

EXPLANATORY NOTE

BY-LAW NO. 2009-96

A By-law to amend By-laws 1229, 1507, 1767, 1914, 2053, 2150, 2237, 2284-68, 2325-68, 2402, 2489, 2551, 2571, 2612, 11-72, 122-72, 77-73, 83-73, 119-73, 151-75, 88-76, 127-76, 250-77, 145-78, 162-78, 163-78, 184-78, 72-79, 91-79, 118-79, 134-79, 153-80, 165-80, 72-81, 90-81, 108-81, 193-81, 209-81, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 242-90, 19-94, 177-96, 28-97 and 2004-196, as amended.

LANDS AFFECTED

This By-law Amendment applies to all lands in the Town of Markham covered by the above-named Zoning By-laws (or, all lands within the Town).

EXISTING ZONING

Currently, there is no consistent general provision across the Town's Zoning By-laws governing the treatment of legal non-complying buildings, structures and lots. Further, there is no consistent general provision regarding buildings, structures and lots affected by an acquisition of land by a Public Authority and the development standards extended to those. In some of the Town's older Zoning By-laws, there are no provisions relating to these circumstances. However, By-law 220-91 was adopted and applies to non-complying buildings on lands covered by a Zoning By-law adopted before 1991.

PURPOSE AND EFFECT

The purpose and effect of the proposed Zoning By-law Amendment is to provide for consistent Town-wide treatment of buildings, structures or lots that are currently or become legal non-complying due to an acquisition of land by a Public Authority. In the older Zoning By-laws (all parent By-laws between 1229 and 47-85, inclusive), these are new standards that will reflect case law on the issue and implement the provisions of the *Planning Act*, R.S.O. 1990, c.P.13, as amended and the Town Official Plan. In the newer Zoning By-laws (304-87, 242-90, 19-94, 177-96, 28-97 and 2004-196), these standards are updated to be consistent with the standards in Zoning By-laws 177-96 and 2004-196.

The general provisions to be placed into these By-laws match those currently used (with additional clauses recognizing gross leasable floor area and Floor Space Index [FSI] requirements) in:

- Sections 6.12 and 6.13 of Zoning By-law 177-96; and,
- Sections 4.10 and 4.11 of Zoning By-law 2004-196.

In addition, the "Non-Compliance as a Result of Expropriation" general provisions of Zoning By-laws 177-96 and 2004-196 are updated to include maximum gross leasable floor area and maximum floor space index (FSI) as excludable standards in the event of a contravention of those By-laws resulting from the acquisition of land. The title of each section is also amended to better reflect the Town's methods of acquiring land.

A new or revised definition of "PUBLIC AUTHORITY" is being placed into each of the By-laws to assist in the interpretation of these provisions. This definition is currently used in Zoning By-laws 177-96 (as amended by By-law 2005-05) and 2004-196 and adds "quasi-public authorities" to the term.

Lastly, By-law 220-91, which is the Town's current Non-Conforming Buildings By-law, is repealed to ensure no conflict with the provisions of this Amendment.



BY-LAW 2009-96

A By-law to amend By-laws 1229, 1507, 1767, 1914, 2053, 2150, 2237, 2284-68, 2325-68, 2402, 2489, 2551, 2571, 2612, 11-72, 122-72, 77-73, 83-73, 119-73, 151-75, 88-76, 127-76, 250-77, 145-78, 162-78, 163-78, 184-78, 72-79, 91-79, 118-79, 134-79, 153-80, 165-80, 72-81, 90-81, 108-81, 193-81, 209-81, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 242-90, 19-94, 177-96, 28-97 and 2004-196, as amended

WHEREAS the Town of Markham is empowered to pass By-laws pursuant to the Planning Act, R.S.O. 1990, c.P.13, as amended;

AND WHEREAS the Town of Markham wishes to ensure that By-laws 1229, 1507, 1767, 1914, 2053, 2150, 2237, 2284-68, 2325-68, 2402, 2489, 2551, 2571, 2612, 11-72, 122-72, 77-73, 83-73, 119-73, 151-75, 88-76, 127-76, 250-77, 145-78, 162-78, 163-78, 184-78, 72-79, 91-79, 118-79, 134-79, 153-80, 165-80, 72-81, 90-81, 108-81, 193-81, 209-81, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 242-90, 19-94, 177-96, 28-97 and 2004-196, as amended, effectively recognize buildings, structures or yards made non-complying by an acquisition of land by a public authority;

AND WHEREAS the Town of Markham wishes to ensure that consistent treatment and permissions are provided for throughout the Town respecting legal non-complying lots, buildings, structures and yards;

THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM HEREBY ENACTS AS FOLLOWS:

1.0 By-law 1229, as amended, is hereby further amended as follows:

1.1 By adding in a new Section 3.66 into the By-law as follows:

"3.66 *"PUBLIC AUTHORITY" shall mean any Provincial, Regional or Municipal commission, board, or authority or any quasi-public body that is controlled by a public authority such as a public transit commission."*

1.2 By adding in a new Section 5.10 into the By-law as follows:

"5.10 *Non-Complying Buildings and Structures*

5.10.1 *Enlargement, Repair or Renovation*

A non-complying building or structure may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) does not further increase a situation of non-compliance; and,*
- b) complies with all other applicable provisions of this By-law.*

5.10.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, such acquisition results in a contravention of this By-law relating to minimum yards and/or setbacks, lot coverage, maximum permitted gross floor area or net floor area, maximum gross leasable floor area or maximum Floor Space Index (FSI), then the lands so acquired shall be deemed to continue to form part of the lot upon which the building or buildings are located in determining compliance with this By-law."

- 1.3 By deleting Section 5.11 of the By-law and substituting the following:

"5.11 Non-Complying Lots

5.11.1 Non-Complying Lots

A lot in existence prior to the effective date of this By-law that does not meet the lot area and/or lot frontage requirements of the applicable Zone, may be used and buildings thereon may be erected, enlarged, repaired or renovated provided the use conforms with the By-law and the buildings or structures comply with all of the other provisions of this By-law.

5.11.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, the lot, after the acquisition, is a non-complying lot, such non-complying lot may be used for any purpose permitted by this By-law within the Zone in which the lot is located."

- 2.0 By-law 1507, as amended, is hereby further amended as follows:

- 2.1 By renumbering Section 7 as Section 10.

- 2.2 By adding in a new Section 8 into the By-law as follows:

"8. Definitions

"PUBLIC AUTHORITY"

Means any Provincial, Regional or Municipal commission, board, or authority or any quasi-public body that is controlled by a public authority such as a public transit commission."

- 2.3 By adding in a new Section 9 into the By-law as follows:

"9. General Provisions

9.1 Non-Complying Buildings and Structures

9.1.1 Enlargement, Repair or Renovation

A non-complying building or structure may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) does not further increase a situation of non-compliance; and,*
- b) complies with all other applicable provisions of this By-law.*

9.1.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, such acquisition results in a contravention of this By-law relating to minimum yards and/or setbacks, lot coverage, maximum permitted gross floor area or net floor area, maximum gross leasable floor area or maximum Floor Space Index (FSI), then the lands so acquired shall be deemed to continue to form part of the lot upon which the building or buildings are located in determining compliance with this By-law.

9.2 Non-Complying Lots

9.2.1 Non-Complying Lots

A lot in existence prior to the effective date of this By-law that does not meet the lot area and/or lot frontage requirements of the applicable Zone, may be used and buildings thereon may be erected, enlarged, repaired or renovated provided the use conforms with the By-law and the buildings or structures comply with all of the other provisions of this By-law.

9.2.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, the lot, after the acquisition, is a non-complying lot, such non-complying lot may be used for any purpose permitted by this By-law within the Zone in which the lot is located."

3.0 By-law 1767, as amended, is hereby further amended as follows:

3.1 By adding in a new Section 2(xliv) into the By-law as follows:

"2(xliv)

"PUBLIC AUTHORITY" shall mean any Provincial, Regional or Municipal commission, board, or authority or any quasi-public body that is controlled by a public authority such as a public transit commission."

3.2 By deleting Section 6 of the By-law and replacing it with a new Section as follows:

“6. General Provisions for All Zones

6.1 Non-Complying Buildings and Structures

6.1.1 Enlargement, Repair or Renovation

A non-complying building or structure may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) does not further increase a situation of non-compliance; and,*
- b) complies with all other applicable provisions of this By-law.*

6.1.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, such acquisition results in a contravention of this By-law relating to minimum yards and/or setbacks, lot coverage, maximum permitted gross floor area or net floor area, maximum gross leasable floor area or maximum Floor Space Index (FSI), then the lands so acquired shall be deemed to continue to form part of the lot upon which the building or buildings are located in determining compliance with this By-law.

6.2 Non-Complying Lots

6.2.1 Non-Complying Lots

A lot in existence prior to the effective date of this By-law that does not meet the lot area and/or lot frontage requirements of the applicable Zone, may be used and buildings thereon may be erected, enlarged, repaired or renovated provided the use conforms with the By-law and the buildings or structures comply with all of the other provisions of this By-law.

6.2.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, the lot, after the acquisition, is a non-complying lot, such non-complying lot may be used for any purpose permitted by this By-law within the Zone in which the lot is located.

6.3 Non-Conforming Uses

No lands shall be used and no building or structure shall be used except in conformity with the provisions of this By-law unless such use existed before the date of passing this By-law and provided that it has continued and continues to be used for such purpose, and that such use, when established, was not contrary to a By-law passed under Section 34 of the Planning Act, R.S.O. 1990, c.P.13, as amended, or a predecessor thereof that was in force at that time.”

4.0 By-law 1914, as amended, is hereby further amended as follows:

4.1 By adding in a new Section 2(xxxv) into the By-law as follows:

“2(xxxv) *“PUBLIC AUTHORITY” shall mean any Provincial, Regional or Municipal commission, board, or authority or any quasi-public body that is controlled by a public authority such as a public transit commission.”*

4.2 By adding in a new Section 11 into the By-law as follows:

“11. General Provisions

11.1 Non-Complying Buildings and Structures

11.1.1 Enlargement, Repair or Renovation

A non-complying building or structure may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) does not further increase a situation of non-compliance; and,*
- b) complies with all other applicable provisions of this By-law.*

11.1.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, such acquisition results in a contravention of this By-law relating to minimum yards and/or setbacks, lot coverage, maximum permitted gross floor area or net floor area, maximum gross leasable floor area or maximum Floor Space Index (FSI), then the lands so acquired shall be deemed to continue to form part of the lot upon which the building or buildings are located in determining compliance with this By-law.

11.2 Non-Complying Lots

11.2.1 Non-Complying Lots

A lot in existence prior to the effective date of this By-law that does not meet the lot area and/or lot frontage requirements of the applicable Zone, may be used and buildings thereon may be erected, enlarged, repaired or renovated provided the use conforms with the By-law and the buildings or structures comply with all of the other provisions of this By-law.

11.2.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, the lot, after the acquisition, is a non-complying lot, such non-complying lot may be used for

any purpose permitted by this By-law within the Zone in which the lot is located.”

5.0 By-law 2053, as amended, is hereby further amended as follows:

5.1 By adding in a new Section 2(xxxiii) into the By-law as follows:

“2(xxxiii) “PUBLIC AUTHORITY” shall mean any Provincial, Regional or Municipal commission, board, or authority or any quasi-public body that is controlled by a public authority such as a public transit commission.”

5.2 By adding in a new Section 27 into the By-law as follows:

“27. General Provisions

27.1 Non-Complying Buildings and Structures

27.1.1 Enlargement, Repair or Renovation

A non-complying building or structure may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) does not further increase a situation of non-compliance; and,*
- b) complies with all other applicable provisions of this By-law.*

27.1.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, such acquisition results in a contravention of this By-law relating to minimum yards and/or setbacks, lot coverage, maximum permitted gross floor area or net floor area, maximum gross leasable floor area or maximum Floor Space Index (FSI), then the lands so acquired shall be deemed to continue to form part of the lot upon which the building or buildings are located in determining compliance with this By-law.

27.2 Non-Complying Lots

27.2.1 Non-Complying Lots

A lot in existence prior to the effective date of this By-law that does not meet the lot area and/or lot frontage requirements of the applicable Zone, may be used and buildings thereon may be erected, enlarged, repaired or renovated provided the use conforms with the By-law and the buildings or structures comply with all of the other provisions of this By-law.

27.2.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, the lot, after the acquisition, is a non-

complying lot, such non-complying lot may be used for any purpose permitted by this By-law within the Zone in which the lot is located."

6.0 By-law 2150, as amended, is hereby further amended as follows:

6.1 By adding in a new Section 2.48 into the By-law as follows:

"2.48 *"PUBLIC AUTHORITY" shall mean any Provincial, Regional or Municipal commission, board, or authority or any quasi-public body that is controlled by a public authority such as a public transit commission."*

6.2 By renumbering the Section 3.9 titled "Development Control" as Section 3.10.

6.3 By adding in a new Section 3.11 into the By-law as follows:

"3.11 Non-Complying Buildings and Structures

3.11.1 Enlargement, Repair or Renovation

A non-complying building or structure may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) does not further increase a situation of non-compliance; and,*
- b) complies with all other applicable provisions of this By-law.*

3.11.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, such acquisition results in a contravention of this By-law relating to minimum yards and/or setbacks, lot coverage, maximum permitted gross floor area or net floor area, maximum gross leasable floor area or maximum Floor Space Index (FSI), then the lands so acquired shall be deemed to continue to form part of the lot upon which the building or buildings are located in determining compliance with this By-law."

6.4 By adding in a new Section 3.12 into the By-law as follows:

"3.12 Non-Complying Lots

3.12.1 Non-Complying Lots

A lot in existence prior to the effective date of this By-law that does not meet the lot area and/or lot frontage requirements of the applicable Zone, may be used and buildings thereon may be erected, enlarged, repaired or renovated provided the use conforms with the By-law and the buildings or structures comply with all of the other provisions of this By-law.

3.12.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, the lot, after the acquisition, is a non-complying lot, such non-complying lot may be used for any purpose permitted by this By-law within the Zone in which the lot is located."

7.0 By-law 2237, as amended, is hereby further amended as follows:

7.1 By adding in a new Section 2.53 into the By-law as follows:

"2.53 *"PUBLIC AUTHORITY" shall mean any Provincial, Regional or Municipal commission, board, or authority or any quasi-public body that is controlled by a public authority such as a public transit commission."*

7.2 By adding in a new Section 3.12 into the By-law as follows:

"3.12 Non-Complying Buildings and Structures

3.12.1 Enlargement, Repair or Renovation

A non-complying building or structure may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) does not further increase a situation of non-compliance; and,*
- b) complies with all other applicable provisions of this By-law.*

3.12.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, such acquisition results in a contravention of this By-law relating to minimum yards and/or setbacks, lot coverage, maximum permitted gross floor area or net floor area, maximum gross leasable floor area or maximum Floor Space Index (FSI), then the lands so acquired shall be deemed to continue to form part of the lot upon which the building or buildings are located in determining compliance with this By-law."

7.3 By adding in a new Section 3.13 into the By-law as follows:

"3.13 Non-Complying Lots

3.13.1 Non-Complying Lots

A lot in existence prior to the effective date of this By-law that does not meet the lot area and/or lot frontage requirements of the applicable Zone, may be used and buildings thereon may be erected, enlarged, repaired or renovated provided the use conforms with the By-law and the buildings or structures comply with all of the other provisions of this By-law.

3.13.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, the lot, after the acquisition, is a non-complying lot, such non-complying lot may be used for any purpose permitted by this By-law within the Zone in which the lot is located."

8.0 By-law 2284-68, as amended, is hereby further amended as follows:

8.1 By adding in a new Section 2.17 into the By-law as follows:

"2.17 *"PUBLIC AUTHORITY" shall mean any Provincial, Regional or Municipal commission, board, or authority or any quasi-public body that is controlled by a public authority such as a public transit commission."*

8.2 By adding in a new Section 3.7 into the By-law as follows:

"3.7 Non-Complying Buildings and Structures

3.7.1 Enlargement, Repair or Renovation

A non-complying building or structure may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) does not further increase a situation of non-compliance; and,*
- b) complies with all other applicable provisions of this By-law.*

3.7.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, such acquisition results in a contravention of this By-law relating to minimum yards and/or setbacks, lot coverage, maximum permitted gross floor area or net floor area, maximum gross leasable floor area or maximum Floor Space Index (FSI), then the lands so acquired shall be deemed to continue to form part of the lot upon which the building or buildings are located in determining compliance with this By-law."

8.3 By adding in a new Section 3.8 into the By-law as follows:

"3.8 Non-Complying Lots

3.8.1 Non-Complying Lots

A lot in existence prior to the effective date of this By-law that does not meet the lot area and/or lot frontage requirements of the applicable Zone, may be used and buildings thereon may be erected, enlarged, repaired or renovated provided the use conforms with the By-

law and the buildings or structures comply with all of the other provisions of this By-law.

3.8.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, the lot, after the acquisition, is a non-complying lot, such non-complying lot may be used for any purpose permitted by this By-law within the Zone in which the lot is located."

9.0 By-law 2325-68, as amended, is hereby further amended as follows:

9.1 By adding in a new Section 2.29 into the By-law as follows:

"2.29 *"PUBLIC AUTHORITY" shall mean any Provincial, Regional or Municipal commission, board, or authority or any quasi-public body that is controlled by a public authority such as a public transit commission."*

9.2 By deleting Section 3.7.2 of the By-law.

9.3 By deleting Section 3.12 of the By-law and substituting the following:

"3.12 Non-Complying Buildings and Structures

3.12.1 Enlargement, Repair or Renovation

A non-complying building or structure may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) does not further increase a situation of non-compliance; and,*
- b) complies with all other applicable provisions of this By-law.*

3.12.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, such acquisition results in a contravention of this By-law relating to minimum yards and/or setbacks, lot coverage, maximum permitted gross floor area or net floor area, maximum gross leasable floor area or maximum Floor Space Index (FSI), then the lands so acquired shall be deemed to continue to form part of the lot upon which the building or buildings are located in determining compliance with this By-law."

9.4 By adding in a new Section 3.13 into the By-law as follows:

"3.13 Non-Complying Lots

3.13.1 Non-Complying Lots

A lot in existence prior to the effective date of this By-law that does not meet the lot area and/or lot frontage requirements of the applicable Zone, may be used and buildings thereon may be erected, enlarged, repaired or renovated provided the use conforms with the By-law and the buildings or structures comply with all of the other provisions of this By-law.

3.13.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, the lot, after the acquisition, is a non-complying lot, such non-complying lot may be used for any purpose permitted by this By-law within the Zone in which the lot is located.”

10.0 By-law 2402, as amended, is hereby further amended as follows:

10.1 By adding in a new Section 2.18 into the By-law as follows:

“2.18 *“PUBLIC AUTHORITY” shall mean any Provincial, Regional or Municipal commission, board, or authority or any quasi-public body that is controlled by a public authority such as a public transit commission.”*

10.2 By adding in a new Section 3.7 into the By-law as follows:

“3.7 Non-Complying Buildings and Structures

3.7.1 Enlargement, Repair or Renovation

A non-complying building or structure may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) does not further increase a situation of non-compliance; and,*
- b) complies with all other applicable provisions of this By-law.*

3.7.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, such acquisition results in a contravention of this By-law relating to minimum yards and/or setbacks, lot coverage, maximum permitted gross floor area or net floor area, maximum gross leasable floor area or maximum Floor Space Index (FSI), then the lands so acquired shall be deemed to continue to form part of the lot upon which the building or buildings are located in determining compliance with this By-law.”

10.3 By adding in a new Section 3.8 into the By-law as follows:

“3.8 Non-Complying Lots

3.8.1 Non-Complying Lots

A lot in existence prior to the effective date of this By-law that does not meet the lot area and/or lot frontage requirements of the applicable Zone, may be used and buildings thereon may be erected, enlarged, repaired or renovated provided the use conforms with the By-law and the buildings or structures comply with all of the other provisions of this By-law.

3.8.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, the lot, after the acquisition, is a non-complying lot, such non-complying lot may be used for any purpose permitted by this By-law within the Zone in which the lot is located.”

11.0 By-law 2489, as amended, is hereby further amended as follows:

11.1 By adding in a new Section 2.45 into the By-law as follows:

“2.45 *“PUBLIC AUTHORITY” shall mean any Provincial, Regional or Municipal commission, board, or authority or any quasi-public body that is controlled by a public authority such as a public transit commission.”*

11.2 By adding in a new Section 3.9 into the By-law as follows:

“3.9 Non-Complying Buildings and Structures

3.9.1 Enlargement, Repair or Renovation

A non-complying building or structure may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) does not further increase a situation of non-compliance; and,*
- b) complies with all other applicable provisions of this By-law.*

3.9.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, such acquisition results in a contravention of this By-law relating to minimum yards and/or setbacks, lot coverage, maximum permitted gross floor area or net floor area, maximum gross leasable floor area or maximum Floor Space Index (FSI), then the lands so acquired shall be deemed to continue to form part of the lot upon which the building or buildings are located in determining compliance with this By-law.”

11.3 By adding in a new Section 3.10 into the By-law as follows:

“3.10 Non-Complying Lots

3.10.1 Non-Complying Lots

A lot in existence prior to the effective date of this By-law that does not meet the lot area and/or lot frontage requirements of the applicable Zone, may be used and buildings thereon may be erected, enlarged, repaired or renovated provided the use conforms with the By-law and the buildings or structures comply with all of the other provisions of this By-law.

3.10.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, the lot, after the acquisition, is a non-complying lot, such non-complying lot may be used for any purpose permitted by this By-law within the Zone in which the lot is located.”

12.0 By-law 2551, as amended, is hereby further amended as follows:

12.1 By adding in a new Section 2.26 into the By-law as follows:

“2.26 “PUBLIC AUTHORITY” shall mean any Provincial, Regional or Municipal commission, board, or authority or any quasi-public body that is controlled by a public authority such as a public transit commission.”

12.2 By adding in a new Section 3.16 into the By-law as follows:

“3.16 Non-Complying Buildings and Structures

3.16.1 Enlargement, Repair or Renovation

A non-complying building or structure may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) does not further increase a situation of non-compliance; and,*
- b) complies with all other applicable provisions of this By-law.*

3.16.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, such acquisition results in a contravention of this By-law relating to minimum yards and/or setbacks, lot coverage, maximum permitted gross floor area or net floor area, maximum gross leasable floor area or maximum Floor Space Index (FSI), then the lands so acquired shall be deemed to continue to form part of the lot upon which the building or buildings are located in determining compliance with this By-law.”

12.3 By adding in a new Section 3.17 into the By-law as follows:

“3.17 Non-Complying Lots

3.17.1 Non-Complying Lots

A lot in existence prior to the effective date of this By-law that does not meet the lot area and/or lot frontage requirements of the applicable Zone, may be used and buildings thereon may be erected, enlarged, repaired or renovated provided the use conforms with the By-law and the buildings or structures comply with all of the other provisions of this By-law.

3.17.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, the lot, after the acquisition, is a non-complying lot, such non-complying lot may be used for any purpose permitted by this By-law within the Zone in which the lot is located.”

13.0 By-law 2571, as amended, is hereby further amended as follows:

13.1 By adding in a new Section 2.52 into the By-law as follows:

“2.52 “PUBLIC AUTHORITY” shall mean any Provincial, Regional or Municipal commission, board, or authority or any quasi-public body that is controlled by a public authority such as a public transit commission.”

13.2 By adding in a new Section 3.11 into the By-law as follows:

“3.11 Non-Complying Buildings and Structures

3.11.1 Enlargement, Repair or Renovation

A non-complying building or structure may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) does not further increase a situation of non-compliance; and,*
- b) complies with all other applicable provisions of this By-law.*

3.11.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, such acquisition results in a contravention of this By-law relating to minimum yards and/or setbacks, lot coverage, maximum permitted gross floor area or net floor area, maximum gross leasable floor area or maximum Floor Space Index (FSI), then the lands so acquired shall be deemed to continue to form

part of the lot upon which the building or buildings are located in determining compliance with this By-law.”

13.3 By adding in a new Section 3.12 into the By-law as follows:

“3.12 Non-Complying Lots

3.12.1 Non-Complying Lots

A lot in existence prior to the effective date of this By-law that does not meet the lot area and/or lot frontage requirements of the applicable Zone, may be used and buildings thereon may be erected, enlarged, repaired or renovated provided the use conforms with the By-law and the buildings or structures comply with all of the other provisions of this By-law.

3.12.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, the lot, after the acquisition, is a non-complying lot, such non-complying lot may be used for any purpose permitted by this By-law within the Zone in which the lot is located.”

14.0 By-law 2612, as amended, is hereby further amended as follows:

14.1 By adding in a new Section 2.55 into the By-law as follows:

“2.55 “PUBLIC AUTHORITY” shall mean any Provincial, Regional or Municipal commission, board, or authority or any quasi-public body that is controlled by a public authority such as a public transit commission.”

14.2 By adding in a new Section 3.10 into the By-law as follows:

“3.10 Non-Complying Buildings and Structures

3.10.1 Enlargement, Repair or Renovation

A non-complying building or structure may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) does not further increase a situation of non-compliance; and,*
- b) complies with all other applicable provisions of this By-law.*

3.10.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, such acquisition results in a contravention of this By-law relating to minimum yards and/or setbacks, lot coverage, maximum permitted gross floor area or net floor area, maximum gross leasable floor area or maximum Floor Space Index (FSI), then the

lands so acquired shall be deemed to continue to form part of the lot upon which the building or buildings are located in determining compliance with this By-law."

14.3 By adding in a new Section 3.11 into the By-law as follows:

"3.11 Non-Complying Lots

3.11.1 Non-Complying Lots

A lot in existence prior to the effective date of this By-law that does not meet the lot area and/or lot frontage requirements of the applicable Zone, may be used and buildings thereon may be erected, enlarged, repaired or renovated provided the use conforms with the By-law and the buildings or structures comply with all of the other provisions of this By-law.

3.11.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, the lot, after the acquisition, is a non-complying lot, such non-complying lot may be used for any purpose permitted by this By-law within the Zone in which the lot is located."

15.0 By-law 11-72, as amended, is hereby further amended as follows:

15.1 By adding in a new Section 2.54 into the By-law as follows:

"2.54 "PUBLIC AUTHORITY" *shall mean any Provincial, Regional or Municipal commission, board, or authority or any quasi-public body that is controlled by a public authority such as a public transit commission."*

15.2 By adding in a new Section 3.11 into the By-law as follows:

"3.11 Non-Complying Buildings and Structures

3.11.1 Enlargement, Repair or Renovation

A non-complying building or structure may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) does not further increase a situation of non-compliance; and,*
- b) complies with all other applicable provisions of this By-law.*

3.11.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, such acquisition results in a contravention of this By-law relating to minimum yards and/or setbacks, lot coverage, maximum permitted gross floor area or net floor area, maximum gross leasable floor

area or maximum Floor Space Index (FSI), then the lands so acquired shall be deemed to continue to form part of the lot upon which the building or buildings are located in determining compliance with this By-law."

15.3 By adding in a new Section 3.12 into the By-law as follows:

"3.12 Non-Complying Lots

3.12.1 Non-Complying Lots

A lot in existence prior to the effective date of this By-law that does not meet the lot area and/or lot frontage requirements of the applicable Zone, may be used and buildings thereon may be erected, enlarged, repaired or renovated provided the use conforms with the By-law and the buildings or structures comply with all of the other provisions of this By-law.

3.12.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, the lot, after the acquisition, is a non-complying lot, such non-complying lot may be used for any purpose permitted by this By-law within the Zone in which the lot is located."

16.0 By-law 122-72, as amended, is hereby further amended as follows:

16.1 By deleting the definition of "Public Authority" in Section 2 of the By-law and replacing it with a new definition as follows:

" "PUBLIC AUTHORITY"

Means any Provincial, Regional or Municipal commission, board, or authority or any quasi-public body that is controlled by a public authority such as a public transit commission."

16.2 By adding in a new Section 5.22 into the By-law as follows:

"5.22 Non-Complying Buildings and Structures

5.22.1 Enlargement, Repair or Renovation

A non-complying building or structure may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) does not further increase a situation of non-compliance; and,*
- b) complies with all other applicable provisions of this By-law.*

5.22.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, such acquisition results in a contravention of this By-law relating to minimum yards and/or

setbacks, lot coverage, maximum permitted gross floor area or net floor area, maximum gross leasable floor area or maximum Floor Space Index (FSI), then the lands so acquired shall be deemed to continue to form part of the lot upon which the building or buildings are located in determining compliance with this By-law."

16.3 By adding in a new Section 5.23 into the By-law as follows:

"5.23 Non-Complying Lots

5.23.1 Non-Complying Lots

A lot in existence prior to the effective date of this By-law that does not meet the lot area and/or lot frontage requirements of the applicable Zone, may be used and buildings thereon may be erected, enlarged, repaired or renovated provided the use conforms with the By-law and the buildings or structures comply with all of the other provisions of this By-law.

5.23.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, the lot, after the acquisition, is a non-complying lot, such non-complying lot may be used for any purpose permitted by this By-law within the Zone in which the lot is located."

17.0 By-law 77-73, as amended, is hereby further amended as follows:

17.1 By deleting the definition of "Public Authority" in Section 2 of the By-law and replacing it with a new definition as follows:

" "PUBLIC AUTHORITY"

Means any Provincial, Regional or Municipal commission, board, or authority or any quasi-public body that is controlled by a public authority such as a public transit commission."

17.2 By adding in a new Section 5.24 into the By-law as follows:

"5.24 Non-Complying Buildings and Structures

5.24.1 Enlargement, Repair or Renovation

A non-complying building or structure may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) does not further increase a situation of non-compliance; and,*
- b) complies with all other applicable provisions of this By-law.*

5.24.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public

authority, such acquisition results in a contravention of this By-law relating to minimum yards and/or setbacks, lot coverage, maximum permitted gross floor area or net floor area, maximum gross leasable floor area or maximum Floor Space Index (FSI), then the lands so acquired shall be deemed to continue to form part of the lot upon which the building or buildings are located in determining compliance with this By-law.”

17.3 By adding in a new Section 5.25 into the By-law as follows:

“5.25 Non-Complying Lots

5.25.1 Non-Complying Lots

A lot in existence prior to the effective date of this By-law that does not meet the lot area and/or lot frontage requirements of the applicable Zone, may be used and buildings thereon may be erected, enlarged, repaired or renovated provided the use conforms with the By-law and the buildings or structures comply with all of the other provisions of this By-law.

5.25.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, the lot, after the acquisition, is a non-complying lot, such non-complying lot may be used for any purpose permitted by this By-law within the Zone in which the lot is located.”

18.0 By-law 83-73, as amended, is hereby further amended as follows:

18.1 By deleting the definition of “Public Authority” in Section 2 of the By-law and replacing it with a new definition as follows:

“ “PUBLIC AUTHORITY”

Means any Provincial, Regional or Municipal commission, board, or authority or any quasi-public body that is controlled by a public authority such as a public transit commission.”

18.2 By adding in a new Section 5.22 into the By-law as follows:

“5.22 Non-Complying Buildings and Structures

5.22.1 Enlargement, Repair or Renovation

A non-complying building or structure may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) does not further increase a situation of non-compliance; and,*
- b) complies with all other applicable provisions of this By-law.*

5.22.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, such acquisition results in a contravention of this By-law relating to minimum yards and/or setbacks, lot coverage, maximum permitted gross floor area or net floor area, maximum gross leasable floor area or maximum Floor Space Index (FSI), then the lands so acquired shall be deemed to continue to form part of the lot upon which the building or buildings are located in determining compliance with this By-law."

18.3 By adding in a new Section 5.23 into the By-law as follows:

"5.23 Non-Complying Lots

5.23.1 Non-Complying Lots

A lot in existence prior to the effective date of this By-law that does not meet the lot area and/or lot frontage requirements of the applicable Zone, may be used and buildings thereon may be erected, enlarged, repaired or renovated provided the use conforms with the By-law and the buildings or structures comply with all of the other provisions of this By-law.

5.23.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, the lot, after the acquisition, is a non-complying lot, such non-complying lot may be used for any purpose permitted by this By-law within the Zone in which the lot is located."

19.0 By-law 119-73, as amended, is hereby further amended as follows:

19.1 By deleting the definition of "Public Authority" in Section 2 of the By-law and replacing it with a new definition as follows:

"PUBLIC AUTHORITY"

Means any Provincial, Regional or Municipal commission, board, or authority or any quasi-public body that is controlled by a public authority such as a public transit commission."

19.2 By adding in a new Section 5.25 into the By-law as follows:

"5.25 Non-Complying Buildings and Structures

5.25.1 Enlargement, Repair or Renovation

A non-complying building or structure may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) does not further increase a situation of non-compliance; and,*

- b) *complies with all other applicable provisions of this By-law.*

5.25.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, such acquisition results in a contravention of this By-law relating to minimum yards and/or setbacks, lot coverage, maximum permitted gross floor area or net floor area, maximum gross leasable floor area or maximum Floor Space Index (FSI), then the lands so acquired shall be deemed to continue to form part of the lot upon which the building or buildings are located in determining compliance with this By-law."

19.3 By adding in a new Section 5.26 into the By-law as follows:

"5.26 Non-Complying Lots

5.26.1 Non-Complying Lots

A lot in existence prior to the effective date of this By-law that does not meet the lot area and/or lot frontage requirements of the applicable Zone, may be used and buildings thereon may be erected, enlarged, repaired or renovated provided the use conforms with the By-law and the buildings or structures comply with all of the other provisions of this By-law.

5.26.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, the lot, after the acquisition, is a non-complying lot, such non-complying lot may be used for any purpose permitted by this By-law within the Zone in which the lot is located."

20.0 By-law 151-75, as amended, is hereby further amended as follows:

20.1 By deleting the definition of "Public Authority" in Section 2 of the By-law and replacing it with a new definition as follows:

" "PUBLIC AUTHORITY"

Means any Provincial, Regional or Municipal commission, board, or authority or any quasi-public body that is controlled by a public authority such as a public transit commission."

20.2 By adding in a new Section 5.16 into the By-law as follows:

"5.16 Non-Complying Buildings and Structures

5.16.1 Enlargement, Repair or Renovation

A non-complying building or structure may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) *does not further increase a situation of non-compliance; and,*
- b) *complies with all other applicable provisions of this By-law.*

5.16.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, such acquisition results in a contravention of this By-law relating to minimum yards and/or setbacks, lot coverage, maximum permitted gross floor area or net floor area, maximum gross leasable floor area or maximum Floor Space Index (FSI), then the lands so acquired shall be deemed to continue to form part of the lot upon which the building or buildings are located in determining compliance with this By-law."

20.3 By adding in a new Section 5.17 into the By-law as follows:

"5.17 Non-Complying Lots

5.17.1 Non-Complying Lots

A lot in existence prior to the effective date of this By-law that does not meet the lot area and/or lot frontage requirements of the applicable Zone, may be used and buildings thereon may be erected, enlarged, repaired or renovated provided the use conforms with the By-law and the buildings or structures comply with all of the other provisions of this By-law.

5.17.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, the lot, after the acquisition, is a non-complying lot, such non-complying lot may be used for any purpose permitted by this By-law within the Zone in which the lot is located."

21.0 By-law 88-76, as amended, is hereby further amended as follows:

21.1 By deleting the definition of "Public Authority" in Section 2 of the By-law and replacing it with a new definition as follows:

" "PUBLIC AUTHORITY"

Means any Provincial, Regional or Municipal commission, board, or authority or any quasi-public body that is controlled by a public authority such as a public transit commission."

21.2 By adding in a new Section 5.25 into the By-law as follows:

"5.25 Non-Complying Buildings and Structures

5.25.1 *Enlargement, Repair or Renovation*

A non-complying building or structure may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) does not further increase a situation of non-compliance; and,*
- b) complies with all other applicable provisions of this By-law.*

5.25.2 *Non-Compliance as a Result of Land Acquisition*

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, such acquisition results in a contravention of this By-law relating to minimum yards and/or setbacks, lot coverage, maximum permitted gross floor area or net floor area, maximum gross leasable floor area or maximum Floor Space Index (FSI), then the lands so acquired shall be deemed to continue to form part of the lot upon which the building or buildings are located in determining compliance with this By-law."

21.3 By adding in a new Section 5.26 into the By-law as follows:

"5.26 *Non-Complying Lots*

5.26.1 *Non-Complying Lots*

A lot in existence prior to the effective date of this By-law that does not meet the lot area and/or lot frontage requirements of the applicable Zone, may be used and buildings thereon may be erected, enlarged, repaired or renovated provided the use conforms with the By-law and the buildings or structures comply with all of the other provisions of this By-law.

5.26.2 *Non-Compliance as a Result of Land Acquisition*

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, the lot, after the acquisition, is a non-complying lot, such non-complying lot may be used for any purpose permitted by this By-law within the Zone in which the lot is located."

22.0 By-law 127-76, as amended, is hereby further amended as follows:

22.1 By deleting the definition of "Public Authority" in Section 2 of the By-law and replacing it with a new definition as follows:

" "PUBLIC AUTHORITY"

Means any Provincial, Regional or Municipal commission, board, or authority or any quasi-public body that is controlled by a public authority such as a public transit commission."

22.2 By adding in a new Section 5.23 into the By-law as follows:

“5.23 *Non-Complying Buildings and Structures*

5.23.1 *Enlargement, Repair or Renovation*

A non-complying building or structure may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) does not further increase a situation of non-compliance; and,*
- b) complies with all other applicable provisions of this By-law.*

5.23.2 *Non-Compliance as a Result of Land Acquisition*

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, such acquisition results in a contravention of this By-law relating to minimum yards and/or setbacks, lot coverage, maximum permitted gross floor area or net floor area, maximum gross leasable floor area or maximum Floor Space Index (FSI), then the lands so acquired shall be deemed to continue to form part of the lot upon which the building or buildings are located in determining compliance with this By-law.”

22.3 By adding in a new Section 5.24 into the By-law as follows:

“5.24 *Non-Complying Lots*

5.24.1 *Non-Complying Lots*

A lot in existence prior to the effective date of this By-law that does not meet the lot area and/or lot frontage requirements of the applicable Zone, may be used and buildings thereon may be erected, enlarged, repaired or renovated provided the use conforms with the By-law and the buildings or structures comply with all of the other provisions of this By-law.

5.24.2 *Non-Compliance as a Result of Land Acquisition*

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, the lot, after the acquisition, is a non-complying lot, such non-complying lot may be used for any purpose permitted by this By-law within the Zone in which the lot is located.”

23.0 By-law 250-77, as amended, is hereby further amended as follows:

23.1 By deleting the definition of “Public Authority” in Section 2 of the By-law and replacing it with a new definition as follows:

“ “PUBLIC AUTHORITY”

Means any Provincial, Regional or Municipal commission, board, or authority or any quasi-public body that is controlled by a public authority such as a public transit commission.”

23.2 By adding in a new Section 5.16 into the By-law as follows:

“5.16 Non-Complying Buildings and Structures

5.16.1 Enlargement, Repair or Renovation

A non-complying building or structure may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) does not further increase a situation of non-compliance; and,*
- b) complies with all other applicable provisions of this By-law.*

5.16.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, such acquisition results in a contravention of this By-law relating to minimum yards and/or setbacks, lot coverage, maximum permitted gross floor area or net floor area, maximum gross leasable floor area or maximum Floor Space Index (FSI), then the lands so acquired shall be deemed to continue to form part of the lot upon which the building or buildings are located in determining compliance with this By-law.”

23.3 By adding in a new Section 5.17 into the By-law as follows:

“5.17 Non-Complying Lots

5.17.1 Non-Complying Lots

A lot in existence prior to the effective date of this By-law that does not meet the lot area and/or lot frontage requirements of the applicable Zone, may be used and buildings thereon may be erected, enlarged, repaired or renovated provided the use conforms with the By-law and the buildings or structures comply with all of the other provisions of this By-law.

5.17.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, the lot, after the acquisition, is a non-complying lot, such non-complying lot may be used for any purpose permitted by this By-law within the Zone in which the lot is located.”

24.0 By-law 145-78, as amended, is hereby further amended as follows:

24.1 By deleting the definition of “*Public Authority*” in Section 2 of the By-law and replacing it with a new definition as follows:

“ **PUBLIC AUTHORITY**”

Means any Provincial, Regional or Municipal commission, board, or authority or any quasi-public body that is controlled by a public authority such as a public transit commission.”

24.2 By adding in a new Section 5.16 into the By-law as follows:

5.16 Non-Complying Buildings and Structures

5.16.1 Enlargement, Repair or Renovation

A non-complying building or structure may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) does not further increase a situation of non-compliance; and,*
- b) complies with all other applicable provisions of this By-law.*

5.16.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, such acquisition results in a contravention of this By-law relating to minimum yards and/or setbacks, lot coverage, maximum permitted gross floor area or net floor area, maximum gross leasable floor area or maximum Floor Space Index (FSI), then the lands so acquired shall be deemed to continue to form part of the lot upon which the building or buildings are located in determining compliance with this By-law.”

24.3 By adding in a new Section 5.17 into the By-law as follows:

5.17 Non-Complying Lots

5.17.1 Non-Complying Lots

A lot in existence prior to the effective date of this By-law that does not meet the lot area and/or lot frontage requirements of the applicable Zone, may be used and buildings thereon may be erected, enlarged, repaired or renovated provided the use conforms with the By-law and the buildings or structures comply with all of the other provisions of this By-law.

5.17.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, the lot, after the acquisition, is a non-complying lot, such non-complying lot may be used for

any purpose permitted by this By-law within the Zone in which the lot is located.”

25.0 By-law 162-78, as amended, is hereby further amended as follows:

25.1 By deleting the definition of “*Public Authority*” in Section 2 of the By-law and replacing it with a new definition as follows:

“ ***PUBLIC AUTHORITY***”

Means any Provincial, Regional or Municipal commission, board, or authority or any quasi-public body that is controlled by a public authority such as a public transit commission.”

25.2 By adding in a new Section 5.15 into the By-law as follows:

“5.15 Non-Complying Buildings and Structures

5.15.1 Enlargement, Repair or Renovation

A non-complying building or structure may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) does not further increase a situation of non-compliance; and,*
- b) complies with all other applicable provisions of this By-law.*

5.15.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, such acquisition results in a contravention of this By-law relating to minimum yards and/or setbacks, lot coverage, maximum permitted gross floor area or net floor area, maximum gross leasable floor area or maximum Floor Space Index (FSI), then the lands so acquired shall be deemed to continue to form part of the lot upon which the building or buildings are located in determining compliance with this By-law.”

25.3 By adding in a new Section 5.16 into the By-law as follows:

“5.16 Non-Complying Lots

5.16.1 Non-Complying Lots

A lot in existence prior to the effective date of this By-law that does not meet the lot area and/or lot frontage requirements of the applicable Zone, may be used and buildings thereon may be erected, enlarged, repaired or renovated provided the use conforms with the By-law and the buildings or structures comply with all of the other provisions of this By-law.

5.16.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public

authority, the lot, after the acquisition, is a non-complying lot, such non-complying lot may be used for any purpose permitted by this By-law within the Zone in which the lot is located.”

26.0 By-law 163-78, as amended, is hereby further amended as follows:

26.1 By deleting the definition of “*Public Authority*” in Section 2 of the By-law and replacing it with a new definition as follows:

“ **“PUBLIC AUTHORITY”**

Means any Provincial, Regional or Municipal commission, board, or authority or any quasi-public body that is controlled by a public authority such as a public transit commission.”

26.2 By adding in a new Section 5.16 into the By-law as follows:

“5.16 Non-Complying Buildings and Structures

5.16.1 Enlargement, Repair or Renovation

A non-complying building or structure may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) does not further increase a situation of non-compliance; and,*
- b) complies with all other applicable provisions of this By-law.*

5.16.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, such acquisition results in a contravention of this By-law relating to minimum yards and/or setbacks, lot coverage, maximum permitted gross floor area or net floor area, maximum gross leasable floor area or maximum Floor Space Index (FSI), then the lands so acquired shall be deemed to continue to form part of the lot upon which the building or buildings are located in determining compliance with this By-law.”

26.3 By adding in a new Section 5.17 into the By-law as follows:

“5.17 Non-Complying Lots

5.17.1 Non-Complying Lots

A lot in existence prior to the effective date of this By-law that does not meet the lot area and/or lot frontage requirements of the applicable Zone, may be used and buildings thereon may be erected, enlarged, repaired or renovated provided the use conforms with the By-law and the buildings or structures comply with all of the other provisions of this By-law.

5.17.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, the lot, after the acquisition, is a non-complying lot, such non-complying lot may be used for any purpose permitted by this By-law within the Zone in which the lot is located."

27.0 By-law 184-78, as amended, is hereby further amended as follows:

27.1 By deleting the definition of "Public Authority" in Section 2 of the By-law and replacing it with a new definition as follows:

"PUBLIC AUTHORITY"

Means any Provincial, Regional or Municipal commission, board, or authority or any quasi-public body that is controlled by a public authority such as a public transit commission."

27.2 By adding in a new Section 5.14 into the By-law as follows:

"5.14 Non-Complying Buildings and Structures

5.14.1 Enlargement, Repair or Renovation

A non-complying building or structure may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) does not further increase a situation of non-compliance; and,*
- b) complies with all other applicable provisions of this By-law.*

5.14.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, such acquisition results in a contravention of this By-law relating to minimum yards and/or setbacks, lot coverage, maximum permitted gross floor area or net floor area, maximum gross leasable floor area or maximum Floor Space Index (FSI), then the lands so acquired shall be deemed to continue to form part of the lot upon which the building or buildings are located in determining compliance with this By-law."

27.3 By adding in a new Section 5.15 into the By-law as follows:

"5.15 Non-Complying Lots

5.15.1 Non-Complying Lots

A lot in existence prior to the effective date of this By-law that does not meet the lot area and/or lot frontage requirements of the applicable Zone, may be used and buildings thereon may be erected, enlarged, repaired or renovated provided the use conforms with the By-

law and the buildings or structures comply with all of the other provisions of this By-law.

5.15.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, the lot, after the acquisition, is a non-complying lot, such non-complying lot may be used for any purpose permitted by this By-law within the Zone in which the lot is located.”

28.0 By-law 72-79, as amended, is hereby further amended as follows:

28.1 By deleting the definition of “Public Authority” in Section 2 of the By-law and replacing it with a new definition as follows:

“ **PUBLIC AUTHORITY**”

Means any Provincial, Regional or Municipal commission, board, or authority or any quasi-public body that is controlled by a public authority such as a public transit commission.”

28.2 By adding in a new Section 5.16 into the By-law as follows:

“5.16 Non-Complying Buildings and Structures

5.16.1 Enlargement, Repair or Renovation

A non-complying building or structure may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) does not further increase a situation of non-compliance; and,*
- b) complies with all other applicable provisions of this By-law.*

5.16.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, such acquisition results in a contravention of this By-law relating to minimum yards and/or setbacks, lot coverage, maximum permitted gross floor area or net floor area, maximum gross leasable floor area or maximum Floor Space Index (FSI), then the lands so acquired shall be deemed to continue to form part of the lot upon which the building or buildings are located in determining compliance with this By-law.”

28.3 By adding in a new Section 5.17 into the By-law as follows:

“5.17 Non-Complying Lots

5.17.1 Non-Complying Lots

A lot in existence prior to the effective date of this By-law that does not meet the lot area and/or lot frontage requirements of the applicable Zone, may be used and

buildings thereon may be erected, enlarged, repaired or renovated provided the use conforms with the By-law and the buildings or structures comply with all of the other provisions of this By-law.

5.17.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, the lot, after the acquisition, is a non-complying lot, such non-complying lot may be used for any purpose permitted by this By-law within the Zone in which the lot is located."

29.0 By-law 91-79, as amended, is hereby further amended as follows:

29.1 By deleting the definition of "Public Authority" in Section 2 of the By-law and replacing it with a new definition as follows:

"PUBLIC AUTHORITY"

Means any Provincial, Regional or Municipal commission, board, or authority or any quasi-public body that is controlled by a public authority such as a public transit commission."

29.2 By adding in a new Section 5.23 into the By-law as follows:

"5.23 Non-Complying Buildings and Structures

5.23.1 Enlargement, Repair or Renovation

A non-complying building or structure may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) does not further increase a situation of non-compliance; and,*
- b) complies with all other applicable provisions of this By-law.*

5.23.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, such acquisition results in a contravention of this By-law relating to minimum yards and/or setbacks, lot coverage, maximum permitted gross floor area or net floor area, maximum gross leasable floor area or maximum Floor Space Index (FSI), then the lands so acquired shall be deemed to continue to form part of the lot upon which the building or buildings are located in determining compliance with this By-law."

29.3 By adding in a new Section 5.24 into the By-law as follows:

"5.24 Non-Complying Lots

5.24.1 Non-Complying Lots

A lot in existence prior to the effective date of this By-law that does not meet the lot area and/or lot frontage requirements of the applicable Zone, may be used and buildings thereon may be erected, enlarged, repaired or renovated provided the use conforms with the By-law and the buildings or structures comply with all of the other provisions of this By-law.

5.24.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, the lot, after the acquisition, is a non-complying lot, such non-complying lot may be used for any purpose permitted by this By-law within the Zone in which the lot is located.”

30.0 By-law 118-79, as amended, is hereby further amended as follows:

30.1 By deleting the definition of “*Public Authority*” in Section 2 of the By-law and replacing it with a new definition as follows:

“ **“PUBLIC AUTHORITY”**

Means any Provincial, Regional or Municipal commission, board, or authority or any quasi-public body that is controlled by a public authority such as a public transit commission.”

30.2 By adding in a new Section 5.16 into the By-law as follows:

“5.16 Non-Complying Buildings and Structures

5.16.1 Enlargement, Repair or Renovation

A non-complying building or structure may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) does not further increase a situation of non-compliance; and,*
- b) complies with all other applicable provisions of this By-law.*

5.16.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, such acquisition results in a contravention of this By-law relating to minimum yards and/or setbacks, lot coverage, maximum permitted gross floor area or net floor area, maximum gross leasable floor area or maximum Floor Space Index (FSI), then the lands so acquired shall be deemed to continue to form part of the lot upon which the building or buildings are located in determining compliance with this By-law.”

30.3 By adding in a new Section 5.17 into the By-law as follows:

“5.17 Non-Complying Lots

5.17.1 Non-Complying Lots

A lot in existence prior to the effective date of this By-law that does not meet the lot area and/or lot frontage requirements of the applicable Zone, may be used and buildings thereon may be erected, enlarged, repaired or renovated provided the use conforms with the By-law and the buildings or structures comply with all of the other provisions of this By-law.

5.17.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, the lot, after the acquisition, is a non-complying lot, such non-complying lot may be used for any purpose permitted by this By-law within the Zone in which the lot is located.”

31.0 By-law 134-79, as amended, is hereby further amended as follows:

31.1 By deleting the definition of “Public Authority” in Section 2 of the By-law and replacing it with a new definition as follows:

“ PUBLIC AUTHORITY”

Means any Provincial, Regional or Municipal commission, board, or authority or any quasi-public body that is controlled by a public authority such as a public transit commission.”

31.2 By adding in a new Section 5.17 into the By-law as follows:

“5.17 Non-Complying Buildings and Structures

5.17.1 Enlargement, Repair or Renovation

A non-complying building or structure may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) does not further increase a situation of non-compliance; and,*
- b) complies with all other applicable provisions of this By-law.*

5.17.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, such acquisition results in a contravention of this By-law relating to minimum yards and/or setbacks, lot coverage, maximum permitted gross floor area or net floor area, maximum gross leasable floor area or maximum Floor Space Index (FSI), then the lands so acquired shall be deemed to continue to form

part of the lot upon which the building or buildings are located in determining compliance with this By-law.”

31.3 By adding in a new Section 5.18 into the By-law as follows:

“5.18 Non-Complying Lots

5.18.1 Non-Complying Lots

A lot in existence prior to the effective date of this By-law that does not meet the lot area and/or lot frontage requirements of the applicable Zone, may be used and buildings thereon may be erected, enlarged, repaired or renovated provided the use conforms with the By-law and the buildings or structures comply with all of the other provisions of this By-law.

5.18.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, the lot, after the acquisition, is a non-complying lot, such non-complying lot may be used for any purpose permitted by this By-law within the Zone in which the lot is located.”

32.0 By-law 153-80, as amended, is hereby further amended as follows:

32.1 By deleting the definition of “*Public Authority*” in Section 2 of the By-law and replacing it with a new definition as follows:

“ “PUBLIC AUTHORITY”

Means any Provincial, Regional or Municipal commission, board, or authority or any quasi-public body that is controlled by a public authority such as a public transit commission.”

32.2 By adding in a new Section 5.15 into the By-law as follows:

“5.15 Non-Complying Buildings and Structures

5.15.1 Enlargement, Repair or Renovation

A non-complying building or structure may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) does not further increase a situation of non-compliance; and,*
- b) complies with all other applicable provisions of this By-law.*

5.15.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, such acquisition results in a contravention of this By-law relating to minimum yards and/or setbacks, lot coverage, maximum permitted gross floor area or net floor area, maximum gross leasable floor

area or maximum Floor Space Index (FSI), then the lands so acquired shall be deemed to continue to form part of the lot upon which the building or buildings are located in determining compliance with this By-law."

32.3 By adding in a new Section 5.16 into the By-law as follows:

"5.16 Non-Complying Lots

5.16.1 Non-Complying Lots

A lot in existence prior to the effective date of this By-law that does not meet the lot area and/or lot frontage requirements of the applicable Zone, may be used and buildings thereon may be erected, enlarged, repaired or renovated provided the use conforms with the By-law and the buildings or structures comply with all of the other provisions of this By-law.

5.16.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, the lot, after the acquisition, is a non-complying lot, such non-complying lot may be used for any purpose permitted by this By-law within the Zone in which the lot is located."

33.0 By-law 165-80, as amended, is hereby further amended as follows:

33.1 By deleting the definition of "Public Authority" in Section 2 of the By-law and replacing it with a new definition as follows:

" "PUBLIC AUTHORITY"

Means any Provincial, Regional or Municipal commission, board, or authority or any quasi-public body that is controlled by a public authority such as a public transit commission."

33.2 By adding in a new Section 4.9 into the By-law as follows:

"4.9 Non-Complying Buildings and Structures

4.9.1 Enlargement, Repair or Renovation

A non-complying building or structure may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) does not further increase a situation of non-compliance; and,*
- b) complies with all other applicable provisions of this By-law.*

4.9.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, such acquisition results in a contravention of this By-law relating to minimum yards and/or

setbacks, lot coverage, maximum permitted gross floor area or net floor area, maximum gross leasable floor area or maximum Floor Space Index (FSI), then the lands so acquired shall be deemed to continue to form part of the lot upon which the building or buildings are located in determining compliance with this By-law.”

33.3 By adding in a new Section 4.10 into the By-law as follows:

“4.10 Non-Complying Lots

4.10.1 Non-Complying Lots

A lot in existence prior to the effective date of this By-law that does not meet the lot area and/or lot frontage requirements of the applicable Zone, may be used and buildings thereon may be erected, enlarged, repaired or renovated provided the use conforms with the By-law and the buildings or structures comply with all of the other provisions of this By-law.

4.10.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, the lot, after the acquisition, is a non-complying lot, such non-complying lot may be used for any purpose permitted by this By-law within the Zone in which the lot is located.”

34.0 By-law 72-81, as amended, is hereby further amended as follows:

34.1 By deleting the definition of “Public Authority” in Section 2 of the By-law and replacing it with a new definition as follows:

“ PUBLIC AUTHORITY”

Means any Provincial, Regional or Municipal commission, board, or authority or any quasi-public body that is controlled by a public authority such as a public transit commission.”

34.2 By adding in a new Section 4.9 into the By-law as follows:

“4.9 Non-Complying Buildings and Structures

4.9.1 Enlargement, Repair or Renovation

A non-complying building or structure may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) does not further increase a situation of non-compliance; and,*
- b) complies with all other applicable provisions of this By-law.*

4.9.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public

authority, such acquisition results in a contravention of this By-law relating to minimum yards and/or setbacks, lot coverage, maximum permitted gross floor area or net floor area, maximum gross leasable floor area or maximum Floor Space Index (FSI), then the lands so acquired shall be deemed to continue to form part of the lot upon which the building or buildings are located in determining compliance with this By-law."

34.3 By adding in a new Section 4.10 into the By-law as follows:

"4.10 Non-Complying Lots

4.10.1 Non-Complying Lots

A lot in existence prior to the effective date of this By-law that does not meet the lot area and/or lot frontage requirements of the applicable Zone, may be used and buildings thereon may be erected, enlarged, repaired or renovated provided the use conforms with the By-law and the buildings or structures comply with all of the other provisions of this By-law.

4.10.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, the lot, after the acquisition, is a non-complying lot, such non-complying lot may be used for any purpose permitted by this By-law within the Zone in which the lot is located."

35.0 By-law 90-81, as amended, is hereby further amended as follows:

35.1 By deleting the definition of "Public Authority" in Section 2 of the By-law and replacing it with a new definition as follows:

" "PUBLIC AUTHORITY"

Means any Provincial, Regional or Municipal commission, board, or authority or any quasi-public body that is controlled by a public authority such as a public transit commission."

35.2 By adding in a new Section 4.9 into the By-law as follows:

"4.9 Non-Complying Buildings and Structures

4.9.1 Enlargement, Repair or Renovation

A non-complying building or structure may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) does not further increase a situation of non-compliance; and,*
- b) complies with all other applicable provisions of this By-law.*

4.9.2 *Non-Compliance as a Result of Land Acquisition*

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, such acquisition results in a contravention of this By-law relating to minimum yards and/or setbacks, lot coverage, maximum permitted gross floor area or net floor area, maximum gross leasable floor area or maximum Floor Space Index (FSI), then the lands so acquired shall be deemed to continue to form part of the lot upon which the building or buildings are located in determining compliance with this By-law."

35.3 By adding in a new Section 4.10 into the By-law as follows:

"4.10 *Non-Complying Lots*

4.10.1 *Non-Complying Lots*

A lot in existence prior to the effective date of this By-law that does not meet the lot area and/or lot frontage requirements of the applicable Zone, may be used and buildings thereon may be erected, enlarged, repaired or renovated provided the use conforms with the By-law and the buildings or structures comply with all of the other provisions of this By-law.

4.10.2 *Non-Compliance as a Result of Land Acquisition*

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, the lot, after the acquisition, is a non-complying lot, such non-complying lot may be used for any purpose permitted by this By-law within the Zone in which the lot is located."

36.0 By-law 108-81, as amended, is hereby further amended as follows:

36.1 By deleting the definition of "Public Authority" in Section 2 of the By-law and replacing it with a new definition as follows:

" "PUBLIC AUTHORITY"

Means any Provincial, Regional or Municipal commission, board, or authority or any quasi-public body that is controlled by a public authority such as a public transit commission."

36.2 By adding in a new Section 4.11 into the By-law as follows:

"4.11 *Non-Complying Buildings and Structures*

4.11.1 *Enlargement, Repair or Renovation*

A non-complying building or structure may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) does not further increase a situation of non-compliance; and,*

- b) *complies with all other applicable provisions of this By-law.*

4.11.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, such acquisition results in a contravention of this By-law relating to minimum yards and/or setbacks, lot coverage, maximum permitted gross floor area or net floor area, maximum gross leasable floor area or maximum Floor Space Index (FSI), then the lands so acquired shall be deemed to continue to form part of the lot upon which the building or buildings are located in determining compliance with this By-law.”

36.3 By adding in a new Section 4.12 into the By-law as follows:

“4.12 Non-Complying Lots

4.12.1 Non-Complying Lots

A lot in existence prior to the effective date of this By-law that does not meet the lot area and/or lot frontage requirements of the applicable Zone, may be used and buildings thereon may be erected, enlarged, repaired or renovated provided the use conforms with the By-law and the buildings or structures comply with all of the other provisions of this By-law.

4.12.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, the lot, after the acquisition, is a non-complying lot, such non-complying lot may be used for any purpose permitted by this By-law within the Zone in which the lot is located.”

37.0 By-law 193-81, as amended, is hereby further amended as follows:

37.1 By deleting the definition of “Public Authority” in Section 2 of the By-law and replacing it with a new definition as follows:

“ “PUBLIC AUTHORITY”

Means any Provincial, Regional or Municipal commission, board, or authority or any quasi-public body that is controlled by a public authority such as a public transit commission.”

37.2 By adding in a new Section 4.10 into the By-law as follows:

“4.10 Non-Complying Buildings and Structures

4.10.1 Enlargement, Repair or Renovation

A non-complying building or structure may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) *does not further increase a situation of non-compliance; and,*
- b) *complies with all other applicable provisions of this By-law.*

4.10.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, such acquisition results in a contravention of this By-law relating to minimum yards and/or setbacks, lot coverage, maximum permitted gross floor area or net floor area, maximum gross leasable floor area or maximum Floor Space Index (FSI), then the lands so acquired shall be deemed to continue to form part of the lot upon which the building or buildings are located in determining compliance with this By-law.”

37.3 By adding in a new Section 4.11 into the By-law as follows:

“4.11 Non-Complying Lots

4.11.1 Non-Complying Lots

A lot in existence prior to the effective date of this By-law that does not meet the lot area and/or lot frontage requirements of the applicable Zone, may be used and buildings thereon may be erected, enlarged, repaired or renovated provided the use conforms with the By-law and the buildings or structures comply with all of the other provisions of this By-law.

4.11.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, the lot, after the acquisition, is a non-complying lot, such non-complying lot may be used for any purpose permitted by this By-law within the Zone in which the lot is located.”

38.0 By-law 209-81, as amended, is hereby further amended as follows:

38.1 By deleting the definition of “Public Authority” in Section 2 of the By-law and replacing it with a new definition as follows:

“ PUBLIC AUTHORITY”

Means any Provincial, Regional or Municipal commission, board, or authority or any quasi-public body that is controlled by a public authority such as a public transit commission.”

38.2 By adding in a new Section 4.12 into the By-law as follows:

“4.12 Non-Complying Buildings and Structures

4.12.1 Enlargement, Repair or Renovation

A non-complying building or structure may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) does not further increase a situation of non-compliance; and,*
- b) complies with all other applicable provisions of this By-law.*

4.12.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, such acquisition results in a contravention of this By-law relating to minimum yards and/or setbacks, lot coverage, maximum permitted gross floor area or net floor area, maximum gross leasable floor area or maximum Floor Space Index (FSI), then the lands so acquired shall be deemed to continue to form part of the lot upon which the building or buildings are located in determining compliance with this By-law."

38.3 By adding in a new Section 4.13 into the By-law as follows:

"4.13 Non-Complying Lots

4.13.1 Non-Complying Lots

A lot in existence prior to the effective date of this By-law that does not meet the lot area and/or lot frontage requirements of the applicable Zone, may be used and buildings thereon may be erected, enlarged, repaired or renovated provided the use conforms with the By-law and the buildings or structures comply with all of the other provisions of this By-law.

4.13.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, the lot, after the acquisition, is a non-complying lot, such non-complying lot may be used for any purpose permitted by this By-law within the Zone in which the lot is located."

39.0 By-law 221-81, as amended, is hereby further amended as follows:

39.1 By deleting the definition of "Public Authority" in Section 2 of the By-law and replacing it with a new definition as follows:

" "PUBLIC AUTHORITY"

Means any Provincial, Regional or Municipal commission, board, or authority or any quasi-public body that is controlled by a public authority such as a public transit commission."

39.2 By adding in a new Section 4.9 into the By-law as follows:

“4.9 *Non-Complying Buildings and Structures*

4.9.1 *Enlargement, Repair or Renovation*

A non-complying building or structure may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) does not further increase a situation of non-compliance; and,*
- b) complies with all other applicable provisions of this By-law.*

4.9.2 *Non-Compliance as a Result of Land Acquisition*

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, such acquisition results in a contravention of this By-law relating to minimum yards and/or setbacks, lot coverage, maximum permitted gross floor area or net floor area, maximum gross leasable floor area or maximum Floor Space Index (FSI), then the lands so acquired shall be deemed to continue to form part of the lot upon which the building or buildings are located in determining compliance with this By-law.”

39.3 By adding in a new Section 4.10 into the By-law as follows:

“4.10 *Non-Complying Lots*

4.10.1 *Non-Complying Lots*

A lot in existence prior to the effective date of this By-law that does not meet the lot area and/or lot frontage requirements of the applicable Zone, may be used and buildings thereon may be erected, enlarged, repaired or renovated provided the use conforms with the By-law and the buildings or structures comply with all of the other provisions of this By-law.

4.10.2 *Non-Compliance as a Result of Land Acquisition*

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, the lot, after the acquisition, is a non-complying lot, such non-complying lot may be used for any purpose permitted by this By-law within the Zone in which the lot is located.”

40.0 By-law 28-82, as amended, is hereby further amended as follows:

40.1 By deleting the definition of “Public Authority” in Section 2 of the By-law and replacing it with a new definition as follows:

“ “PUBLIC AUTHORITY”

Means any Provincial, Regional or Municipal commission, board, or authority or any quasi-public body that is controlled by a public authority such as a public transit commission.”

40.2 By adding in a new Section 4.13 into the By-law as follows:

“4.13 Non-Complying Buildings and Structures

4.13.1 Enlargement, Repair or Renovation

A non-complying building or structure may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) does not further increase a situation of non-compliance; and,*
- b) complies with all other applicable provisions of this By-law.*

4.13.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, such acquisition results in a contravention of this By-law relating to minimum yards and/or setbacks, lot coverage, maximum permitted gross floor area or net floor area, maximum gross leasable floor area or maximum Floor Space Index (FSI), then the lands so acquired shall be deemed to continue to form part of the lot upon which the building or buildings are located in determining compliance with this By-law.”

40.3 By adding in a new Section 4.14 into the By-law as follows:

“4.14 Non-Complying Lots

4.14.1 Non-Complying Lots

A lot in existence prior to the effective date of this By-law that does not meet the lot area and/or lot frontage requirements of the applicable Zone, may be used and buildings thereon may be erected, enlarged, repaired or renovated provided the use conforms with the By-law and the buildings or structures comply with all of the other provisions of this By-law.

4.14.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, the lot, after the acquisition, is a non-complying lot, such non-complying lot may be used for any purpose permitted by this By-law within the Zone in which the lot is located.”

41.0 By-law 194-82, as amended, is hereby further amended as follows:

41.1 By deleting the definition of “*Public Authority*” in Section 2 of the By-law and replacing it with a new definition as follows:

“ *PUBLIC AUTHORITY*”

Means any Provincial, Regional or Municipal commission, board, or authority or any quasi-public body that is controlled by a public authority such as a public transit commission.”

41.2 By adding in a new Section 4.9 into the By-law as follows:

“4.9 *Non-Complying Buildings and Structures*

4.9.1 *Enlargement, Repair or Renovation*

A non-complying building or structure may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) does not further increase a situation of non-compliance; and,*
- b) complies with all other applicable provisions of this By-law.*

4.9.2 *Non-Compliance as a Result of Land Acquisition*

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, such acquisition results in a contravention of this By-law relating to minimum yards and/or setbacks, lot coverage, maximum permitted gross floor area or net floor area, maximum gross leasable floor area or maximum Floor Space Index (FSI), then the lands so acquired shall be deemed to continue to form part of the lot upon which the building or buildings are located in determining compliance with this By-law.”

41.3 By adding in a new Section 4.10 into the By-law as follows:

“4.10 *Non-Complying Lots*

4.10.1 *Non-Complying Lots*

A lot in existence prior to the effective date of this By-law that does not meet the lot area and/or lot frontage requirements of the applicable Zone, may be used and buildings thereon may be erected, enlarged, repaired or renovated provided the use conforms with the By-law and the buildings or structures comply with all of the other provisions of this By-law.

4.10.2 *Non-Compliance as a Result of Land Acquisition*

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, the lot, after the acquisition, is a non-complying lot, such non-complying lot may be used for

any purpose permitted by this By-law within the Zone in which the lot is located.”

42.0 By-law 196-82, as amended, is hereby further amended as follows:

42.1 By deleting the definition of “*Public Authority*” in Section 2 of the By-law and replacing it with a new definition as follows:

“ *PUBLIC AUTHORITY*”

Means any Provincial, Regional or Municipal commission, board, or authority or any quasi-public body that is controlled by a public authority such as a public transit commission.”

42.2 By adding in a new Section 4.9 into the By-law as follows:

“4.9 *Non-Complying Buildings and Structures*

4.9.1 *Enlargement, Repair or Renovation*

A non-complying building or structure may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) does not further increase a situation of non-compliance; and,*
- b) complies with all other applicable provisions of this By-law.*

4.9.2 *Non-Compliance as a Result of Land Acquisition*

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, such acquisition results in a contravention of this By-law relating to minimum yards and/or setbacks, lot coverage, maximum permitted gross floor area or net floor area, maximum gross leasable floor area or maximum Floor Space Index (FSI), then the lands so acquired shall be deemed to continue to form part of the lot upon which the building or buildings are located in determining compliance with this By-law.”

42.3 By adding in a new Section 4.10 into the By-law as follows:

“4.10 *Non-Complying Lots*

4.10.1 *Non-Complying Lots*

A lot in existence prior to the effective date of this By-law that does not meet the lot area and/or lot frontage requirements of the applicable Zone, may be used and buildings thereon may be erected, enlarged, repaired or renovated provided the use conforms with the By-law and the buildings or structures comply with all of the other provisions of this By-law.

4.10.2 *Non-Compliance as a Result of Land Acquisition*

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public

authority, the lot, after the acquisition, is a non-complying lot, such non-complying lot may be used for any purpose permitted by this By-law within the Zone in which the lot is located.”

43.0 By-law 47-85, as amended, is hereby further amended as follows:

43.1 By deleting the definition of “*Public Authority*” in Section 2 of the By-law and replacing it with a new definition as follows:

“ *PUBLIC AUTHORITY*”

Means any Provincial, Regional or Municipal commission, board, or authority or any quasi-public body that is controlled by a public authority such as a public transit commission.”

43.2 By adding in a new Section 4.8 into the By-law as follows:

“4.8 *Non-Complying Buildings and Structures*

4.8.1 *Enlargement, Repair or Renovation*

A non-complying building or structure may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) does not further increase a situation of non-compliance; and,*
- b) complies with all other applicable provisions of this By-law.*

4.8.2 *Non-Compliance as a Result of Land Acquisition*

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, such acquisition results in a contravention of this By-law relating to minimum yards and/or setbacks, lot coverage, maximum permitted gross floor area or net floor area, maximum gross leasable floor area or maximum Floor Space Index (FSI), then the lands so acquired shall be deemed to continue to form part of the lot upon which the building or buildings are located in determining compliance with this By-law.”

43.3 By adding in a new Section 4.9 into the By-law as follows:

“4.9 *Non-Complying Lots*

4.9.1 *Non-Complying Lots*

A lot in existence prior to the effective date of this By-law that does not meet the lot area and/or lot frontage requirements of the applicable Zone, may be used and buildings thereon may be erected, enlarged, repaired or renovated provided the use conforms with the By-law and the buildings or structures comply with all of the other provisions of this By-law.

4.9.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, the lot, after the acquisition, is a non-complying lot, such non-complying lot may be used for any purpose permitted by this By-law within the Zone in which the lot is located."

44.0 By-law 304-87, as amended, is hereby further amended as follows:

44.1 By deleting the definition of "Public Authority" in Section 2 of the By-law and replacing it with a new definition as follows:

"PUBLIC AUTHORITY"

Means any Provincial, Regional or Municipal commission, board, or authority or any quasi-public body that is controlled by a public authority such as a public transit commission."

44.2 By deleting Section 5.7.2 of the By-law.

44.3 By adding in a new Section 5.10 into the By-law as follows:

"5.10 Non-Complying Buildings and Structures

5.10.1 Enlargement, Repair or Renovation

A non-complying building or structure may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) does not further increase a situation of non-compliance; and,*
- b) complies with all other applicable provisions of this By-law.*

5.10.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, such acquisition results in a contravention of this By-law relating to minimum yards and/or setbacks, lot coverage, maximum permitted gross floor area or net floor area, maximum gross leasable floor area or maximum Floor Space Index (FSI), then the lands so acquired shall be deemed to continue to form part of the lot upon which the building or buildings are located in determining compliance with this By-law."

44.4 By adding in a new Section 5.11 into the By-law as follows:

"5.11 Non-Complying Lots

5.11.1 Non-Complying Lots

A lot in existence prior to the effective date of this By-law that does not meet the lot area and/or lot frontage requirements of the applicable Zone, may be used and buildings thereon may be erected, enlarged, repaired

or renovated provided the use conforms with the By-law and the buildings or structures comply with all of the other provisions of this By-law.

5.11.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, the lot, after the acquisition, is a non-complying lot, such non-complying lot may be used for any purpose permitted by this By-law within the Zone in which the lot is located.”

45.0 By-law 242-90, as amended, is hereby further amended as follows:

45.1 By deleting the definition of “*Public Authority*” in Section 2 of the By-law and replacing it with a new definition as follows:

“ *PUBLIC AUTHORITY*”

Means any Provincial, Regional or Municipal commission, board, or authority or any quasi-public body that is controlled by a public authority such as a public transit commission.”

45.2 By deleting Section 5.8.2 of the By-law.

45.3 By adding in a new Section 5.10 into the By-law as follows:

“5.10 Non-Complying Buildings and Structures

5.10.1 Enlargement, Repair or Renovation

A non-complying building or structure may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) does not further increase a situation of non-compliance; and,*
- b) complies with all other applicable provisions of this By-law.*

5.10.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, such acquisition results in a contravention of this By-law relating to minimum yards and/or setbacks, lot coverage, maximum permitted gross floor area or net floor area, maximum gross leasable floor area or maximum Floor Space Index (FSI), then the lands so acquired shall be deemed to continue to form part of the lot upon which the building or buildings are located in determining compliance with this By-law.”

45.4 By adding in a new Section 5.11 into the By-law as follows:

“5.11 Non-Complying Lots

5.11.1 Non-Complying Lots

A lot in existence prior to the effective date of this By-law that does not meet the lot area and/or lot frontage requirements of the applicable Zone, may be used and buildings thereon may be erected, enlarged, repaired or renovated provided the use conforms with the By-law and the buildings or structures comply with all of the other provisions of this By-law.

5.11.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, the lot, after the acquisition, is a non-complying lot, such non-complying lot may be used for any purpose permitted by this By-law within the Zone in which the lot is located.”

46.0 By-law 19-94, as amended, is hereby further amended as follows:

46.1 By deleting the definition of “Public Authority” in Section 2 of the By-law and replacing it with a new definition as follows:

“ PUBLIC AUTHORITY”

Means any Provincial, Regional or Municipal commission, board, or authority or any quasi-public body that is controlled by a public authority such as a public transit commission.”

46.2 By deleting Section 5.10.2 of the By-law.

46.3 By adding in a new Section 5.11 into the By-law as follows:

“5.11 Non-Complying Buildings and Structures

5.11.1 Enlargement, Repair or Renovation

A non-complying building or structure may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) does not further increase a situation of non-compliance; and,*
- b) complies with all other applicable provisions of this By-law.*

5.11.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, such acquisition results in a contravention of this By-law relating to minimum yards and/or setbacks, lot coverage, maximum permitted gross floor area or net floor area, maximum gross leasable floor area or maximum Floor Space Index (FSI), then the

lands so acquired shall be deemed to continue to form part of the lot upon which the building or buildings are located in determining compliance with this By-law."

46.4 By adding in a new Section 5.12 into the By-law as follows:

"5.12 Non-Complying Lots

5.12.1 Non-Complying Lots

A lot in existence prior to the effective date of this By-law that does not meet the lot area and/or lot frontage requirements of the applicable Zone, may be used and buildings thereon may be erected, enlarged, repaired or renovated provided the use conforms with the By-law and the buildings or structures comply with all of the other provisions of this By-law.

5.12.2 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, the lot, after the acquisition, is a non-complying lot, such non-complying lot may be used for any purpose permitted by this By-law within the Zone in which the lot is located."

47.0 By-law 177-96, as amended, is hereby further amended as follows:

47.1 By replacing the word "*Expropriation*" in the heading of Section 6.12.2 with "*Land Acquisition*".

47.2 By deleting the word "*or*" between the words "*lot coverage*" and "*maximum permitted gross floor area*" and placing a comma after the words "*lot coverage*" in Section 6.12.2.

47.3 By adding the following words after the words "*maximum net floor area*" in Section 6.12.2:

", maximum gross leasable floor area or maximum Floor Space Index (FSI)."

48.0 By-law 28-97, as amended, is hereby further amended as follows:

48.1 By deleting the definition of "*Public Authority*" in Section 2.0 of the By-law and replacing it with a new definition as follows:

" *PUBLIC AUTHORITY*"

Means any Provincial, Regional or Municipal commission, board, or authority or any quasi-public body that is controlled by a public authority such as a public transit commission."

48.2 By deleting the title "*Applicability*" from Section 8.0 of the By-law and replacing it with the title "*General Provisions*".

48.3 By renumbering Section 8.4 of the By-law as Section 9.0.

48.4 By adding in a new Section 8.4 into the By-law as follows:

"8.4 Non-Compliance as a Result of Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, such acquisition results in a contravention of this By-law relating to the minimum required number of parking spaces, minimum size of parking spaces, minimum width of a driveway, location of parking spaces and/or driveways or minimum required setbacks and/or yards for driveways and/or parking spaces, then the lands so affected are deemed to comply with this By-law to the extent it complied with this By-law on the day before the acquisition was finalized."

49.0 By-law 2004-196, as amended, is hereby further amended as follows:

49.1 By replacing the word "*Expropriation*" in the heading of Section 4.10.2 with "*Land Acquisition*".

49.2 Be deleting the word "*or*" between the words "*lot coverage*" and "*maximum permitted gross floor area*" and placing a comma after the words "*lot coverage*" in Section 4.10.2.

49.3 By adding the following words after the words "*maximum net floor area*" in Section 4.10.2:


“, maximum gross leasable floor area or maximum Floor Space Index (FSI).”

50.0 By-law 220-91 is hereby repealed.

51.0 All other provisions of By-laws 1229, 1507, 1767, 1914, 2053, 2150, 2237, 2284-68, 2325-68, 2402, 2489, 2551, 2571, 2612, 11-72, 122-72, 77-73, 83-73, 119-73, 151-75, 88-76, 127-76, 250-77, 145-78, 162-78, 163-78, 184-78, 72-79, 91-79, 118-79, 134-79, 153-80, 165-80, 72-81, 90-81, 108-81, 193-81, 209-81, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 242-90, 19-94, 177-96, 28-97 and 2004-196, as amended, unless specifically modified/amended by this By-law continue to apply.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
23RD DAY OF JUNE, 2009.


KIMBERLEY KITTERINGHAM
TOWN CLERK


FRANK SCARPITTI
MAYOR