



City of Hamilton

HAMILTON MUNICIPAL HERITAGE COMMITTEE REVISED

Meeting #: 19-004
Date: June 20, 2019
Time: 12:00 p.m.
Location: Room 264, 2nd Floor, City Hall
71 Main Street West

Loren Kolar, Legislative Coordinator (905) 546-2424 ext. 2604

1. APPOINTMENT OF CHAIR AND VICE-CHAIR

2. APPROVAL OF AGENDA

(Added Items, if applicable, will be noted with *)

3. DECLARATIONS OF INTEREST

4. APPROVAL OF MINUTES OF PREVIOUS MEETING

4.1 April 21, 2019

5. COMMUNICATIONS

*5.1 Correspondence from Environment and Land Tribunals Ontario, Local Planning Appeal Tribunal, respecting the Withdrawal of an appeal by St. James No. 1 Inc.

Recommendation: Be received.

6. DELEGATION REQUESTS

6.1 Marc Bader, respecting the Ancaster High School building and grounds (for a future meeting)

*6.2 Susan O'Rourke, respecting 745 Crooks Hollow Road, Dundas (for a future meeting)

7. CONSENT ITEMS

7.1 Inventory and Research Working Group Meeting Notes - May 6, 2019

8. PUBLIC HEARINGS / DELEGATIONS

9. STAFF PRESENTATIONS

9.1 Orientation to New Members of the Hamilton Municipal Heritage Committee

The Legislative Coordinator and Cultural Heritage Planners will provide information on Committee Structure, and the Heritage Process for members of the Committee.

10. DISCUSSION ITEMS

10.1 Establishment of Working Group Memberships

Committees can create working groups or task forces to assist in the research or review of a given item and it reports its findings back to the Committee. A working group is normally comprised of Committee Members, however, when required, volunteers may be called upon for their expertise to assist a working group by providing required information. Working groups operate by consensus and formal motions are not required. Administrative support shall not be available to working groups and consequently, the preparation of agendas, minutes and meeting requirements shall be the responsibility of the working group, if required. Support staff shall not be required to attend working group meeting (excerpt from the Advisory Committee Handbook, September 2018)

10.1.a Heritage Permit Review Sub-Committee

Although this is a separate Sub-Committee, two members of the Hamilton Municipal Heritage Committee is required.

One member of the Hamilton Municipal Heritage Committee will sit as Chair of the Heritage Permit Review Sub-Committee.

Meets monthly for a minimum of 2 hours

10.1.b Education and Communications Working Group

Meets monthly or as needed, for a minimum of 2 hours

10.1.c Inventory and Research Working Group

Meets monthly for minimum of 2 hours

10.1.d Policy and Design Working Group

Meets monthly, or as needed, for a minimum of 2 hours

10.2 Bill 108 - Proposed Changes to the Ontario Heritage Act (PED19140) (City Wide)

*10.3 Review of Terms of Reference for the Hamilton Municipal Heritage Committee

11. MOTIONS**12. NOTICES OF MOTION****13. GENERAL INFORMATION / OTHER BUSINESS**

13.1 Buildings and Landscapes

This list is determined by members of the Hamilton Municipal Heritage Committee. Members provide informal updates to the properties on this list, based on their visual assessments of the properties, or information they have gleaned from other sources, such as new articles and updates from other heritage groups.

13.1.a Endangered Buildings and Landscapes (RED)

(Red = Properties where there is a perceived immediate threat to heritage resources through: demolition; neglect; vacancy; alterations, and/or, redevelopment)

(i) Tivoli, 108 James Street North, Hamilton (D)

(ii) Andrew Sloss House, 372 Butter Road West, Ancaster (D)

(iii) Century Manor, 100 West 5th Street, Hamilton (D)

(iv) Beach Canal Lighthouse (D)

(v) 18-22 King Street East, Hamilton (R)(NOI)

(vi) 24-28 King Street East, Hamilton (R)(NOI)

(vii) 1 St. James Place, Hamilton (D)

(viii) 2 Hatt Street, Dundas (R)

(ix) James Street Baptist Church, 96 James Street South, Hamilton (D)

13.1.b Buildings and Landscapes of Interest (YELLOW)

(Yellow = Properties that are undergoing some type of change, such as a change in ownership or use, but are not perceived as being immediately threatened)

(i) Delta High School, 1284 Main Street East, Hamilton (D)

(ii) St. Giles United Church, 85 Holton Avenue South (L)

(iii) 2251 Rymal Road East, Stoney Creek (R)

(iv) Former Valley City Manufacturing, 64 Hatt Street, Dundas

(v) St. Joseph's Motherhouse, 574 Northcliffe Avenue, Dundas (R) (ND)

(vi) Copley Building, 104 King Street West; 56 York Blvd., and 63-76 MacNab Street North (NOI)

(vii) 1021 Garner Road East, Ancaster (Lampman House) (NOI)

(viii) 265 Mill Street, Dundas

(ix) Dunnington-Grubb Gardens, 1000 Main Street East (within Gage Park)

13.1.c Heritage Properties Update (GREEN)

(i) The Royal Connaught Hotel, 112 King Street East, Hamilton (R)

(ii) Auchmar, 88 Fennell Avenue West, Hamilton (D)

(iii) Treble Hall, 4-12 John Street North, Hamilton (R)

(iv) 104 King Street West, Dundas (Former Post Office)

(v) 45 Forest Avenue, Hamilton

13.1.d Heritage Properties Update (BLACK)

(Black = Properties that HMHC have no control over and may be demolished)

(i) Auchmar Gate House, Claremont Lodge 71 Claremont Drive (R)

14. PRIVATE AND CONFIDENTIAL

15. ADJOURNMENT



Hamilton

**HAMILTON MUNICIPAL HERITAGE COMMITTEE
MINUTES 19-003
12:00 p.m.
April 18, 2019
Room 264, 2nd Floor
Hamilton City Hall
71 Main Street West**

Present: Councillor M. Pearson
W. Arndt, A. Denham-Robinson (Chair), C. Dimitry, T. Ritchie, G. Carroll, R. Sinclair, K. Stacey and T. Wallis

**Absent with
Regrets:** D. Beland, K. Garay, and M. McGaw

THE FOLLOWING ITEMS WERE REFERRED TO THE PLANNING COMMITTEE FOR CONSIDERATION:

1. Inventory and Research Working Group Meeting Notes – March 25, 2019 (Item 10.1)

(Carroll/Ritchie)

- (a) That the recommendations in the Inventory and Research Working Group Meeting Notes of March 25, 2019, be approved as presented; and,
- (b) That the following properties be added to the City Register of Non-designated Properties of Cultural Heritage Value or Interest, and to the staff work plan:
 - (a) 745 Crooks' Hollow Road, Dundas
 - (b) 7 Rolph Street, Dundas
 - (c) 23-35 King Street East, Stoney Creek
 - (d) 45 Amelia Street, Hamilton

CARRIED

2. Hamilton Municipal Heritage Committee Heritage Recognition Awards Update (Item 10.2)

(Arndt/Ritchie)

That the following Nominations for the 2018 Hamilton Municipal Heritage Committee Heritage Recognition Awards, attached hereto as Appendix "A" and Appendix "B", be approved, as amended:

(a) HMHC Heritage Property Recognition Awards

Presented to property owners demonstrating an outstanding contribution to the conservation, restoration and preservation of Hamilton's built heritage.

- (i) 493 Dundas Street, Waterdown (Pearson House)
- (ii) 177 Sherman Avenue North, Hamilton (The Playhouse Theatre)
- (iii) 77 Creighton, Dundas
- (iv) 92 Melville, Dundas
- (v) 96 Melville, Dundas
- (vi) 1379 Concession Rd. 6 W., Flamborough
- (vii) 1149 Westover Rd., Flamborough (Westover Baptist Church)
- (viii) 183 James Street South, Hamilton (Wissnez Law)
- (ix) 105 Aberdeen Avenue, Hamilton
- (x) 254 Bay Street South, Hamilton (Maple Lawn)
- (xi) 1 Turner Avenue, Hamilton
- (xii) 474 Wentworth St. N., Hamilton (St. David's Presbyterian Church)**

(b) Cultural Heritage Landscape Award

Recognizing the efforts of an individual or team who has demonstrated an outstanding contribution to the conservation of Hamilton's cultural heritage landscapes.

- (i) 610 York Boulevard, Hamilton

(Dundurn National Historic Site, including the Kitchen Garden, the Coach House and the Hamilton Military Museum, which can be viewed at <https://www.hamilton.ca/attractions/hamilton-civic-museums/dundurn-national-historic-site>)

(c) Heritage Group, Society or Specialty Team

Presented to a heritage group, society or specialty team demonstrating an outstanding contribution to the conservation, restoration and preservation of Hamilton's built heritage and heritage landscapes

- (i) Canadian Headstone Project Team

(Team of Art French, Team Leader; Frank Brittain, Claire Broderick, Ann Charlton, Jackie French, Laura Martin, Jim McKane, Al and Shirley Rumbles, Ron Sinclair)

For the documentation of over 19,000 gravestones as an historic project – making history more accessible to more people and preserving these landmarks before they are lost to limestone deterioration.

- (ii) The Residents of 13 Inglewood Drive, Hamilton

For requesting designation and the development of a Heritage Conservation Plan.

- (iii) Durand Neighbourhood Association

Established in 1972, the DNA has been an active group seeking the protection of their heritage and engagement between residents, developers and City officials.

In recognition of their many initiatives, including the Grand Durand Garden Tour, park restoration, support of St. Marks and many others within this historical neighbourhood.

<http://www.durandna.com/>

(d) Education in Heritage Award

Recognizing the efforts of local historians and educators who have played a significant role in educating people on the conservation, restoration and preservation of Hamilton's built heritage or who have trained students in conservation, restoration and preservation best-practices.

- (i) Rob Hamilton
- Former Chair of the Hamilton Historical Board Historian

- (ii) Stephanie ***Dumbreck***

- Founder of Haunted Hamilton (Celebrating 20th Anniversary)
- (iii) Ray Carroll
 - Founder of Vintage Hamilton
 - Historian
- (iv) Barbara Murray
 - Former member of the Hamilton Municipal Heritage Committee
 - President - Local Chapter of the Architectural Conservancy of Ontario
 - Founding Organizer of Doors Open Hamilton
 - Member of The Beach Lighthouse Group and Head of the Lake Society

(e) Making Heritage Accessible Award

Presented to a heritage property owner demonstrating an outstanding contribution to the conservation, restoration and preservation of Hamilton's built heritage by making an inaccessible property accessible to all citizens of Hamilton.

- (i) Provincial Offences Administration Building
 - Former Wentworth County Courthouse
 - 50 Main Street E., Hamilton
 - Circa 1958, re-opened after renovations August 2018
- (ii) Eva Rothwell Centre
 - Former Robert Land Public School
 - 460 Wentworth St. N., Hamilton
 - Circa 1914
 - School Closed in 2004 – Re-opened as the Eva Rothwell Centre in 2006

(f) Sustainable Design in Heritage Award

Presented to a heritage property owner demonstrating an outstanding contribution to the conservation, restoration and preservation of Hamilton's built heritage in a sustainable manner including energy conservation, and through the installation of sustainable features.

- (i) 157 Catharine Street North, Hamilton

- Former Office of McCallum Sather Architects – former Davis Brothers Clothing Factory
- The building owner has worked to incorporate many sustainable features in order to make this this former industrial building more efficient and environmentally responsible, including, but not limited to, solar hot water heating, eco-friendly landscape, energy efficient fixtures, green finishes, providing showers and access to the bike share program for staff, etc.

(g) Adaptive Re-Use of a Heritage Property Award

Presented to a heritage property owner demonstrating an outstanding contribution to the conservation, restoration and preservation of Hamilton's built heritage through the adaptive re-use of a property.

(i) Eva Rothwell Centre

- Former Robert Land Public School
- 460 Wentworth St. N., Hamilton
- Circa 1914
- School Closed in 2004 – Re-opened as the Eva Rothwell Centre in 2006

(h) HMHC Developer of the Year Award

Presented to a heritage property developer demonstrating an outstanding contribution to the conservation, restoration and preservation of Hamilton's built heritage.

(i) Nomination #1

- Developer: James Street Residences Inc.
- Project: William Thomas Student Residences, 48 James St. N., Hamilton

(ii) Nomination #2

- Developer: Valery Homes / Spallacci Homes (Ted Valeri and Rudi Spallacci)
- Project: The Residences of the Royal Connaught, 112 King Street East, Hamilton

(iii) Nomination #3

- Developer: Electric City Developments (Founder and Managing Partner, Meir Dick, Managing Partner Ray Hutton, and team)
- Project: Westinghouse Building, 286 Sanford Avenue North, Hamilton

- (iv) Nomination #4
- Developer: Core Urban Inc. (Steve Kulakowsky, Maureen Sauve, Dave Sauve)
 - Project: The Alley, 12 James Street North, Hamilton

FOR INFORMATION:

(a) CEREMONIAL ACTIVITIES (Item 1)

There were no ceremonial activities.

(b) CHANGES TO THE AGENDA (Item 2)

The Clerk advised the Committee of the following change:

6. DELEGATION REQUESTS

- 6.1 Mark Clem, respecting Item 10.1, Inventory and Research Working Group's recommendations for 45 Amelia Street, Hamilton (for today's meeting)
- 6.2 Bruce Tucker, respecting Item 10.1, Inventory and Research Working Group's recommendations for 23-25 King Street East, Stoney Creek (for today's meeting)

(Ritchie/Dimitry)

That Item 10.1, Inventory and Research Working Meeting Notes of March 25, 2019, be moved up the agenda to follow Item 6.1, Delegation Requests.

CARRIED

(Ritchie/Dimitry)

That the Agenda for the April 18, 2019 Hamilton Municipal Heritage Committee be approved, as amended.

CARRIED

(c) DECLARATIONS OF INTEREST (Item 3)

C. Dimitry declared an interest in Item 10.1., Inventory and Research Working Meeting Notes of March 25, 2019, pertaining to 7 Rolph Street, Dundas, as he conducted an eco-assessment on the property in a former job.

A. Denham-Robinson declared an interest in Item 10.2, Hamilton Municipal Heritage Committee Recognition Awards Update, pertaining to the nomination for Heritage Recognition Property, as she works for an architecture firm involved in the restoration.

K. Stacey declared an interest in Item 10.2, Hamilton Municipal Heritage Committee Recognition Awards Update, pertaining to the nomination of The

Residents of 13 Inglewood Drive, Hamilton, as she works for an architecture firm involved in the restoration.

K. Stacey declared an interest in Item 10.2, Hamilton Municipal Heritage Committee Recognition Awards Update, pertaining to the nomination of the Westinghouse Building, as she is acting as a consultant on the project.

G. Carroll declared an interest in Item 10.2, Hamilton Municipal Heritage Committee Recognition Awards Update, pertaining to the nomination of Ray Carroll, Founder of Vintage Hamilton, as he is involved in the maintenance of the Vintage Hamilton website.

R. Sinclair declared an interest in Item 10.2, Hamilton Municipal Heritage Committee Recognition Awards Update pertaining to the Canadian Headstone Project Team, as he is a member of the Glanbrook Heritage Society.

(d) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)

(i) March 21, 2019 (Item 4.1)

(Arndt/Wallis)

That the Minutes of the March 21, 2019 meeting of the Hamilton Municipal Heritage Committee be approved, as presented.

CARRIED

(e) DELEGATION REQUESTS (Item 6)

(i) Mark Clem, respecting Item 10.1, Inventory and Research Working Group's recommendations for 45 Amelia Street, Hamilton (Added Item 6.1)

(Carroll/Stacey)

That the delegation request from Mark Clem, respecting Item 10.1, Inventory and Research Working Group's recommendations for 45 Amelia Street, Hamilton, be approved, for today's meeting.

CARRIED

(ii) Bruce Tucker, respecting Item 10.1, Inventory and Research Working Group's recommendations for 23-25 King Street East, Stoney Creek (for today's meeting) (Added Item 6.2)

(Sinclair/Arndt)

That the delegation request from Bruce Tucker, respecting Item 10.1, Inventory and Research Working Group's recommendations for 23-25 King Street East, Stoney Creek, be approved, for today's meeting.

CARRIED

(f) CONSENT ITEMS (Item 7)

- (i) **Inventory and Research Working Group Meeting Notes – February 25, 2019 (Item 7.1)**

(Carroll/Arndt)

That the Inventory and Research Working Group Meeting Notes – February 25, 2019, be received.

CARRIED

- (ii) **2019 Heritage Plaquing Call for Submissions: On the Waterfront – Stories from Cootes Paradise to Stoney Creek (Item 7.2)**

Christopher Redford, Heritage Presentation Coordinator, addressed the Committee respecting the 2019 Heritage Plaquing Call for Submissions: On the Waterfront – Stories from Cootes Paradise to Stoney Creek. Committee members were asked to submit nominations through the City's website.

(Carroll/Ritchie)

That the update respecting the 2019 Heritage Plaquing Call for Submissions: On the Waterfront – Stories from Cootes Paradise to Stoney Creek, be received.

CARRIED

- (iii) **Update respecting Designation Plaques for Heritage Properties (Item 7.3)**

Christopher Redford, Heritage Presentation Coordinator, addressed the Committee respecting Designation Plaques for Heritage Properties.

(Carroll/Ritchie)

That the Update respecting Designation Plaques for Heritage Properties, be received.

CARRIED

(g) DELEGATIONS / PUBLIC HEARINGS (Item 8)

- (i) **Mark Clem, respecting Item 10.1, Inventory and Research Working Group's recommendations for 45 Amelia Street, Hamilton (Added Item 8.1)**

Mark Clem addressed the Committee with questions regarding the recommendation made by the Inventory and Research Working Group to include the property on the Register of Non-designated properties of Cultural and Heritage Value or Interest.

(Arndt/Carroll)

That the delegation from Mark Clem, respecting Item 10.1, Inventory and Research Working Group's recommendations for 45 Amelia Street, Hamilton, be received.

CARRIED

For further disposition of this matter, refer to Item 1.

(ii) Bruce Tucker, respecting Item 10.1, Inventory and Research Working Group's recommendations for 23-25 King Street East, Stoney Creek (Added Item 8.2)

Bruce Tucker addressed the Committee with questions regarding the recommendation made by the Inventory and Research Working Group, to include the property on the Register of Non-designated properties of Cultural and Heritage Value or Interest.

(Ritchie/Stacey)

That the delegation from Bruce Tucker, respecting Item 10.1, Inventory and Research Working Group's recommendations for 23-25 King Street East, Stoney Creek.

CARRIED

For further disposition of this matter, refer to Item 1.

A. Denham-Robinson relinquished the Chair to discuss the following items.

(h) DISCUSSION ITEMS (Item 10)

(i) Year-End Report from the Working Groups of the Hamilton Municipal Heritage Committee (Item 10.3)

The Education Working Group presented a draft of a Heritage Word search Puzzle. It is anticipated that the working group will continue with these types of education products for community outreach purposes.

The Heritage Permit Review Sub-Committee also presented their Year-End Report.

(Carroll/Arndt)

That the Year-End Reports from the Education Working Group, and the Heritage Permit Review Sub-Committee, be received.

CARRIED

A. Denham-Robinson assumed the Chair.

(i) GENERAL INFORMATION/OTHER BUSINESS (Item 13)

(i) Buildings and Landscapes (Item 13.1)

(Arndt/Wallis)

That the property located at 265 Mill Street, Dundas, be added to the Buildings and Landscapes of Interest (YELLOW).

CARRIED

(Carroll/Sinclair)

That Item 13.1(a)(x), Dunnington-Grubb Gardens, 1000 Main Street East, be moved to the Buildings and Landscapes of Interest (YELLOW) list.

CARRIED

T. Ritchie was recorded as OPPOSED to the above motion.

(Arndt/Wallis)

That the following updates be received:

(a) Endangered Buildings and Landscapes (RED):

(Red = Properties where there is a perceived immediate threat to heritage resources through: demolition; neglect; vacancy; alterations, and/or, redevelopment)

- (i) Tivoli, 108 James Street North, Hamilton (D) – T. Ritchie

No report.

- (ii) Andrew Sloss House, 372 Butter Road West, Ancaster (D) – M. McGaw

No report.

- (iii) Century Manor, 100 West 5th Street, Hamilton (D) – K. Garay

No report.

- (iv) Beach Canal Lighthouse (D) – M. Pearson

- (v) 18-22 King Street East, Hamilton (R)(NOI) – K. Stacey

K. Stacey advised that a Conservation Plan has been submitted to the City.

- (vi) 24-28 King Street East, Hamilton (R)(NOI) – K. Stacey

K. Stacey advised that a Conservation Plan has been submitted to the City.

- (vii) 1 St. James Place, Hamilton (D) – K. Stacey

Staff reported that a new owner has taken possession of the property.

- (viii) 2 Hatt Street, Dundas (R) – K. Stacey

Staff are reviewing a report on the property which will be going to Council.

- (ix) James Street Baptist Church, 96 James Street South, Hamilton (D) – A. Denham-Robinson

No report.

**(b) Buildings and Landscapes of Interest (YELLOW):
(Yellow = Properties that are undergoing some type of change, such as a change in ownership or use, but are not perceived as being immediately threatened)**

- (i) Delta High School, 1284 Main Street East, Hamilton (D) – D. Beland

No report.

- (ii) St. Giles United Church, 85 Holton Avenue South (L) – D. Beland

No report.

- (iii) 2251 Rymal Road East, Stoney Creek (R) – C. Dimitry

No report.

- (iv) Former Valley City Manufacturing, 64 Hatt Street, Dundas – K. Stacey

No report.

- (v) St. Joseph's Motherhouse, 574 Northcliffe Avenue, Dundas (R) (ND) - K. Stacey

No report.

- (vi) Copley Building, 104 King Street West; 56 York Blvd., and 63-76 MacNab Street North (NOI) – G. Carroll

No report.

- (vii) 1021 Garner Road East, Ancaster (Lampman House) (NOI) – M. McGaw

No report.

- (viii) *Dunnington-Grubb Gardens, 1000 Main Street East (within Gage Park) – D. Beland***

**(c) Heritage Properties Update (GREEN):
(Green = Properties whose status is stable)**

- (i) The Royal Connaught Hotel, 112 King Street East, Hamilton (R) – T. Ritchie

R. Sinclair noted that the building may now be under the Registered Condominium Board, rather than the Development Company. Staff will review the Status of Ownership to work with the appropriate parties towards designation.

- (ii) Auchmar, 88 Fennell Avenue West, Hamilton (D) – K. Garay

No report.

- (iii) Treble Hall, 4-12 John Street North, Hamilton (R) – T. Ritchie

No report.

- (iv) 104 King Street West, Dundas (Former Post Office) – K. Stacey

No report.

- (v) 45 Forest Avenue, Hamilton – G. Carroll

No report.

(d) Heritage Properties Update (black):

(Black = Properties that HMHC have no control over and may be demolished)

- (i) Auchmar Gate House, Claremont Lodge 71 Claremont Drive (R) – K. Garay

No report.

CARRIED

(j) ADJOURNMENT (Item 15)

(Wallis/Arndt)

That, there being no further business, the Hamilton Municipal Heritage Committee, be adjourned at 2:10 p.m.

CARRIED

Respectfully submitted,

Alissa Denham-Robinson, Chair
Hamilton Municipal Heritage Committee

Loren Kolar
Legislative Coordinator
Office of the City Clerk

6.1

Form: Request to Speak to Committee of Council

Submitted on Wednesday, April 24, 2019 - 4:36 pm

==Committee Requested==

Committee: Hamilton Municipal Heritage Committee

==Requestor Information==

Name of Individual: Marc Bader

Name of Organization: Ancaster Severance

Contact Number: (905) 541-2540

Email Address: marcbader.2@gmail.com

Mailing Address:

23 Norma Cres

Ancaster, ON L9G 4V8

Reason(s) for delegation request: To explain to the Heritage Committee the need for the Ancaster High School grounds and school to be declared “of significant historical importance” and therefore be declared a heritage property.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No

Form: Request to Speak to Committee of Council
Submitted on Monday, June 17, 2019 - 10:18 am

==Committee Requested==

Committee: Advisory/Sub-Committee

Name of Sub-Committee: Hamilton Municipal Heritage
Committee

==Requestor Information==

Name of Individual: Susan O'Rourke

Name of Organization:

Contact Number: [REDACTED]

Email Address: [REDACTED]

Mailing Address: [REDACTED]

Reason(s) for delegation request: Designation of Property
at 745 Crooks Hollow Road, Dundas.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No

**MEETING NOTES
INVENTORY AND RESEARCH WORKING GROUP**

**Monday, May 6th, 2019
6:00 pm
Hamilton City Hall, Room 222**

Attendees: Graham Carroll, Jim Charlton, Ann Gillespie, Ron Sinclair, Terri Wallis

Regrets: Wilf Arndt, Alissa Denham Robinson, Brian Kowalewicz, Kathy Wakeman

Staff in attendance: Alissa Golden, David Addington

**WORKING GROUP RECOMMENDS THE FOLLOWING TO THE
HAMILTON MUNICIPAL HERITAGE COMMITTEE:**

n/a

1. FOR THE INFORMATION OF THE COMMITTEE:

(a) DECLARATIONS OF INTEREST -- none.

(b) Previous Meeting (March 25th 2019)

There are no Meeting Notes from the March 25th meeting. Separate recommendations were submitted to HMHC for its April 2019 meeting which took place prior to the May 6th meeting of I/RWG.

(c) Update on Recommendations to HMHC (March 25th 2019)

All recommendations to HMHC were approved and directed to Planning and Economic Development Committee. One recommendation for 23-25 King Street, Stoney Creek was not approved.

d) CULTURAL HERITAGE ASSESSMENTS**i) Ferguson Pumping Station – 231 Ferguson Avenue, Hamilton**

The first draft of the Cultural Heritage Assessment for the Ferguson Avenue Pumping Station, 231 Ferguson Avenue South was reviewed. The working group recommended that equipment within the building be considered for inclusion as heritage features and for staff to further evaluate the merit of this prospect. Subject to receiving a satisfactory response to this consideration, the working group supports the report's recommendation to proceed with the property's designation under Part IV of the Ontario Heritage Act.

ii) Firth Brothers Building – 127- 131 Hughson Street N., Hamilton

A first draft of the Cultural Heritage Assessment for the Firth Brothers Building at 127-131 Hughson Street North was reviewed. This building is currently on the Register as a non-designated property. The owner has expressed interest in adaptively reusing parts of the interior of the building and also in designating the property and has supplied staff with the Cultural Heritage Assessment in support of designation. The working group recommended that the prominent windows facing Hughson Street and the lobby be included as heritage features. Should these elements be included as heritage features, the working group would support the report's recommendation that the property be designated under Part IV of the Ontario Heritage Act.

e) PLACES OF WORSHIP

Alissa Golden provided an update on her review of the Built Heritage Inventory forms and Preliminary Evaluations submitted by I/RWG members for pre-1967 buildings. At this time all wards have a person responsible for completing and submitting the above materials directly to Alissa. She will then contact us individually for the submissions, ultimately leading to final recommendations to I/RWG then HMHC.

f) PLACES OF EDUCATION

May 6th, 2019

The Places of Education Project remains on hold and it is recommended to the incoming HMHC that it be carried forward to its conclusion. Submission of materials for this project should be coordinated directly with Alissa Golden.

g) OTHER BUSINESS --- none

h) NEXT MEETING

This is officially the last meeting of this I/RWG with changes in membership taking place with the new HMHC. The current group has offered to be available should staff require input during the transition period.

Meetin Adjourned at 7:15pm.

Ron Sinclair

Chair

May 6th, 2019



HMHC Member Orientation Session

June 20, 2019

9.1

Overview

- Cultural Heritage Planning
 - Administration
 - Role of the HMHC
 - ABCs of Cultural Heritage
- Recognizing and Protecting Heritage Properties
 - Inventory, Register, Designation
- Conservation Principles
- Managing Change to Protected Heritage Properties
- Financial Incentives
- Hamilton's Heritage Volumes

Heritage Planning Legislation

- Enabled at the municipal level by:
 - *Ontario Heritage Act*
 - *Planning Act*
 - *Provincial Policy Statement*
- Other applicable legislation includes:
 - *Environmental Assessment Act*
 - *Cemeteries Act*
 - *Greenbelt Act*
 - *Niagara Escarpment Planning and Development Act*
- Provincial and Federal level policy and programs (ex: Parks Canada)

Administration

- **Hamilton Municipal Heritage Committee**
 - 14 members, including 11 citizens and 3 Councillors
 - Sub-committees & Working Groups

- **Planning Staff**
 - Planning and Economic Development Department
 - 2 Cultural Heritage Planners

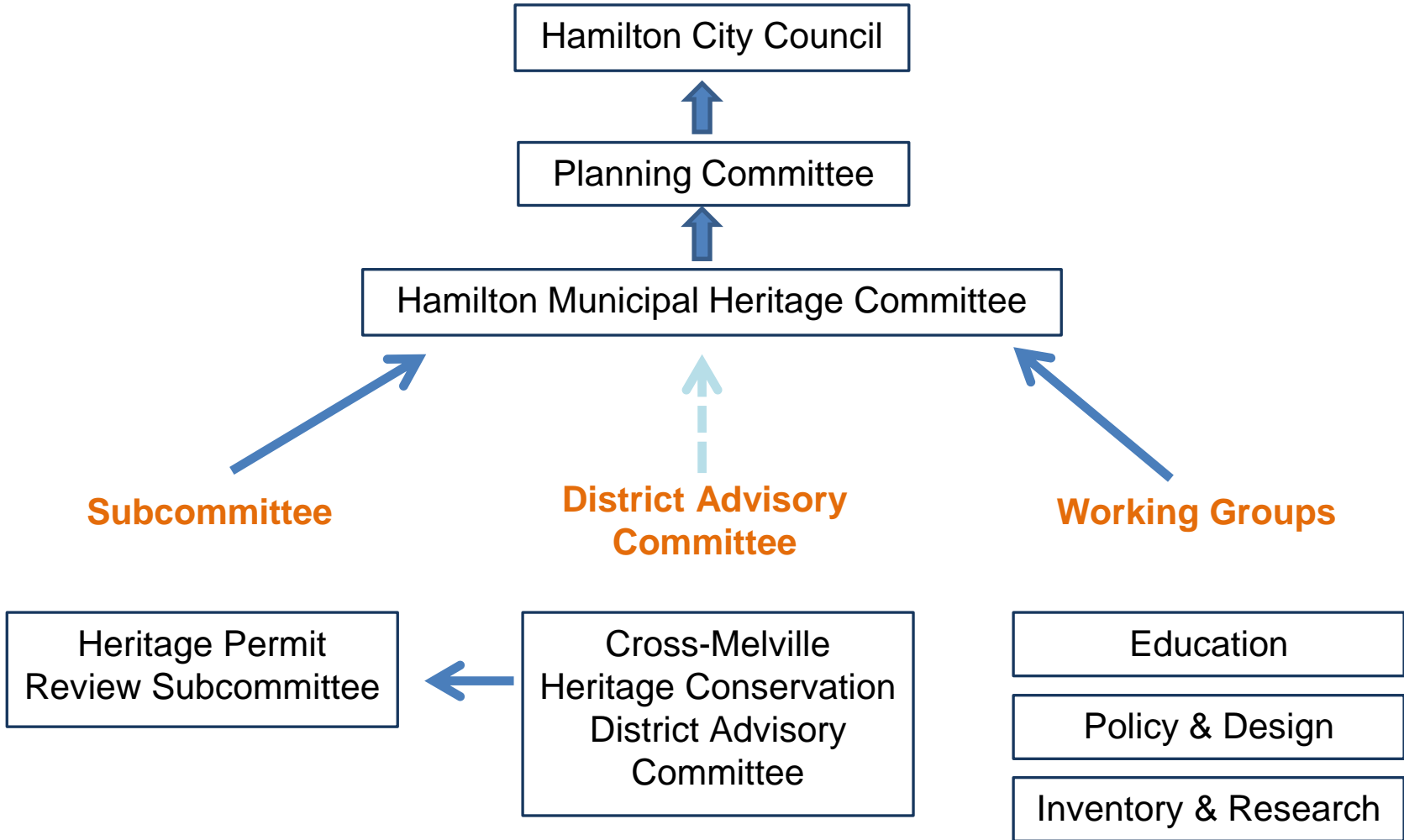
Overview Of Staff

Director of Planning & Chief Planner	Steve Robichaud
Manager of Development Planning Heritage & Design	Anita Fabac
Senior Project Managers	Shannon Mckie(Urban) Yvette Rybensky (Suburban) Trudy Kennedy (Rural)
Cultural Heritage Planners	David Addington Miranda Brunton
Assistant Cultural Heritage Planner	Current: Greg MacPherson
Legislative Coordinator	Loren Kolar

The Role of the Hamilton Municipal Heritage Committee

Mandate of the HMHC (established by By-law no. 06-338):

- To *advise and assist* City staff and Council:
 - On all matters relating to the designation of property, the review of heritage permit applications and other cultural heritage conservation measures under Parts IV and V of the Ontario Heritage Act, R.S.O. 1990, c. 0.1 8, as amended;
 - In the preparation, evaluation and maintenance of a list of properties and areas worthy of conservation;
 - On any other matters relating to the conservation of listed properties or areas of cultural heritage value or interest;
 - On programs and activities to increase public awareness and knowledge of heritage conservation issues; and,
 - To prepare, by the 31st day of January each year, an annual report of the previous year's activities.



The Role of the Heritage Permit Review Subcommittee

The Heritage Permit Review Subcommittee serves to:

Advise the Hamilton Municipal Heritage Committee, Cultural Heritage Planning staff, and the Director of Planning on the consideration of Heritage Permit applications to *alter* properties:

- designated under Part IV of the Ontario Heritage Act; or
- designated under Part V of the Ontario Heritage Act (Heritage Conservation Districts); or
- Municipal Easements.

The Role of the Cross-Melville Heritage Conservation District Advisory Committee

The Cross-Melville Heritage Conservation District Advisory Committee mandate:

- To act as a sounding board for residents within the Cross-Melville Heritage Conservation District to preview and comment on the acceptability of changes proposed within the District, including Heritage Permit applications under Section 42 of the Ontario Heritage Act, through the Hamilton Municipal Heritage Permit Review Sub-committee.

Hamilton Municipal Heritage Committee

Working Groups

- **Policy & Design:** serves to advise on matters primarily under the *Planning Act*, *Environmental Assessment Act* and the *Niagara Escarpment Planning and Development Act*, including the review of Cultural Heritage Impact Assessment reports
- **Inventory & Research:** serves to advise on matters relating to preparation of inventory and research material, including the review of Cultural Heritage Evaluation reports
- **Education:** serves to advise on matters relating to celebration of cultural heritage matters, etc.

ABC's of Cultural Heritage

- **Archaeology:** Artifacts, archaeological sites, and marine sites
- **Built Heritage:** Buildings, structures, monuments, installations or remains
- **Cultural Heritage Landscapes:** Groupings of structures, space, archaeological sites and natural elements

Archaeology

- Archaeology is the systematic study of past humans by the scientific recovery and examination of their material culture;
- Approximately 1,300 Indigenous and Euro-Canadian archaeological sites have been registered or recorded in Hamilton to date;
- Cultural Heritage Planning also addresses areas of archaeological potential.

Archaeology (Cont'd)

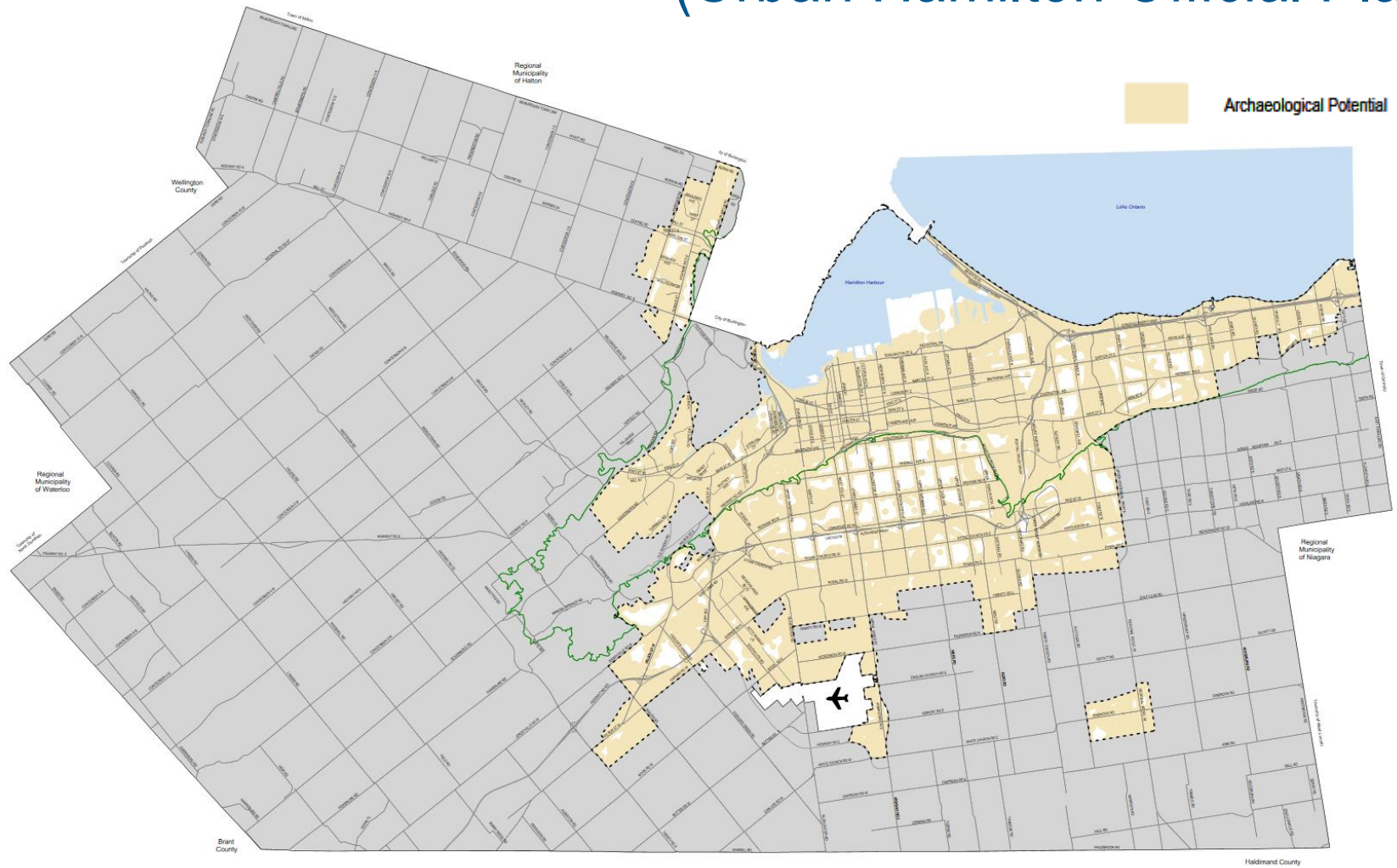
Potential criteria met by proximity to:

- Archaeological sites;
- Water;
- Areas of elevated topography;
- Pockets of sandy soil within area predominated by clay;
- Distinct landforms;
- Areas of resource extraction;
- Areas of pioneer settlement;
- Properties designated under the ***Ontario Heritage Act***;
- Historic transportation corridors; and,
- Sites attributed to local knowledge.

Not subject to both intensive and extensive disturbance.

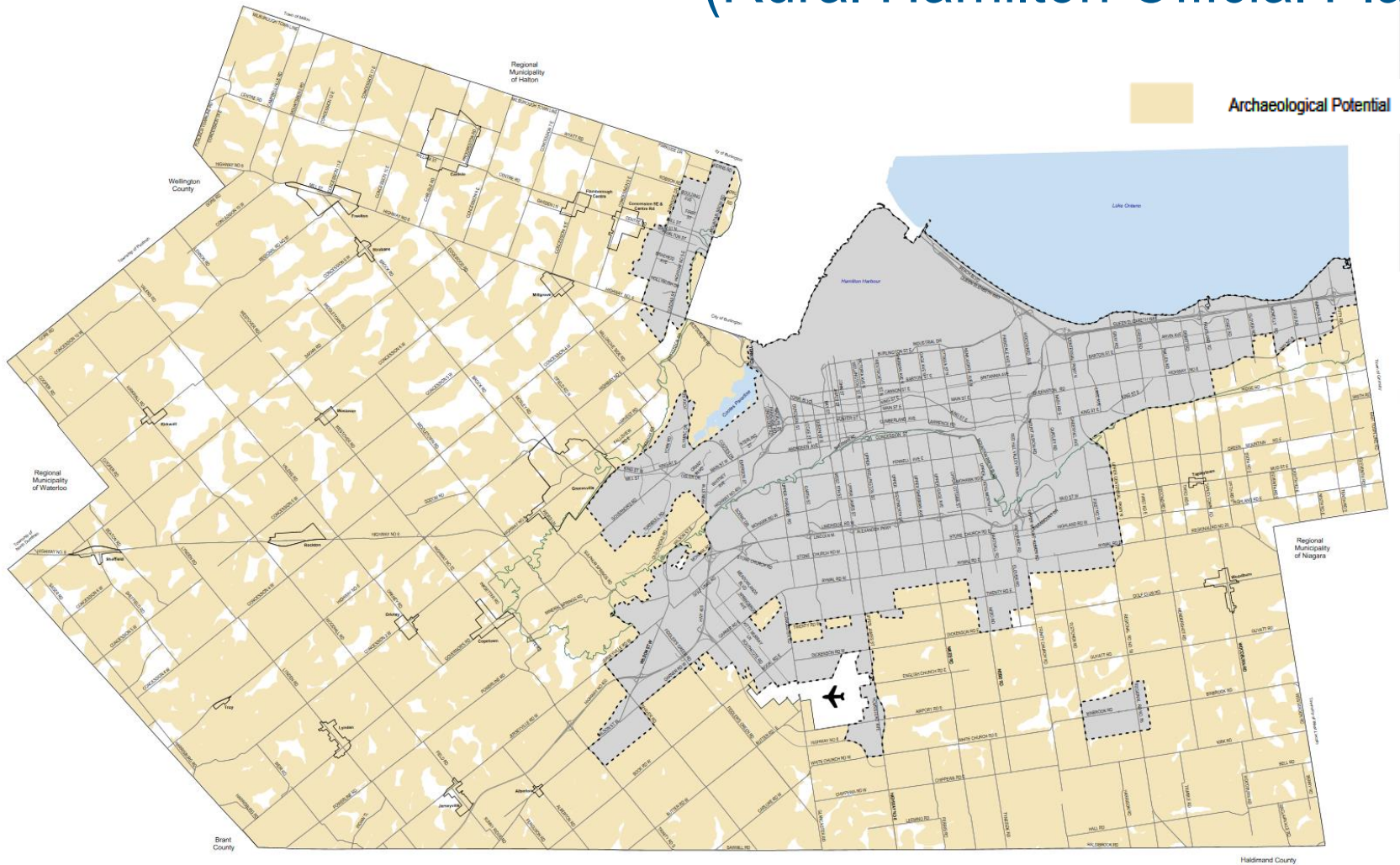
Areas of Archaeological Potential

(Urban Hamilton Official Plan)



Areas of Archaeological Potential

(Rural Hamilton Official Plan)



Built Heritage

- Buildings and structures, either on individual properties or as part of a Cultural Heritage Landscape (e.g. a Heritage Conservation District)



Erland Lee, Former Dundas Town Hall

Cultural Heritage Landscapes

- Geographic area that is valued by a community;
- Common examples: estates, parks, campuses, cemeteries;
- But also: residential areas, industrial complexes, roadscares, farmsteads, villages;
- Often multiple properties.

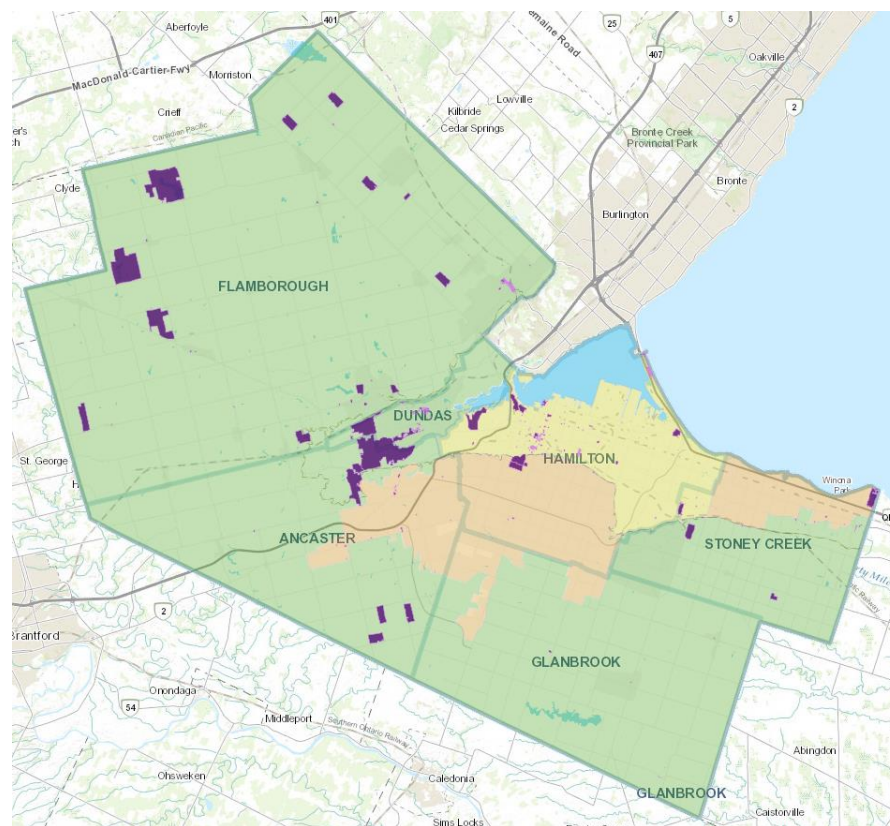
Cultural Heritage Landscapes



Battlefield Park, Stone Terrace, Gore Park

Recognizing and Protecting Heritage Properties

- **Inventory**
- **Register**
- **Designation**
 - Individual properties (Part IV)
 - Districts (Part V)



Inventory

- Inventory of Buildings of Architectural and/or Historical Interest
- Compilation of properties of cultural heritage interest
- Informs staff when reviewing building permit and development planning applications, and the disposition of City-owned properties

Inventory Project Work:

- Downtown Built Heritage Inventory
- Durand Built Heritage Inventory
- Watertown Built Heritage Inventory
- Cultural Heritage Landscape Inventory

Register

Register of Property of Cultural Heritage Value or Interest

- Administrative record keeping device including:
 - Properties designated under the Ontario Heritage Act
 - Non-designated properties identified by Council as being of cultural heritage value or interest

Why are non-designated properties added?

- Promote knowledge of a community's cultural heritage
- Provide easily accessible information for planners, property owners, developers, the tourism industry and the general public
- Help prioritize future designations
- Provide interim protection from demolition

Designation

Purpose of Heritage Designation:

- Recognize the importance of the property to the community;
- Protect the property's heritage value;
- Encourage conservation and stewardship;
- Promote knowledge and understanding of local history and development.

Designation Process (Individual Properties)

- Designation request received
- Preliminary screening and report
- Priority assigned by Council
- Cultural Heritage Assessment report
- HMHC recommendation to Council
- Council decision
- Notice of intent to designate
- Opportunity to object to the Conservation Review Board
- By-law passed and registered on title

Designation Criteria

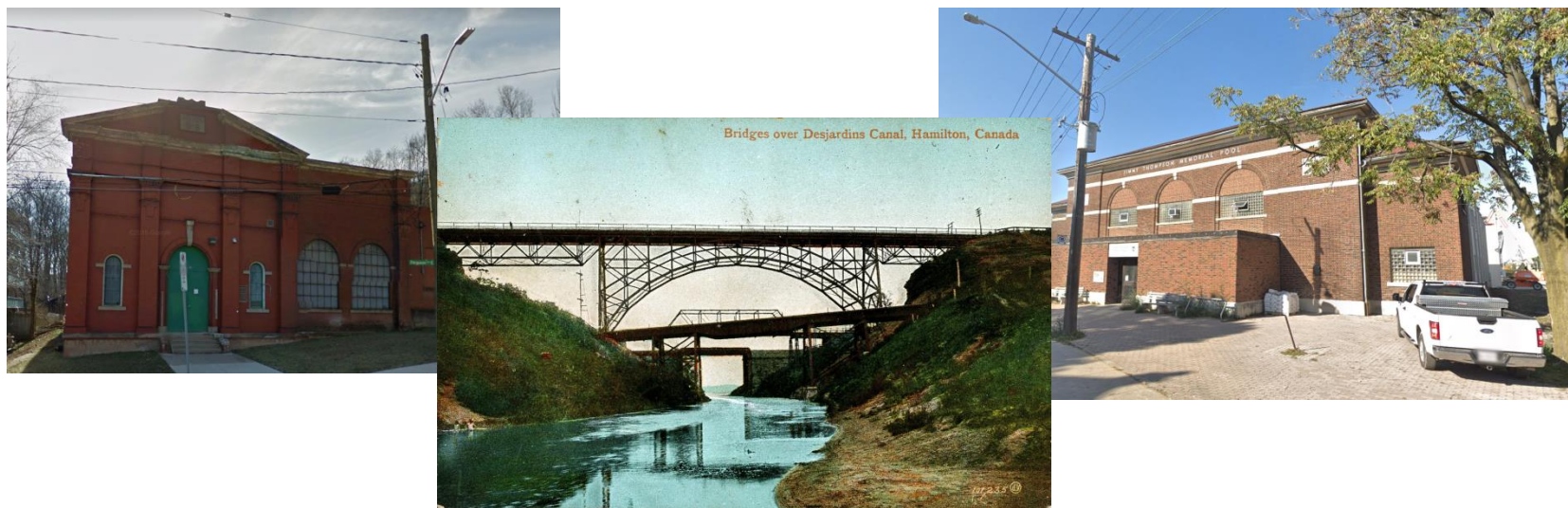
- Heritage Values (Provincial criteria):
 - Design or physical value
 - Historical value
 - Contextual value
- City criteria for evaluation

Designation Priority List

(Staff Work Plan)

2019 examples

- Ferguson Pumping Station, 321 Ferguson Ave S, Hamilton
- Jimmy Thompson Pool, 1099 King Street E, Hamilton
- Desjardins Canal, Dundas



Ferguson Pumping Station, Desjardins Canal, Jimmy Thompson Pool

Heritage Conservation Districts

- An area or grouping of buildings and properties designated collectively under Part V of the *Ontario Heritage Act*
- **District Plan:** set of policies and guidelines to manage change to structures and landscapes in the District
- The City of Hamilton has seven Districts:
 - Cross-Melville HCD (Dundas)
 - Durand-Markland HCD (Hamilton)
 - Hamilton Beach HCD (Hamilton)
 - MacNab-Charles HCD (Hamilton)
 - Mill Street HCD (Flamborough)
 - St. Clair Avenue HCD (Hamilton)
 - St. Clair Boulevard HCD (Hamilton)

Conservation Principles

- **Protect:** free from harm.
- **Preservation:** keeping things as they are.
- **Restoration:** making things the way they were.
- **Conservation:** trying to minimize harmful effects while allowing for change.
- Guided by Provincial, national and international charters and declarations.

Managing Change to Protected Heritage Properties

- Physical changes to designated properties are managed through the **Heritage Permit** process
- Ensure proposed changes do not adversely impact the identified heritage value and attributes
- Typically, Heritage Permits are required when there is any potential impact to the identified heritage value and attributes

Heritage Permits

- Possible effects/impacts:
 - **Displacement**: changes resulting in damage, loss or removal of identified heritage attributes/values
 - **Disruption**: actions resulting in detrimental changes to the setting or character of the designated property

General Rule:

alterations to heritage properties should repair rather than replace original features and should not permanently damage heritage materials or construction measures.

Administration of Heritage Permits

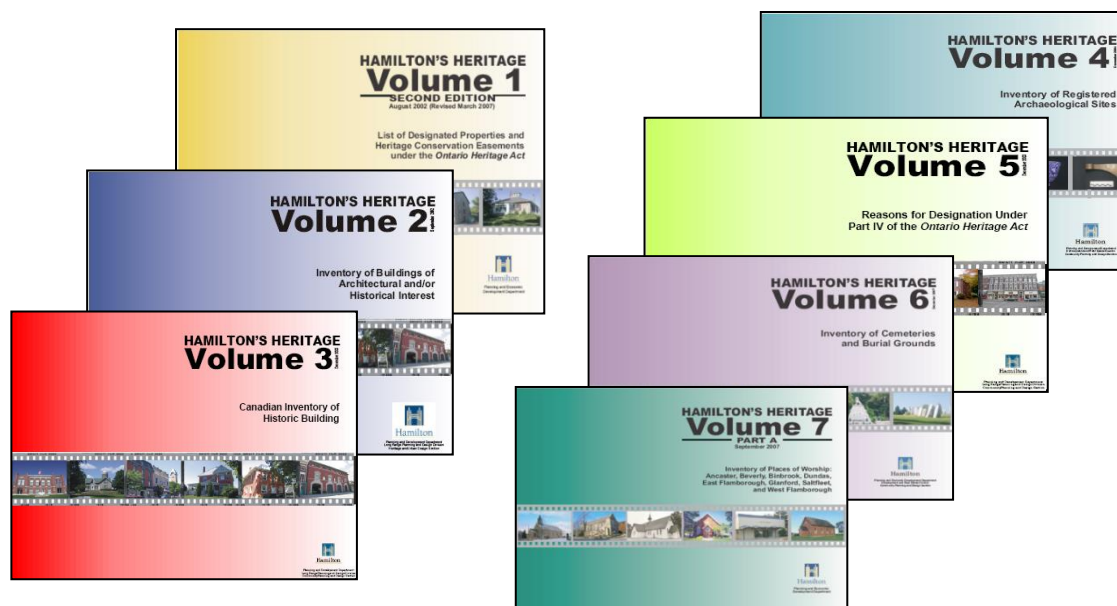
- Decision required in 90 days, but most permits are issued within a month
- Heritage Permit Review Subcommittee of HMHC reviews applications
 - Monthly meetings, work with applicants.
- Alterations are approved by Director of Planning (Delegated authority of Council)
- Council approval required for demolition or erection of independent structures in Districts

Financial Incentives

- **Hamilton Community Heritage Fund (HCHF)**
 - Interest-free loan for up to \$50,000 repayable over 10 years
- **Hamilton Heritage Property Grant Program**
 - Maximum of \$150,000 to assist in developing and re-using heritage designated properties
 - Additional \$20,000 for heritage reports/studies/ assessments
- **Hamilton Heritage Conservation Grant Program**
 - Matching grants between \$1,000 to \$5,000 for the conservation and restoration of heritage properties
- **Hamilton Tax Increment Grant Program**
 - Five-year grant program for the development, redevelopment or renovations of buildings designated under the Ontario Heritage Act
- **100% Development Charge Exemption**
 - For development within the envelope of the heritage property

Hamilton's Heritage Volumes

- Compilation of data from 6 former municipalities
- Available on the City's webpage
- Used by public, other departments, developers, real estate agents, etc.



Thank You

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INFORMATION REPORT

TO:	Chair and Members Hamilton Municipal Heritage Committee
COMMITTEE DATE:	June 20, 2019
SUBJECT/REPORT NO:	Bill 108 – Proposed Changes to the Ontario Heritage Act (PED19140) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Anita Fabac (905) 546-2424 Ext. 1258
SUBMITTED BY:	Stephen Robichaud Director of Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

EXECUTIVE SUMMARY

On May 2, 2019, Bill 108, *More Homes, More Choice Act, 2019*, was introduced at the Ontario Legislature. If enacted, this Bill would make amendments to 13 different statutes. The purpose of this report is to provide information on the changes proposed to be made to the *Ontario Heritage Act*.

Changes to the *Ontario Heritage Act* include a new appeal process to the LPAT for properties recommended for the Municipal Register, a new process for requiring the owner of a property added to the Municipal Register to be notified within 30 days of the property being added to the Municipal Register and opportunities for Council to reconsider decisions when objections have been filed.

The Province has not released information on the regulations required for implementation of Bill 108 and therefore it is not possible to fully understand the implications of the changes proposed by this Bill.

The deadline for comments on Bill 108 was June 1, 2019. As such and given the timing, staff-level comments were submitted to the Province on May 30, 2019 and through a report to Planning Committee on June 4, 2019. In the comments submitted to the Province, Staff indicated they were not supportive of the proposed changes to the *Ontario Heritage Act*.

Commented [WU1]:

The Executive Summary will highlight key issues within the report and provide a high level overview of the subject matter. It is expected that a member of Council will be able to read this section and have a good, general understanding of the report's subject matter and the major issue(s) being presented

If you are providing any alternatives for Committee's consideration, note page number where the alternatives can be found for easy access or indicate Not Applicable

For example: "Alternatives for Consideration - See Page X" or, "Alternatives for Consideration - Not Applicable"

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

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**SUBJECT: Bill 108 – Proposed Changes to the Ontario Heritage Act (PED19140)
(City Wide) - Page 2 of 3**

HISTORICAL BACKGROUND

On May 2, 2019, Bill 108, *More Homes, More Choice Act, 2019*, was introduced in the Legislative Assembly and received first reading. This report serves to provide information on the proposed legislative changes as they relate to Schedule 11 (changes to the *Ontario Heritage Act*).

Commented [WU2]:

The Historical Background Section is intended to provide the reader with the chronology of events and issues leading to the matter being presented to Committee

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

The following is a summary of the proposed changes to the *Ontario Heritage Act*:

- Establishing “prescribed events and principles” that shall be considered when making decisions.
- New timeframes and notice provisions including when a property is added to the Register. Municipalities will need to provide notice within 30 days of a property being added to the Register and property owners will be able to object to their property being included in the Register.
- With respect to Heritage Conservation Districts, Bill 108 will permit demolition or removal only if it would not affect the property’s heritage attributes as listed in the Heritage Conservation District Plan. If the heritage attributes are not specifically listed, the Act does not prohibit demolition or removal.
- Bill 108 will now require that all appeals be heard by the LPAT instead of the Conservation Review Board and has expanded the powers of the LPAT from the power the Conservation Review Board previously had. The power to make a final decision on designating a property has been removed from Council and now rests with the LPAT which will be final and binding.

Commented [WU3]:

In this section address evaluation of data collection, impact assessments, benchmarking including OMBI (Ontario Municipal Benchmarking Initiatives)

Include Performance Measurement/Benchmarking Data, if applicable

Appendix “A” to Report PED19140 contains the detailed analysis of the proposed changes, implications for the City of Hamilton and the staff recommendations that were forwarded to the Province. Staff are not supportive of the proposed changes as they will have an impact on how the City administers the Act and its current processes. The proposed changes in some case will lengthen the process, delaying projects, and will require additional staff resources with added complexity to processes.

Bill 108 makes significant changes to the objections and appeals proceedings for heritage matters. Most of these types of matters currently proceed typically before the Conservation Review Board (“CRB”), with demolition matters proceeding to the LPAT. The CRB considers matters and reports back to municipal councils who have the power of the final decision; the CRB does not issue binding decisions on municipalities.

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**SUBJECT: Bill 108 – Proposed Changes to the Ontario Heritage Act (PED19140)
(City Wide) - Page 3 of 3**

The changes proposed would result in the elimination of the CRB's involvement in municipal heritage objections and appeals and instead those matters would be sent to the LPAT for final determination. The changes would introduce new appeals related to designations and alterations.

Generally speaking, the changes proposed to the *Ontario Heritage Act* collectively result in a more rigid and litigious process for heritage matters. While there are still quite a number of unknowns, what has been drafted so far in the Bill will likely result in an increase in challenges to heritage matters for the City.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Summary of Proposed Changes and Staff Recommendations

Commented [WU4]:

Include a listing of all appendices referenced in your report labelled as follows:

Appendix "A" to Report PED19001 -
Location Map

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Schedule 11 – Changes to the *Ontario Heritage Act*

The following is a summary of the proposed changes to the *Ontario Heritage Act*:

- Establishing “prescribed events and principles” that shall be considered when making decisions.
- New timeframes and notice provisions including when a property is added to the Register. Municipalities will need to provide notice within 30 days of a property being added to the Register and property owners will be able to object to their property being included in the Register.
- With respect to Heritage Conservation Districts, Bill 108 will permit demolition or removal only if it would not affect the property’s heritage attributes as listed in the Heritage Conservation District Plan. If the heritage attributes are not specifically listed, the Act does not prohibit demolition or removal.
- Bill 108 will now require that all appeals be heard by the LPAT instead of the Conservation Review Board and has expanded the powers of the LPAT from the power the Conservation Review Board previously had. The power to make a final decision on designating a property has been removed from Council and now rests with the LPAT which will be final and binding.

The following is a detailed summary of the proposed changes, implications for the City of Hamilton and staff recommendations to the Province. Staff are not supportive of the proposed changes as it will have an impact on how the City administers the Act and its current processes. The proposed changes in some case will lengthen the process, delaying projects, and will require additional staff resources with added complexity to processes. The changes proposed by Bill 108 may result in increased appeals to the LPAT as the addition of properties to the Register can now be appealed to the LPAT.

The *Ontario Heritage Act* is a tool for managing change of heritage resources that balances both public and private interests. The proposed changes to the Act tip the balance away from public interest to the interest of private owners/developers.

	CURRENT ONTARIO HERITAGE ACT REQUIREMENT	PROPOSED CHANGE TO THE ONTARIO HERITAGE ACT	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
Prescribed Principles	N/A	<p>Section 26.0.1</p> <p>The proposed changes would establish “prescribed principles” that shall be considered when making decisions under Part IV or V.</p>	<p>What constitutes a “prescribed principle” has not been provided. Clearer direction of “prescribed principle” is needed and in the absence of these details it is not possible to fully assess the implications of this proposed change.</p> <p>Staff advises the Province to consult with municipalities on the “prescribed principles” and that the regulation should clearly describe what constitutes a “prescribed principle”.</p>
Adding Properties to the Register	N/A	<p>Section 27(5) and (6)</p> <p>The Act now requires notice be given to a property owner within 30 days of a property being added to the Register.</p> <p>The notice is to include a statement explaining why the property is of cultural heritage value or interest, a description of the property, a statement that if the owner objects</p>	<p>Staff currently has a process for adding properties to the Register. Individual properties are not added without a detailed review of the heritage value of the property.</p> <p>In addition, Staff currently provides a notice to an owner prior to the recommendation to add the property to the Register.</p> <p>The proposed changes will require a revision to the City’s process from notifying an owner before</p>

	CURRENT ONTARIO HERITAGE ACT REQUIREMENT	PROPOSED CHANGE TO THE ONTARIO HERITAGE ACT	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
		<p>they may serve the Clerk with a notice of objection setting out the reasons and relevant facts, and an explanation of the restriction concerning demolition or removal.</p>	<p>to after it has been added to the Register.</p> <p>The proposed change will require municipalities to undertake a more robust assessment before adding a property to the Register. There must be a statement explaining why the property is of cultural heritage value or interest. This is currently not required by the Act.</p> <p>These proposed changes will impact the amount of time and cost it takes to add a property to the Register and will result in additional staff resources.</p> <p>This proposed change may have an impact on the heritage inventory work that the City currently undertakes as each property on the inventory will require an assessment of the properties cultural heritage value or interest given that the methodology and subsequent analysis must be robust enough to defend the decision in the event the decision is made to designate the property.</p> <p>The proposed change permits a property owner to object to the property being added to the Register. The proposed change does not identify</p>

	CURRENT ONTARIO HERITAGE ACT REQUIREMENT	PROPOSED CHANGE TO THE ONTARIO HERITAGE ACT	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
			<p>a timeframe for when an owner may serve a notice of objection and is open-ended.</p> <p>Staff advise the Province that a time limit for filing an objection for a property added to the Register with the Clerk be included.</p>
Notice of Objection to adding Property to the Register	N/A	<p>Section 27 (7) and (8)</p> <p>The Act now requires that if a notice of objection has been served, the municipality shall consider the notice and make a decision as to whether it should continue to be included on the Register and provide notice of the council's decision to the owner within 90 days of the decision.</p>	<p>The proposed change would require that Council consider an owners objection and make a decision as to whether it wishes to continue to include the property on the Register.</p> <p>Notice of council's decision must be given to the owner within 90 days of the decision.</p> <p>The proposed change will require a revision to the City's processes and will require additional staff resources to address the additional work and report preparation required.</p>
Restriction on demolition	N/A	<p>Section 27(9), (10) and (11)</p> <p>The owner shall not demolish or remove a building or structure for a property on the Register unless the owner gives Council at least 60 days</p>	<p>This notice would only apply if the property is on the Register before a building permit application to demolish is made. If it is not on the Register, but may have cultural heritage value, notice by the owner is not required.</p>

	CURRENT ONTARIO HERITAGE ACT REQUIREMENT	PROPOSED CHANGE TO THE ONTARIO HERITAGE ACT	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
		<p>notice in writing of the owner's intention. This only applies if the property is on the Register before a building permit application is made.</p>	<p>The notice must also be accompanied by plans and information that Council may require.</p> <p>The Act does not include provisions by which a property owner may withdraw their notice of intent to demolish.</p> <p>This proposed change would limit the City's ability to add a property to the Register after a building permit application has been made in order to provide interim protection.</p> <p>Properties that are listed on the Inventory are afforded no protection and cannot be added to the Register to provide interim protection. Heritage resources will be lost because of this proposed change.</p> <p>Where previous research on a property has not been done, this puts the City in a difficult position which may result in proceeding directly to designating a property.</p> <p>Staff requests the Province to remove the requirement that the property be on the Register before the building permit</p>

	CURRENT ONTARIO HERITAGE ACT REQUIREMENT	PROPOSED CHANGE TO THE ONTARIO HERITAGE ACT	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
			application is made.
Designation Limitation	N/A	<p>Section 29(1.2)</p> <p>A new section has been added to the Act that proposes that Council will not be permitted to give notice of an intention to designate a property more than 90 days after a "prescribed event" has occurred.</p> <p>There are currently no limitations on when a Council may provide notice of an intention to designate.</p>	<p>The new section now includes a limitation as to how much time a Council has to give notice for an intention to designate a property after a "prescribed event" has occurred. Under the current Act, Council is not restricted.</p> <p>The new section does not describe what constitutes a "prescribed event" nor were regulations provided for clarification. As such, in the absence of details it is not possible to fully assess the implications of this proposed change.</p> <p>Staff advise the Province that there should be no limitations as to when Council may provide notice of an intention to designate.</p> <p>Should the Province proceed with including this requirement, the Province should consult with municipalities on the "prescribed event" and the regulation should clearly describe what constitutes a "prescribed event" prior to proceeding with these proposed changes to the Act.</p>

	CURRENT ONTARIO HERITAGE ACT REQUIREMENT	PROPOSED CHANGE TO THE ONTARIO HERITAGE ACT	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
Objection to Designation	<p>Subsections 29(6) to (17) currently outline the process for notice of objections to a designation and that objections would be referred to the Conservation Review Board (CRB). A person who objects currently has 30 days after the publication of the notice in the newspaper to serve the Clerk with a notice of objection. Previously, an appeal to the CRB was non-binding and resulted in a report to Council setting out its findings and recommendations. Council could then</p>	<p>Subsections 29(6) to (17) have been replaced with new notice requirements for objections.</p> <p>A Council will now be required to consider the objection and make a decision whether or not to withdraw the intention to designate 90 days after the end of the 30 day objection period.</p> <p>If an objection is not served, Council may pass a by-law in the following circumstances:</p> <p>By-law is passed within 120 after the publication of the notice of intention to designate;</p> <p>It must include a statement explain the heritage value or interest and the heritage attributes;</p> <p>Must provide the owner or anyone who objected with a copy of the By-</p>	<p>Additional opportunities have been included for decisions of Council on designating a property to be reconsidered (within 90 days of receiving an objection).</p> <p>Additional timeframes have been included for passing a by-law. If a by-law is not passed within 120 days, Council has the option to restart the process.</p> <p>Power to designate has been removed from Council and transferred to the LPAT. Decisions should be made by Heritage experts such as the Conservation Review Board.</p> <p>The proposed changes will lengthen the process and add to the volume of appeals before the LPAT which may result in delays in decision making.</p> <p>Proposed changes will require modifications to the City's designation process and will require additional staff resources.</p>

	CURRENT ONTARIO HERITAGE ACT REQUIREMENT	PROPOSED CHANGE TO THE ONTARIO HERITAGE ACT	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
	<p>pass a by-law designating the property or withdraw the notice of intention to designate. The decision of Council would be final.</p>	<p>law;</p> <p>Notice must be published in the newspaper of the passing of the by-law; and,</p> <p>The notice must include that the by-law may be appealed within 30 days after the date of publication of the notice.</p> <p>Objections would now be appealed to the LPAT.</p> <p>For an appeal, the record of the decision must be forwarded to the LPAT within 15 days of the notice of appeal.</p>	<p>Staff requests that the Province reinstate referral of objections to the Conservation Review Board for a hearing and report and Council as the final decision making authority on objections to designations.</p>
Powers of the LPAT	N/A	<p>Section 29 (15) and (16)</p> <p>After holding a hearing the LPAT shall dismiss the appeal or allow the appeal in whole or in part.</p> <p>The LPAT may dismiss all or part of an appeal without holding a hearing if</p>	<p>The powers the Conservation Review Board currently has are proposed to be expanded for the LPAT including the ability to dismiss all or part of an appeal.</p> <p>Decisions should be made by heritage experts such as the Conservation Review Board on</p>

	CURRENT ONTARIO HERITAGE ACT REQUIREMENT	PROPOSED CHANGE TO THE ONTARIO HERITAGE ACT	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
		<p>the LPAT is of the opinion that there are no grounds to allow all or part of the appeal or that the appeal is not made in good faith, is frivolous or vexatious or is made only for the purpose of delay, appellant has not provided a written reason in support of the objection, has not paid the fee or has not responded to a request by the LPAT.</p> <p>Before dismissing an appeal, the LPAT shall notify the appellant and give the appellant an opportunity to make representations with respect to the dismissal.</p>	<p>heritage matters. It is also not clear on what basis the LPAT will be making decisions. For planning matters there is the “best planning” equivalency test, but a similar test does not exist for heritage matters before the LPAT.</p> <p>Using the LPAT will lengthen the process and add to the volume of appeals before the LPAT which may result in delays in decision making.</p> <p>Staff requests that the Province reinstate referral of objections to the Conservation Review Board for a hearing and report.</p>
Amending By-laws	Appeals were previously heard by the Conservation Review Board	<p>Section 30.1(7) to (16)</p> <p>The Act proposes a more robust process for objections to an appealing by-law and appeals are to be heard by the LPAT.</p>	<p>Currently the Conservation Review Board hears these matters. Decisions should be made by heritage experts such as the Conservation Review Board.</p>
Repealing By-laws by	Appeals were previously heard by	Section 31(5) to (14)	Using the LPAT will lengthen the process and add to the volume of appeals before the LPAT which

	CURRENT ONTARIO HERITAGE ACT REQUIREMENT	PROPOSED CHANGE TO THE ONTARIO HERITAGE ACT	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
Council	the Conservation Review Board	The Act proposes a more robust process for objections to an appealing by-law and appeals are to be heard by the LPAT. The powers of the LPAT have been expanded.	may result in delays in decision making. Staff requests that the Province reinstate referral of objections to the Conservation Review Board for a hearing and report.
Repeal of by-law by owner	Appeals were previously heard by the Conservation Review Board	Section 32(2) to (18) The Act proposes a more robust process for objections to an appealing by-law and appeals are to be heard by the LPAT. The powers of the LPAT have been expanded.	
Heritage Permits (Alteration of Property)	Appeals were previously heard by the Conservation Review Board	Section 33(2) to (16) The Act now outlines that for a heritage permit application, it must be accompanied with "prescribed" information and material. Appeals will now be heard by the LPAT. The powers of the LPAT have been expanded.	Currently a heritage permit application is to include information as set out by a Council. The proposed change indicates that the Province will identify what information must be included in an application through reference to "prescribed" information. As discussed previously, these matters should continue to be heard by the Conservation Review Board. Staff requests that the Province reinstate

	CURRENT ONTARIO HERITAGE ACT REQUIREMENT	PROPOSED CHANGE TO THE ONTARIO HERITAGE ACT	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
			referral of objections to the Conservation Review Board for a hearing and report.
Heritage Permits (Demolition of Designated Property)	<p>Previously restricted demolition or removal to a building or structure on the property</p> <p>Appeals will continue to be heard by the LPAT</p>	<p>Section 34(1) to (4.4) and 34(3) to (7)</p> <p>The Act now outlines that for a heritage permit application, it must be accompanied with “prescribed” information and material.</p> <p>The Act proposes to permit the demolition or removal whether or not the demolition or removal would affect the property’s heritage attributes set out in the designating by-law.</p> <p>The application for demolition or removal must be deemed complete and the applicant must be informed.</p> <p>The Act now includes revised notice requirements for a Heritage Permit.</p> <p>The powers of the LPAT have been expanded.</p>	<p>Currently a heritage permit application is to include information as set out by a Council. The proposed change indicates that the Province will identify what information must be included in an application through reference to “prescribed” information.</p> <p>Changes to our process will be required as this is a new requirement.</p> <p>Staff advises the Province to consult with municipalities on the “prescribed” information and that the regulation should clearly describe what constitutes “prescribed” information.</p>

	CURRENT ONTARIO HERITAGE ACT REQUIREMENT	PROPOSED CHANGE TO THE ONTARIO HERITAGE ACT	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
Heritage Conservation Districts		<p>Section 39.1.2</p> <p>A new section has been proposed that a Council shall consider the “prescribed principles, if any” when council exercises a decision making authority.</p>	<p>The new section does not describe what constitutes “prescribed principles” nor were regulations provided to provide clarification. Clearer direction of “prescribed principles” is needed.</p> <p>Staff advises the Province to consult with municipalities on the “prescribed principles” and that the regulation should clearly describe what constitutes a “prescribed principle”.</p>
Heritage Conservation Districts		<p>Section 42 (1)</p> <p>A new section has been proposed that requires property heritage attributes to be included in a heritage conservation district plan. These are needed with respect to demolition or removal.</p>	<p>This change is more restrictive and requires specific heritage attributes to be listed for a property in a Heritage Conservation District Plan. Demolition or removal would not be permitted if it would affect the heritage attributes included in the Heritage Conservation District Plan. If the heritage attributes are not listed, demolition or removal is permitted in a Heritage Conservation District.</p> <p>This would impact the City’s existing Heritage Conservation District Plans that do not contain specific heritage attributes for each property and</p>

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			<p>could result in the demolition or removal of properties with the Plan area.</p> <p>There is no transition for existing Plans that may not have been developed in accordance within the proposed changes.</p> <p>Future Heritage Conservation District Plans will require more time and more money to prepare as the proposed change is similar to the detail required to designate a property.</p> <p>Staff requests that the Province delete this regulation to continue to provide protection from demolition of heritage resources in a Heritage Conservation District Plan area.</p>

10.3

Hamilton Municipal Heritage Committee Proposed Meeting Dates for the Remainder of 2019

The Clerk's Office proposes a change in the date and location of the Hamilton Municipal Heritage Committee meetings to Council Chambers, for improved webstreaming and audio quality of the recordings.

Location: Council Chambers

Dates in 2019:

Friday, July 25, 2019 at noon
Friday, August 23, 2019 at noon
Friday, September 20, 2019 at noon
Friday, October 25, 2019 at noon
Friday, November 22, 2019 at noon
Friday, December 20, 2019 at noon

Proposed Change to the Terms of Reference, to change the meeting date for the rest of the 2018-2022 term:

Meeting Schedule: Monthly – ~~3rd Thursday~~
12:00 Noon
Meetings are held at City Hall

HAMILTON MUNICIPAL HERITAGE COMMITTEE

Mandate:

- (a) To advise and assist City staff and Council on all matters relating to the designation of property, the review of heritage permit applications and other cultural heritage conservation measures under Parts IV and V of the Ontario Heritage Act, R.S.O. 1990, c.O.18.
- (b) To advise and assist City staff and Council in the preparation, evaluation and maintenance of a list of properties and areas worthy of conservation.
- (c) To advise and assist City staff and Council on any other matters relating to the conservation of listed properties or areas of cultural heritage value or interest.
- (d) To advise City staff and Council on programs and activities to increase public awareness and knowledge of heritage conservation issues.
- (e) To prepare, by the 31st day of January each year, an annual report of the previous year's activities.
- (f) To participate, where possible, on at least one of the following Working Groups of the Hamilton Municipal Heritage Committee:
 - Inventory and Research (Meets monthly for minimum of 2 hours)
 - Policy and Design (Meets monthly, or as needed, for a minimum of 2 hours)
 - Education and Communication (Meets monthly or as needed, for a minimum of 2 hours)
 - Heritage Permit Review Sub-Committee (Meets monthly for a minimum of 2 hours). Membership includes selected members of HMHC, but is completed through a separate application process
- (g) To participate, where possible in other external groups and/or stakeholder committees.
- (h) To participate, where possible in heritage events and activities, such as the Annual Hamilton Municipal Heritage Recognition Awards.

Composition:

3 members of Council

11 citizens: 1 resident of the former Town of Ancaster
 1 resident of the former Town of Dundas
 1 resident of the former Town of Flamborough
 1 resident of the former Town of Glanbrook
 1 resident of the former Town of Stoney Creek
 4 residents of the former City of Hamilton
 2 citizens at large

**Approved at September 12, 2018 Council
Planning Report 18-013 Item 11**

Duration: To expire with the 2014-2018 term of Council or until such time as successors are appointed.

Reporting to: Planning Committee

Stipend: No

Meeting Schedule: Monthly – 3rd Thursday
12:00 Noon
Meetings are held at City Hall

Contact: Loren Kolar, Legislative Coordinator (x2604)