City of Hamilton

BY-LAW NO. 06-053

Respecting:

REMOVAL OF PART LOT CONTROL
LOTS 1 TO 24 INCLUSIVE, REGISTERED PLAN 62M-1049 (Owen Place)

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);

2

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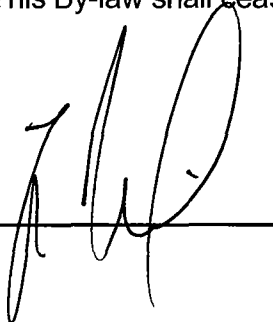
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1.   Subsection 5 of Section 50 of the Planning Act, for the purpose of creating maintenance and/or encroachment easements described as Parts 1 to 21 inclusive on Reference Plan No. 62R-17426, shall not apply to the portion of registered plan of subdivision that is designated as follows:

                    Lots 1 to 7, 9 to 17 and 20 to 24 Registered Plan Number 62M-1049, in the City of Hamilton

2.   Subsection 5 of Section 50 of the Planning Act, for the purpose of creating servicing and utility easements described as Parts 1 to 25 inclusive on Reference Plan No. 62R-17427, shall not apply to the portion of registered plan of subdivision that is designated as follows:

                    Lots 1 to 24 inclusive, Registered Plan Number 62M-1049, in the City of Hamilton

3.   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.

4.   This By-law shall cease, expire and be of no further effect on March 1, 2008.

_____
MAYOR
PLC-05-18

_____
A /CLERK