




Hamilton

COMMUNICATION UPDATE

TO:	Mayor and Members City Council
DATE:	April 22, 2026
SUBJECT:	City-Initiated Employment Area Review – Urban Hamilton Official Plan Amendment for Complete Application Requirement Refused by Ministry of Municipal Affairs and Housing (MMAH)
WARD(S) AFFECTED:	City Wide
SUBMITTED BY:	Anita Fabac Acting Director of Planning, Chief Planner Planning and Economic Development Department
SIGNATURE:	Per: 

The purpose of this communication update is to inform Council of correspondence received from the Ministry of Municipal Affairs and Housing (MMAH) refusing the City’s request to amend the Urban Hamilton Official Plan to require the submission of a Land Use/Employment Needs Impact Assessment as part of a complete application for a privately initiated official plan amendment to remove land from designated employment areas.

Background

In October 2024 the Provincial Planning Statement and changes to the definition of an “area of employment” under the *Planning Act* came into effect which impacts how municipalities plan for and protect employment areas. Under Provincial rules individual landowners may now submit privately initiated official plan amendments to remove lands from designated employment areas at any time whereas previous they were only considered through a Municipal Comprehensive Review. The Provincial Planning

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Statement establishes specific criteria that must be met in considering removal applications, including that there is a need for the removal, and the land is not required for employment area uses over the long term.

[Complete Application Requirements as Amended by Bill 17](#)

On June 5, 2025, Bill 17 *Protect Ontario by Building Faster and Smarter Act, 2025* received Royal Assent. The Bill included amendments to the *Planning Act* changing how municipalities establish which technical studies or plans are required to be submitted as part of a complete planning application. Municipalities must now receive written approval from the Ministry of Municipal Affairs and Housing before adopting an Official Plan Amendment that adds, amends, or revokes a submission requirement for an Official Plan Amendment, Zoning By-law Amendment, Site Plan, Draft Plan of Subdivision or Condominium, or Consent application.

[Employment Area Review](#)

In response to these Provincial changes to employment area rules the City has initiated an Official Plan review of its employment area policies. Since privately initiated applications to remove designated employment areas from an Official Plan was not contemplated under previous Provincial rules, Phase 1 of the Employment Area Review includes an amendment to the Urban Hamilton Official Plan to establish and clarify the submission requirements for these applications. This is necessary to ensure that the applicant provides sufficient information for the City to assess whether the proposal is consistent with the Provincial Planning Statement employment area removal criteria.

As required under Bill 17, staff provided the draft Official Plan Amendment together with a draft Terms of Reference for a Land Use/Employment Need and Impact Assessment to the Ministry of Municipal Affairs and Housing for review on December 12, 2025. As requested by Ministry staff, this request included a detailed rationale including its

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consistency with the Provincial Planning Statement and a cost benefit analysis. The letter is attached as Appendix 1.

On April 1, 2026, Council approved Phase 1 of the Employment Area Review through Report PED26034 which included a separate Official Plan Amendment to the Urban Hamilton Official Plan to establish the complete application requirements for privately initiated Employment Area removal applications. Since the Ministry of Municipal Affairs and Housing had not yet provided a response to the City's request under Bill 17, Council directed that this Official Plan Amendment (Appendix A1 to Report PED26034) be held in abeyance until written approval is received.

Ministry of Municipal Affairs and Housing Refusal of Employment Area Complete Application Requirements

On April 15, 2026, the Minister of Municipal Affairs and Housing provided a letter (see Appendix 2) that the Official Plan Amendment to add the Land Use/ Employment Needs Impact Assessment as a complete application was refused. Ministry staff determined that the "Provincial Planning Statement, 2024, policies can be supported through existing required technical studies already in Hamilton's complete application checklist."

Next Steps

With the Ministry of Municipal Affairs and Housing decision, this Official Plan Amendment (Appendix A1 to Report PED26034) will not be brought to Council for adoption.

As an alternative approach to ensure that sufficient information is provided with a privately initiated application to remove land from designated employment areas, Planning Division staff will modify the Terms of Reference(s) of existing required studies to include requirements identified in the Terms of Reference for a Land

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Use/Employment Needs Impact Assessment. Any major revisions to existing or creation of new Terms of References are submitted to Planning Committee for approval.

Contact

Please contact Anita Fabac, Acting Director of Planning and Chief Planner with any questions at Anita.Fabac@hamilton.ca or by phone at (905) 546-2424 Ext. 1258 or Steve Burke, Manager of Sustainable Communities at Steve.Burke@hamilton.ca or by phone at (905) 546-2424 Ext. 2533.

Attachment:

- Appendix 1 – Letter to the Minister of Municipal Affairs and Housing dated December 12, 2025
- Appendix 2 - Letter from the Minister of Municipal Affairs and Housing dated April 15, 2026