

Communication Update

To: Mayor and Members of City Council

Date: September 25, 2026

Subject/Report No.: Electric Vehicle Supply Equipment Requirements – Hamilton Zoning By-law No. 05-200

Ward(s) Affected: City Wide

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Summary

This Communication Update provides Council with an update on the impact of Bill 98, the *Building Homes and Improving Transportation Infrastructure Act, 2026* as it relates to the Electric Vehicle Parking Space Regulations contained within Hamilton Zoning By-law No. 05-200.

Background

On June 2, 2026, Bill 98, the *Building Homes and Improving Transportation Infrastructure Act, 2026* received Royal Assent. This Bill made several amendments to the *Planning Act*, including the establishment of a new subsection in the *Planning Act* which provides that a zoning by-law cannot require the owner or occupant of a building or structure to provide and maintain electric vehicle supply equipment in connection with parking facilities. A related amendment was made to Section 41 of the *Planning Act* which provides that a municipality cannot require, through the site plan control process, an owner of land to provide electric vehicle supply equipment in connection with off-street vehicular parking facilities.

On June 5, 2026, the Ontario Land Tribunal issued their decision on the appeal to the Electric Vehicle Parking standards within Hamilton Zoning By-law No. 05-200. This decision established definitions for electric vehicle parking spaces and minimum requirements for the number of electric vehicle parking spaces to be provided on-site.

However, as a result of Bill 98, the Ontario Land Tribunal's decision cannot be implemented into the Zoning By-law as a municipality can no longer require electric vehicle supply equipment and consequently, can no longer require electric vehicle parking spaces.

Next Steps

Planning staff will be redlining the online consolidated version of Hamilton Zoning By-law No. 05-200 to strikethrough the sections related to Electric Vehicle Parking, including the definitions of "Parking Space, Electric Vehicle", "Parking Space, Electric Vehicle Capable", and "Parking Space, Electric Vehicle Ready".

A housekeeping amendment will not be required to formally remove the Electric Vehicle Parking Space regulations and definitions from the Zoning By-law; however, the regulations and definitions will no longer be enforced. This approach will provide flexibility should future legislation change to permit Electric Vehicle supply equipment, without requiring a further amendment to the Zoning By-law.

Appendices and Schedules Attached

Not applicable.