

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



26-071-OLT Attachment 1

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

Website: 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.

CITY OF HAMILTON
BY-LAW NO. 26-071-OLT

To amend Zoning By-law No. 05-200 with respect to lands located at 140 and 164 Sulphur Springs Road, Ancaster

WHEREAS the Ontario Land Tribunal, in its Decision/Order for Case No. OLT-23-000678 dated the 22nd day of August, 2024 approved the amendment to Zoning By-law No. 05-200 (Ancaster), as herein provided;

AND WHEREAS this By-law conforms to the Urban Hamilton Official Plan;

NOW THEREFORE the Ontario Land Tribunal enacts as follows:

1. That Map Nos. 1174 and 1228 of Schedule “A” – Zoning Maps is amended by adding the Conservation/Hazard Land (P5) Zone and Low Density Residential – Large Lot (R2, 941) Zone for the lands located at 140 and 164 Sulphur Springs Road, the extent and boundaries of which are shown on Schedule “A” to this By-law.
2. That Schedule “C” – Special Exceptions of Zoning By-law No. 05-200, is amended by adding the following new Special Exception:

“941. Within the lands zoned Low Density Residential – Large Lot (R2, 941) Zone, identified on Map Nos. 1174 and 1228 and described as 140 and 164 Sulphur Springs Road, the following special provisions shall apply:

a) Notwithstanding Section 4.23 d), the following special provision shall apply to Block “2” as shown on Figure 45 of Schedule “F” – Special Figures:

i) All buildings or structures located on a property shall have a minimum setback of 7.5 metres from a P5 zone boundary, except for those boundaries indicated in accordance with Figure 45 of Schedule “F” – Special Figures.

b) That notwithstanding Section 15.3.1, only the following uses shall be permitted:

Community Garden
Duplex Dwelling
Single Detached Dwelling
Urban Farm

**To amend Zoning By-law No. 05-200 with respect to lands located at
140 and 164 Sulphur Springs Road, Ancaster**

3. That Schedule “F” – Special Figures is amended by adding Figure 45 attached hereto as Schedule “B”.
4. 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 Conservation/Hazard Land (P5) Zone and Low Density Residential – Large Lot (R2, 941) Zone, subject to the special requirements referred to in Section No. 2 of this By-law.
5. 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*.

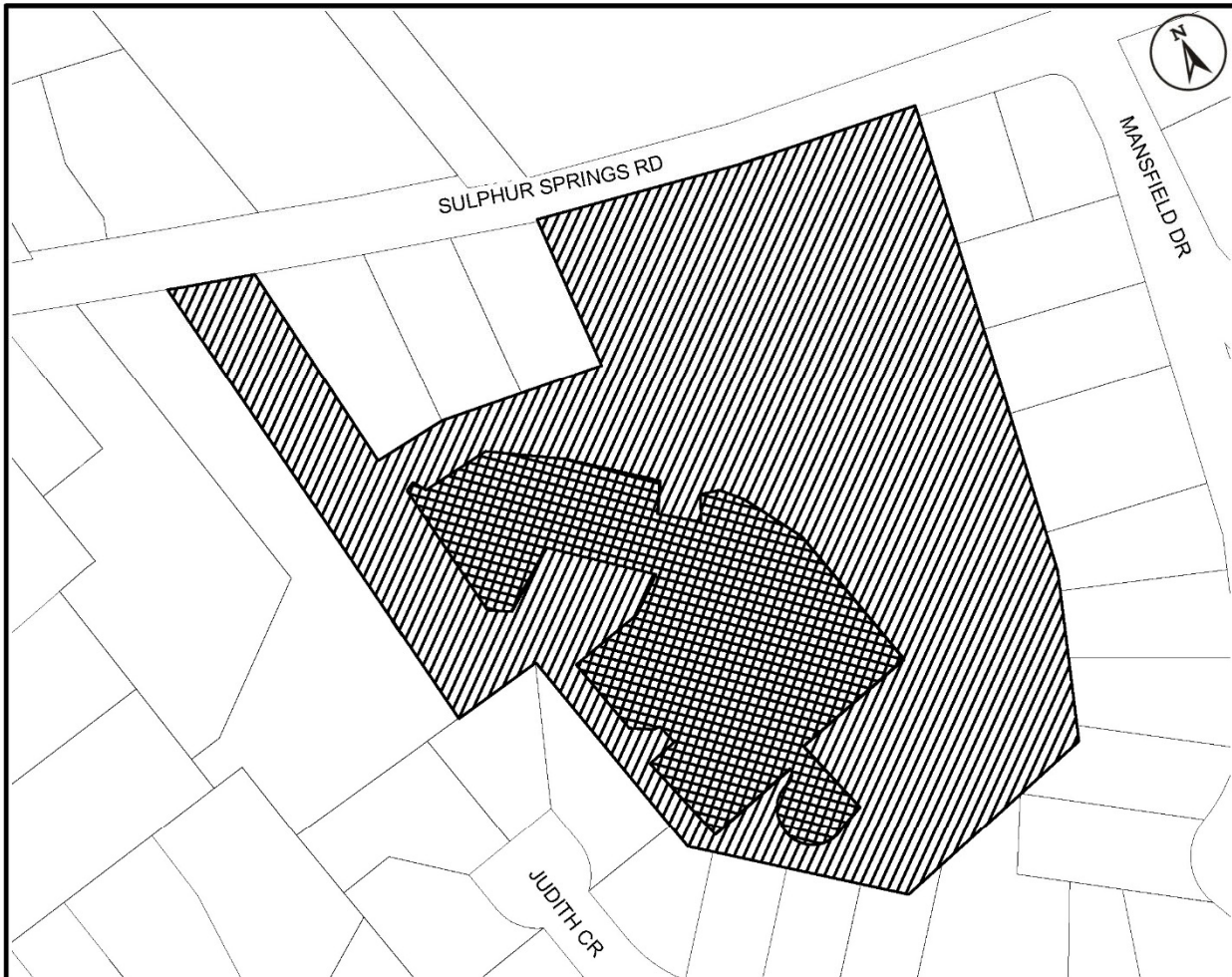
PASSED this 7th day of April, 2026

A. Horwath
Mayor

M. Trennum
City Clerk

ZAC-21-027

To amend Zoning By-law No. 05-200 with respect to lands located at
140 and 164 Sulphur Springs Road, Ancaster

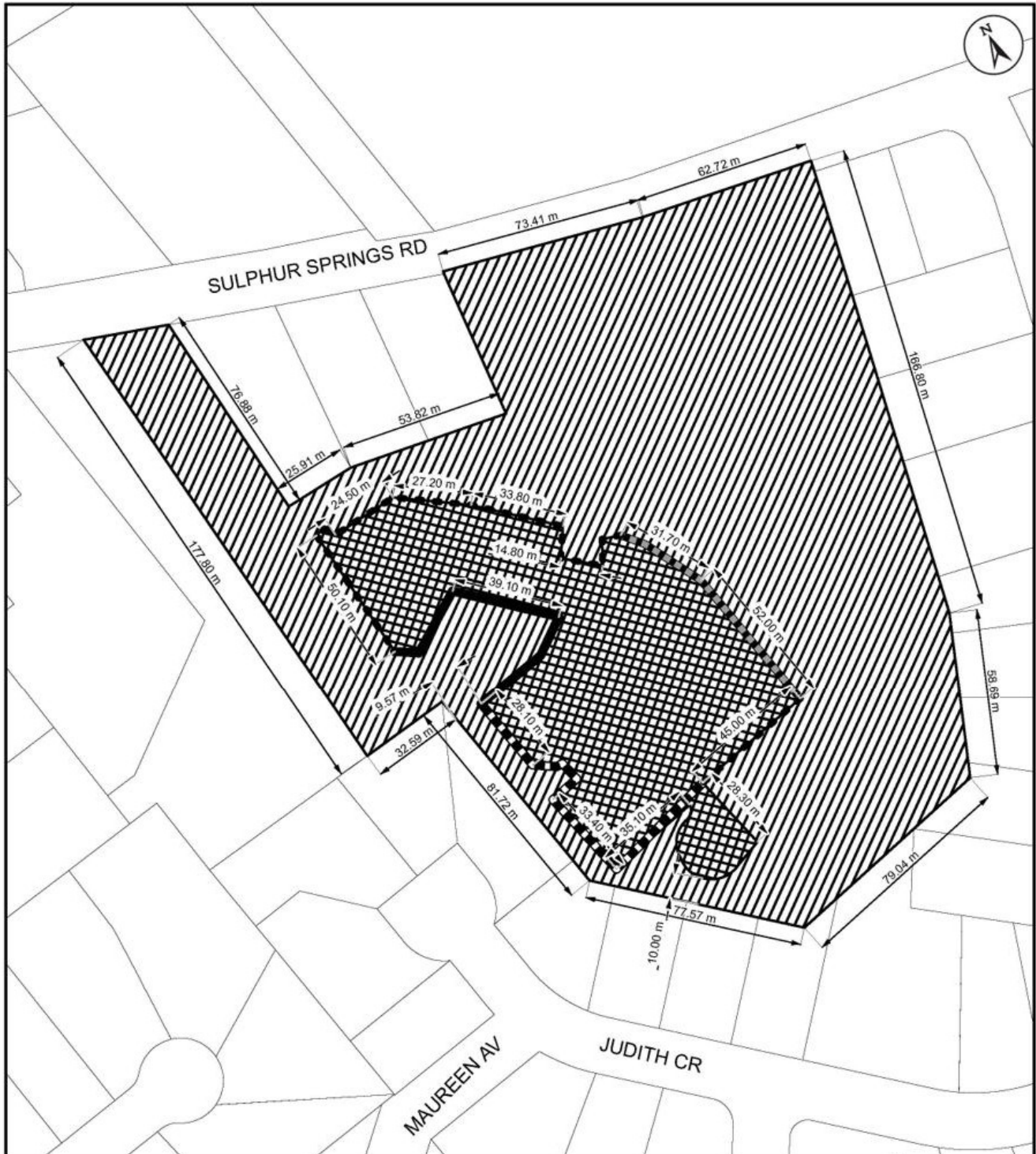


<p>This is Schedule "A" to By-law No. 26-</p> <p>Passed the day of, 2026</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<p style="text-align: center;">Schedule "A"</p> <p style="text-align: center;">Map forming Part of By-law No. 26-_____</p> <p style="text-align: center;">to Amend By-law No. 05-200 Map 1174, 1228</p>	<p>Subject Property 140 & 164 Sulphur Springs Road, Ancaster</p> <p> Block 1 - Lands to be added to Zoning By-law No. 05-200 as Conservation/Hazard Land (P5) Zone</p> <p> Block 2 - Lands to be added to Zoning By-law No. 05-200 Low Density Residential – Large Lots (R2, 941) Zone</p>
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Scale: N.T.S	File Name/Number: ZAC-21-027	
Date: February 26, 2026	Planner/Technician: MF/RS	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		







To amend Zoning By-law No. 05-200 with respect to lands located at
140 and 164 Sulphur Springs Road, Ancaster



Special Figure 45: 140 and 164 Sulphur Springs Setbacks to Conservation/Hazard Land (P5) Zone

Date:
September 15, 2025

Legend

-  Block 1: Lands to be added to Zoning By-law No. 05-200 as Conservation/Hazard Land (P5) Zone
-  Block 2: Lands to be added to Zoning By-law No. 05-200 as Low Density Residential – Large Lot (R2, 941) Zone
-  Setback to the Single Detached Dwelling existing on the date of passing of this by-law shall be deemed to comply with Section 4.23 d) of Hamilton Zoning By-law 05-200
-  Two metre setback to the Conservation/Hazard Land (P5) Zone
-  Four metre setbacks to the Conservation/Hazard Land (P5) Zone
-  7.5 metres setback to the Conservation/Hazard Land (P5) Zone

