



## City of Hamilton

# HAMILTON MUNICIPAL HERITAGE COMMITTEE REVISED

**Meeting #:** 20-006

**Date:** October 30, 2020

**Time:** 9:30 a.m.

**Location:** Due to the COVID-19 and the Closure of City Hall - ROOM 264

All electronic meetings can be viewed at:

City of Hamilton's Website:

<https://www.hamilton.ca/council-committee/council-committee-meetings/meetings-and-agendas>

City's Youtube Channel:

<https://www.youtube.com/user/InsideCityofHamilton>

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

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**1. CEREMONIAL ACTIVITIES**

**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. September 17, 2020

**5. COMMUNICATIONS**

5.1. Correspondence from Jack Dennison respecting 1389 Progreton Road, Carlisle (Flamborough)

\*5.2. Correspondence from Gaye Fletcher respecting 2081 Upper James, Mount Hope

Recommendation: Be received and referred to Inventory & Research Working Groups - Recommendations on Various Properties.

- \*5.3. Correspondence from Christina Iudica respecting 7105 Twenty Road East, Hannon, Ontario

Recommendation: Be received and referred to Inventory & Research Working Groups - Recommendations on Various Properties

## 6. DELEGATION REQUESTS

- 6.1. Carol Priamo, Beasley Neighbourhood Association, respecting the Register Beasley Heritage Project (for today's meeting)

- 6.1.a. Register Beasley Heritage Project 2020 Memo

- 6.1.b. Register Beasley Heritage Project: Batch 1 - Recommended Register Listings, October 2020

- 6.1.c. Register Beasley Heritage Project: Batch 1 - Recommended Register Listings, October 2020 Summary

- \*6.2. Graham McNally, respecting 229, 235, 241, 245, and 274 James Street North, Hamilton and their inclusion on the Municipal Heritage Register (for today's meeting)

- \*6.3. Jack Dennison, respecting Designation of 1389 Progreston Road, Carlisle (Flamborough), under Part IV of the Ontario Heritage Act (PED20125(a)) (Ward 15)

- \*6.4. John Ariens, IBI Group, respecting Designation of 1389 Progreston Road, Carlisle (Flamborough), under Part IV of the Ontario Heritage Act (PED20125(a)) (Ward 15)

## 7. CONSENT ITEMS

- 7.1. Education and Communication Working Group Meeting Notes - September 9, 2020

- 7.2. Heritage Permit Applications - Delegated Approvals

- 7.2.a. Heritage Permit Application HP2020-25: Proposed alterations to 76 Mill Street North, Waterdown (Ward 15), a property located within the Mill Street Heritage Conservation District (Bylaw No. 82-81-H)

- 7.2.b. Heritage Permit Application HP2020-026: Proposed Installation of a Pool and Hot Tub at 63 Sydenham Street, Dundas (Ward 13) located within the Cross-Melville Heritage Conservation District (By-law No. 3899-90)

- 7.2.c. Heritage Permit Application HP2020-027: Installation of a Security Camera in the Mortar Joint of the West Elevation Stone Wall at 55 Main Street West, Hamilton (Ward 2) (By-law No. 87-250)

7.2.d. Heritage Permit Application (HP2020-028) – Renewal of Previously-approved Heritage Permit (HP2018-035) for 24-28 King Street East, Hamilton (Ward 2), (By-law No. 18-321)

7.3. Policy and Design Working Group Meeting Notes - July 13, 2020

7.4. Policy and Design Working Group Meeting Notes - August 17, 2020

\*7.5. Inventory and Research Working Groups Meeting Notes - September 28, 2020

## **8. VIRTUAL DELEGATIONS**

## **9. STAFF PRESENTATIONS**

9.1. Built Heritage Inventory Strategy Update (PED20133) (for the information of committee)

## **10. DISCUSSION ITEMS**

10.1. Inventory and Research Working Group - Recommendations on Various Properties

\*10.2. Bill 108, More Homes, More Choice Act, 2019 - Ontario Regulations and Ontario Heritage Act (PED19125(b)) (City Wide)

\*10.3. Designation of 1389 Progreton Road, Carlisle (Flamborough), under Part IV of the Ontario Heritage Act (PED20125(a)) (Ward 15)

## **11. MOTIONS**

## **12. NOTICES OF MOTION**

\*12.1. Notice of Motion respecting Deferral of an Upcoming Report to the Hamilton Municipal Heritage Committee respecting the Ancaster High School Lands

\*12.2. Notice of Motion respecting Amendments to the Register Beasley Heritage Project Batch 1

## **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) – T. Ritchie
- (ii) Andrew Sloss House, 372 Butter Road West, Ancaster (D) – C. Dimitry
- (iii) Century Manor, 100 West 5th Street, Hamilton (D) – G. Carroll
- (iv) 18-22 King Street East, Hamilton (D) – W. Rosart
- (v) 24-28 King Street East, Hamilton (D) – W. Rosart
- (vi) 2 Hatt Street, Dundas (R) – K. Burke
- (vii) James Street Baptist Church, 98 James Street South, Hamilton (D) – J. Brown
- (viii) Long and Bisby Building, 828 Sanatorium Road – G. Carroll
- (ix) 120 Park Street, Hamilton (R) – R. McKee
- (x) 398 Wilson Street East, Ancaster (D) – C. Dimitry
- (xi) Lampman House, 1021 Garner Road East, Ancaster (NOID) – C. Dimitry
- (xii) Cathedral Boys School, 378 Main Street East, Hamilton (R) – T. Ritchie
- (xiii) Firth Brothers Building, 127 Hughson Street North, Hamilton (NOID) – T. Ritchie
- (xiv) Auchmar Gate House, Claremont Lodge 71 Claremont Drive (R) – R. McKee

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) – D. Beland
- (ii) 2251 Rymal Road East, Stoney Creek (R) – B. Janssen
- (iii) Former Valley City Manufacturing, 64 Hatt Street, Dundas (R) – K. Burke
- (iv) St. Joseph's Motherhouse, 574 Northcliffe Avenue, Dundas (ND) – W. Rosart
- (v) Copley Building, 104 King Street West; 56 York Blvd., and 63-76 MacNab Street North (NOI) – G. Carroll
- (vi) Dunington-Grubb Gardens, 1000 Main Street East (within Gage Park) (R) – D. Beland
- (vii) St. Clair Blvd. Conservation District (D) – D. Beland
- (viii) 52 Charlton Avenue West, Hamilton (D) – J. Brown
- (ix) 292 Dundas Street East, Waterdown (R) – L. Lunsted
- (x) Chedoke Estate (Balfour House), 1 Balfour Drive, Hamilton (R) – T. Ritchie
- (xi) Binkley property, 50-54 Sanders Blvd., Hamilton (R) - J. Brown
- (xii) 62 6th Concession East, Flamborough (I) - L. Lunsted
- (xiii) Beach Canal Lighthouse and Cottage (D) – R. McKee
- (xiv) Cannon Knitting Mill, 134 Cannon Street East, Hamilton (R) – T. Ritchie

13.1.c. Heritage Properties Update (GREEN)

(Green = Properties whose status is stable)

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

(ii) Auchmar, 88 Fennell Avenue West, Hamilton (D) – R. McKee

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

(iv) 104 King Street West, Dundas (Former Post Office) (R) – K. Burke

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

(vi) 125 King Street East, Hamilton – T. Ritchie

13.1.d. Heritage Properties Update (BLACK)

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

(i) 80 and 92 Barton Street East (Hanrahan Hotel) – T. Ritchie

\*13.2. Staff Designation Work Plan (as of September 11, 2020)

**14. PRIVATE AND CONFIDENTIAL**

**15. ADJOURNMENT**



## Hamilton

### HAMILTON MUNICIPAL HERITAGE COMMITTEE

MINUTES 20-005

9:30 a.m.

September 17, 2020

Hamilton City Hall

71 Main Street West

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**Present:** A. Denham-Robinson (Chair), D. Beland, J. Brown, K. Burke, G. Carroll, C. Dimitry (Vice-Chair), B. Janssen, L. Lunsted, R. McKee, T. Ritchie and W. Rosart

**Absent with  
Regrets:** Councillor M. Pearson – City Business

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#### THE HAMILTON MUNICIPAL HERITAGE COMMITTEE PRESENTS REPORT 20-005 AND RESPECTFULLY RECOMMENDS:

**1. Recommendation to Designate 110 - 122 King Street East, Hamilton  
(Former Royal Connaught Hotel) under Part IV of the Ontario Heritage Act  
(PED20159) (Ward 2) (Item 9.1)**

**(Janssen/Lunsted)**

- (a) That the designation of 110-122 King Street East, Hamilton (former Royal Connaught Hotel), shown in Appendix “A” to Report PED20159, as a property of cultural heritage value pursuant to the provisions of Part IV of the *Ontario Heritage Act*, be approved;
- (b) That the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix “B” to Report PED20159, be approved; and,
- (c) That the City Clerk be directed to take appropriate action to designate 110-122 King Street East, Hamilton (former Royal Connaught Hotel) under Part IV of the *Ontario Heritage Act*, in accordance with the Notice of Intention to Designate, attached as Appendix “C” to Report PED20159.

**CARRIED**

2. **Designation of 1389 Progreston Road, Carlisle (Flamborough), (Evergreen Farm) under Part IV of the Ontario Heritage Act (PED20125) (Ward 15) (deferred at the August 20, 2020 meeting) (Item 10.1)**

**(Carroll/Brown)**

That the recommendations in Report PED20125 respecting the Designation of 1389 Progreston Road, Carlisle (Flamborough), (Evergreen Farm) under Part IV of the Ontario Heritage Act (PED20125) (Ward 15) be amended as follows:

- (a) That maintenance of the designation of 1389 Progreston Road, Carlisle (Flamborough), (Evergreen Farm) shown in Appendix "A" to Report PED20125, as a property of cultural heritage value pursuant to the provisions of Part IV of the *Ontario s Act*, be approved;
- (b) That the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "B" to Report PED20125, be revised ***to exclude the house, include the stone ruins and revise any reference of the property from the Evergreen Farm to the 'Progreston Woolen Mill'***;
- (c) ***That staff report back to the next Hamilton Municipal Heritage meeting with the necessary materials for the committee to review regarding the Notice of Intention to Designate 1389 Progreston Road, Carlisle (Flamborough); and***
- (d) ***That a commemorative plaque describing the history of the property will be erected by the with input and approval from the HMHC***

**Main Motion As Amended CARRIED**

3. **Education and Communication Working Group Meeting Notes - August 19, 2020 (Item 10.2)**

**(Brown/McKee)**

- (i) Hamilton Municipal Heritage Committee Heritage Recognition Award Nominations 2019-2020 (Item 1)

That the Hamilton Municipal Heritage Committee Heritage Recognition Award Nominations 2019-2020, attached hereto as Appendix "A" to Report 20-005, be approved, as presented.

**CARRIED**



**4. Amendment to the Hamilton Municipal Heritage Committee Terms of Reference (Added Item 11.1)**

**(Denham-Robinson/Burke)**

WHEREAS the current Terms of Reference for the Hamilton Municipal Heritage Committee stipulates the following; and:

**Meeting Schedule:**

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

WHEREAS, scheduling the monthly meetings of the Hamilton Municipal Heritage Committee without the stipulation of a date and time would allow more flexibility.

THEREFORE BE IT RESOLVED:

That the Hamilton Municipal Heritage Committee Terms of Reference be amended to read “a minimum of one meeting per month” under the heading of Meeting Schedule.

**FOR INFORMATION:**

**(a) CHANGES TO THE AGENDA (Item 2)**

The Clerk advised the Committee of the following changes:

**5. COMMUNICATIONS**

- 5.1 Correspondence from Christopher Bell, Property Manager, Property Management Guild Inc., respecting Recommendation to Designate 110-122 King Street East, Hamilton (Former Royal Connaught Hotel) under Part IV of the Ontario Heritage Act (PED20159) (Ward 2)

Recommendation: Be received and referred to Item 9.1, Recommendation to Designate 110-122 King Street East, Hamilton (Former Royal Connaught Hotel) under Part IV of the Ontario Heritage Act (PED20159) (Ward 2), for consideration.

**6. DELEGATION REQUESTS**

- 6.1 Delegation from Lynda Zugec respecting Recommendation to Designate 110 – 122 King Street East, Hamilton (Former Royal Connaught Hotel) under Part IV of the Ontario Heritage Act (PED20159) (Ward 2) (for today's meeting)
- 6.2 Delegation from Trevor Copp respecting Recommendation to Designate 110 – 122 King Street East, Hamilton (Former Royal Connaught Hotel) under Part IV of the Ontario Heritage Act (PED20159) (Ward 2) (for today's meeting)

- 6.3 Delegation from Kristina Schmuttermeier respecting Recommendation to Designate 110 - 122 King Street East, Hamilton (Former Royal Connaught Hotel) under Part IV of the Ontario Heritage Act (PED20159) (Ward 2) (for today's meeting)
- 6.4 Delegation from Beena Narwani respecting Recommendation to Designate 110 – 122 King Street East, Hamilton (Former Royal Connaught Hotel) under Part IV of the Ontario Heritage Act (PED20159) (Ward 2) (for today's meeting)
- 6.5 Delegation from Jack Dennison respecting Designation of 1389 Progreston Road, Carlisle (Flamborough), (Evergreen Farm) under Part IV of the Ontario Heritage Act (PED20125) (Ward 15) (for today's meeting)

**7. CONSENT ITEMS**

- 7.3 Heritage Permit Review Sub-Committee Minutes - August 18, 2020

**12. NOTICES OF MOTION**

- 12.1 Amendment to the Terms of Reference of the Hamilton Municipal Heritage

**(Janssen/Brown)**

That the Agenda for the September 17, 2020 Hamilton Municipal Heritage Committee be approved, as amended.

**CARRIED**

**(b) DECLARATIONS OF INTEREST (Item 3)**

A. Denham-Robinson declared an interest in Item 9.1, Recommendation to Designate 110 - 122 King Street East, Hamilton (Former Royal Connaught Hotel) under Part IV of the Ontario Heritage Act (PED20159) (Ward 2), as they work for the Project Architect of the property.

A. Denham-Robinson declared an interest in Item 10.2, Education and Communication Working Group Meeting Notes of August 19, 2020, as a family member works for the Project Architect of some of the properties that are being nominated for the Heritage Recognition Awards.

**(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)**

**(i) August 20, 2020 (Item 4.1)**

**(Burke/Carroll)**

That the Minutes of the August 20, 2020 meeting of the Hamilton Municipal Heritage Committee were approved, as presented.

**CARRIED**

**(d) COMMUNICATIONS (Item 5)**

**(i) Correspondence from Christopher Bell, Property Manager, Property Management Guild Inc., respecting Recommendation to Designate 110-122 King Street East, Hamilton (Former Royal Connaught Hotel) under Part IV of the Ontario Heritage Act (PED20159) (Ward 2) (Added Item 5.1)**

**(Burke/Carroll)**

That the Correspondence from Christopher Bell, Property Manager, Property Management Guild Inc., be received and referred to Item 9.1, Recommendation to Designate 110-122 King Street East, Hamilton (Former Royal Connaught Hotel) under Part IV of the Ontario Heritage Act (PED20159) (Ward 2), for consideration.

**CARRIED**

**(e) DELEGATION REQUESTS (Item 6)**

**(Brown/McKee)**

That the following Delegation Request be approved for today's meeting:

- (i) Delegation from Lynda Zugec respecting Recommendation to Designate 110 – 122 King Street East, Hamilton (Former Royal Connaught Hotel) under Part IV of the Ontario Heritage Act (PED20159) (Ward 2) (for today's meeting) (Added Item 6.1)
- (ii) Delegation from Trevor Copp respecting Recommendation to Designate 110 – 122 King Street East, Hamilton (Former Royal Connaught Hotel) under Part IV of the Ontario Heritage Act (PED20159) (Ward 2) (Added Item 6.2)
- (iii) Delegation from Kristina Schmuttermeier respecting Recommendation to Designate 110 - 122 King Street East, Hamilton (Former Royal Connaught Hotel) under Part IV of the Ontario Heritage Act (PED20159) (Ward 2) (Added Item 6.3)
- (iv) Delegation from Beena Narwani respecting Recommendation to Designate 110 – 122 King Street East, Hamilton (Former Royal

Connaught Hotel) under Part IV of the Ontario Heritage Act (PED20159)  
(Ward 2) (Added Item 6.4)

- (v) Delegation from Jack Dennison respecting Designation of 1389  
Progreton Road, Carlisle (Flamborough), (Evergreen Farm) under Part IV  
of the Ontario Heritage Act (PED20125) (Ward 15) (Added Item 6.5)

**CARRIED**

**(f) CONSENT ITEMS (Item 7)**

**(Burke/Carroll)**

That the following items be received:

- (i) Heritage Permit Applications - Delegated Approvals (Item 7.1)
  - (a) Heritage Permit Application HP2020-017: Proposed removal of trees from 25 Cross Street Dundas (Ward 13) located within the Cross-Melville Heritage Conservation District (By-law No. 3899-90) (Item 7.1(a))
  - (b) Heritage Permit Application HP2020-019: Proposed construction of a two and a half storey addition at the rear of the existing dwelling at 243 MacNab Street South, Hamilton (Ward 2) (By-law No. 94-184) (Item 7.1(b))
  - (c) Heritage Permit Application HP2020-020: Replacement of the existing steel casement windows with new thermally broken replica windows on each facade of the 1929 building section at 127 Hughson Street North (22 Cannon Street East), Hamilton (Ward 2)(NOID) (Item 7.1(c))
  - (d) Heritage Permit Application HP2020-021: Proposed installation of a non-illuminated sign on the rear stone wall and an illuminated ground sign adjacent to the front yard driveway at 109-111 Charles Street, Hamilton (Ward 2) (By-law No. 90-144) (Item 7.1(d))
  - (e) Heritage Permit Application HP2020-022: Proposed alterations of the Griffin House located at 733 Mineral Springs Road, Ancaster (Ward 12) (By-law No. 90-92) (Item 7.1(e))
  - (f) Heritage Permit Application HP2020-23: Proposed restoration of the main entryway and windows on the primary facade at 50 Mill Street North, Waterdown (Ward 15), located within the Mill Street Heritage Conservation District (By-law No. 82-81-H) (Item 7.1(f))

- (g) Heritage Permit Application HP2020-024: Replacement of the asphalt shingles on the church roof with composite slate tiles at 64 Forest Avenue, Hamilton (Church of the Ascension) (Ward 2) (By-law No. 88-66) (Item 7.1(g))
- (ii) Heritage Permit Review Sub-Committee Minutes - July 21, 2020 (Item 7.2)
- (iii) Heritage Permit Review Sub-Committee Minutes – August 18, 2020 (Added Item 7.3)

**CARRIED**

**(g) DELEGATIONS (Item 8)**

**(Janssen/Burke)**

That the following Delegations were received:

- (i) **Lynda Zugec respecting Recommendation to Designate 110 – 122 King Street East, Hamilton (Former Royal Connaught Hotel) under Part IV of the *Ontario Heritage Act* (PED20159) (Ward 2) (Added Item 8.1)**

Lynda Zugec addressed the Committee respecting their concerns with Recommendation to Designate 110 – 122 King Street East, Hamilton (Former Royal Connaught Hotel) under Part IV of the *Ontario Heritage Act* (PED20159) (Ward 2).

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

- (ii) **Trevor Copp respecting Recommendation to Designate 110 – 122 King Street East, Hamilton (Former Royal Connaught Hotel) under Part IV of the *Ontario Heritage Act* (PED20159) (Ward 2) (Added Item 8.2)**

Trevor Copp addressed the Committee respecting their concerns with Recommendation to Designate 110 – 122 King Street East, Hamilton (Former Royal Connaught Hotel) under Part IV of the *Ontario Heritage Act* (PED20159) (Ward 2).

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

- (iii) **Kristina Schmuttermeier respecting Recommendation to Designate 110 - 122 King Street East, Hamilton (Former Royal Connaught Hotel) under Part IV of the *Ontario Heritage Act* (PED20159) (Ward 2) (Added Item 8.3)**

Kristina Schmuttermeier addressed the Committee respecting their concerns with Recommendation to Designate 110 – 122 King Street East, Hamilton (Former Royal Connaught Hotel) under Part IV of the *Ontario Heritage Act* (PED20159) (Ward 2).

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

- (iv) **Beena Narwani respecting Recommendation to Designate 110 – 122 King Street East, Hamilton (Former Royal Connaught Hotel) under Part IV of the *Ontario Heritage Act* (PED20159) (Ward 2) (Added Item 8.4)**

Beena Narwani addressed the Committee respecting their concerns with Recommendation to Designate 110 – 122 King Street East, Hamilton (Former Royal Connaught Hotel) under Part IV of the *Ontario Heritage Act* (PED20159) (Ward 2).

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

- (v) **Jack Dennison respecting Designation of 1389 Progreston Road, Carlisle (Flamborough), (Evergreen Farm) under Part IV of the *Ontario Heritage Act* (PED20125) (Ward 15) (Added Item 8.5)**

Jack Dennison addressed Committee with new information respecting the Designation of 1389 Progreston Road, Carlisle.

For further disposition of this matter, refer to Item 2.

**CARRIED**

(h) **STAFF PRESENTATION (Item 9)**

- (i) **Recommendation to Designate 110 - 122 King Street East, Hamilton (Former Royal Connaught Hotel) under Part IV of the *Ontario Heritage Act* (PED20159) (Ward 2) (Item 9.1)**

David Addington, Cultural Heritage Planner, addressed the Committee with an overview Recommendation to Designate 110 - 122 King Street East, Hamilton (Former Royal Connaught Hotel) under Part IV of the *Ontario Heritage Act* (PED20159) (Ward 2) with the aid of a PowerPoint Presentation.

**(Ritchie/Burke)**

That the presentation respecting the Recommendation to Designate 110 - 122 King Street East, Hamilton (Former Royal Connaught Hotel) under Part IV of the *Ontario Heritage Act* (PED20159) (Ward 2) be received.

**CARRIED**

**(Ritchie/Burke)**

That Staff be directed to review the submissions by the delegates respecting Report PED20159, Recommendation to Designate 110-122 King Street East, Hamilton (Former Royal Connaught Hotel) under Part IV of the *Ontario Heritage Act* (PED20159) (Ward 2), and report back on the City's ability to provide assistance and support, to the Hamilton Municipal Heritage Committee.

**CARRIED**

**(i) DISCUSSION ITEM (Item 10)**

**(i) Designation of 1389 Progreston Road, Carlisle (Flamborough), (Evergreen Farm) under Part IV of the *Ontario Heritage Act* (PED20125) (Ward 15) (deferred from the August 20, 2020 meeting)**

Miranda Brunton, Cultural Heritage Planner addressed Committee with an overview of Report PED20125 respecting the Designation of 1389 Progreston Road, Carlisle (Flamborough), (Evergreen Farm) under Part IV of the *Ontario Heritage Act* (Ward 15)

**(Carroll/Brown)**

That the recommendations in Report PED20125 respecting the Designation of 1389 Progreston Road, Carlisle (Flamborough), (Evergreen Farm) under Part IV of the *Ontario Heritage Act* (PED20125) (Ward 15) be amended as follows:

- (a) That maintenance of the designation of 1389 Progreston Road, Carlisle (Flamborough), (Evergreen Farm) shown in Appendix "A" to Report PED20125, as a property of cultural heritage value pursuant to the provisions of Part IV of the *Ontario Heritage Act*, be approved;
- (b) That the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "B" to Report PED20125, ***be revised to exclude the house, include the stone ruins and revise any reference of the property from the Evergreen Farm to the 'Progreston Woolen Mill';*** be approved;
- ~~(c) That the City Clerk be directed to take appropriate action to continue with the designation of 1389 Progreston Road, Carlisle (Flamborough) (Evergreen Farm) under Part IV of the *Ontario Heritage Act*, in accordance with the Notice of Intention to Designate, attached as Appendix "D" to Report PED20125;~~
- (c) That staff report back to the next Hamilton Municipal Heritage meeting with the necessary materials for the committee to review regarding the Notice of Intention to Designate 1389 Progreston Road, Carlisle (Flamborough); and**

- (d) *That a commemorative plaque describing the history of the property will be erected by the with input and approval from the HMHC.*

For further disposition on this matter, refer to Item 2.

A. Denham-Robinson relinquished the Chair to speak to the following item.

**(j) NOTICE OF MOTION**

- (i) **Amendment to the Terms of Reference of the Hamilton Municipal Heritage Committee (Added Item 12.1)**

**(Denham-Robinson/Lunsted)**

That the Rules of Order be waived to allow for the introduction of a Motion respecting an Amendment to the Terms of Reference of the Hamilton Municipal Heritage Committee.

**CARRIED**

For further disposition of this matter, refer to Item 4

**(k) GENERAL INFORMATION / OTHER BUSINESS (Item 13)**

- (i) **Buildings and Landscapes (Item 13.1)**

**(McKee/Burke)**

That Auchmar Gate House, Claremont Lodge 71 Claremont Drive be moved from the Heritage Properties Update (black) to the Endangered Buildings and Landscapes List (RED).

**CARRIED**

T. Ritchie requested to be marked as OPPOSED to the above motion.

The following updates were 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
- (ii) Andrew Sloss House, 372 Butter Road West, Ancaster (D) – C. Dimitry
- (iii) Century Manor, 100 West 5th Street, Hamilton (D) – G. Carroll
- (iv) 18-22 King Street East, Hamilton (D) – W. Rosart
- (v) 24-28 King Street East, Hamilton (D) – W. Rosart



- (vi) 2 Hatt Street, Dundas (R) – K. Burke
- (vii) James Street Baptist Church, 98 James Street South, Hamilton (D) – J. Brown
- (viii) Long and Bisby Building, 828 Sanatorium Road – G. Carroll
- (ix) 120 Park Street, Hamilton (R) – R. McKee
- (x) 398 Wilson Street East, Ancaster (D) – C. Dimitry
- (xi) Lampman House, 1021 Garner Road East, Ancaster (NOID) – C. Dimitry
- (xii) Cathedral Boys School, 378 Main Street East, Hamilton (R) – T. Ritchie
- (xiii) Firth Brothers Building, 127 Hughson Street North, Hamilton (NOID) – T. Ritchie
- (xiv) Auchmar Gate House, Claremont Lodge 71 Claremont Drive (R) – R. McKee

**(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
- (ii) 2251 Rymal Road East, Stoney Creek (R) – B. Janssen
- (iii) Former Valley City Manufacturing, 64 Hatt Street, Dundas (R) – K. Burke
- (iv) St. Joseph's Motherhouse, 574 Northcliffe Avenue, Dundas (ND) – W. Rosart
- (v) Copley Building, 104 King Street West; 56 York Blvd., and 63-76 MacNab Street North (NOI) – G. Carroll
- (vi) Dunington-Grubb Gardens, 1000 Main Street East (within Gage Park) (R) – D. Beland
- (vii) St. Clair Blvd. Conservation District (D) – D. Beland
- (viii) 52 Charlton Avenue West, Hamilton (D) – J. Brown

- (ix) 292 Dundas Street East, Waterdown (R) – L. Lunsted
- (x) Chedoke Estate (Balfour House), 1 Balfour Drive, Hamilton (R) – T. Ritchie
- (xi) Binkley property, 50-54 Sanders Blvd., Hamilton (R) - J. Brown
- (xii) 62 6<sup>th</sup> Concession East, Flamborough (I) - L. Lunsted
- (xiii) Beach Canal Lighthouse and Cottage (D) – R. McKee
- (xiv) Cannon Knitting Mill, 134 Cannon Street East, Hamilton (R) – T. Ritchie

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

- (i) The Royal Connaught Hotel, 112 King Street East, Hamilton (R) – T. Ritchie
- (ii) Auchmar, 88 Fennell Avenue West, Hamilton (D) – R. McKee
- (iii) Treble Hall, 4-12 John Street North, Hamilton (R) – T. Ritchie
- (iv) 104 King Street West, Dundas (Former Post Office) (R) – K. Burke
- (v) 45 Forest Avenue, Hamilton – G. Carroll
- (vi) 125 King Street East, Hamilton – T. Ritchie

**(d) Heritage Properties Update (black):**

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

- (i) 80 and 92 Barton Street East (Hanrahan Hotel) – T. Ritchie  
**CARRIED**

**(ii) Staff Designation Work Plan (as of September 11, 2020) (Item 10.2)**

**(McKee/Brown)**

That staff be directed to increase the priority of the Auchmar Gate House, Claremont Lodge, 71 Claremont Drive be included in the next round of consultation assignments for the Staff Designation Work Plan.

**CARRIED**

**(I) ADJOURNMENT (Item 15)**

**(Beland/Burke)**

That there being no further business, the Hamilton Municipal Heritage Committee, adjourned at 1:13 p.m.

**CARRIED**

Respectfully submitted,

Alissa Denham-Robinson, Chair  
Hamilton Municipal Heritage Committee

Loren Kolar  
Legislative Coordinator  
Office of the City Clerk

**Pilon, Janet**

---

**Subject:** 1389 Progreston Rd / The Progreston Mill / Dennison

**From:** Jack Dennison

**Sent:** Saturday, October 10, 2020 10:21 PM

**To:** Pilon, Janet <Janet.Pilon@hamilton.ca>; Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>; Robichaud, Steve <Steve.Robichaud@hamilton.ca>; John Ariens <john.ariens@ibigroup.com>; Partridge, Judi <Judi.Partridge@hamilton.ca>

**Subject:** Re: 1389 Progreston Rd / The Progreston Mill / Dennison

Hamilton City Council

I know you are all "mostly" aware of the circumstances of my property, 1389 Progreston Rd as the chronology is in the Steve / Miranda report.

July 27, 2018 I applied for all the necessary permits and as noted, heritage status was not considered as part of the review in spite of the fact that the property was added as an inventory addition in 1991. Had it been noted, we would have dealt with this issue over 2 years ago.

August 14, 2018; Demolition deficiencies were noted, but the house was tenant occupied and I was not ready to start the build as I was still finishing the build of a Burlington home.

September 2019: Members of the Inventory and Research working group noticed the property for sale and did "preliminary curbside" analysis, as nobody ever contacted me and asked to access the property. They knew that it was listed with a new house to be built and demolition of the existing house had been applied for.

November 1, 2019; a courtesy letter was mailed by regular mail addressed to "the property owner".. this letter was never received by me or otherwise notified even though permit applications were in hand at Hamilton for 14 months, with full contact information, and the owner has been a tax payer for 38 years. It really appears that they did not want to notify me and I would certainly encourage the City of Hamilton to change that police such that Home / Property owners must be notified.

NOID was issued April 23 and sent to both, the Carlisle address and my Burlington address. Why not in November 2019?

I live in and love my Designated Heritage Home but I know that 1389 was unfortunately beyond repair, but the home I had designed to replace it is very much a replica home built to modern building standards and would enhance the area.

With the NOID being issued I had to immediately hire a Heritage Planner, a Heritage engineer, Planner and attorney and we had all our research reports to the City May 8, 2020. I immediately followed up with each member of Council and it has taken until now to have the Hamilton Municipal Heritage Committee "unanimously support" the removal of the home from the proposed designation.

There was no log cabin in the expanded home, no arched windows, no decorative bargeboard, and more importantly it was never a farm, 10 acres is too small - at best it was an industrial site.

We finally got notice that the issue would go to the August Heritage Meeting, which had never been suggested prior. Why if that was to be the chosen route could it have not gone to the July HMHC meeting?

So now it is proposed to send it to the Hamilton Municipal Heritage Committee and the October 15 meeting has been cancelled and moved to October 30 with Planning and Council November 3 rd and 11 th respectively.

Hamilton Municipal Heritage Committee "unanimously" supported removal of the house from the proposed designation. Please support re-issuing the demolition and building permits at this Council meeting October 14, 2020 and we can iron out the Heritage Designation including the ruins at the now October 30 Heritage meeting.

I was told I had to submit new building and demolition permit applications which I did Sunday October 4, in hopes that I can get back my permits right after Council next week.

PLEASE! This has been an unbelievably frustrating process and I have lost the preferred spring, summer and fall building season and I expected to be living in the home by now.

thank you for your time and consideration

jack

October 22 2020

Dear Miranda Brunton

Re your letter of October 01 2020

I am writing to let you know that

I do not want our house and farm

at 2081 Upper James Mount Hope to

be on the list of houses in the City

of Hamiltons Register of Properties of

Cultural Heritage Value. Thank you.

Yours Truly,

Sage Fletcher

C.C. - CLERK - 1ST FLOOR.

CITY OF HAMILTON

<b>OFFICE OF THE CITY CLERK</b>	
OCT 26 2020	
REF'D TO	_____
REF'D TO	_____
REF'D TO	_____
ACTION	_____
	_____

October 27, 2020

Dear Miranda Brunton,

We received your letter dated October 1<sup>st</sup>, 2020 recommending the inclusion of our property located at 7105 Twenty Road East, Hannon, Ontario to be added to the City of Hamilton Registry of Properties of Heritage value. We were given the option to respond to your letter by email.

Upon review of the information that was sent to our attention, we do not agree to include our home in the City of Hamilton's Registry of Properties of Heritage value. We feel that everything old does not have necessary significance. When we purchased our home in 2007, we purchased it for the property and our options at the time were to either renovate the existing home or demolish and build an entirely new home.

We chose to renovate the home that was in disrepair. We found value in the home as it stood and decided to do an entire renovation rather than a restoration. We completely updated the home from wiring, plumbing, reframing, dry walling, heating, flooring and replaced the roof and windows, etc. We gutted the entire inside of the home which no longer includes any of the original materials. We renovated this home conducive to our growing family. We do agree it is an old home that our family has enjoyed and will continue to enjoy.

As time goes on, we feel that our family has outgrown the home for future use. We have been discussing over the last year the option of building something more appropriate to meet the needs of our family as that was our intention to do so from the time of purchase.

My husband and I feel that it is our right to have the option to do as we please to our home. We are hard-working, born and raised proud Hamiltonians, a city we love so much and want to see flourish. We know you will appreciate our views and decision in not wanting to include our home in the City of Hamilton's Registry of Properties of Heritage value.

Kind regards,

Christina Iudica and family

**Form: Request to Speak to Committee of Council**

Submitted on Thursday, October 8, 2020 - 10:29am

**==Committee Requested==**

**Committee:** Hamilton Municipal Heritage Committee

**==Requestor Information==**

**Name of Individual:** Carol Priamo

**Name of Organization:** Beasley Neighbourhood Association

**Contact Number:** [REDACTED]

**Email Address:** [REDACTED]

**Mailing Address:**

[REDACTED]

**Reason(s) for delegation request:** To present and recommend to the HMHC seventy-two heritage properties on James Street North as surveyed and evaluated by the BNA project co-ordinator, Carol Priamo, in consultation with Tourism and Culture staff. The property list has already been presented to the Inventory and Research Working Group on September 28, 2020 and approved. Project background, purpose and methodology will be presented and questions on the recommendations taken.

**Will you be requesting funds from the City? No**

**Will you be submitting a formal presentation? Yes**





**Re: REGISTER BEASLEY HERITAGE PROJECT (2020)**  
**To: The Hamilton Municipal Heritage Committee**  
**From: Carol Priamo, Project Director, Beasley Neighbourhood Association**  
**Date: October 21, 2020**

## **RECOMMENDATION**

That HMHC advise Council to list the properties of cultural heritage value or interest on James Street North located in the James Street North cultural heritage landscape and the historic neighbourhoods of Beasley and Central, as identified in the attached list titled *Batch 1 – James Street North*, on the Municipal Heritage Register.

## **BACKGROUND**

This project was developed in response to the following events:

- the introduction of Bill 108 by the provincial government with changes to the Ontario Heritage Act to be implemented from January 2021 which would add conditions to the 'listing' of buildings of heritage interest.
- the demolition of the Brandon House in Ancaster, resulting in Council listing approximately 40 buildings on Wilson Street in the village core.

These factors made it increasingly apparent that as a community we could take this essential first step in obtaining a degree of protection for our unlisted heritage properties through the City's established process of survey, documentation, review and assessment, known as the Built Heritage Inventory Process ([www.hamilton.ca/heritageinventory](http://www.hamilton.ca/heritageinventory)).

With my professional experience in heritage conservation planning and inventory work with municipal and provincial governments and as Heritage Board member for the Beasley Neighbourhood Association, I saw an opportunity to assist the City by continuing the work of the Downtown Built Heritage Inventory that was completed in 2014.

The "**Register Hamilton Heritage Project**" was introduced at the ACO June 2020 meeting. Two separate projects evolved - The "Register Beasley Heritage" project

headed by me and the “Register Ancaster Heritage” project taken on by representatives of the Ancaster Village Heritage Community group.

I then presented the “**Register Beasley Heritage Project**” to the Beasley Neighbourhood Association at the June 10, 2020 meeting where it was unanimously approved. A descriptive summary of the project has been posted on their website at [www.ourbna.com](http://www.ourbna.com) and on their Facebook page.

- The project officially began on July 1<sup>st</sup> with volunteer training conducted by myself, Laurie Brady (Ancaster) and Alissa Golden (City); I developed a Volunteer Package containing project information on the ‘listing’ process, photography guidelines, a letter of authorization, sample Inventory Forms, the Beasley Historical Context Statement, and the University of Waterloo’s Manual of Architectural Styles.
- I then contacted Councillor Jason Farr (Ward 2) informing him of the community-led Register Heritage project for Beasley; he endorsed the project with enthusiasm and his full support.
- Councillor Farr, the ACO and the BNA receive detailed monthly updates of the project’s progress.

## **PURPOSE and SCOPE**

The area of Beasley Neighbourhood south of Cannon was included in the 2014 Downtown Built Heritage Inventory undertaken by the City of Hamilton, which resulted in ~75% of all properties in the study area being listed on the Register to give them interim 60-day protection from demolition. Properties in ‘Beasley North’ from Cannon to Murray and from James to Wellington had no heritage protection, and therefore no process to flag these properties when demolition or redevelopment is proposed.

**The purpose of this project is to inventory and recommend to the Register many of Beasley’s important heritage properties.**

To recommend buildings of heritage significance to the Register, we needed to work closely with the City using its Inventory process and tools in exactly the same manner as the previous City-led Inventory of Downtown and Durand. This would entail survey, documentation, architectural description, evaluation by volunteers before City staff review and presentation to the Inventory and Research Working Group, the Hamilton Municipal Heritage Committee before proceeding to the Planning Committee and Council for final approval.

## **SCHEDULE**

Initially, I planned a six-month time frame from July 1<sup>st</sup> – December 31<sup>st</sup>, 2020 in order to have the properties listed before the scheduled changes to the *Ontario Heritage Act* (Jan 1<sup>st</sup>, 2020). I soon realized that this was not possible given the City's review process but retained the same schedule for the Inventory sending each batch to City staff as it was completed.

## **METHODOLOGY**

Each property is inventoried, documented and evaluated using the City's Inventory and Evaluation Forms and photographed by professional volunteer photographers. Properties that are recommended will go through the City's review process including Tourism and Culture staff, Alissa Golden, the Cultural Heritage Planners, the Inventory and Research Working Group and the Hamilton Municipal Heritage Committee. Recommendations will be presented to Council for approval to be added to the Register.

The initial intention was to use this community-led project as a pilot for future inventories in other parts of the City. To this end, the twenty Ancaster volunteers, three Beasley volunteers and the project coordinators received training and direction in the City's Inventory process by Alissa Golden, Heritage Projects Specialist, Tourism and Culture, responsible for previous and current Inventories undertaken by the City.

Beasley volunteers have been given specific roles in the inventory suited to their knowledge and experience. Only two volunteers (myself included) are able to name and describe the architectural styles and features as well as completing the Evaluations. Other volunteers fill in other survey details on the Inventory Form. Three experienced photographers have documented each property with the necessary views. The project area was divided into batches and each batch completed before sending recommendations to the City, the Committees and to Council.

The recommending of properties to be added to the Register generally followed the 2014 City Inventory and the Durand Neighbourhood Inventory of 2019 criteria including listing all buildings one hundred years and older that have survived compromising alterations or could be restored to a close to original appearance and that are integral to maintaining the character of the historical streetscape. These were the main criteria for most of the properties but others met the criteria of historical and design value as well.

## **JAMES STREET NORTH**

At the recommendation of City staff, I was eager to begin the project with James Street North from Cannon to Murray – both East and West sides although the West side was part of Central Neighbourhood. Both sides needed to be taken as a unit.

This section along with the area of James North from Main to Cannon had been studied for a proposal in the 1980's to designate it as a Heritage Conservation District by City Planning staff. This study as well as other relevant documents, maps and reports were sent by the City and utilized along with the Beasley Historical Context Report as research for the heritage properties in this area. The LACAC Inventory of the properties on James North from the 1980's was an invaluable resource.

Current photographs taken of every property and completed Inventory and Evaluation forms were forwarded to the City for review in Summer 2020. Documenting and evaluating properties on this historic street proved to be a valuable exercise for the community-led project to successfully undertake the remaining areas in the Beasley Neighbourhood.

I worked solo on all aspects of the James Street North Inventory and photo-documentation with guidance from City staff. I wanted to learn and establish optimum methods for every part of the project to facilitate working with the City and to direct project volunteers' with an efficient and clear process for completing and submitting their work in other areas of the neighbourhood. By the completion of James Street North, the project was running smoothly.

After review by City staff, the first batch of 72 properties on James Street North was presented to the Inventory and Research Working Group at the September 28th meeting. In preparation for the meeting, a package was sent including photos, a list of the properties and my summary description of the project to date. All of the recommended addresses on the list were approved by the Committee after a question and answer period. A motion to make a delegation at the next HMHC meeting was passed.

Letters to property owners were sent by City staff informing them that their property had been recommended for listing on the Municipal Heritage Register and providing information on when the recommendations would be considered at HMHC and how to delegate.

We were informed of the opportunity to bring a delegation to the Hamilton Municipal Heritage Committee to recommend these properties at the October 30<sup>th</sup> meeting. A package was prepared and sent. I understand that staff will be presenting on the City's

Built Heritage Inventory Strategy and process for another item on the October 30<sup>th</sup> HMHC agenda, and I will present a 5-minute PowerPoint as part of this Register Beasley project.

## **PROGRESS**

The process of recommending Beasley heritage properties for inclusion on the Register is being repeated for additional neighbourhood streets. Currently, Hughson and John Streets north of Cannon have been completed and reviewed by the City. Catharine, Mary, and Murray Streets will be to be reviewed in November. We are in the process of working on the remainder of Beasley - Cannon, Robert, Barton, Murray, Elgin, Cathcart and Wellington by the end of the year.

It is with great pride that we see the photographs of these Beasley properties posted on the City's Cultural Heritage Resources Map ([www.map.hamilton.ca/heritagemap](http://www.map.hamilton.ca/heritagemap)) as an important heritage tool for all to use.

Carol Priamo,  
BNA Board, ACO Board

**Register Beasley Heritage Project  
Batch 1 - Recommended Register Listings, October 2020**

<b>Name</b>	<b>Address</b>	<b>Community</b>	<b>Classification</b>
Eager Row	161 JAMES ST N	Hamilton	Significant Built Resource (SBR)
Eager Row	163 JAMES ST N	Hamilton	Significant Built Resource (SBR)
Eager Row	165 JAMES ST N	Hamilton	Significant Built Resource (SBR)
Eager Row	167 169 JAMES ST N	Hamilton	Significant Built Resource (SBR)
	170 174 JAMES ST N	Hamilton	Significant Built Resource (SBR)
	173 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
Orange Hall	175 JAMES ST N	Hamilton	Significant Built Resource (SBR)
Mullen House; Wentworth Cycle Works	176 180 JAMES ST N	Hamilton	Character-Defining Resource (CDR)
Shekter Building	191 JAMES ST N	Hamilton	Character-Defining Resource (CDR)
Former Armoury Hotel; Drake Hotel	193 197 JAMES ST N	Hamilton	Significant Built Resource (SBR)
	199 JAMES ST N	Hamilton	Significant Built Resource (SBR)
John Weir Foote VC Armoury	200 JAMES ST N	Hamilton	Significant Built Resource (SBR)
	201 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
Former Wright's Hardware	203 205 JAMES ST N	Hamilton	Character-Defining Resource (CDR)
	207 211 JAMES ST N	Hamilton	Significant Built Resource (SBR)
Former St. Michael's Hall; Central Hall	213 JAMES ST N	Hamilton	Significant Built Resource (SBR)
Former Union Hall	224 JAMES ST N	Hamilton	Character-Defining Resource (CDR)
	225 227 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
Sansone Apartments	226 228 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	229 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
Walker Apartments	230 234 JAMES ST N	Hamilton	Character-Defining Resource (CDR)
	231 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	233 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	235 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
Littner Apartments	236 JAMES ST N	Hamilton	Character-Defining Resource (CDR)
	237 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	238 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	239 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
Gould's Apartments and Auditorium; Hungarian Hall	240 242 JAMES ST N	Hamilton	Character-Defining Resource (CDR)
	241 JAMES ST N	Hamilton	Character-Defining Resource (CDR)
	243 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
Gould's Apartments	244 246 JAMES ST N	Hamilton	Character-Defining Resource (CDR)
Former Sansone Grocery	245 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	253 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	274 276 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	278 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	280 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	282 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)

**Register Beasley Heritage Project**

**Batch 1 - Recommended Register Listings, October 2020**

<b>Name</b>	<b>Address</b>	<b>Community</b>	<b>Classification</b>
	288 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	290 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	292 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	294 296 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	295 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
Former Weil's Bakery	296 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
Former Sing's Laundry	299 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	300 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	301 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	302 JAMES ST N	Hamilton	Character-Defining Resource (CDR)
Former Molsons Bank; Bank of Montreal	303 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
Former Canadian Imperial Bank of Commerce Building	305 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	306 JAMES ST N	Hamilton	Character-Defining Resource (CDR)
	308 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
Former International Hotel	309 JAMES ST N	Hamilton	Character-Defining Resource (CDR)
	310 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	314 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	316 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	318 320 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	322 324 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
Former Harbour Mission	325 JAMES ST N	Hamilton	Character-Defining Resource (CDR)
	326 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	328 JAMES ST N	Hamilton	Character-Defining Resource (CDR)
	329 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	330 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	331 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	332 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	333 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	334 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	337 JAMES ST N	Hamilton	Character-Defining Resource (CDR)
This Ain't Hollywood; Former Turbina Hotel	341 345 JAMES ST N	Hamilton	Character-Defining Resource (CDR)
	342 JAMES ST N	Hamilton	Character-Defining Resource (CDR)
	344 JAMES ST N	Hamilton	Character-Defining Resource (CDR)
	346 JAMES ST N	Hamilton	Character-Defining Resource (CDR)

Register Beasley Heritage Project  
Batch 1 - Recommended Register Listings, October 2020  
Summary

161 -169 JAMES ST N (c. 1882) - SBR



170 - 174 JAMES ST N (c. 1912) - SBR





173 JAMES ST N (c. 1914) - CSR



175 JAMES ST N (c. 1905) - SBR



176 - 180 JAMES ST N (c. 1874) - CDR



191 JAMES ST N (c. 1924) - CDR



193 - 197 JAMES ST N (c. 1887) - SBR



199 JAMES ST N (c. 1887) - SBR



200 JAMES ST N (c. 1887) - SBR



201 JAMES ST N (c. 1924) - CSR



203 - 205 JAMES ST N (c. 1913) - CDR



207 - 211 JAMES ST N (c. 1890) - SBR



213 JAMES ST N (c. 1912) - SBR



224 JAMES ST N (c. 1909) - CDR



225 - 227 JAMES ST N (c. 1951) - CSR



226 - 228 JAMES ST N (c. 1920) - CSR



229 JAMES ST N (c. 1877) - CSR



230 - 234 JAMES ST N (c. 1920) - CDR





231 JAMES ST N (c. 1881) - CSR



233 JAMES ST N (c. 1923) - CSR



235 JAMES ST N (c. 1885) - CSR



236 JAMES ST N (c. 1921) - CDR



237 JAMES ST N (c. 1885) - CSR



238 JAMES ST N (c. 1922) - CSR



239 JAMES ST N (c. 1912) - CSR



240 - 242 JAMES ST N (c. 1912) - CDR



241 JAMES ST N (c. 1912) - CDR



243 JAMES ST N (c. 1912) - CSR



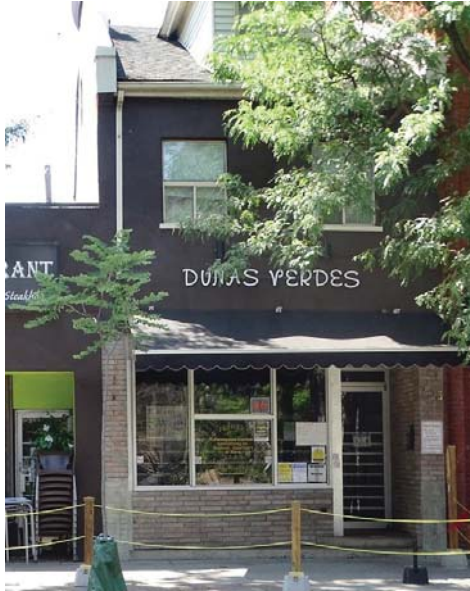
244 - 246 JAMES ST N (c. 1912) - CDR



245 JAMES ST N (c. 1918) - CSR



253 JAMES ST N (c. 1884) - CSR



274 - 276 JAMES ST N (c. 1880) - CSR



278 JAMES ST N (c. 1880) - CSR



280 JAMES ST N (c. 1880) - CSR





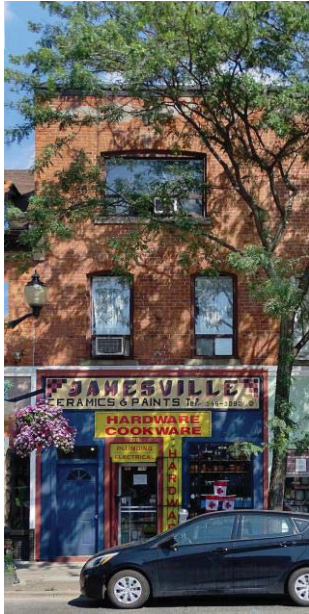
282 JAMES ST N (c. 1880) - CSR



288 JAMES ST N (c. 1881) - CSR



290 JAMES ST N (c. 1881) - CSR



292 JAMES ST N (c. 1912) - CSR



294 - 296 JAMES ST N (c. 1910) - CSR



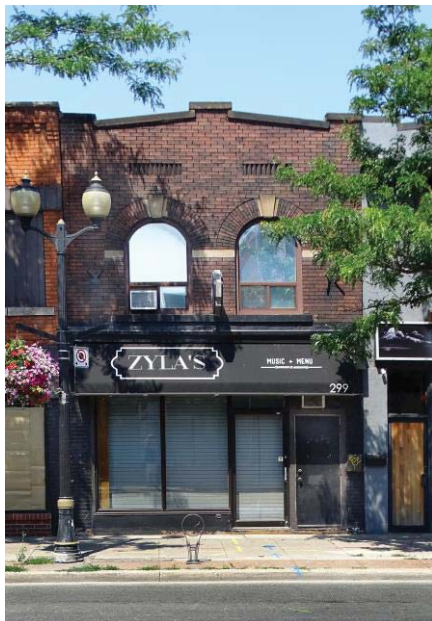
295 JAMES ST N (c. 1905) - CSR



296 JAMES ST N (c. 1911) - CSR



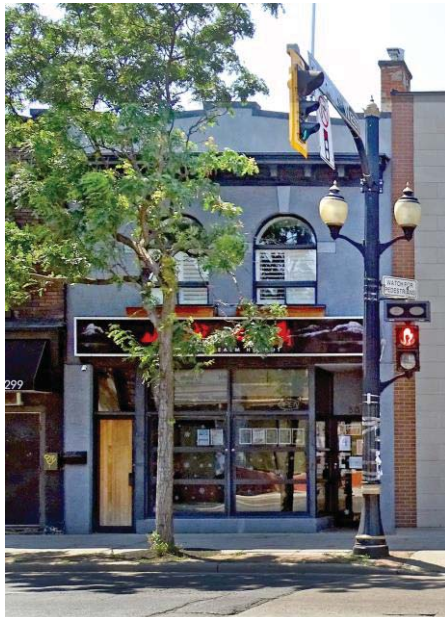
299 JAMES ST N (c. 1907) - CSR



300 JAMES ST N (c. 1928) - CSR



301 JAMES ST N (c. 1907) - CSR



302 JAMES ST N (c. 1911) - CDR



303 JAMES ST N (c. 1905) - CSR



305 JAMES ST N (c. 1963) - CSR



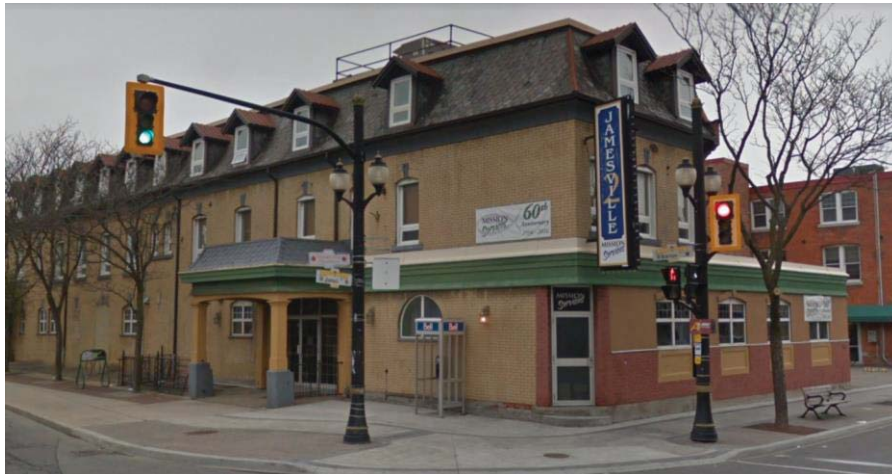
306 JAMES ST N (c. 1850) - CDR



308 JAMES ST N (c. 1900) - CSR



309 JAMES ST N (c. 1900) - CDR





310 JAMES ST N (c. 1900) - CSR



314 JAMES ST N (c. 1900) - CSR



316 JAMES ST N (c. 1900) - CSR



318 - 320 JAMES ST N (c. 1900) - CSR



322 - 324 JAMES ST N (c. 1964) - CSR



325 JAMES ST N (c. 1910) - CDR



326 JAMES ST N (c. 1900) - CSR



328 JAMES ST N (c. 1885) - CDR



329 JAMES ST N (c. 1890) - CSR



330 JAMES ST N (c. 1900) - CSR



331 JAMES ST N (c. 1890) - CSR



332 JAMES ST N (c. 1900) - CSR



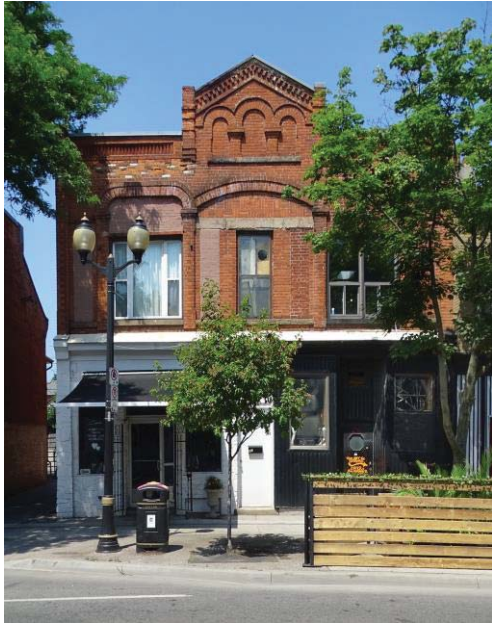
333 JAMES ST N (c. 1890) - CSR



334 JAMES ST N (c. 1900) - CSR



337 JAMES ST N (c. 1910) - CDR



341 - 345 JAMES ST N (c. 1893) - CDR





342 JAMES ST N (c. 1862) - CDR



344 JAMES ST N (c. 1862) - CDR



346 JAMES ST N (c. 1862) - CDR



**From:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)  
**To:** [Vernem, Christine](#); [Kolar, Loren](#)  
**Subject:** FW: Form submission from: Request to Speak to Committee of Council Form  
**Date:** October 22, 2020 3:29:12 PM

---

Submitted on Thursday, October 22, 2020 - 1:43pm Submitted by anonymous user: 108.162.219.239 Submitted values are:

==Committee Requested==

Committee: Hamilton Municipal Heritage Committee

==Requestor Information==

Name of Individual: Graham McNally

Name of Organization: Toms + McNally Design

Contact Number: 2897682211

Email Address: [graham@toms-mcnally.ca](mailto:graham@toms-mcnally.ca)

Mailing Address:

145 King St E

Hamilton, ON

Reason(s) for delegation request:

Speak to listing of 229, 235, 241, 245, and 274 James St N on  
Municipal Heritage Register.

Request to speak at the October 30, 2020 meeting.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No

The results of this submission may be viewed at:

<https://www.hamilton.ca/node/286/submission/454871>

**From:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)  
**To:** [Vernem, Christine](#); [Kolar, Loren](#)  
**Subject:** FW: Form submission from: Request to Speak to Committee of Council Form  
**Date:** October 28, 2020 11:02:01 AM

---

-----Original Message-----

From: no-reply@hamilton.ca <no-reply@hamilton.ca>  
Sent: October 28, 2020 10:33 AM  
To: clerk@hamilton.ca  
Subject: Form submission from: Request to Speak to Committee of Council Form

Submitted on Wednesday, October 28, 2020 - 10:32am Submitted by anonymous user: 108.162.241.179 Submitted values are:

==Committee Requested==  
Committee: Hamilton Municipal Heritage Committee

==Requestor Information==

Name of Individual: jack dennison

Name of Organization:

Contact Number: [REDACTED]

Email Address: [REDACTED]

Mailing Address:

[REDACTED]

Reason(s) for delegation request: owner of 1389 Progreston Rd Carlisle

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No

The results of this submission may be viewed at:  
<https://www.hamilton.ca/node/286/submission/455791>

**From:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)  
**To:** [Vernem, Christine](#); [Kolar, Loren](#)  
**Subject:** FW: Form submission from: Request to Speak to Committee of Council Form  
**Date:** October 28, 2020 11:02:07 AM

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-----Original Message-----

From: no-reply@hamilton.ca <no-reply@hamilton.ca>  
Sent: October 28, 2020 10:47 AM  
To: clerk@hamilton.ca  
Subject: Form submission from: Request to Speak to Committee of Council Form

Submitted on Wednesday, October 28, 2020 - 10:47am Submitted by anonymous user: 162.158.63.227 Submitted values are:

==Committee Requested==

Committee: Hamilton Municipal Heritage Committee

==Requestor Information==

Name of Individual: John Ariens

Name of Organization: IBI Group Hamilton

Contact Number: 905-536-8985

Email Address: john.ariens@ibigroup.com

Mailing Address: 360 James St N, Hamilton

Reason(s) for delegation request: to assist with the revisions to the designation By-law for 1389 Progreston Road

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No

The results of this submission may be viewed at:  
<https://www.hamilton.ca/node/286/submission/455796>

# HMHC Education and Communication Working Group

## Meeting Notes

Wednesday September 9<sup>th</sup>, 2020 (6:00pm)  
City WebEx, Virtual Meeting

**Present:** Alissa Denham-Robinson (Chair), Janice Brown, Robin McKee, Graham Carroll, Kathy Stacey, Tim Ritchie, Chuck Dimitry, David Addington (Heritage Planning Staff – Meeting Host)

**Regrets:**

**Also present:** N/a

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### RECOMMENDATIONS:

N/a

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#### 1. Changes to the Agenda

1. N/a

#### 2. Declaration of Interest

1. A.Denham-Robinson and K.Stacey declared interest regarding award nominations (where noted).

#### 3. Previous Meeting Notes

1. Aug 19<sup>th</sup>, 2020 (Copy attached) – Approved by general consensus, the notes prepared by Chair A.Denham-Robinson.

#### 4. Publications & Print Projects:

##### 1. Word Search Puzzles (Project On-going)

- a. C.Dimitry provided a verbal update. The focus of work has been on the theme of Education.
- b. Puzzles named “Hamilton’s Secondary Schools – Past, Present and Future” and “Hamilton’s Historic McMaster University” has been drafted and circulated to the group for review and comment.
- c. The next puzzle project will focus on “Vanished Hamilton Schools”

##### 2. Heritage Colouring Pages – Volume 2 (Project On-going)

- a. No new update.

## 5. Public Outreach and Events:

### 1. 30<sup>th</sup> Annual Flamborough Heritage Society Book Fair

- a. A.Denham-Robinson provided a verbal update.
- b. The Heritage Society has reached out to gauge interest in HMHC participating in a Virtual Book Fair and Scavenger Hunt which would include social media posts and videos throughout the month of October.
- c. HMHC stated interest and offered printed materials as resources to the Heritage Society.
- d. The Working Group will await further updates from the Heritage Society.

### 2. HMHC Heritage Recognition Awards 2019-20

- a. The Working Group reviewed the list of nominations; property by property to assign responsibilities for write-ups/commentary for award presentations.

### 3. HMHC Heritage Recognition Awards Celebration

- a. Working Group to draft an outline plan for the proposed Awards Recognition Event (Virtual/Social Media) - details still to be confirmed.
  - Date: Heritage Week 2021 (Feb. 15-21).
  - Format: To be confirmed (video, powerpoint, etc.)
  - No. of Categories: 8
  - No. of Awards: 26
  - Available Staff resources: To be confirmed
  - Production: To be confirmed
  - Budget: To be confirmed
  - Period to prepare: October 2020 to January 2021
- b. G.Carroll volunteered to format and compile a draft Power Point slide show as a preliminary script.
- c. Working Group to review options for Static Presentation (i.e. Social Media post, Power Point presentation, etc.) and Active Presentations (i.e. Video, Interview / verbal presentations, Allow property owners to speak, etc.)
- d. Options for promotion of an event could include Culture Dept through Facebook, City's You Tube Channel, Website, Use of Contact List, Local media outlets, etc.
- e. Options for presentation times. The Working Group discussed a few options:
  - Present a category each day of Heritage Week
  - Create a 1 half hour presentation for all awards
  - Option to have an extended version available for those wanting to watch more.
- f. Working Group to coordinate with staff to determine best method to inform

property owners. C.Dimitry offered to draft a letter to property owners.  
G.Carrol to provide a template.

**6. Policy & Administration:**

N/a

**7. New Business:**

1. Plaquing Designated Properties.

- a. R.McKee provided an overview of the information received from City staff including a list of properties since 2010 that have not been plaqued. Christopher Redford to provide an update at a future HMHC meeting. Ed

**8. Next Meeting:** Wednesday October 7<sup>th</sup>, 2020 at 6pm.





Hamilton

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71 Main Street West  
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Canada L8P 4Y5  
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Planning and Economic Development Department  
Planning Division  
71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5  
Phone: 905-546-2424, Ext. 4281  
Fax: 905-540-5611

FILE: HP2020-025

October 2, 2020

Gillian and Kenneth Hill  
76 Mill Street North, P.O. Box 94  
Waterdown, On.  
L0R 2H0

**Re: Heritage Permit Application HP2020-25:  
Proposed alterations to 76 Mill Street North, Waterdown (Ward 15), a  
property located within the Mill Street Heritage Conservation District (By-  
law No. 82-81-H)**

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Please be advised that pursuant to By-law No. 05-364, as amended by By-law No. 07-322, which delegates the power to consent to alterations to designated property under the *Ontario Heritage Act* to the Director of Planning and Chief Planner, Heritage Permit Application HP2020-025 is approved for the designated property at 76 Mill Street North, Waterdown, in accordance with the submitted Heritage Permit Application for the following alterations:

- Recladding of garage with wooden board and batten siding. The new siding will either be stained a shade of blue or grey; and,
- Resurfacing the north driveway with asphalt centre and a 30.48 cm decorative paving stone border on either side of the driveway. The paving stone will be similar in colour to the light red paving stones of the south driveway.

Subject to the following conditions:

- a) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations; and,
- b) Installation of the alterations, in accordance with this approval, shall be completed no later than October 31, 2022. If the alterations are not completed by October 31,

**Re: Heritage Permit Application HP2020-23:  
Proposed alterations to 76 Mill Street North,  
Waterdown (Ward 15), a property located within the  
Mill Street Heritage Conservation District (By-law No.  
82-81-H)**

**October 2, 2020  
Page 2 of 2**

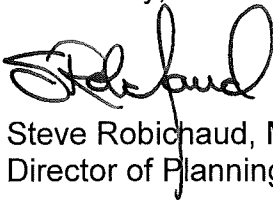
2022, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

Please note that this property is designated under Part V of the *Ontario Heritage Act*, and that this permit is only for the above-noted alterations. Any departure from the approved plans and specifications is prohibited, and could result in penalties, as provided for by the *Ontario Heritage Act*. The terms and conditions of this approval may be appealed to the Local Planning Appeal Tribunal within 30 days of your receipt of this permit.

The issuance of this permit under the *Ontario Heritage Act* is not a waiver of any of the provisions of any By-law of the City of Hamilton, the requirements of the *Building Code Act*, the *Planning Act*, or any other applicable legislation.

We wish you success with your project, and if you have any further questions please feel free to contact Miranda Brunton, Cultural Heritage Planner, at 905-546-2424 ext. 1202 or via email at [Miranda.Brunton@hamilton.ca](mailto:Miranda.Brunton@hamilton.ca).

Yours truly,



Steve Robichaud, MCIP RPP  
Director of Planning and Chief Planner

cc: Miranda Brunton, Cultural Heritage Planner  
Chantal Costa, Plan Examination Secretary  
John Lane, Manager, Building Inspections  
Tamara Reid, Supervisor-Operations and Enforcement  
Loren Kolar, Legislative Coordinator  
Christine Vernem, Legislative Secretary  
Councillor Partridge, Ward 15



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Phone: 905-546-2424, Ext. 4281  
Fax: 905-540-5611

FILE: HP2020-026

October 2, 2020

Paul Johnston and Lisa Lyons Johnston  
63 Sydenham Street  
Dundas, Ontario  
L9H 2V1

**Re: Heritage Permit Application HP2020-026:  
Proposed installation of a pool and hot tub at 63 Sydenham Street, Dundas  
(Ward 13) located within the Cross-Melville Heritage Conservation District  
(By-law No. 3899-90)**

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Please be advised that pursuant to By-law No. 05-364, as amended by By-law No. 07-322, which delegates the power to consent to alterations to designated property under the *Ontario Heritage Act* to the Director of Planning and Chief Planner, Heritage Permit Application HP2020-026 is approved for the designated property at 63 Sydenham Street, Dundas, in accordance with the submitted Heritage Permit Application for the following alterations:

- Installation of new pool and hot tub, as well as fencing and associated landscaping to facilitate the pool installation.

Subject to the following conditions:

- a) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations; and,
- b) Installation of the alterations, in accordance with this approval, shall be completed no later than October 31, 2022. If the alterations are not completed by October 31, 2022, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

**Re: Heritage Permit Application HP2020-018:  
Proposed installation of a new pool and hot tub at 63  
Sydenham Street, Dundas (Ward 13) located within  
the Cross-Melville Heritage Conservation District (By-  
law No. 3899-90)**

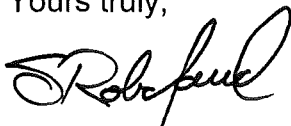
**October 2, 2020  
Page 2 of 2**

Please note that this property is designated under Part V of the *Ontario Heritage Act*, and that this permit is only for the above-noted alterations. Any departure from the approved plans and specifications is prohibited, and could result in penalties, as provided for by the *Ontario Heritage Act*. The terms and conditions of this approval may be appealed to the Local Planning Appeal Tribunal within 30 days of your receipt of this permit.

The issuance of this permit under the *Ontario Heritage Act* is not a waiver of any of the provisions of any By-law of the City of Hamilton, the requirements of the *Building Code Act*, the *Planning Act*, or any other applicable legislation.

We wish you success with your project, and if you have any further questions please feel free to contact Miranda Brunton, Cultural Heritage Planner, at 905-546-2424 ext. 1202, or via email at [Miranda.Brunton@hamilton.ca](mailto:Miranda.Brunton@hamilton.ca).

Yours truly,



Steve Robichaud, MCIP RPP  
Director of Planning and Chief Planner

cc: Miranda Brunton, Cultural Heritage Planner  
Chantal Costa, Plan Examination Secretary  
John Lane, Manager, Building Inspections  
Loren Kolar, Legislative Coordinator  
Christine Vernem, Legislative Secretary  
Tamara Reid, Supervisor-Operations and Enforcement MLE  
Councillor Arlene VanderBeek, Ward 13



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Phone: 905-546-2424, Ext. 1214  
Fax: 905-540-5611

FILE: HP2020-027

September 24, 2020

Mehmood Shah  
485 Pinebush Rd, Suite 202  
Cambridge, ON  
N1T 0A6

**Re: Heritage Permit Application HP2020-027:  
Installation of a security camera in the mortar joint of the west elevation  
stone wall at 55 Main Street West, Hamilton (Ward 2) (By-law No. 87-250)**

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Please be advised that pursuant to By-law No. 05-364, as amended by By-law No. 07-322, which delegates the power to consent to alterations to designated property under the *Ontario Heritage Act* to the Director of Planning and Chief Planner, Heritage Permit Application HP2020-027 is approved for the designated property at 55 Main Street West, Hamilton, in accordance with the submitted Heritage Permit Application for the following alterations:

- Installation of a security camera in the mortar joint of the west elevation stone wall.

Subject to the following conditions:

- a) Any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations;
- b) Implementation of the alterations, in accordance with this approval, shall be completed no later than September 30, 2022. If the alterations are not completed by September 30, 2022, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton; and,
- c) That the applicant provide staff with details of the work to confirm that the camera will be installed in the mortar joint and to verify that this is in the scope of work for the vendor.

**Re: Heritage Permit Application HP2020-027:  
Installation of a security camera in the mortar joint of  
the west elevation stone wall at 55 Main Street West,  
Hamilton (Ward 2) (By-law No. 87-250)**


**September 24, 2020  
Page 2 of 2**

Please note that this property is designated under Part IV of the *Ontario Heritage Act*, and that this permit is only for the above-noted alterations. Any departure from the approved plans and specifications is prohibited, and could result in penalties, as provided for by the *Ontario Heritage Act*. The terms and conditions of this approval may be appealed to the Conservation Review Board within 30 days of your receipt of this permit.

The issuance of this permit under the *Ontario Heritage Act* is not a waiver of any of the provisions of any By-law of the City of Hamilton, the requirements of the *Building Code Act*, the *Planning Act*, or any other applicable legislation.

We wish you success with your project, and if you have any further questions please feel free to contact David Addington, Cultural Heritage Planner, at 905-546-2424 ext.1214, or via email at [David.Addington@hamilton.ca](mailto:David.Addington@hamilton.ca).

Yours truly,

**Anita  
Fabac**  Digitally signed  
by Anita Fabac  
Date: 2020.09.24  
08:51:38 -04'00'

Steve Robichaud, MCIP RPP  
Director of Planning and Chief Planner

cc: David Addington, Cultural Heritage Planner  
Chantal Costa, Plan Examination Secretary  
John Lane, Manager, Building Inspections  
Tamara Reid, Supervisor-Operations and Enforcement MLE  
Loren Kolar, Legislative Coordinator  
Christine Vernem, Legislative Secretary  
Councillor Jason Farr, Ward 2



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Phone: 905-546-2424, Ext. 1214  
Fax: 905-540-5611

**FILE: HP2020-028**

September 25, 2020

Hughson Business Space Corporation  
701 Main Street West Suite 101  
Hamilton, Ontario, L8S 1A2

**Re: Heritage Permit Application (HP2020-028) – Renewal of previously-approved Heritage Permit (HP2018-035) for 24-28 King Street East, Hamilton (Ward 2), (By-law No. 18-321)**

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**Note: This Heritage Permit application is the same as HP2018-035, which was originally approved on September 7, 2018 with condition (e) expiring September 30, 2020. It is being re-issued as HP2020-028 to extend the date for the completion of alterations as the proposed work will not be completed by September 30, 2020.**

Please be advised that pursuant to By-law No. 05-364, as amended by By-law No. 07-322, which delegates the power to consent to alterations to designated property under the *Ontario Heritage Act* to the Director of Planning and Chief Planner, Heritage Permit Application HP2020-028 is approved for the designated property at 24 and 28 King Street East, in accordance with the submitted Heritage Permit Application for the following alterations:

- Retention and restoration of the front portions of 24 and 28 King Street East (approximately half the depth of the site) including:
  - **24 King Street East:** Removal of unsympathetic coatings and application of new rendering where required, new stone lintels and sills and repair of pressed metal cornice; and,
  - **28 King Street East:** Removal of unsympathetic coatings and cleaning of surface, repair pressed metal cornice and projecting horizontal mouldings and replacement of all windows to match original window fenestration.
- Installation of modern storefronts including signage band on buildings including repair and cleaning of original pilasters where remaining; and,

- One-storey addition on top of buildings.

Subject to the following conditions:

- a) That the following conditions with respect to cost estimates and a Letter of Credit shall be satisfied prior to submission of an application for a Building Permit for removal of portions of the building:
  - i. The owner shall provide cost estimates for 100% of the total cost of securing, protecting and stabilizing the retained portions, the cost of monitoring and security for a period of three years and the total cost of restoration and protective enclosure of the retained Designated portions. Such cost estimates shall be in a form satisfactory to the Director of Planning and Chief Planner.
  - ii. The owner shall provide a Letter of Credit to the Director of Planning and Chief Planner for 100% of the total estimated cost as per (i) in a form satisfactory to the City's Finance Department (Development Officer, Budget, Taxation and Policy) to be held by the City as security for securing, protecting, stabilizing, monitoring and restoring the retained portions as required by this Heritage Permit:
    1. The Letter of Credit shall be kept in force, whether or not the ownership of 24 and 28 King Street East changes at any time, until the completion of the required restoration of the retained portions and the erection of a permanent structure to enclose the rear of the retained portions and / or to otherwise attach the retained portions to a new building in conformity with the approved design and requirements.
    2. The Letter of Credit may be reduced in accordance with the City's Letter of Credit Policy.
    3. If the Letter of Credit is about to expire without renewal thereof and any part of securing, protecting, stabilizing, monitoring or restoring the retained portions has not been completed in conformity with their approved designs, the City may draw all of the Letter of Credit funds and hold them as security to guarantee completion unless the City's Finance Department (Development Officer, Budget, Taxation and Policy) is provided with a renewal of the Letter of Credit forthwith.
    4. In the event that the Owner fails to complete, to the satisfaction of the Director of Planning and Chief Planner, the required securing, protecting, stabilizing, monitoring or restoring of the retained portions and the erection of a permanent structure to enclose the rear of the retained portions and / or attach to a new building in conformity with its approved design within the time required, then the City, in addition to any other remedies that the City



may have, may exercise its authority under section 446 of the *Municipal Act* to have its employees, agents or contractors enter 24 and 28 King Street East to complete any one or more of these requirements. The cost of completion of securing, protecting, stabilizing, monitoring or restoring the retained portions shall be paid in full by the Owner from the Letter of Credit. In the event that there is a surplus, the City shall pay the surplus to the Owner upon completion of the requirement(s). In the event that there is a deficit, the City may further exercise its authority under section 446 of the *Municipal Act* including but not limited to adding the deficit to the tax roll and collecting it in the same manner as property taxes.

- b) That a Conservation Plan in accordance with the City's Guidelines for Conservation Plans be submitted to the satisfaction and approval of the Director of Planning and Chief Planner prior to the issuance of any Building Permit for demolition or new construction;
- c) That the leaded glass transoms on the second floor of 28 King Street East, Hamilton be salvaged to the satisfaction of the Director of Planning and Chief Planner prior to the issuance of any Building Permit for demolition or new construction;
- d) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations; and,
- e) That implementation / installation of the alteration(s), in accordance with this approval, shall be completed no later than January 31, 2022. If the alteration(s) are not completed by January 31, 2022, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

Please note that this property is designated under Part IV of the *Ontario Heritage Act*, and that this permit is only for the above-noted alterations. Any departure from the approved plans and specifications is prohibited, and could result in penalties, as provided for by the *Ontario Heritage Act*. The terms and conditions of this approval may be appealed to the Conservation Review Board within 30 days of your receipt of this permit.

The issuance of this permit under the *Ontario Heritage Act* is not a waiver of any of the provisions of any By-law of the City of Hamilton, the requirements of the *Building Code Act*, the *Planning Act*, or any other applicable legislation.

**Re: Heritage Permit Application (HP2020-028) –  
Renewal of previously-approved Heritage Permit  
(HP2018-035) for 24-28 King Street East,  
Hamilton (Ward 2), (By-law No. 18-321)**

**September 25, 2020  
Page 4 of 4**

We wish you success with your project, and if you have any further questions please feel free to contact David Addington, Cultural Heritage Planner, at 905-546-2424 ext. 1214, or via email at david.addington@hamilton.ca.

Yours truly,

**Anita**

**Fabac**

Digitally signed by  
Anita Fabac  
Date: 2020.09.25  
13:52:33 -04'00'

Steve Robichaud, MCIP RPP  
Director of Planning and Chief Planner

cc: David Addington, Cultural Heritage Planner  
Chantal Costa, Plan Examination Secretary  
John Lane, Manager, Building Inspections  
Christine Vernem, Legislative Secretary  
Loren Kolar, Legislative Coordinator  
Councillor Jason Farr, Ward 2

# **MEETING NOTES**

## **POLICY AND DESIGN WORKING GROUP**

**Monday July 13, 2020**

**11:00 am**

**City of Hamilton Web Ex Virtual Meeting**

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Attendees: W. Rosart (audio only), A. Denham- Robinson, L. Lunsted, B. Janssen, C. Priamo, R. McKee

Regrets: K.Stacey C. Dimitry

Also Present: M. Brunton, D. Addington, M. Zahra, R. Kennedy, D. Currie, M. Spaziani

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### **THE POLICY AND DESIGN WORKING GROUP NOTES FOR THE INFORMATION OF THE HAMILTON MUNICIPAL HERITAGE COMMITTEE WITH RESPECT TO:**

**(a) CHANGES TO THE AGENDA**

None

**(b) DECLARATIONS OF INTEREST**

none

**(c) REVIEW OF PAST MEETING NOTES**

**January 20, 2020:**

Notes approved (Janssen/Lunsted)

**(d) C.H.I.A. – 4 properties**

**1) 74 Queen St. S., 235 Main St. W., 244-246 Jackson St. W., Hamilton**

A project overview presentation was given by Dan Currie of MHBC and Michael Spaziani, Architect with MSAi regarding these properties. Questions from the Policy & Design Working Group dealt with:

- Facades - the south and east facades of 74 Queen St South are to be retained in their original state as far as possible while the majority of the west and north facades are to be rebuilt.
- Brick colour – the brick to be used in the new construction is in the same tones as the house at 74 Queen St. S., which is different from the distinctive

red brick used in houses along Main Street. The hue is in the same family and is meant to tie in the house at 74 Queen St. South.

- Internal – the interior of 74 Queen will be completely altered. There is no heritage impact.
- Queen Street widening – the city has plans to widen the street at some point which impacted the design along that street.
- History – the group felt that some kind of recognition or plaque describing the history of the building should be erected.

**Recommendations regarding the CHIA for 74 Queen St. South, 235 Main St. West, 244-246 Jackson St. West, Hamilton:**

The Policy and Design Working Group are generally satisfied with the recommendations with the following provisos:

- We would like to see some sort of historical plaque or marker both inside and outside of 74 Queen St. South conveying the history of the building.

**2) 1107 Main Street W. (Grace Evangelical Lutheran Church)**

The CHIA by Metropolitan Design was reviewed. The Working Group felt that it was incomplete. There was discussion regarding whether the Synagogue adjoining this property was supportive of the proposed 15 storey building given the potential for adjacency impacts.

Carol Priamo was opposed to this plan. She felt that tearing the entire building down is wasteful, having a small piece of the façade incorporated into the new design does not really fit and it is not recommended by the Architectural Conservancy of Ontario to keep a small piece of the former structure. The scale of the proposed building is too big for the area.

Alissa Denham-Robinson felt that the current history of the property is missing from the CHIA. It is a significant loss of local history to the area. She suggested that this go before the HMHC for discussion. The group agreed that the proposal should be referred to the Inventory and Research Working Group for additional discussion.

Lyn Lusted felt that the proposal would not fit the existing streetscape or context.

Bill Janssen commented that the conclusions of historical significance in the CHIA do not match the proposal for the building.

David has requested more information regarding the community landscape and the history of the land as the CHIA is incomplete. A revised proposal and CHIA is expected.

Carol is going to suggest that the Hamilton Branch of the Architectural Conservancy of Ontario add it to their list of properties to investigate.

**Recommendations regarding the CHIA for 1107 Main St. W. Hamilton:**

- This property should be sent to the Inventory & Research Working Group for further research.
- The Chair of the P & D group should bring this up at a HMHC meeting.
- The report identifies several heritage attributes of the building but these are not carried through to the recommendations on page 24. Not enough of the church is being retained and that the streetscape will be drastically changed by this proposal.
- The P & D working group does not accept the recommendations of the CHIA.

**3) 200 Cannon Street W. & 79-81 Cathcart St.**

Carol felt that it was not necessary to demolish all of the buildings. The buildings fronting onto Cathcart St and possibly the barn should be considered for restoration and other area behind it developed in a scale that is consistent with other buildings on Cathcart St. One or two more stories could be added to an infill building fronting onto Cannon Street at a scale consistent with other buildings in order to preserve the Cathcart streetscape. There is no real explanation as to what is to happen with the connecting wall between 77 and 79 Cathcart St. as it appears that there will be no new building attached to it given that is the proposed location of the new driveway access to the site.

**Recommendations regarding the CHIA for 202 Cannon St. W & 79-81 Cathcart St. Hamilton:**

- The Beasley Neighbourhood Association should have a presentation by the developer.
- The developer should look at other alternatives such as infill and saving the existing buildings on Cathcart St.
- There needs to be clarification as to what happens to the connecting wall between 77 and 79 Cathcart St.
- The P & D working group does not accept the recommendations of the CHIA.

**4) 62 – 64 King St. E. (Buntin & Gillies Building)**

This building is also in the Beasley neighbourhood. Robin McKee asked if the new storey to be added to 64 King St. E. will cut off the window in the wall of the adjoining building at 66 King St. E. We would like more detail on how this additional storey will impact the building beside it. Carol Priamo suggested that any windows being replaced not be one single large pane of glass.

**Recommendations regarding the CHIA for 62-64 King St. E. Hamilton:**

The Policy & Design working group accepts the recommendations with the following comments:

- We would like clarification as to the impact of the new storey being added to 64 King St. E. on the adjacent building at 66 King St. E.
- We would like to see windows that are more heritage oriented and not a single pane of glass.

**(e) OTHER BUSINESS**

Following the discussion about the windows in 62-64 King St. E. the group talked about heritage windows and entrances in general. Currently Heritage Character Zone Design Guidelines allows for up to 80% glass in entrances on the ground floor storefront area. The group felt that this may be a too high a percentage of glazing and it would be worthwhile to research alternatives by looking at other best practices.

Carol Priamo gave information regarding a condo development proposed for Cannon Knitting Mills by H. Stinson. Although the development (Beasley Lofts) is not yet approved, their website indicates units are for sale. The development is not in keeping with the neighbourhood. David will forward Carol's previous email regarding this development to the group.

**(f) NEW BUSINESS**

A motion from the HMHC requests that if any Working Group has any ongoing projects that these should be reported to the HMHC. The P & D working group has no ongoing projects at this time. A proposed project is to investigate the rules and recommendations regarding windows and entrances in heritage building renovations.

**(g) ADJOURNMENT**

The Policy & Design Working Group Meeting adjourned at 1:30 pm.

**Next meeting date:** To be determined

# MEETING NOTES

## POLICY AND DESIGN WORKING GROUP

Monday August 17, 2020

10:00 am

City of Hamilton Web Ex Virtual Meeting

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Attendees: A. Denham- Robinson, L. Lunsted, R. McKee, W. Rosart  
Regrets: K.Stacey C. Dimitry, C. Priamo, B. Janssen (written comments provided)  
Also Present: D. Addington,

---

### THE POLICY AND DESIGN WORKING GROUP NOTES FOR THE INFORMATION OF THE HAMILTON MUNICIPAL HERITAGE COMMITTEE WITH RESPECT TO:

**(a) CHANGES TO THE AGENDA**

None

**(b) DECLARATIONS OF INTEREST**

none

**(c) REVIEW OF PAST MEETING NOTES**

**July 13, 2020:**

Notes approved (McKee/Denham-Robinson)

**(d) C.H.I.A. – 1 property**

**1) 179-189 Catharine Street North, Hamilton**

A project overview presentation was given by David Addington (City of Hamilton) regarding these properties. Questions from the Policy & Design Working Group dealt with:

- Demolition of 179-183 Catharine Street including:
  - o An empty lot at 179 Catharine Street North
  - o a one storey residential building at 181 Catharine Street North
  - o a one storey garage and a one-and- a half storey former autobody shop at 183 Catharine Street North
- Retention of 187-189 Catharine Street (Inventoried), including:
  - o a one-and-a-half storey duplex, pre-confederation residential building

- Working Group Members noted the following:
  - o B.Jansen commented that he generally agrees with assessment and proposed works, but questioned if more analysis is required for the properties located at 179-181 Catharine St. N.
  - o Proposed new construction complements the heritage of neighbouring properties – red brick, window configuration, set back of upper floor, etc.
  - o The design should incorporate as much greenspace as possible since development will intensify the site.
  - o At the site plan stage we should ask for any conservation plans, which should also include the interior.
  - o A central driveway shown on site plan provides access to an underground parking garage for units within the proposed new construction (Block A, B and C).
  - o The project requires an Official Plan amendment. The process will include a public meeting – The Beasley Neighbourhood Association will have the opportunity to comment.

**Recommendations regarding the CHIA for 179-189 Catharine St. N., Hamilton:**

The Policy and Design Working Group are generally satisfied with the recommendations with the following provisos:

- The listed property known as 187-189 Catharine St. N be forwarded to the Inventory & Research Working Group for review for addition to the Register; and,
- That Heritage Planning Staff request more analysis for the properties at 179-183 Catharine Street North.

**(e) OTHER BUSINESS**

Regarding a question from R. McKee at the previous meeting regarding windows at 66 King St. E., David Addington advised that applicant confirmed that the addition to 64 King St. E. is not expected to cover up the windows and that the windows are against the fire code as it should be a solid fire wall. Also, the new windows of 62-64 King St. E. will not be a large single pane but have been changed to look like double hung windows.

**(f) NEW BUSINESS**

**1) Century Manor**



– Province is in the process of rezoning the property. R.McKee commented that there is Social media concern of demolition. The building is designated under City of Hamilton, but it is Crown Land. Another break-in has occurred. R.McKee suggested that this be raised at the August HMHC and added to the watch list.

## **2) Plaquing Policy**

– R.McKee requested an amendment to the current Plaquing Policy. The previous committee has been disbanded and responsibility assigned to Culture & Tourism. Heritage Planning Staff are not currently involved in heritage plaquing. R. McKee suggested that the Education Working Group can advise on which plaques could be erected but currently cannot advise on the wording. This would require an amendment to their mandate.

A.Denham-Robinson noted that a recommendation from the Education Working Group has asked for Christopher Redford (Culture) to present at HMHC. (Sept. or Oct.) Christopher to set an available date. R.McKee noted that 91 John street plaque has still not been replaced.

## **(g) ADJOURNMENT**

The Policy & Design Working Group Meeting adjourned at 11:30 am.

**Next meeting date:** To be determined

# **Inventory & Research Working Group Meeting Notes**

Monday, September 28, 2020 (6 p.m.)  
City of Hamilton - Virtual Meeting via Webex

Present: Janice Brown (Chair); Ann Gillespie, Secretary; Alissa Denham-Robinson; Graham Carroll; Lyn Lusted; Rammy Saini; Carol Priamo  
Regrets: Joachim Brower; Brian Kowalesicz; Jim Charlton; Chuck Dimitry  
Also Present: Miranda Brunton and David Addington (City of Hamilton, Cultural Heritage Planners); Alissa Golden (Heritage Project Specialist)

**RECOMMENDATION:** See Separate Sheet. RE: Register Beasley Heritage Project, dated September 28, 2020.

## **1. Chair's Remarks:**

Janice indicated that Joachim was unable to join the meeting due to the absence of an Internet connection at home and that she would keep the meeting to a 2-hour limit.

## **2. Declarations of Interest**

None.

## **3. Review and Approval of Meeting Notes and Recommendations, 24 August 2020** (moved by Graham and seconded by Rammy).

## **4. Register Beasley Heritage Project** (presentation by Carol Priamo, Project Director, with comments from Alissa Golden)

Carol explained that part of the Beasley Neighbourhood had been recently inventoried as part of the Downtown Built Heritage Inventory pilot project but that this only encompassed buildings south of Cannon Street. The area to the north includes the many historic commercial properties on James Street North. Concerned with impending changes to the Ontario Heritage Act (Bill 108), she felt a sense of urgency in recommending properties for listing on the Heritage Register in the area to the north of Cannon. In consultation with Alissa Golden, (Central), 72 commercial buildings on the east side (Beasley) and on the west side (Central) of James Street North have been evaluated, including a Built Heritage Inventory Form, a Preliminary Evaluation and an updated photo:

Carol was commended for her excellent work evaluating the James Street North properties in the defined area. The following recommendation was made (moved

by Graham and seconded by Alissa D-R):

*That the I & R WG endorse the first batch of recommendations from the Register Beasley Heritage Project, as presented; and,*

*That the I & R WG advise the HMHC to recommend to Council that the properties of cultural heritage value or interest on James Street North located in the James Street North cultural heritage landscape and the historic neighbourhoods of Beasley and Central, as identified in the attached list presented by the Register Beasley Heritage Project, be added to the Municipal Heritage Register.*

Alissa advised that the Heritage Resource Mapping has now been updated for the 72 properties with photos and dates of construction and that letters will be sent to the owners of the affected properties. Carol and her volunteers will continue with the documentation and evaluation of residential properties in the Beasley Neighbourhood, following the current practice adopted for inventorying properties in the City of Hamilton under the direction of Alissa Golden.

The above recommendation and supporting documentation will be included as an addendum to the notes to be presented to the HMHC for approval at its next meeting, October 29, 2020.

## **5. Places of Education Update**

Janice commented that she and other members involved with this inventory work have been hindered by the lack of access to the HWDSB Educational Archives, the Local History and Archives section of the Hamilton Public Library, and other local archival facilities. Progress has nevertheless been made in certain wards and will continue or be resumed as archival facilities are opened to the public.

## **6. Places of Worship Update**

It was agreed that special meetings should be held to assess the Built Heritage Inventory and Preliminary Evaluation forms completed by members working on this project. The I & R WG has already partially completed a review of the properties assigned to Jim in Ward 4, to be completed at the first scheduled special meeting. Next to be reviewed are the pre-1967 Places of Worship in Dundas assigned to Ann.

## **7. I & R Working Group Work Plan 2020 – Discussion**

- Places of Education: See item 5.
- Places of Worship Evaluation Plan: See item 6.

- Register Beasley Heritage Project (2020): See item 4.
- Waterdown Built Heritage Inventory: Alissa G. to provide an update at the next I & R WG meeting.
- Ancaster Heritage Project: Janice to provide an update at the next I & R WG meeting.

## 8. Other Business

- *Cataract Power Company, Victoria Avenue North* – heritage sign (Jim)  
Deferred to the next meeting attended by Jim.
- *62 Concession Road 6, East Flamborough* – house and barn  
For background see item 7 of I & R WG meeting notes from 24 August 2020. Miranda will assist Lyn in completing a Preliminary Evaluation for a recommendation to add this property to the Heritage Register, to be presented at the next I & R WG meeting.
- *Juravinski Hospital, 711 Concession Street* – Mount Hamilton Hospital  
Graham expressed concern about the future of the original Mount Hamilton Hospital, which now forms part of the Juravinski Hospital building complex. This was based on a recent newspaper article, which stated that the E, M, and F wings, as well as other older parts of the hospital will be replaced by a modern tower (*The Hamilton Spectator*, 6 September 2020). The Mount Hamilton Hospital, located at the corner of Upper Sherman and Concession Streets, opened in 1917 to help care for veterans of the First World War. Overlooking the mountain brow, it now stands to the rear of the Juravinski Hospital, which replaced the former Henderson General Hospital and opened in 2010.  
(<https://www.hamiltonhealthsciences.ca/share/hamiltons-hospital-history>)  
Although there is no imminent threat of demolition, it was agreed that research for listing the original building on the Heritage Register could be started. Graham volunteered to take on this project and contact the Hamilton Mountain Heritage Society for more information.

## 9. Adjournment and Next Meeting Date


The meeting was adjourned at 7:50.

Next meeting: Monday 26 October 2020 (by Webex, at 6 p.m.)



Hamilton

# INFORMATION REPORT

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	August 11, 2020
<b>SUBJECT/REPORT NO:</b>	Built Heritage Inventory Strategy Update (PED20133) (City Wide) <b>(Outstanding Business List Item)</b>
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Alissa Golden (905) 546-2424 Ext. 4654
<b>SUBMITTED BY:</b>	Carrie Brooks-Joiner Director, Tourism and Culture Planning and Economic Development Department
<b>SIGNATURE:</b>	

## COUNCIL DIRECTION

On June 14, 2017, Council considered staff Report PED17092, Durand Neighbourhood Built Heritage Inventory, as part of Hamilton Municipal Heritage Committee (HMHC) Report 17-004 in Planning Committee Report 17-010. Council approved the recommendations of Report PED17092 and directed staff to prepare a framework and work plan for continuing the City of Hamilton's proactive built heritage inventory work and report back to the Planning Committee.

## INFORMATION

The Built Heritage Inventory Strategy Work Plan attached as Appendix "A" to Report PED20133, and the framework outlined in this Report, will guide the City's continued proactive identification of heritage properties.

Short-term Built Heritage Inventory (BHI) work plan priorities include: downtown Dundas, downtown Stoney Creek, downtown Ancaster, downtown Hamilton's historic neighbourhoods and historic settlement areas in Ancaster, Flamborough and Glanbrook. The BHI Strategy outlined in this Report reflects a thoughtful and accountable approach to conducting proactive inventory work to facilitate the conservation of cultural heritage resources across the City of Hamilton.

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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.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

## **Background**

The City of Hamilton is proactively updating its Inventory of Heritage Buildings (Inventory), formerly known as the Inventory of Buildings of Architectural and/or Historical Interest. An inventory of heritage buildings, or built heritage resources, can be thought of as a hub of information that informs different conservation strategies. The proactive identification of cultural heritage resources facilitates informed decision-making and priority-based planning from staff and Council. Detailed information and background on the City's Inventory are contained in Report PED08053, Register of Properties of Cultural Heritage Value or Interest and the City's Heritage Inventory, which directed staff to conduct a pilot project in downtown Hamilton to test out the process for conducting updated inventory work. Council adopted the Built Heritage Inventory process as part of staff Report PED14039, Downtown Built Heritage Inventory. A summary of the Council-adopted BHI process is attached as Appendix "B" to Report PED20133.

The objectives of the City's Built Heritage Inventory process are to:

- Survey and evaluate all properties listed on the Inventory to:
  - Identify properties of heritage value or interest for listing on the Municipal Heritage Register (Register)
  - Identify significant heritage properties worthy of designation under the *Ontario Heritage Act*
- Improve transparency and access to information on the City's built heritage resources for property owners, citizens and staff;
- Encourage community participation in the identification and wise management of the City's cultural heritage resources; and
- Prevent built heritage resources from being demolished without appropriate action, such as requirements for Cultural Heritage Impact Assessments, Documentation and Salvage Reports, or designation, as appropriate.

When the Built Heritage Inventory work began in 2011, there were over 8,000 addresses listed on the Inventory city-wide. In the past eight years, almost 3,000 properties have been evaluated through the BHI process and over 1,450 listings have been added to the Municipal Heritage Register, with additional listings pending as part of the on-going Waterdown Village BHI and HMHC-led initiatives. Listing properties of heritage interest on the Register provides interim 60-day protection from demolition and the opportunity for staff to discuss conservation or salvage options with the owner, or for Council to protect the property if it is a significant heritage resource worthy of designation under the *Ontario Heritage Act*.

**SUBJECT: Built Heritage Inventory Strategy Update (PED20133) (City Wide) -  
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The BHI work has helped inform secondary plan studies, the Cultural Heritage Landscape Inventory, the Historic Neighbourhood Inventory, the Pre-Confederation Building Inventory, the development review process, designations under the *Ontario Heritage Act*, and community interpretation and education initiatives, such as walking tours and brochures.

The following is a summary of the recently completed heritage inventory work:

<b>Initiative</b>	<b>Completion Date</b>	<b>Results</b>
BHI Pilot Project: Downtown Hamilton Built Heritage Inventory	September 2014	<ul style="list-style-type: none"> <li>• 1,060 properties screened</li> <li>• 723 Register additions</li> <li>• 30 additions to designation work plan</li> <li>• 475 listings removed from Inventory</li> </ul>
Durand Neighbourhood Built Heritage Inventory Project	June 2017	<ul style="list-style-type: none"> <li>• 988 properties screened</li> <li>• 736 Register additions</li> <li>• 52 additions to designation work plan</li> <li>• 38 listings removed from Inventory</li> </ul>
Pre-Confederation Building Inventory (a Canada 150 Initiative)	November 2017	<ul style="list-style-type: none"> <li>• 277 new listings added to the Inventory (previously unrecognized pre-1867 structures)</li> </ul>
Preliminary City-wide Inventory Analysis by staff	August 2018	<ul style="list-style-type: none"> <li>• 1,086 listings added to Inventory</li> <li>• 32 established historical neighbourhoods identified</li> <li>• Cultural Heritage Landscape Inventory database established</li> </ul>
Places of Worship Inventory Review (an HMHC initiative with staff support)	On-going	<ul style="list-style-type: none"> <li>• 278 listings on Inventory</li> <li>• 177 properties screened</li> <li>• Recommendations pending</li> </ul>
Places of Education Inventory (HMHC Initiative with staff support)	On hold	<ul style="list-style-type: none"> <li>• 354 listings on Inventory</li> <li>• Screening and recommendations pending</li> </ul>
Waterdown Village Built Heritage Inventory	On-going	<ul style="list-style-type: none"> <li>• 824 properties screened</li> <li>• Recommendations pending</li> </ul>

An integral component of the on-going Built Heritage Inventory work was the creation of a comprehensive heritage property database to maintain heritage data for all protected

heritage properties, non-designated registered properties and inventoried properties. More information on heritage property status is attached as Appendix “C” to Report PED20133. This database was launched in 2018 and is accessible to the public through online mapping, Open Hamilton and the City’s website at [www.map.hamilton.ca/heritagemap](http://www.map.hamilton.ca/heritagemap).

### **Built Heritage Inventory Strategy**

Approximately 5,700 properties remain on Inventory pending review through the Built Heritage Inventory process. Each phase of the BHI work has taken approximately two years to complete, with between 850 to 1,500 properties reviewed per study area. Staff created a framework for prioritizing future BHI work based on legislation and municipal best practices, broken down into four categories:

1. Updating the existing Inventory
2. Alignment with policy and Council direction
3. Managing change
4. Addressing community and stakeholder interest

Analysis was conducted to develop a Built Heritage Inventory Strategy for prioritizing future phases of BHI work and to maximize the efficiency and effectiveness of the initiative. The analysis was conducted at various geographic levels, including by community, ward, neighbourhood and settlement area. Staff looked at factors including the number of existing inventoried properties; how many previously inventoried buildings have been lost; the degree to which properties are already recognized or protected under the *Ontario Heritage Act* or through municipal planning policy or zoning; alignment with other City initiatives and studies (e.g. Secondary Plans); the number of pre-1950 buildings; the perceived development pressure (e.g. the number of development and building permit applications); alignment with HMHC initiatives and priorities; community interest (e.g. heritage advocacy groups, active neighbourhood associations and/or Ward Councillor support); available and existing historic research; and anticipated staff time and resources. A community-level summary of the analysis is attached as Appendix “D” to Report PED20133.

The following City staff were consulted on the preliminary analysis that informed the Built Heritage Inventory Strategy and Work Plan:

- Management Team, Tourism and Culture Division, Planning and Economic Development Department (August 2017)
- Development Planning, Heritage and Design Section, Planning Division, Planning and Economic Development Department (October 2017 and June 2020)
- Community Planning and GIS Section, Planning Division, Planning and Economic Development Department (November 2017)



- Rural Development Planning Team, Development Planning, Heritage and Design Section, Planning Division, Planning and Economic Development Department (November 2017)
- Real Estate Section, Economic Development Division, Planning and Economic Development Department (December 2017)

Staff also consulted with the following:

- Neighbourhood Action Strategy Community Developers (October 2017)
- Inventory and Research Working Group of the Hamilton Municipal Heritage Committee (November 2017)
- Hamilton Municipal Heritage Committee (July 2019)

The framework and analysis informed the following staff conclusions to guide the BHI Strategy and developing BHI work plan priorities:

- Built Heritage Inventory work tied to other City initiatives, such as Secondary Plans, should be prioritized over elective BHI work. Analysis has shown that conducting this inventory work in-house instead of retaining and managing outside consultants can lead to considerable cost and time savings on these projects.
- The City's Urban Hamilton Official Plan calls for the conservation of Established Historical Neighbourhoods (EHNs), areas comprised of significant concentrations of pre-1950 structures. 62% of all existing Inventory listings are in the city's EHNs. Lower Hamilton's EHNs have the highest concentration of Inventoried properties and the highest perceived development pressure. The EHNs identified in Hamilton and Dundas should be prioritized for comprehensive BHI studies (e.g. Historic Context Statement approach). These are dense walkable neighbourhoods that require less resources to execute and would result in the greatest number of existing Inventory listings to be reviewed.
- Historical Settlement Areas in the rural area should be prioritized, aligning with the goals and objectives identified in the Cultural Plan to build and promote strong and unique rural areas as distinct places with unique identities.
- The evaluation of built heritage in the rural areas outside of defined Historic Settlement Areas should be coordinated with local historical societies and the Inventory and Research Working Group of the HMHC with focus along Historic Transportation Corridors (historic roads).
- Inventorying the EHNs, Historic Settlement Areas and along Historic Transportation Corridors will help inform the pending Cultural Heritage Landscape Inventory and Management Plan.
- City owned properties with cultural heritage value or interest should be flagged and a protocol developed for determining their value and appropriate conservation measures.

## **BHI Work Plan**

The BHI Strategy has informed a set of short, medium and longer-term priorities to guide future BHI work, summarized below and attached as Appendix “A” to Report PED20133, including mapping of the priorities by community. The identified short-term priorities would review 38% of the remaining Inventory listings and would prioritize those areas with high concentrations and integrity of heritage resources, the highest perceived development pressure and strong community support for conducting the work.

### Short-Term Priorities:

- Areas with significant inventory listings, including remaining historic neighbourhoods in downtown Hamilton, downtown Dundas, downtown (old town) Stoney Creek, Ancaster Village and historic settlement areas in Ancaster, Glanbrook and Flamborough.

### Medium-Term Priorities:

- Areas with moderate concentrations of inventoried properties, including the remaining historic neighbourhoods, the remaining historic settlement areas and new historic neighbourhoods of interest.

### Longer-Term Priorities:

- The remaining rural listings and post-1950 neighbourhoods across the city.

The work plan priorities are intended to provide guidance for completing the remaining Built Heritage Inventory phases across the city. There are no timelines attached to the identified priorities because the timing will depend on factors that may change overtime, including available staff resources, stakeholder interest, volunteer and community capacity, shifting development pressures and revised City project timelines.

## **Staffing and Resources**

There is currently one full-time staff responsible for conducting the City’s BHI work in-house. The Heritage Project Specialist, Tourism and Culture Division, works in close consultation with Cultural Heritage Planning staff in the Planning Division, the Inventory and Research Working Group of the HMHC and community stakeholders (historical associations and archives) as part of the BHI process. Administrative analysis of the BHI process indicates that property evaluation, data management and consultation/engagement are the most time-intensive components of each project.

For the first two phases of the BHI work in downtown Hamilton and the Durand neighbourhood, significant heritage properties were flagged as candidates for designation and added to Planning Division staff's designation work plan. As part of the Waterdown Village Built Heritage Inventory, the City received Federal grant funding to hire an intern through the Young Canada Works Building Careers in Heritage program. The four-month, full-time paid intern assisted with detailed research and the preparation of Cultural Heritage assessment reports in support of the designation of the identified significant heritage properties in the village. This allowed staff to bring forward recommendations for designation as part of the Waterdown Inventory; final recommendations to Council (pending), instead of adding a list of designation candidates to the Planning Division's designation work plan for future consideration.

Staff's ability to continue to prepare designation recommendations as part of future BHI work will depend on the availability of funding and support to hire interns. Interns could also supplement the staff time needed to conduct comprehensive research, evaluate properties and input survey data into the City's heritage property database. There may also be opportunities to empower community groups and volunteers to conduct research and survey work in support of active BHI projects. Staff would want to ensure that any work being done by volunteers is consistent with the Council-adopted BHI process as outlined in Appendix "B" to Report PED20133.

To further enhance the City and community capacity to undertake future phases of the BHI, staff will:

- Continue to build partnerships with neighbourhood associations, local community groups, historical societies and local institutions like McMaster University, Mohawk College and Willowbank;
- Offer "Heritage 101" presentations to interested neighbourhood associations and organizations;
- Develop forms for Register addition and designation requests;
- Develop a digital surveying application for mobile devices to assist with inventory work and data management (e.g. ArcGIS Online Collector App);
- Develop a resource guide and make it available online for neighbourhood associations and other interested organizations to undertake their own community inventories for the consideration of staff and HMHC; and
- Apply for Young Canada Works and other applicable grants to help fund and hire interns on an as-needed basis to assist with the on-going BHI work, where feasible.

### **Standardized Inventory Forms**

In order to continue to build a consistent and robust database of information on built heritage resources across the city, a standard form is used when conducting inventory and evaluation work, attached as Appendix "E" to Report PED20133, which may be

updated by staff from time to time. This Built Heritage Inventory and Evaluation Form is also used by the Inventory and Research Working Group of the HMHC and by Cultural Heritage Planning staff when inventorying a property and conducting a preliminary evaluation of its heritage value or interest as part of:

- A request to add a property to the Register;
- A request to designate a property under Part IV of the *Ontario Heritage Act*; or
- A *Planning Act* application that may impact the cultural heritage value or interest of an Inventoried or Registered property, or a previously un-inventoried building or structure that is 40 years old or older.

All completed forms should be considered by the Hamilton Municipal Heritage Committee, through its Inventory and Research Working Group, for their advice and recommendation before consideration by the Planning Committee and Council.

In situations where a consultant has been retained by the City of Hamilton to undertake Built Heritage Inventory and/or evaluation work as part of a relevant project, such as Environmental Assessments (EA), it is expected that a similar process will be followed. For cases where a group or “batch” of Register listings are being recommended outside of a City-initiated BHI process (e.g. as part of an EA, an HMHC-led project or a community-led project), it is anticipated that the listings will be reviewed by the Inventory and Research Working Group in manageable groupings of less than 50 properties per meeting.

### **Next Steps**

Following the completion of the on-going Waterdown Village Built Heritage Inventory, the next phase of BHI work will begin in downtown Dundas, which is identified as a short-term priority area in the BHI Strategy Work Plan attached as Appendix “A” of PED20133. The Downtown Dundas Built Heritage Inventory will align with the Dundas Community Node Study underway by the Community Planning and GIS Section of the Planning Division and will address the strong community and Ward Councillor interest in updated heritage inventory work.

The Hamilton branch of the Architectural Conservancy of Ontario, the Beasley Neighbourhood Association and the Ancaster Village Heritage Community have expressed interest in spearheading updated inventory work. Staff are in discussions with representatives from each organization about opportunities to empower and support community volunteers in conducting BHI work in these areas and how to best bring forward the recommendations for consideration by HMHC, the Planning Committee and Council. This process could act as a pilot for facilitating other community-led BHI initiatives in the future.

**SUBJECT: Built Heritage Inventory Strategy Update (PED20133) (City Wide) -  
Page 9 of 9**

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Staff will continue to provide updates on the Built Heritage Inventory Strategy and Work Plan by request.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" - Built Heritage Inventory Strategy Work Plan

Appendix "B" - Council-Adopted Built Heritage Inventory Process

Appendix "C" - Heritage Status Diagram

Appendix "D" - Cultural Heritage Analysis by Community

Appendix "E" - Standardized Inventory Form

AG:ac

## Built Heritage Inventory Strategy Work Plan

The BHI Strategy Work Plan priorities are listed below and are shown in the mapping on the following pages, broken down by each community (Ancaster, Dundas, Flamborough, Glanbrook, Hamilton and Stoney Creek).

### Short-Term Priorities:

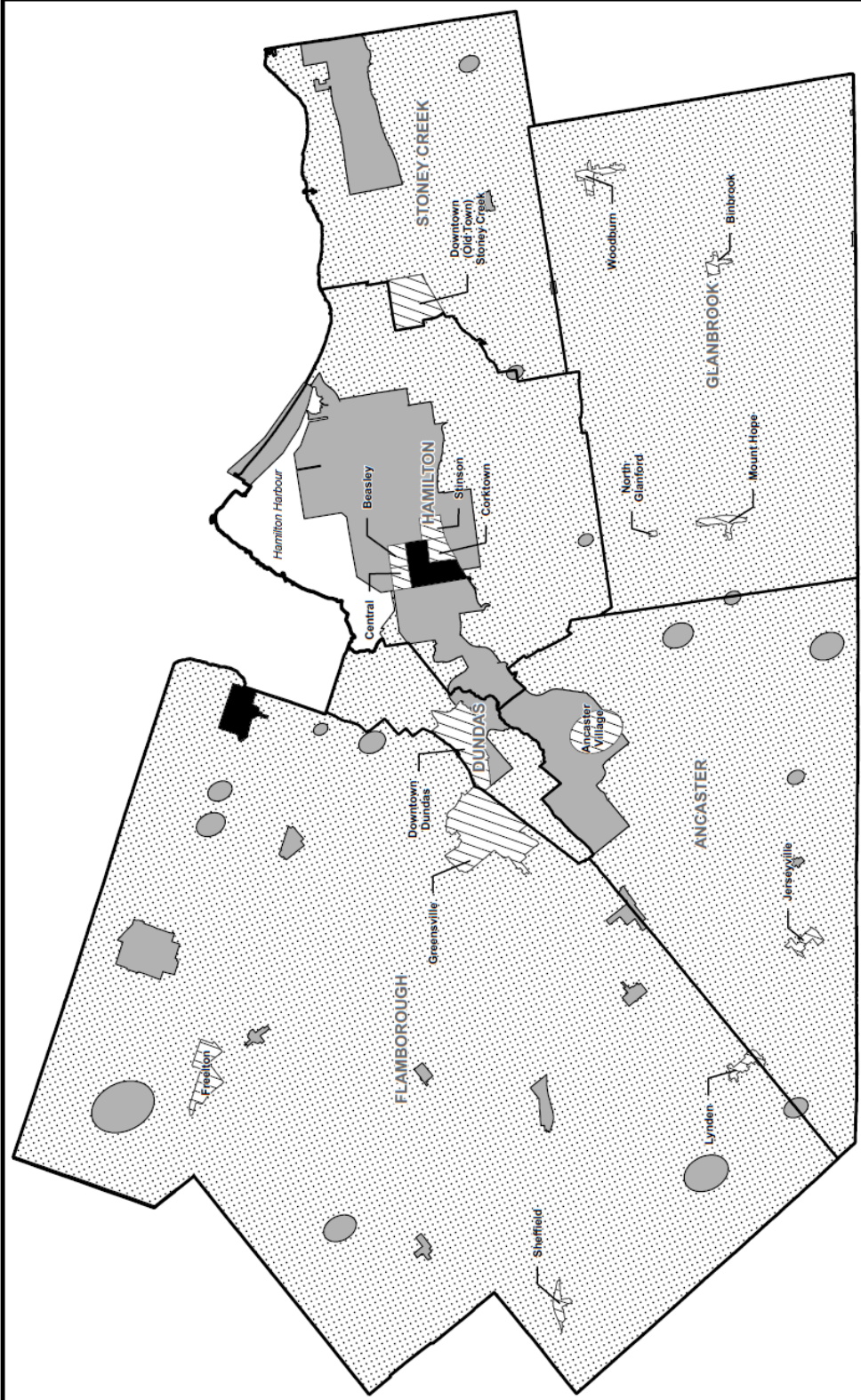
- Ancaster historic settlement areas: Ancaster Village, Jerseyville, Lynden
- Downtown Dundas: central business district and adjacent historic neighbourhoods of Colborne, Hunter, Spencer Creek and York Heights
- Flamborough historic settlement areas: Greensville (which includes Crook’s Hollow, Bullock’s Corners and West Flamboro) and Sheffield
- Glanbrook historic settlement areas: Binbrook, Mount Hope, North Glanford and Woodburn
- Historic lower Hamilton neighbourhoods: Beasley, Central, Corktown and Stinson
- Downtown (old town) Stoney Creek

### Medium-Term Priorities:

- Remaining Ancaster historic settlement areas: Alberton, Carluke, Copetown, Renforth, Southcote, Trinity and Weir
- Ancaster areas: Lime Kiln, Old Mill, St. John’s and Sulphur Springs
- Dundas neighbourhoods: Creighton (east and west), Duranda (east and west) and University Gardens
- Remaining Flamborough historic settlement areas: Bakersville, Carlisle, Clappison’s Corners, Flamboro Centre, Kirkwall, Millgrove, Mountsburg, Orkney, Rock Chapel, Rockton, Strabane, Troy, Valens and Westover
- Remaining Glanbrook historic settlement areas: Blackheath, Sinclairville and Ryckman’s Corners
- Remaining historic lower-Hamilton neighbourhoods: Ainslie Wood East, West and North; Bartonville, Blakeley, Crown Point East and West, Delta East and West, Gibson, Hamilton Beach, Homeside, Industrial Bayfront, Keith, Kirkendall North and South, Landsdale, McAnulty, Normanhurst, North End, St. Clair, Strathcona, Stiplely and Westdale North and South
- Historic Hamilton-mountain neighbourhoods: Centremount, Eastmount, Inch Park and Southam
- Remaining Stoney Creek historic settlement areas: (Elfrida), Mount Albion, Tapleytown, Tweedside and Winona
- Stoney Creek areas: Fruitland and Winona South

### Longer-Term Priorities:

- Remaining inventoried properties across the City
- Post-1950s neighbourhoods



**Built Heritage Inventory**  
 Strategy Work Plan  
 City-Wide

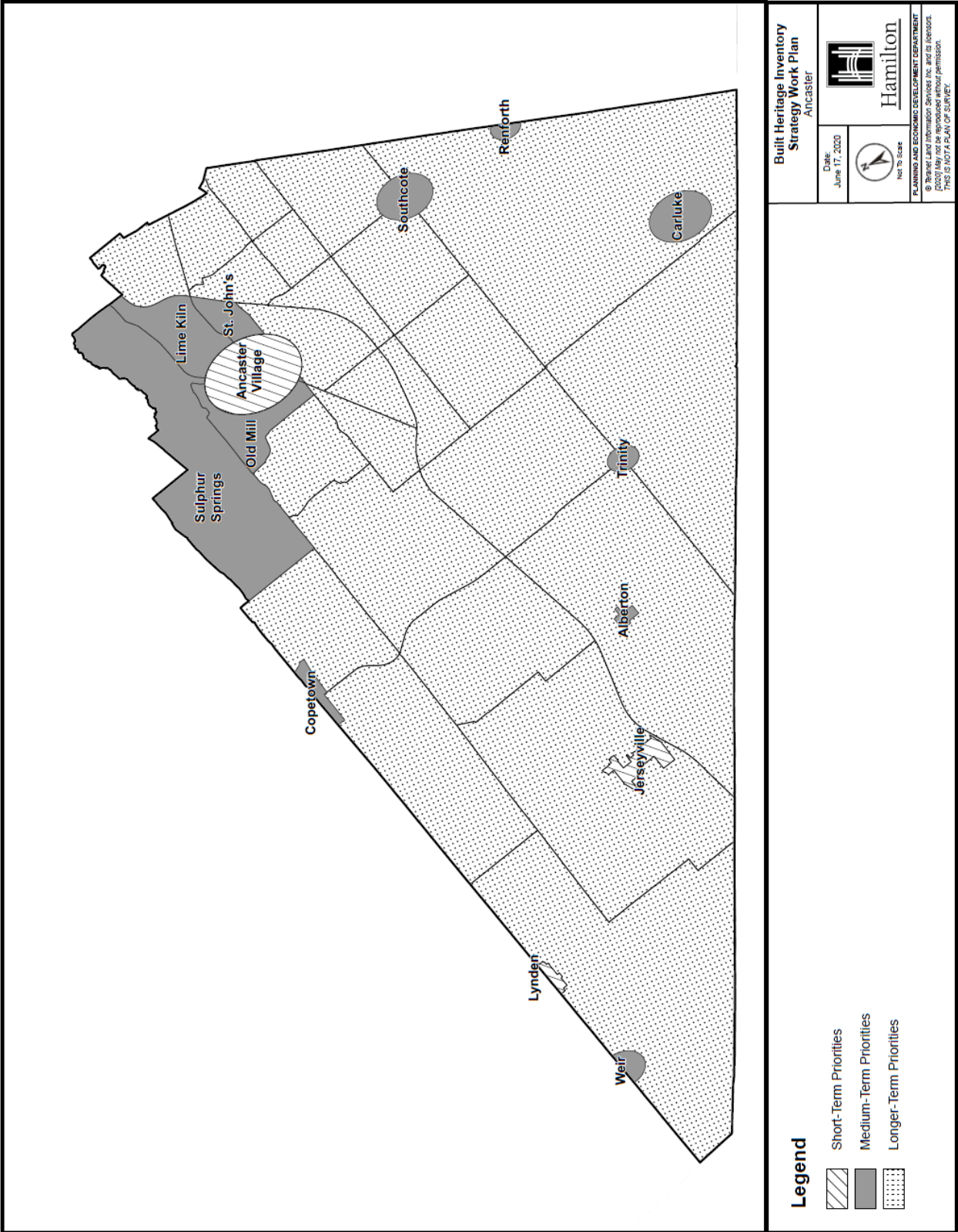
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**Legend**

- Short-Term Priorities (Labelled)
- Medium-Term Priorities
- Longer-Term Priorities
- Previous BHI Inventories



**Legend**

-  Short-Term Priorities
-  Medium-Term Priorities
-  Longer-Term Priorities

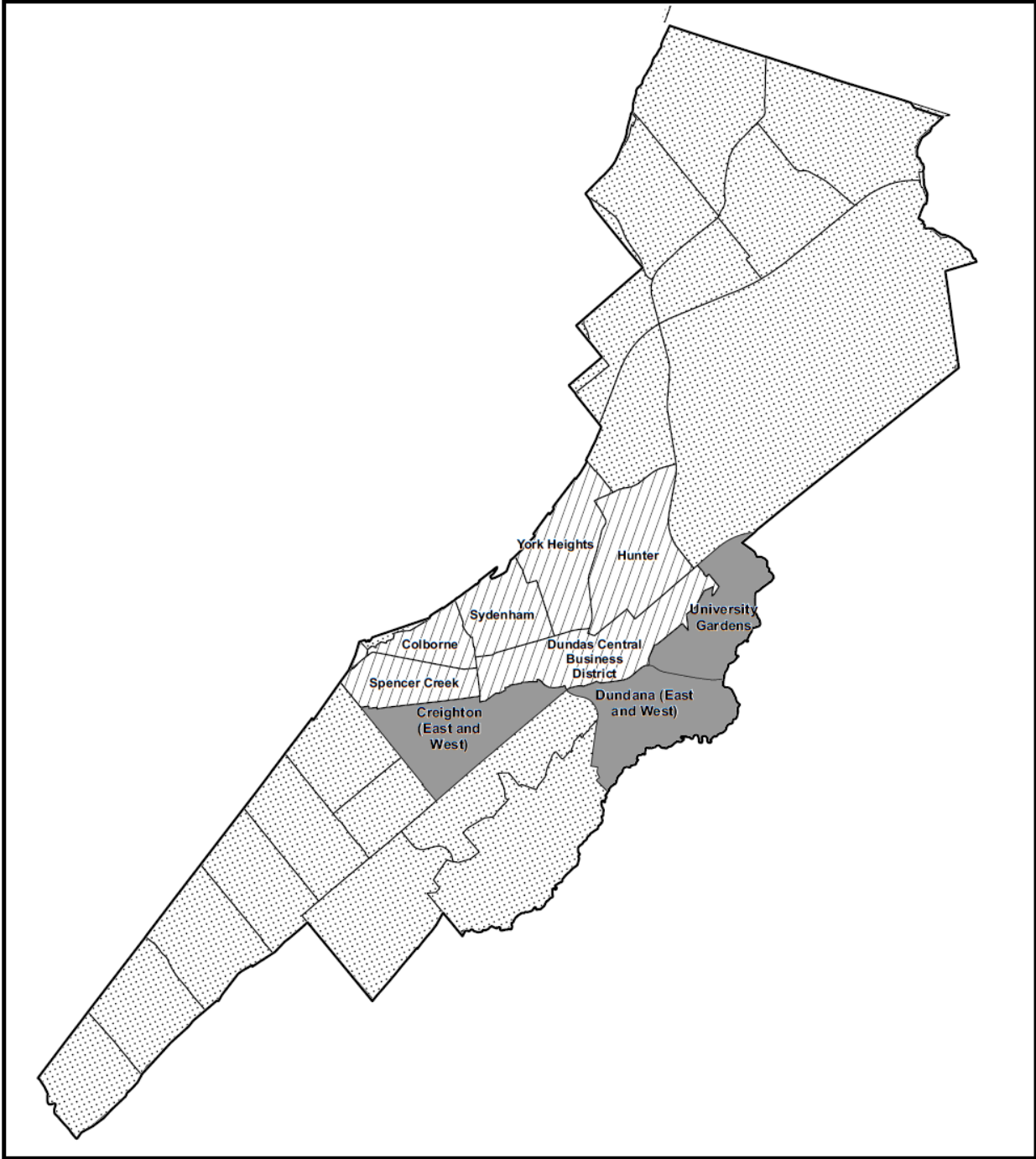
Built Heritage Inventory  
Strategy Work Plan  
Ancaster

Date:  
June 17, 2020



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**Legend**

-  Short-Term Priorities
-  Medium-Term Priorities
-  Longer-Term Priorities
-  Previous BHI Inventories

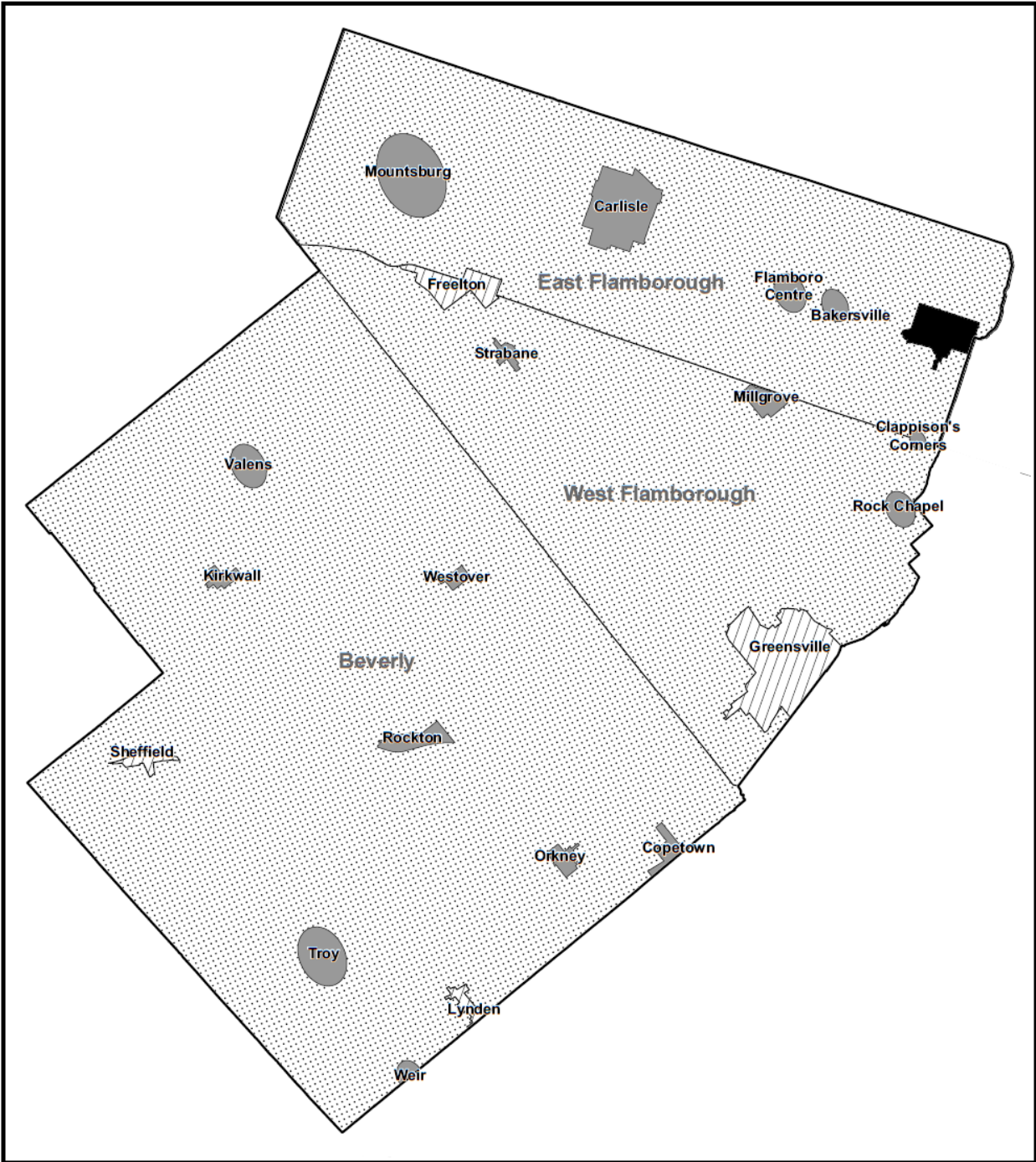
**Built Heritage Inventory  
 Strategy Work Plan  
 Dundas**

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**Legend**

-  Short-Term Priorities
-  Medium-Term Priorities
-  Longer-Term Priorities
-  Previous BHI Inventories

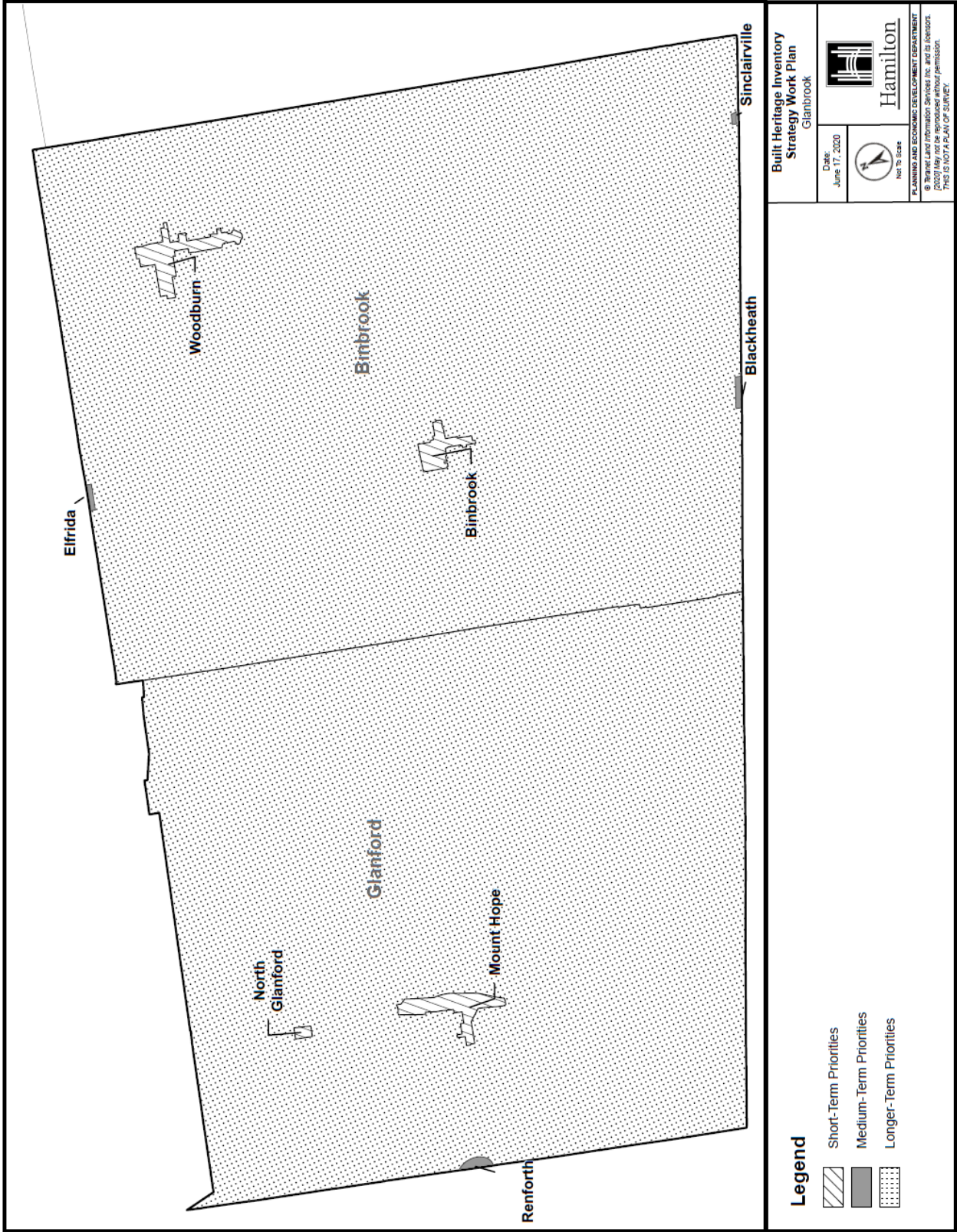
**Built Heritage Inventory  
 Strategy Work Plan  
 Flamborough**

Date:  
 June 17, 2020



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**Built Heritage Inventory Strategy Work Plan**  
 Glanbrook

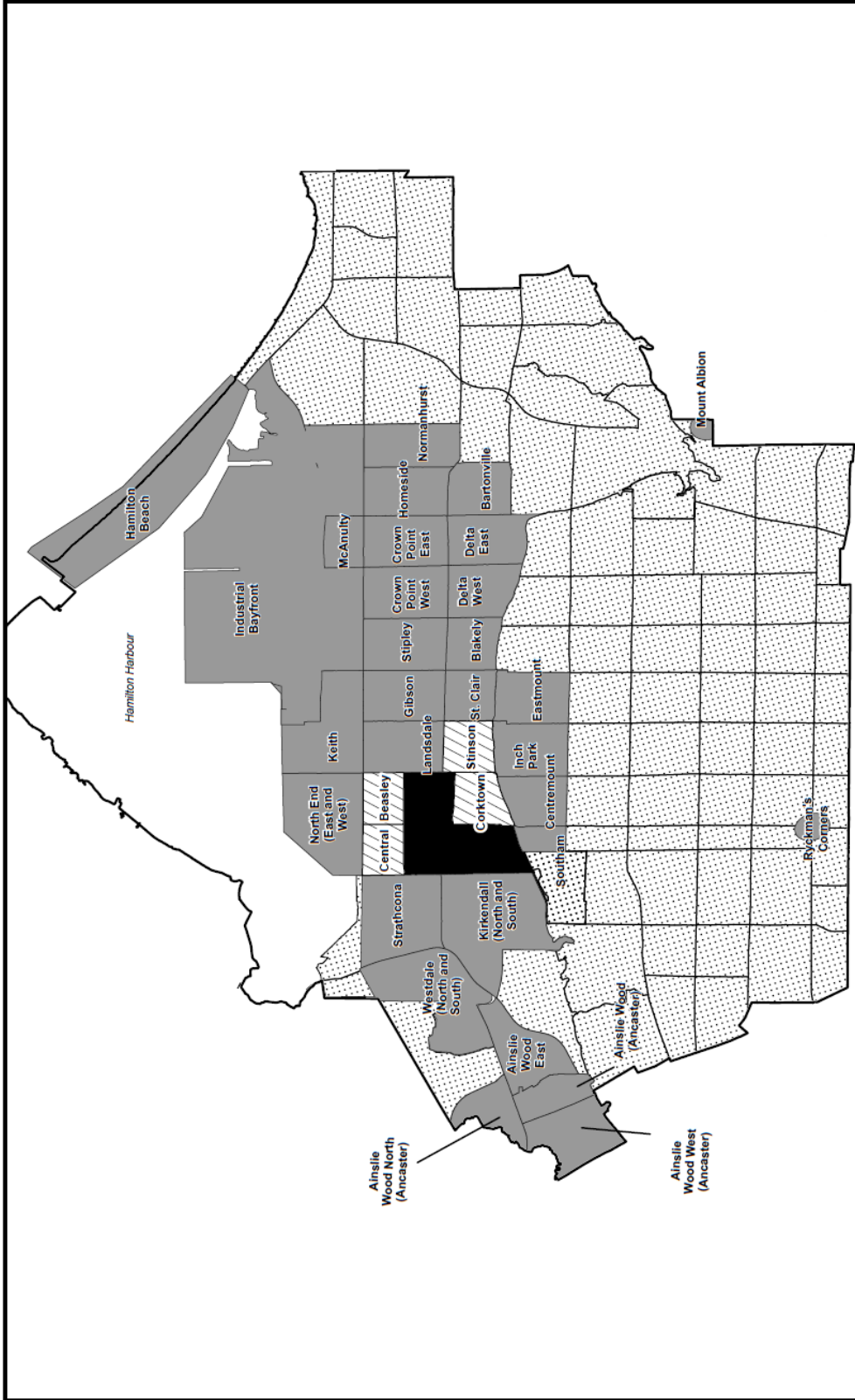
Date: June 17, 2020  
 Not To Scale

**Hamilton**

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**Legend**

- Short-Term Priorities
- Medium-Term Priorities
- Longer-Term Priorities







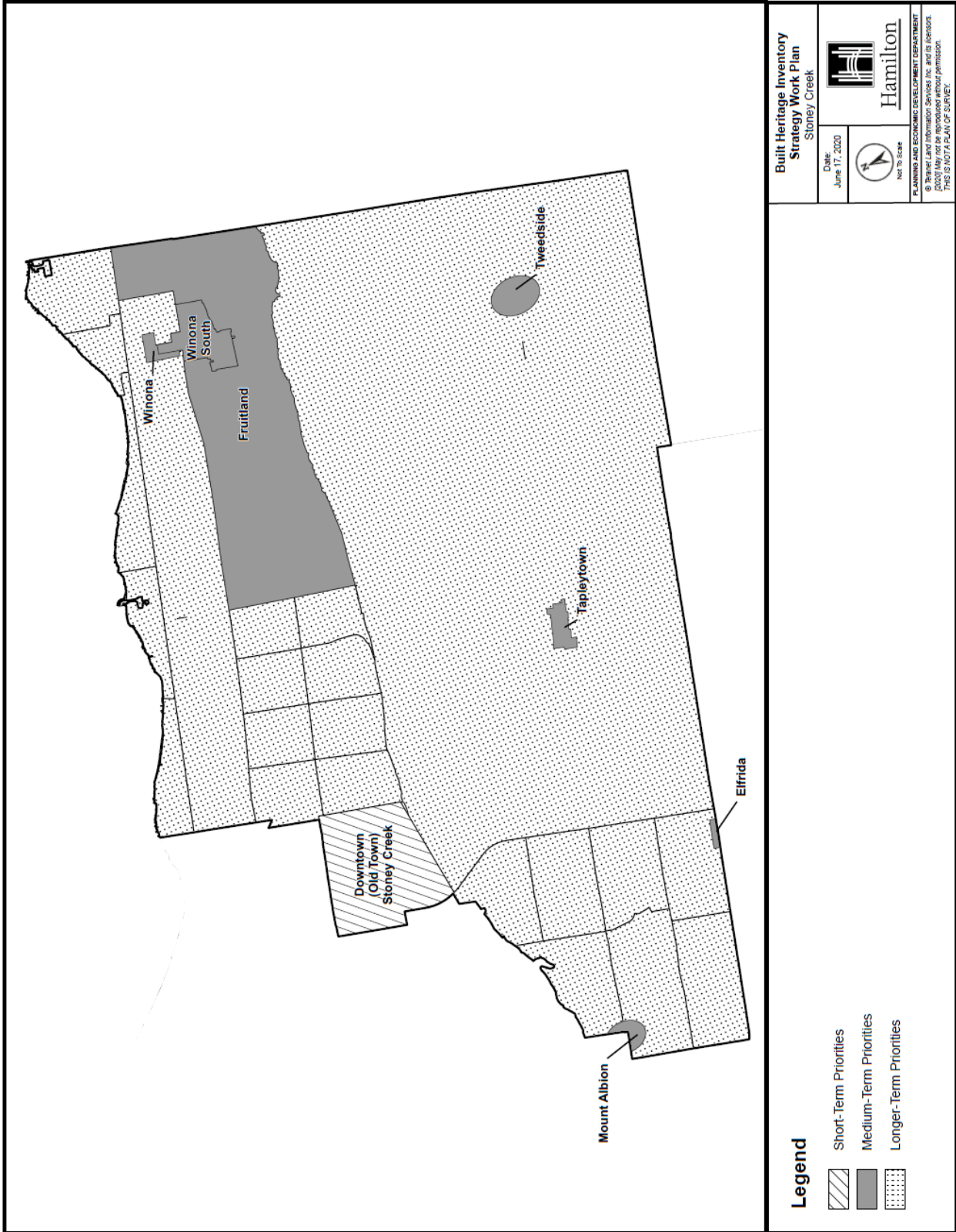
**Built Heritage Inventory Strategy Work Plan**  
 Hamilton

Date: June 16, 2020

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**Legend**

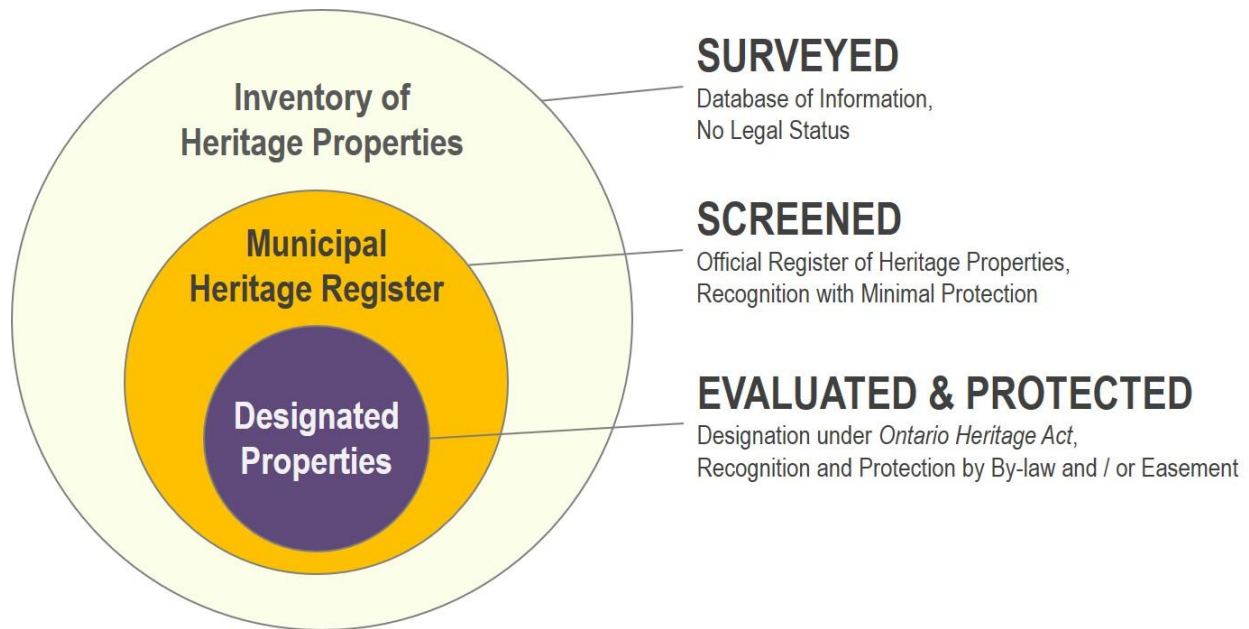
-  Short-Term Priorities
-  Medium-Term Priorities
-  Longer-Term Priorities
-  Previous BHI Inventories



## Council-Adopted Built Heritage Inventory Process

1. **RESEARCH** - Compile available research and information and complete a desktop review of the study area.
2. **SURVEY** - Undertake surveys and document all properties within a study area using the standardized Built Heritage Inventory Form.
3. **IDENTIFY** - Prepare a Historic Context Statement (HCS) for the study area, in consultation with residents and the HMHC, where applicable. The HCS should identify key themes and heritage attributes of the area. An early public engagement session is recommended to introduce the project to the community and to gather their thoughts and historic information on the study area, which will help guide the development the HCS.
4. **EVALUATE** - Conduct a preliminary evaluation using the City and provincial criteria and classify each property in the study area as either a Significant Built Resource, Character-Defining Resource, Character-Supporting Resource or Inventoried Property, as outlined in the “Preliminary Evaluation” section of the Built Heritage Inventory Form. Candidates for listing on the Municipal Heritage Register and for designation under the *Ontario Heritage Act* are identified based on their individual classifications.
5. **CONSULT** - Present the draft recommendations to the Inventory and Research Working Group of the HMHC for their preliminary feedback. Prepare notifications to affected property owners regarding the recommendations and outline opportunities for input, discussion and delegations at the HMHC and Planning Committee meetings the recommendations will be considered. Hold a public information session to discuss the draft recommendations with the owners and members of the public. Keep the Ward Councillor apprised of the recommendations as they come forward.
6. **ADVISE** - Bring forward recommendations for the consideration of the Hamilton Municipal Heritage Committee, Planning Committee and Council for listing on the Register and candidates for designation under the *Ontario Heritage Act*; and,
7. **UPDATE** - Update the heritage database and mapping with Inventory, Register and designation work plan additions.

## Heritage Status Diagram



### What is the Inventory?

The Inventory is a compilation of over 25 years of data on buildings identified as having heritage value or interest. There are **no** legal restrictions imposed on property through listing on the Inventory. Inventoried properties are **not** subject to Heritage Permits. There are over 6,700 addresses listed on the Inventory city-wide.

### What is the Municipal Heritage Register?

The Municipal Heritage Register is an **administrative record** of properties designated under the *Ontario Heritage Act* **and** properties of heritage value or interest (non-designated). It requires consultation with our Hamilton Municipal Heritage Committee and a Council resolution to include (or remove) a non-designated property on the Register. The Register provides **short-term protection from demolition** for non-designated properties by requiring an owner to give 60-days notice of their intention to demolish or remove a building or structure on the property. Non-designated registered properties are **not** subject to Heritage Permits. There are over 1,500 non-designated properties listed on the Register city-wide.

### What is Heritage Designation?

A designated property is a significant heritage resource protected by a municipal by-law that identifies why the property has value and what features contribute to its value. Designation does **not** prevent change, but it allows the City to manage physical changes to a property through the **Heritage Permit** process. Designated properties are also eligible for City **grants** and **loans** to assist with their maintenance, restoration and adaptive reuse. There are over 600 designated properties in the City of Hamilton.

**Cultural Heritage Analysis by Community**  
Prepared May 2020 by the Heritage Resource Management Section of the Tourism & Culture Division, City of Hamilton

Analysis by Community	Ancaster	Dundas	Flamborough	Glanbrook	Hamilton	Stoney Creek	City-Wide
Wards (Located within each community)	12	1, 13	12, 13, 15	9, 11	1-6, 7, 8, 14	5, 9, 10	15
<b>Cultural Heritage Resources</b>							
Designated, Part IV, V or Easement (Number)	26	103	153*	5	323	21	631
Registered Non-Designated (Number)	34	7	16*	4	1,539	7	1,607
Designation Work Plan Priorities	40	4	5	1	106	3	159
Inventoried, Active (Number)	292	356	1,785	425	3,747	186	6,791
(% of total active inventory)	(4%)	(5%)	(26%)	(6%)	(55%)	(3%)	
Cultural Heritage Landscapes (Number)	9	3	26	23	236	10	307
Historic Settlement Areas, pre-1875 (Number)	7	1	12	7	1	4	32
Historic Neighbourhoods** (Number)	0	3	0	0	31	0	34
**Substantially built prior to 1950							
Heritage Conservation Districts (Number)	0	1	1	0	5	0	7
Heritage Bridges (Number)	1	4	8	1	12	2	28
National Historic Sites (Number)	1	2	0	0	11	2	16
Cemeteries (Number)	23	6	31	15	22	13	110
Registered Archaeological Sites (Number)	561	28	364	372	218	355	1,898
<b>Inventory Analysis</b>							
Inventoried, Inactive (Number)	48	58	93	120	1,230	92	1,641
Inactive, Non-Extant, Pre-2017 (Number)	29	34	16	84	925	63	1,151
(% of community's total pre-2017 listings)	(15%)	(8%)	(1%)	(18%)	(17%)	(32%)	
Inventoried, Pre-1867 (Number)	156	120	191	53	104	18	642
<b>Previous Heritage Surveys and Studies</b>	1976-1985 Survey	1978 Survey, 1990s Survey	Mid-1970s survey, 1982, 1991, 1997, 1998 and 2003 Updates; WVBHI	Birbrook and Glanbrook 1984 surveys (by Township Lot and Concession)	DBHI, DNBHI, King Street East Heritage Survey, James Street North and South Heritage District Studies, 1970s-1980s Lower-City Neighbourhood Inventories	Incremental surveys and updates	CHB Survey (1970s-80s), Places of Worship Inventory, Cemeteries and Burial Grounds Inventory, Pre-Confederation Inventory

\*Note: Data does not include pending Waterdown Village Built Heritage Inventory recommendations





Summary of Findings	Community
Greatest number of active Inventory Listings pending BHI review	Hamilton
Greatest number of inventoried pre-Confederation (1867) structures with no OHA protection	Flamborough
Lowest percentage of heritage properties registered and designated under the OHA as a percentage of total Community built parcels	Glanbrook
Greatest number of recognized Established Historical Neighbourhoods (substantially built prior to 1950)	Hamilton
Greatest number of inventoried cultural heritage landscapes	Hamilton
Greatest number of Historic Settlement Areas (Pre-1875)	Flamborough
Greatest number of Registered Archaeological Sites	Ancaster
Greatest number of non-extant Inventory listings as a percentage of all pre-2017 listings	Stoney Creek
Property with the earliest MPAC date of construction	Flamborough
Lowest average MPAC date of construction	Hamilton
Greatest number of pre-1900 structures, based on MPAC data	Hamilton
Greatest number of pre-1950 structures, based on MPAC data (Established Historical Neighbourhoods)	Hamilton
Greatest number of pre-1980 structures, based on MPAC data (40-year rule)	Hamilton
Greatest percentage of all Development Applications, 2010-2017, City-wide	Hamilton
Greatest percentage of all Committee of Adjustment Applications, 2010-2017, City-wide	Hamilton
Greatest percentage of Registered Plans of Subdivision, 2010-2017, City-wide	Hamilton
Greatest percentage of Building Permit Applications and Permits to Demolish, 2008-2016, City-wide	Hamilton



Hamilton

# BUILT HERITAGE INVENTORY FORM

Address \_\_\_\_\_ Community \_\_\_\_\_

Also known as \_\_\_\_\_ Legal Description \_\_\_\_\_

P.I.N. \_\_\_\_\_ Roll No. \_\_\_\_\_ Ward \_\_\_\_\_ Neighbourhood \_\_\_\_\_

**Heritage Status:**  Inventory  Registered  Designated (Part IV / Part V)  Easement (City / OHT)  NHS  
Heritage Conservation District (if applicable): \_\_\_\_\_ Cultural Heritage Landscape (if applicable): \_\_\_\_\_

**Property Status (Observed):**  Occupied Building  Vacant Building  Vacant Lot  Parking Lot

**Integrity:**  Preserved / Intact  Modified  Compromised  Demolished (date) \_\_\_\_\_

**Construction Period:**  Pre 1867  1868-1900  1901-1939  1940-1955  1956-1970  Post 1970  
Year (if known) \_\_\_\_\_ Architect / Builder / Craftsperson (if known) \_\_\_\_\_

**Massing:**  Single-detached  Semi-detached, related  Semi-detached, unrelated  Row, related  Row, unrelated  Other \_\_\_\_\_

**Stores:**  1  1 ½  2  2 ½  3  3 ½  4 or more  Irregular  Other \_\_\_\_\_

**Foundation Construction Material:**  Stone  Brick  Concrete  Wood  Other \_\_\_\_\_ Finish: \_\_\_\_\_

**Building Construction Material:**  Brick  Frame (wood)  Stone  Log  Other \_\_\_\_\_ Finish: \_\_\_\_\_

**Building Cladding:**  Wood  Stone  Brick  Stucco  Synthetic  Other \_\_\_\_\_ Finish: \_\_\_\_\_

**Roof type:**  Hip  Flat  Gambrel  Mansard  Gable  Other \_\_\_\_\_ Type: \_\_\_\_\_

**Roof Materials:**  Asphalt Shingle  Wood Shingle  Slate  Tile/Terra Cotta  Tar/Gravel  Metal  Other \_\_\_\_\_

**Architectural Style / Influence:**

- |   |   |   |  |  |
|---|---|---|--|--|
| <input type="checkbox"/> Art Deco / Moderne<br>(1920s-1950s)  | <input type="checkbox"/> Craftsman / Prairie<br>(1900s-1930s) | <input type="checkbox"/> International<br>(1930-1965) | <input type="checkbox"/> Ontario Cottage<br>(1840-1900)    | <input type="checkbox"/> Romanesque Revival<br>(1850-1910) |
| <input type="checkbox"/> Beaux-Arts Classicism<br>(1900-1945) | <input type="checkbox"/> Colonial Revival<br>(1900-Present)   | <input type="checkbox"/> Italian Villa<br>(1830-1900) | <input type="checkbox"/> Period Revivals<br>(1900-Present) | <input type="checkbox"/> Second Empire<br>(1860-1900)      |
| <input type="checkbox"/> Bungalow<br>(1900-1945)              | <input type="checkbox"/> Edwardian<br>(1900-1930)             | <input type="checkbox"/> Italianate<br>(1850-1900)    | <input type="checkbox"/> Post-Modern<br>(1970-Present)     | <input type="checkbox"/> Vernacular                        |
| <input type="checkbox"/> Classic Revival<br>(1830-1860)       | <input type="checkbox"/> Georgian / Loyalist<br>(1784-1860)   | <input type="checkbox"/> Neo-Classical<br>(1800-1860) | <input type="checkbox"/> Queen Anne<br>(1880-1910)         | <input type="checkbox"/> Victory Housing<br>(1940-1950)    |
| <input type="checkbox"/> Chateau<br>(1880-1940)               | <input type="checkbox"/> Gothic Revival<br>(1830-1900)        | <input type="checkbox"/> Neo-Gothic<br>(1900-1945)    | <input type="checkbox"/> Regency<br>(1830-1860)            | <input type="checkbox"/> 1950s Contemporary<br>(1945-1965) |
| <input type="checkbox"/> Other _____                          |   |   |  |  |

**Notable Building Features:**

- |   |   |                                      |                                      |   |
|---|---|--------------------------------------|--------------------------------------|---|
| <input type="checkbox"/> Porch: _____     | <input type="checkbox"/> Sill(s): _____   | <input type="checkbox"/> Tower/Spire | <input type="checkbox"/> Bargeboard  | <input type="checkbox"/> Eaves: _____   |
| <input type="checkbox"/> Verandah: _____  | <input type="checkbox"/> Lintel(s): _____ | <input type="checkbox"/> Dome        | <input type="checkbox"/> Transom     | <input type="checkbox"/> Verges: _____  |
| <input type="checkbox"/> Balcony: _____   | <input type="checkbox"/> Shutters: _____  | <input type="checkbox"/> Finial      | <input type="checkbox"/> Side light  | <input type="checkbox"/> Dormer: _____  |
| <input type="checkbox"/> Door(s) : _____  | <input type="checkbox"/> Quoins: _____    | <input type="checkbox"/> Pilaster    | <input type="checkbox"/> Pediment    | <input type="checkbox"/> Chimney: _____ |
| <input type="checkbox"/> Stairs: _____    | <input type="checkbox"/> Voussoirs: _____ | <input type="checkbox"/> Capital     | <input type="checkbox"/> Woodwork    | <input type="checkbox"/> Parapet: _____ |
| <input type="checkbox"/> Fire wall: _____ | <input type="checkbox"/> Cornice: _____   | <input type="checkbox"/> Panel       | <input type="checkbox"/> Date stone  | <input type="checkbox"/> Bay: _____     |
| <input type="checkbox"/> Windows: _____   | <input type="checkbox"/> Column           | <input type="checkbox"/> Cresting    | <input type="checkbox"/> Other _____ |   |

Notes: \_\_\_\_\_

**Context:**

- Historic Context Statement:  Yes  No Name of HCS Area: \_\_\_\_\_
- Streetscape (Residential / Commercial)  Terrace / Row  Complex / Grouping  Landmark
- Multi-address parcel (list addresses): \_\_\_\_\_  Other \_\_\_\_\_
- Related buildings: \_\_\_\_\_

**Plan:**  Square  Rectangular  L  U  T  H  Cross  Irregular  Other \_\_\_\_\_

**Wings:** \_\_\_\_\_ **Setback:**  Shallow  Deep  At ROW  Other \_\_\_\_\_  Corner Lot

**Accessory Features and Structures:**

- Features (e.g. stone wall, fountain): \_\_\_\_\_
- Structures (e.g. shed, outbuilding): \_\_\_\_\_

**Additional Notes:**

**Related Files:** \_\_\_\_\_

**Fire Insurance Mapping:**

**Additional Documentation and Research Attached (if applicable):**

<b>Surveyed by:</b>	<b>Date:</b>	<b>Survey Area:</b>
<b>Staff Reviewer:</b>	<b>Date:</b>	

## PRELIMINARY EVALUATION

<b>Physical / Design Value:</b>	
<input type="checkbox"/>	The property's style, type or expression is: <input type="checkbox"/> rare <input type="checkbox"/> unique <input type="checkbox"/> representative <input type="checkbox"/> early
<input type="checkbox"/>	The property displays a high degree of: <input type="checkbox"/> craftsmanship <input type="checkbox"/> artistic merit
<input type="checkbox"/>	The property demonstrates a high degree of: <input type="checkbox"/> technical achievement <input type="checkbox"/> scientific achievement
<b>Historical / Associative Value:</b>	
<input type="checkbox"/>	The property has direct associations with a potentially significant: <input type="checkbox"/> theme <input type="checkbox"/> event <input type="checkbox"/> belief <input type="checkbox"/> person <input type="checkbox"/> activity <input type="checkbox"/> organization <input type="checkbox"/> institution
<input type="checkbox"/>	The property yields, or has the potential to yield, information that contributes to an understanding of a community or culture
<input type="checkbox"/>	The property demonstrates or reflects the work or ideas of a potentially significant: <input type="checkbox"/> architect <input type="checkbox"/> artist <input type="checkbox"/> builder <input type="checkbox"/> designer <input type="checkbox"/> theorist
<b>Contextual Value:</b>	
<input type="checkbox"/>	The property is important in: <input type="checkbox"/> defining <input type="checkbox"/> maintaining <input type="checkbox"/> supporting the character of the area
<input type="checkbox"/>	The property is linked to its surroundings: <input type="checkbox"/> physically <input type="checkbox"/> functionally <input type="checkbox"/> visually <input type="checkbox"/> historically
<input type="checkbox"/>	The property is a landmark

<b>Classification:</b>
<input type="checkbox"/> Significant Built Resource (SBR)
<input type="checkbox"/> Character-Defining Resource (CDR)
<input type="checkbox"/> Character-Supporting Resource (CSR)
<input type="checkbox"/> Inventory Property (IP)
<input type="checkbox"/> Remove from Inventory (RFI)
<input type="checkbox"/> None

<b>Recommendation:</b>
<input type="checkbox"/> Add to Designation Work Plan
<input type="checkbox"/> Include in Register (Non-designated)
<input type="checkbox"/> Remove from Register (Non-designated)
<input type="checkbox"/> Add to Inventory – Periodic Review
<input type="checkbox"/> Inventory – No Further Review (Non-extant)
<input type="checkbox"/> No Action Required

<b>Evaluated by:</b>	<b>Date:</b>
<b>HMHC Advice:</b>	<b>Date</b>
<b>Planning Committee Advice:</b>	<b>Date:</b>
<b>Council Decision:</b>	<b>Date:</b>
<b>Database/GIS Update:</b>	<b>AMANDA Update:</b>



Hamilton

# Hamilton's Built Heritage Inventory Strategy (PED20133)

Hamilton Municipal Heritage Committee (WebEx)  
October 30, 2020

# Presentation Overview

- Refresher on “Heritage Conservation”
- Hamilton’s Inventory Process
- Prioritizing Future Inventory Work
- BHI Strategy and Work Plan

# Heritage Conservation in Ontario

- Municipalities are tasked with ensuring that significant **cultural heritage resources** are conserved (*Planning Act, Provincial Policy Statement*).
- The *Ontario Heritage Act* (the Act) is the main tool available to municipalities to accomplish this goal.
- The Act allows for the protection of heritage properties through **designation** and the negotiation of heritage conservation easement agreements.
- The Act also enables municipalities to manage physical changes to protected heritage properties through the **Heritage Permit** process.
- The Act also provides for interim protection from demolition of non-designated properties of cultural heritage value or interest included in the **Register** (“listing”).



# What is a “Heritage” Building?

A building may have **heritage value or interest** if it:

- Is a community landmark
- Was designed by, or related to, a significant person in the community, province or country
- Demonstrates a high degree of craftsmanship or artistry
- **Is representative of, or contributes to, the character of a community**
- Is related to an important event in the history of the city or the development of a neighbourhood

# Why Conserve Heritage Buildings?

- Connects us to our past
- Sense of place and identity
- Traditional materials: repairable and reusable
- Historic neighbourhoods: resilient, walkable
- *The greenest building is the one already built*
- Heritage is a public good

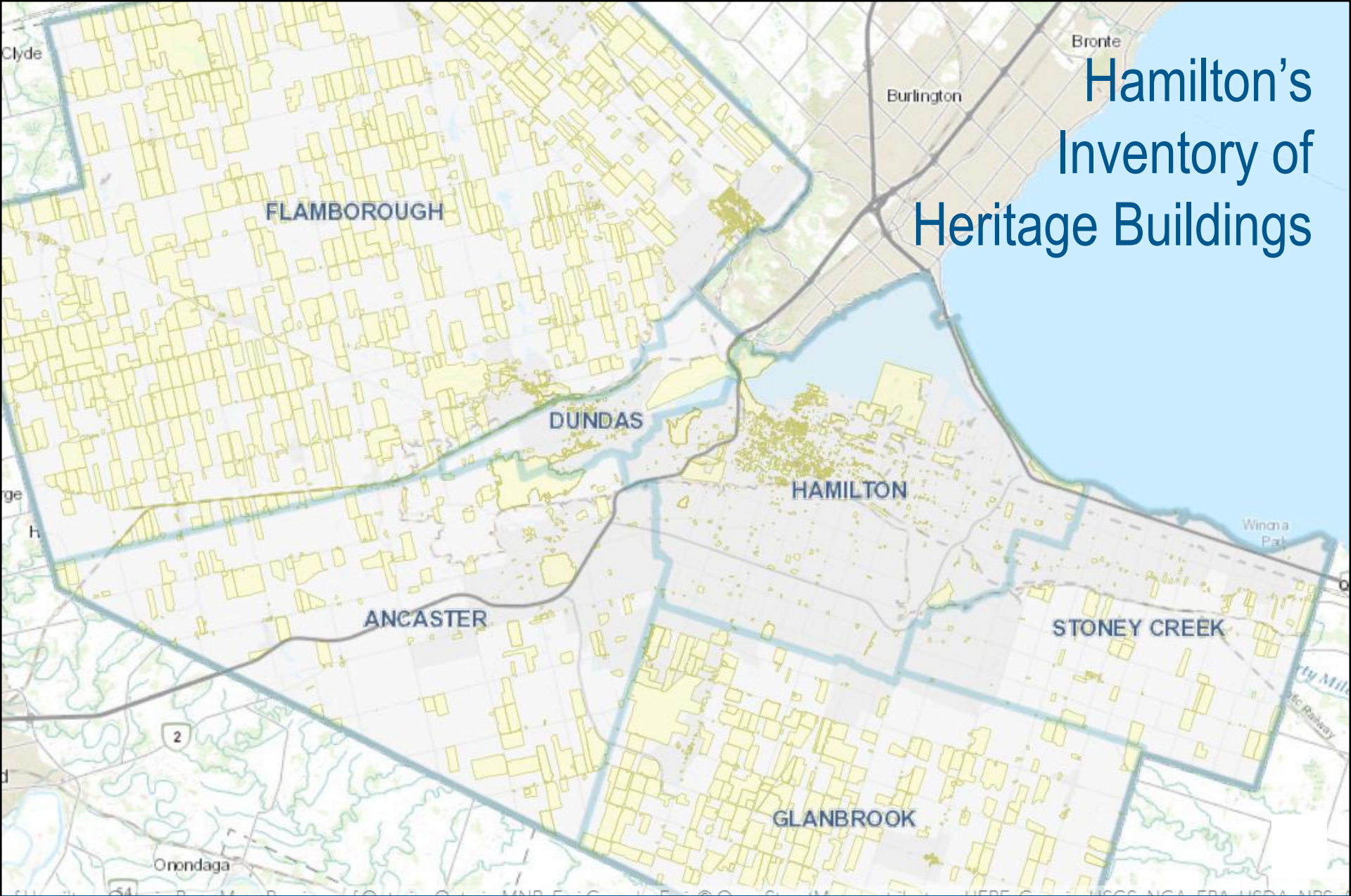
*“Don't it always seem to go, that you don't know what you've got till it's gone.” – Joni Mitchell*

# Inventorying Our Built Heritage

*What do we have?*  
*Where is it located?*



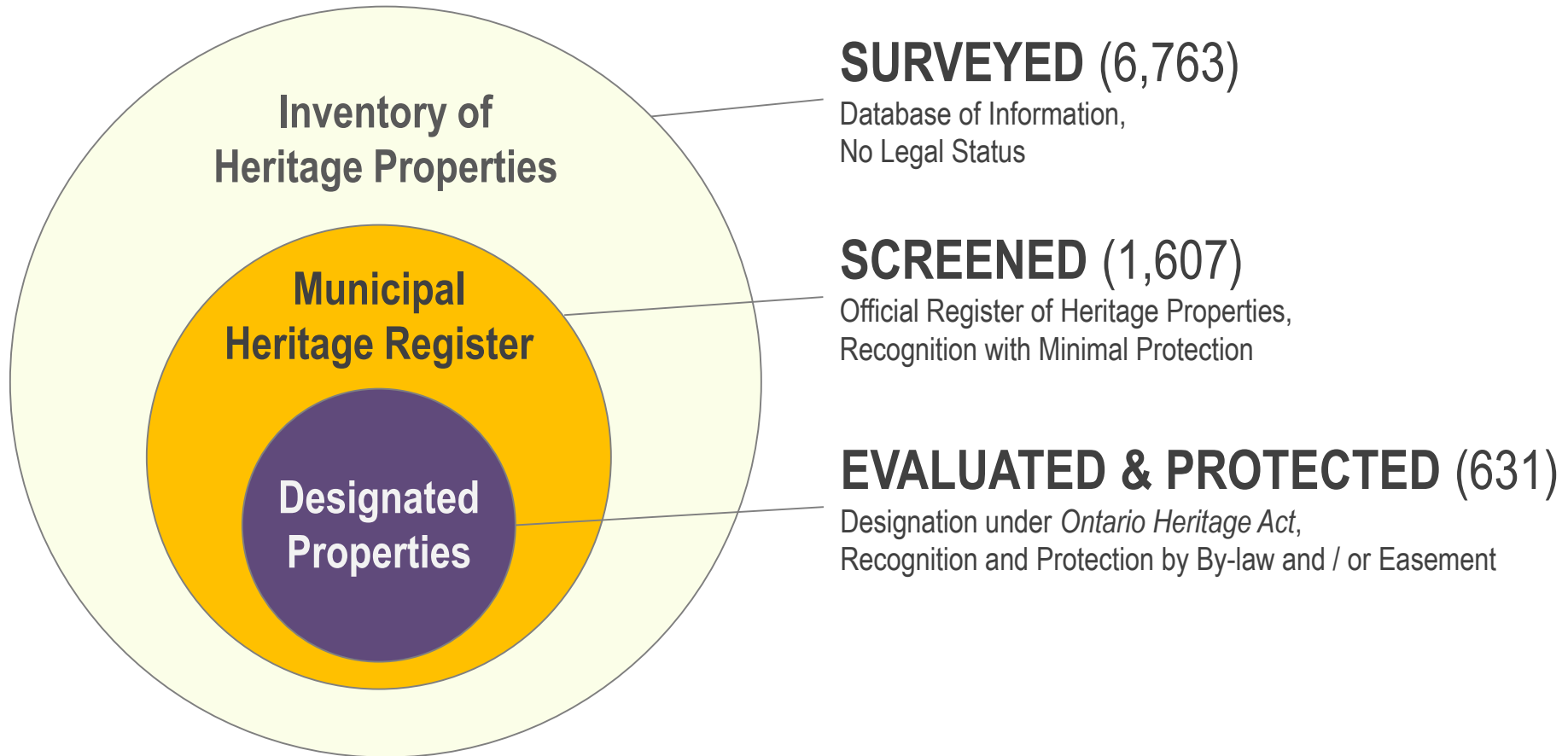
# Hamilton's Inventory of Heritage Buildings



# Hamilton's Inventory Process

- Updated surveys and **screening**
- **Proactive** identification of heritage properties
- **Consistent** database of information
  - Improve **transparency** and access to information
  - Facilitate **informed decision-making**
- Community **engagement** and education

# Understanding Heritage Status



# Why list properties on the Register?

- **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
- Encourage **conservation** and retention of historic buildings as properties are developed

# Demystifying the Register

## Listing on the Register:

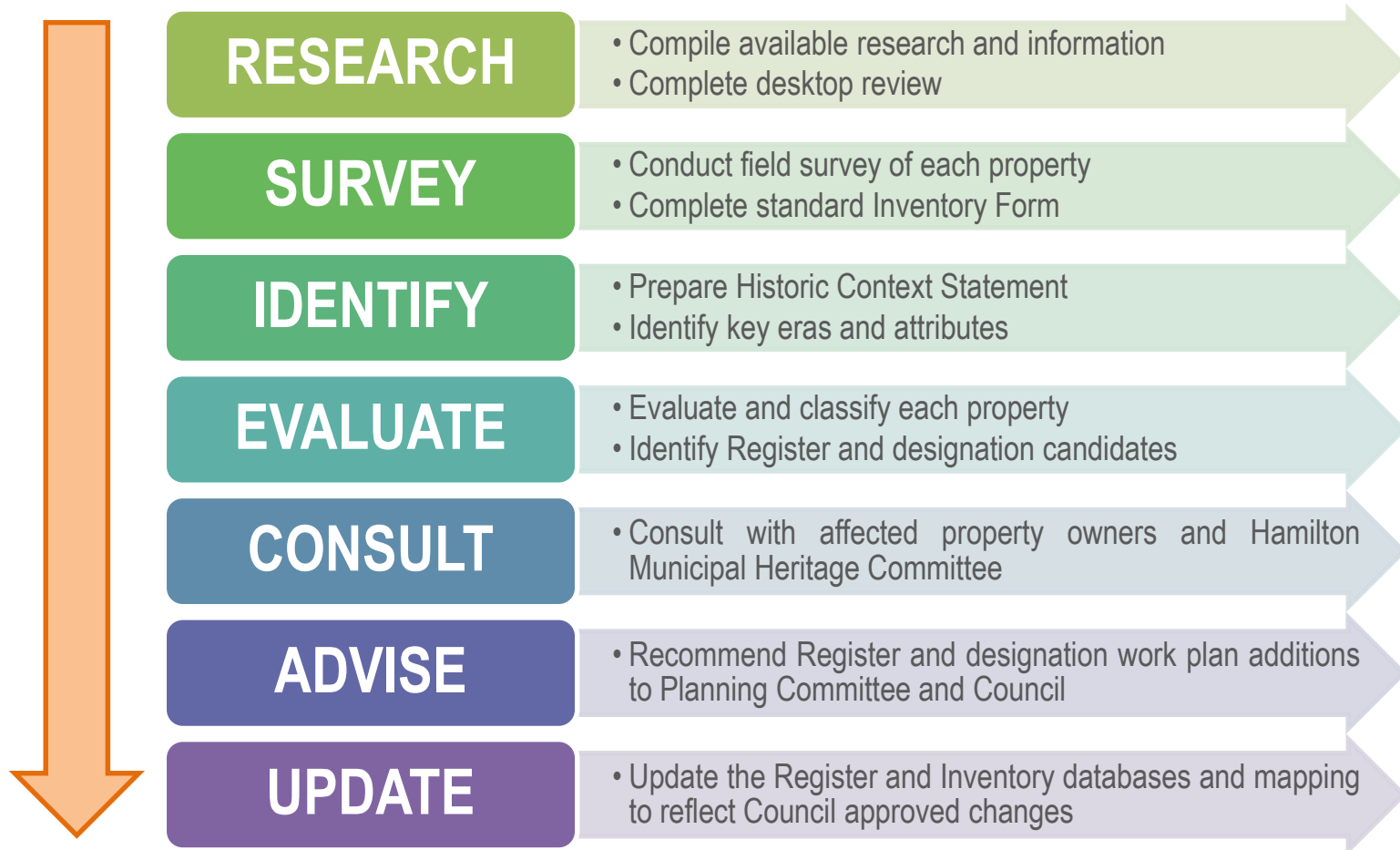
- is not the same as designation; registered properties are not subject to Heritage Permits
- does not legally restrict the use of a property
- has not been proven to impact property or resale values
- does not prevent alterations or changes to a property
- does not prevent demolition, but does provide a short-term delay (60 days)

The standard turnaround for a demolition permit would be 10-20 days.

Listing on the Register does not prevent demolition, but does allow Council time to discuss alternatives to demolition, if proposed, such as designation.



# Built Heritage Inventory Process



# Contextual Evaluations





## Significant Built Resource

*The property is of considerable historic, aesthetic and / or contextual value; it is likely well known to local, regional or national communities.*



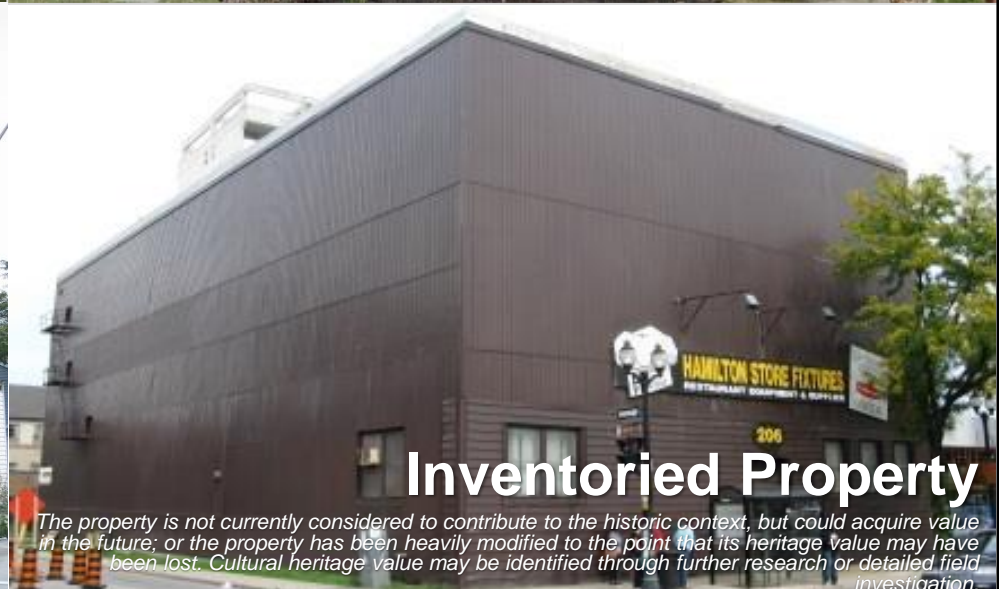
## Character-Defining Resource

*The property strongly reinforces its historic context, clearly reflecting a characteristic pattern of development or activity, property type or attribute of the area.*



## Character-Supporting Resource

*The property maintains or supports its historic context and can be related to a characteristic pattern of development or activity, property type or attribute of the area.*



## Inventoried Property

*The property is not currently considered to contribute to the historic context, but could acquire value in the future; or the property has been heavily modified to the point that its heritage value may have been lost. Cultural heritage value may be identified through further research or detailed field investigation.*

# Built Heritage Inventory Forms

### PRELIMINARY EVALUATION

**Physical / Design Value:**

The property's style, type or expression is:  rare  unique  representative  early

The property displays a high degree of:  craftsmanship  artistic merit

The property demonstrates a high degree of

**Historical / Associative Value:**

The property has direct associations with:  
 theme  event  belief  person

The property yields, or has the potential understanding of a community or culture

The property demonstrates or reflects the:  
 architect  artist  building  design

**Contextual Value:**

The property is important in:  defining  the character of the area

The property is linked to its surroundings:

The property is a landmark

**Classification:**

Significant Built Resource (SBR)

Character-Defining Resource (CDR)

Character-Supporting Resource (CSR)

Inventory Property (IP)

Remove from Inventory (RFI)

None

**Evaluated by:** Ron Sinclair


**HMHC Advice:**

**Planning Committee Advice:**

**Council Decision:**

**Database/GIS Update:**

Planning and Economic Development Department



## BUILT HERITAGE INVENTORY FORM

**Address** 224 Robina Road Community Ancaster

**Also known as** Stanley Roscoe House **Legal Description** PLAN 1035 LOT 33

**P.I.N.** 174360220 **Roll No.** 251814035007800 **Ward** 12 **Neighbourhood** Maple Lane

**Heritage Status:**  Inventory  Registered  Designated (Part IV / Part V)  Easement (City / OHT)  NHS  
 CHC (if applicable): \_\_\_\_\_ Cultural Heritage Landscape (if applicable): \_\_\_\_\_

**Property Status (Observed):**  Occupied Building  Vacant Building  Vacant Lot  Parking Lot

**Integrity:**  Preserved / Intact  Modified  Compromised  Demolished (date) \_\_\_\_\_

**Construction Period:**  Pre 1867  1868-1900  1901-1939  1940-1955  1956-1970  Post 1970  
 Year (if known) 1955 **Architect / Builder / Craftsman** (if known) Stanley Roscoe

**Massing:**  Single-detached  Semi-detached, related  Semi-detached, unrelated  Row, related  Row, unrelated  Other \_\_\_\_\_

**Stores:**  1  1 ½  2  2 ½  3  3 ½  4 or more  Irregular  Other 3 level side split \_\_\_\_\_

**Foundation Construction Material:**  Stone  Brick  Concrete  Wood  Other \_\_\_\_\_ Finish: \_\_\_\_\_

**Building Construction Material:**  Brick  Frame (wood)  Stone  Log  Other glass Finish: \_\_\_\_\_

**Building Cladding:**  Wood  Stone  Brick  Stucco  Synthetic  Other \_\_\_\_\_ Finish: \_\_\_\_\_

**Roof Type:**  Hip  Flat  Gambrel  Mansard  Gable  Other \_\_\_\_\_ Type: Flat, sloping angular roof

**Roof Materials:**  Asphalt Shingle  Wood Shingle  Slate  Tile/Terra Cotta  Tar/Gravel  Metal  Other \_\_\_\_\_

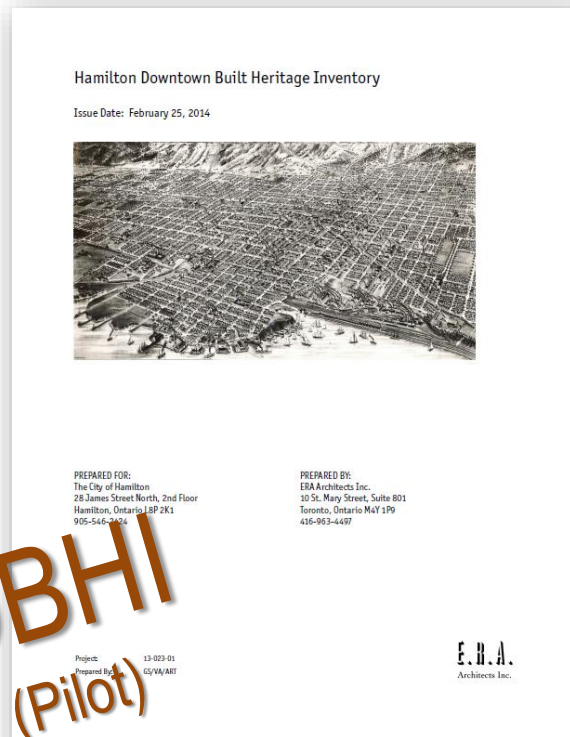
**Architectural Style / Influence:**

<input type="checkbox"/> Art Deco / Moderne (1920s-1950s)	<input type="checkbox"/> Chateau (1880-1940)	<input type="checkbox"/> Gothic Revival (1830-1900)	<input type="checkbox"/> Neo-Gothic (1890-1945)	<input type="checkbox"/> Romanesque Revival (1850-1910)
<input type="checkbox"/> Beau-Arts Classicism (1900-1945)	<input type="checkbox"/> Craftsman / Prairie (1900s-1930s)	<input type="checkbox"/> International (1930-1995)	<input type="checkbox"/> Period Revivals (1900-Present)	<input type="checkbox"/> Second Empire (1860-1900)
<input type="checkbox"/> Brutalism (1950-1970)	<input type="checkbox"/> Colonial Revival (1900-Present)	<input type="checkbox"/> Italian Villa (1830-1900)	<input type="checkbox"/> Post-Modern (1970-Present)	<input type="checkbox"/> Vernacular
<input type="checkbox"/> Bungalow (1900-1945)	<input type="checkbox"/> Edwardian (1900-1930)	<input type="checkbox"/> Italianate (1890-1900)	<input type="checkbox"/> Queen Anne (1880-1910)	<input type="checkbox"/> Victory Housing (1940-1950)
<input type="checkbox"/> Classic Revival (1830-1880)	<input type="checkbox"/> Georgian / Loyalist (1794-1860)	<input type="checkbox"/> Neo-Classical (1800-1860)	<input type="checkbox"/> Regency (1830-1860)	<input checked="" type="checkbox"/> 1950s Contemporary (1946-1960)
<input type="checkbox"/> Other Mid-century Modern (1933-1965)				

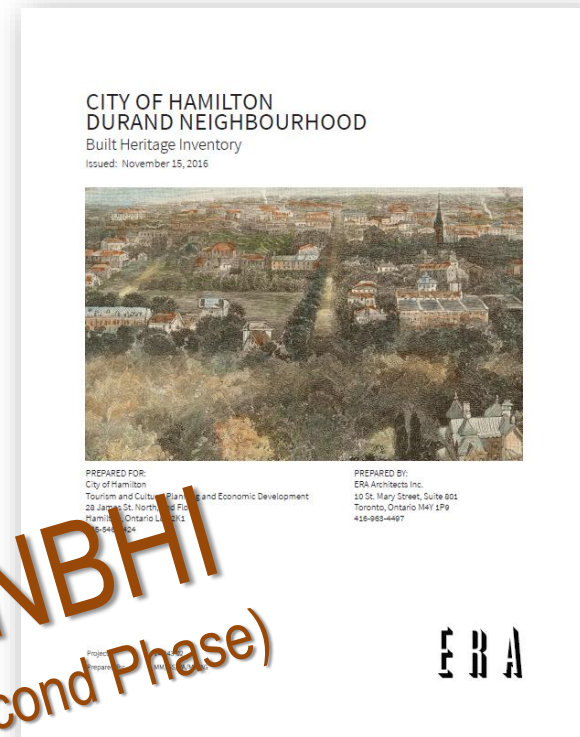
Planning and Economic Development Department (2017) Page 1 of 3

- Consistency
- Transparency
- Defendable
- Data management

# Built Heritage Inventory Work To Date



**Downtown Built Heritage Inventory, 2014**  
723 additions to Municipal Heritage Register  
30 candidates added to designation work plan

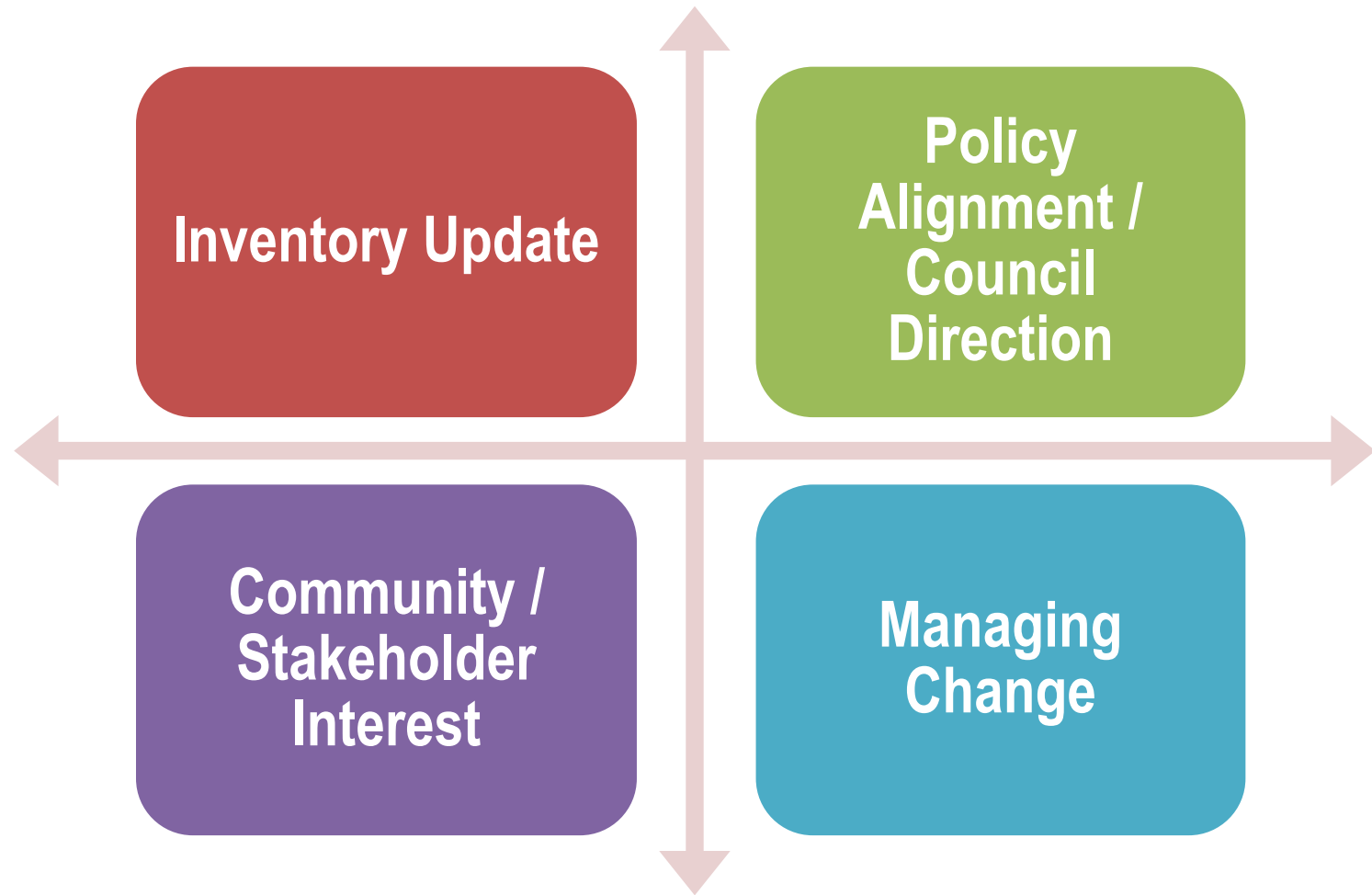


**Durand Neighbourhood Built Heritage Inventory, 2017**  
736 additions to Municipal Heritage Register  
52 candidates added to designation work plan

# Waterdown Village Built Heritage Inventory



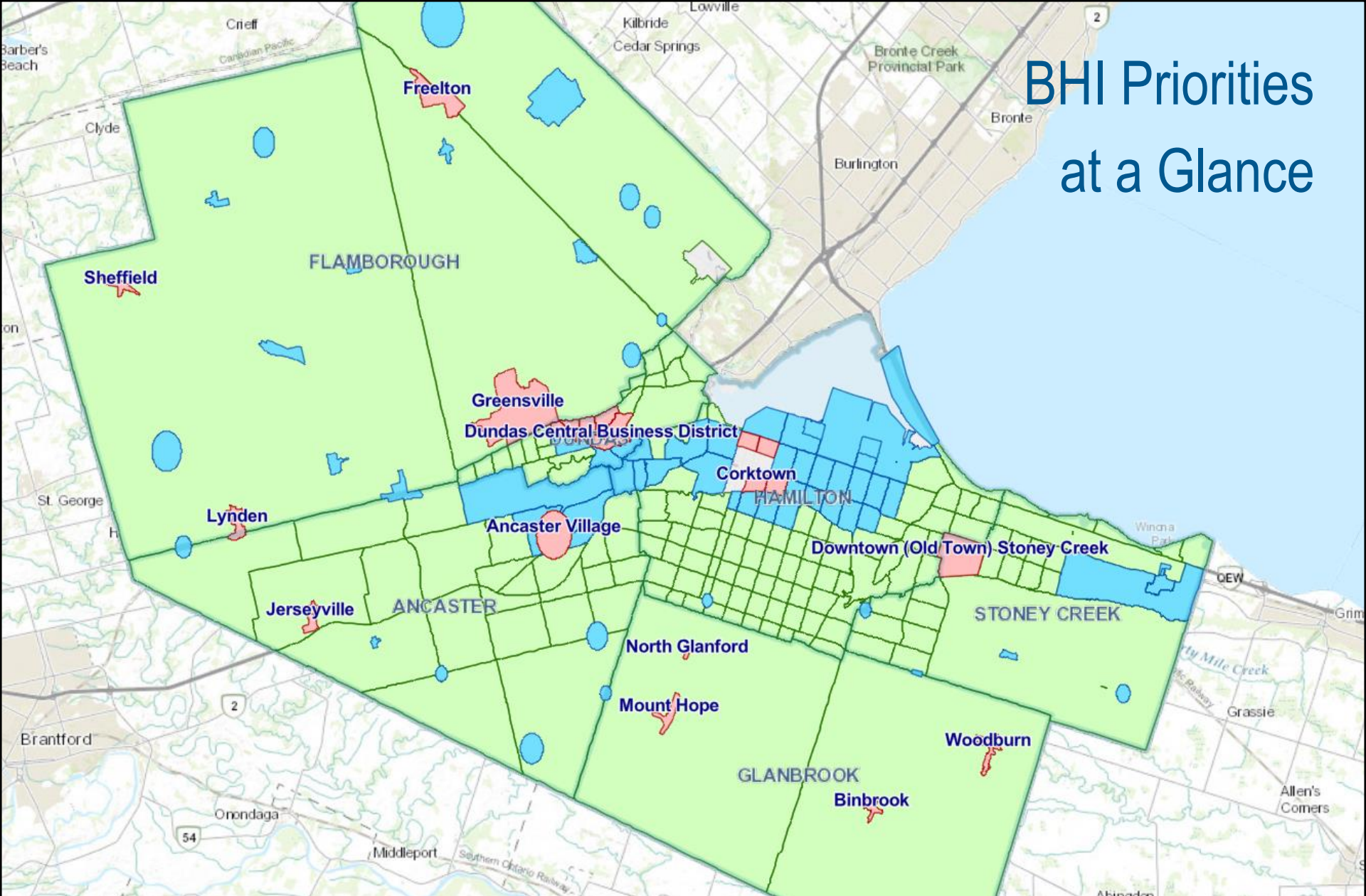
# Prioritizing Future Built Heritage Inventory Work



- Short, medium and longer-term priorities identified
- Short-term:
  - 38% of remaining Inventory listings
  - High concentrations / integrity
  - Perceived development pressure
  - Strong community support
- Downtown Dundas - 2021



# BHI Priorities at a Glance



# Community-Led Inventories



ARCHITECTURAL  
CONSERVANCY  
ONTARIO

HAMILTON  
REGION



# Community-led Process (Draft)



Thank you!

## **Alissa Golden**

Heritage Project Specialist

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## **Inventory & Research Working Group**

### **Recommendations**

Monday, August 24, 2020 (6:00 pm)

### **City of Hamilton Webex Virtual Meeting**

**Present:** Janice Brown (Chair); Ann Gillespie (Secretary); Alissa Denham-Robinson; Graham Carroll; Lyn Lunsted; Chuck Dimitry; Rammy Saini  
Jim Charlton

**Regrets:** Joachim Brouwer; Brian Kowalesicz

**Also present:** Miranda Brunton, City of Hamilton Cultural Heritage Planner  
David Addington, City of Hamilton Cultural Heritage Planner  
Alissa Golden, Heritage Project Specialist

#### **RECOMMENDATIONS:**

#### **THE INVENTORY & RESEARCH WORKING GROUP RECOMMENDS THE FOLLOWING TO THE HAMILTON MUNICIPAL HERITAGE COMMITTEE:**

- 1) That the pre-confederation property located at 187-189 Catharine Street North, Hamilton be included on the Municipal Register of Properties of Cultural Heritage Value or Interest based on the cultural heritage evaluation presented in Appendix A (attached); and,

That the property also be added to the list of Buildings and Landscapes of Interest in the YELLOW category.

- 2) That the property at 24 Blake Street (former "Eastcourt" carriage house) be added to the Municipal Register of Properties Cultural Heritage Value or Historical Interest and added to staff work plan for designation with a medium-high priority based on the cultural heritage evaluation presented in Appendix B (attached).
- 3) The following properties be added to the City Register of Non-designated properties of cultural/heritage value and/or historical interest: 9751 Twenty Road West, 2081 Upper James, 311 Rymal Road East, 7105 Twenty Road West, 623 Miles Road and 9445 Twenty Road West.

A summary of the key reasons for the recommendations and details can be found in Appendix C (attached).

#### **4.4.2 Ontario Regulation 9/06 Evaluation**

The following evaluation is intended to assess the property against the criteria in Ontario Regulation 9/06 (Table 6).

**Table 6:** Evaluation of 187-189 Catharine Street North using Ontario Regulation 9/06

##### **1. The property has design value or physical value because it:**

i. is a rare, unique, representative or early example of a style, type, expression, material or construction method:

Yes. The property at 187-189 Catharine Street North meets this criterion. The residence is a pre-Confederation residential building that is an early example of a residential building in the City of Hamilton. Additionally, the building's stone composition is not common within the City of Hamilton.

ii. displays a high degree of craftsmanship or artistic merit:

Yes. The property at 187-189 Catharine Street North meets this criterion. The cut stone materials express a high degree of craftsmanship. Furthermore, though the interior was not evaluated in person by ASI, photographs provided to ASI suggest that other original materials within the building may include the wooden flooring, wooden trim around the windows, wooden baseboards, the fireplace and crown moulding. Some of these elements may be indications of high degrees of craftsmanship or artistic merit but would require further exploration as part of a designation by-law.

iii. demonstrates a high degree of technical or scientific achievement:

No. The property at 187-189 Catharine Street North does not demonstrate a high degree of technical or a scientific achievement.

##### **2. The property has historical value or associative value because it:**

i. has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community:

Yes. The property at 187-189 Catharine Street North meets this criterion. The property is associated with the theme of pre-Confederation residential development within the City of Hamilton.

ii. yields, or has the potential to yield, information that contributes to an understanding of a community or culture:

No. The property at 187-189 Catharine Street North is not anticipated to yield, or have the potential to yield, information that contributes to an understanding of a community or culture.

iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community:

No. The architect of the building on the property at 187-189 Catharine Street North is currently unknown.

### **3. The property has contextual value because it:**

i. is important in defining, maintaining or supporting the character of an area:

No. The residential character of Catharine Street North consists of two-storey residential buildings and a continuous streetscape with few gaps between buildings. The massing and architectural character of the residence at 187-189 Catharine Street North is not consistent with the character of the surrounding area and therefore is not particularly important in defining, maintaining, or supporting the character of the area.

ii. is physically, functionally, visually or historically linked to its surroundings:

No. Though the residence at 187-189 Catharine Street North has been physically, visually and historically linked to its location on the west side of Catharine Street North, its surroundings are not particularly significant, and a structure of this type, style and appearance could be located in any neighbourhood near Hamilton's downtown core. Furthermore, the residence's architecture is not consistent with that of the area and there is no significant relationship between this building and surrounding buildings. Furthermore, its immediate surroundings have changed over time due to the removal of the house at 185 Catharine Street North, which was located immediately behind the property, and the evolution of the property at 183 Catharine Street North.

iii. is a landmark:

No. The property at 187-189 Catharine Street North is not a landmark.

### **4.5 Proposed Statement of Cultural Heritage Value or Significance**

#### **187-189 Catharine Street North**

The property at 187-189 Catharine Street North in the City of Hamilton is a mid-nineteenth century, pre-Confederation residential semi-detached building. The one-and-a-half storey stone building is located on the west side of Catharine Street North, north of Cannon Street East and south of Robert Street.

The building at 187-189 Catharine Street North is a pre-Confederation residential building that is an early example of a residential building in the City of Hamilton and representative of the theme of pre-Confederation development within the City. The use of stone in residential buildings was at its peak in Hamilton during the mid-nineteenth century, though there are few examples of stone residential buildings left within the City of Hamilton. Many of Hamilton's remaining pre-Confederation stone residences are prominent residential buildings that contain a high degree of craftsmanship and have maintained a high degree of architectural integrity. The building at 187-189 Catharine

Appendix "A" to August 24, 2020 Inventory and Research Working Group meeting notes  
Excerpts from Cultural Heritage Impact Assessment, ASI, July 2020

Street North is not consistent with the architectural standards set by other mid-1800s stone residences in the city, though the building does incorporate the cut stone material known as local Whirlpool sandstone, which is an expression of a high degree of craftsmanship.

**Heritage Attributes:**

- The one-storey scale, form and massing of the building
- The stone materials, including cut stone façade and field stone foundation



## **Former “Eastcourt” Carriage House, 24 Blake Street, Hamilton** **STATEMENT OF CULTURAL HERITAGE VALUE**

### **Background**

The former carriage house at 24 Blake Street is the only surviving remnant of the four-acre “Eastcourt” estate, once situated south of Main Street East between Sherman Avenue and Blake Street (beyond the City limits in the 1890s). The impressive Second Empire style mansion with the same namesake is believed to have been built for Joseph Lister as a showcase for his prosperous furniture manufacturing business. There is no evidence that he ever lived there but in the mid-1890s, his son and business partner, John Hoodless, moved there with his wife Adelaide and their three children, where they remained until Adelaide’s untimely death in 1910. Shortly after this tragic event, John and his only son moved out and the estate was sold, likely to the developer who subdivided much of the property into lots for single-family homes fronting onto Sherman Avenue and Blake Street. The Hoodless mansion was then converted to a multiple residential building and named the Eastcourt Apartments. By the second half of the 20<sup>th</sup> century, the once splendid mansion had entered a period of decline and neglect, leading to its final fate of demolition circa 1970. Since then its former carriage house has suffered both neglect and vandalism but still remains standing as the only tangible evidence of the once magnificent Eastcourt estate.

### **Physical / Design Value**

The former carriage house presently occupies the back portion of the rear yard of the early 20<sup>th</sup> century residence at 24 Blake Street. The outbuilding is unique in that it represents a miniature version of the flamboyant Second Empire style of Eastcourt: a brick masonry structure with a Mansard roof and arched window and door openings replicating those of the main residence. Even its segmental masonry arches were embellished with cast-iron ornaments identical to those of the main house. For a building of its size and function, the former carriage house displays a high degree of craftsmanship and artistic merit. Furthermore, it represents a late and rare example of the use of cast-iron ornamentation (except for roof crestings and finials) in Ontario’s residential architecture of the second half of the 19<sup>th</sup> century. By the late 1880s, cast iron had been largely replaced by galvanized iron, a form of sheet metal, which became very popular for fabricating ornate cornices and window surrounds, mainly for commercial buildings, with cast iron being relegated to storefronts for which it served both a structural and ornamental function.

### **Historical/ Associative Value**

The Eastcourt estate – its mansion, landscaped grounds and outbuildings, are associated with both an important furniture making business in Hamilton, J. Hoodless & Son, and more significantly, with Adelaide Hoodless (nee Hunter in 1857), who gained national and

international recognition for promoting women’s rights and education. She championed the cause of gaining better training for women in homemaking skills, first introducing cooking classes to Hamilton’s first YWCA, and later pushing for the introduction of “domestic science” into the public school curriculum. In the Hamilton area, she also played an instrumental role in the formation of a Women’s Institute, to bring domestic education to rural women (a movement which rapidly spread around the world), in establishing the Ontario Normal School of Domestic Science and Art in Hamilton in 1900; and in the founding of the Macdonald Institute of Home Economics in Guelph. Tragically, her life of numerous major accomplishments over a relatively short span of time, was tragically cut short, when she collapsed and died while speaking in Toronto on February 26<sup>th</sup>, 1910 at the age of only 52.

### **Contextual Value**

Due to its well-hidden location with no presence on any streetscape, the former Eastcourt carriage house is important in supporting but not defining the character of the area. It serves as a tangible reminder of the Eastcourt estate, which at the time would have had a very prominent presence on Main Street East, with its architecturally impressive mansion and outbuildings surrounded by attractively landscaped grounds, all viewed against the backdrop of the Niagara escarpment. The former carriage house is linked historically to its surroundings, by the previously described historical associations.

NOTE: This evaluation is based on a more detailed background research report, completed by Ann Gillespie in August 2020.

**Summary of the key reasons for the recommendations and associated materials**

**9751 Twenty Road West**

The property at 9751 Twenty Road West is a storey and half single detached Gothic Revival farm house, constructed in 1850 on lands first granted in 1802 by the crown in the Mount Hope Area. Jacob Smith, was the first pioneer to arrive to the Mount Hope area in 1790. This was followed several years later by more early settlers. Jacob had 13 children who had acquired property in the Mount Hope area including Obedia Smith, the owner in 1850 at the time of the construction of 9751 Twenty Road West

Based on this preliminary research, 9751 Twenty Road West meets three criteria under Ontario Regulation 9/06. Its design is representative of mid 19<sup>th</sup> century Gothic Revival farm house; it is associated with a potentially significant person and it yields information that contributes to the understand of community. Lastly it is important in supporting the character of the area. ("Glanford Recollections & Reflections" – Sandy Smith, pages 251-254, ND; LACAC Inventory 1984)

HOUSE: Conc. 2, Lot 2.

Present Owner: Jerry Sullivan  
9751 Twenty Rd.  
Mt. Hope  
679-4397

Crown Patentee: Jacob Smith in 1836

First Settler: Jacob Smith in 1836

Date of Construction: 1850's

Owner at the time: Obedia Smith

Foundation:

- full basement with stone walls
- dirt floor

Structure:

- one and a half storey, single house
- exterior walls are two bricks thick
- lath and plaster on the inside
- the ceilings are all plaster
- has the original trim, doors, staircase, windows and baseboards
- there are six doors off of the dining room
- the floors are made of wide boards
- no additions, although the kitchen has been remodelled
- has the original gothic pointed window
- has bevelled brick design
- has the common brick bond

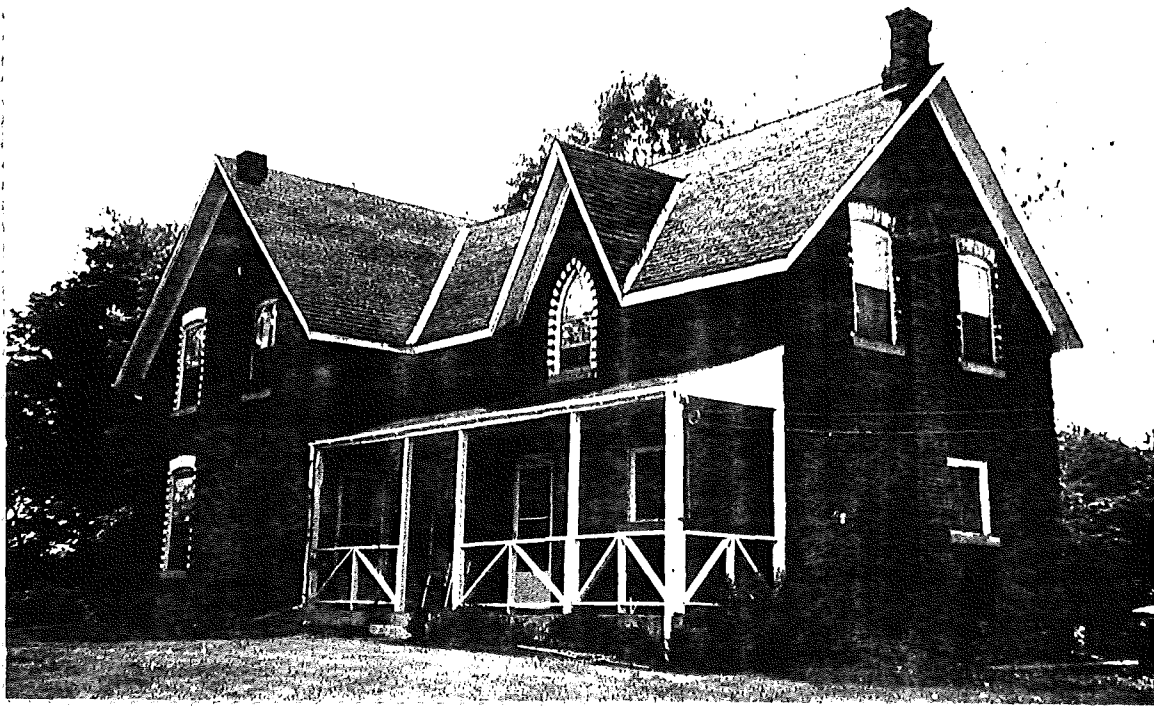
Roof:

- was wooden shingles, now asphalt shingles
- were originally five bracket chimneys, now there is one



WEST VIEW ↑

- brick relieving arches over windows and doors
- wall dormer with pointed arch window



NORTH & EAST VIEWS ↑

- wall dormer with pointed arch window
- porch
- corbeled chimney caps

## **2081 Upper James (also 2081 Highway 6)**

The first settler on this property was Thomas Choate and Francis Hartwell in 1818 who were United Empire Loyalists. The initial two-story stone structure was constructed in 1854 and a brick expansion of was added in 1874. The home is a rare, early example of gothic revival architecture on the Hamilton mountain (formerly Barton township). The materials in the construction were sourced locally including the quarry stone and brick from the Ed Dickenson Brickyard. Most of the wood is from locally sourced pine trees.

The home is in excellent condition in 2020 with many original features based on an in-person viewing from public rights of way by a heritage committee member in December of 2019. The key external features of heritage interest are the quarry stone front facade, the gingerbread treatment on the eaves, original doors, two double stone chimneys, two-foot thick stone walls, and front dormer above the entrance with a pointed arch window, shutters, and flat arches over the first-floor windows. (Source: 1984 LACAC report).

Based on this preliminary research, 2081 Upper James Street appears to meet two criteria under Ontario Regulation 9/06. Its design is representative of mid 19<sup>th</sup> century Gothic Revival farm house. Secondly, it is associated with a potentially significant person.

HOUSE: Conc. 2, Lot 6.

Present Owner: Peter Fletcher  
2081 Hwy. 6, Mt. Hope  
679-6483

Crown Patentee: Francis Hartwell in 1818

First Settler: Thomas Choate in 1819 & Francis Hartwell in 1818

Date of Construction: -1854 was when the stone part was built

-1874 was when the brick part on the back  
was added

Built by: the brick part was built by George Coon

Foundation:

- in the stone section, the basement is divided by stone partitions, there are stone walls under every room
- the north part has a brick floor, the south has a dirt floor
- the front of the house is quarry stone cut into squares

Structure:

- quarry stone was used
- in the beginning there was just plaster on the inside, because of condensation they added strapping, lath and plaster
- has plaster ceilings
- has pine, tongue and groove floors
- is a single, two storey house
- has two original stairways, with no throughway upstairs
- has all the original doors, pine trim, original shutters,
- has wainscotting in the kitchen
- the pine is from local timber
- the gingerbread outside has been removed

Roof:

- was originally hand made cedar shakes, now is asphalt shingle
- are two double chimneys made of stone
- has a brick chimney in the middle
- were two stone fireplaces and one brick oven

Point of Interest:

- the stone walls are approximately two feet deep
- has an unusual diagonal fireplace in the living room with a wrought iron fire cover
- the brick addition was made from brick from the Ed. Dickenson brickyard
- Mr. Springer owned the land when the stone house was built





WEST (FRONT) VIEW ↑

- wall dormer with pointed arch window
- flat arches over windows on first floor
- chimneys set in at an angle
- gable roof



SOUTH (SIDE) VIEW ↑

- wall dormer

### **311 Rymal Road East**

The Young family originally settled this area of Hamilton mountain (formerly Barton township) and maintained a large farmstead for many years. It is believed that one of the sons of James F. Young built the existing two-story structure in 1898. This property and the Young family cemetery on Upper Wellington will be the last remaining link to the Young family after the adjacent cottage at 323 Rymal Road East is demolished. The home appears to be rare, early example of Italianate architecture in this part of Hamilton mountain.

The home has been well kept into 2020 with what appears to be many original features based on an in-person viewing from public rights of way by a heritage committee member in December, 2019. The key external features of heritage interest are the front door and entry patio, tall arched windows and standing brick lintels, the decorative brick patterns in several facades of the house, the elaborate eaves and supporting corbels, and tall stone chimney. There have been several later additions at the back and side of the house.

Based on this preliminary research, 311 Rymal Road East meets two criteria under Ontario Regulation 9/06. Its design is representative of an Italianate architecture farm house. Secondly, it is associated with a potentially significant early settler family and what appears to be the last surviving home from this family.

Source:

Cultural Heritage Impact Assessment – 323 Rymal Road Eat, Former Barton Township, Wentworth County, now City of Hamilton, Ontario. Golder. April 2019.

[https://itvpgisapp.hamilton.ca/deltafs/Images/Cultural\\_Heritage/HeritageReports/CHIA\\_323RymalRoadEast.pdf](https://itvpgisapp.hamilton.ca/deltafs/Images/Cultural_Heritage/HeritageReports/CHIA_323RymalRoadEast.pdf)

## **7105 Twenty Road East**

The home at 7105 Twenty Road east, erected circa 1860 is a rare example of the Gothic Revival style once common in the area. The front with double door entry and matching bay windows and sharply peaked dormer is well balanced. The double bricked home with a stepped course is very well-maintained condition. The property helps support the character of the area.

All windows appear to be replacement glass within original openings and the front door is original with a replacement transom. The front verandah is not all original but the roof and dental appear moldings appear to be.

There has been an addition to the south elevation on south and east sides with a board and batten cladding. Appears to be a three-season style room.

This information relates to the Crown Patentee: William Johnson Kerr (1787 – April 23, 1845) he was a [political figure](#) in [Upper Canada](#).

Born in 1787, the son of [Robert Kerr](#) and grandson of Sir [William Johnson](#). He was a captain in the Indian Department and participated in the War of 1812. William Kerr justice of the peace in the [Gore District](#) in 1828. He served as superintendent for the Burlington Bay Canal project, alongside Michael Tipson. In 1832, no longer sympathetic to the reform cause, he took part in an assault on [William Lyon Mackenzie](#) in [Hamilton](#) and was charged and fined.

He had married Elizabeth Brant, the daughter of [Joseph Brant](#) (Thayendanegea), and, on John Brant's death in 1832, his son William Simcoe was chosen as Brant's successor. Kerr also led members of the Six Nations during the [Upper Canada Rebellion](#). He died at Wellington Square ([Burlington](#)) in 1845.

HOUSE: Conc. 2, Lot 10.

Present Owner: H. Pederson  
7105 Twenty Rd.  
Mt. Hope  
679-6329

Crown Patentee: William Johnson Kerr in 1806

First Settler: Sam Kern N $\frac{1}{2}$  in 1835  
David Kern Jr. S $\frac{1}{2}$  in 1835

Date of Construction: about 1860

Owner at the time: William Robinson, who was a retired sea captain  
who kept horses.

Foundation:

- full basement consisting of three rooms
- the partitions are made of stone
- the walls are made from field stone
- the floor was dirt, now it is cement

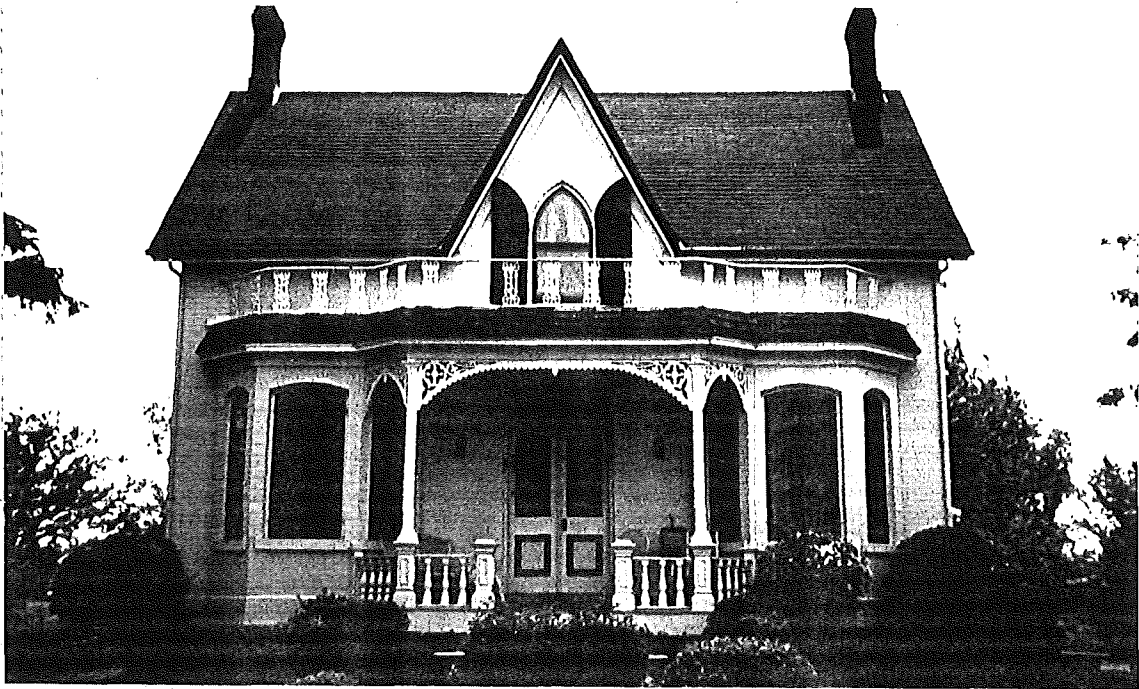
Structure:

- is a two storey, single house with a small attic
- is a double brick house, with lath and plaster on the inside
- has mixed maple and cherry floors downstairs and pine upstairs
- has the original trim, baseboards, and staircase
- has the original wainscot in the kitchen and window panels
- the front door is original and so is the stained glass in it
- transom over the door has been replaced
- some of the windows and all the doors are original
- the ceilings are 10-11' high and were originally plastered, two have been redone with tin
- the side verandas are original
- the front (north) veranda has been enlarged and the rod iron railings are not original

- picture frame molding in the living room
- there are three decorative light fixtures

Roof:

- originally cedar shingles, now there is asphalt shingles  
there were three chimneys which are still there, but one has  
been rebuilt
- the roof on the porches were corrugated tin



NORTH (FRONT) VIEW ↑

- bay windows
- brick relieving arches over windows and doors
- double front doors with a transom
- wall dormer with pointed arch window



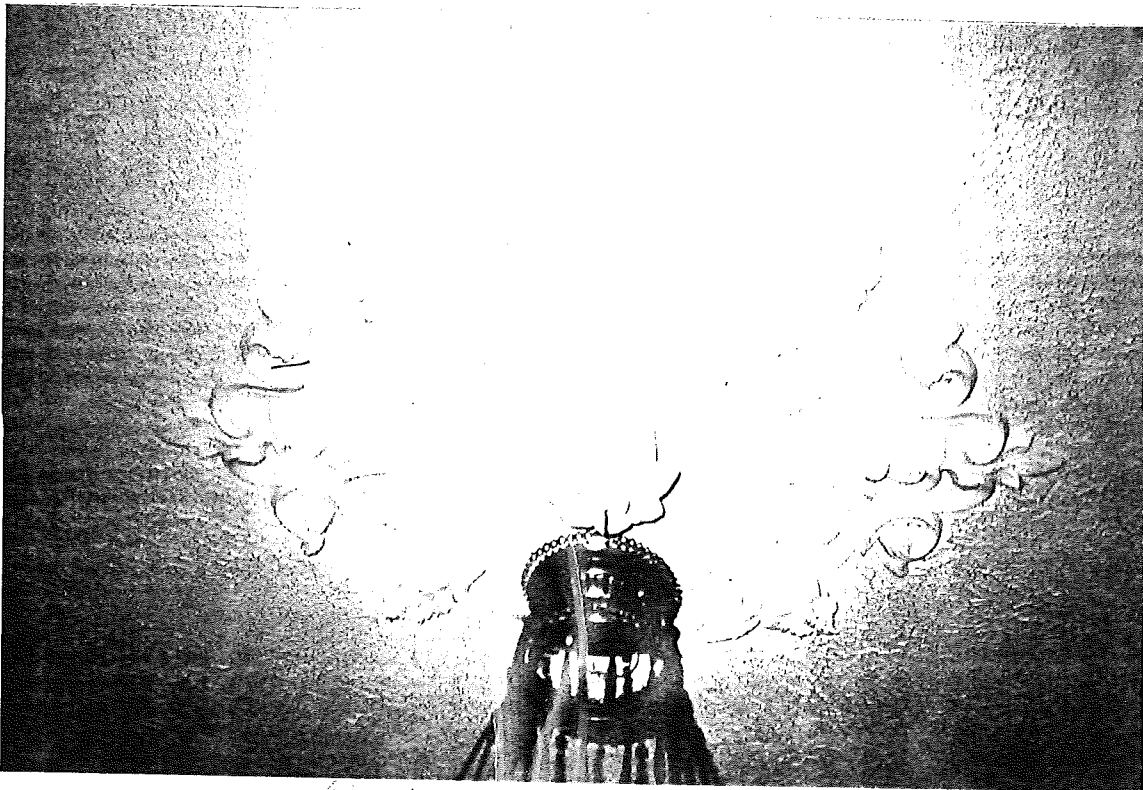
WEST (SIDE) VIEW ↑

- wall dormer with a pointed arch window
- corbeled chimney caps
- side veranda



EAST (SIDE) VIEW ↑

- wall dormer with pointed arch window
- gable roof
- side veranda



ORIGINAL ↑

- decorative plaster light fixture

### **623 Miles Road (formally 627 Miles Road)**

This Gothic home was erected in 1881 in Hannon by J. Bradt. The original front section is of brick construction and has symmetrical window openings with the peaked dormer centered over the front entry. The back-frame section was a summer kitchen and has now been incorporated into the main house. A smaller addition has been attached to the north side of the kitchen.

All windows appear to have been replaced within the original openings. A porch has been added to the west facade and decks to the south and east. There is a label mold in brick over the gable window opening on the west facade. The lot appears largely unaltered from what would be the original though the old drive shed behind the home appears to be in a state of advanced decay.

This home shows some artistic merit with the brick label mold and supports the character of the rural landscape of Hannon (LACAC 1984).



HOUSE: Conc. 2, Lot 11.

Present Owner: L. R. Ormerod  
627 Miles Rd.  
Mt. Hope  
679-4323

Crown Patentee: Rebecca Mercle N. part in 1802  
Frederick Markle S. part in 1802  
Mary Griffin in 1802

First Settler: Henry Hagle in 1817

Date of Construction: 1881

Builder: J. Bradt

Owner at the time:

Foundation:

- the house was built in two parts. The brick part (west) was built first and the back (east) section was added
- there is a full basement under the brick part with stone walls
- the floor is now cement, but was originally dirt
- the back part was originally a summer kitchen and is on a stone foundation, there is a crawlspace underneath

Structure:

- is a single house with all ceilings plastered
- the brick part is a one and a half storey house, the back was a one storey but now is two storey
- the exterior walls are three bricks thick on the first floor and two bricks thick on the second floor
- the inside is 2x5" pine studs, lath and horse hair plaster
- has the original front door, staircase, some trim and baseboards
- the floors in the house are made of pine boards 2½" thick

Roof:

- was covered with cedar shingles, but is now asphalt shingles
- are two bracket chimneys built into the walls, not in use today



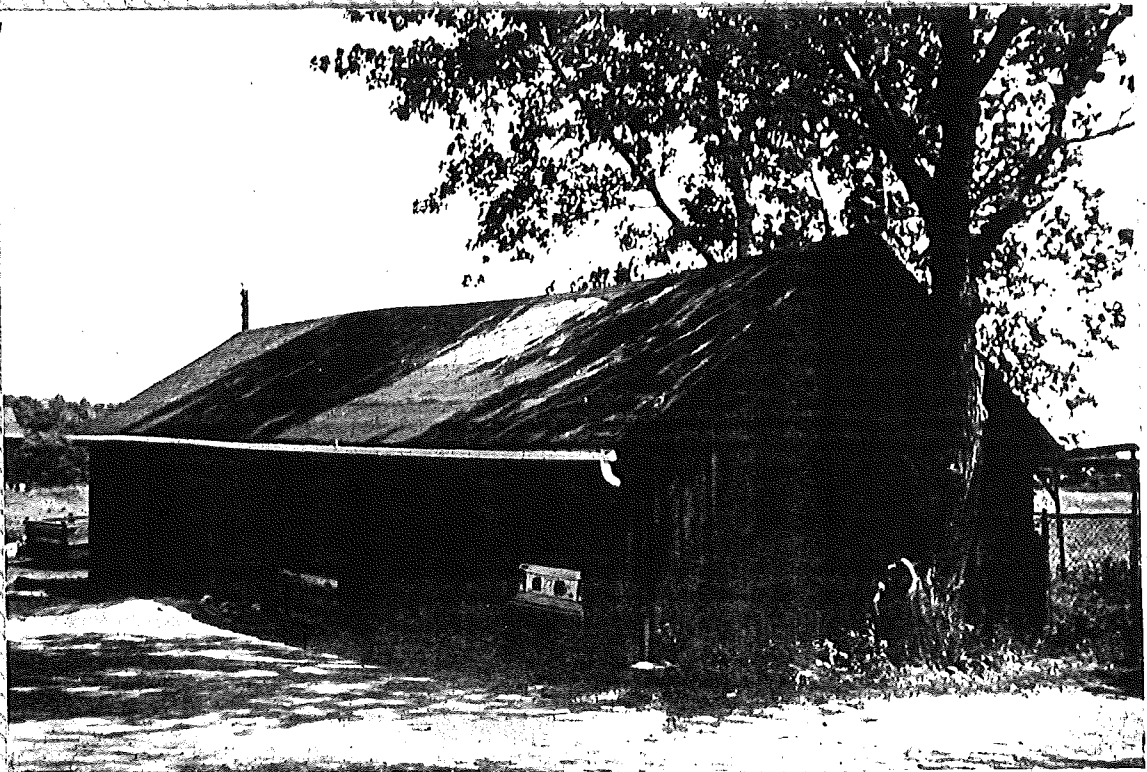
WEST (FRONT) VIEW ←

- brick relieving arches over windows and doors
- wall dormer with pointed arch window
- window in wall dormer has a label mold
- original trim



SOUTH (SIDE) VIEW ↑

- gable roof



DRIVESHED ↑

WEST & NORTH VIEWS

- original boards and batten

DRIVESHED: Conc. 2, Lot 11.

Present Owner: L. R. Ormerod  
627 Miles Rd.  
Mt. Hope  
679-4323

Crown Patentee: Rebecca Mercle N. part in 1802  
Frederick Markle S. part in 1802  
Mary Griffin in 1802

First Settler: Henry Hagle in 1817

Foundation:

- has no foundation

Structure:

- has the original board and batten siding

- the wooden beams were pinned with wooden pegs and braced the same  
as a barn would be

Roof:

- was originally cedar shingle, now has asphalt roll roof

## **9445 Twenty Road West\* (*The Marshall Family's 'Rose Farm'*)**

(NOTE: This property has already been documented as the subject of a CHIA (Cultural Heritage Impact Assessment) by Golder Associates, which concluded that the property was worthy of inclusion on the Heritage Register.) Below is summarized and sourced from Golder's report dated June 27, 2018.

Constructed in 1874 for the Marshall family, the property is a representative example of a late 19th century side hall plan Gothic Revival farmhouse. Other key attributes that reflect the design or physical value include its gable roof with curvilinear vergeboard, segmental arch and pointed windows with buff brick voussoirs and date stone reading "Alex. Marshall A.D. 1874". A high degree of craftsmanship or artistic merit is demonstrated through its well-executed masonry construction, including low hip roof with curvilinear modillions or brackets, segmental arch wood windows and doors and dichromatic brick quoins.

Alexander Marshall Sr. purchased the land for his son Alexander Marshall Jr. who lived on the property with his wife Marcia and their seven (7) children from 1874 until his death in 1927. They named the house 'Rose Farm'. The Marshall family played a significant role in the overall development of Glanbrook as Alexander Marshall Sr. opened a local lime quarry; which was in operation until the late 1920s.

The setting of the property is rural with rolling landscape and remnants of orchards and crops from the property's former use as a farm. A pond to the south of the properties connects to a watercourse running west to east, and forested hedgerows serve as a divider between neighbouring properties. 9445 Twenty Road West is bound by Glancaster Road to the west, Dickenson Road West to the south, Upper James to the east and Twenty Road West to the north. Originally part of a farm, the house is surrounded by other early 20<sup>th</sup> century properties with newer development to the north and south.

HOUSE: Conc. 2, Lot 3.

Present Owner: Fred Dorr  
9445 Twenty Rd.  
Mt. Hope  
679-4651

Crown Patentee: James Cooley in 1802

First Settler: Samuel Stafford in 1805

Date of Construction: 1874

Owner at the time: Alec Marshall

Foundation:

- there is a full basement under the front part of the house
- the walls were made of quarry stone from Gallagher's quarry and were three feet thick
- under the back part of the house there is a crawlspace with a stone foundation about 3' deep
- the floor is cement

Structure:

- the front part of the house has two storeys, but the back has one and a half storeys
- the front part of the house has walls that are two bricks thick
- has original windows, staircase, some pine trim, baseboards, and window panels
- has the original front door with transom, side lights
- the floors are made of pine
- there is a partition in the house which is two bricks thick
- three ceilings in the house have decorative plaster light fixtures
- there is a tongue and groove front porch which was added prior 1927

Roof:

- was cedar shingles, now is asphalt shingles
- originally there were four chimneys on the house, there are still four chimneys but they have been redone



NORTH (FRONT) VIEW ↑

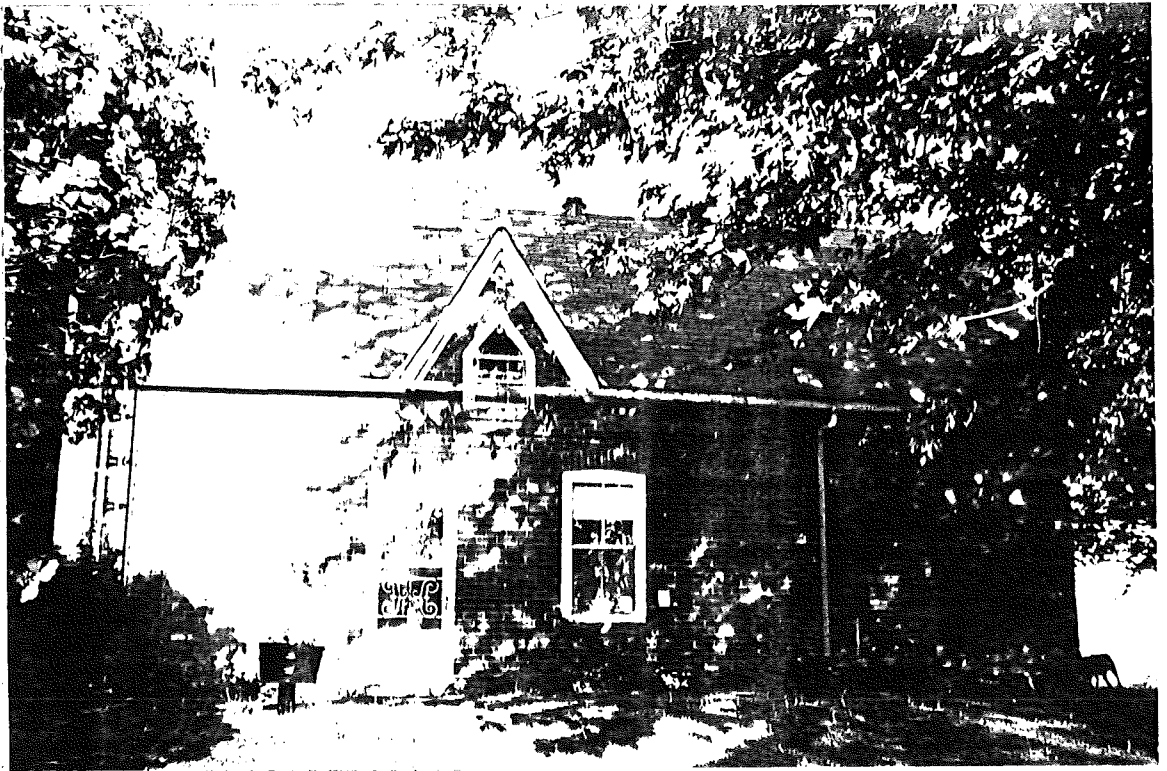
- brick relieving arches over windows
- wall dormer and original trim
- corbel table
- bay window



EAST (SIDE) VIEW ↑

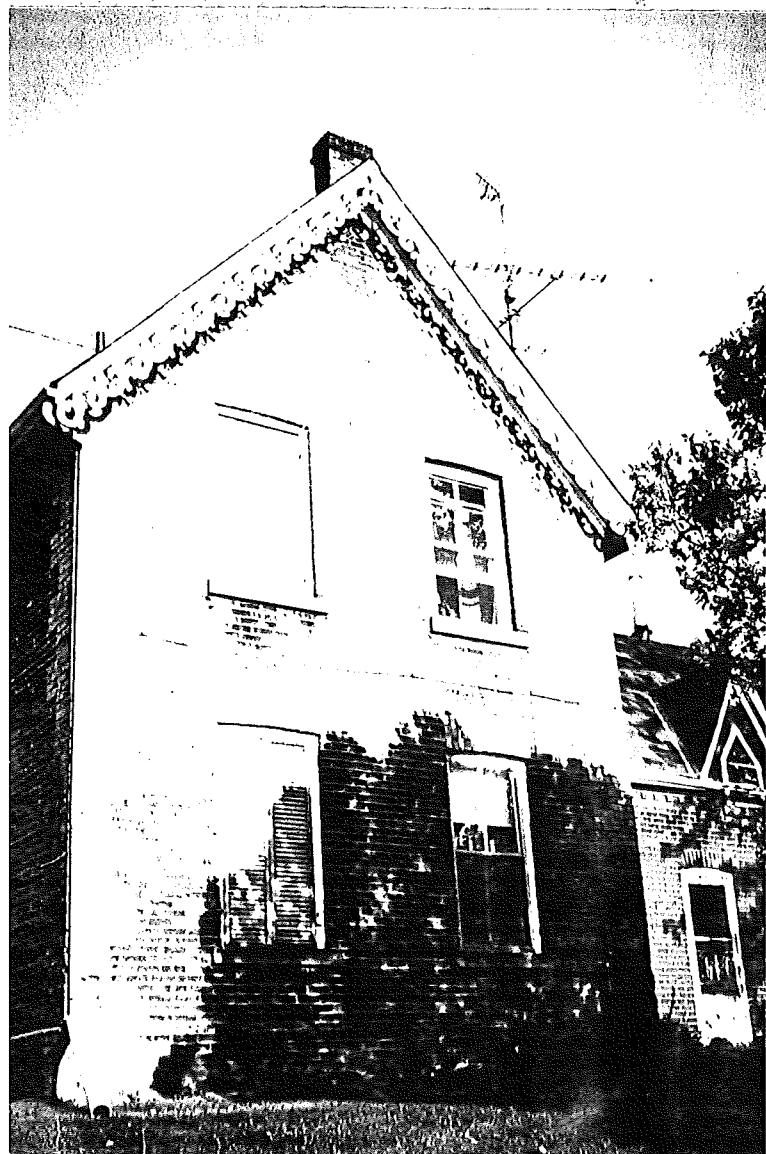
- wall dormers
- pointed arch window in one dormer  
and a triangular window in the other  
dormer





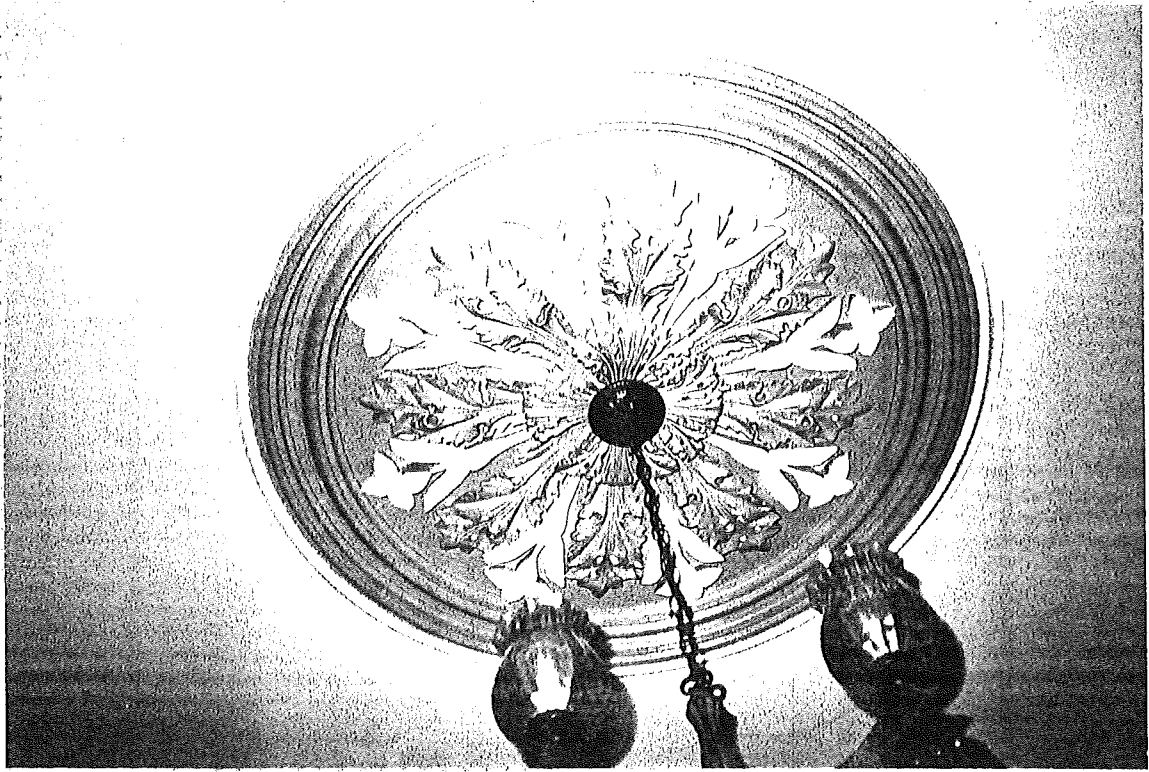
WEST (SIDE) VIEW ↑

- brick relieving arches over doors
- wall dormer with triangular window



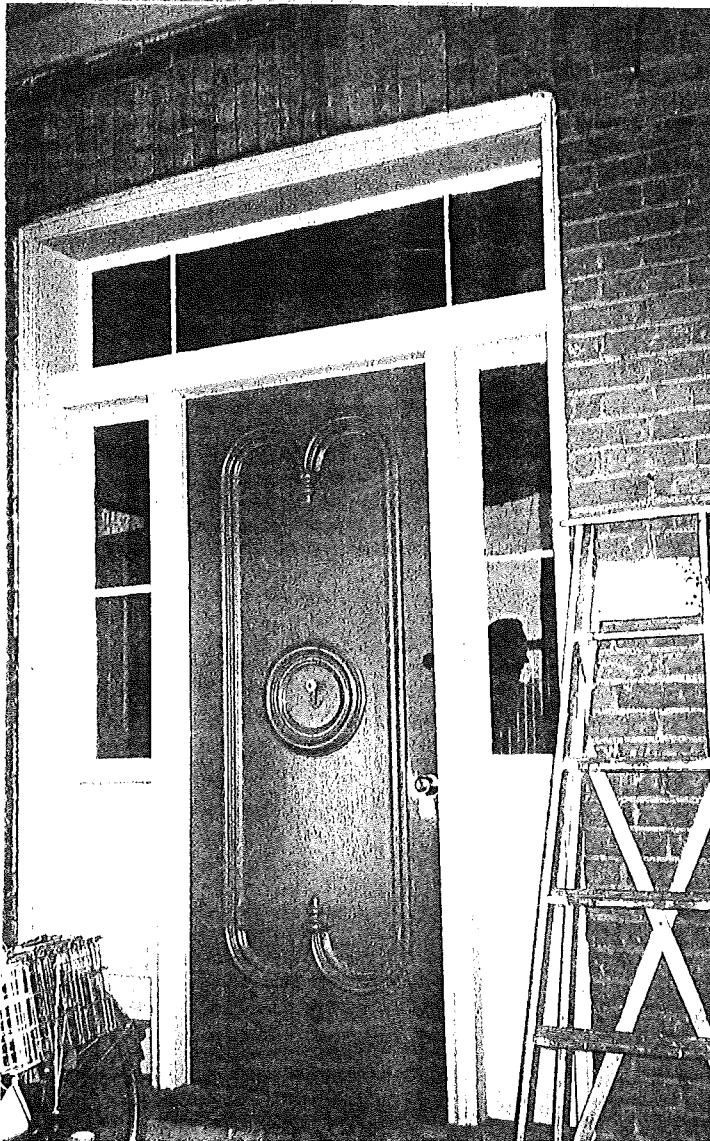
WEST (SIDE) VIEW ←

- original trim
- gable roof
- bevel brick detail



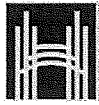
ORIGINAL ↑

- patterned decorative plaster  
light fixture



ORIGINAL ←

- front door and transom and  
side lights



Hamilton

**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
Planning Division

<b>TO:</b>	Chair and Members Hamilton Municipal Heritage Committee
<b>COMMITTEE DATE:</b>	October 30, 2020
<b>SUBJECT/REPORT NO:</b>	<i>Bill 108, More Homes, More Choice Act, 2019 - Ontario Regulations and Ontario Heritage Act (PED19125(b)) (City Wide)</i>
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Jennifer Roth (905) 546-2424 Ext. 2058
<b>SUBMITTED BY:</b>	Steve Robichaud Director of Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That Council adopt the submissions and recommendations as provided in Report PED19125b regarding the proposed Regulation under the *Ontario Heritage Act*, as amended by *Bill 108, More Homes, More Choice Act, 2019*;
- (b) That the Director of Planning and Chief Planner be authorized and directed to confirm the submissions made to the Province attached as Appendix "B" to Report PED19125(b); and,
- (c) That in advance of the Proclamation of the amendments to the *Ontario Heritage Act* and associated regulations, the Director of Planning and Chief Planner be authorized to make any changes to internal guidelines and application forms as may be required to implement the changes to the *Ontario Heritage Act*.

**EXECUTIVE SUMMARY**

On May 2, 2019, *Bill 108, More Homes, More Choice Act, 2019*, was introduced at the Ontario Legislature and subsequently received Royal Assent on June 6, 2019. The Bill

amended 13 different statutes, including the *Ontario Heritage Act*. On September 21, 2020 the Province released draft Regulation under the *Ontario Heritage Act* for public comment.

The draft Regulation, attached as Appendix “A” to Report PED19125(b), provides additional detail on how the changes to the *Ontario Heritage Act* resulting from Bill 108 are to be implemented. The anticipated proclamation date for the changes to the *Ontario Heritage Act* and the associated Regulation is January 1, 2021. Further information is expected to be released from the Province in the form of an updated Ontario Heritage Tool Kit to provide guidance materials on implementation of the changes to the *Ontario Heritage Act*. No firm date has been provided on the expected release of the updated Tool-Kit.

The deadline for comments on the draft Regulations is November 5, 2020. As such and given the timing, comments will be submitted to the Province in advance of Council’s consideration of this matter. The comments submitted by staff are included as Appendix “B” to Report PED19125(b). If the recommendations of this Report are approved by Council, the Director of Planning and Chief Planner will notify the Province that the submissions have been adopted by City Council and any modifications will also be noted.

## **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: The *Ontario Heritage Act* as amended by Bill 108 and the Proposed Regulations will have financial implications on the City in terms of staff resources, and possibly fees for processing matters under the *Ontario Heritage Act*. However the degree and magnitude are unknown at this time.

It should be noted that while the City does not currently charge fees for applications under the *Ontario Heritage Act*, Staff will review internal processes and the potential need to apply application fees to future heritage applications to ensure cost recovery. The result of this review will be presented to Committee and Council for consideration.

Staffing: Staffing resource implications remain unknown at this time, however it is anticipated that additional staff resources will be needed to meet the requirements of the new *Ontario Heritage Act* and the prescribed Regulations.

Legal: While it is not currently anticipated that additional legal staff will be required, additional legal resources will be required to:

- provide support interpreting and implementing these changes;

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- provide support for amendments to Delegated Authority By-law No. 05-364;
- provide support in the creation of a new by-law, resolution, or Official Plan Amendments;
- assist in structuring by-laws, reports, and resolutions to comply with new requirements;
- assist with changes needed to the current process for placing properties on the heritage register; and,
- represent the City at the LPAT as staff anticipate higher number of LPAT appeals now that final decision-making power on designations rests with the LPAT.

## **HISTORICAL BACKGROUND**

Report LS19020/PED19125 which introduced the legislative changes contained in Bill 108 and which was approved by Council on June 12, 2019, indicated that staff would report back on the details of the Bill should it be enacted. As a result of the Bill receiving Royal Assent, the anticipated Proclamation date of January 1, 2021 for the Schedule 11 changes impacting the *Ontario Heritage Act*, and the release of the proposed Regulation by the Province, this report has been prepared to provide further information on the proposed Regulation.

The following are key dates related to Bill 108, *More Homes, More Choice Act, 2019*;

May 2, 2019: Bill 108, *More Homes, More Choice Act, 2019*, was introduced at the Ontario Legislature.

June 6, 2019: Royal Assent given to Bill 108.

September 21, 2020: ERO Posting 019-1348 - Proposed Regulation under the *Ontario Heritage Act* (Bill 108) released for public comment.

November 5, 2020: Commenting deadline for the ERO posting.

Staff will be forwarding a letter to the Province, attached as Appendix "B" to Report PED19125b, outlining staff's comments on the ERO posting in advance of the commenting deadline. This staff report, including any changes or additions proposed by Council will be forwarded to the Province as additional comments on the ERO posting.

## **RELEVANT CONSULTATION**

This report has been prepared by Planning Division staff with input from Legal staff and Tourism and Culture staff. Internal staff comments have been incorporated into the

recommendations of this report and included in the letter to be sent to the Province, attached as Appendix "B" to Report PED19125(b).

### Legal

The new *Ontario Heritage Act* will require ongoing support from Legal staff respecting the interpretation and implementation of it and the associated Regulation. Legal staff anticipate an increase in requests for legal advice following the proclamation of the new *Ontario Heritage Act* and the new Regulation coming into effect.

Assistance may be required from Legal staff on new forms (such as notice of complete or incomplete application) and on structure of Council resolutions, reports, and designating by-laws in compliance with the new requirements of the *Ontario Heritage Act*.

Legal staff will provide support to Planning staff in amending the Delegated Authority By-law No. 05-364, as amended by Bylaw No. 07-322, to ensure compliance with the new *Ontario Heritage Act* as it relates what constitutes a demolition or alteration and as a result, may impact what Council can delegate to staff. Staff are currently seeking clarification from the Province regarding what constitutes an alteration. A by-law, resolution, or even Official Plan Amendments may also be needed to clarify what documents and information is required to accompany heritage applications.

The proposed Regulation provides several exceptions to timelines set out in the new *Ontario Heritage Act* that may require assistance from Legal staff. Legal staff may also provide assistance in determining whether Council's ability to provide extensions can be delegated to staff and drafting any required by-law with respect to such delegation.

When the new *Ontario Heritage Act* comes into effect on January 1, 2020, there will be a formal objection process for property owners whose property has been placed on the Heritage Register. The City will need to examine its current process for placing properties on the register and make changes to comply with the new requirements. Legal staff may be required to assist in creating and implementing this new process.

Staff anticipate that there will be an increase in appeals to the LPAT as the final decision-making authority has shifted from Council to the LPAT. Legal staff will be required to assist with these LPAT appeals which may have a significant resource impact.

### **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

As stated in Report LS19020/PED19125, staff were not supportive of the proposed changes to the *Ontario Heritage Act* because of concerns that the regulatory changes will have on the City's ability to effectively manage heritage resources, potential impacts

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to internal resources and the ability to meet the proposed timelines. Despite these concerns being expressed to the Province, Bill 108 received Royal Assent on June 6, 2019, and the enacted regulation remained largely unchanged as it related to the *Ontario Heritage Act*. Much of the proposed Regulation implements changes that have already received royal assent and will be part of the new *Ontario Heritage Act*. In the comments provided to the Province, staff are seeking clarification on several aspects of the proposed Regulation.

The proposed Regulation released on September 21, 2020 for review has been organized by the Province into nine themes:

- 1) Principles that a municipal council shall consider when making decisions under specific parts of the OHA;
- 2) Mandatory content for designation by-laws;
- 3) Events which would trigger the new 90 day timeline for issuing a NOID and exceptions to when the timeline would apply;
- 4) Exceptions to the new 120 day timeline to pass a designation by-law after a NOID has been issued;
- 5) Minimum requirements for complete applications for alteration or demolition of heritage properties;
- 6) Steps that must be taken when council has consented to the demolition or removal of a building or structure, or a heritage attribute;
- 7) Information and material to be provided to LPAT when there is an appeal of a municipal decision to help ensure that it has all relevant information necessary to make an appropriate decision;
- 8) Housekeeping amendments related to amending a designation by-law and an owner's reapplication for the repeal of a designation by-law; and,
- 9) Transition provisions.

Staff are supportive of several of the themes in the proposed Regulation but remain concerned with the 90 day timeline to issue a NOID after a prescribed event when combined with an Official Plan Amendment, Zoning By-law Amendment or Plan of Subdivision. A detailed analysis of the proposed regulation, including implications and recommendations made to the Province, is included as Appendix "C" to Report PED19125(b). An overview of the nine themes and potential implications is provided below.

#### Theme 1 – Prescribed Principles

The first theme discusses the new 'prescribed principles' which staff are supportive of as the proposed principles are intended to help decision-makers. Staff note that the City's current Official Plan already requires the retention of properties with cultural heritage value or interest as well as requires extensive research and evidence to support the conservation of heritage resources. The current process which includes

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consultation with the Hamilton Municipal Heritage Committee, and decisions by Planning Committee and Council, demonstrates openness and transparency.

Staff are seeking clarification on aligning the language between the prescribed principles and the Provincial Policy Statement 2020 (PPS). Staff believe using 'shall' in the prescribed principles instead of 'should' provides appropriate strength and will be consistent with the PPS.

### Theme 2 – Mandatory Contents of Designation By-laws

Staff are in support of the mandatory content for designation by-laws and note that staff's current practices generally follow the requirements. Staff will need to complete a review of internal processes to ensure all requirements are included in application forms, policies, and guidelines. A review of the Cultural Heritage Evaluation Criteria found in Policy B.3.4.2.9 of the Urban Hamilton Official Plan and Rural Hamilton Official Plan to ensure that Hamilton's requirements are aligned with the requirements of the new *Ontario Heritage Act* will be required and will be undertaken as part of the required Official Plan Review.

### Theme 3 – Notice of Intention to Designate 90 Day Timeline and Exceptions

Provisions of the new *Ontario Heritage Act* will establish a new 90 day timeline for issuing a NOID when the property is subject to prescribed events.

Within the proposed Regulation prescribed events have been defined as applications submitted to and deemed complete by the municipality for an Official Plan Amendment, Zoning By-law Amendment or a Plan of Subdivision. The new 90 day timeline is intended to encourage discussions about potential designations with development proponents at an early stage to avoid designation decisions being made late in the land use planning process.

Staff's opinion is that the 90 days is not adequate to support the Ministry's 'Prescribed Principle' in 1(3)2.ii of the Regulations that requires that decisions affecting the cultural heritage value/interest be based on research, appropriate studies and documentary evidence. As well, staff review time, consultation with Policy and Design Working Group and the preparation of a staff report takes longer than 90 days.

Staff acknowledge that the Province has provided several opportunities to extend the 90 day timeframe by an additional 90 days, creating an 180 day timeframe, which include mutual agreement between applicant and the City, administrative extension in periods of declared emergency and the receipt of new and relevant information. Staff also note that there is the opportunity to have the timeframe removed through mutual agreement. Staff are supportive of the opportunities to extend the timeframe, however several items of clarification have been asked of the Province including which exceptions can be



delegated to staff to ensure timely processing and reduction of administrative burdens. The identification and review of the implications of the development proposed is dependant of the quality of the information submitted with the application.

A three week period is given to review materials as part of a *Planning Act* application, which include the review of CHIAs. If there are questions or edits to the CHIA, then additional review is necessary. Further, CHIAs are reviewed by the Policy and Design Working Group who meets monthly. Typically between one and three reviews occurs, resulting in a minimum of one to three months required for a CHIA review. Therefore, coupled that with the review of the *Planning Act* application, consultation with the community and application and the internal report writing cycle, the 90 or 180 day timeline is not sufficient for a comprehensive review to be completed.

As such, it will be necessary to review the current application submission requirements to ensure that heritage resources are identified early in the process and that the implications of the proposed on the heritage resources is fully documented.

Staff also note that designations that are not subject to a development application will continue to follow the current practice. Staff are concerned that this shortened timeframe may have impacts on the designation workplan as resources will be redirected to process designations associated with development applications.

#### Theme 4 – Designation By-law 120 Day Timeline and Exceptions

Provisions of the new *Ontario Heritage Act* establish a new requirement for designation by-laws to be passed within 120 days of issuing a NOID. The proposed Regulation also allows for exceptions to this timeframe including mutual agreement between applicant and the City, periods of declared emergency and receipt of new and relevant information submitted. Staff are supportive of this timeframe and the proposed exceptions as the City's current process typically has designation by-laws passed right after the 30 day appeal period for the NOID is complete. Staff have requested the Province to clarify what happens to the 120 day timeline in situations where there is an appeal to a NOID.

#### Theme 5 – Notice of Complete Applications for Alteration or Demolition Applications

Provisions of the new *Ontario Heritage Act* establish a new timeline of 60 days for a municipality to inform a property owner of the completeness of their application for alteration to or demolition of a designated heritage property. Minimum requirements for complete applications are established in the proposed Regulation. The purpose of these minimum standards is to ensure transparency so that property owners are aware of what information is required when making an application and provides consistency across the province. Municipalities can establish additional requirements to the ones set out in the Regulation. Where municipalities choose to add additional requirements, the

Regulation requires them to use one of the following official instruments: municipal by-law, council resolution or official plan policy.

Staff are supportive of the minimum requirements; however, it has been noted that these minimum requirements only apply to Part IV, or individually designated properties and staff have advised the Province that these requirements should also apply to Part V that are designated as part of a Heritage Conservation District to provide for the ongoing protection of those properties as well.

Internal processes and application forms will need to be updated to ensure that these new requirements are included. Specifically, staff note that coordination with the Building Division who receives these permits will be needed. Staff note that there may be a greater scope and time spent on each application which may need to be addressed through the addition of a processing fee for cost recovery, especially in those situations where it is proposed to demolish the designated building/structure.

Theme 6 - Council consent requirement for the demolition or removal of a building or structure, or a heritage attribute

Provisions of the new *Ontario Heritage Act* will require municipal council consent for the demolition or removal of any heritage attributes, in addition to the demolition or removal of a building or structure. Staff are seeking clarification from the Province on the difference between alterations that impact a heritage attribute and a demolition. For example, is the removal of a designated feature such as a window or façade, a demolition or alteration? This distinction may have an impact on what can be delegated to staff versus what will require Council approval as this may result in the need for additional staff resources.

Provisions of the proposed Regulations also provide a process for amending designation by-laws as alterations or demolitions occur. This draft Regulation establishes that any amendments to designation by-laws resulting from an alteration or demolition are not appealable, which is supported by staff.

The proposed Regulation provides that, where council has agreed to the removal of a building or structure from a designated property to be relocated to a new property, council may follow an abbreviated process for designating the receiving property. Staff are supportive of this proposed Regulation given that the subsequent designation by-law made under this proposed Regulation would not be appealable to LPAT.

Updates to internal processes and additional staff resources will need to be considered to address the Regulation.

Theme 7 - Information and material to be provided to Local Planning Appeal Tribunal

The proposed Regulation outlines which materials and information must be forwarded for every LPAT appeal process in the Act by the clerk within 15 calendar days of the date the municipality receives an appeal. Staff are generally supportive of the type of materials and the timeframe in which the material must be submitted; however, staff are seeking additional clarification from the Province on what constitutes the required 'employee statement'.

Collaboration with Legal and Clerks staff when updating internal processes will be required.

Theme 8 - Housekeeping amendments related to amending a designation by-law and an owner's reapplication for the repeal of a designation by-law

The proposed Regulation sets out a modified process for situations where a municipality wishes to make substantial amendments to an existing designation by-law. The proposed Regulation makes it clear that there is no 90 day restriction on issuing a notice of proposed amendment to a by-law and provides that council has 365 days from issuing the notice of proposed amendment to pass the final amending by-law and that this timeframe can only be extended through mutual agreement. Staff are supportive of the modified process and will need to ensure that internal processes reflect this scenario.

The proposed regulation also outlines restrictions on a property owner's ability to reapply to have a designation by-law repealed where the application was previously unsuccessful, unless council consents otherwise. The 365 day restriction on an owner's reapplication maintains what had been included in the current *Ontario Heritage Act*. Staff have advised the Province that a longer timeframe would be beneficial to avoid having to annually address an owner's application for a designation repeal.

Theme 9 - Transition provisions

The proposed transition rules provide clarity on matters that are already in progress at the time the amendments come into force. The draft Regulation states that all processes that commenced on a date prior to proclamation would follow the process and requirements set out in the Act as it read the day before proclamation, which is currently anticipated to be January 1, 2021.

Where council has outstanding notices of intention to designate but has not yet withdrawn the notice or passed the by-law at the time of proclamation, the municipality will have 365 days from proclamation to pass the by-law, otherwise the notice will be deemed withdrawn. Where a NOID has been referred to the Conservation Review

Board, the 365 days would be paused until the Board either issues its report or until the objection has been withdrawn, whichever occurs earlier.

Staff note that the City of Hamilton has four outstanding NOIDs which could be dealt with within the 365 transition period but may require additional City resources to complete. Should these four outstanding NOIDs not have a designation by-law passed with 365 days of Proclamation, a new NOID will need to be issued which will be subject to the new processes established under the new *Ontario Heritage Act*. Staff have requested a regulation from the Province in situations where the issued NOID does not follow the current OHA designation standard, but the municipality would like to pass a designation by-law that is in keeping with that standard without having to re-issue a NOID.

Staff are concerned with the short timeframe to prepare for the implementation of the changes to the *Ontario Heritage Act* and request that the changes to the *Ontario Heritage Act* not come into force until July 1, 2021 instead of the anticipated date of January 1, 2021 to give staff appropriate time to review and update internal processes.

### **Procedural Next Steps**

The public consultation for the proposed Regulation will remain open until November 5, 2020 with an anticipated proclamation date of January 1, 2021.

A future report discussing implementation measures and staff resources, will be prepared by Planning staff for Council's consideration after the Proclamation date.

## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **Economic Prosperity and Growth**

*Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.*

### **Built Environment and Infrastructure**

*Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.*

### **Culture and Diversity**

*Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.*

### **Our People and Performance**

*Hamiltonians have a high level of trust and confidence in their City government.*

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**SUBJECT: *Bill 108, More Homes, More Choice Act, 2019 - Ontario Regulations and Ontario Heritage Act (PED19125(b)) (City Wide) - Page 11 of 11***

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**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" – Draft Regulations

Appendix "B" – Letter submitted to the Province with Comments

Appendix "C" – Impact Evaluation of Draft Regulations

**Caution:**

*This consultation draft is intended to facilitate dialogue concerning its contents. Should the decision be made to proceed with the proposal, the comments received during consultation will be considered during the final preparation of the regulation. The content, structure, form and wording of the consultation draft are subject to change as a result of the consultation process and as a result of review, editing and correction by the Office of Legislative Counsel.*

**CONSULTATION DRAFT**

**ONTARIO REGULATION**  
to be made under the  
**ONTARIO HERITAGE ACT**  
**GENERAL**

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## PRINCIPLES

### **Principles**

1. (1) The following provisions are prescribed for the purpose of section 26.0.1 of the Act:

1. Section 29 of the Act.
2. Section 30.1 of the Act.
3. Section 31 of the Act.
4. Section 32 of the Act.
5. Section 33 of the Act.
6. Section 34 of the Act.

(2) The following provisions are prescribed for the purpose of section 39.1.2 of the Act:

1. Section 41 of the Act.
2. Section 41.1 of the Act.
3. Section 42 of the Act.

(3) For the purpose of sections 26.0.1 and 39.1.2 of the Act, the following are the principles that a council of a municipality shall consider when the council exercises a decision-making authority under a provision set out in subsection (1) or (2):

1. Property that is determined to be of cultural heritage value or interest should be protected and conserved for all generations.

2. Decisions affecting the cultural heritage value or interest of a property or heritage conservation district should,
  - i. minimize adverse impacts to the cultural heritage value or interest of the property or district,
  - ii. be based on research, appropriate studies and documentary evidence, and
  - iii. demonstrate openness and transparency by considering the views of all interested persons and communities.
3. Conservation of properties of cultural heritage value or interest should be achieved through identification, protection and wise management, including adaptive reuse where appropriate.

(4) For the purpose of this section,

“adaptive reuse” means the alteration of a property of cultural heritage value or interest to fit new uses or circumstances while retaining the heritage attributes of the property.

#### RULES RE SECTION 29 OF THE ACT

##### **Prescribed events, s. 29 (1.2) of the Act**

2. (1) For the purposes of subsection 29 (1.2) of the Act, the following events are prescribed in respect of a property in a municipality:

1. A council or planning board, as applicable, has completed giving notice in accordance with clause 22 (6.4) (a) of the *Planning Act* of a request for amendment referred to in that clause, if the subject land to which the amendment applies includes the property.
2. A council has completed giving notice in accordance with clause 34 (10.7) (a) of the *Planning Act* of an application for an amendment to a by-law referred to in that clause, if the subject land to which the amendment applies includes the property.
3. A council or planning board, as the approval authority, has completed giving notice in accordance with subsection 51 (19.4) of the *Planning Act* of an application referred to



in that clause, if the subject land to which the application applies includes the property.

**Prescribed exceptions, s. 29 (1.2) of the Act**

3. (1) The following exceptions are prescribed for the purposes of subsection 29 (1.2) of the Act:

1. If an event described in section 2 has occurred in respect of a property, the owner of the property and the council of the municipality may,
  - i. at any time after the event, agree that the period of time under subsection 29 (1.2) of the Act does not apply to the property, or
  - ii. within 90 days after the event, agree to extend the applicable period of time under subsection 29 (1.2) of the Act after which the council may not give a notice of intention to designate the property.
2. If an event described in section 2 has occurred in respect of a property and the day on which the event occurred falls within a period when an emergency has been declared to exist in the municipality in which the property is situate, or in any part thereof, under the *Emergency Management and Civil Protection Act* by the head of the council of the municipality, the 90-day period set out in subsection 29 (1.2) of the Act does not begin until the day immediately after the day on which the emergency has terminated.
3. If an event described in section 2 has occurred in respect of a property and during the 90-day period set out in subsection 29 (1.2) of the Act an emergency is declared to exist in the municipality in which the property is situate, or in any part thereof, under the *Emergency Management and Civil Protection Act* by the head of the council of the municipality, the following rules apply:
  - i. The 90-day period is terminated on the day the emergency is declared.
  - ii. A new 90-day period commences on the day immediately after the day on which the emergency is terminated.

4. If the following criteria are satisfied, the municipality may, within 15 days after the end of 90-day period set out in subsection 29 (1.2) of the Act, pass a resolution stating that the municipality has not consulted with its municipal heritage committee regarding the designation of the property and may elect, by the same resolution, that the period of time for the purposes of subsection 29 (1.2) is 180 days, and if the council passes such a resolution, the period of time for the purposes of subsection 29 (1.2) is the period set out in the resolution:
  - i. An event described in section 2 has occurred in respect of the property.
  - ii. The municipality has established a municipal heritage committee.
  - iii. The municipality has not consulted with its municipal heritage committee regarding designation of the property in accordance with subsection 29 (2) of the Act by the end of the 90-day period set out in subsection 29 (1.2) of the Act.
  
5. If an event described in section 2 has occurred in respect of a property and after the occurrence of the event the council of the municipality in which the property is situated passes a resolution stating that the municipality has received new and relevant information relating to the property or the event, the following rules apply:
  - i. If the resolution is passed within the 90-day period set out in subsection 29 (1.2), the council may elect, by the same resolution, that the period of time for the purposes of that subsection is 180 days after the resolution is passed and if the council so elects, the period of time for the purposes of that subsection is the period set out in the resolution.
  - ii. If the resolution is passed at any time after the 90-day period set out in subsection 29 (1.2), the council may elect, by the same resolution, that the restriction imposed by subsection 29 (1.2) of the Act does not apply for a period of 180 days commencing on the day the resolution is passed and, if the council so elects, the restriction under subsection 29 (1.2) of the Act does not apply for the period set out in the resolution.
  
6. If an event described in section 2 has occurred in respect of a property, subsection 29 (1.2) of the Act no longer applies to restrict the council of the municipality in which

the property is situate from giving a notice of intention to designate the property as of the day on which the event is finally disposed of under the *Planning Act*.

(2) If the council passes a resolution referred to in paragraph 4 of subsection (1), the council of the municipality shall, within 15 days after the day on which the resolution was passed, ensure that notice of the new period of time set out in the resolution is served on the owner of the property, and the notice shall include the reasons for the new period of time.

(3) If the council passes a resolution under subparagraph 5 i of subsection (1), the council shall, within 15 days after the day on which the resolution was passed, ensure that notice of the new period of time set out in the resolution is served on the owner of the property, and the notice shall include the reasons for the new period of time.

(4) If the council passes a resolution under subparagraph 5 ii of subsection (1), the council shall, within 15 days after the day on which the resolution was passed, ensure that notice is served on the owner of the property and the notice shall contain,

- (a) a statement explaining that the restriction imposed by subsection 29 (1.2) of the Act does not apply for a period of 180 days commencing on the day the resolution was passed; and
- (b) the reasons why the restriction does not apply for that period of time.

(5) For the purposes of paragraph 5 of subsection (1), “new and relevant information” means information or materials that satisfy all of the following:

1. The information or materials affect or may affect,
  - i. the determination of the cultural heritage value or interest of the property, or
  - ii. an evaluation of the potential effect of the *Planning Act* application giving rise to the event on any cultural heritage value or interest of the property.
2. The information or materials are received by council after the relevant event occurred.

3. The information or materials do not form part of the information and materials that were provided to the municipality under the *Planning Act* for the purposes of the relevant event described in section 2.

**Prescribed circumstances, s. 29 (8) para. 1**

4. (1) The following circumstances and corresponding periods of time are prescribed for the purpose of paragraph 1 of subsection 29 (8) of the Act:

1. If, before the end of the 120-day period referred to in paragraph 1 of subsection 29 (8) of the Act, the council and the owner of the property agree to a period of time other than the period set out in that paragraph, the period of time for the purposes of that paragraph is the period that the council and the owner have agreed upon.
2. If any part of the 120-day period referred to in paragraph 1 of subsection 29 (8) of the Act falls within a period when an emergency has been declared to exist in the municipality in which the property is situate, or in any part thereof, under the *Emergency Management and Civil Protection Act* by the head of the council of the municipality, the period of time for the purposes of paragraph 1 of subsection 29 (8) of the Act is 120 days after the day on which the emergency has terminated.
3. If, during the 120-day period referred to in paragraph 1 of subsection 29 (8) of the Act, the council passes a resolution stating that the municipality has received new and relevant information relating to the property and elects, by the same resolution, that the period of time for the purposes of that paragraph is 180 days after the resolution is passed, the period of time for the purposes of that paragraph is the period set out in the resolution.

(2) If the council has passed a resolution referred to in paragraph 3 of subsection (1), the council shall ensure that notice of the new period of time is served on the owner of the property, and the notice shall include the reasons for the new period.

(3) For purposes of paragraph 3 of subsection (1), “new and relevant information” means information or materials that satisfy the following:

1. The information or material affects or may affect any of the matters set out in paragraph 2 of subsection 29 (8) of the Act.

2. The information or materials are received by council after notice of intention to designate the property has been published under clause 29 (3) (b) of the Act.

### **Designation by municipal by-law, requirements**

5. (1) The following requirements are prescribed for the purpose of paragraph 2 of subsection 29 (8) of the Act:

1. The by-law must identify the property by,
  - i. the municipal address of the property, if it exists,
  - ii. the legal description of the property, including the property identifier number that relates to the property, and
  - iii. a general description of where the property is located within the municipality, for example, the name of the neighbourhood in which the property is located and the nearest major intersection to the property.
2. The by-law must contain a site plan, scale drawing, aerial photograph or other image that identifies each area of the property that has cultural heritage value or interest.
3. The statement explaining the cultural heritage value or interest of the property must identify which of the criteria set out in subsection 1 (2) of Ontario Regulation 9/06 (Criteria for Determining Cultural Heritage Value or Interest) made under the Act are met and must explain how each criterion is met.
4. The description of the heritage attributes of the property must be brief and must explain how each heritage attribute contributes to the cultural heritage value or interest of the property.
5. The by-law may list any physical features of the property that are not heritage attributes.

(2) For clarity, the requirements set out in subsection (1) apply for the purposes of subsection 29 (8) of the Act, as set out in the Schedule.

AMENDMENT OF DESIGNATING BY-LAW

**Amending by-laws, modified s. 29 of the Act**

6. The Schedule sets out section 29 of the Act, as modified, that applies to an amending by-law for the purposes of subsection 30.1 (1) of the Act.

REAPPLICATION FOR REPEAL OF BY-LAW – SUBSECTION 32 (18) OF THE ACT

**Prescribed circumstances and time periods**

7. For the purposes of subsection 32 (18) of the Act, the following are the prescribed circumstances and applicable time periods in which an owner of property may not reapply to have a by-law or part thereof designating a property repealed, except with the consent of council:

1. In circumstances where a council refuses an application under paragraph 1 of subsection 32 (5) of the Act and a notice of appeal is not given within the time period specified in subsection 32 (7) of the Act, the time period is 12 months after the service of the notice of the council's decision under subparagraph 1 i of subsection 32 (5) of the Act.
2. In circumstances where an owner of the property appeals a decision of council to refuse the application under subsection 32 (7) of the Act and the Tribunal dismisses the appeal under paragraph 1 of subsection 32 (12) of the Act, the time period is 12 months after the date of the Tribunal's decision under paragraph 1 of subsection 32 (12) of the Act.
3. In circumstances where an owner of the property appeals a decision of council to refuse the application under subsection 32 (7) of the Act and the Tribunal dismisses the appeal under subsection 32 (13) of the Act, the time period is 12 months after the date of the Tribunal's decision under subsection 32 (13) of the Act.
4. In circumstances where a person appeals the council's decision to consent to an application and to pass a repealing by-law under subsection 32 (8) of the Act and the Tribunal allows the appeal in whole or in part under paragraph 2 of subsection 32 (12) of the Act, the time period is 12 months after the date of the Tribunal's decision under paragraph 2 of subsection 32 (12) of the Act.

INFORMATION AND MATERIAL – SUBSECTIONS 33 (2) AND 34 (2) OF THE ACT

**Prescribed information and material**

**8.** (1) For the purpose of subsections 33 (2) and 34 (2) of the Act, the following information and material shall accompany an application:

1. The name, address, telephone number and, if applicable, the email address of the applicant.
2. The name of the municipality from which consent is being requested.
3. A description of the property that is the subject of the application, including such information as the concession and lot numbers, reference plan and part numbers, and street names and numbers.
4. Photographs that depict the existing buildings, structures and heritage attributes that are affected by the application and their condition and context.
5. A site plan or sketch that illustrates the location of the proposed alteration, demolition or removal.
6. Drawings and written specifications of the proposed alteration, demolition or removal.
7. The reasons for the proposed alteration, demolition or removal and the potential impacts to the heritage attributes of the property.
8. All technical cultural heritage studies that are relevant to the proposed alteration, demolition or removal.
9. An affidavit or a sworn declaration by the applicant certifying that the information required under this section and provided by the applicant is accurate.

(2) The information or material referred to in subsection (1) must also include any information or material that is required to accompany an application by a municipal by-law, resolution or official plan.

(3) The owner of the property shall serve an application made under subsection 33 (1) or 34 (1) of the Act on the council of the municipality.

(4) Use of a municipality's electronic system to submit an application mentioned in subsection (3) is a method for the purpose of clause 67 (1) (d) of the Act.

(5) Service using a municipality's electronic system is effective on the day the application is submitted unless the application was submitted after 5 p.m., in which case it is effective on the following day. If the day on which service would be effective is a Saturday or a holiday, service is instead effective on the next day that is not a Saturday or a holiday.

(6) For the purpose of paragraph 2 of subsection 33 (7) of the Act and paragraph 2 of subsection 34 (4.3) of the Act, an application is considered to have commenced on the day that it is served on the council of the municipality.

#### REQUIRED STEPS – SECTION 34.3 OF THE ACT

##### **Council consents to application under s. 34 of the Act**

**9.** (1) The following steps are prescribed for the purposes of subsection 34.3 (1) of the Act:

1. After the demolition or removal of a building, structure or heritage attribute on the property is complete, the council of the municipality shall, in consultation with the municipal heritage committee established under section 28 of the Act, if one has been established, make one of the following determinations:
  - i. The property continues to have cultural heritage value or interest and, despite the demolition or removal, the statement explaining the cultural heritage value or interest of the property and the description of the heritage attributes of the property are accurate and do not need to be amended.
  - ii. The property continues to have cultural heritage value or interest but, as a result of the demolition or removal, the statement explaining the cultural heritage value or interest of the property or the description of the heritage attributes of the property is no longer accurate and needs to be amended.
  - iii. The property no longer has cultural heritage value or interest as a result of the demolition or removal.



2. If the council makes the determination described in subparagraph 1 i, the clerk of the municipality shall ensure that notice of the determination is served on the Trust.

3. If the council makes the determination described in subparagraph 1 ii,

i. the council shall,

A. pass a by-law that amends the by-law made under section 29 of the Act designating the property to update the statement of cultural heritage value or interest and the description of the property's heritage attributes to reflect the changes resulting from the demolition or removal, and

B. ensure that the amending by-law complies with the requirements set out in section 5 and includes a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property, and

ii. the clerk of the municipality shall,

A. ensure that a copy of the amending by-law is served on the owner of the property,

B. publish notice of the amending by-law in a newspaper having general circulation in the municipality, and

C. ensure that a copy of the amending by-law is registered against the property affected by the amending by-law in the appropriate land registry office and that a copy of the registered amending by-law is served on the Trust.

4. If the council makes the determination described in subparagraph 1 iii,

i. the council shall pass a by-law to repeal the by-law or the part thereof designating the property under section 29 of the Act, and

- ii. the clerk of the municipality shall,
  - A. ensure that a copy of the repealing by-law is served on the owner of the property,
  - B. publish notice of the repealing by-law in a newspaper having general circulation in the municipality,
  - C. ensure that a copy of the repealing by-law is registered against the property affected by the repealing by-law in the appropriate land registry office and that a copy of the registered repealing by-law is served on the Trust, and
  - D. ensure that any reference to the property is deleted from the register referred to in subsection 27 (1) of the Act.
5. If, as part of the removal mentioned in paragraph 1, a building or structure is moved to another property,
  - i. the council of a municipality shall, in consultation with the municipal heritage committee established under section 28 of the Act, determine if the other property meets the criteria referred to in clause 29 (1) (a) of the Act,
  - ii. if it is determined under subparagraph i that the other property meets the criteria, the council of a municipality may pass a by-law designating the other property to be of cultural heritage value or interest, and
  - iii. if a designating by-law is passed under subparagraph ii, the council of a municipality shall ensure that the by-law complies with the requirements set out in section 5 and includes a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property.
6. If a designating by-law is passed under subparagraph 5 ii, the clerk of the municipality shall,

- i. ensure that a copy of the designating by-law is served on the owner of the property affected by the designating by-law,
- ii. publish notice of the designating by-law in a newspaper having general circulation in the municipality, and
- iii. ensure that a copy of the designating by-law is registered against the property affected by the designating by-law in the appropriate land registry office and that a copy of the registered designating by-law is served on the Trust.

(2) A by-law passed under this section comes into force on the day the by-law is passed.

(3) A designating by-law passed under subparagraph 5 ii of subsection (1) is deemed to be a by-law passed under subsection 29 (1) of the Act.

(4) For greater certainty, sections 29, 30.1 and 31 of the Act do not apply in respect of passing a by-law under this section, but sections 30.1 and 31 of the Act apply in respect of an amendment or repeal of a by-law or part thereof passed under this section.

#### RECORD OF DECISION

##### **Record of decision under s. 29 of the Act**

**10.** (1) If a notice of appeal under section 29 of the Act is given within the time period specified in subsection 29 (11) of the Act, the clerk of the municipality shall ensure that the record of the decision under subsection 29 (8) of the Act to pass a by-law designating a property is forwarded to the Tribunal within 15 days after the notice of appeal is given to the clerk of the municipality.

(2) The following material and information must be included in a record of the decision referred to in subsection (1):

1. A certified copy of the notice of intention to designate the property.
2. A certified copy of the by-law.

3. A certified copy of the notice referred to in paragraph 4 of subsection 29 (8) of the Act.
4. A copy of any report considered by council.
5. A statement by an employee of the municipality as to how the decision of council considered the principles set out in subsection 1 (3) when the council exercised its decision-making authority.
6. The original or a certified copy of all written submissions and comments related to the decision and the dates they were received.
7. If a public meeting was held that related to the decision,
  - i. a copy of the minutes; and
  - ii. a list of all persons and public bodies that made oral submissions that related to the decision and, if available, the record of those submissions.
8. Any additional material or information that the council considered in making its decision.
9. An affidavit or sworn declaration by an employee of the municipality that contains a certificate that all the material and information required under this section is accurate.

(3) The following material and information must be included in a record of the decision under subsection 29 (6) of the Act to be forwarded to the Tribunal as required by subsection 29 (14) of the Act:

1. The original or a certified copy of every notice of objection served on the clerk of the municipality under subsection 29 (5) of the Act, and the date on which each notice was served.

**Record of decision under s. 30.1 of the Act**

**11.** (1) References in this section to section 29 of the Act are references to that section as it applies to an amending by-law mentioned in subsection 30.1 (1) of the Act, as modified in the Schedule.

(2) The following rule applies if the council to a municipality proposes under section 30.1 of the Act to amend a by-law designating property and the exception set out in subsection 30.1 (2) of the Act does not apply to the amending by-law:

1. If a notice of appeal under section 30.1 of the Act is given within the time period specified in subsection 29 (11) of the Act, the clerk of the municipality shall ensure that the record of the decision under subsection 29 (8) of the Act is forwarded to the Tribunal within 15 days after the notice of appeal is given to the clerk of the municipality.

(3) The following material and information must be included in a record of the decision referred to in paragraph 1 of subsection (2):

1. A certified copy of the notice of proposed amendment to the by-law designating the property.
2. A certified copy of the by-law that is the subject to the proposed amendment.
3. A certified copy of the amending by-law.
4. A certified copy of the notice referred to in paragraph 4 of subsection 29 (8) of the Act.
5. The material and information described in paragraphs 4 to 9 of subsection 10 (2).

(4) The following material and information must be included in a record of the decision under subsection 29 (6) of the Act to be forwarded to the Tribunal as required by subsection 29 (14) of the Act:

1. The original or a certified copy of every notice of objection served on the clerk of the municipality under subsection 29 (5) of the Act and the date on which it was served.

(5) The following rule applies if the council to a municipality proposes under section 30.1 of the Act to amend a by-law designating property and the exception set out in subsection 30.1 (2) applies to the amending by-law:

1. If a notice of appeal is given within the time period specified in subsection 30.1 (10) of the Act, the clerk of the municipality shall ensure that the record of the decision under subsection 30.1 (9) of the Act to pass an amending by-law is forwarded to the Tribunal within 15 days after the notice of appeal is given to the clerk of the municipality.

(6) The following material and information must be included in a record of the decision referred to in paragraph 1 of subsection (5):

1. A certified copy of the notice referred to in subparagraph 1 ii of subsection 30.1 (9) of the Act.
2. The material and information described in paragraphs 1, 3, 4 and 5 of subsection (3).

(7) The following material and information must be included in a record of the decision under subsection 30.1 (7) of the Act to be forwarded to the Tribunal as required by subsection 30.1 (14) of the Act:

1. The original or a certified copy of every notice of objection filed with the clerk of the municipality under subsection 30.1 (6) of the Act and the date on which it was filed.

#### **Record of decision under s. 31 of the Act**

**12.** (1) If a notice of appeal under section 31 of the Act is given within the time period specified in subsection 31 (9) of the Act, the clerk of the municipality shall ensure that the record of the decision under subsection 31 (8) of the Act to pass a repealing by-law is forwarded to the Tribunal within 15 days after the notice of appeal is given to the clerk of the municipality.

(2) The following material and information must be included in a record of the decision referred to in subsection (1):

1. A certified copy of the notice of intention to repeal the by-law or part thereof designating property.
2. A certified copy of the repealing by-law.
3. A certified copy of the by-law that is subject to the repealing by-law.
4. A certified copy of the notice referred to in paragraph 2 of subsection 31 (8) of the Act.
5. The material and information described in paragraphs 4 to 9 of subsection 10 (2).

(3) The following material and information must be included in a record of the decision under subsection 31 (6) of the Act to be forwarded to the Tribunal as required by subsection 31 (13) of the Act:

1. The original or a certified copy of every notice of objection served on the clerk of the municipality under subsection 31 (5) of the Act and the date on which it was served.

**Record of decision under s. 32 of the Act**

**13.** The following material and information must be included in a record of the decision under subsection 32 (5) of the Act to be forwarded to the Tribunal as required by subsection 32 (11) of the Act:

1. A certified copy of the application to repeal a by-law or part thereof designating the property.
2. A certified copy of the notice of application referred to in subsection 32 (3) of the Act.
3. A certified copy of the by-law designating the property.
4. The original or a certified copy of every notice of objection served on the clerk of the municipality under subsection 32 (4) of the Act and the date it was served.

5. If the appeal relates to a decision to refuse the application, a certified copy of the notice referred to in subparagraph 1 ii of subsection 32 (5) of the Act.
6. If the appeal relates to a decision to consent to the application,
  - i. a certified copy of the by-law repealing the by-law or part thereof, and
  - ii. a certified copy of the notice referred to in subparagraph 2 ii of subsection 32 (5) of the Act.
7. The material and information described in paragraphs 4 to 9 of subsection 10 (2).

**Record of decision under s. 33 of the Act**

**14.** (1) If a notice of appeal under section 33 of the Act is given within the time period specified in subsection 33 (9) of the Act, the clerk of the municipality shall ensure that the record of the decision under subsection 33 (6) of the Act is forwarded to the Tribunal within 15 days after the notice of appeal is given to the clerk of the municipality.

(2) The following material and information must be included in a record of the decision referred to in subsection (1):

1. A certified copy of the by-law designating the property.
2. The original or a certified copy of the material and information described in section 8 received by the council, and any material or information that the council required under subsection 33 (3) of the Act.
3. A certified copy of the notice informing the applicant that the application is complete that was served on the applicant under subsection 33 (4) of the Act and the date it was served.
4. A certified copy of any records relating to a notification referred to in subsection 33 (5) of the Act.



5. A certified copy of the notice of the council's decision referred to in clause 33 (6) (b) of the Act.
6. The material and information described in paragraphs 4 to 9 of subsection 10 (2).

**Record of decision under s. 34.1 of the Act**

**15.** (1) If a notice of appeal under section 34.1 of the Act is given within the time period specified in subsection 34.1 (2) of the Act, the clerk of the municipality shall ensure that the record of the decision under subsection 34 (4.2) of the Act is forwarded to the Tribunal within 15 days after the notice of appeal is given to the clerk of the municipality.

(2) The following material and information must be included in a record of the decision referred to in subsection (1):

1. A certified copy of the by-law designating the property.
2. The original or a certified copy of the material and information described in section 8 received by the council, and any material or information that the council required under subsection 34 (3) of the Act.
3. A certified copy of the notice informing the applicant that the application is complete that was served on the applicant under subsection 34 (4) of the Act and the date it was served.
4. A certified copy of any records relating to a notification referred to in subsection 34 (4.1) of the Act.
5. The original or a certified copy of the notice of the council's decision referred to in clause 34 (4.2) (b) of the Act.
6. The material and information described in paragraphs 4 to 9 of subsection 10 (2).

**Record of decision under s. 40.1 of the Act**

**16.** (1) If a notice of appeal under section 40.1 of the Act is given within the time period specified in subsection 40.1 (4) of the Act, the clerk of the municipality shall ensure that the

record of the decision under subsection 40.1 (1) of the Act is forwarded to the Tribunal within 15 days after the notice of appeal is given to the clerk of the municipality.

(2) The following material and information must be included in a record of the decision referred to in subsection (1):

1. A certified copy of the by-law made under subsection 40.1 (1) of the Act.
2. A certified copy of the notice referred to in subsection 40.1 (3) of the Act.
3. The material and information described in paragraphs 4, 6, 7, 8 and 9 of subsection 10 (2).

**Record of decision under s. 41 of the Act**

**17.** (1) If a notice of appeal under section 41 of the Act is given within the time period specified in subsection 41 (4) of the Act, the clerk of the municipality shall ensure that the record of the decision under subsection 41 (1) of the Act is forwarded to the Tribunal within 15 days after the notice of appeal is given to the clerk of the municipality.

(2) The following material and information must be included in a record of the decision referred to in subsection (1):

1. A certified copy of the by-law made under subsection 41 (1) of the Act.
2. A certified copy of the notice referred to in subsection 41 (3) of the Act.
3. A certified copy of the heritage conservation district plan adopted by a by-law under subsection 41.1 (1) of the Act.
4. A certified copy of the information referred to in clause 41.1 (6) (a) of the Act.
5. The original or a certified copy of all written submissions and comments related to the decision, including any written submissions referred to in subsection 41.1 (11) of the Act, and the dates they were received.

6. For every public meeting referred to in clause 41.1 (6) (b) of the Act that is held,
  - i. a copy of the notice of the public meeting referred to in subsection 41.1 (7) of the Act,
  - ii. a copy of the minutes, and
  - iii. a list of all persons that made oral representations referred to in subsection 41.1 (9) of the Act and, if available, the record of those representations.
7. For every public meeting that is held that related to the decision but was not a meeting referred to in clause 41.1 (6) (b) of the Act,
  - i. a copy of the minutes,
  - ii. a list of all persons and public bodies that made oral submissions that related to the decision and, if available, the record of those submissions.
8. The material and information described in paragraphs 4, 5, 8 and 9 of subsection 10 (2).

**Record of decision under s. 41.1 of the Act**

**18.** (1) If a notice of appeal under section 41.1 of the Act is given within the time period specified in subsection 41 (4) of the Act, as made applicable by subsection 41.1 (4) of the Act, the clerk of the municipality shall ensure that the record of the decision under subsection 41.1(2) of the Act is forwarded to the Tribunal within 15 days after the notice of appeal is given to the clerk of the municipality.

(2) The following material and information must be included in a record of the decision referred to in subsection (1):

1. A certified copy of the by-law under subsection 41 (1) of the Act.
2. A certified copy of the by-law under subsection 41.1 (2) of the Act.

3. A certified copy of the heritage conservation district plan adopted under subsection 41.1 (2) of the Act.
4. A certified copy of the notice referred to in subsection 41.1 (3) of the Act.
5. A certified copy of the information referred to in clause 41.1 (6) (a) of the Act.
6. The original or a certified copy of all written submissions and comments related to the decision, including the written submissions referred to in subsection 41.1 (11) of the Act, and the dates they were received.
7. For every public meeting referred to in clause 41.1 (6) (b) of the Act that is held,
  - i. a copy of the notice of the public meeting referred to in subsection 41.1 (7) of the Act,
  - ii. a copy of the minutes, and
  - iii. a list of all persons that made oral representations referred to in subsection 41.1 (9) of the Act and, if available, the record of those representations.
8. The material and information described in paragraphs 4, 5, 8 and 9 of subsection 10 (2).

**Record of decision under s. 42 of the Act**

**19.** (1) If a notice of appeal under section 42 of the Act is given within the time period specified in subsection 42 (7) of the Act, the clerk of the municipality shall ensure that the record of the decision under subsection 42 (4) of the Act is forwarded to the Tribunal within 15 days after the notice of appeal is given to the clerk of the municipality.

(2) The following material and information must be included in a record of the decision referred to in subsection (1):

1. If a heritage conservation district plan was adopted by a by-law under subsection 41.1 (1) or (2) of the Act, a certified copy of the plan.

2. The original or a certified copy of the information required under subsection 42 (2.2) of the Act.
3. A certified copy of the notice of receipt referred to in subsection 42 (3) of the Act.
4. If the council refused the application for a permit under section 42 of the Act, a copy of the notice referred to in clause 42 (4) (b) of the Act.
5. If the council approved the application for a permit under section 42 of the Act with terms or conditions attached, a copy of the permit.
6. The material and information described in paragraphs 4, 5, 6, 7, 8 and 9 of subsection 10 (2).

#### TRANSITION

##### **Transitional rules**

**20.** (1) Except as provided otherwise, references in this section to a provision of the Act are references to the provision as it read immediately before the day this section comes into force.

(2) A matter or proceeding that is mentioned in subsection (3) and commenced before the day this section comes into force shall be continued and disposed of under the Act as it read before that date.

(3) For the purposes of subsection (2), a matter or proceeding shall be deemed to have been commenced,

- (a) in the case of the designation of property by by-law under section 29 of the Act, on the date of the publication of a notice of intention to designate under clause 29 (3) (b) of the Act;
- (b) in the case of the amendment of a by-law designating property under section 30.1 of the Act,

- (i) if subsection 30.1 (2) of the Act does not apply to the notice, on the date of the publication of the notice of proposed amendment under clause 29 (3) (b) of the Act, as made applicable by subsection 30.1 (1) of the Act, or
  - (ii) if subsection 30.1 (2) of the Act applies to the notice, on the day the notice of proposed amendment is received by the owner of the property;
- (c) in the case of the repeal of a by-law or part thereof designating property under section 31 of the Act, on the date of the publication of a notice of intention to repeal a by-law or part thereof under clause 31 (3) (b) of the Act;
- (d) in the case of an application to repeal a by-law or part thereof designating a property under section 32 of the Act, on the day the application is received by the council of the municipality;
- (e) in the case of an application for consent to alter or permit the alteration under section 33 of the Act, on the day the application is received by the council of the municipality;
- (f) in the case of an application for consent to demolish or remove or permit demolition or removal under section 34 of the Act, on the day the application is received by the council of the municipality;
- (g) in the case of an application for consent to alter, demolish or remove or permit the alteration, demolition or removal under section 34.5 of the Act, on the day the application is received by the Minister;
- (h) in the case of the designation of a study area under section 40.1 of the Act, the day on which the by-law is passed under that section;
- (i) in the case of the designation of a heritage conservation district under section 41 of the Act, the day on which the by-law is passed under that section;
- (j) in the case of the adoption of a heritage conservation district plan under subsection 41.1 (2) of the Act, the day on which the by-law is passed under that section;

- (k) in the case of an application described in subsection 42 (2.1) of the Act, the day on which the application is received by the council of the municipality.

(4) Despite subsection (2), if a notice of intention to designate a property under subsection 29 (1) of the Act was published in accordance with clause 29 (3) (b) of the Act before the day this section comes into force and the council of the municipality has not passed a by-law designating the property and has not withdrawn the notice of intention to designate before that day, the notice of intention to designate the property is deemed to be withdrawn unless the council of the municipality passes a by-law designating the property within 365 days after the day this section comes in force in accordance with section 29 of the Act.

(5) For the purposes of subsection (4), if a person objects to a proposed designation under subsection 29 (5) of the Act, the 365-day period referred to in that subsection shall be counted by excluding every day that is after the day the person serves the notice of objection under subsection 29 (5) of the Act and that is before the earliest of the following:

1. The day the Review Board makes a report to council under subsection 29 (12) of the Act.
2. If the person who served the notice of objection withdraws the objection, the day on which the person serves notice of withdrawal in accordance with subsection 29 (15) of the Act.

(6) If a notice of intention to designate is deemed to be withdrawn under subsection (4), the municipality shall cause a notice of withdrawal,

- (a) to be served on the owner of the property and on the Trust; and
- (b) to be published in a newspaper having general circulation in the municipality.

(7) Despite subsection (2), the following rules apply if an application for consent to demolish or remove or permit demolition or removal under section 34 of the Act is received by the council of the municipality before the day this section comes into force and the council of a municipality has consented to the application under subclause 34 (2) (a) (i) or (i.1) of the Act or is deemed to have consented to the application under subsection 34 (4) of the Act or the Tribunal has ordered that the municipality give its consent under clause 34.1 (6) (b) of the Act:

1. If the council has not passed a repealing by-law under section 34.3 of the Act, the application shall be continued and disposed of in accordance with section 34.3 of the Act as it reads on and after the day this section comes into force.
2. If the council has passed a repealing by-law under section 34.3 of the Act, the application shall be continued and disposed of in accordance with section 34.3 of the Act as it read immediately before the day this section comes into force.

(8) Subsection 29 (1.2) of the Act, as it reads on and after the day this section comes into force, does not apply with respect to a property in a municipality if the event prescribed by section 2 of this Regulation occurred before the day this section comes into force.

## **Commencement**

### **21. [Commencement]**

#### SCHEDULE

SECTION 29 OF THE ACT AS MODIFIED FOR THE PURPOSES OF SUBSECTION 30.1 (1) OF THE ACT

### **Amendment of designating by-law**

**29.** (1) The council of a municipality may, by by-law, amend a by-law designating a property within the municipality to be of cultural heritage value or interest if the amendment is made in accordance with the process set out in this section.

### **Notice required**

(1.1) Subject to subsection (2), if the council of a municipality intends to amend a by-law designating a property within the municipality to be of cultural heritage value or interest, it shall cause a notice of proposed amendment to be given by the clerk of the municipality in accordance with subsection (3).

### **Consultation**

(2) Where the council of a municipality has appointed a municipal heritage committee, the council shall, before giving a notice of proposed amendment, consult with its municipal heritage committee.

### **Notice of proposed amendment**

(3) A notice of proposed amendment shall be,

- (a) served on the owner of the property and on the Trust; and



- (b) published in a newspaper having general circulation in the municipality.

**Contents of notice**

(4) A notice of proposed amendment that is served on the owner of property and on the Trust under clause (3) (a) shall contain,

- (a) an adequate description of the property so that it may be readily ascertained;
- (b) an explanation of the purpose and effect of the proposed amendment; and
- (c) a statement that notice of objection to the notice of proposed amendment may be served on the clerk within 30 days after the date of publication of the notice of proposed amendment in a newspaper of general circulation in the municipality under clause (3) (b).

**Same**

(4.1) A notice of proposed amendment that is published in a newspaper of general circulation in a municipality under clause (3) (b) shall contain,

- (a) an adequate description of the property so that it may be readily ascertained;
- (b) an explanation of the purpose and effect of the proposed amendment;
- (c) a statement that further information respecting the notice of proposed amendment is available from the municipality; and
- (d) a statement that notice of objection to the notice of proposed amendment may be served on the clerk within 30 days after the date of publication of the notice of proposed amendment in a newspaper of general circulation in the municipality under clause (3) (b).

### **Objection**

(5) A person who objects to a proposed amendment to a designating by-law shall, within 30 days after the date of publication of the notice of proposed amendment, serve on the clerk of the municipality a notice of objection setting out the reason for the objection and all relevant facts.

### **Consideration of objection by council**

(6) If a notice of objection has been served under subsection (5), the council of the municipality shall consider the objection and make a decision whether or not to withdraw the notice of proposed amendment within 90 days after the end of the 30-day period under subsection (5).

### **Notice of withdrawal**

(7) If the council of the municipality decides to withdraw the notice of proposed amendment, either of its own initiative at any time or after considering an objection under subsection (6), the council shall withdraw the notice by causing a notice of withdrawal,

- (a) to be served on the owner of the property, on any person who objected under subsection (5) and on the Trust; and
- (b) to be published in a newspaper having general circulation in the municipality.

### **If no notice of objection or no withdrawal**

(8) If no notice of objection is served within the 30-day period under subsection (5) or a notice of objection is served within that period but the council decides not to withdraw the notice of proposed amendment, the council may pass a by-law amending the by-law designating the property, provided the following requirements are satisfied:

1. The amending by-law must be passed within 365 days after the date of publication of the notice of proposed amendment under clause (3) (b) or within such other period of time that is mutually agreed upon by the council and the owner of the property.
2. The by-law designating the property, as amended, must include a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property and must comply with such requirements in relation to the statement and the description as may be prescribed and with such other requirements as may be prescribed.

3. The council must cause the following to be served on the owner of the property, on any person who objected under subsection (5) and on the Trust:
  - i. A copy of the amending by-law.
  - ii. A notice that any person who objects to the amending by-law may appeal to the Tribunal by giving the Tribunal and the clerk of the municipality, within 30 days after the date of publication under paragraph 4, a notice of appeal setting out the objection to the by-law and the reasons in support of the objection, accompanied by the fee charged under the *Local Planning Appeal Tribunal Act, 2017*.
4. The council must publish notice of the amending by-law in a newspaper having general circulation in the municipality, which must provide that any person who objects to the by-law may appeal to the Tribunal by giving the Tribunal and the clerk of the municipality, within 30 days after the date of publication under this paragraph, a notice of appeal setting out the objection to the by-law and the reasons in support of the objection, accompanied by the fee charged under the *Local Planning Appeal Tribunal Act, 2017*.

### **Deemed withdrawal**

(9) If the council of the municipality has not passed an amending by-law under subsection (8) within the time set out in paragraph 1 of that subsection, the notice of proposed amendment is deemed to be withdrawn and the municipality shall cause a notice of withdrawal,

- (a) to be served on the owner of the property, on any person who objected under subsection (5) and on the Trust; and
- (b) to be published in a newspaper having general circulation in the municipality.

### **Same**

(10) For clarity, the deemed withdrawal of a notice of proposed amendment under subsection (9) does not prevent the council from giving a new notice of proposed amendment in accordance with this section.

### **Appeal to Tribunal**

(11) Any person who objects to the amending by-law may appeal to the Tribunal by giving the Tribunal and the clerk of the municipality, within 30 days after the date of publication under

paragraph 4 of subsection (8), a notice of appeal setting out the objection to the by-law and the reasons in support of the objection, accompanied by the fee charged under the *Local Planning Appeal Tribunal Act, 2017*.

**If no notice of appeal**

(12) If no notice of appeal is given within the time period specified in subsection (11),

- (a) the amending by-law comes into force on the day following the last day of the period;  
and
- (b) the clerk shall ensure that a copy of the amending by-law is registered against the properties affected by the by-law in the appropriate land registry office and that a copy of the registered by-law is served on the Trust.

**If notice of appeal**

(13) If a notice of appeal is given within the time period specified in subsection (11), the Tribunal shall hold a hearing and, before holding the hearing, shall give notice of the hearing to such persons or bodies and in such manner as the Tribunal may determine.

**Forwarding of record of decision**

(14) If the council of the municipality made a decision on a notice of objection under subsection (6) and if a notice of appeal is given within the time period specified in subsection (11), the clerk of the municipality shall ensure that the record of the decision under subsection (6) is forwarded to the Tribunal within 15 days after the notice of appeal is given to the clerk of the municipality.

**Powers of Tribunal**

(15) After holding the hearing, the Tribunal shall,

- (a) dismiss the appeal; or
- (b) allow the appeal in whole or in part and,
  - (i) repeal the amending by-law,
  - (ii) amend the amending by-law in such manner as the Tribunal may determine,

- (iii) direct the council of the municipality to repeal the amending by-law, or
- (iv) direct the council of the municipality to amend the amending by-law in accordance with the Tribunal's order.

### **Dismissal without hearing of appeal**

(16) Despite the *Statutory Powers Procedure Act* and subsections (13) and (15), the Tribunal may, on its own motion or on the motion of any party, dismiss all or part of the appeal without holding a hearing on the appeal if,

- (a) the Tribunal is of the opinion that,
  - (i) the reasons set out in the notice of appeal do not disclose any apparent ground upon which the Tribunal could allow all or part of the appeal, or
  - (ii) the appeal is not made in good faith, is frivolous or vexatious, or is made only for the purpose of delay;
- (b) the appellant has not provided written reasons in support of the objection to the amending by-law;
- (c) the appellant has not paid the fee charged under the *Local Planning Appeal Tribunal Act, 2017*; or
- (d) the appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal.

### **Representations**

(17) Before dismissing all or part of an appeal on any of the grounds mentioned in subsection (16), the Tribunal shall,

- (a) notify the appellant of the proposed dismissal; and

- (b) give the appellant an opportunity to make representations with respect to the proposed dismissal.

**Coming into force**

(18) If one or more notices of appeal are given to the clerk within the time period specified in subsection (11),

- (a) the amending by-law comes into force when all of such appeals have been withdrawn or dismissed;
- (b) if the amending by-law is amended by the Tribunal under subclause (15) (b) (ii), the amending by-law, as amended by the Tribunal, comes into force on the day it is so amended; or
- (c) if the amending by-law is amended by the council pursuant to subclause (15) (b) (iv), the amending by-law, as amended by the council, comes into force on the day it is so amended.

**Registration of by-law**

(19) The clerk of a municipality shall ensure that a copy of an amending by-law that comes into force under subsection (18) is registered against the properties affected by the by-law in the appropriate land registry office and that a copy of the registered by-law is served on the Trust.



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October 30, 2020

**Lorraine Dooley**

Ministry of Heritage, Sport, Tourism and Culture Industries - Culture Policy Unit  
401 Bay Street  
Suite 1800  
Toronto, ON  
M7A 0A7  
Canada

**RE: Bill 108 Draft Regulations to the *Ontario Heritage Act***

Dear Madam:

On behalf of the City of Hamilton, I am pleased to provide this letter as City of Hamilton's submission on the draft Regulations regarding Schedule 11 of Bill 108. Please find attached to this letter an outline of the key submissions the City wishes to make on the proposed changes to the *Ontario Heritage Act*. City staff will be taking a report to Planning Committee on November 3, 2020 and to Council on November 11, 2020 outlining our submission. Council's position will be forwarded to the Province once it has been ratified.

We look forward to seeing the results of the consultation on the draft Regulations. City staff would be pleased to meet with you to discuss these comments in greater detail.

Regards,

Steve Robichaud, *MCIP, RPP*  
Director of Planning and Chief Planner, Planning Division  
Planning and Economic Development Department  
City of Hamilton

SR:jr  
Attachment

cc: Anita Fabac, Manager of Development Planning, Heritage and Design

## City of Hamilton Submissions on Bill 108 - Changes to the Ontario Heritage Act

Staff were not supportive of the proposed Bill 108 changes to the *Ontario Heritage Act* as they will have an impact on how the City administers the *Act* and its current processes. The Proposed Regulations, in some cases may increase the administrative burden of staff, delay heritage projects not associated with development applications, and will require additional staff resources with added complexity to processes and shortened timeframes. The changes proposed by Bill 108 and the Proposed Regulations may result in increased appeals to the LPAT as the addition of properties to the Register can now be appealed. Some of the items in the proposed Regulations do provide additional clarity that staff are satisfied with, however staff have additional questions and points of clarification.

The following are the City's comments and recommendations:

- Staff are supportive of the prescribed principle. Staff advise the Province that many of the prescribed principles use 'should' rather than 'shall' and that the use of 'should' instead of 'shall' contradicts the Provincial Policy Statement 2020, which states "Significant built heritage resources and significant cultural heritage landscapes shall be conserved". Staff advise that the language between the prescribed principles and the Provincial Policy Statement be aligned.
- Staff are seeking clarification from the Province on how to balance the minimum requirements for designation by-laws that requires that the list of heritage attributes be concise, but also requires that each attribute be adequately linked to the cultural heritage value of the cultural heritage resource.
- Staff are seeking clarification that plans, drawings, photos and other images that are required to be part of a designation by-law are to be provided by the applicant who triggered a prescribed event or if in fact they should be supplied by the municipality.
- Staff advise the Province that the 90 day timeline to issue a NOID after a prescribed event aligns with the timeframe to review Zoning By-law Amendments but does not meet the statutory timeframes for review of Official Plan Amendments and Plans of Subdivision, which is 120 days.
- Staff advise the Province that the Planning Act Regulations for Official Plan Amendments (O. Reg 543/06), Plans of Subdivision (O. Reg 544/06) and Zoning By-law Amendments (O. Reg 545/06) should be amended to have heritage resource information included on the required information and material to review.
- Staff are supportive of ensuring development applications and heritage designations are reviewed comprehensively but seek clarification from the



Province on what designation process other Planning Act applications with properties that have cultural heritage value or interest would go through.

- Staff are seeking clarity on the length of time that can be entered into through mutual agreement and if mutual agreements can be delegated to staff from Council for both the 90 day timeline to issue a NOID and the 120 day timeline to pass a designation by-law. Further clarification is requested on the formality of the agreement.
- Staff are seeking clarification on the number of times that the 90 day timeline to issue a NOID can be extended as new and relevant information is submitted.
- Further clarification from the Ministry is sought to confirm if new and relevant information can be submitted from any source. Additional clarification is requested on what is considered new and relevant information.
- Staff would like to confirm if only one extension can occur or if multiple extensions can be applied when seeking an extension to the 90 day timeline to issue a NOID.
- Clarification from the Ministry is sought to confirm if Council must pass a resolution after each time a 90 day timeframe to issue a NOID expires or if Council can pass a blanket resolution to extend all 90 day periods. Staff would like to emphasize the increased administrative burden to have resolutions by Council for extended timeframes passed.
- Clarification from the Province is sought to define further what is mean by when Planning Act applications are disposed of. Specifically, staff are seeking clarification on whether after an application has been approved or a decision from the Local Planning Appeal Tribunal has been provided and there is still cultural heritage value on the property, that staff can then proceed with designation should they not have issued a NOID within the 90 day timeframe.
- Staff are seeking clarification as to what happens in situations where there are appeals to NOIDs. Staff would like confirmation of whether the 120 day timeframe to pass a designation by-law is paused for the duration of an appeal.
- Staff note that the requirements for a complete application only apply to subsections 33 (2) and 34 (2) of the *Ontario Heritage Act*, meaning that there are no requirements for a complete application for properties designated under Part V (heritage conservation districts). Staff advise the Province that the requirements for complete application also be applied to district properties to ensure comprehensive submissions for those applications and consistent treatment of all designations.

- Staff require clarification on the ability for Council to delegate their approval authority to staff for demolition applications of designated properties as a result of the definition of demolition being the "removal of any heritage attribute".
- Staff are seeking clarification on the timeframe that amended or repealed by-laws resulting from a demolition or alteration, be processed.
- Staff advise the Province that the timeframe for an owner to reapply for repeal of a designation by-law should be longer than 12 months so that staff do not have to deal with the same issue at the LPAT every 12 months.
- Staff request from the Province additional clarity on the content and structure of the employee statement as part of a LPAT appeal submission.
- Staff are seeking clarification on whether a newspaper having general circulation must be print or can be in digital format.
- Staff are concerned with the short timeframe to prepare for the implementation of the changes to the OHA and request that proclamation be extended from January 1, 2021 to July 1, 2021 to give staff appropriate time to review internal processes.

9 Key Themes from the Regulations and Implications for Hamilton and Recommendations

#	Theme	Implications for Hamilton and Recommendations
1	<p><b>Principles that a municipal council shall consider when making decisions under specific parts of the OHA.</b></p> <p>The amendments to the <i>Ontario Heritage Act</i> give authority to prescribe principles that a municipal council shall consider when making decisions under prescribed provisions of Parts IV and V of the Act. The proposed principles relate to the purpose of the <i>Ontario Heritage Act</i> and are intended to help decision-makers better understand what to focus on when making decisions under the Act. The Regulation contains proposed principles which include:</p> <ul style="list-style-type: none"> <li>• Property that is determined to be of cultural heritage value or interest should be protected and conserved for all generations;</li> <li>• Decisions affecting the cultural heritage value or interest of a property or HCD should, <ul style="list-style-type: none"> <li>○ minimize adverse impacts to the cultural heritage value or interest of the property or district;</li> <li>○ be based on research, appropriate studies and documentary evidence; and,</li> <li>○ demonstrate openness and transparency by considering the views of all interested persons and communities; and,</li> </ul> </li> <li>• Conservation of properties of cultural heritage value or interest should be achieved through</li> </ul>	<p>Staff are supportive of the prescribed principles and note that the City's current Official Plans already contain policies that require the retention of properties with cultural heritage value or interest as well as research and evidence to support the conservation of heritage resources. The current process where decisions related to conservation of heritage resources which goes to Heritage Committee, Planning Committee and Council demonstrates openness and transparency.</p> <p><b>Staff advise the Province that many of the principles use 'should' rather than 'shall.' That the use of 'should' instead of 'shall' is not consistent with the Provincial Policy Statement 2020, which states "Significant built heritage resources and significant cultural heritage landscapes shall be conserved". Staff advise that the language between the prescribed principles and the Provincial Policy Statement be aligned.</b></p>

#	Theme	Implications for Hamilton and Recommendations
	<p>identification, protection and wise management, including adaptive reuse (proposed to be defined as the alteration of a property of cultural heritage value or interest to fit new uses or circumstances while retaining the heritage attributes of the property) where appropriate.</p>	
2	<p><b>Mandatory content for designation by-laws.</b></p> <p>The <i>Ontario Heritage Act</i> amendments provide a regulatory authority to prescribe mandatory content for designation by-laws. The goal is to achieve greater consistency across municipalities and to provide improved clarity for property owners. The Regulation contains mandatory requirements which include:</p> <ul style="list-style-type: none"> <li>• Property identification including the municipal address of the property, legal description of the property including the property identifier number (PIN), general description of where the property is located within the municipality;</li> <li>• Site Plan, scale drawings, aerial photograph or other image that identifies each area of property that has cultural heritage value or interest;</li> <li>• Statement explaining the cultural heritage value or interest based on criteria from O. Regulation 9/06 and how each criterion is met;</li> <li>• The description of the heritage attributes "must be brief" and must explain how each</li> </ul>	<p>Staff are supportive of the mandatory content for designation by-laws as it creates consistency across the Province and provides for the defensibility of designation by-laws.</p> <p>Staff will need to update current practices to ensure all mandatory requirements are included in future designation by-laws. The designation by-law can now include elements of a property that do not contribute to the heritage value, which is a practice that has not been regularly done in the City of Hamilton.</p> <p>Staff also note that an internal review of the Cultural Heritage Impact Assessment Guidelines and the Official Plan policies will be required to ensure that policies and guidelines align with the new requirements for the content of designation by-laws.</p> <p>Staff note that the by-law requirements must indicate how Ontario Regulation 9/06 is met. There is no permission for additional criteria, which is currently in practice in the City of Hamilton. A review of the Cultural Heritage Evaluation Criteria found in Policy B.3.4.2.9 of the Urban Hamilton</p>

#	Theme	Implications for Hamilton and Recommendations
	<p>identified heritage attribute contributes to the cultural heritage value or interest of the property; and,</p> <ul style="list-style-type: none"> <li>The by-law may list physical features of the property that are not heritage attributes.</li> </ul>	<p>Official Plan and Rural Hamilton Official Plan to ensure alignment with the requirements of the Regulations.</p> <p><b>Clarification from the Province on how to balance the requirements of the Proposed Regulation that requires that the list of heritage attributes be concise, but also requires that each attribute be adequately linked to the cultural heritage value of the cultural heritage resource has been requested.</b></p> <p><b>Clarification that plans, drawings, photos and other images that are required to be part of a designation are to be provided by the applicant who triggered a prescribed event or the municipality has been requested.</b></p>
3	<p><b>New 90 day timeline for issuing a notice of intention to designate and exceptions to when the timeline would apply.</b></p> <p>The proposed Regulation establishes a new 90-day timeline which applies to notice of complete applications for official plan amendments, zoning by-law amendments or plans of subdivisions during which a Notice of Intent to Designate must be issued. The new timeline is intended to encourage discussions about potential designations with development proponents at an early stage to avoid designation decisions being made late in the land use planning process.</p>	<p>The 90 day requirement to issue a Notice of Intent to Designate is not supported.</p> <p>Staff's opinion is that the 90 days, even with the extensions proposed, is not adequate to support the Ministry's 'Prescribed Principle' in 1(3)2.ii of the Regulations that requires that decisions affecting the cultural heritage value/interest be based on research, appropriate studies and documentary evidence.</p> <p>Staff's opinion is that to adequately uphold this principle, thorough research and review of Cultural Heritage Impact Assessments is necessary in addition to the preparation of a defensible designation by-law and supporting staff report, which cannot be accomplished within 90 or 180 days while</p>

#	Theme	Implications for Hamilton and Recommendations
	<p>The Proposed Regulation allows for exceptions to this new 90-day timeline and include:</p> <ul style="list-style-type: none"> <li>• Mutual agreement of the owner and council to extend the applicable period of time or agree that a period of time does not apply;</li> <li>• Administrative restrictions - During a declared emergency, which provides a further full 90 days the day after the emergency is terminated;</li> <li>• Administrative restrictions – In situations where the heritage committee had not been consulted, council can determine up to 15 days after the end of the 90-day period that an extension is required, which provides for a further 180 days. The extension requires council resolution; and,</li> <li>• Where “new and relevant information” relating to the property is received; if it is received after the 90-day period, council can defer by resolution a new 90-day period for 180 days, if it is received within the 90-day period, the council can elect to take a further 180 days.</li> </ul> <p>“New and relevant” information and materials, includes:</p> <ul style="list-style-type: none"> <li>• Information or materials that are received after the notice of complete planning application is made and which did not form part of the planning submission; and,</li> </ul>	<p>at the same time reviewing, assessing and making a recommendation on the <i>Planning Act</i> application.</p> <p>These changes to align <i>Planning Act</i> timelines with designations will require significant changes to internal processes. Application forms must be updated to ensure adequate cultural heritage information is included at the time of submission. Applicants will need to ensure Cultural Heritage Assessments are submitted with <i>Planning Act</i> applications and the quantity of the CHIA is satisfactory to properly assess the proposal.</p> <p>Not all designations are subject to a development application. As a result, the designations on the workplan not subject to development applications cannot be prioritized with current staff resources.</p> <p>Currently three weeks are given to review materials as part of a <i>Planning Act</i> application. Based on an initial review, Staff may have questions or require edits to the CHIA. The volume of questions or edits will depend on the quality of the CHIA or the project in general.</p> <p>Once staff provide their comments then it is up to the applicant to address staff’s questions and comments. Subsequent reviews would also take the regular 3-week review window. Staff also take CHIAs to the Policy and Design Working Group which meets once a month. Staff’s ability to consult with the Working Group depends on when materials are received from the applicant. If the working group requires revisions to the CHIA, the applicant would need to make the revisions and return to the Working</p>

#	Theme	Implications for Hamilton and Recommendations
	<ul style="list-style-type: none"> <li>Information and materials that may affect the determination of the cultural heritage value or interest of the property or an evaluation of the potential effect of the Planning Act application on the cultural heritage value or interest of the property.</li> </ul> <p>Expiration of restriction – The 90 day timeline on council's ability to issue a NOID would not remain on the property indefinitely and would no longer apply when the application that originally triggered the 90 day timeframe is finally disposed of under the <i>Planning Act</i>.</p>	<p>Group. Typically, between one and three reviews are required by the Working Group, resulting in a minimum of one to three months required for this review to be completed. Coupled with the review of the <i>Planning Act</i> application, consultation with the community and the applicant followed by the internal report writing cycle, the 90 or 180 day timeline is not enough time for a thorough and comprehensive review to be undertaken.</p> <p>In addition, the 90 or 180 day timeline will not provide adequate time to review and potentially request revisions to a CHIA (provided a revised CHIA is not considered 'new and relevant information'), as well as prepare and process a designation report to HMHC, Planning Committee and Council, while concurrently reviewing a <i>Planning Act</i> application. City of Hamilton's current processing time to issue a NOID commencing with HMHC and going to Council is approximately 45 days and the report cycle combined with statutory notice requirements is approximately 63 days, for a total of 108 days.</p> <p>Additional administrative time will be required when requesting extensions to the 90-day timeline. Appropriate processes for requesting extensions will need to be developed to ensure too much time does not elapse, further shortening the review period.</p> <p><b>Staff advise the Province that the City of Hamilton does not support the proposed 90 and 180 day timeline. Should a timeline be necessary, the Province should provide municipalities with additional time to ensure a</b></p>

#	Theme
	<p>Implications for Hamilton and Recommendations thorough and comprehensive review of heritage matters in conjunction with <i>Planning Act</i> applications.</p> <p>Staff advise the Province that while this timeframe aligns with the timeframe to review Zoning By-law Amendments under the <i>Planning Act</i> it does not align with the statutory timeframes for review of Official Plan Amendments and Plans of Subdivision which are 120 days.</p> <p>Staff advise the Province that the <i>Planning Act</i> Regulations for Official Plan Amendments (543/06), Plans of Subdivision (544/06) and Zoning By-law Amendments (545/06) should be amended to have heritage resources included as prescribed information in application forms.</p> <p>While Staff are supportive of ensuring development applications and heritage designations are reviewed comprehensively the Province should clarify what designation process other <i>Planning Act</i> applications with properties that have cultural heritage value or interest would follow.</p> <p>Staff requests the Province to clarify the length of time that can be entered into through mutual agreement and that the option for Council to delegate to staff the authority to negotiate extension agreements be authorized by Regulation.</p>



#	Theme
	<p data-bbox="219 478 256 1793">Implications for Hamilton and Recommendations</p> <p data-bbox="256 478 586 1793">Staff requests the Province to clarify if new and relevant information can be submitted from any source and what is considered new and relevant information.</p> <p data-bbox="586 478 834 1793">Staff requests the Province to clarify the number of times that the 90 day timeline be extended as new and relevant information is submitted, or if only one extension can occur or if multiple extensions can be applied.</p> <p data-bbox="834 478 1082 1793">Staff requests the Province to confirm if Council must pass a resolution after each time a 90 day period expires or if Council can pass a blanket resolution to extend all 90 day periods. Staff would like to emphasize the increased administrative burden to have resolutions by Council for extended timeframes passed for each <i>Planning Act</i> application</p> <p data-bbox="1082 478 1329 1793">Staff requests the Province to clarify what is meant by disposal of a <i>Planning Act</i> application. Specifically, staff are seeking clarification on whether after an application has been approved or a decision from the Local Planning Appeal Tribunal has been provided and there is still cultural heritage value on the property, that staff can then proceed with designation should a NOID not have been issued within the 90 day timeframe.</p> <p data-bbox="1329 478 1392 1793">Staff requests the Province to clarify what occurs in situations where a third party request for designation occurs during the review of a Prescribed Event or outside of the 90 day or 180 day period.</p>

#	Theme	Implications for Hamilton and Recommendations
4	<p data-bbox="254 327 404 1849"><b>Proposed exceptions to the new 120 day timeline to pass a designation by-law after a notice of intention to designate has been issued.</b></p> <p data-bbox="404 327 702 1849">Amendments to the <i>Ontario Heritage Act</i> establish a new requirement for designation by-laws to be passed within 120 days of issuing a NOID. It also allows for exceptions to be prescribed. The proposed Regulation prescribes exceptions and include:</p> <ul data-bbox="702 327 1435 1849" style="list-style-type: none"> <li>• Mutual agreement between the owner and council within the 120 day period;</li> <li>• Administrative Restrictions - Where any part of the 120 day period is during a declared emergency, which provides a full 120 days subsequent to the termination of the emergency; and,</li> <li>• Where "new and relevant information" related to the property is received prior to by-law passage, which permits council to, by resolution, extend the time period by 180 days. The proposed regulation details "new and relevant" qualifying criteria to be information or materials that is received after publication of the notice of intention to designate and that may affect the statement of cultural heritage value or interest of the property or the description of heritage attributes.</li> </ul>	<p data-bbox="254 1849 652 1944">Staff reiterate that a longer time frame is needed for the initial research and preparation of the NOID, however are generally satisfied that 120 days to accommodate the 30-day appeal period from the issuance of a NOID and to pass the designation by-laws is sufficient. Staff are also supportive of extensions to the 120 day timeframe. Staff note that the administrative burden of requesting exceptions through formal agreements or Council resolutions will impact existing staff resources.</p> <p data-bbox="652 1849 834 1944"><b>Staff requests the Province to clarify what happens in situations where there are appeals to a NOID. Staff would like confirmation that the 120 day timeframe is paused for the duration of an appeal.</b></p> <p data-bbox="834 1849 982 1944"><b>Staff requests the Province to clarify whether Council can delegate extensions to the 120 day timeframe by mutual agreement to staff.</b></p> <p data-bbox="982 1849 1435 1944"><b>Staff requests the Province to provide clarification on the formality of the mutual agreements.</b></p>

#	Theme	Implications for Hamilton and Recommendations
	<p>Exceptions allowing for the extension of the 120 day timeframe for passing a by-law must occur prior to the expiry of the initial 120 days. The proposed regulation includes notification requirements related to the exceptions to the 120-day timeframe (notice of the extension).</p>	
5	<p><b>Minimum requirements for complete applications for alteration or demolition of heritage properties.</b></p> <p>The Proposed Regulations establish minimum requirements for complete applications for a Heritage Permit for a designated property.</p> <p>The requirements for complete application include:</p> <ul style="list-style-type: none"> <li>• Name, address, telephone number and email address, if applicable;</li> <li>• Name of the municipality from which consent is being requested;</li> <li>• Description of the property including information such as concession and lot numbers, reference plan, part numbers and street names and numbers;</li> <li>• Photographs that depict the existing buildings, structures and heritage attributes that are affected by the application and their condition and context;</li> </ul>	<p>Staff are supportive of the minimum requirements for complete applications for alteration or demolition of heritage properties and generally follow these regulations already.</p> <p>Detailed review of the City's current submission requirements should be completed by staff to ensure forms include the regulated minimum requirements.</p> <p>Staff support the inclusion of electronic submissions within the regulations and anticipate the continued use of electronic submissions for the duration of the Emergency Order related to Covid-19, but also anticipate the future use of electronic submissions. Staff are supportive of the effective date of submission being during work hours and excludes weekends and holidays.</p> <p>Staff note that there may be a greater scope and time spent on each application which may need to be addressed through the addition of a processing fee. While currently the City does not charge a fee for a heritage permit, the need for a fee will be further reviewed by staff.</p> <p>Staff note that coordination with the Building Division who receives these permits will be needed. An efficient system whereby Building staff inform or require sign off from</p>

#	Theme	Implications for Hamilton and Recommendations
	<ul style="list-style-type: none"> <li>• Site plan or sketch that illustrated the location of the proposed alteration, demolition or removal;</li> <li>• Drawings and written specifications of the proposed alteration, demolition or removal;</li> <li>• The reasons for the proposed alteration, demolition or removal and the potential impacts to heritage attributes;</li> <li>• Technical cultural heritage studies that are relevant to the proposed alteration, demolition or removal; and,</li> <li>• Affidavit or a sworn declaration by the applicant certifying that the information required under this section and provided by the applicant is accurate.</li> </ul> <p>The Regulation also permits electronic submissions to be accepted. Electronic submissions submitted after 5pm is considered to be effective on the following day. If the effective day is a Saturday or a holiday, the next day that isn't a Saturday or holiday is the effective day.</p>	<p>Cultural Heritage staff will need to be confirmed in AMANDA.</p> <p><b>Staff note that the requirements for a complete application only apply to subsections 33 (2) and 34 (2) of the <i>Ontario Heritage Act</i>, meaning that there are no requirements for a complete application for properties designated under Part V (heritage conservation districts). Staff requests the Province to apply the requirements for complete application to properties within a Heritage Conservation District to ensure comprehensive submissions for those applications and consistency for designations.</b></p>
6	<p><b>Steps that must be taken when council has consented to the demolition or removal of a building or structure, or a heritage attribute.</b></p> <p>Amendments to the <i>Ontario Heritage Act</i> provide that municipal council consent is required for the demolition or removal of any heritage attributes,</p>	<p>The demolition or removal of any heritage attribute is considered a demolition. Staff are seeking clarification that this change will not impact internal processes considering that the definition of Alteration has largely remained unchanged. If the change does impact internal processes in the form of fewer heritage permits being delegated to staff, this will create more reports going to HMHC, PC and Council. Staff are concerned that if the new definition of demolition does impact the ability to delegate heritage</p>

#	Theme	Implications for Hamilton and Recommendations
	<p>in addition to the demolition or removal of a building or structure.</p> <p>Prior to the amendments, where council approved a demolition or removal under s. 34, the Act required council to repeal the designation by-law. The proposed regulation provides municipalities with improved flexibility by requiring council to first determine the impact, if any, of the demolition or removal on the cultural heritage value or interest of the property.</p> <p>Based on the determination council makes the Regulation outlines the appropriate administrative action:</p> <ul style="list-style-type: none"> <li>• issuing a notice that no changes to the by-law are required;</li> <li>• amending the by-law to reflect the continued cultural heritage value or interest; or,</li> <li>• repealing the by-law because there is no longer cultural heritage value or interest.</li> </ul> <p>Council's determination and the required administrative actions that follow are not appealable to LPAT.</p> <p>Where council has agreed to the removal of a building or structure from a designated property to be relocated to a new property, council may follow an abbreviated process for designating the</p>	<p>permits to staff, a significant resource issue will unfold. This is an issue related to the Act, not just regulation and would require an amendment to the <i>Ontario Heritage Act</i>.</p> <p>Staff time being redirected to process and prepare staff reports related to demolition applications will impact staff's ability move forward with their regular workload including new demolitions. Staff note that there will be additional costs incurred as by-laws are amended and notice must be issued to the community.</p> <p>Staff note that some of the older designation by-laws are not detailed in terms of the heritage attributes and would not meet the requirements of the regulation. Staff will need to review the existing by-laws to confirm which by-laws may require updating. Additional staff resources would be required to update by-laws that fall into this category.</p> <p>In situations where an alteration occurs and a by-law needs to be amended to reflect the continued cultural heritage value or interest, the by-laws will need to be updated to the new designation standard which likely will require additional research and evidence as well as additional staff resources. It is expected that there will be a substantial increase in the time, staff resources and cost associated with hiring consultants to assist in the necessary research to amend designation by-laws resulting from alterations.</p> <p>A new process will need to be developed for situations where Council agrees to the relocation of a building or structure from a designated property to a new property that will become designated.</p>

#	Theme	Implications for Hamilton and Recommendations
	<p>receiving property. Council's determination that the new property has cultural heritage value or interest and the subsequent designation by-law made under this proposed regulation would not be appealable to LPAT.</p>	<p><b>Staff requests the Province to clarify on Council's ability to delegate their approval authority to staff for demolition and alteration applications of designated properties as a result of the definition of demolition being the "removal of any heritage attribute".</b></p>
7	<p><b>Information and material to be provided to Local Planning Appeal Tribunal (LPAT) when there is an appeal of a municipal decision to help ensure that it has all relevant information necessary to make an appropriate decision.</b></p> <p>The proposed Regulation requires the following items to be provided to the LPAT within 15 days of an appeal being received:</p> <ul style="list-style-type: none"> <li>• a certified copy of the by-law designating the property;</li> <li>• any materials and information council considered in making its decision;</li> <li>• a copy of the NOID or any notice given;</li> <li>• staff reports considered by council;</li> <li>• public meeting minutes;</li> <li>• notice of council decision;</li> <li>• an employee statement describing how council's decision considered the prescribed principles;</li> <li>• copies of written comments;</li> <li>• list of persons who made submissions and their submission, if available; and,</li> </ul>	<p>Staff are generally supportive of the process, timeframe and relevant information that must be submitted to the LPAT. Further discussion with Legal and Clerks staff must occur to ensure staff prepare appropriate employee statements.</p> <p>The regulation outlines a process where "preliminary objections" to any designation associated with a prescribed event can be made to the City. Staff will have to create an internal process for tracking "preliminary objections." Additional Legal staff time will also be required to address preliminary objections.</p> <p><b>Staff advises the Province that they are supportive of the Regulation relating to the required information and material that needs to be provided to the LPAT, however clarification is needed on what constitutes the employee's statement describing how council's decision considered the principles set out in subsection 1(3) when it exercised its decision making authority.</b></p>

#	Theme	Implications for Hamilton and Recommendations
	<ul style="list-style-type: none"> <li>an affidavit or sworn declaration from an employee of the municipality.</li> </ul> <p>The decisions of LPAT are binding. Preliminary objections to designation matters will now be made to the municipality, before the final decision is made.</p>	
8	<p><b>Housekeeping amendments related to amending a designation by-law and an owner's reapplication for the repeal of a designation by-law.</b></p> <p>Amendments to the Act included regulatory authority to address a few housekeeping matters through regulation. Previously, where a municipality proposed to make substantial amendments to an existing designation by-law it stated that the designation process in section 29 applied with necessary modifications. The proposed regulation clearly sets out the modified process, including revised language that is more appropriate for an amending by-law.</p> <p>The proposed regulation also makes it clear that there is no 90-day restriction on issuing a notice of proposed amendment to a by-law and provides that council has 365 days from issuing the notice of proposed amendment to pass the final amending by-law and that this timeframe can only be extended through mutual agreement.</p>	<p>Staff are supportive of the modified process to amend designation by-laws where Council has agreed to an alteration or demolition and as a result staff should review internal processes to ensure an efficient process is in place that meets the proposed Regulations. This will require a change to existing processes that previously treated amendments to designation by-laws in a similar manner to a new designation.</p> <p>While it is not a common practice for staff to have owner's request the repeal of designation by-laws, Staff will need to implement a process to track these requests.</p> <p><b>Staff advises the Province that this timeframe should be longer than 365 days to avoid having to deal with the same property repeatedly at the LPAT.</b></p>

#	Theme	Implications for Hamilton and Recommendations
	<p>The proposed regulation also outlines restrictions on a property owner's ability to reapply for repeal of a designation by-law where the application was unsuccessful, unless council consents otherwise. The one-year restriction on an owner's reapplication maintains what had been included in the Act prior to the amendments.</p>	
9	<p><b>Transition provisions.</b></p> <p>The proposed transition rules within the Regulation provide clarity on matters that are already in progress at the time the Regulation comes into force. In general, the proposed Regulation will apply to matters commenced as of January 1, 2021.</p> <p><b>General Transition Rule:</b></p> <p>The Regulation will require that all processes that commenced on a date prior to proclamation (January 1, 2021) would follow the process and requirements set out in the Act as it read the day before proclamation. The proposed regulation sets out the specific triggers for determining if a process had commenced.</p> <p><b>Exceptions:</b></p> <p>Outstanding Notices of Intention to Designate:</p>	<p>Staff are generally satisfied with the proposed transition provisions.</p> <p>Staff are supportive of the transition regulation regarding heritage permits that result in an amendment to a designation by-law.</p> <p>Staff note that all outstanding NOIDs should be processed within the transition provisions. The City of Hamilton has four outstanding NOIDs which can be dealt with within the 365 day transition period and may require additional City resources to complete.</p> <p>The outstanding NOIDs include:</p> <ul style="list-style-type: none"> <li>• King George School (77 Gage Avenue North);</li> <li>• Lampman Stone House (1021 Garner Road East, Ancaster);</li> <li>• Evergreen Farm (1389 Progreston Road, Flamborough) (under appeal); and,</li> <li>• Coppoley Building (56 York Boulevard) - Historic 1979 NOID.</li> </ul>



#	Theme	Implications for Hamilton and Recommendations
	<p>Where council has published a notice of intention to designate but has not yet withdrawn the notice or passed the by-law at the time of proclamation, the municipality will have 365 days from proclamation to pass the by-law, otherwise the notice will be deemed withdrawn. Where a notice of intention to designate has been referred to the Conservation Review Board, the 365 days would be paused until the Board either issues its report or until the objection has been withdrawn, whichever occurs earlier.</p> <p>90-Day Restriction on Issuing a NOID:</p> <p>The 90-day restriction on council's ability to issue a NOID would only apply where all notices of complete application have been issued by the municipality in relation to a prescribed Planning Act application, on or after proclamation.</p> <p>Prescribed steps following council's consent to demolition or removal (s. 34.3):</p> <p>The ministry is proposing that the prescribed steps as it relates to council's consent to a demolition or removal would apply following consent to an application by the municipality or by order of the Tribunal, where at the time of proclamation council had not already repealed the by-law under s. 34.3.</p>	<p><b>Staff are concerned with the short timeframe to prepare for the implementation of the changes to the <i>Ontario Heritage Act</i> and requests the Province to extend proclamation from January 1, 2021 to July 1, 2021 to give staff appropriate time to review internal processes.</b></p> <p><b>Staff request clarification from the Province on situations where there are outstanding NOIDs that do not follow current standards and whether new NOIDs need to be re-issued to bring these up to new OHA standards or if a transition regulation can be added to ensure that a new NOID does not need to be re-issued but the new OHA standard can be met.</b></p>



Hamilton

CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

Table with 2 columns: Field Name and Content. Fields include TO, COMMITTEE DATE, SUBJECT/REPORT NO, WARD(S) AFFECTED, PREPARED BY, SUBMITTED BY, and SIGNATURE.

RECOMMENDATIONS

- (a) That Council, in accordance with the advice provided by the Hamilton Municipal Heritage Committee, advise the landowner that is has no objection to the demolition of the existing house at 1389\_Progreston Rd. (the "Property") and the construction of the new house at 1389 Progreston Rd. in accordance with the architectural plans presented to Hamilton Municipal Heritage Committee;
(b) That the revised Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "A" to Report PED20125(a), be approved;
(c) That the revised Notice of Intention to Designate, attached as Appendix "B" to Report PED20125(a), be approved;
(d) That, as recommended by the Municipal Heritage Committee, Council withdraw the existing Notice of Intent to Designate and issue of a new revised Notice of Intent to Designate 1389 Progreston Road;
(e) That the Clerk be directed to serve a notice of withdrawal of the Notice of Intention to Designate (as approved by Council on April 22, 2020, and issued on April 23, 2020) on

**SUBJECT: Designation of 1389 Progreston Road, Carlisle (Flamborough), under Part IV of the *Ontario Heritage Act* (PED20125(a)) (Ward 15) - Page 2 of 6**

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the owner of 1389 Progreston Rd. and the Ontario Heritage Trust, and to cause the notice to be published in a newspaper having general circulation in the municipality and provided to the Conservation Review Board (refer to Appendix "C" of PED20125(a));

- (f) That the Clerk be directed to issue a new Notice of Intent to Designate 1389 Progreston Rd., Carlisle (Flamborough) under Part IV of the *Ontario Heritage Act* as a property of cultural heritage value, in accordance with Report PED20125(a);
- (g) That if there are no objections to the designation in accordance with the *Ontario Heritage Act*, that staff be directed to place a designation by-law before Council for adoption;
- (h) That if there are objections to the designation in accordance with the *Ontario Heritage Act*, the Clerk be directed to refer the designation to the Conservation Review Board for review; and,
- (i) That if the designation is referred to the Conservation Review Board, the City Solicitor and appropriate staff be directed to attend any hearing held by the Conservation Review Board in support of Council's decision to designate the property.

#### **EXECUTIVE SUMMARY**

At the Hamilton Municipal Heritage Committee (HMHC) meeting on August 17, 2020, the Committee considered Report PED20125. The report provided an overview of the events leading up to the designation of the property located 1389 Progreston Road, Carlisle, summarized the reasons for designation of the property, and the report recommended that the designation be maintained with the existing Statement of Cultural Heritage Value or Interest. This Statement of Cultural Heritage Value or Interest included the existing house as an identified heritage attribute of the property. Mr. Dennison (the property owner), and his team of consultants, delegated to the HMHC and advised that the existing house was in significant disrepair and it was not feasible to restore, repair or incorporate as part of a new house. The Committee supported the designation of the subject property but was undecided on whether to continue to include the existing house as part of the heritage designation and deferred the report to the September 17, 2020 HMHC meeting for further consideration. A site visit with staff and members of HMHC was held the on Friday September 11, 2020.

At the September 17, 2020 HMHC meeting, the HMHC recommended the continued designation of the property but requested revisions to the Statement of Cultural Heritage Value or Interest and related materials. The revisions included: removing the existing house as an identified heritage attribute of the property, including the ruins of the Progreston Woolen Mill as an identified heritage attribute, and revising all references to 'Evergreen Farm' to 'Progreston Woolen Mill' (refer to Appendix "D" of Report PED20125(a)).

The purpose of this report is to provide the HMHC with the revised Statement of Cultural Heritage Value or Interest, the revised Notice of Intention to Designate and provide recommendations to Council on how to proceed in order to enact the revisions.

**Alternatives for Consideration – See Page 5**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Refer to PED20125 for a summary of financial, staffing and legal implications.

**HISTORICAL BACKGROUND**

During the HMHC meeting on August 20, 2020, the Committee reviewed Report PED20125 and Mr. Dennison (the property owner), with his team of consultants, delegated to the HMHC regarding his intentions to demolish the existing house and construct a new house on the property in the location of the existing house. Mr. Dennison and his consultants advised that the existing house was beyond repair and it would not be feasible to restore the house or incorporate portions of the old house into the new house. They maintained that the design of the new house reflected the existing house.

Following the review of the report and the delegations, the HMHC was in support of the designation of the property but remained undecided as to whether the existing house should remain as a heritage attribute of the property. Mr. Dennison invited the members of the HMHC to visit the site to view the condition of the existing house to assist with their decision. The HMHC agreed to a site visit and deferred their decision on the recommendation of PED20125 to the September 17, 2020 HMHC meeting.

Five members of the HMHC, the Cultural Heritage Planner, and Mr. Dennison attended the property on Friday September 11, 2020. The site visit included a tour of the existing house, the bank barn, the drive shed, ruins and a large portion of the landscape. Additionally, a full set of architectural plans for the proposed house was available for the attending members of the HMHC to review.

At the September 17, 2020, HMHC meeting, the committee discussed the findings of the members who attended the site visit, mostly focusing on the current state of the building. Mr. Dennison also delegated to the Committee expressing his support for the designation of the property, without the house as an identified heritage attribute, and suggested the inclusion of the ruins of Progreston Woolen Mill as an identified heritage attribute of the property. Mr. Dennison also requested that any reference to the property as the 'Evergreen Farm' be replaced by 'Progreston Woolen Mill', since the title

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

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

'Evergreen Farm' did not accurately reflect the function of the property.

The HMHC concluded that the property was worthy of designation but felt that the existing house was beyond restoration or repair and, therefore, supported the property owner's request to remove the house as an identified heritage attribute of the property. The HMHC also supported including the ruins of the Progreston Woolen Mill as an identified heritage attribute of the property and supported Mr. Dennison's request to remove any reference to the 'Evergreen Farm' and replace it with 'Progreston Woolen Mill' in descriptions of the property. Finally, the HMHC supported the demolition of the existing house and the construction of the new house as per the partial rendering shown to the HMHC during their August 20, 2020 meeting.

To ensure that the HMHC had the opportunity to review the revised Statement of Cultural Heritage Value or Interest and Notice of Intention to Designate, the Committee directed staff to report back with the revised and necessary materials (refer to Appendix D of Report PED20125(a)). The revised Statement of Cultural Heritage Value or Interest is included in Appendix "A" to Report PED20125(a) and the revised Notice of Intention to Designate is included in Appendix "B" to Report PED20125(a).

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

Refer to PED20125 for a summary of applicable policy.

## **RELEVANT CONSULTATION**

Refer to PED20125 for a summary of the relevant consultation. The recommendations have been prepared in consultation with the City of Hamilton Legal Services Division.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

Report PED20125 provides a summary of the intent of municipal designation, how designation is achieved, and the analysis of the property under Ontario Regulation 9/06 for designation under the *Ontario Heritage Act*.

During the September HMHC meeting the HMHC required the following changes to the Statement of Cultural Heritage Value or Interest (refer to Appendix D of Report PED20125(a)):

- Exclude the existing house as an identified heritage attribute of the property;
- Include the ruins of the Progreston Woolen Mill to the list of identified heritage attributes of the property; and,
- Remove any reference to the 'Evergreen Farm' and replace it with 'Progreston Woolen Mill' in descriptions of the property.

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The revised Statement of Cultural Heritage Value or Interest is included in Appendix "A" to Report PED20125(a) and the revised Notice of Intention to Designate is included in Appendix "B" to Report PED20125(a).

## **ALTERNATIVES FOR CONSIDERATION**

Under Part IV of the *Ontario Heritage Act*, the designation of property is a discretionary activity on the part of Council. Council generally considers two alternatives: agree to designate property or decline to designate property. In this instance as Council has already issued a Notice of Intent to Designate, the Committee could recommend that Council withdraw the existing Notice of Intent to Designate and issue a new Notice of Intent to Designate in accordance with the recommendations herein. Council could also decide to proceed with the Notice of Intent to Designate as issued or withdraw it without any replacement.

### **1) Maintain existing designation as per the Issued Notice of Intent to Designate**

The revised Statement of Cultural Heritage Value or Interest, and corresponding NOID, is the result of discussions and negotiations between City staff, the Hamilton Municipal Heritage Committee and the property owner. However, Council may choose to maintain the existing designation as per the Issued Notice of Intent to Designate (NOID). Although this alternative does provide long-term, legal protection to this significant heritage resource, it does not reflect the efforts of City staff, the Hamilton Municipal Heritage Committee and the property owner to create an amicable solution to an issue that is currently under appeal. If Council chooses this option, the current appeal will move forward to review at the Conservation Review Board.

### **2) Withdraw designation**

In withdrawing the designation, without issuing a new designation, the municipality would be unable to provide long-term, legal protection to this significant heritage resource. Designation provides protection against inappropriate alterations, new construction and demolition.

Furthermore, without designation, the property would not be eligible for the City's heritage grant and loan programs. Designation does not restrict the use of property, prohibit alterations and additions, nor does it restrict the owner's right to sell a property.

## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

**Clean and Green**

*Hamilton* is environmentally sustainable with a healthy balance of natural and urban spaces.

**Built Environment and Infrastructure**

*Hamilton* is supported by state of the art infrastructure, transportation options, buildings, and public spaces that create a dynamic City.

**Culture and Diversity**

*Hamilton* is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

**APPENDICES AND SCHEDULES ATTACHED**

- Appendix "A" - Revised Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes
- Appendix "B" - Revised Notice of Intention to Designate
- Appendix "C" - Notice of Withdrawal of Notice of Intention to Designate
- Appendix "D" - Excerpt from Hamilton Municipal Heritage Committee Minutes 20-005

## 1389 Progreston Road, Carlisle (Flamborough)

### STATEMENT OF CULTURAL HERITAGE VALUE OR INTEREST AND DESCRIPTION OF HERITAGE ATTRIBUTES

#### Statement of Cultural Heritage Value or Interest

The subject property is located at 1389 Progreston Road, Carlisle. The irregularly-shaped 10.4-acre property is located on the northwest corner of Progreston Road and Green Springs Road, near its intersection with Bronte Creek (formally Twelve Mile Creek), in the Carlisle Settlement Area, in the former Township of East Flamborough, in the City of Hamilton. On this property, the buildings and structures of cultural heritage value and interest include the detached bank barn and stone rubble ruins of the Progreston Woolen Mill.

#### HISTORICAL / ASSOCIATIVE VALUE

The subject property, known as the Progreston Woolen Mill, is comprised of a wood-frame bank barn constructed circa 1900 and the ruins of the Progreston Woolen Mill. The historical value of the property lies in its association with James Kievel, Freeman Green and the establishment and early development of the historic settlement area of Progreston. James Kievel first purchased the lot in 1855 and built a saw mill with a waterwheel at the foot fall of the Twelve Mile Creek (now Bronte Creek), multiple other mill related buildings and a log house. Kievel, Andrew Paton, Joseph Tansley and William Campbell, laid out what would become known as Progresstown (later Progreston).

Freeman Green, a carpenter and son of 'Billy Green the Scout', and his wife Harriet Ann Howard purchased 10 acres from James Kievel in 1869. The purchased land included the owner's log house and a former grist mill building. The Greens then started a woolen mill in the former grist mill building, which would become known as the Progreston Woolen Mill. The Mill became an important pillar in the local economy, sourcing materials and labour from the local community. Freeman sourced and processed wool from local farmers and hired local knitters to knit such items as socks and mittens from yarn produced by the mill. In addition to running a successful woolen mill, Freeman invented an improvement for the spinning wheel, gaining him international recognition. This improvement included a pendulum apparatus and these spinning wheels were called the 'Freeman Green's Canadian Spinning Wheel'. Operation of the mill was passed through the Green family until the mill burnt down in 1911. Although the mill was not rebuilt, the Green family descendants started a small wood working business on site that also served the local community. In 1982, the Green family property was sold out of the family.

#### CONTEXTUAL VALUE

The contextual value of the property lies in its contribution to defining the historic character of the settlement area of Carlisle. The property is physically, visually,



functionally and historically linked to its surroundings, and is considered to be a local landmark. Physically, the property is located on the prominent corner of Progreton Road and Green Springs Road where it intersects with Bronte Creek, in the historic settlement area formerly known as Progreton. Visually and architecturally, the bank barn and the ruins of the Progreton Woolen Mill are reminders of the history of the site and both support, as well as define, the historic character of the settlement area of Carlisle. Historically, the property is associated with prominent members of the local community, namely James Kievel and Freeman Green, who were instrumental in the establishment and development of Progresstown. Functionally, the property's location alongside Bronte Creek was integral to the operation of the Green's woolen mill (no longer existent) which was a pillar of the local economy. The property is a rare example of the few mill industrial homesteads within the Flamborough area, with ruins of the Progreton Woolen Mill and intact bank barn.

### **Description of Heritage Attributes**

The cultural heritage value of the property municipally known 1389 Progreton Road, Carlisle, and colloquially as the Progreton Woolen Mill, resides in the following heritage attributes that are related to the cultural heritage value described above:

- All four elevations of the detached bank barn, including its:
  - gable roof;
  - stone foundation, including existing window and door openings;
  - vertical wooden board cladding; and,
  - location as it is built into the sloping landscape.
  
- The ruins of the Progreton Woolen Mill, including its:
  - remaining stone rubble foundations; and,
  - location within the landscape.

CITY OF HAMILTON

## Notice of Intention to Designate

### 1389 Progreston Road, Carlisle (Flamborough) – Progreston Woolen Mill

The City of Hamilton intends to designate 1389 Progreston Road, Carlisle (Flamborough), under Section 29 of the *Ontario Heritage Act*, as being a property of cultural heritage value.

#### Statement of Cultural Heritage Value or Interest

Freeman Green, son of 'Billy Green the Scout', and his wife Harriet Ann Howard purchased the property from James Kieval in 1869. The property included a grist mill and multiple other mill related buildings, all constructed by Kieval in the mid-1800s. In the early 1870s, Freeman and Harriet started a woolen mill in the former grist mill building. The Progreston Woolen Mill became an important pillar in the local economy as the mill processed wool from local farmers and employed local knitters. In addition to processing wool, the mill also produced yarn and blankets. Operation of the mill was passed through the Green family, until it burnt down in 1911. The wood framed barn with a rubble stone foundation and the rubble stone ruins of the Progreston Woolen Mill are physical reminders of the history of the site. The property is important in supporting the historic character of the area and maintaining the historic fabric of the Carlisle area and is physically, visually, and historically linked to its surroundings. The heritage attributes of the property include all four elevations of the bank barn and the ruins of the Progreston Woolen Mill.

The full Statement of Cultural Heritage Value or Interest, Description of Heritage Attributes and supporting Cultural Heritage Assessment may be found online via [www.hamilton.ca](http://www.hamilton.ca) or viewed at the Office of the City Clerk, 71 Main Street West, 1st Floor, Hamilton, Ontario, during regular business hours.

Any person may, within 30 days after the date of the publication of the Notice, serve written notice of their objections to the proposed designation, together with a statement for the objection and relevant facts.

Dated at Hamilton, this [REDACTED] day of [REDACTED], 2020.

Andrea Holland, City Clerk  
Hamilton, Ontario

**CONTACT:** Miranda Brunton, Cultural Heritage Planner, Phone: (905) 546-2424 ext. 1202, E-mail: [Miranda.Brunton@hamilton.ca](mailto:Miranda.Brunton@hamilton.ca)

**Website: [www.hamilton.ca/heritageplanning](http://www.hamilton.ca/heritageplanning)**

CITY OF HAMILTON

## **Notice of Withdrawal of Notice of Intention to Designate**

### **1389 Progreston Road, Carlisle (Flamborough)**

The City of Hamilton withdraws the Notice of Intention to Designate 1389 Progreston Road, Carlisle (Flamborough) issued on April 23, 2020. On the same day as this Notice of Withdrawal, the City will be publishing a new revised Notice of Intention to Designate 1389 Progreston Road, Carlisle (Flamborough), under Section 29 of the *Ontario Heritage Act*, as being a property of cultural heritage value.

Dated at Hamilton, this [REDACTED] day of [REDACTED], 2020.

Andrea Holland, City Clerk  
Hamilton, Ontario

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Excerpt from Hamilton Municipal Heritage Committee Minutes 20-005. The Minutes were approved by Council on October 14, 2020.

**Hamilton Municipal Heritage Committee  
Report 20-005**

**September 17, 2020  
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**2. Designation of 1389 Progreston Road, Carlisle (Flamborough), (Evergreen Farm) under Part IV of the Ontario Heritage Act (PED20125) (Ward 15) (deferred at the August 20, 2020 meeting) (Item 10.1)**

That the recommendations in Report PED20125 respecting the Designation of 1389 Progreston Road, Carlisle (Flamborough), (Evergreen Farm) under Part IV of the Ontario Heritage Act (PED20125) (Ward 15) be amended as follows:

- (a) That maintenance of the designation of 1389 Progreston Road, Carlisle (Flamborough), (Evergreen Farm) shown in Appendix "A" to Report PED20125, as a property of cultural heritage value pursuant to the provisions of Part IV of the *Ontario s Act*, be approved;
- (b) That the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "B" to Report PED20125, be revised to exclude the house, include the stone ruins and revise any reference of the property from the Evergreen Farm to the 'Progreston Woolen Mill';
- (c) That staff report back to the next Hamilton Municipal Heritage meeting with the necessary materials for the committee to review regarding the Notice of Intention to Designate 1389 Progreston Road, Carlisle (Flamborough); and
- (d) That a commemorative plaque describing the history of the property will be erected by the with input and approval from the HMHC

# CITY OF HAMILTON

## NOTICE OF MOTION

Hamilton Municipal Heritage Committee Date: October 30, 2020

**MOVED BY COUNCILLOR M. PEARSON .....**

**SECONDED BY .....**

### **Deferral of an Upcoming Report to the Hamilton Municipal Heritage Committee respecting the Ancaster High School Lands**

WHEREAS, the City of Hamilton is currently conducting virtual meetings for its Council, Standing Committees, Sub-Committees and Advisory Committees;

WHEREAS, a report regarding the Ancaster High School Lands is proposed for the November 30, 2020 Agenda of the Hamilton Municipal Heritage Committee;

WHEREAS, the report respecting the Ancaster Highschool Lands is garnering a great deal of interest by the constituents of Ancaster;

WHEREAS, a petition of if 11,000 residents of Ancaster has been received by the City regarding this issue which could result in 100 or more people requesting delegation status; and

WHEREAS, while delegations are permitted in these virtual meetings, they are not without their technical challenges

**THEREFORE BE IT RESOLVED:**

That the Report respecting the Ancaster Highschool Lands be deferred until such time as an in-person meeting of the Hamilton Municipal Heritage Committee can be conducted, or the beginning of Q3 2021, whichever event occurs first.

# CITY OF HAMILTON

## NOTICE OF MOTION

Hamilton Municipal Heritage Committee Date: October 30, 2020

**MOVED BY COUNCILLOR M. PEARSON .....**

**SECONDED BY .....**

### **Amendments to the Register Beasley Heritage Project: Batch 1**

WHEREAS, five property owners have requested further engagement, and some argue that pandemic is negatively affecting their properties and business and that the still unknown effects of the pandemic is enough of a challenge at this time; and

WHEREAS the historic Central and Beasley Neighbourhoods are identified as short-term priorities in the City's Built Heritage Inventory Strategy Work Plan, and any properties removed from the Register Beasley list will be reviewed at a future date as part of the City-initiated inventory work;

THEREFORE BE IT RESOLVED:

- (a) That the following properties be removed from the Register Beasley Heritage Project: Batch 1 - Recommended Register Listings, October:
- 203-205, 207-211, 213 James Street North
  - 229, 235, 241, 245, 274 James Street North
  - 282 James Street North
  - 294-296 James Street North
  - 309 James Street North; and
- (b) That the remaining properties on the Register Beasley Heritage Project: Batch 1 be added to the Register.

## Staff Designation Work Plan

*\*Initial target date if different from current date.*

Year			Common Name	Address		Former Municipality	Heritage Status	Buildings & Landscapes List	New Information
Added	Initial*	Target							
2009	2017	2020	Desjardins Canal		Cootes Dr	Dundas	Register	-	
2013	2015	2020	Jimmy Thompson Pool	1099	King St E	Hamilton	Register	-	
2008	2009	2020	Royal Connaught	82-112	King St E	Hamilton	Register	Yes (Green)	
2017	2018	2020	Former Blacksmith Shop	2	Hatt St	Dundas	Register	Yes (Red)	
2011	2018	2020	Residence	7	Ravenscliffe Ave	Hamilton	Register	-	
2009	2013	2020	Dundas Post Office	104	King St W	Dundas	Register	Yes (Green)	
2009	2013	2020	Auchmar Gatehouse	71	Claremont Dr	Hamilton	Register	Yes (Black)	
2008	2011	2020	Gore Park	1	Hughson St S	Hamilton	Register	-	
2011	2017	2020	Treble Hall	4-12	John St N	Hamilton	Register	Yes (Green)	
2009	2016	2020	Barton Reservoir	111	Kenilworth Access	Hamilton	Register	-	
2009	2015	2020	Former Grace Anglican Church	1395-1401	King St E	Hamilton	Register	-	
2011	2017	2020	Hambly House	170	Longwood Rd N	Hamilton	Register	-	
2006	2011	2020	Gage Park	1000	Main St E	Hamilton	Register	Yes (Yellow)	
2013	2016	2020	Former Cathedral Boys School	378	Main St E	Hamilton	Register	-	Temporary Shelter proposed (no development)

									application)
2011	2018	2020	San House (Medical Superintendent's Residence/Residence 37)/Patterson Building	540-672 (650-672)	Sanatorium Rd	Hamilton	Register	-	
2012	2018	2020	Regency Cottage	39	Lakeview Dr	Stoney Creek	Register	-	
2014	-	2020	W.H. Ballard School	801	Dunsmure Rd	Hamilton	Register	-	
2014	-	2020	Memorial School	1175	Main St E	Hamilton	Register	-	
2013	-	2020	Residence	105	Erie Ave	Hamilton	Register	-	
2014	-	2020	Kenilworth Library	103	Kenilworth Ave N	Hamilton	Register	-	
2013	-	2020	Former Union School	634	Rymal Rd W	Hamilton	Register	-	
2019	-	2020	Royal Coachman	1	Main Street	Waterdown	Register	-	
2019	-	2020	-	9	Main Street	Waterdown	Register	-	
2019	-	2020	Maple Lawn	292	Dundas Street East	Waterdown	Register	Yes (Yellow)	
2018	-	2020	-	828	Sanatorium Road	Hamilton	Register	Yes (Red)	
2014	-	2020	Cannon Knitting Mill	134	Cannon St E	Hamilton	Register	-	
2014	-	2020	Bell Building	17	Jackson St W	Hamilton	Register	-	
2014	-	2020	Oak Hall	10	James St N	Hamilton	Register	-	
2014	-	2020	Former Bank of Nova Scotia	54	King St E	Hamilton	Register	-	
2012	-	2020	Former Elfrida United	2251	Rymal Rd E	Stoney	Register	Yes (Yellow)	



			Church			Creek			
2020	-	2020	-	490	Old Dundas Rd	Ancaster	Register	-	
2020	-	2020	-	454	Wilson Street E	Ancaster	Register	-	
2020	-	2020	-	450	Wilson Street E	Ancaster	Register	-	
2020	-	2020	-	449	Wilson Street E	Ancaster	Register	-	
2020	-	2020	Village Gate Montessori School	442	Wilson Street E	Ancaster	Register	-	
2020	-	2020	Mount Mary-Wynnstay Estate	437	Wilson Street E	Ancaster	Register	-	
2020	-	2020	-	430	Wilson Street E	Ancaster	Register	-	
2020	-	2020	-	426	Wilson Street E	Ancaster	Register	-	
2020	-	2020	-	425	Wilson Street E	Ancaster	Register	-	
2020	-	2020	Needle Emporium	420	Wilson Street E	Ancaster	Register	-	
2020	-	2020	Masonic Lodge	419	Wilson Street E	Ancaster	Register	-	
2020	-	2020	-	413	Wilson Street E	Ancaster	Register	-	
2020	-	2020	Old Ancaster Hotel	380	Wilson Street E	Ancaster	Register	-	
2020	-	2020	-	363	Wilson	Ancaster	Register	-	

					Street E				
2020	-	2020	Ancaster Memorial School	357	Wilson Street E	Ancaster	Register	-	
2020	-	2020	-	347	Wilson Street E	Ancaster	Register	-	
2020	-	2020	Postans House	346	Wilson Street E	Ancaster	Register	-	
2020	-	2020	Purple Pony	340	Wilson Street E	Ancaster	Register	-	
2020	-	2020	-	327	Wilson Street E	Ancaster	Register	-	
2020	-	2020	-	311	Wilson Street E	Ancaster	Register	-	
2020	-	2020	-	303	Wilson Street E	Ancaster	Register	-	
2020	-	2020	-	297	Wilson Street E	Ancaster	Register	-	
2020	-	2020	-	289	Wilson Street E	Ancaster	Register	-	
2020	-	2020	-	287	Wilson Street E	Ancaster	Register	-	
2020	-	2020	-	286	Wilson Street E	Ancaster	Register	-	
2020	-	2020	-	283	Wilson Street E	Ancaster	Register	-	
2020	-	2020	Former General Store	280	Wilson Street E	Ancaster	Register	-	
2020	-	2020	-	277	Wilson	Ancaster	Register	-	

					Street E				
2020	-	2020	Ryerson United Church	265	Wilson Street E	Ancaster	Register	-	
2020	-	2020	Fraser House	176	Wilson Street E	Ancaster	Register	-	
2020	-	2020	Former Carriage Factory	241	Wilson Street E	Ancaster	Register	-	
2020	-	2020	-	558	Wilson Street E	Ancaster	Register	-	
2014	-	2021	Former Hamilton Distillery Company Building	16	Jarvis St	Hamilton	Register	-	
2014	-	2021	Former County Courthouse	50	Main St E	Hamilton	Register	-	
2019	-	2021	Lennard House	7	Rolph Street	Dundas	Register	-	
2014	-	2022	Charlton-Hughson-Forest-John Block	39-49; 40, 50; 189	Charlton Ave E; Forest Ave; Hughson St S	Hamilton	Register	-	
2014	-	2022	Copp Block	165-205 (Except 193)	King St E	Hamilton	Register	-	
2014	-	2023	Hughson House	103	Catharine St N	Hamilton	Register	-	
2014	-	2023	Hamilton Hydro	55	John St N	Hamilton	Register	-	
2014	-	2023	First Pilgrim United Church	200	Main St E	Hamilton	Register	-	
2014	-	2023	St. John's Evangelical	37	Wilson St	Hamilton	Register	-	

			Lutheran Church						
2014	-	2024	Stelco Tower	100	King St W	Hamilton	Register	-	
2014	-	2024	Landmark Place/Century 21 Building	100	Main St E	Hamilton	Register	-	
2014	-	2024	Hamilton Club	6	Main St E	Hamilton	Register	-	
2014	-	2024	Commercial Building	189	Rebecca St	Hamilton	Register	-	
2014	-	2025	George Armstrong School	460	Concession St	Hamilton	Register	-	
2017	-	2025	Gartshore Building	64	Hatt St	Dundas	Register	Yes (Yellow)	
2017	-	2025	Undercliffe	64	Aberdeen Ave	Hamilton	Register	-	
2017	-	2025	Gateside	131-135	Aberdeen Ave	Hamilton	Register	-	
2017	-	2025	Hereford House/Royal Alexdandra	13-15; 19-21	Bold St; Bold St	Hamilton	Register	-	
2017	-	2026	Residence	192	Bold St	Hamilton	Register	-	
2017	-	2026	Henson Court	170	Caroline St S	Hamilton	Register	-	
2017	-	2026	Central Presbyterian Church	252	Caroline St S	Hamilton	Register	-	
2017	-	2026	Eggshell Terrace	14-24	Charlton Ave W	Hamilton	Register	-	
2020	-	2026	Binkley Drive House	50	Sanders Blvd	Hamilton	Register	Yes (Yellow)	
2020	-	2026	Lakelet Vale	54	Sanders Blvd	Hamilton	Register	Yes (Yellow)	
2017	-	2027	Residence	99	Duke St	Hamilton	Register	-	
2017	-	2027	Residence	191	Bay St S	Hamilton	Register	-	

2017	-	2028	Residence	173	Bay St S	Hamilton	Register	-	
2017	-	2028	Maple Lawn	254	Bay St S	Hamilton	Register	-	
2017	-	2028	Widderly	274	Bay St S	Hamilton	Register	-	
2017	-	2028	Bright Side/Sunny Side	280	Bay St S	Hamilton	Register	-	
2017	-	2028	Balfour House	282	Bay St S	Hamilton	Register	-	
2017	-	2028	Residence	41	Charlton Ave W	Hamilton	Register	-	
2017	-	2029	Residence	72	Charlton Ave W	Hamilton	Register	-	
2017	-	2029	Stone Houses	14	Duke St	Hamilton	Register	-	
2017	-	2029	Residence	98	Duke St	Hamilton	Register	-	
2017	-	2030	Herkimer Terrace	11-17	Herkimer St	Hamilton	Register	-	
2017	-	2030	Semi-detached Residence	44-46	Herkimer St	Hamilton	Register	-	
2017	-	2030	Residence	370	Hess St S	Hamilton	Register	-	
2017	-	2030	Residence	378	Hess St S	Hamilton	Register	-	
2017	-	2030	Residence	384	Hess St S	Hamilton	Register	-	
2017	-	2030	HREA Residence	203	MacNab St S	Hamilton	Register	-	
2017	-	2031	Moodie Residence	37	Aberdeen Ave	Hamilton	Register	-	
2017	-	2031	Residence	125	Aberdeen Ave	Hamilton	Register	-	
2017	-	2031	Gibson Residence	311	Bay St S	Hamilton	Register	-	
2017	-	2031	Residence	312	Bay St S	Hamilton	Register	-	
2017	-	2032	Cartwright Residence	321	Bay St S	Hamilton	Register	-	
2017	-	2032	Whitton Residence	351-353	Bay St S	Hamilton	Register	-	
2017	-	2032	Pigott Residence	358	Bay St S	Hamilton	Register	-	

2017	-	2032	Semi-detached Residence	64	Charlton Ave W	Hamilton	Register	-	
2017	-	2033	First Hamilton Christian Reformed Church	181	Charlton Ave W	Hamilton	Register	-	
2017	-	2033	Herkimer Apartments	86	Herkimer St	Hamilton	Register	-	
2017	-	2034	Residence	347	Queen St S	Hamilton	Register	-	
2017	-	2034	Residence	403	Queen St S	Hamilton	Register	-	
2017	-	2034	The Castle/Amisfield	1	Duke St	Hamilton	Register	-	
2019	-	2035	Goldblatt House	45	Amelia Street	Hamilton	Register	-	