

**Ontario Land Tribunal**  
Tribunal ontarien de l'aménagement  
du territoire



**25-016-OLT Attachment 1**  
**25-017-OLT Attachment 2**

**ISSUE DATE:** January 20, 2025

**CASE NO.:** OLT-23-000673

**PROCEEDING COMMENCED UNDER** subsection 22(7) of the *Planning Act, R.S.O. 1990, c. P. 13, as amended.*

**Applicant/Appellant:** Southcote Hills Inc.  
**Subject:** Request to amend the Official Plan – Failure to adopt the requested amendment  
**Description:** OPA, ZBA to permit ten 3-storey townhouse block dwellings containing a total of 57 dwelling units  
**Reference Number:** UHOPA-23-010  
**Property Address:** 509 Southcote Road  
**Municipality:** Hamilton  
**OLT Case No:** OLT-23-000673  
**OLT Case Name:** Southcote Hills Inc. v. Hamilton (City)

**PROCEEDING COMMENCED UNDER** section 34(11) of the *Planning Act, R.S.O. 1990, c. P. 13, as amended.*

**Subject:** Application to amend the Zoning By-law – Refusal or neglect to make a decision  
**Reference Number:** ZAC-23-025  
**Property Address:** 509 Southcote Road  
**Municipality:** Hamilton  
**OLT Case No:** OLT-23-000674  
**OLT Lead Case No:** OLT-23-000673

**BEFORE:**

A. MASON ) Tuesday, the 14<sup>th</sup> of  
MEMBER )  
) January 2025

**THESE MATTERS** involving appeals under subsections 22(7) and 34(11) of the *Planning Act, R. S. O. 1990, c. P. 13, as amended*, regarding the failure of the City of

Hamilton to make a decision within the prescribed time period in respect of applications for an Official Plan Amendment and Zoning By-Law Amendment to facilitate the development of 10 blocks of three-storey townhouse dwellings, having a total of 59 units, on the property municipally known as 509 Southcote Road in the City of Hamilton, having come before the Tribunal for a written hearing to consider a settlement proposal proffered on consent of the Parties on January 14, 2025;

**AND THE TRIBUNAL**, having received and considered the visual and written materials filed on consent of the Parties, including the affidavit sworn and dated January 14, 2025, of Matt Johnston, a member of the Ontario Professional Planners Institute and the Canadian Institute of Planners, whom the Tribunal accepts to provide opinion evidence in the area of land use planning;

**AND THE TRIBUNAL**, having reviewed and considered the uncontroverted affidavit evidence of Matt Johnston on the nature and scope of the settlement proposal, including provisions for compensation for the removal of trees via new tree plantings on site and cash contributions for the remaining trees;

**AND THE TRIBUNAL**, having accepted the uncontested opinion evidence of Matt Johnston, finds that the proposed settlement and revised instruments giving effect thereto:

1. have appropriate regard for matters of provincial interest under s. 2 of the *Planning Act*, in particular optimizing the use of existing land and infrastructure within a settlement area;

2. are consistent with the *Provincial Policy Statement 2024*, by supporting intensification in underutilized sites in urban areas that are well served by municipal infrastructure;
3. are in conformity with and implement the policies of the Urban Hamilton Official Plan and the Meadowlands Neighbourhood III Secondary Plan 2013; and
4. contribute to a wide range of housing types and densities through a built form that is compatible with the surrounding area in terms of use, scale and character thereby representing good planning.

**NOW THEREFORE:**

**THE TRIBUNAL ORDERS THAT** the appeals filed by Southcote Hills Inc. are hereby allowed and the Tribunal approves the following instruments in form and content:

1. Official Plan Amendment, as set out in **Attachment 1** to this Order; and
2. Zoning By-law Amendment, as set out as **Attachment 2** to this Order.

**AND THE TRIBUNAL** authorizes the Clerk of the City of Hamilton to make such numerical and/or editorial changes to the instruments included herein as Attachment 1 and 2 as are necessary to give effect to this Order.

*“Euken Lui”*

EUKEN LUI  
ACTING REGISTRAR

**Ontario Land Tribunal**

Website: [olt.gov.on.ca](http://olt.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

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 1

### BY-LAW NO. 25-016-OLT

OLT-23-000673

#### Urban Hamilton Official Plan Amendment No. 226

The following text, together with Appendix "A" attached hereto, constitutes Official Plan Amendment No. 226 to the Urban Hamilton Official Plan.

##### 1.0 Purpose and Effect:

The purpose and effect of this Amendment is to redesignate the subject lands to Low Density Residential 3b within the Meadowlands Neighbourhood III Secondary Plan to permit the development of ten blocks of three storey townhouse dwellings containing a total of 59 dwelling units.

##### 2.0 Location:

The lands affected by this Amendment are known municipally as 509 Southcote Road, in the former Town of Ancaster.

##### 3.0 Basis:

The basis for permitting this Amendment is:

- The proposed development maintains the general intent of the policies of the Urban Hamilton Official Plan and Meadowlands Neighbourhood III Secondary Plan, as it contributes to a range of housing types and densities;
- The proposed development represents a compatible built form that integrates with the surrounding area in terms of use, scale, and character; and,
- The Amendment is consistent with the Provincial Planning Statement, 2024.

##### 4.0 Actual Changes:

##### 4.1 Volume 2 - Secondary Plans

##### *Maps*

##### 4.1.2 Map

- a. That Volume 2: Map B.2.5-1 - Meadowlands Neighbourhood III Secondary Plan - Land Use Plan be amended by:

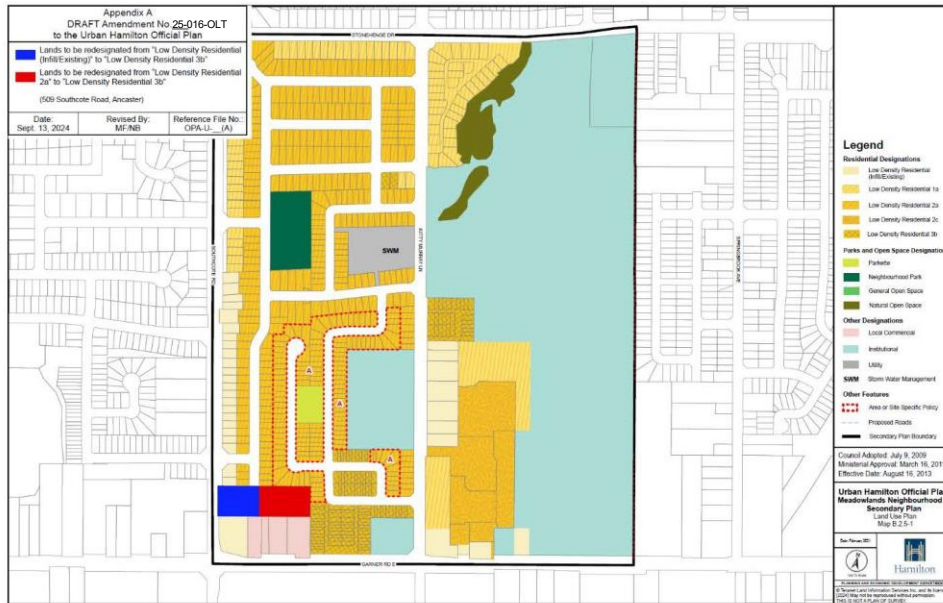
- i) redesignating the easterly portion of the subject lands from "Low Density Residential (Infill/Existing)" to "Low Density Residential 3b"; and,
- ii) redesignating the westerly portion of the subject lands from "Low Density Residential 2a" to "Low Density Residential 3b";

as shown on Appendix "A", attached to this Amendment.

**5.0 Implementation:**

An implementing Zoning By-Law Amendment and Site Plan Control will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule "I" to By-law No.25-016-OLT, pursuant to the Decision/ Order of the Ontario Land Tribunal issued in Case No. OLT-23- 000673 on the 20<sup>th</sup> day of January 2025.



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## ATTACHMENT 2

### CITY OF HAMILTON BY-LAW NO. 25-017-OLT

#### To Amend Zoning By-law No. 87-57 Respecting Lands Located at 509 Southcote Road (Ancaster)

**WHEREAS** the Ontario Land Tribunal, in its Decision/Order for Case No. OLT-23-000674 dated the 20<sup>th</sup> day of January, 2025, approved the amendment to Zoning By-law No. 87-57 (Ancaster), as herein provided;

**WHEREAS** the *City of Hamilton Act*, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

**AND WHEREAS** the City of Hamilton is the successor to certain area municipalities including the former municipality known as the "The Corporation of the Town of Ancaster" and is the successor to the former regional municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

**AND WHEREAS** the *City of Hamilton Act*, 1999 provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

**AND WHEREAS** Zoning By-law No. 87-57 (Ancaster) was enacted on the 22<sup>nd</sup> day of June 1987, and approved by the Ontario Municipal Board on the 23<sup>rd</sup> day of January 1989;

**AND WHEREAS** this By-law is in conformity with the Urban Hamilton Official Plan upon approval of Official Plan Amendment No.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. That Map No. 1-B to Schedule "B", appended to and forming part of By-law No. 87-57 (Ancaster) is amended by changing the zoning from the Agriculture "A" Zone to the Residential Multiple "RM2-718" Zone, Modified, on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".



2. That Section 34: Exceptions, to Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by adding the following Sub-section:

**"RM2-718"**

That notwithstanding Paragraph 3.49 "Dwelling, Street Townhouse" of Section 3 "Definitions" the following definition shall apply for lands within the Residential Multiple "RM2-718" Zone:

3.49 "Dwelling, Street Townhouse"

Means a dwelling divided vertically into a minimum of three (3) and a maximum of eight (8) dwelling units, the units separated by a common wall or walls and each unit having two private entrances at grade, and in which all dwelling units front on a street, laneway, or common condominium driveway.

That notwithstanding the provisions of Subsection 15.2 (a), (b) (i and (ii), (e), (f), (g), (h), (i) and (k, ii) for Zoning By-law No. 87-57, the following special provisions shall apply to the lands zoned "RM2-718":

i. PERMITTED USES:

For the purpose of the regulations contained in Sections 3, 5, 6, 7, 9 and 15 of Ancaster Zoning By-law No. 87-57, as amended by this By-law, the boundary of the "RM2-718" Zone shall be deemed to be the lot lines for this purpose, and the regulations of the "RM2-718" Zone, including, but not limited to, lot area, lot frontage and depth, lot coverage, minimum yards, minimum landscaping and planting strips, parking accessory buildings, etc., shall be from the boundaries of this zone, and not from individual property boundaries of dwelling units created by registration of a condominium plan, through Consent or created by Part Lot Control.

ii) REGULATIONS

**Development Regulations:**

- |     |                      |  |
|-----|----------------------|--|
| (a) | Minimum Lot Area     | 1.0 hectare                                    |
| (b) | Minimum Lot Frontage | 50 metres for the parcel frontage and:         |
|     | (i)                  | 4.75 metres for an interior dwelling unit; and |
|     | (ii)                 | 4.9 metres for an end dwelling unit.           |

- |     |                         |      |  |
|-----|-------------------------|------|--|
| (e) | Minimum Front Yard      | (i)  | 5.2 metres,  |
| (f) | Minimum Side Yard       | (i)  | Northerly side yard:<br><br>a) Shall be a minimum of 9.2 metres for any dwelling unit's rear wall;<br><br>b) Shall be a minimum of 4.5 metres for any end dwelling unit's side wall. |
|     |                         | (ii) | Southerly side yard:<br><br>a) Shall be a minimum of 7.5 metres for any dwelling unit's rear wall;<br><br>b) Shall be a minimum of 4.5 metres for any end dwelling unit's side wall. |
| (h) | Maximum Height          |      | 11.7 metres  |
| (i) | Minimum Landscaping     |      | 30% of the lot area  |
| (k) | Dwelling Unit Placement | (ii) | Shall not apply.   |

In addition to Subsection 7.12 of Zoning By-law No. 87-57, encroachments or projections shall be prohibited to be within 2.8 metres from the front lot line.

That notwithstanding Subsection 7.14(a)(xv) of Zoning By-law No. 87-57, where a parking area which is required to provide for more than four vehicles abuts a lot containing a dwelling comprising one or two dwelling units, a permanently maintained planting strip of a minimum width of 1.5 metres shall be provided.

That notwithstanding Subsection 7.14(a)(xvi) of Zoning By-law No. 87-57, where a parking area which is required to provide for more than four vehicles abuts a street, a permanently maintained planting strip of a minimum width of 1.3 metres shall be provided along the street line, and it shall be continuous except for aisles or driveways required for access to such parking area.

That notwithstanding Subsection 7.14(b)(i)(B) of Zoning By-law No. 87-57:

- i) Street Townhouses shall provide 2.0 parking spaces, with one of the two required parking spaces permitted to be located within an attached private garage or within the dwelling unit; and,
  - ii) A minimum 0.25 visitor parking spaces per unit shall be provided.
3. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Residential Multiple "RM2" Zone provisions, subject to the special requirements referred to in Section 2 of this By-law.
  4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.
  5. That this By-law No. 25-016-OLT shall come into force and be deemed to come into force in accordance with Sub-section 34(21) of the *Planning Act*, either upon the date of passage of this By-law or as otherwise provided by the said Sub-section.

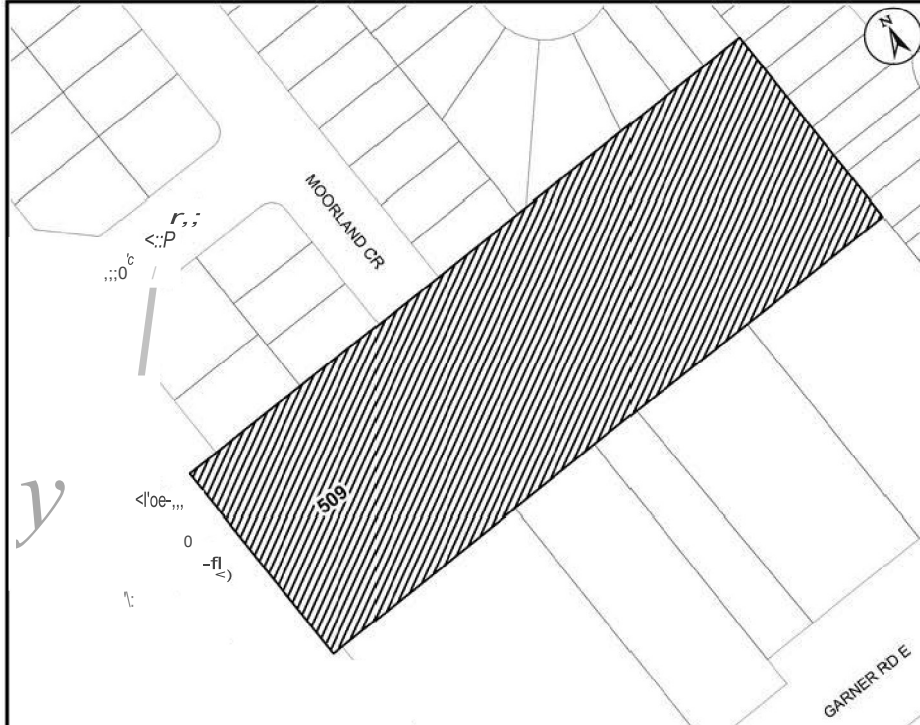
**PASSED** this 20<sup>th</sup> day of J a n u a r y ,2025.


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A. Horwath  
Mayor

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M. Trennum  
City Clerk



This is Schedule "A" to By-law No. 25-017-OLT  Passed the 20th day of January, 202		Mayor  Clerk
<b>Schedule "A"</b>  <b>Map forming Part of</b> <b>By-law No. 25-017-OLT</b>  <b>to Amend By-law No. 87-57</b>		Subject Property 509 Southcote Road, Ancaster (ward 12) Change in zoning from the Agriculture "A" Zone to the Residential Multiple "RM2-718" Zone, Modified
Scale: N.T.S	File Name/Number: ZA - 25/UHOM- 10	 Hamilton
Date: September 13, 2024	Planner/Title: ME/NB	
PLANNING AND DEVELOPMENT DEPARTMENT		