



# **The Municipal Corporation of the Town of Fort Erie**

**BY-LAW NO. 171-05**

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**BEING A BY-LAW TO DEEM A CERTAIN  
REGISTERED PLAN OF SUBDIVISION NOT TO BE A REGISTERED  
PLAN OF SUBDIVISION  
DALE ZIMMERMAN & LYNN ZIMMERMAN  
252 MAPLEWOOD AVENUE  
LOT NOS 91 AND 93, PLAN 62/NP 402  
ROLL NO. 2703 030 004 13300 0000**

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**WHEREAS** Section 50, Subsection 4 of the *Planning Act R.S.O. 1990, c.P.13* authorizes the Council of a municipality to designate by by-law any plan of subdivision or part thereof that has been registered for eight years or more which shall be deemed not be a registered plan of subdivision for the purposes of Subsection 3 of Section 50 of the said *Planning Act*; and

**WHEREAS** it is proposed to develop the lands described in Section 2 herein and it is deemed expedient to designate these lands pursuant to the provisions of Section 50, Subsection 4 of the said *Planning Act* in order to ensure that all of these lands will be appropriately developed; and

**WHEREAS** Subsection 26, Section 50 of the said *Planning Act* requires that a certified copy or duplicate of the deeming by-law shall be lodged with the Ministry of Municipal Affairs by the Clerk of the Municipality; and

**WHEREAS** Subsection 27, Section 50 of the said *Planning Act* states that the deeming by-law will not be effective until the requirements of Subsection 28, Section 50 have been complied with; and

**WHEREAS** Subsection 28, Section 50 of the said *Planning Act* requires that a certified copy or duplicate of the deeming by-law shall be registered by the Clerk of the Municipality in the Land Registry Office; and

**WHEREAS** Subsection 29, Section 50 of the said *Planning Act* states that no notice or hearing is required prior to the passing of a deeming by-law, but the Council shall give notice of the passing of any such deeming by-law within 30 days of the passing thereof to each person appearing in the last revised assessment roll to be owner of the land to which the by-law applies and which notice shall be sent to the last known address of such person; and

**WHEREAS** Subsection 30, Section 50 of the said *Planning Act* states that Council shall hear in person or by agent, any person to whom notice was sent under Subsection 29, Section 50 of the said *Planning Act* who within 20 days of the mailing of the notice gives notice to the Clerk of the Municipality that the person desires to make representation respecting the amendment or repeal of the deeming by-law; and

WHEREAS the registered owners of the lands described in Section 2 have consented to this by-law;

NOW THEREFORE the Municipal Council of The Corporation of the Town of Fort Erie hereby enacts as follows:

1. THAT those parts of the registered plan of subdivision described in Section 2 of this by-law are hereby deemed not to be a part of a registered plan of subdivision for the purposes of Subsection 3, Section 50 of The Planning Act R.S.O. 1990, c.P.13.
2. THAT the lands referred to in section 1 are described as all and singular that certain parcel or tract of land and premises situate along and being in the Town of Fort Erie, in the Regional Municipality of Niagara, being composed of Lot Nos. 91 and 93, Plan 62/NP 402 formerly in the Village of Crystal Beach, now in the Town of Fort Erie, in the Regional Municipality of Niagara, described as part of PIN 64180-0262 (LT)

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 26<sup>th</sup> DAY OF SEPTEMBER, 2005.

  
MAYOR

  
DEPUTY CLERK

I, Carolyn J. Kett, the Clerk, of The Corporation of the Town of Fort Erie hereby certifies the foregoing to be a true certified copy of By-law No. 171-05 of the said Town. Given under my hand and the seal of the said Corporation this day of \_\_\_\_\_, 200 .