



## The Municipal Corporation of the Town of Fort Erie

### BY-LAW NO. 38-2000

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BEING A BY-LAW TO EXEMPT CERTAIN LOTS IN  
REGISTERED PLAN M-83 FROM PART LOT CONTROL  
PURSUANT TO SECTION 50 OF THE PLANNING ACT 1990  
(800547 ONTARIO LIMITED)

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File No. D12-0030.01 & C01-17

WHEREAS Subsection 5 of Section 50 of the Planning Act, R.S.O. 1990, Chapter P.13 provides interalia that where land is within a plan of subdivision registered before or after the coming into force of that subsection, no person shall convey a part of any lot or block of land by way of a deed or transfer or grant, assign or exercise a power of appointment in respect of a part of any lot or block of land or mortgage or charge a part of any lot or block of land or enter into any agreement of sale and purchase of a part of any lot or block of land or enter into any agreement that has the effect of granting the use of or right in a part of any lot or block of land directly or by entitlement to renew for a period of twenty-one years or more unless the circumstances described in paragraphs (a) to (f) inclusive of that subsection are existent, and;

WHEREAS Subsection 7 of Section 50 of the Planning Act, R.S.O. 1990, Chapter P.13 provides interalia that despite Subsection 5 of Section 50 of that Act, the Council of a local Municipality may by by-law provide that Subsection 5 of Section 50 does not apply to land that is within a registered plan or plans of subdivision or part or parts thereof as is or are designated in the by-law and where the by-law is approved by the Minister, Subsection 5 of Section 50 ceases to apply to such land, and;

WHEREAS Subsection 28 of Section 50 of the Planning Act, R.S.O. 1990, Chapter P.13 provides that a certified copy or duplicate of every by-law passed under Section 50 of that Act shall be registered by the Clerk of the Municipality in the local land registry office, and;

WHEREAS Subsection 1 of Section 4 of the Planning Act, R.S.O. 1990, Chapter P.13 provides that the Minister on request of the Council of any Municipality may by order delegate to the Council any of the Minister's authority under the Planning Act other than the authority to approve the Official Plan or amendments thereto of the Municipality of which it is the Council and the Council of the Corporation of the Town of Fort Erie is advised that the Minister has delegated to the Council of the Regional Municipality of Niagara interalia his authority to consent to a by-law passed under the provisions of Subsection 7 of Section 50 of the said Planning Act, and;


WHEREAS Subsection 2 of Section 51.2 of the Planning Act, R.S.O. 1990, Chapter P.13 provides that a Regional Council that has the approval authority under Section 51 of the said Planning Act in respect to the approval of plans of subdivision, may after the prescribed notice is given, delegate all or any part of the authority to a local Council and the Regional Municipality of Niagara has given notice and passed Regional By-law No. 86-20-97 delegating its authority to approve plans of subdivisions, condominium plans and part lot control to the Town of Fort Erie in accordance with Subsection 2 of Section 51.2 of the Planning Act, and;


WHEREAS the Council of the Corporation of the Town of Fort Erie deems that the lands described in Section 4 of this by-law should be exempted from the provisions of Subsection 5 of Section 50 of the Planning Act because such lands are to be used for a single detached dwelling as permitted by Zoning By-law 129-90 of The Corporation of the Town of Fort Erie as amended;

NOW THEREFORE, the Council of the Corporation of the Town of Fort Erie enacts as follows:

1. The provisions of Subsection 5 of Section 50 of the Planning Act, R.S.O. 1990, Chapter P.13 do not apply to the lands described in Section 4 of this by-law.
2. This by-law shall be registered by the Clerk of the Corporation of the Town of Fort Erie in the local land registry office.
3. In accordance with Subsection 7.1 of Section 50 of the Planning Act, R.S.O. 1990 as amended, this by-law shall expire on the 28<sup>th</sup> day of May, 2000 at which time Subsection 5 of Section 50 of the Planning Act R.S.O. 1990 shall apply to those lands in the registered plan described in Schedule A annexed hereto and forming part of this by-law.
4. The lands referred to in Section 1 are more particularly described as all and singular that certain parcel or tract of land and premises situated lying and being in the Town of Fort Erie, in the Regional Municipality of Niagara, and being composed of Lots 7, 8, 9, 10, 44, 45, 46 & 47, according to Registered Plan M-83.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 28<sup>TH</sup> DAY OF FEBRUARY, 2000.**

  
MAYOR

  
CLERK

I, CAROLYN (BOOTH) KETT, CLERK OF THE CORPORATION OF THE TOWN OF FORT ERIE HEREBY CERTIFY THE FOREGOING TO BE A TRUE CERTIFIED COPY OF BY-LAW NO. 38-2000 OF THE SAID TOWN. GIVEN UNDER MY HAND AND THE SEAL OF THE SAID CORPORATION THIS \_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_.