

March 10, 2026



A statement from Councillor Craig Cassar about the Ontario Land Tribunal Settlement for 140 Garner Road East, including the Garner Marsh

On February 27th, the City of Hamilton reached a settlement with the proponent for the development application at 140 Garner Road East, site of the Garner Marsh, and headwaters of Ancaster Creek. The owner of the property is Ontari Holdings Ltd., c/o AIMCo Realty Investors LP (Alberta Investment Management Company).

Development that attracts businesses and employment to Hamilton is critical, especially since new businesses will absorb some of the tax burden that currently rests on homeowners thus improving affordability for residents. However, it's in all of our best interests to use our land wisely, and to protect our remaining natural eco-systems. Our goal should be to achieve economic benefits without sacrificing the natural environment which is, in fact, a foundational element to quality of life for Hamiltonians.

There have been substantial legislative changes made by the Provincial government since this application was initially submitted in 2018. Changes include Bill 23 which eliminates Conservation Authorities' ability to review development applications for environmental impacts on wetlands or from pollution, and weakening of the Ontario Wetland Evaluation System which defines the qualities of protected wetlands. Also considering that other recent OLT settlements involving wetlands have included wetland offsetting thus setting a precedent that deprioritizes existing natural heritage, the City's leverage to influence the outcome of this file was hampered.

The settlement at 140 Garner Road East includes removal of 1.6 hectares (ha) of the existing 1.8ha Garner Marsh plus the recreation of new wetland area (2.59 ha) creating a total future wetland area of 2.8ha. This represents a 1.6 to 1 compensation ratio. The wetland will be protected with a 15-metre-wide vegetation protection zone. This outcome is an improvement from the original proposal and the wetland is just one of a few natural heritage aspects that improved. Further, there are 94 conditions in many categories that the developer must satisfy. (Categories: Development Engineering, Transportation Planning, Planning, Natural Heritage, Legislative Approvals / Staging of Development, Ministry of Transportation, Utilities & Communications, Canada Post, and Hamilton International Airport). However, all things considered, I would characterize the outcome as an example of doing the wrong thing a little bit better.

I am disappointed in the result, and I could not support the settlement, but the majority of Council did. I know it was a tough decision for many of my colleagues who also understand the broad benefits of natural heritage preservation. Realistically, this is the best outcome we could achieve in the circumstances, and I do not fault anyone who voted for it. If the matter had proceeded to a contested hearing at the OLT, it is very likely that the improvements achieved through this settlement would have been off the table.

I believe that the public pressure over the past several years has yielded a better result, even if, in my opinion, the development plan does not fully respect the Airport Employment Growth District (AEGD) secondary plan of an eco-industrial park that "designs with nature by protecting streams, mature trees, wetlands, significant habitat and integrating topography into developments". I want to offer a sincere 'Thank You' to the hundreds of Hamiltonians who spoke out for the Garner Marsh and acted as a voice for nature. We will see many more development applications in the AEGD and your voices for responsible development that respects our natural environment remain important, so please continue to speak up.

Historically, I know it's been challenging for the public to understand the details of an OLT settlement, specifically deciphering what has changed from the previous plan and what the City achieved through negotiations. I have asked Staff to improve the communication process once an OLT settlement is reached and they have provided the following high-level summary that I hope you find helpful.

Read a [Staff overview](#) of the settlement.

Read the [Environmental Impact Assessment](#).

Read the [conditions of settlement](#).

Read the [AEGD Secondary Plan](#).