

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: August 22, 2024

CASE NO.: OLT-23-000678

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

Applicant and Appellant: Ahmed Bilal
Subject: Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description: To permit the demolition of one dwelling, construction of one dwelling and the creation of four new residential lots
Reference Number: ZAC-21-027
Property Address: 140 and 164 Sulphur Springs Road
Municipality/UT: City of Hamilton
OLT Case No.: OLT-23-000678
OLT Lead Case No.: OLT-23-000678
OLT Case Name: Bilal v. Hamilton (City)

BEFORE:

P. TOMILIN) Thursday, the 22nd
MEMBER) day of August, 2024

THIS MATTER in respect of the lands at 140 and 164 Sulphur Springs Road in the City of Hamilton, having come on for a public hearing on October 27, 2023 before the Ontario Land Tribunal (the "Tribunal") and the Tribunal having issued a Decision/Order on November 20, 2023; and

THE TRIBUNAL having been advised by the Parties on July 30, 2024 that a full uncontested settlement had been reached, on consent;

AND THE TRIBUNAL having considered the settlement materials and the sworn planning affidavit of Ed Fothergill filed on August 13, 2024;

NOW THEREFORE

THE TRIBUNAL ORDERS THAT the appeal is allowed and By-law No. 87-57 is hereby amended as set out in Attachment 1 to this Order. The Tribunal authorizes the municipal clerk of the City of Hamilton to assign a number to this by-law for record keeping purposes.

“Euken Lui”

EUKEN LUI
ACTING REGISTRAR

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 1

CITY OF HAMILTON BY-LAW NO.

To amend Zoning By-law No. 87-57 with respect to lands located at 140 and 164 Sulphur Springs Road, Ancaster

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

AND WHERE the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the City of Hamilton" 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 and Official Plan of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council of the Corporation of the City of Hamilton passed Zoning By-law No. 05-200 on the 25th day of May, 2005;

AND WHEREAS the Council of the City of Hamilton, in adopting item ___ of Report PED ___ of the Planning Committee, at its meeting held on the ___ day of _____, 20___, which recommended that Zoning By-law No. 05-200 be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan, in accordance with the provisions of the Planning Act.

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

1. That Schedule "C" – Special Exception of By-law 05-200 is hereby amended by adding additional Special Exception as follows:

"xxx Notwithstanding Section 15.3 on those lands zoned R2 identified on Maps ___ and ___ of Schedule "A" - Zoning Map and described as 140 and 164 Sulphur Springs Road,

- (a) Notwithstanding Section 4.23.d), the following building and structure setback applies to the uses identified above.
 - (i) minimum setback 1.0 m

2. That Map 1 of Schedule "B" - Zoning Maps is amended by changing the zoning from the Deferred Development (D) Zone to Low Density Residential - Large Lot (R2) zoned Conservation/Hazard Land (PS) zone.
3. 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.

PASSED this _____, 2024

Mayor

City Clerk