

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

**Bill No. 005**

## **CITY OF HAMILTON**

### **BY-LAW NO. 16-005**

#### **Respecting Removal of Part Lot Control**

**Block 131, Registered Plan of Subdivision No. 62M-1182, "Penny Lane Estates – Phase 2",  
36 Waterbridge Street**

**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.”

**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 twenty-five (25) lots for freehold townhouses on a condominium road, shown as Parts 38 to 62 inclusive, Parts 175 to 217 inclusive, Parts 305 to 311 inclusive, and Parts 327 & 328 on deposited Reference Plan 62R-19702, including:
  - 2 easements for storm sewer maintenance and repair in favour of the condominium corporation (parts 327 and 328);
  - 2 easements for retaining wall maintenance in favour of the condominium corporation (Parts 207 and 208);
  - 28 easements for Horizon Utilities, gas and other utilities and to allow for maintenance of the curbs and sidewalks, services, gas, lights and utilities (Parts 175, 177, 179, 180, 181, 183, 185, 186, 187, 190, 191, 193, 195, 196, 197, 199, 201, 203, 204, 206, 207, 209, 210, 212, 214, 215, 216, and 327);

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- 23 easements for access, maintenance and encroachment between abutting properties (Parts 176, 178, 182, 184, 188, 189, 192, 194, 198, 200, 202, 205, 210, 211, 213, 217, and 305 to 311 inclusive); and,
- 1 Part for a common element condominium driveway with visitor parking and landscaping / open space, shown as Part 289 on deposited Reference Plan 62R-19702, shall not apply to the portion of the registered plan of common element condominium that is designated as follows, namely:

Block 131, Registered Plan No. 62M-1182, 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 20<sup>th</sup> day of January, 2018.

**PASSED** this 20<sup>th</sup> day of January, 2016.

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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk

PLC-15-038E