

THE CORPORATION OF THE  
TOWN OF PELHAM

BY-LAW # 3281 (2012)

**A BY-LAW TO EXEMPT CERTAIN LANDS IN  
REGISTERED PLAN NO. 59M-348 FROM PART  
LOT CONTROL PURSUANT TO SECTION 50 OF  
THE *PLANNING ACT*, R.S.O. 1990**

WHEREAS subsection 50(5) of the *Planning Act*, R.S.O. 1990, Chapter P.13, provides inter alia that where land is within a plan of subdivision registered before or after the coming into force of that section, no person shall convey a part of any lot or block of the 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 the land, or mortgage or charge a part of any lot or block of the land, or enter into an agreement of sale and purchase of a part of any lot or block of the 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 the land directly or by entitlement to renewal for a period of 21 years or more, unless the circumstances as described in subsections (a) to (f) inclusive of Subsection 50(5) exist.

AND WHEREAS subsection 50(7) of the *Planning Act*, R.S.O. 1990, provides inter alia that despite Subsection 50(5) of that Act, the Council of a local municipality may by by-law provide that Subsection 50(5) does not apply to land that is within such Registered Plan or plans of subdivision or part or parts thereof as is or are designated in the by-law, and Subsection 50(7.1) of the *Planning Act*, R.S.O. 1990, provides that a by-law passed under Subsection 50(7) of the said Act does not take effect until it has been approved by the appropriate approval authority for the purpose of Sections 51 and 51.1 of the said *Planning Act* in respect of the land covered by the by-law.

AND WHEREAS subsection 50(28) of the *Planning Act*, R.S.O. 1990, provides that a certified copy or duplicate of every by-law passed under this Section shall be registered by the Clerk of the municipality in the proper Land Registry Office.

AND WHEREAS subsection 4(1) and 5(1) of the *Planning Act*, R.S.O. 1990, provides that the Minister, on the 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 Pelham was advised that the Minister has delegated to the Council of the Town of Pelham inter alia his authority to consent to a by-law passed under the provisions of Subsection 50(7) of the *Planning Act*, R.S.O. 1990. Subsection 5(1) of the *Planning Act*, R.S.O. 1990, etc, refers to further delegation.

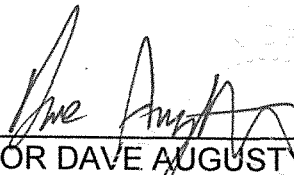
AND WHEREAS subsection 50(7.3) of the *Planning Act*, R.S.O. 1990 provides that a by-law passed under Subsection 50(7) of the *Planning Act* may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time, and Subsection 50(7.4) of the said *Planning Act* provides that the Council of a local municipality may, at any time before the expiration of a by-law under Subsection 50(7) of the *Planning Act*, amend the by-law to extend the time period specified for the expiration of the by-law and an approval under Section 50(7.1) is not required.

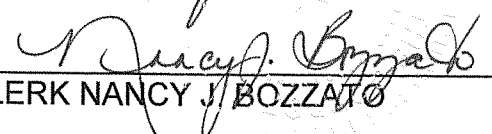
AND WHEREAS the Council of the Corporation of the Town of Pelham deems that the land described in Schedule "A" annexed hereto and made part of this by-law shall be exempted from the provisions of Subsection 50(5) of the *Planning Act*, R.S.O. 1990.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:

- (1) The provisions of Subsection 50(5) of the Planning Act, R.S.O. 1990, Chapter P.13 do not apply to the lands described in Schedule "A" annexed hereto and made part of this by-law and being lands within Registered Plan 59M-348, registered in the Niagara South Land Registry Office (No. 59).
- (2) The Clerk of the Corporation of the Town of Pelham shall register this by-law in the proper Land Registry office.
- (3) Unless sooner repealed or unless sooner amended to extend the time period specified for the expiration of this by-law herein, this by-law shall be in effect for a three year period beginning on the 16th day of July, 2012, and expiring on the 16th day of July, 2015.

READ A FIRST, SECOND AND THIRD TIME  
AND FINALLY PASSED BY COUNCIL THIS  
16<sup>TH</sup> DAY OF JULY, 2012 A.D.

  
MAYOR DAVE AUGUSTYN

  
CLERK NANCY J. BOZZATO

SCHEDULE "A"

Those lands in the Town of Pelham, Regional Municipality of Niagara, described as Blocks 34, 35, 37, 38, 39, 44 and 45, Registered Plan 59M-348, registered in the Niagara South Land Registry office (No. 59).

File No. PLC-01/12

Applicant: Mountainview Homes (Niagara) Ltd.

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