

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



**25-104-OLT Attachment 1**  
**25-105-OLT Attachment 2**

**ISSUE DATE:** May 15, 2025

**CASE NO.:** OLT-23-000992

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

Applicant and Appellant: DiCenzo Construction Company Limited  
Subject: Request to amend the Official Plan – Failure to adopt the requested amendment  
Description: To permit the development of two mixed-use residential buildings at 30-storeys and 39-storeys connected by a 3-storey to 4-storey podium containing 741 dwelling units, 297 square metres of commercial floor area at grade, 4,824 square metres of amenity area with 366 vehicle parking spaces contained within a parking structure and a total of 388 bicycle parking spaces (378 long term bicycle parking spaces and 10 short term bicycle parking spaces)  
Reference Number: UHOPA-23-009  
Property Address: 117 Jackson Street East  
Municipality/UT: City of Hamilton  
OLT Case No.: OLT-23-000992  
OLT Lead Case No.: OLT-23-000992  
OLT Case Name: DiCenzo Construction Company Limited v. Hamilton (City)

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

Applicant/Appellant: DiCenzo Construction Company Limited  
Subject: Application to amend the Zoning By-law – Neglect to make a decision  
Description: To permit the development of two mixed-use residential buildings at 30-storeys and 39-storeys connected by a 3-storey to 4-storey podium containing 741 dwelling units, 297 square metres of commercial floor area at grade, 4,824 square metres of amenity area with 366 vehicle parking spaces contained within a parking structure and a total of 388 bicycle parking spaces (378 long term bicycle parking spaces and 10 short term bicycle parking spaces)

Reference Number: ZAC-23-024  
 Property Address: 117 Jackson Street East  
 Municipality/UT: City of Hamilton  
 OLT Case No.: OLT-23-000993  
 OLT Lead Case No.: OLT-23-000992

BEFORE:

J. INNIS ) Thursday, the 15<sup>th</sup> day of  
 MEMBER )  
 ) May, 2025

**THIS MATTER** having come before the Tribunal at a public hearing and the Tribunal in its Decision and Interim Order issued on December 24, 2024 having allowed the appeals in part for the Official Plan Amendment and Zoning By-law Amendment matters and withheld its Final Order until the draft Official Plan Amendment and the draft Zoning By-law Amendment are in final form satisfactory to the City of Hamilton and DiCenzo Construction Company Limited;

**THE TRIBUNAL ORDERS** that the appeal with respect to the Official Plan Amendment is allowed in part and the Official Plan for the City of Hamilton is amended as set out in Attachment "1" to this Order;

**AND THE TRIBUNALS ORDERS** that the appeal with respect to the Zoning By-law Amendment is allowed in part and By-law 05-200 of the City of Hamilton is hereby amended as set out in Attachment "2" 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**

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"

**ATTACHMENT 1  
OFFICIAL PLAN AMENDMENT TO  
URBAN HAMILTON OFFICIAL PLAN**

**Schedule "1"**  
**OLT- 23-00992**

## **Urban Hamilton Official Plan Amendment No. 228**

The following text, together with Appendix "A", Volume 2: Map B.6.1-1 – Downtown Hamilton Secondary Plan – Land Use Plan attached hereto, constitutes Official Plan Amendment No. 228 to the Urban Hamilton Official Plan.

### **1.0 Purpose and Effect:**

The purpose and effect of this Amendment is to establish a new Site Specific Policy in the Downtown Hamilton Secondary Plan to increase the maximum permitted building height and permit the development of a mixed use building with two tower elements at heights of 30 and 39 storeys, exclusive of mechanical penthouse elements.

### **2.0 Location:**

The lands affected by this Amendment are known municipally as 117 Jackson Street East in the former City of Hamilton.

### **3.0 Basis:**

The basis for permitting this Amendment is as follows:

- The Amendment implements the vision of the Downtown Hamilton Secondary Plan by providing a mix of uses on site and contributing to a range of housing options within Downtown Hamilton;
- The Amendment conforms with the design criteria for High-Rise (Tall) Buildings in the Downtown Hamilton Secondary Plan and the Downtown Hamilton Tall Building Guidelines;
- The Amendment will serve Central Hamilton by providing new housing with a mix of residential unit types that will add housing choice for new and existing residents;
- The Amendment will make efficient use of underutilized lands within the Downtown Core in proximity to transit (including higher-order transit), open space, employment, retail, and other services;
- The Amendment will assist in animating Jackson Street East and Catharine Street South and provide continuous street-edges with at-grade mixed-use access;
- The Amendment will provide additional retail/commercial development to

service the needs of the community;

The Amendment is consistent with the Provincial Planning Statement, 2024

#### **4.0 Actual Changes:**

#### **4.1 Volume 2 – Secondary Plans**

##### ***Text:***

4.1.1 Chapter B.6.0 – Hamilton Secondary Plans – Section B.6.1 – Downtown Hamilton Secondary Plan.

- a. That Volume 2: Chapter B.6.0 – Hamilton Secondary Plans, Section B.6.1 – Downtown Hamilton Secondary Plan be amended by adding a new Site Specific Policy, as follows:

“Site Specific Policy – Area H”

B.6.1.15.8 For lands identified as Site Specific Policy – Area H on Map B.6.1-1 – Downtown Hamilton Secondary Plan – Land Use Plan, and known as 117 Jackson Street East, the following policy shall apply:

- a) Notwithstanding Policies B.6.1.4.12, B.6.1.4.14, B.6.1.4.18 b), and B.6.1.4.37, the building height shall be no greater than 124 metres for the eastern tower and 97 metres for the western tower, excluding Mechanical Penthouses.

##### ***Maps:***

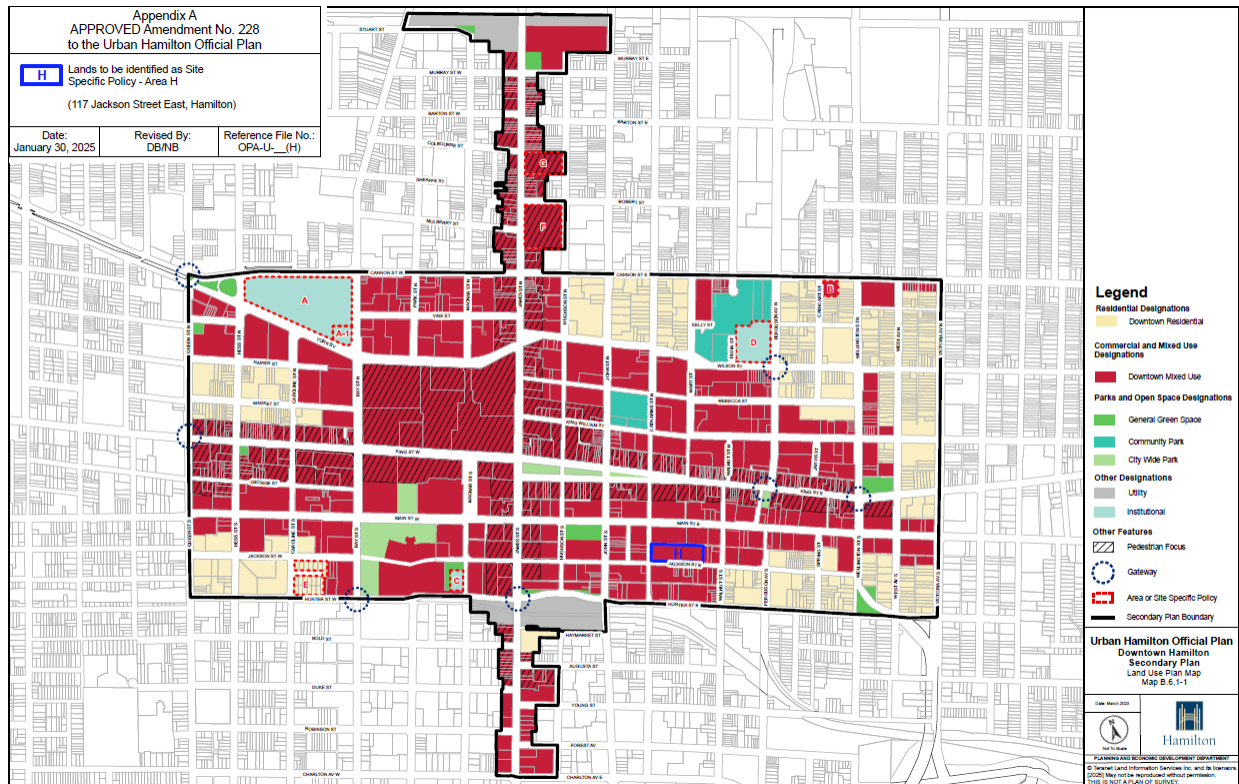
#### **4.1.2 Map**

- a. That Volume 2: Map B.6.1-1 – Downtown Hamilton Secondary Plan – Land Use Plan be amended by identifying the subject lands as Site Specific Policy - Area “H” as shown on Appendix “A”, attached to this Amendment.

#### **5.0 Implementation:**

An implementing Zoning By-law Amendment and Site Plan Approval will give effect to the intended uses and performance standards on the subject lands.

This Official Plan Amendment is Schedule “1” to By-law No. 25-104-OLT, pursuant to the Decision / Order of the Ontario Land Tribunal issued in Case No. OLT-23-00992 on the 24<sup>th</sup> day of December 2024.



Attachment "2"

**ATTACHMENT 2  
ZONING BY-LAW AMENDMENT TO  
BY-LAW NO. 05-200 OF THE CITY OF HAMILTON**



## CITY OF HAMILTON

### BY-LAW NO. 25-105-OLT

#### To Amend Zoning By-law No. 05-200 with respect to lands located at 117 Jackson Street East, Hamilton

**WHEREAS** the Ontario Land Tribunal, in its Decision/Order No. OLT-23-00992, dated the 15th day of May, 2025 approved the amendment to Zoning By-law No. 05-200, as herein provided;

**AND WHEREAS** this By-law will conform with the Urban Hamilton Official Plan Upon approval of Official Plan Amendment No. 228.



**NOW THEREFORE** Council amends Zoning By-law No. 05-200 as follows:

1. That Schedule “A” – Zoning Maps, Map 953 and 995 be amended by changing the zoning from the Downtown Central Business District (D1,H17,H19,H20) Zone to the Downtown Central Business District (D1,927) Zone for the lands known as 117 Jackson Street East, the extent and boundaries of which are shown on Schedule “A” of this By-law.
2. That Schedule “C” – Special Exceptions is amended by adding the following new Special Exception:

“927. Within the lands zoned Downtown Central Business District (D1, 927) identified on Maps 953 and 995 of Schedule “A” – Zoning Maps and described as 117 Jackson Street East, Hamilton, the following special provisions shall apply:

  - a) That notwithstanding Section 6.0 c) i) and Schedule “F” – Special Figure No. 15 – Building Base Façade Height, a maximum building base façade height for Catharine Street South and Jackson Street East of 16.0 metres shall be permitted;
  - b) That notwithstanding Section 6.0 c) i) and Subsection a) above, no stepback is required from the building base façade height to a maximum of 20% of the exterior façade for each tower;
  - c) That notwithstanding Section 6.1.3.b ii) and Schedule “F” – Special Figures No. 1, a maximum building height of 124.0 metres shall be permitted for the easterly tower and a maximum building height of 97.0 metres shall be permitted for the westerly tower.
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 provisions of the Downtown Central Business District (D1,927) Zone subject to the special requirements referred to in Section 2 of this By-law. That
4. this By-law No. 25-105-OLT shall come into force and be deemed to come into force in accordance with Subsection 34(21) of the *Planning Act*, either upon date of passage of this By-law or as otherwise provided in the said Subsection.

Passed and Enacted this 15th day of May, 2025.

	
<p>This is Schedule "A" to By-law No. 25-105-OLT _____</p> <p>Passed the 15th day of May, 2025</p>	
<p>_____ Mayor</p> <p>_____ Clerk</p>	
<p><b>Schedule "A"</b></p> <p>Map forming Part of By-law No. 25- 105-OLT</p> <p>to Amend By-law No. 05-200 Map 952</p>	
<p><b>Subject Property</b></p> <p>117 Jackson Street East, Hamilton</p> <p> Change in Zoning from the Downtown Business District (D1, H17, H19, H20) Zone to the Downtown Central Business District (D1, 927) Zone</p>	
<p>Scale: N.T.S.</p>	<p>File Name/Number: ZAC-23-024 / UHOPA-23-009</p>
<p>Date: February 4, 2025</p>	<p>Planner/Technician: DB/DR</p>
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	
