

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: June 05, 2026

CASE NO(S):

OLT-24-000544

PROCEEDING COMMENCED UNDER subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: West End Home Builders' Association
Subject: By-law No. 24-052
Description: To amend the Zoning By-law to expand permitted uses in low-density residential zones, create the new low-density large lot zone, and introduce new parking standards.
Reference Number: By-law No. 24-052
Property Address: City-Wide
Municipality/UT: Hamilton
OLT Case No.: OLT-24-000544
OLT Lead Case No.: OLT-24-000544
OLT Case Name: West End Home Builders' Association v. Hamilton (City)

PROCEEDING COMMENCED UNDER subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Hammer GP LP and Hammer GP Services Corp.
Subject: By-law No. 24-051
Description: To amend the Zoning By-law to expand permitted uses in low-density residential zones, create the new low-density large lot zone, and introduce new parking standards.
Reference Number: By-law No. 24-051
Property Address: City-Wide
Municipality/UT: Hamilton
OLT Case No.: OLT-24-000544
OLT Lead Case No.: OLT-24-000544
OLT Case Name: Hammer GP LP and Hammer GP Services Corp. v. Hamilton (City)

Heard: February 9, 2026 by Video Hearing

APPEARANCES:

<u>Parties</u>	<u>Counsel</u>
City of Hamilton	P. MacDonald
West End Home Builders' Association	N. Gunawardana D. Baker (<i>in absentia</i>)
Hammer GP LP and Hammer GP Services Corp.	N. Smith (<i>in absentia</i>) A. Toumanians
Cadillac Fairview Corporation	M. Laskin

**MEMORANDUM OF ORAL DECISION DELIVERED BY STEVEN COOKE ON
FEBRUARY 9, 2026 AND ORDER OF THE TRIBUNAL**

[1] This matter arises from appeals under section 34(19) of the *Planning Act* by West End Home Builders' Association, Hammer GP LP, Hammer GP Services Corp., and Cadillac Fairview Corporation. The Appellants have appealed the City of Hamilton's approval of Zoning By-laws Nos. 24-051 and 24-052, which amend the City's comprehensive Zoning By-law No. 05-200. The appeals specifically address the electric vehicle parking standards introduced by these amendments.

[2] Zoning By-law No. 24-051 expands permitted uses in low-density residential zones, establishes a new large lot residential zone, and introduces a definition for Parking Space, Electric Vehicle. Zoning By-law No. 24-052 sets out new comprehensive parking standards that apply City-wide.

[3] The Parties presented a settlement to the Tribunal for consideration. In support of the settlement, two expert witnesses provided uncontested written and oral opinion evidence. Ms. Alana Fulford was qualified to provide expert opinion evidence in land use planning, and Mr. Brian Hollingworth was qualified to provide expert opinion evidence in transportation engineering.

[4] Mr. Hollingworth, as a professional engineer, provided the opinion that the proposed changes to Zoning By-law No. 05-200 regarding electric vehicle space definitions and minimum parking rates represent good planning and are in the public interest. He stated that these changes are consistent with the City's Urban Hamilton Official Plan, as they support energy efficiency and promote the use of renewable and alternative energy systems, as set out in Section 3.7. He further confirmed that the modifications align with Section 3.2.1 of the Provincial Planning Statement (2024) ("PPS 2024"), which encourages transportation systems that are safe, energy-efficient, and support zero- and low-emission vehicles.

[5] Ms. Fulford informed the Tribunal that the settlement addresses the Urban Hamilton Official Plan section 1.12.7 of the Transition Provisions is a suitable approach to address approved zoning and electric vehicle requirements. The proposed addition recognizes the cost of electric vehicle parking infrastructure by allowing a one-time exemption for recent zoning by-law amendments where developments were approved without these requirements in mind. This exemption is limited, as it only applies if a building permit or *Planning Act* application is made within three years. It was her evidence that this transition provision supports the City's goal to implement minimum standards for electric vehicle parking, while ensuring that developments with recent zoning approvals are not unfairly impacted. Without this provision, applicants who have not yet submitted a Planning Act application or building permit would face significant changes to their plans or need further approvals to meet new requirements. In the professional planning opinion of Ms. Fulford, the proposed changes to Section 1.12 of Zoning By-law No. 05-200 represent good planning and serve the public interest. The amendments are also consistent with the Provincial Planning Statement, 2024, and conform to both the Urban Hamilton Official Plan and the Rural Hamilton Official Plan.

ORDER

[6] That the appeal filed by the Appellant is allowed, in part, in accordance with subsection 34(26) of the Planning Act:

a. Zoning By-law 24-052 shall be amended in accordance with the Zoning By-law (“ZBA”) attached to this Order as Attachment A, save and except for 999 Upper Wentworth Street and 75 Centennial Parkway North which remain under site-specific appeal, as identified in the Tribunal’s Order on this matter dated September 25, 2024; and

b. that the terms of the Tribunal’s order dated September 25, 2024 shall continue to apply with respect to those properties that remain under site-specific appeal.

“Steven Cooke”

STEVEN COOKE
VICE-CHAIR

Ontario Land Tribunal

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The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

ATTACHMENT "A"**CITY OF HAMILTON****BY-LAW NO. 26-****To Amend Zoning By-law No. 05-200 Respecting
Electric Vehicle Parking Requirements**

WHEREAS the Ontario Land Tribunal, in its Decision/Order No. _____, dated the ___ day of ___, 2026, approved the amendments to Zoning By-law No. 05-200 as herein provided;

AND WHEREAS this By-law conforms to the Urban Hamilton Official Plan, Rural Hamilton Official Plan, Hamilton-Wentworth Regional Official Plan, and City of Hamilton Official Plan;

NOW THEREFORE the Ontario Land Tribunal amends Zoning By-law No. 05-200 as follows:

1. That Section 1: Administration is amended as follows:

- i. By modifying Section 1.12.1.3 b. by adding “, save and except for those parts described in Clause 1.12.1.4.” to the end of the clause so that it reads:

“Low Density Residential By-law 24-051 and 24-052 April 10, 2024, save and except for those parts described in Clause 1.12.1.4.”

- ii. By modifying Section 1.12.1 by adding a new clause 1.12.1.4. as follows:

“ The coming into force of those parts of By-law No. 24-052 approved by the Ontario Land Tribunal in a decision dated [insert date of coming into force], save and except for site specific appeals thereof.”

- iii. By modifying Section 1.12.3 by deleting the words “may be issued” and replacing with “shall be issued, subject to meeting all other requirements of a building permit,” so that it reads as follows:

“Where the development or use of a lot or one or more buildings qualifies under Clause 1.12.2, a building permit shall be issued, subject to meeting all other requirements of a building permit, after final approval is received for all required applications if the development or use complies, or the building

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permit application for the development or use is amended to comply, with the provisions of the applicable former Zoning By-law as it read immediately prior to the passing of this By-law, and any amendments thereto.”

iv. By adding new Section 1.12.7 as follows:

“1.12.7

Approved Zoning - Electric Vehicle Parking

1.12.7.1 If a Zoning By-law passed under Section 34 of the *Planning Act* came into force on or after April 10, 2019, and provided one of the following is received by the City no later than 3 years from the coming into force of those parts of By-law No. 24-052 identified in Clause 1.12.1.4, being [insert date of coming into force]:

1. A complete application for a building permit; or,
2. A complete application listed in Clause 1.12.2.1 to 1.12.2.6;

then approval of such application shall be granted in the context of the applicable former Zoning By-law as it read immediately prior to the coming into force of those parts of By-law No. 24-052 identified in Clause 1.12.1.4., being [insert date of coming into force].

1.12.7.2 Where the development or use of a lot or one or more buildings qualifies under Clause 1.12.7.1.2, a building permit shall be issued, subject to meeting all other requirements of a building permit, after final approval is received for all required applications if the development or use complies, or the building permit application for the development or use is amended to comply, with the provisions of the applicable former Zoning By-law as it read immediately prior to the coming into force of those parts of By-law No. 24-052 identified in Clause 1.12.1.e e., being [insert date of coming into force].

1.12.7.3 Nothing in this By-law applies so as to continue the exemption provided by Clauses 1.12.7.1 beyond the issuance of the final building permit upon which the exemptions are founded.

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1.12.7.4 Clauses 1.12.7.1, 1.12.7.2, and 1.12.7.3 are repealed in their entirety 10 years after the coming into force of those part of By-law No. 24-052 identified in Clause 1.12.1.4, being [insert date of coming into force].”

2. That Section 3: Definitions is amended by deleting and replacing the definition of “Parking Space, Electric Vehicle” and adding two new definitions, as follows:

“Parking Space, Electric Vehicle Shall mean a Parking Space that is either a Parking Space, Electric Vehicle Capable, or a Parking Space, Electric Vehicle Ready.”

Parking Space, Electric Vehicle Capable Shall mean an Electric Vehicle Parking Space with conduit installed to an electrical panel to support future implementation of Level 2 charging or higher.

Parking Space, Electric Vehicle Ready Shall mean an Electric Vehicle Parking Space that is equipped with an energized outlet and has the capacity to provide Level 2 charging or higher.”

3. That Section 5: Parking is amended as follows:

i. By modifying Section 5.1.4 a) by deleting “and,” from the end of clause i), by renumbering clause ii) to iv), and by introducing a new clause ii) and iii), as follows:

“ii) In addition to Section 5.7.4 a) i., for a Dwelling Unit, Dwelling Unit, Mixed Use, and Multiple Dwelling, in no cases shall the combined total of Electric Vehicle Ready Parking Spaces and Electric Vehicle Capable Parking Spaces be less than 100% of the total number of parking spaces provided; and,

iii) In addition to Section 5.7.4 a) ii., each Electric Vehicle Ready Parking Space shall have installed a Level 2 charger or higher; and,”

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- ii. By modifying Section 5.6.7 a) and c) by replacing the term “Electric Vehicle Parking Space” with “Electric Vehicle Ready Parking Space”
- iii. By modifying Section 5.7.4 by adding a Column 3 to the Minimum Electric Vehicle Parking Rate Schedule, and by inserting a header for Column 2 and Column 3 as follows:

Column 1	Column 2	Column 3
	Electric Vehicle Ready Parking Space	Electric Vehicle Capable Parking Space

- iv. By modifying Section 5.7.4 a) by inserting “and Column 3” after “as specified in Column 2” in the paragraph before the Parking Rate Schedule.
- v. By modifying Section 5.7.4 a) i. by adding the use “Multiple Dwelling Townhouse” to Column 1, and by deleting and replacing the Electric Vehicle Parking Space requirements as follows:

Column 1	Column 2	Column 3
	Electric Vehicle Ready Parking Space	Electric Vehicle Capable Parking Space
i. Residential Uses		
Single Detached Dwelling; Street Townhouse Dwelling; Duplex Dwelling; Triplex Dwelling; Fourplex Dwelling;		One (1) when one or more parking spaces is provided.

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	Semi-Detached Dwelling		One (1) per Dwelling Unit of a Semi-Detached Dwelling, when one or more parking spaces is provided per Dwelling Unit.
	Multiple Dwelling Townhouse		One (1) per Dwelling Unit, when one or more parking spaces is provided per Dwelling Unit.
	Dwelling Unit; Dwelling Unit, Mixed Use; Multiple Dwelling	15% of the total number of parking spaces provided.	85% of the total number of parking spaces provided.
ii.	All Other Uses		
	All uses other than the specific uses listed above	15% of the total number of parking spaces provided.	

4. That this By-law No. _____ shall come into force and be deemed to come into force in accordance with Sub-section 34(26)(b) of the *Planning Act*, and as described in Decision/Order No. _____.

APPROVED this ____ day of _____,

2026 CI 24-A