

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

**Bill No. 137**

## **CITY OF HAMILTON**

### **BY-LAW NO. 15-**

#### **Respecting**

**Removal of Part Lot Control for the creation of maintenance easements regarding Lots 2-33 (inclusive), 35-44 (inclusive), 46-47 (inclusive), 49-58 (inclusive), 61-68 (inclusive), 70, 72-77 (inclusive), 79, 81-86 (inclusive), 88-92 (inclusive), 95-97 (inclusive), 99-115, (inclusive) 117-130 (inclusive), 132-133 (inclusive), and 135-166 (inclusive), on Registered Plan 62M-1207, known as Summerlea West – Phase 5.**

**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 maintenance easements, as shown as Parts 1-80 (inclusive) on Plan 62R-20036, Parts 1-14 (inclusive) on Plan 62R-20035, and Parts 1-59 (inclusive) on Plan 62R-20037 shall not apply to the portion of the registered Plan of Subdivision that is designated as follows, namely:

Lots 2-33 (inclusive), 35-44 (inclusive), 46-47 (inclusive), 49-58 (inclusive), 61-68 (inclusive), 70, 72-77 (inclusive), 79, 81-86 (inclusive), 88-92 (inclusive), 95-97 (inclusive), 99-115, (inclusive) 117-130 (inclusive), 132-133 (inclusive), and 135-166 (inclusive), on Registered Plan 62M-1207, in the City of Hamilton.

Removal of Part Lot Control for the creation of maintenance easements regarding Lots 2-33 (inclusive), 35-44 (inclusive), 46-47 (inclusive), 49-58 (inclusive), 61-68 (inclusive), 70, 72-77 (inclusive), 79, 81-86 (inclusive), 88-92 (inclusive), 95-97 (inclusive), 99-115, (inclusive) 117-130 (inclusive), 132-133 (inclusive), and 135-166 (inclusive), on Registered Plan 62M-1207, known as Summerlea West – Phase 5.

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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 27<sup>th</sup> day of May, 2017.

**PASSED** this 27<sup>th</sup> day of May, 2015.

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Fred Eisenberger  
Mayor

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Rose Caterini  
City Clerk