land and shall come into force and effect on the date of such registration.
3. This By-law shall cease, expire and be of no further effect on November 9, 2007.

**PASSED and ENACTED** this 10<sup>th</sup> day of November, 2005.

MAYOR

PLC-05-36

CLERK



SCHEDULE				
PART	BLOCK	PLAN	PLAN	AREA (sq. m.)
1	BLOCK 11	REGISTERED PLAN 62M-1030	ALL OF 16833-0086 (L7)	30.26
2				8.72
3				27.28
4				11.82
5				29.74
6				11.92
7				11.92
8				12.82
9				28.02
10				28.12
11	BLOCK 12	REGISTERED PLAN 62M-1030	ALL OF 16833-0089 (L7)	28.12
12				11.92
13				11.92
14				11.92
15				11.92
16				11.92
17				11.92
18				11.92
19				11.92
20				11.92
21				11.92
22				11.92
23				11.92
24				11.92

**PLAN 62R-17302**

RECEIVED AND DEPOSITED

2008-10-27

LAND REGISTRY FOR THE LAND TITLES DIVISION OF ONTARIO (L7)

**CLAUDE WILSON A.C.E.**

DATE

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

**JOHN P. NOUWENS**  
Ontario Land Surveyor

**METRIC NOTE**  
DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

PARTS 1 TO 24 INCLUSIVE ARE SUBJECT TO AN EASEMENT AS IN REG. RECORDS 16833-0086 AND 16833-0089.

PARTS 3, 4, 6, 8, 12, 14, 16, 18, 20 AND 24 ARE SUBJECT TO AN EASEMENT AS IN REG. RECORDS 16833-0086 AND 16833-0089.

PLAN OF SURVEY OF:  
**BLOCKS 11 AND 12**  
REGISTERED PLAN 62M-1030  
IN THE  
CITY OF HAMILTON  
SCALE 1:200 m.  
1 0 1 METRES

**ASHENHURST NOUWENS LIMITED**

**LEGEND**

- denotes a 1" square standard iron bar
- denotes a 5/8" square 2" long iron bar
- C.C. denotes CUT CROSS
- F.P. denotes FOUND
- C.M. denotes CONCRETE MONUMENT
- W.P. denotes WOODEN
- U.O. denotes UNKNOWN ORIGIN
- denotes FOUND
- denotes PLANTED
- PL = REGISTERED PLAN 62M-1030
- ALL FOUND BARS = J.P. NOUWENS D.L.S.

**BEARING NOTE**

ALL BEARINGS LISTED HEREIN ARE ASTROLOGICAL AND ARE REFERRED TO THE SOUTHERLY LIMIT OF COLLINS DRIVE AS SHOWN ON REGISTERED PLAN 62M-1030, HAVING A BEARING OF N75°45'20"W.

**SURVEYOR'S CERTIFICATE**

I CERTIFY THAT:

- THIS 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.
- THIS SURVEY WAS COMPLETED ON THE 20th DAY OF SEPT., 2008.

DATE: 1/25

**JOHN P. NOUWENS**  
Ontario Land Surveyor

**ASHENHURST NOUWENS LIMITED**  
Professional Engineers & Ontario Land Surveyors

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DRAWN BY: J.P. DATE: OCT. 8, 2008  
 CHECKED BY: J.P.M. FILE NO.: 25033811-129PL