

THE CORPORATION OF THE TOWN OF LINCOLN

BY-LAW NO. 2020-51

A BY-LAW TO EXEMPT CERTAIN LANDS IN REGISTERED  
PLAN NO. 30M-457 FROM PART LOT CONTROL PURSUANT  
TO SECTION 50 OF THE PLANNING ACT, R.S.O. 1990  
(LINCOLN ESTATES)

WHEREAS:

1. Subsection 50(5) of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, 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 (h) inclusive of Subsection 50(5) exist;
2. Subsection 50(7) of the said Planning Act, 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;
3. Subsection 50(28) of the said Planning Act, 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;
4. Subsection 4(1) and 5(1) of the said Planning Act, 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 and the Council of the Corporation of the Town of Lincoln was advised that the Minister has delegated to the Council of the Town of Lincoln 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;
5. Subsection 50(7.3) of the said Planning Act, provides that a by-law passed under Subsection 50(7) of the said Planning Act may provide that the by-law expires at the expiration of the time period specified in the 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;
6. The Council of the Corporation of the Town of Lincoln deems that the land described in Schedule "A" attached hereto and forming part of this by-law shall be exempted from the provisions of Subsection 50(5) of the said Planning Act;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF LINCOLN HEREBY ENACTS AS FOLLOWS:

1. The provisions of Subsection 50(5) of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, do not apply to the lands described in Schedule "A" attached hereto and forming part of this by-law and being lands within Registered Plans 30M-457, registered in the Registry Office for the Registry Division of Niagara North (No. 30).
2. The Clerk of the Corporation of the Town of Lincoln 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 15th day of September, 2020 and expiring on the 15th day of September, 2023.

By-law read a first time this 15th day of September, 2020.

By-law read a second time this 15th day of September, 2020

By-law read a third time and finally passed this 15th day of September, 2020

  
MAYOR: SANDRA EASTON

  
CLERK: JULIE KIRKELOS

SCHEDULE A TO BY-LAW NO. 2020-51

Those lands in the Town of Lincoln, Region of Niagara, described as Lot 10, 30M-457 registered in the Registry Office for the Registry Division of Niagara North (No.30).