



## City of Hamilton

# HAMILTON MUNICIPAL HERITAGE COMMITTEE ADDENDUM

**Meeting #:** 21-007

**Date:** September 24, 2021

**Time:** 12:30 p.m.

**Location:** Due to the COVID-19 and the Closure of City Hall (CC)

All electronic meetings can be viewed at:

City's Website:

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

City's YouTube Channel:

<https://www.youtube.com/user/InsideCityofHamilton> or Cable 14

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

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## 5. COMMUNICATIONS

- \*5.1. Correspondence respecting Heritage Permit Application HP2021-033, under Part IV of the Ontario Heritage Act for the relocation of 398 Wilson Street East, Ancaster (PED21196) (Ward 12)

Recommendation: Be received, and referred to Item 8.2, Heritage Permit Application HP2021-033, under Part IV of the Ontario Heritage Act for the relocation of 398 Wilson Street East, Ancaster (PED21196) (Ward 12), for consideration

- \*5.1.a. Myfanwy Armes
- \*5.1.b. R.H. Baker
- \*5.1.c. Ben Burke
- \*5.1.d. David Starr
- \*5.1.e. Margaret and Myles D'Arcey
- \*5.1.f. S. Robin Larin

- \*5.1.g. Bob Maton, President, Ancaster Village Heritage Community, Inc.
- \*5.1.h. Gail Moffatt
- \*5.1.i. Liz Scheid
- \*5.1.j. Rhonda Scott
- \*5.1.k. Sandra Starr
- \*5.1.l. Wendi Van Exan
- \*5.1.m. Ben Burke (Additional Information)
- \*5.1.n. Sandy Price

## **6. DELEGATION REQUESTS**

- \*6.1. Delegation Request from Megan Hobson, Heritage Consultant, respecting HP2021-037 - Facade Integration into Redevelopment of 18-28 King Street East (for today's meeting)
- \*6.2. Delegation Request, Paula Kilburn, Advisory Committee for Persons with Disabilities respecting the Integration of Accessibility in Heritage Properties (for a future meeting)
- \*6.3. Delegation Request from Brenda Khes, Applicant, respecting Heritage Permit Application HP2021-033, under Part IV of the Ontario Heritage Act for the relocation of 398 Wilson Street East, Ancaster (PED21196) (Ward 12) (for today's meeting)
- \*6.4. Delegation Request from Bob Maton, Ancaster Village Heritage Community, respecting Heritage Permit Application HP2021-033, under Part IV of the Ontario Heritage Act for the relocation of 398 Wilson Street East, Ancaster (PED21196) (Ward 12)

## **8. STAFF PRESENTATIONS**

- \*8.2. Heritage Permit Application HP2021-033, under Part IV of the Ontario Heritage Act for the relocation of 398 Wilson Street East, Ancaster (PED21196) (Ward 12)

# 5.1

**From:** [wannie armes](#)  
**To:** [Kursikowski, Stacey](#)  
**Subject:** Marr:Philippo house  
**Date:** Saturday, August 28, 2021 4:58:32 PM

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I am writing to ask that the developers in Ancaster NOT be granted permission to "move" the heritage-designated Marr-Philippo house currently at 398 Wilson St east Ancaster.

We have list too many of our heritage buildings to greedy developers who do not care. We are trying to preserve what is left of our heritage buildings I the village.

To move this building is as crazy as filling in a wetland. I really don't think it would survive a move whether by accident or design.

Myfanwy Armes

**From:** [Rowen Baker](#)  
**To:** [Kursikowski, Stacey](#)  
**Subject:** MARR - PHILLIPO HOUSE  
**Date:** Sunday, August 29, 2021 9:47:59 AM

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I wish to register my opposition to the proposed move of the above building.  
To consider hiding this historic landmark in the village core to allow a grossly oversized development is obscene.

This house is a wonderful example of the early days of Ancaster and should be both preserved and highlighted for the pleasure of visitors and residents.

R.H. Baker

[REDACTED]  
[REDACTED]  
[REDACTED]

## 5.1(c)

**From:** [REDACTED]  
**To:** [Kursikowski, Stacey](#)  
**Cc:** [Bob Maton](#)  
**Subject:** [WARNING: MESSAGE ENCRYPTED][WARNING: MESSAGE ENCRYPTED]Marr-Phillipo House: Heritage Permit Review Sub-Committee  
**Date:** Wednesday, September 1, 2021 8:59:45 AM  
**Attachments:** [Christ Church Cathedral.pdf](#)

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Stacey:

I viewed the entire meeting of the sub-committee today. I would appreciate if you would distribute this email to all members of the sub-committee and the Heritage Committee.

The requirement to move the House was presented to the meeting as being driven by the need to remediate the soil beneath the building to a depth of 6-8 m. This is a false dichotomy. The House can be retained in position while the soil is remediated, but it requires just about the same amount of engineering ingenuity as is involved in moving it. In fact the methods are rather similar as both involve needle beams although having different vertical supports methods.

Diane Dent asked whether Christopher Borgal of GBCA knew of any buildings anywhere in the world that had been lifted in-situ or supported to allow work to be completed beneath. I was more than surprised at his response that he didn't know of any. Structural engineers have been underpinning buildings and constructing beneath them for over a hundred years. Recent examples in Toronto include Union Station and St. Michael's Cathedral but perhaps a more dramatic example is that undertaken by my old firm, Quinn Dressel Associates at Christ Church Cathedral in Montreal in 1987.

I am attaching a reader-friendly narrative (with a small technical section in the middle) of the Christ Church project which clearly demonstrates that a building can be supported on piles or caissons which extend to load-bearing soils or rock below the soils requiring excavation (or remediation, in the case of the Marr-Phillipo House).

Moving the House requires a steel grillage of beams mounted on jacks and dollies. A similar grillage of beams mounted on caissons or piles - instead of jacks and dollies - can be constructed to support the building while the soil is remediated. In fact, that grillage and the caissons/piles can remain permanently in place after remediation. The decision on the grillage materials would be up to the structural engineer but could be steel which would later be encased in concrete, or could also be reinforced concrete or pre-stressed concrete beams. Synchronized jacks could be used to elevate the House and separate the superstructure from the foundation walls, thus allowing for the foundation walls to be removed. A reinforced concrete slab could later be cast under the House to provide a fire-resistant barrier.

In order to retain the House in its present location, Christopher Borgal spoke of open excavations extending horizontally 50' (~15m) around the House for an excavation of 8 m with sloping sides to accommodate the angle of repose of the soil, and he stated that with the excavations encroaching onto Wilson Street relocation of the House was the only option. Obviously, shoring would obviate the need for open excavation.

Brenda Khes of GSP Group mentioned in her presentation that there would be one level of underground parking in the new development. The construction of such basement

parking would normally have a minimum depth of 4-5 m below grade and shoring would be required along Wilson and Academy Streets. However, if the contaminated soil extends to depths of 6-8m at the south east corner of the development then the shoring would be significantly deeper to allow for the removal of all contaminated soil materials, including the foundation walls of the House. In those circumstances intersecting caissons with steel piles could be used for the shoring and the same equipment would be at hand for the caisson supports of the House. The House caissons/piles and grillage could be put in place prior to shoring and once the shoring is in position remediation of the soil could commence.

Ralph Di Cienzo of Lantec said soil remediation would take up to two months, but the shoring and overall excavation of the basement would take 8-12 months anyway. There would also be plenty of material on the rest of the site to fill the over-excavated southeast corner to the underside of the basement level in that area.

In conclusion, my point is that the House CAN be retained in its current location with probably less risk than would be involved in moving it to 15 Lorne or anywhere else along the Wilson Street frontage.

The sub-committee came to the correct conclusion today in rejecting the relocation of the House to 15 Lorne.

I would be more than willing to discuss any aspects of the structural engineering involved with your sub-committee members.

Regards,

Ben Burke, P. Eng.

## CHRIST CHURCH CATHEDRAL, MONTREAL

**Architect:** WZMH Architects  
**Structural Engineers:** Quinn Dressel Associates  
**Start Date:** February 1987  
**Completion Date:** November 1987  
**Original Church Construction:** 1859

From early 1987 to November of the same year, Christ Church Cathedral, in the heart of downtown Montreal, was pointed to, gaped at and discussed by thousands of Montrealers morning, noon and night.

Resembling a giant ship in dry-dock, passers-by were arrested by the church's "floating" appearance; some were even heard to say "You wouldn't catch me going in there!" Sidewalk superintendents were numerous and eloquent - explaining their accurate (and not-so-accurate) engineering ideas to anyone who would listen.

This was in 1987, and the focus of attention was the "Cathedral-on-stilts", as it came to be called, the stilts bearing the caissons for the underground excavations and new foundations constructed as part of a multi-million dollar office and retail development.



**The Cathedral-on-stilts**

The Cathedral was completed in 1859 based on the design of Frank Wills, who also designed Christ Church Cathedral, Fredericton.



**Original design with stone steeple**

Architecturally it has always been regarded as a fine example of the English neo-gothic style but its engineering design was not in the same league. From its completion the heavy central tower started to sink into the soft ground on which the foundations were built; by the 1920s the spire was leaning 4ft to the south. There was a landmark lawsuit as a result of early foundation problems (Wardle vs. Bethune) often quoted in connection with Article 1688 of the Quebec Civil Code. In 1927 the stone steeple, weighing 3.5 million pounds, had to be removed. It was not until 1940 that a replica steeple made entirely of aluminium was erected as an anonymous gift.

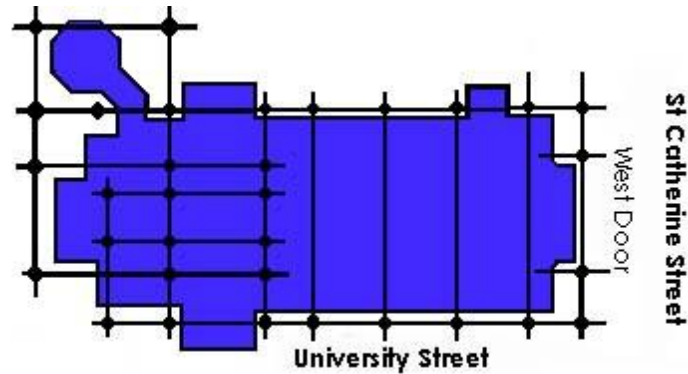
The 1980's development project comprised the building of a 34-storey office tower immediately to the north of the Cathedral which included a single parking level and two retail levels below the Cathedral, underground connections to Eaton's and The Bay department stores, and re-landscaped grounds.





There is also a 10,000 sq. ft. mezzanine floor sandwiched between the Cathedral floor and the ceiling of the first retail level, which is occupied by the Canadian Bible Society, the Diocesan Bookroom and the Undercroft - home for the Cathedral's music, church school and out-reach programmes.

Underpinning of the Cathedral to make provision for the retail and parking levels was the engineering highpoint of the project. The work started at the end of February 1987, and was completed in November of the same year.



Caisson locations around and under the Cathedral

Thirty-three hollow cylindrical steel piles or 'caissons' were driven down to bedrock around the Cathedral walls and under the central tower. Twenty-three of these were just outside the Cathedral walls and were 36" in diameter. The ten driven from within the Cathedral crypt using a special machine were 26" in diameter. The caissons were driven to bedrock about 45-50 ft. below ground and a hole bored into the rock to ensure proper bearing. The contractor lowered steel reinforcement cages into the caissons and filled them with concrete to create a column on which the Cathedral was supported.

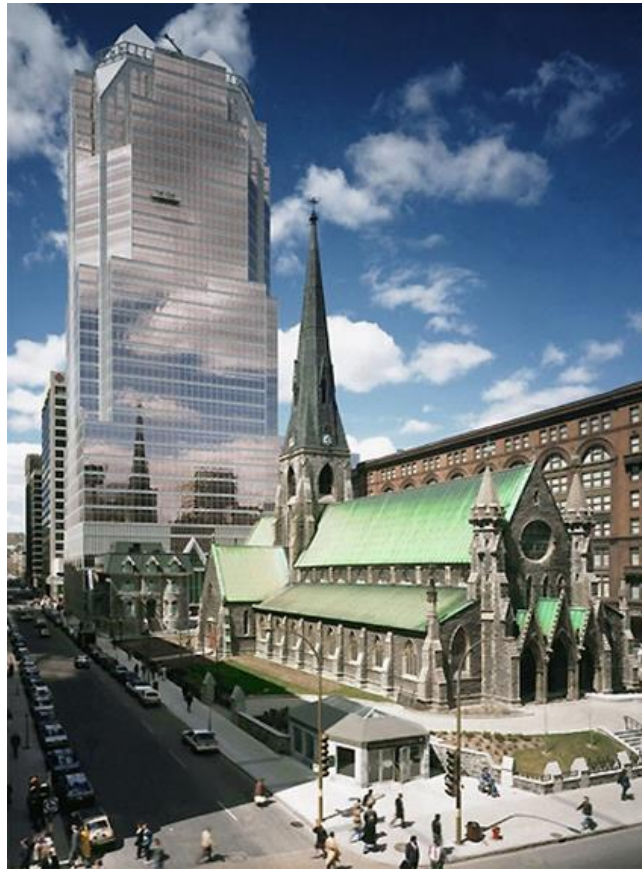


**Caissons and pre-stressed beams support the Cathedral**

On top of the caissons a grid of massive pre-stressed concrete beams was built, capable of carrying the weight of the Cathedral when spanning between the caissons after ground excavation was completed. The beams running across the Cathedral were generally 6' x 6' shaped in the form of a 'T'. The beams running from the back of the Cathedral towards the high altar were 4' deep x 3'9" wide.

An 8" concrete slab was poured just below the tops of the beams to create an effective sound and fire barrier between the wooden floor of the Cathedral and the retail level below.

The underpinning of the tower required carefully excavation by hand and chipping into the massive concrete foundations placed in 1939 to stabilize the original foundations and enable erection of a new aluminium spire which considerably reduced the weight on the Cathedral tower. Jacks were inserted during excavation and finally two massive concrete beams 14' wide 46' long and 5' deep were poured spanning across the pairs of caissons at each corner of the transept.



### **Completed project**

The Cathedral was carefully monitored for movement and excess vibrations throughout the whole operation. In addition the stained glass windows were surveyed and checked again once the main construction was completed.

# 5.1(d)

**From:** [Starr, David](#)  
**To:** [Office of the Mayor](#)  
**Subject:** Marr-Philippo House in Grave Danger  
**Date:** Thursday, August 12, 2021 2:12:39 AM

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Dear Sir

I oppose the moving of the Marr-Philippo House and want the developer to adhere to the Ancaster Wilson Street Secondary Plan for this development.

Please stop this ill-advised development proposal

Thank you

David Starr

P.Eng, MBA

Long time Ancaster resident

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## 5.1(e)

**From:** [Myles D'Arcey](#)  
**To:** [Kursikowski, Stacey](#)  
**Subject:** Marr-Phillipo House  
**Date:** Tuesday, August 31, 2021 8:38:53 AM

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To the Mayor and Councillors, and city heritage staff

Re: Do not move the Marr-Phillipo House, 398 Wilson Street East, Ancaster

I am writing in opposition to the application by developers to relocate the characterful, fragile, stone-built, heritage-designated, 1840-dated Marr-Phillipo House, currently at 398 Wilson Street East in Ancaster. AVHC has well over 100 members, and is deeply engaged in preserving the heritage stock in Ancaster as a critical aspect of our mission to maintain the quality of life in our Township.

The Marr-Phillips House is one of the very few remaining buildings on Wilson Street dating from the early era when Ancaster Village was first established, beginning at the end of the 18th century. It is a crucial link with the historic origins of Ancaster. Beside it until recently there had been a contemporaneous frame building, the Marr House – dated similarly to the Marr-Phillipo House and closely associated with it – which was suddenly demolished without notice and without acknowledgment of its value to the Village by these same developers.

Developers propose to move the Marr-Phillipo House to an out-of-sight position at the rear of the lot – that is, if it survives the move, which is doubtful. If it survives, in its new location it will be lost to view, away from Wilson Street and hidden to the rear of a massive condominium development which is proposed on that large lot. According to plans presented by the developers to two local voluntary organizations, which were reported in the Ancaster News, the use of the Marr-Phillipo House in that new position will be restricted only to condominium residents, as an amenity. In their public presentations they threatened Ancaster residents that they will not go ahead with their plans if they are not allowed to move the Marr-Phillipo House.

This is another step in the destruction of Ancaster's unique position as the second earliest established village in Upper Canada.

The Marr-Phillipo building is remarkably well-preserved, but it is fragile. Moving it clearly represents a significant cost to the developers, which raises concerns about its ultimate preservation. Moving it will deprive Ancaster of another precious landmark, similar to the loss of the Brandon House over two years ago now. As you may remember, that demolition was met with serious opprobrium and fury by the residents of Ancaster and broader Hamilton, and gave rise to the efforts of our own organization to preserve our heritage.

We ask that you consider maintaining the Marr-Phillipo House in the position where it has been for over 180 years, and that you require the developers to incorporate it into their development plans.

Thank you and sincerely,

Margaret and Myles D'Arcey

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████████████████████



**From:** [Robin Larin](#)  
**To:** [Kursikowski, Stacey](#)  
**Cc:** [Bob Maton](#)  
**Subject:** Ancaster heritage  
**Date:** Saturday, August 28, 2021 6:29:52 PM

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Hello Ms. Kursikowski,

I understand that you will be coordinating the Heritage Permit Review Sub-Committee meeting on August 31, 2021. I am writing as an Ancaster resident living near the historic village centre to oppose the plan to move the heritage-designated Marr-Philippo house. Currently located at 398 Wilson St East, this house should remain in its location as a key element of Ancaster's historic identity. Developers wish to move the house to the rear of a planned condominium structure. Not only is it unlikely that a building of this age would not survive such a move, its displacement to a barely visible spot would further diminish the distinctive heritage nature of the village centre.

I support the efforts of the Ancaster Village Heritage Community to retain the character of this historic town and oppose attempts to turn the village centre into yet another homogenized suburb. Once these buildings are gone, they are gone forever, as will be our connection to and understanding of our local history. Please reconsider this move and instead choose to preserve the Marr-Philippo house in its current location and sustain the unique identity of Ancaster village.

Thank you,  
S. Robin Larin



**From:** [Bob Maton](#)  
**To:** [Golden, Alissa](#); [Kursikowski, Stacey](#); [Robichaud, Steve](#); [Thorne, Jason](#)  
**Cc:**



**Subject:** Do not move the Marr-Philippo House, Wilson Street, Ancaster  
**Date:** Saturday, August 28, 2021 3:34:25 PM

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Good morning,

**Re: Do not move the Marr-Phillipo House, 398 Wilson Street East, Ancaster**

I write as President of the Ancaster Village Heritage Community, Inc. (AVHC), in opposition to the application by developers to relocate the characterful, fragile, stone-built, heritage-designated, 1840-dated Marr-Philippo House, currently at 398 Wilson Street East in Ancaster. AVHC has well over 100 members, and is deeply engaged in preserving the heritage stock in Ancaster as a critical aspect of our mission to maintain the quality of life in our Township.

The Marr-Philippo House is one of the very few remaining buildings on Wilson Street dating from the early era when Ancaster Village was first established, beginning at the end of the 18th century. It is a crucial link with the historic origins of Ancaster. Beside it until recently there had been a contemporaneous frame building, the Marr House - dated similarly to the Marr-Philippo House and closely associated with it - which was suddenly demolished without notice and without acknowledgment of its value to the Village by these same developers. Many heritage buildings along Wilson Street have suffered the same fate.

Developers propose to move the Marr-Phillipo House to an out-of-sight position at the rear of the lot - that is, if it survives the move, which is doubtful. If it survives, in its new location it will be lost to view, away from Wilson Street and hidden to the rear of a massive condominium development which is proposed for that lot. According to plans presented by the developers to two local voluntary organizations, plans which were reported in the Ancaster News, the use of the Marr-Phillipo House in that new position will be restricted to condominium residents only, as an amenity. In their public presentations the developers threatened that they will not go ahead with their plans if they are not allowed to move the Marr-Phillipo House.

This is another step in the destruction of Ancaster's unique position as the second earliest established village in Upper Canada.

The Marr-Phillipo building is remarkably well-preserved, but it is fragile. Moving it clearly

represents a significant cost to the developers, which raises concerns about its ultimate preservation. Moving it will deprive Ancaster of another precious landmark, similar to the loss of the Brandon House over two years ago now. As you may remember, that demolition was met with serious opprobrium and fury by the residents of Ancaster and broader Hamilton, and gave rise to the efforts of our own organization to preserve our heritage.

We ask that you consider maintaining the Marr-Philippo House in the position where it has been for over 180 years, and that you require the developers to incorporate it into their development plans.

Thank you and sincerely,

Bob Maton, PhD, President  
Ancaster Village Heritage Community, Inc.

[REDACTED]  
[REDACTED]  
[REDACTED]



**From:** [Gail Moffatt](#)  
**To:** [Kursikowski, Stacey](#)  
**Cc:** [Bob Maton](#)  
**Subject:** Do not move the Marr-Phillipo House  
**Date:** Sunday, August 29, 2021 11:09:12 AM

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To the Mayor and Councillors and City of Hamilton Heritage Staff  
(For public record)

RE: do not move the Marr-Phillipo House  
398 Wilson Street East  
Ancaster

I write as a resident of Ancaster, who moved here because of Ancaster's unique character. Ancaster exudes a small town atmosphere: a historic, picturesque village, significant for its architecture. Ancaster's Main Street, Wilson Street, is a priceless treasure. This streetscape is essential to maintaining the character of the village. Previous demolition of buildings has damaged the village. BUT, has NOT destroyed it! Our unique character and heritage CAN be preserved (it cannot be replaced). The Marr-Phillips House should REMAIN IN PLACE. It should NOT BE MOVED. It is an anchor to the historic, sidewalk streetscape!

Sincerely,  
Gail Moffatt



Sent from my iPad

# 5.1(i)

**From:** [Scheid, Elizabeth](#)  
**To:** [Kursikowski, Stacey](#)  
**Subject:** Marr- Philippo House  
**Date:** Monday, August 30, 2021 8:56:06 AM

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To the Mayor and Councillors, and city heritage staff

The Marr-Philippo House is one of the very few remaining buildings on Wilson Street dating from the early era when Ancaster Village was first established, beginning at the end of the 18th century. It is a crucial link with the historic origins of Ancaster.

This is another step in the destruction of Ancaster's unique position as the second earliest established village in Upper Canada. The beauty of Ancaster has suffered from the destruction of buildings that gave it a unique character.

I am disturbed that our councilor and the city have not had the sense, foresight or courage to protect Ancaster's architectural heritage. It is time to show some strength.

Do not allow the Marr- Philippo house to be moved.

Sincerely,  
Liz Scheid

**From:** [Rhonda Scott](#)  
**To:** [Kursikowski, Stacey](#)  
**Subject:** Marr-Phillips House  
**Date:** Saturday, August 28, 2021 6:09:44 PM

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To the Mayor and Councillors, and city heritage staff

Re: Do not move the Marr-Phillipo House, 398 Wilson Street East, Ancaster

I am writing in opposition to the application by developers to relocate the characterful, fragile, stone-built, heritage-designated, 1840-dated Marr-Phillipo House, currently at 398 Wilson Street East in Ancaster. AVHC has well over 100 members, and is deeply engaged in preserving the heritage stock in Ancaster as a critical aspect of our mission to maintain the quality of life in our Township.

The Marr-Phillipo House is one of the very few remaining buildings on Wilson Street dating from the early era when Ancaster Village was first established, beginning at the end of the 18th century. It is a crucial link with the historic origins of Ancaster. Beside it until recently there had been a contemporaneous frame building, the Marr House - dated similarly to the Marr-Phillipo House and closely associated with it - which was suddenly demolished without notice and without acknowledgment of its value to the Village by these same developers.

Developers propose to move the Marr-Phillipo House to an out-of-sight position at the rear of the lot - that is, if it survives the move, which is doubtful. If it survives, in its new location it will be lost to view, away from Wilson Street and hidden to the rear of a massive condominium development which is proposed on that large lot.

According to plans presented by the developers to two local voluntary organizations, which were reported in the Ancaster News, the use of the Marr-Phillipo House in that new position will be restricted only to condominium residents, as an amenity. In their public presentations they threatened Ancaster residents that they will not go ahead with their plans if they are not allowed to move the Marr-Phillipo House.

This is another step in the destruction of Ancaster's unique position as the second earliest established village in Upper Canada.

The Marr-Phillipo building is remarkably well-preserved, but it is fragile. Moving it clearly represents a significant cost to the developers, which raises concerns about its ultimate preservation. Moving it will deprive Ancaster of another precious landmark, similar to the loss of the Brandon House over two years ago now. As you may remember, that demolition was met with serious opprobrium and fury by the residents of Ancaster and broader Hamilton, and gave rise to the efforts of our own organization to preserve our heritage.

We ask that you consider maintaining the Marr-Phillipo House in the position where it has been for over 180 years, and that you require the developers to incorporate it into their development plans.

Thank you and sincerely,

Rhonda Scott



Take care,  
Rhonda Scott  
Sent from my iPhone

## 5.1(k)

**From:** [Sandra Starr](#)  
**To:** [Kursikowski, Stacey](#)  
**Subject:** Do Not Move the Marr-Phillipo House  
**Date:** Sunday, August 29, 2021 10:15:35 PM

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**I oppose the move of The Marr-Philippo House. It is one of the very few remaining buildings on Wilson Street dating from the early era when Ancaster Village was first established, beginning at the end of the 18th century. It is a crucial link with the historic origins of Ancaster. Beside it until recently there had been a contemporaneous frame building, the Marr House - dated similarly to the Marr-Philippo House and closely associated with it - which was suddenly demolished without notice and without acknowledgment of its value to the Village by these same developers. Developers propose to move the Marr-Phillipo House to an out-of-sight position at the rear of the lot - that is, if it survives the move, which is doubtful. If it survives, in its new location it will be lost to view, away from Wilson Street and hidden to the rear of a massive condominium development which is proposed on that large lot. According to plans presented by the developers to two local voluntary organizations, which were reported in the Ancaster News, the use of the Marr-Phillipo House in that new position will be restricted only to condominium residents, as an amenity. In their public presentations they threatened Ancaster residents that they will not go ahead with their plans if they are not allowed to move the Marr-Phillipo House.**

**This is another step in the destruction of Ancaster's unique position as the second earliest established village in Upper Canada.**

The Marr-Phillipo building is remarkably well-preserved, but it is fragile. Moving it clearly represents a significant cost to the developers, which raises concerns about its ultimate preservation. Moving it will deprive Ancaster of another precious landmark, similar to the loss of the **Brandon House** over two years ago now.

**We ask that you consider maintaining the Marr-Philippo House in the position where it has been for over 180 years, and that you require the developers to incorporate it into their development plans.**

Respectfully,

Sandra Starr

**From:** [Wendi Van Exan](#)  
**To:** [Kursikowski, Stacey](#)  
**Subject:** Marr-Phillipo House Ancaster  
**Date:** Sunday, August 29, 2021 8:08:39 AM

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Good Morning Ms Kursikowski

As a resident of Ancaster for almost 50 years I would like to add my voice to the many Ancaster residents who are opposed to the developers plan to move this heritage - designated building from its current home on the street (since 1840) to somewhere in the back on the lot

Like many, I do not believe it could survive this move, and having been at a presentation of the developers I do not believe they think so either. They have currently allowed a bridal shop to open and it is lovely to see the building brought back to life.

Please do not allow the Marr-Phillipo house to suffer the same fate as the Brandon House. I do not trust the developers and I feel the City needs to be on top of this.

Please ask that the developers incorporate this fine heritage building into their development plans.

Thank you  
Wendi Van Exan

# 5.1(m)

**From:** [benburke\\_benburke](mailto:benburke_benburke)  
**To:** [Kursikowski, Stacey](mailto:Kursikowski, Stacey)  
**Subject:** Proposal to Move Marr-Phillipo House  
**Date:** Tuesday, August 31, 2021 12:03:08 AM

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Stacey:

I want to declare my interest up front. I am a relatively new resident of Ancaster, who was attracted in the first place by the charm of the heritage buildings in the Village Core and the treed approaches from the east along Rousseaux and along Old Dundas Street and Wilson Street East to the north.

I retired in February 2020 having worked as a structural engineer for 52 years with extensive experience of heritage buildings in Ireland and Ontario. I am the recipient of a European Heritage Award for the restoration of the English Market in Cork, Ireland in the aftermath of a devastating fire. I was the consulting engineer-of-record for interventions and restorations of several historical buildings for Heritage Ontario, for the Legislative Assembly Office at Queen's Park and for the restoration of heritage buildings, including St. Michael's Cathedral in Toronto. I have also been involved in the design of moving a heritage building and fully understand the complexities and risks involved. Providing context for the present and the future through the preservation of our heritage buildings of significance and architectural merit is especially important in today's world of real estate development.

The current proposal to move the Marr-Phillipo House from its current location and retain it as an amenity facility for the proposed condominium building residents at the rear of the development will significantly diminish the character of the streetscape.

The following is a quotation from the City's "Reasons for Designation under Part IV of the Ontario Heritage Act" By-law 78-87: *"The use of stone as a construction material relates the building to several other important buildings on Wilson Street. For these reasons the building is of great importance to the Wilson Street streetscape."* While the building has great heritage merit in and of itself, its contribution to the enhancement of the streetscape should not be compromised by moving it to the rear of the site where it would be out of view and totally divorced from Wilson Street East. Doing so, would diminished the Village Core.

Moving a building is a complicated process and any missteps can be disastrous. It requires the following steps:

- Build new foundations and foundation walls at the new location.
- Excavate around the building to expose the top of the foundation wall.
- Create holes at the top of the foundation walls through which specially designed steel beams are threaded that can support the weight of the building.
- Jack up the beams (and therefore the building).
- Place dollies under the beams.
- Roll the dollies carrying the building along a pre-planned route to the new foundation location.
- When properly located above the new foundation walls place jacks under the beams, lift slightly, remove dollies.
- Build up the foundation walls between the beams to the underside of the masonry walls.
- Lower jacks and remove beams.

Infill holes left by the beams.

Moving a stone masonry building is more difficult than moving a timber framed building and there is a greater risk of irreparable damage because it does not have the same degree of structural flexibility. The spacing of the beams is critical in order to maintain the integrity of the stone masonry. Furthermore, the greatest risk arises from unforeseen obstacles and conditions pertaining to the structure in jacking, in transporting along the pre-planned route and lowering the building which can not only cause severe damage but increase costs significantly, and in a worst case scenario result in the demise of the whole building.

Ideally, any building that is to be moved should have a basement or at least an accessible crawl space to allow structural steel beams to be inserted under the exterior walls below the ground floor level. The Marr-Phillipo House presents difficulties in this regard and the excavation to allow the insertion of the steel beams would probably encroach on the public sidewalk. The route for transportation would probably be on the public roads south along Wilson and east on Academy.

Assuming the building can be successfully moved, the timing of the move relative to the construction of the rest of the development comes into play. The questions raised include the sequence of the move relative to the new construction. Would the new foundations be independent of the foundations of the condominium, or would the Marr-Phillipo House be moved onto a suspended part of the new development, like the ground floor slab? The shoring for the construction of the condominium basement could also have an impact on the House either before it is moved or after it is moved due to vibration during shoring operations or through vertical settlement in the event that the shores deflect laterally.

In my opinion there is a substantial risk of irreparable damage to the House involved in moving such a fragile building. It should be the displayed jewel of any development along Wilson Street East. It should be embraced as a treasure incorporated into the design and not as an "embarrassment" hidden at the rear, which it could potentially become if moved.

The objective is not just to preserve the Marr-Phillipo House at the rear of a development as a hidden "record" of those who came before us, but to conserve it as part of a streetscape replete with other marvelous heritage buildings as part of a street-front building in a living vibrant community. In other words, comply with one of the main reasons provided for its heritage designation in the first place, namely, "*The use of stone as a construction material relates the building to several other important buildings on Wilson Street. For these reasons the building is of great importance to the Wilson Street streetscape.*"

Museums display the relics of the past. The heritage buildings of Ancaster Village should not be museum artifacts but must be part of our active every day personal and business lives. We should ask ourselves what it is that makes Ancaster Village so appealing to visitors and residents alike – it is the heritage buildings and the ambience they create. Destroying a heritage building as in the Brandon House or hiding it from view as proposed for the Marr-Phillipo House shows an insensitivity to the history of Ancaster, a disregard for its special character, and a poverty of vision for its future.

Thank you for consideration of my views and please reject the proposal to move the Marr-Phillipo House.

Regards,

Ben Burke



**Subject:** Marr-Philip House

please forward this to the appropriate personnel:

Amber Knowles, Cultural Heritage Planner

Stacey Kursikowski, Cultural Heritage Planner

Chloe Richer, Cultural Heritage Planner

I understand that there will be a vote on this very soon and that Ancaster residents are not permitted to attend.

I strongly disagree to the moving of the Marr-Philip House in order to accommodate the proposed construction.

What iron clad guarantee do you have that the building will be preserved? Moving something of that vintage does not come with a guarantee. What steps will be taken if the move of this historic building does not go well? What is to prevent other builders from requesting to move or just tear down the few remaining heritage buildings in Ancaster? I am referring of course to the Brandon House and 15 Church Street to name just two buildings.

The projected building plan already contravenes a number of Ancaster bylaws and will totally change the streetscape of Wilson Street. We are supposedly known as the Historic Village of Ancaster and yet are allowing developers to build inappropriate buildings, move or tear down historic buildings (think Brandon House and the farm house on Church Street).

Do you really want the tax payers of Ancaster to remember you as being one of the people involved in the destruction of a heritage village? In the past, developers have tried to make new projects, such as The Olive Board (which started out as a Tim Horton's), fit in with our heritage village design. What has changed since then to allow builders be in charge?

Sandy Price

Sent from my iPad

**From:** [Kelsey, Lisa](#)  
**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca); [Kolar, Loren](#)  
**Cc:** [Mighty, Danielle](#)  
**Subject:** RE: Form submission from: Request to Speak to Committee of Council Form  
**Date:** Thursday, September 16, 2021 3:44:15 PM

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

From: no-reply@hamilton.ca <no-reply@hamilton.ca>  
Sent: Thursday, September 16, 2021 1:58 PM  
To: clerk@hamilton.ca  
Subject: Form submission from: Request to Speak to Committee of Council Form

Submitted on Thursday, September 16, 2021 - 1:58pm Submitted by anonymous user: 172.70.127.12 Submitted values are:

==Committee Requested==

Committee: Hamilton Municipal Heritage Committee

==Requestor Information==

Name of Individual: Megan Hobson

Name of Organization:

Contact Number: [REDACTED]

Email Address: [REDACTED]

Mailing Address: 45 James Street, Dundas ON L9H 2J5 Reason(s)  
for delegation request: I am the heritage consultant representing the  
applicant for HP2021-037 - Facade Integration into Redevelopment  
of 18-28 King Street East

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? Yes

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The results of this submission may be viewed at:  
<https://www.hamilton.ca/node/286/submission/542151>

**From:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)  
**To:** [Kolar, Loren](#)  
**Cc:** [Vernem, Christine](#)  
**Subject:** FW: Form submission from: Request to Speak to Committee of Council Form  
**Date:** Wednesday, September 22, 2021 2:39:34 PM

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

From: no-reply@hamilton.ca <no-reply@hamilton.ca>  
Sent: Wednesday, September 22, 2021 1:27 PM  
To: clerk@hamilton.ca  
Subject: Form submission from: Request to Speak to Committee of Council Form

Submitted on Wednesday, September 22, 2021 - 1:27pm Submitted by anonymous user: 172.70.130.75 Submitted values are:

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

==Requestor Information==  
Name of Individual: Paula Kilburn or Tom Manzuk (alternate)  
Name of Organization: Advisory Committee for Persons with Disabilities  
Contact Number: [REDACTED]  
Email Address: [REDACTED]  
Mailing Address:

[REDACTED]

[REDACTED]

Email: [REDACTED]

Reason(s) for delegation request:  
I would kindly request to speak to the Hamilton Municipal Heritage Committee, on behalf of the Advisory Committee for Persons with Disabilities, respecting the integration of accessibility in heritage properties.

Please note that I have received authorization from the Advisory Committee for Persons with Disabilities to make this request.  
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/543261>



**From:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)  
**To:** [Kolar, Loren](#)  
**Cc:** [Vernem, Christine](#)  
**Subject:** FW: Form submission from: Request to Speak to Committee of Council Form  
**Date:** Thursday, September 23, 2021 8:47:11 AM

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

From: no-reply@hamilton.ca <no-reply@hamilton.ca>  
Sent: Wednesday, September 22, 2021 4:11 PM  
To: clerk@hamilton.ca  
Subject: Form submission from: Request to Speak to Committee of Council Form

Submitted on Wednesday, September 22, 2021 - 4:10pm Submitted by anonymous user: 162.158.126.143 Submitted values are:

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

==Requestor Information==  
Name of Individual: Brenda Khes  
Name of Organization: GSP Group Inc.  
Contact Number: [REDACTED]  
Email Address: [bkhes@gspgroup.ca](mailto:bkhes@gspgroup.ca)  
Mailing Address: 162 Locke Street South, Suite 200  
Reason(s) for delegation request:  
Agenda Item 8.2 - I am the Applicant for Heritage permit  
Application HP2021-033 for the relocation of 398 Wilson Street  
East, Ancaster - available to respond to questions if required.  
No presentation proposed. If a delegation request is not  
required in this situation, please advise.

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/543311>

**From:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)  
**To:** [Kolar, Loren](#)  
**Cc:** [Vernem, Christine](#)  
**Subject:** FW: Form submission from: Request to Speak to Committee of Council Form  
**Date:** Thursday, September 23, 2021 11:32:06 AM

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

From: no-reply@hamilton.ca <no-reply@hamilton.ca>  
Sent: Thursday, September 23, 2021 10:32 AM  
To: clerk@hamilton.ca  
Subject: Form submission from: Request to Speak to Committee of Council Form

Submitted on Thursday, September 23, 2021 - 10:32am Submitted by anonymous user: 172.70.178.51 Submitted values are:

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

==Requestor Information==  
Name of Individual: Dr. Robert Maton  
Name of Organization: Ancaster Village Heritage Community,  
Incorporated  
Contact Number: [REDACTED]  
Email Address: [REDACTED]  
Mailing Address:

[REDACTED]  
Reason(s) for delegation request: Regarding the Marr-Philippo House, 398 Wilson Street, I would like to speak in favour of the staff report recommending against moving the building.  
Will you be requesting funds from the City? No  
Will you be submitting a formal presentation? Yes

The results of this submission may be viewed at:  
<https://www.hamilton.ca/node/286/submission/543411>

Formal Presentation to the Hamilton Municipal Heritage Committee

September 24<sup>th</sup>, 2021

Regarding Relocation of the Marr House, 398 Wilson Street East

Dr. Bob Maton, President, Ancaster Village Heritage Community

My submission today is respecting 398 Wilson Street East, Ancaster, referred to as the Marr House. I can be brief, as the position of the Ancaster Village Heritage Community (AVHC) is in alignment with the Staff Report PED21196 which is on your agenda today.

AVHC would like to underline the importance of the streetscape of the Ancaster Village Core. Other buildings of heritage significance have been demolished on two lots adjacent to Marr House in preparation for a major development and we are sure Marr House would be gone, too, except for its heritage designation. What is left is a huge unkempt vacant lot on our streetscape.

Further down Wilson Street, Brandon House, a pristine 1862 stone home, was demolished in 2020 as it had not been designated. That alarming demolition has left another major shabby vacant lot at the corner of Wilson Street East and Rousseaux Street, the historic gateway to Ancaster.

AVHC sees the removal of Marr House from the streetscape close by as one of the final chapters in preserving the Cultural Heritage Landscape of the Ancaster Village Core.

AVHC deeply appreciates recognition by City staff of the importance of preserving Marr House in its location, and urges this Committee to accept the recommendation of the report.

Thank you,

Dr. Bob Maton, President, Ancaster Village Heritage Community





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

<b>TO:</b>	Chair and Members Hamilton Municipal Heritage Committee
<b>COMMITTEE DATE:</b>	September 24, 2021
<b>SUBJECT/REPORT NO:</b>	Heritage Permit Application HP2021-033, under Part IV of the <i>Ontario Heritage Act</i> for the relocation of 398 Wilson Street East, Ancaster (PED21196) (Ward 12)
<b>WARD(S) AFFECTED:</b>	Ward 12
<b>PREPARED BY:</b>	Stacey Kursikowski 905-546-2424 Ext. 1202
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That Heritage Permit application HP2021-033, for the relocation of the Part IV designated heritage building at 398 Wilson Street East, Ancaster, under section 34 of the *Ontario Heritage Act*, be deemed to be premature and therefore be **denied**;
- (b) That appropriate notice of the Council decision be served on the owner of 398 Wilson Street East, Ancaster, and the Ontario Heritage Trust, as required under Section 34 of the *Ontario Heritage Act*.

### EXECUTIVE SUMMARY

The subject property is located at 398 Wilson Street East on the east side of Wilson Street East, north of Academy Street in the Ancaster Village Core (see Appendix "A" attached to Report PED21196). The property was designated in 1978 under Part IV of the *Ontario Heritage Act* by By-law No. 78-87 (see Appendix "B" to attached Report PED21196). The property is located within the Ancaster Village Core Cultural Heritage Landscape Inventory and is part of an amalgamated parcel of land which is comprised of 392, 398, 400, 406 and 412 Wilson Street East and 15 Lorne Avenue.

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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.

**SUBJECT: Heritage Permit Application HP2021-033, under Part IV of the *Ontario Heritage Act* for the relocation of the building at 398 Wilson Street East, Ancaster (PED21196) (Ward 12) - Page 2 of 14**

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The agent representing the owner of 398 Wilson Street East submitted a Heritage Permit application to relocate the two-storey stone building (hereinafter referred to as the 'Marr House'), from the subject property to an alternate location at the rear of the amalgamated parcel of land (see Appendix "C" attached to Report PED21196).

Staff have reviewed the documentation submitted with the application and have concluded that the proposal as submitted is premature as there is insufficient evidence and/or missing information to support the relocation of the building. The Heritage Permit Review Subcommittee of the Hamilton Municipal Heritage Committee (HMHC) were consulted and advised that the application as submitted consider the application to be premature and there be refused.

According to the application and submitted documentation, the requirement for the proposed relocation is to address groundwater and subsurface soil contamination around and below the Marr House as a result of a former gas station that existed adjacent to the site. No additional information or details pertaining to the future use of the site were included with the submission and no *Planning Act* applications have been submitted to date.

Staff concur with the advice of the Heritage Permit Review Subcommittee and recommend that Heritage Permit application HP2021-033 to relocate 398 Wilson Street East, Ancaster be denied.

***Alternatives for Consideration – See Page 12***

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: None.

Staffing: None.

Legal: Given the properties designation under Part IV of the *Ontario Heritage Act*, this Heritage Permit application has been processed and considered within the context of the applicable legislation, as per the date in which the application was submitted to the City of Hamilton (June 4, 2021). Given the proposal seeks to remove the building and its heritage attributes from the limitations of the designated parcel of land, the proposal would be classified and interpreted as a demolition.

Section 34 (1) of the *Ontario Heritage Act* states that:

"No owner of property designated under section 29 shall demolish or remove a building or structure on the property or permit the demolition or removal of

a building or structure on the property unless the owner applies to the council of the municipality in which the property is situate and receives consent in writing to the demolition or removal”.

Section 34 (1.2) of the *Ontario Heritage Act* states that  
“The council, on receipt of an application under subsection (1) together with any information it may require under subsection (1.1), shall serve a notice of receipt on the applicant”.

Section 34 (2) of the *Ontario Heritage Act* states that:  
“Within 90 days after the notice of receipt is served on the applicant under subsection (1.2) or within such longer period as is agreed upon by the owner and the council, the council, after consultation with its municipal heritage committee, if one is established,

- (a) may,
  - (i) consent to the application,
    - (i.1) consent to the application, subject to such terms and conditions as may be specified by the council, or
  - (ii) refuse the application;
- (b) shall give notice of its decision to the owner and to the Trust; and,
- (c) shall publish its decision in a newspaper having general circulation in the municipality.”

The *Ontario Heritage Act*, in addition to the Council approved Heritage Permit Process (Report PED05096), does not allow for the delegation of Council’s authority to consent to demolition or removal of a building or structure, nor Council’s authority to deny an application.

The Heritage Permit application was received on June 4, 2021 and the Notice of Receipt was issued on August 6, 2021 following a meeting between City staff and the applicant’s project team. The *Ontario Heritage Act* requires that Council make a decision on a Heritage Permit application within 90 days of the issuance of a Notice of Receipt. If no decision is reached within the 90-day timeframe, Council shall be deemed to consent to the application. The subject application’s 90-day timeframe will be reached on November 4, 2021.

## **HISTORICAL BACKGROUND**

The Marr House is a three-bay, two-storey random rubble stone house with a gabled-roof running north and south (see Appendix “D” attached to Report PED21196). The exterior composition and architecture of the building is significant to the historical value of the property, as is its location on Wilson Street. Schedule “B” – Reasons for Designation as attached to By-law No. 78-87 states that the structure is a:

“well-preserved and charming Georgian stone house dating from circa 1850, although some stylistic details suggest an earlier date. The use of stone as a construction material relates the building to several other important buildings on Wilson Street. For these reasons the building is of great importance to the Wilson Street streetscape”.

An overview of the exterior of the structure as it exists today is summarized below:

- The west façade facing Wilson Street East is symmetrical with a central door recessed into the wall with a five-pane top light/transom. There is a window on either side of the door on the ground floor, while the upper-storey has three windows, slightly smaller than those on the ground floor. Each of the windows on this elevation consist of twelve panes and sit below a stone flat arch, which is also visible over the central door;
- The north façade consists of three windows, each with twelve panes below stone flat arches. In the upper east side of the façade, a remnant fourth window opening is visible however, it was blocked prior to the designation of the building;
- The south façade is blank with no openings; and,
- The east façade originally resembled the west façade however a one-storey tail addition with an east-west gable roof was constructed at some point following designation. Three upper-storey twelve pane windows and one one-over-one window are visible on the rear façade, below stone flat arches. The later addition, clad in board and batten, conceals a minimum of two original openings and extends outwards towards the rear of the property. The addition is not included in the designation by-law or cultural heritage value or significance of the structure.

According to the Cultural Heritage Assessment prepared in support of the 1978 Part IV designation, the building was originally constructed as a residence for Adam Marr, a local cabinet-maker. Following that, John Phillip, a stone-mason, proprietor and village constable resided on the property. Over time, the use of the building has changed to commercial uses which have continued to the present day.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **Provincial Policy Statement (2020)**

Section 2.6 of the Provincial Policy Statement (PPS) pertains to Cultural Heritage and Archaeology. Subsection 2.6.1 states that “significant built heritage resources and significant cultural heritage landscapes shall be conserved”.

The subject property has been recognized as a significant built heritage resource that has been designated under Part IV of the Ontario Heritage Act. The conservation of built heritage resources, as defined in the PPS, relates to their identification, protection, management and use in a manner that ensures their cultural heritage value or interest is retained under the *Ontario Heritage Act*.

Subsection 2.6.2 states that “development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved”.

In response to a 2019 Formal Consultation application, Cultural Heritage staff advised that the subject property met six of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential and required that an Archaeological Assessment be completed for the entirety of the site and submitted with any future application. To date, staff have not received an Archaeological Assessment or confirmation from the Ministry. As such, Municipal interest in the archaeological potential of this site has not been satisfied.

### **Urban Hamilton Official Plan**

Volume 1, Section 3.4 - Cultural Heritage Resources Policies of the Urban Hamilton Official Plan (UHOP) states that the City shall “protect and conserve the tangible cultural heritage resources of the City, including archaeological resources, built heritage resources, and cultural heritage landscapes” (Policy B.3.4.2.1(a)). While establishing a list of goals to ensure the care, protection and management of heritage resources within the City including Policy B.3.4.1.3 that states “all new development, site alterations, building alterations and additions are contextually appropriate and maintain the integrity of all on-site or adjacent cultural heritage resources”.

The Official Plan recognizes the importance that location plays on the value of heritage and the many unique districts, communities and neighbourhoods, including historic downtown areas such as Ancaster throughout the City and states that:

- The City shall “conserve the character of areas of cultural heritage significance, including designated heritage conservation districts and cultural heritage landscapes, by encouraging those land uses, development and site alteration activities that protect, maintain and enhance these areas within the City” (Policy B.3.4.2.1(h));
- The City shall “recognize and consider these differences when evaluating development proposals to maintain the heritage character of individual areas” (Policy B.3.4.2.2);
- “Within these downtown areas, the City shall conserve individual cultural heritage properties and areas of heritage value, including streetscape features, traditional circulation patterns, and important views, and ensure that new development respects and reflects the design of surrounding heritage buildings” (Policy B.3.4.3.2); and,
- The City shall “encourage the retention and conservation of significant built heritage resources in their original locations. In considering planning applications under the *Planning Act*, R.S.O., 1990 c. P.13 and heritage permit applications under the *Ontario Heritage Act*, there shall be a presumption in favour of retaining the built heritage resource in its original location” (Policy B.3.4.5.2).

### **Ancaster Wilson Street Secondary Plan (OPA 24)**

The subject property is located within the Village Core area of the Ancaster Wilson Street Secondary Plan (Volume 2, Section 2.8) within the Urban Hamilton Official Plan (UHOP) which outlines a vision for the picturesque and historic community, one of the oldest in Ontario, rich in history, manifesting itself in a wealth of cultural and natural heritage features and its unique character. The Secondary Plan seeks to create a complete community while continuing to respect the history and character that creates its unique sense of place, while enhancing and protecting heritage and cultural resources. The Secondary Plan encompasses the historic downtown area of Ancaster and recognizes the importance in maintaining and enhancing the overall character of the area, which includes preserving older buildings, varied street fronts, and a distinct look and feel, while ensuring that future development or redevelopment is in keeping with the direction of current planning policy.

These policies demonstrate Council’s commitment to the identification, protection, and conservation of the cultural heritage resources.

## **RELEVANT CONSULTATION**

### **Previous Applications**

In 2019, a Formal Consultation application (FC-19-019) was submitted for the subject property (392-412 Wilson Street East and 15 Lorne Avenue). The applicant proposed to redevelop the lands to include a six-storey, mixed-use building with 122 residential units and 1,256.2 square metres of commercial floor space at grade. A total of 223 parking spaces were proposed, of which, 175 were proposed to be in a single level of below grade parking. All existing buildings on the site were proposed to be demolished, with the exception of the Marr House, which was proposed to be relocated to 15 Lorne Avenue to be used as private amenity space for the redevelopment.

As part of that process, internal staff and external agencies advised the applicants of the requirements and provided initial comments pertaining to the proposed redevelopment. It was noted that several *Planning Act* applications and studies were required in order to assess the proposal (Official Plan Amendment, Rezoning Application and Site Plan Application). To date, no *Planning Act* applications have been submitted for the proposed redevelopment of the entirety of the site, nor has a Site Plan Control application been submitted for the proposed relocation of the Marr House as is required for a commercial building.

### **Heritage Permit Review Subcommittee**

Pursuant to section 34 of the *Ontario Heritage Act* and the Council approved Heritage Permit Process (Report PED05096), the Hamilton Municipal Heritage Committee advises and assists Council on matters relating to Part IV and V of the *Ontario Heritage Act*. The Heritage Permit Review Subcommittee (HPRS) of the Hamilton Municipal Heritage Committee reviewed the subject application at a special meeting held on August 31, 2021.

The HPRS posed a number of questions during the meeting regarding the proposed location, the future intent of the site, the technical components associated with a relocation and contamination and potential risks associated with the proposed relocation given the age and construction of the building. The following is a summary of key questions and/or comments provided by the HPRS:

- The significance of the building's location on Wilson Street as it relates to its cultural heritage value. As a result, the building should not be moved away from Wilson Street;
- The proposed location is a hiding spot away from the streetscape and public view;
- How long is the building safe in its current position/location/state;

**SUBJECT: Heritage Permit Application HP2021-033, under Part IV of the *Ontario Heritage Act* for the relocation of the building at 398 Wilson Street East, Ancaster (PED21196) (Ward 12) - Page 8 of 14**

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- What are the risks associated with relocating the building and impacts it could have on the building;
- Why can the building not be lifted, soil remediated, new foundation built and then set back down? Is there no example in the world where a site has been remediated without relocating or demolishing a building;
- What are alternative options and locations for relocating – further north along Wilson Street or south to the corner of Wilson and Academy;
- What is the scope and timing of the remediation process;
- How was the level of contamination determined;
- Does all the contaminated soil have to be removed? This is not the first time there is contamination below a building;
- Official Plan and Secondary Plan policies as it relates to keeping historic buildings in their original location;
- What is really driving the relocation; and,
- What are the intended future plans for the site and streetscape.

Following a discussion with the applicant and their consultants, the advice of HPRS is that the application, as submitted, be refused.

Staff have provided the applicant with a summary of the questions and comments provided by HPRS, as well as additional questions from staff, as outlined in the Analysis and Rationale for Recommendation Section of this Report.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

### **(1) Heritage Permit Application**

The application is seeking approval to relocate the two-storey stone building and remove the rear wing addition. In support of the application, the following documents were submitted (see Appendix “E” attached to Report PED21196):

- Covering letter prepared by GSP Group, dated June 4, 2021;
- Heritage Building Sketch;
- Remediation Measures and Building Structure Location Letter, prepared by Landtek Limited Consulting Engineers, prepared on April 30, 2021 (the “environmental letter”);
- Preliminary Landscape Sketch, prepared by Whitehouse Urban Design Landscape Architects & Urban Designers, dated February 19, 2021; and,
- Cultural Heritage Impact Assessment, prepared by GBCA Architects Inc., dated June 4, 2021 (the “CHIA”).



The applicant indicated they are requesting to relocate the building to:

- Permit the remediation of the site; and,
- Provide for the comprehensive redevelopment of the site, while providing for the long-term conservation of the building.

Key factors that are considered in the evaluation of any change affecting a heritage resource are:

- **Displacement effects:** those adverse actions that result in the damage, loss, or removal of valued heritage features; and,
- **Disruption effects:** those actions that result in detrimental changes to the setting or character of the heritage feature.

The subject property is designated by By-law No. 78-87, which recognizes the building as a well-preserved and charming Georgian stone house dating from circa 1850, although some stylistic details suggest an earlier date. That along with the use of stone as a construction material relates it to several other important buildings on Wilson Street, making it of great importance to the Wilson Street streetscape.

Additionally, according to By-law No. 78-87 the following features of the premises should be preserved:

- The four façades of the building, including the exposed stonework construction;
- The roof and chimneys (since removed) and return eaves; and,
- The five-pane top light over the front door; the surviving northeast ground-floor window in the east façade with its 12-over-12 sash should be preserved for reference in case the owner should desire to return the present two-over-two sashes to their original organization (since covered by addition).

The subject application would result in the displacement of the entire structure and all features from its designated location. Due to the complexities associated with relocating a random rubble stone structure of this vintage, the potential risk of adverse reactions that could result in damage to the structure is high and could be irreversible. The relocation would result in changes to the setting of the historic building, away from the Wilson Street streetscape which is a defining feature. As such, based on the contents of the designating By-law No. 78-87 and the information submitted, it is in staff's opinion that the cultural heritage value of this significant built heritage resource would not be conserved as a result of the proposal.

**(2) Staff Assessment:**

The applicant has proposed to relocate the Marr House to 15 Lorne Avenue, the northeast corner of an amalgamated parcel of land. Given the building's Part IV designation under the *Ontario Heritage Act*, a Heritage Permit is required for the proposed works.

**(a) Cultural Heritage Impact Assessment (CHIA)**

A Cultural Heritage Impact Assessment (CHIA), prepared by GBCA Architects Inc. (GBCA), was submitted with the subject application. GBCA was retained by the owners to evaluate the impacts on a heritage property from the relocation of a designated heritage property on a newly assembled lot. The CHIA notes that GBCA visited the site in April of 2021 to conduct a high-level visual review of the building's exterior, noting they obtained only limited access to all exterior parts of the building facades. Assessment was limited from the ground level only as no boom lift was utilized for higher areas such as the gables, second floor windows, soffit and roof.

The CHIA:

- Assesses the proposal based on the understanding that the land is contaminated as per the Environmental Letter and the understanding of the desired location in the northeast corner of the property at 15 Lorne Avenue;
- Advises that the building overall remains fairly intact and no major losses of material are visible given the building's robust construction;
- Notes that areas of the south elevation have settled and deteriorated and will continue to do so unless action is taken to resolve the issues;
- Assesses the potential impacts on the heritage resource against resources such as the Ontario Heritage Toolkit, Standards and Guidelines for the Conservation of Historic Places in Canada, and the International Standards for Heritage Conservation;
- Provides a list of anticipated actions required to the exterior for conservation and stabilization following relocation;
- Provides a list of interior features recommended for preservation; and,
- Advises that additional professionals including structural engineers and building mover with experience in heritage structures are required to be consulted to provide specifications and scope of work for the proposed relocation.

The CHIA concluded that the relocation proposal will result in a number of changes to the existing property and its heritage attributes but is considered a necessary intervention for the remediation of the site and for the long-term conservation of the heritage resource, while reducing the impacts from multiple moves.

The CHIA acknowledges that while relocating a heritage structure is not the desired option, this proposal would balance demands for intensification with those of heritage preservation, thereby allowing for the proposed redevelopment of the site.

Based on staff's review, the CHIA is deficient as follows:

- Assessing the building's foundation from the interior or providing interior photographs;
- Assessing the property against the policies of the City of Hamilton's Urban Hamilton Official Plan and Ancaster Wilson Street Secondary Plan;
- Assessing the proposal against criteria from Ontario Regulation 9/06, as set out by the Province or the City of Hamilton Framework for Cultural Heritage Evaluation;
- Assessing other alternatives or mitigation strategies in detail;
- Assessing the overall impact of the future development of the site; and,
- Providing a draft Statement of Cultural Heritage Value or Interest for the proposal.

### **(b) Environmental Letter**

The Environmental Letter submitted with the application indicates that based on environmental investigations that have been completed to date, there are subsurface soil and groundwater impacts on the subject property, including beneath the Marr House at depths of approximately six to eight metres.

The letter does not provide options to address the contamination or alternative methods for remediation. No Environmental Site Assessment (ESA) was submitted for the property. A City of Hamilton ERASE Grant was previously approved to conduct a Phase II ESA of the subject lands.

The proposal to relocate the Marr House is primarily based on the need to remediate the site due to contamination. However, the submitted documentation does not provide sufficient evidence or justification that would allow staff to make an informed decision or provide alternatives to addressing the contamination or remediation.

### **(3) Conclusions:**

Based on the above review, and the information provided to date, Staff are not supportive of the request to relocate the Marr House to 15 Lorne Avenue as requested through the Heritage Permit. The proposal is not in keeping with the intent of the designation By-law. The submitted documentation does not adequately assess the impact or potential impacts of the relocation on the heritage resource against the required criteria set out by the Province of Ontario and the City of Hamilton. Given the significance of the building's presence on the Wilson Street streetscape and the

applicable Official Plan and Secondary Plan policies, staff are unable to adequately assess the proposal without a wholesome understanding of the implications it may have on the cultural heritage value of the building, or on the surrounding community, the streetscape and the future of the entirety of the site that would normally be done as part of an application for Official Plan Amendment and rezoning.

From a technical perspective, the proposal to relocate a 180-year old random rubble stone structure is complex. Staff are of the opinion that the supporting documentation submitted does not adequately assess the proposal nor provide sufficient justification that the relocation is feasible and/or the most appropriate option. A report assessing the building's current structural stability or technical details on the process to stabilize, lift and relocate the building by qualified personnel (structural engineer and building moving company) was not submitted. Only a high-level overview of the level of contamination was provided. As a result of the limited time frames associated with a Heritage Permit application, peer reviews on the submitted documentation were not conducted to confirm the accuracy or explore alternative options. The proposed relocation could result in impacts to the integrity of the heritage resource, and as such, more extensive supporting documentation should be provided and assessed by qualified experts.

A proposal of this nature requires review, consultation and consideration from other internal departments and external agencies in various fields of expertise. Given the complexities with this proposal, as well as other concerns and requirements previously provided by various departments and agencies during the initial Formal Consultation application in 2019, an application of this magnitude should be reviewed in its entirety through formal *Planning Act* applications in conjunction with the Heritage Permit application.

Staff have reviewed the documentation submitted with the application and have concluded there is insufficient evidence to support the relocation of the building as proposed. Staff recommend that Council deem the application to be premature and deny the application pursuant to subsection 34(2)(a)(ii) of the *Ontario Heritage Act*.

## **ALTERNATIVES FOR CONSIDERATION**

### **(1) Approve the Heritage Permit with no conditions.**

Council may approve the Heritage Permit as submitted with no conditions. This alternative decision would not be consistent with the advice of staff, the HPRS or the HMHC.

**(2) Approve the Heritage Permit with conditions.**

Council may approve the Heritage Permit as submitted with additional conditions. This alternative decision would not be consistent with the advice of staff, the HPRS or the HMHC. Should Council seek to approve the Heritage Permit as submitted, staff would recommend the following conditions:

- 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;
- Installation of the alterations, in accordance with this approval, shall be completed no later than July 31, 2023. If the alterations are not completed by July 31, 2023, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton;
- That an Archaeological Assessment for the entirety of the site be submitted to the satisfaction of the Director of Planning and Chief Planner;
- That a full Building Condition Assessment by a qualified professional Structural Engineer with experience in heritage buildings be prepared to the satisfaction of the Director of Planning and Chief Planner;
- That a signed letter from a Professional Engineer with experience in historic stone structures confirming the feasibility of relocation on the site be submitted to the satisfaction of the Director of Planning and Chief Planner;
- That a signed letter from an experienced building moving company with experience in relocating historic stone buildings be submitted to the satisfaction of the Director of Planning and Chief Planner;
- That a full Phase II ESA for the entirety of the site be submitted to the satisfaction of the Director of Planning and Chief Planner;
- That a revised Cultural Heritage Impact Assessment, assessing the proposal against required criteria and a new Statement of Cultural Heritage Value and Interest be submitted to the satisfaction and approval of the Director of Planning and Chief Planner;
- That the designating By-law No. 78-87 be repealed in accordance with the requirements of the *Ontario Heritage Act* at the expense of the owner;
- That a new designation By-law be prepared in accordance with the requirements of the *Ontario Heritage Act* for the building's new location at the expense of the owner;
- That a new Survey be prepared to accompany a new designation By-law indicating the boundaries to which the designation applies;

- 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;
- That the applicant enters into a Heritage Easement Agreement with the City 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, and that this agreement is registered on title;
- That a Letter of Credit be provided to be held by the City based on the cost estimates for 100% of the total cost of securing, protecting, stabilizing, relocating, monitoring for a period of three years and the total cost of restoration. Such cost estimates shall be in a form satisfactory to the Director of Planning and Chief Planner;
- That a Site Plan application, and any other relevant *Planning Act* applications for the proposed relocation be submitted and approved for the relocation; and,
- That any technical studies may be subject to Peer Review at the expense of the owner where deemed necessary.

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

### **Healthy and Safe Communities**

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

### **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" attached to Report PED21196 - Location Map

Appendix "B" attached to Report PED21196 - By-law No. 78-87

Appendix "C" attached to Report PED21196 - Relocation Plan

Appendix "D" attached to Report PED21196 - Site Photographs from GBCA Architects Inc. CHIA

Appendix "E" attached to Report PED21196 - Heritage Permit Submission Documents

SK:sd

## THE CORPORATION OF THE TOWN OF ANCASTER

BY-LAW NO. 78-87

To Designate the Lands and Building Municipally known as 398 Wilson Street East, in the Town of Ancaster, as Lands and Building of Historic Value, Architectural Value and Interest

WHEREAS this Council is empowered under sub-section (6) of Section 29 of The Ontario Heritage Act to enact By-laws to designate real property, including buildings and structures thereon, as described in Schedule "A" attached hereto to be of historic or architectural value or interest, and

WHEREAS this Council has caused to be served upon the owner of the lands and premises known municipally as 398 Wilson Street East, in the Town of Ancaster, and upon the Ontario Heritage Foundation notice of intention to so designate the described property and has caused such notice of intention to be published in a newspaper having a general circulation in this Municipality once for each of three consecutive weeks, and

WHEREAS no notice of objection to the proposed designation of the described property has been served on the Clerk of this Municipality within the time prescribed by the said Statute, and

WHEREAS this Council's reasons for the proposed designation are as set forth in Schedule "B" attached hereto.

NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF ANCASTER ENACTS AS FOLLOWS:

1. In this By-law the word "property" means real property and includes all buildings and structures thereon.
2. There is hereby designated as being of historic value, architectural value and interest the property known municipally as 398 Wilson Street East, in the Town of Ancaster, and more particularly described in Schedule "A" attached hereto.
3. YATES and YATES are hereby authorized and directed to cause a copy of this By-law to be registered against the property described in Schedule "A" attached hereto in the Land Registry Office for the Registry Division of Wentworth.
4. The Clerk is hereby authorized and directed to cause a copy of this By-law to be served upon the owner of the property and upon the Ontario Heritage Foundation and to cause notice of this By-law to be published in a newspaper having general circulation in the Town of Ancaster.

ENACTED AND PASSED THIS 11th DAY OF

DECEMBER

1978.

*Alan S. Clark*

\_\_\_\_\_  
Mayor

*J. B. Keenan*

\_\_\_\_\_  
Clerk

THIS AGREEMENT made, in duplicate, the 13th day of April  
1981.

B E T W E E N:

THE CORPORATION OF THE TOWN OF ANCASTER  
(hereinafter called the "Town")

OF THE FIRST PART,

- and -

MARY ELIZABETH McKEON  
(hereinafter called the "Owner")

OF THE SECOND PART.

WHEREAS The Corporation of the Town of Ancaster is the Owner of a  
6 inch x 6 inch plaque, reading "DESIGNATED PROPERTY, ONTARIO  
HERITAGE ACT", with the Crest of the Town of Ancaster thereon, and

WHEREAS Mary Elizabeth McKeon is the registered Owner of the lands  
and premises municipally known as 398 Wilson Street East, in the  
Town of Ancaster, more particularly described as part of Lot Number  
45, Concession 2, in Schedule "A" attached hereto, and

WHEREAS pursuant to By-law No. 78-87 of The Corporation of the Town  
of Ancaster and pursuant to the provisions of The Ontario Heritage  
Act, S.O. 1974, Chapter 122, the lands and premises municipally known  
as 398 Wilson Street East, in the Town of Ancaster, were designated  
as a building or structure of historical or architectural value or  
interest, and

WHEREAS by Section 37(1) of The Ontario Heritage Act, the Town is  
entitled to enter into agreements, covenants and easements with  
Owners of real property or interest therein, for the conservation,  
protection and preservation of the heritage of Ontario, and

WHEREAS by Section 37(3) of The Ontario Heritage Act, such covenants  
and easements entered into by the Town when registered in the proper  
Land Registry Office against the real property affected by them,  
shall run with the real property and may, whether positive or nega-  
tive in nature, be enforced by the Town or its assignee against the  
Owner(s) or any subsequent Owner(s) of the real property, even where  
the Town owns no other land which would be accommodated or benefited  
by such covenants and easements, and



WHEREAS the Owner and the Town desire to conserve the present historical, architectural, aesthetic and scenic character and condition of the building on premises municipally known as 398 Wilson Street East, in the Town of Ancaster.

NOW WITNESSETH this Agreement that in consideration of the sum of TWO (\$2.00) DOLLARS now paid by the Town to the Owner, (the receipt of which is hereby acknowledged) and for other valuable consideration, and in further consideration of the granting of the covenants herein and in further consideration of the mutual covenants and restrictions hereinafter set forth, the Owner and the Town agree to abide and be bound by the following covenants, easements and agreements.

1. Duties of Owner

- (a) The Owner shall and doth hereby allow the Town as Owner of the plaque to attach the said plaque to premises described in Schedule "A" hereto and grant to the Town the privilege of maintaining the said plaque on the premises.
- (b) The Owner does hereby permit the Town servants and agents to enter with material and equipment necessary for the installation, maintenance and inspection of the said plaque and its mountings.
- (c) The Owner shall not, without the prior written approval of the Town, remove the plaque from the premises.

2. Duties of Town

- (a) The Town agrees to install and mount and to maintain a plaque at its own expense on premises municipally known as 398 Wilson Street East, in the Town of Ancaster.
- (b) The Town agrees that, upon the removal of the designation of the premises pursuant to The Ontario Heritage Act, it will remove the plaque from the premises and as far as practicable restore the premises to their same condition as prior to the installation of the plaque.

3. The Owner and the Town agree that at all times the plaque is and remains the property of the Town.

- 4. Nothing contained herein in this Agreement requires the Owner of the premises to open the premises to public viewing.
- 5. This Agreement shall enure to the benefit of and be binding upon the parties hereto, their successors, administrators and assigns.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their seals under the hands of their officers duly appointed in that behalf.

Signed, sealed, and delivered )  
in the presence of: )

*Maria Peterson*

THE CORPORATION OF THE TOWN OF ANCASTER

*Ann Stout*  
\_\_\_\_\_  
Mayor

*J. H. ...*  
\_\_\_\_\_  
Clerk

MARY ELIZABETH McKEON

*Mary Elizabeth McKeon*  
\_\_\_\_\_  
Registered Owner

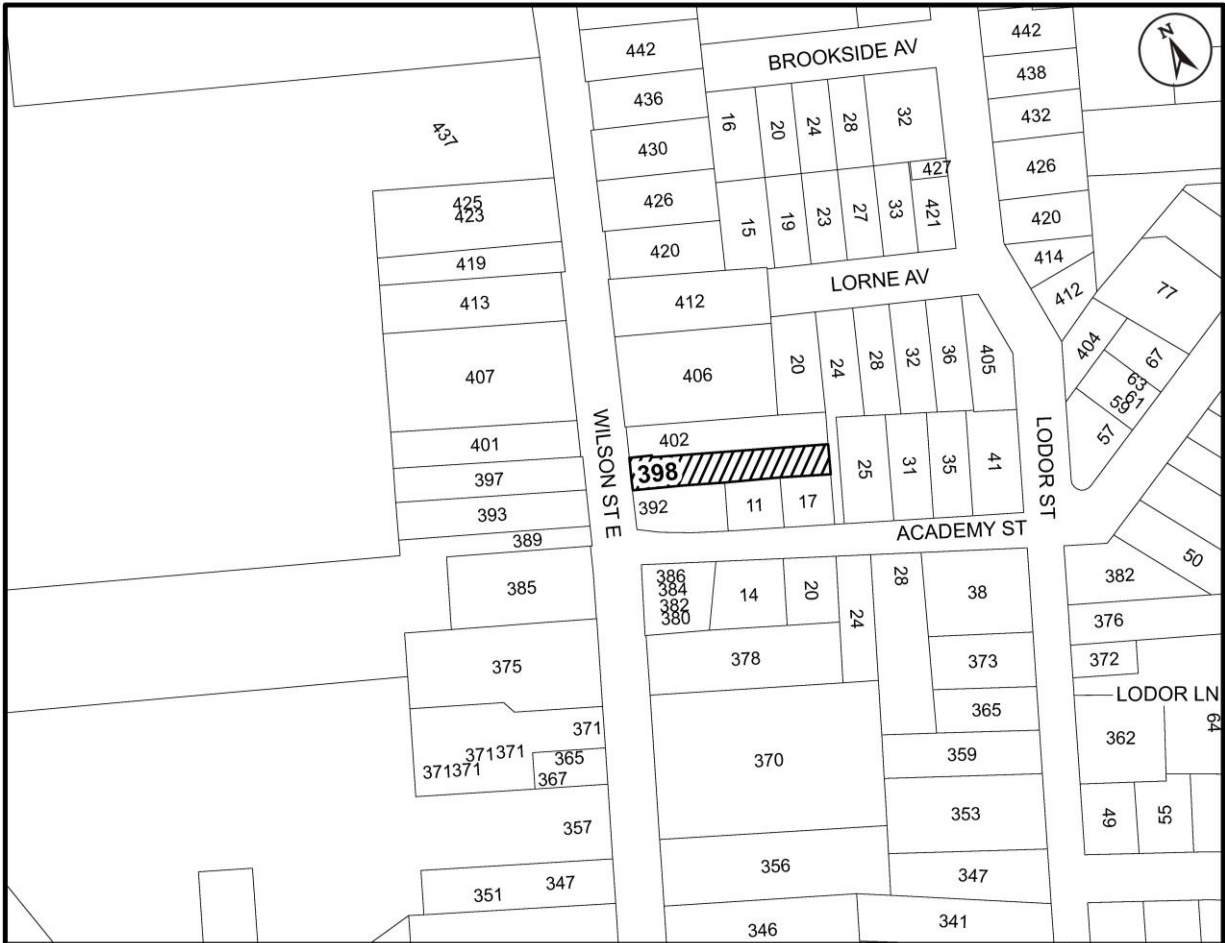
SCHEDULE "B"

Reasons for Designation of 398 Wilson  
Street East, in the Town of Ancaster

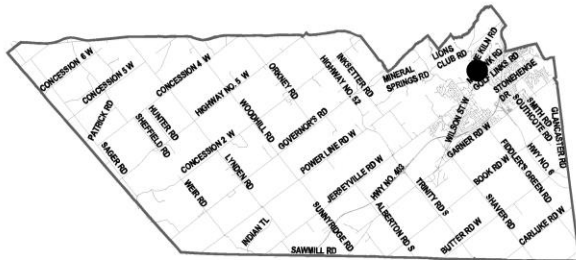
The Marr House/Heritage Bookstore, known municipally as 398 Wilson Street East, in the Town of Ancaster, being of historic and architectural value and interest, is a well-preserved and charming Georgian stone house dating from circa 1850 although some stylistic details suggest an earlier date. The use of stone as a construction material relates the building to several other important buildings on Wilson Street. For these reasons the building is of great importance to the Wilson Street streetscape. Without restricting the generality of the foregoing the reasons for this Council designating the described premises include the intention that the following features of the described premises should be preserved, that is,

- (a) the four facades of the building, including the exposed stonework construction, and
- (b) the roof and chimneys and return eaves, and
- (c) the 5-pane toplight over the front door; the surviving northeast ground-floor window in the east facade with its 12-over-12 sash should be preserved for reference in case the owner should desire to return the present 2-over-2 sashes to their original organization, but

this Council has no intention that any alteration, maintenance, repair, replacement or improvement of elements of the premises requires the prior written consent of this Council unless such affect the reasons for the designation of the premises as described in paragraphs (a) to (c) herein.



● Site Location



Key Map - Ward 12

# Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
HP2021-033

Date:  
August 31, 2021

Appendix "A"

Scale:  
N.T.S

Planner/Technician:  
SK/NB

### Subject Property



398 Wilson Street East, Ancaster  
(Ward 12)



Attachment No. 2 of 2

Appendix "D" to Report PED21196  
Page 1 of 1

GBCA Project No. 21006 - 392- 412 Wilson Street East and 15 Lorne Avenue Ancaster

4 June 2021



Marr House, 2021 (GBCA). North Elevation. Top left window opening closed in.



Marr House, 2021 (GBCA). South Elevation. Blank wall with tail extending to the east. Foundation issues notable from a distance.



Marr House, 2021 (GBCA). East Elevation. Rear tail covers to ground level openings.

GBCA Architects



Marr House, 2021 (GBCA). West Elevation 2.4 meters from Wilson Street East. Although the designation by-law notes that chimneys are a contributing heritage attribute, in its current state these are no longer present.



SHAPING GREAT COMMUNITIES

June 4, 2021

File No. 20139

Planning and Economic Development Division  
Hamilton City Hall  
71 Main Street West - 5th Floor  
Hamilton ON L8P 4Y5

Attn: Anita Fabac  
Manager, Development Planning, Heritage Planning and Design, Planning Division

**Re: Heritage Permit Application  
392, 398, 406, 412 Wilson Street East and 15 Lorne Avenue, Ancaster  
Request to Relocate 398 Wilson Street East, Ancaster**

Dear Ms Fabac

The owners of the above noted lands (the "Site"), Wilson Street Ancaster Inc., request approval to relocate a designated heritage property to a newly assembled lot as illustrated on the attached Heritage Building Sketch (Appendix A). The subject building, known as the "Phillip Marr House" is currently located at 398 Wilson Street on the east side of Wilson Street East, north of Academy Street in Ancaster. With the exception of the Phillip Marr House, the Site contains no other buildings or structures.

In April 2021, Landtek Limited completed an environmental investigation related to a former gas station located immediately south of and adjacent to 398 Wilson Street on the Site. The investigation identified subsurface soils and groundwater contamination on the Site (refer to Appendix B Landtek Remediation Correspondence) and recommended the relocation of the Phillip Marr House to permit the remediation of the Site. The Phillip Marr House is proposed to be relocated 100 metres to the north where it will be incorporated within a landscaped garden as an amenity space (as illustrated in Appendix C) for a future redevelopment on the Site. The relocation of the Marr House as proposed will provide for the comprehensive redevelopment of the Site, while providing for the long-term conservation of the heritage dwelling.

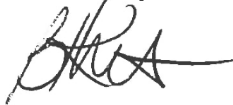
In order to assess the impacts on the heritage attributes of the relocation of the Marr House, Goldsmith Borgal & Company Ltd. Architects (GBCA) were retained to complete a Cultural Heritage Impact Assessment (CHIA) to evaluate the impacts on the heritage property arising from the relocation of the house. Appendix D includes the CHIA report for your review and consideration.

PLANNING | URBAN DESIGN | LANDSCAPE ARCHITECTURE

72 Victoria St. S., Suite 201, Kitchener, ON, N2G 4Y9  
162 Locke St. S., Suite 200, Hamilton, ON, L8P 4A9  
[gspgroup.ca](http://gspgroup.ca)

On the basis of the information provided, the owners respectfully request the City's approval of the relocation of the Marr House. Should additional information or clarification be required with regard to the information provided, please do not hesitate to contact the undersigned by email at [bkhes@gspgroup.ca](mailto:bkhes@gspgroup.ca) or by phone 289-778-1428.

Sincerely,  
**GSP Group Inc.**

A handwritten signature in black ink, appearing to read 'BKhes', written over the company name.

Brenda Khes, MCIP, RPP  
Associate – Senior Planner





Attachment No. 2 of 2

**LANDTEK LIMITED**

Consulting Engineers

205 Nebo Road, Unit 3  
Hamilton, Ontario  
Canada  
L8W 2E1Phone: 905-383-3733  
Fax: 905-383-8433  
engineering@landteklimited.com  
www.landteklimited.com

April 30, 2021

File: 17476

To Whom it may Concern,

**Re: Remediation Measures and Building Structure Location  
(Existing Heritage Structure)  
392 - 406 Wilson Street East, Hamilton (Ancaster), Ontario**

---

Based on the environmental investigations completed to date at the above site which previously included the location of a gas station, subsurface soil and groundwater impacts due to historical operations have been identified/confirmed. Impact plumes have migrated throughout several areas of the site and include areas beneath existing structures. Contamination has been found to depths of up to approximately 6 m to 8 m in some areas.

**Remediation Measures**

The redevelopment remedial option is expected to be a 'dig and dump' methodology which will focus on the removal/disposal of the impacted materials. For this remediation, it is essential that safe physical access for excavation activities can be maintained. Additionally, given the significant depths and lateral extents of impact in some areas, it is Landtek's opinion that the structural integrity of on-site structures will be jeopardized.

With regards to the above conditions, it is our recommendation that demolition/removal or relocation of the building structures be completed to allow for safe and effective environmental remediation to proceed in accordance with the Ministry of the Environment, Conservation and Parks (MECP) regulation for filing/acceptance of a Record of Site Condition (RSC).

If you have any questions, please do not hesitate to contact our office.

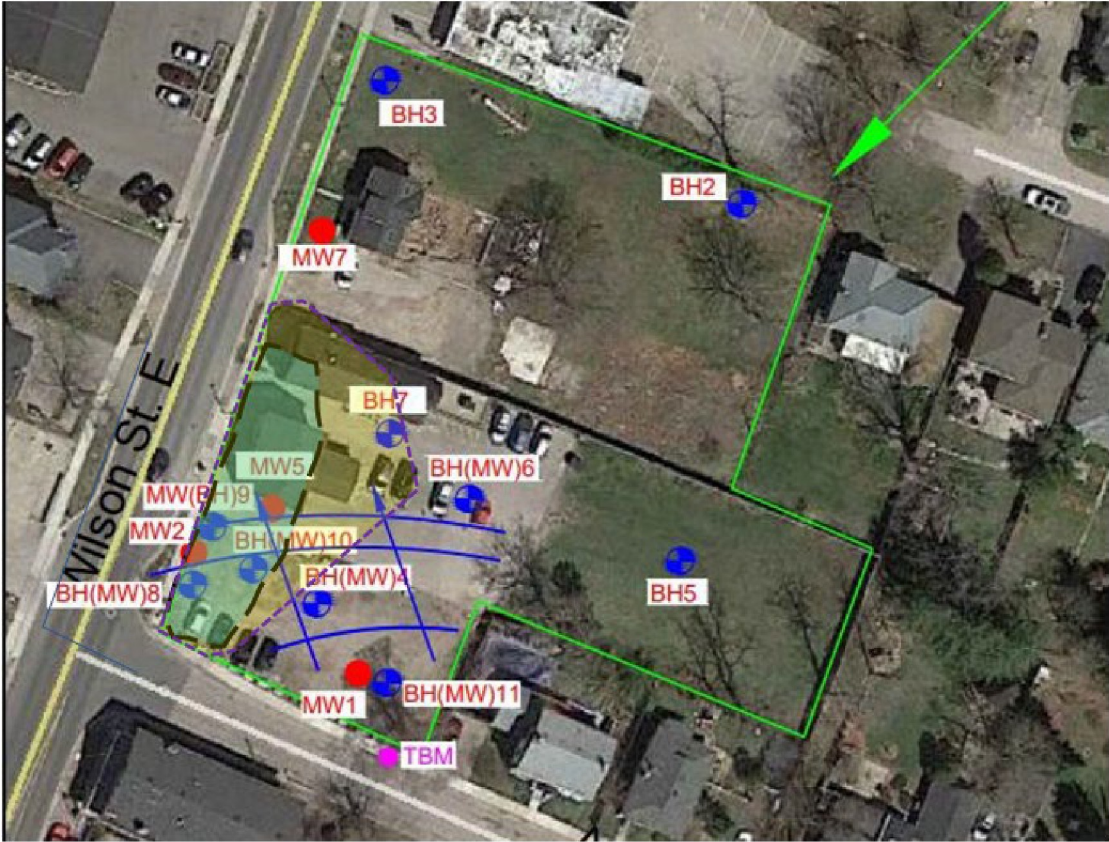
Yours truly,

**LANDTEK LIMITED**

Paul Blunt., P.Eng., QP<sub>ESA</sub>  
Senior Environmental Engineer

---

■ FOUNDATION INVESTIGATIONS ■ ENVIRONMENTAL SITE ASSESSMENTS AND CLEANUP ■ GROUNDWATER STUDIES ■ SLOPE STABILITY STUDIES  
■ ASPHALT TECHNOLOGY ■ ASPHALT MIX DESIGNS ■ PAVEMENT PERFORMANCE ANALYSIS ■ CONSTRUCTION MATERIALS TESTING & INSPECTION  
■ ANALYSIS OF SOIL CORROSION POTENTIAL ■ PAVEMENT REHABILITATION & TENDER SPECIFICATIONS ■ CONCRETE QUALITY ASSURANCE TESTING  
■ ROOF INSPECTIONS ■ INFRASTRUCTURE NEEDS STUDIES ■ FAILURE ANALYSIS AND EXPERT WITNESS SERVICES ■ AGGREGATE EVALUATION



Estimated extent of on-Site groundwater contamination

Estimated extent of on-Site soil contamination

Estimated groundwater flow direction



Wilson and Academy Preliminary Sketch  
Optional Building location



# CULTURAL HERITAGE IMPACT ASSESSMENT (CHIA)

for  
**392, 398, 406, 412 Wilson Street East and 15  
Lorne Avenue**  
Ancaster, Ontario

GBCA Project No: 21006

prepared for:

**Wilson Street Ancaster Inc.**  
1 James Street South, 8th Floor  
Hamilton, ON. L8P 4R5

prepared by:

**Goldsmith Borgal & Company  
Ltd. Architects**  
362 Davenport Road, suite 100  
Toronto, ON, M5R 1K6



Date of issue: Friday, June 4, 2021

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## APPENDICES

APPENDIX I -	Standards and Guidelines for the Conservation of Historic Places in Canada
APPENDIX II -	Designation By-Law 78-87
APPENDIX III-	Remediation Measures and Building Structure Location - Memo by Landtek Limited.

## EXECUTIVE SUMMARY

Goldsmith Borgal & Company Ltd. Architects (GBCA) was retained by Wilson St. Ancaster Inc. to prepare a Cultural Heritage Impact Assessment (CHIA) to evaluate impacts on a heritage property arising from the relocation of a Designated heritage property to a newly assembled lot.

The subject site is located on the east side of Wilson Street East, which runs through the former township of Ancaster. This main street is characterised by a mix of early 19th century stone buildings, adaptively reused historic structures, some newer commercial infill and vacant lots used for parking. The development site totals 1.9 acres and will comprise (6) six smaller lots (392, 398, 406, 412 Wilson Street East and 15 Lorne Avenue) bound irregularly by Lorne Avenue to the north-west and Academy Street to the south. The site includes 398 Wilson Street East, a two-story neo-classical style residence, built c.1840, and known as the Phillip Marr House (herein the "Marr House"). The property is designated under Part IV of the Ontario Heritage Act, under by-law 78-87.

With the exception of the Marr House, all former buildings have been cleared from the site. The southern-most corner of the site has a surface level parking lot over a property that was previously used as a Petrofina gas station. To the east of this is a residential street (Academy Street) that contains a number of early-20th century homes, and a prominent corner heritage property at 380 Wilson Street, the Old Ancaster Hotel (1847).

In April 2021, an environmental investigation identified subsurface soil and groundwater contamination on the site. As a result, the report recommended relocation of the Marr House to permit the undertaking of remediation in compliance with the Ministry of the Environment, Conservation and Parks regulation for filing of a Record of Site Condition. This will require excavation of site soils, and as a consequence, the necessary relocation of the Marr House to a new location on the development site. As such, the subject property, with a current lot frontage of approx. 2.4 metres from Wilson Street East, is proposed to be permanently relocated to a residential lot 100 meters north, and 50 to the east of Wilson Street East (to current day 15-Lorne Avenue). Here, the Marr

House is proposed to be incorporated within a landscaped garden as an amenity space for a future development on the lands to the south.

The proposed relocation will have impacts on the heritage attributes of the Marr House. Although relocation is not typically favoured, in this case, relocation can be seen as a mitigation strategy for the building's long-term preservation. These elements along with mitigation strategies are discussed in more detail throughout the report.

This HIA has been prepared in accordance with CHIA Guidelines (April 2018) as required by the City of Hamilton and evaluates the impact of the proposed development on existing heritage resources.



## 1. INTRODUCTION

### 1.1 Description of the property

The property at 392 - 406 Wilson Street East is located on the east side of Wilson Street East, and comprises (6) six smaller lots bound irregularly by Lorne Avenue to the north-west and Academy Street to the south. The new 1.9 acre site is located north-east of the core of the Village of Ancaster within an area that is characterised by low-rise single-detached residences adapted for commercial use with small, street facing lots. Many buildings along this Main Street are fine-grained commercial, retail, adaptively reused historic buildings, with some newer commercial buildings. Several listed heritage buildings are in the immediate vicinity.

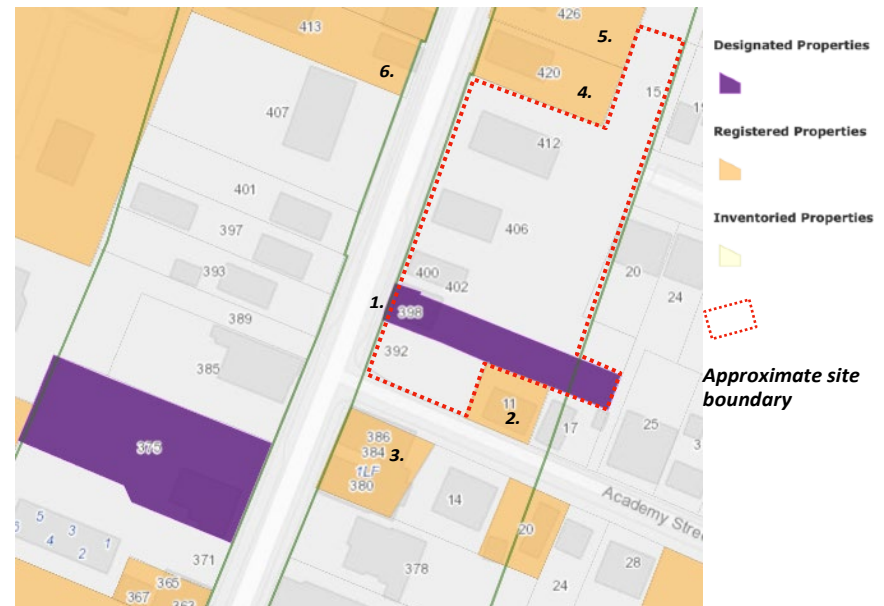
The site includes a two-story neo-classical style residence, built c.1840, and known as the Phillip Marr House. The property is designated under Part IV of the Ontario Heritage Act, under by-law 78-87. More detail on this designation is provided under Section 3 of this CHIA, and in Appendix II.

### 1.2 Present Owner and Contact Information

Owner: Wilson Street Ancaster Inc.  
1 James Street South, 8th Floor  
Hamilton, ON. L8P 4R5

Contact: Giovanni Fiscaletti  
giovanni@spallaccigroup.com

### 1.3 Location Plan



Heritage Register Map of Wilson Street in the Township of Ancaster, with the development site highlighted in red.

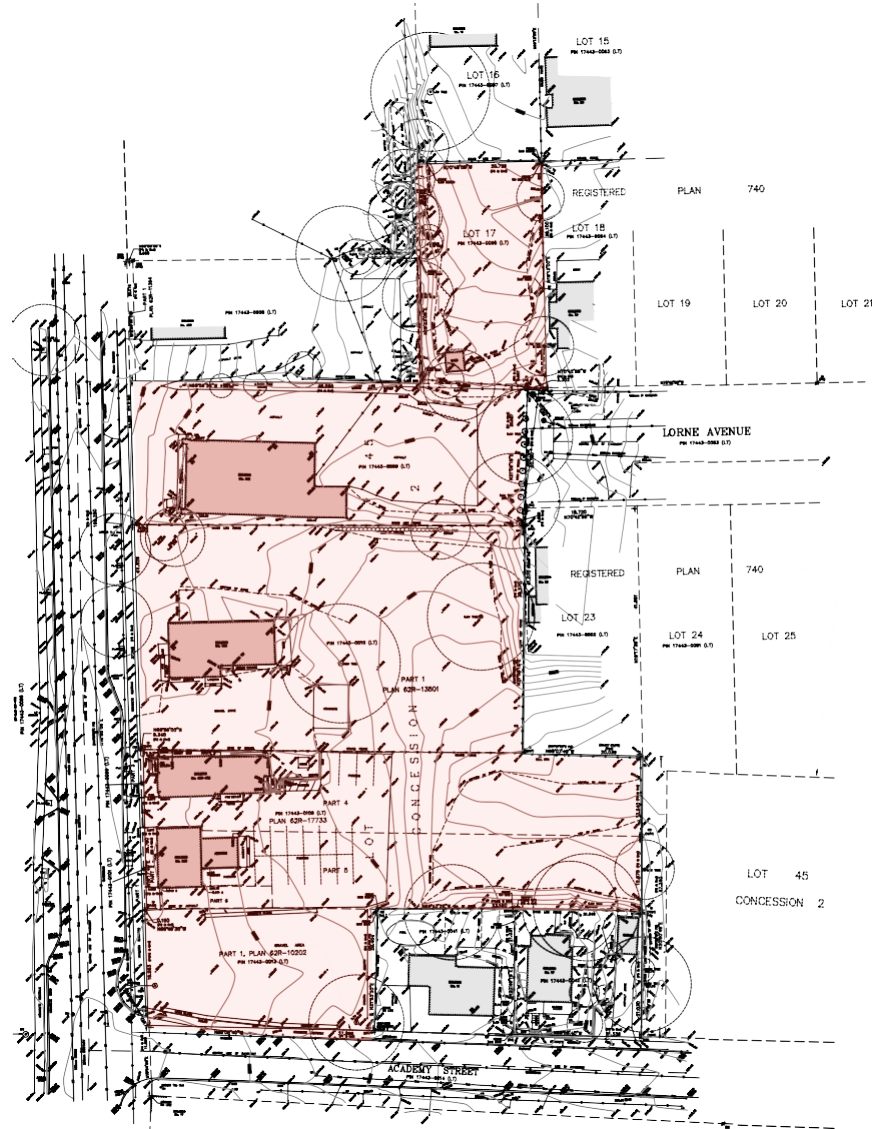
Heritage properties on the development site include:

1. 389 Wilson Street East- Phillip Marr House (1840). (the "Marr House"). Designated under Part IV of the Ontario Heritage Act, under by-law 78-87.

Adjacent Heritage resources:

2. 11 Academy Street (1907) - Residence. Listed on City's Heritage Register in 2021
3. 380 Wilson Street (1847) - Old Ancaster Hotel. Listed on City's Heritage Register in 2020
4. 420 Wilson Street East (1823) - The Needle Emporium. Listed on City's Heritage Register in 2020.
5. 426 Wilson Street East (1921) - Residence. Listed on City's Heritage Register in 2020
6. 413 Wilson Street East (1867) - Commercial building. Listed on City's Heritage Register in 2020

1.4 Property Survey



Topographic Survey- Part of Lot 45 Concession 2, Township of Ancaster and Lot 17 Registered Plan 740 in the City of Hamilton.(A.T McLaren)

GBCA Project No. 21006 - 392- 412 Wilson Street East and 15 Lorne Avenue Ancaster

## 1.5 Site Photographs



*A view from the west side of Wilson Street East looking towards the property at 392 - 406 Wilson Street East looking south. The Marr House is visible here, and is adjacent to a surface level parking lot to the south. This is the location of the former gas station.*



*A view from the west side of Wilson Street East looking towards Academy Street and 380 Wilson Street (1847) - Old Ancaster Hotel, list on the Municipal Heritage Register.*



*Looking south from the corner of the subject site towards 385 Wilson St. East, a professional/commercial building with pre-cast moulded concrete blocks that appears to be a scaled version of a Italianate style house. To the south of this is 375 Wilson Street East - the Rousseau house (1848).*



*View looking north along Wilson Street East directly in front of the subject site to the east. The opposing properties have residences constructed in various styles with contemporary additions, and on smaller lots. In the distance 420 Wilson Street East (1823) - The Needle Emporium, listed on City's Heritage Register in 2020, is visible at the north edge of the subject site.*



*View from the southern corner of the subject site, looking west across Wilson Street East.*



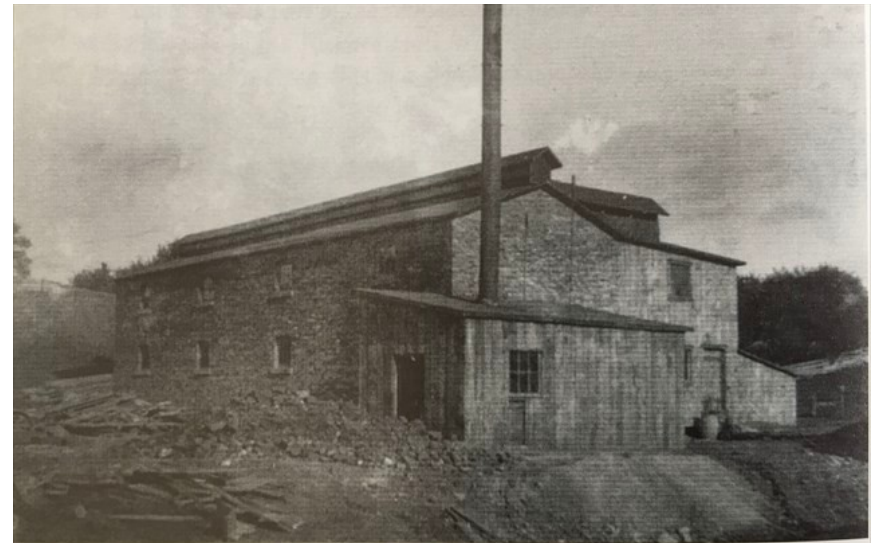
*View from the subject site directly north across Wilson Street East.*

## 2. BACKGROUND RESEARCH

The subject property is located on what is historically known as Part of Lot 45, Concession 2 within the former Township of Ancaster, Wentworth County, Ontario. It is now part of the City of Hamilton and is located on the east side of Wilson Street East, on the northeast corner of Wilson Street East and Academy Street. Currently the site contains one structure – the two-storey stone house dating circa 1840 - 1850.

The land constituting the Township of Ancaster (part of the Niagara Peninsula) was acquired by the British Crown from the Mississauga Nation in 1784. There is evidence of Euro-Canadian settlement in the Ancaster area as early as 1789 when land clearance was undertaken by several families squatting on the land. The first township survey was undertaken in 1793 by Augustus Jones and the first legal settlers came to occupy their land holdings within two years of the survey being completed. The township is said to have been named by Lieutenant Governor John Graves Simcoe after a town in Lincolnshire, England – the name Ancaster was used from about 1800 onward.

Ancaster was initially settled by disbanded soldiers, mainly Butler's Rangers, and other United Empire Loyalists following the end of the American Revolutionary War. James Wilson is probably the most important historically because he built the first mills in the township, and gave Ancaster Village its first name, "Wilson's Mills." In 1800, James Wilson was granted the Crown Patent for Lot 45, Concession 2, which included most of today's Village of Ancaster. Wilson's name appears in the 1808 Ancaster voter's list, and on the 1816 Ancaster Assessment Roll. Wilson built his grist mill in 1791 and his saw mill in 1792 on the small creek just east of Rousseau Street. This location was a strategic one because it was only a few yards from the junction of three "roads" or trails of the Indigenous peoples. Eventually the town grew at the convergence of several roadways - near where Sulphur Springs Road, the Old Dundas Road, the Mohawk Road and Wilson/Main Street came together.



*The Ancaster Evaporator, (circa 1899) stood where Wilson's original gristmill was located at the north-east corner of Wilson and Rousseau St. (190-, Hamilton Public Library)*



*A view from just out on the street (Old Dundas Rd). The water is the old mill pond. The building in the foreground is a the old tollhouse at the corner of Wilson St and Old Dundas Rd. A white fence runs along the side of Wilson St. East. The long dark building at the left edge of the picture is the Ancaster Evaporator pictured above. (190-, Hamilton Public Library)*

Wilson's Mills were the first mills west of Grimsby, and the only ones for many years. These mills were later sold to Jean Baptiste Rousseau in 1794, a Montreal-born fur trader, interpreter, businessman, militia officer and office holder. Jean Baptiste Rousseau had a home and general store on Wilson Street. His Ancaster general store was involved in frequent trading with Joseph Brant's Mohawks and other Iroquois people from the Six Nations confederacy located at the Grand River. For a time after this, the area was briefly known as "Rousseau's Mills." (The mills were eventually sold to the Union Mill Company.)

In 1797, Rousseau built a hotel on Wilson Street, beginning a trend towards building on the meandering route that became Wilson Street. When the village's first school was built on Wilson Street in 1799, the trend was firmly established.

Rousseau would become a leading citizen of the village, owning a general store and hotel, building a brewery and distillery, and holding bureaucratic positions such as magistrate, tax collector and school teacher.

Wilson built not only the mills but also an inn, and a blacksmith shop and at the turn of the century, the modest collection of buildings in "Wilson's Mills" included a general store, blacksmith shop, distillery and tavern. The first citizens of the village were Wilson's employees – his miller, sawyer, innkeeper and blacksmith, plus three or four assistants, all of whom would live in houses which Wilson built for them.

In 1805, D'Arcy Boulton noted that this township contained land that was, in part, excellent and by the 1840s, the township was well-known for its fine farms. The area had natural advantages including fertile soil, abundant fast flowing streams ideal for mills and a strategic position at a break in the Niagara Escarpment where a well-known and used aboriginal trail (eventually known as the "Mohawk Road") existed. By 1823, due largely to its easily accessible hydro power located at the juncture of already existing historical trading routes, Ancaster had become Upper Canada's largest industrial and commercial centre. Additionally, Ancaster had at that time attracted the 2nd largest populace (1,681) in Upper Canada trailing only Kingston (population 2,500), but surpassing the populations of nearby Toronto (1,376) and Hamilton (1,000).



*Rousseau House, 1995 (Ancaster - A Pictorial History)*

By the 1830s, Ancaster was the commercial centre for the area, but soon suffered several setbacks. In 1832, the opening of the Desjardin Canal in the neighbouring town of Dundas had a negative economic impact on Ancaster. Similarly, the town was bypassed by the railway, which went to Hamilton. While its role as a commercial hub was over, local agriculture ensured Ancaster remained a vibrant community.

The 200-acre Lot 45, Concession 2 was subdivided and sold off in quarter-to-half-acre lots early in the nineteenth century. It is not known when Wilson Street was first subdivided into building lots, but it was probably about 1815 if one were to judge from the land sales registered in the Registry Office.



Registered plans of the subdivision for this village exist from 1867. By 1875, the village contained the Town Hall, four churches, two cemeteries, three hotels, one school, one blacksmith shop, a knitting factory, iron foundry, carding and woollen mills, an agricultural implement factory, several stores, and a telegraph office. At that time the population was around 600 to 800 people. The 1875 Illustrated Historical Atlas of the County of Wentworth reveals that both sides of Wilson Street were filled with structures, between present day Jerseyville Road East and Rousseaux Street.



Many of the early structures in Ancaster were built of stone from the nearby Niagara Escarpment. Overall there were more stone buildings in the greater Hamilton area than in most other parts of Ontario (with an exception of Cambridge/Waterloo region). In 1851 there were 16 domestic stone houses in Ancaster Township and by 1891 there were 61.

One of the houses in the village at that time was the subject building at 398 Wilson Street East. Most historical accounts report that the house was built for cabinet-maker Adam Marr (1809-1894). Marr conducted a furniture making and undertaking business in Ancaster from 1840 (or maybe as early as 1834) with his brother David, and later with his son, Thomas Ward Marr. Later the building served as the home of John Phillip (1838-1912), a stone-mason (later stage proprietor) and village constable until the turn of the century. John Phillip's brother or son, Charles Phillip was one of the proprietors of the neighbouring Ancaster/Union Hotel. The stone hotel building at the corner of Wilson and Academy streets was originally built by the Rousseau family and was leased to Phillip in 1865.

Throughout the decades, the building at 398 Wilson Street East has served a number of commercial purposes. For example, in 1965 the building housed Albert Boers and his barber shop.

In 1974, Ancaster was incorporated as a town in the Regional Municipality of Hamilton-Wentworth. In 2001, it was merged into the new city of Hamilton.



*Marr House, c.1900 (Ancaster Archives)*



*Marr House, 1995 (Ancaster - A Pictorial History)*



*Marr House, 2021 (GBCA). North Elevation. Top left window opening closed in.*



*Marr House, 2021 (GBCA). South Elevation. Blank wall with tail extending to the east. Foundation issues notable from a distance.*



*Marr House, 2021 (GBCA). East Elevation. Rear tail covers to ground level openings.*



*Marr House, 2021 (GBCA). West Elevation 2.4 meters from Wilson Street East. Although the designation by-law notes that chimneys are a contributing heritage attribute, in its current state these are no longer present.*

### 3. HERITAGE STATUS

The subject property is currently designated under Part IV, Section 29 of the Ontario Heritage Act, through By-law 78-87.

The By-law is provided under Appendix II and includes the full Statement of Significance.

In summary, the following have been noted as heritage attributes:

*The Marr House/Heritage Bookstore, known municipally as 398 Wilson Street East, in the Town of Ancaster, being of historic and architectural value and interest, is a well-preserved and charming Georgian stone house dating from c. 1850 although some stylistic details suggest an earlier date. The use of stone as a construction material relates the building to several other important buildings on Wilson Street. Without restricting the generality of foregoing the reason for this Council designation the described premises include the intention that the following features of the described premises should be preserved, that is:*

- *The four facades of the building, including the exposed stonework construction*
- *The roof and chimneys\* and return eaves, and;*
- *The 5-pane top-light over the front door; the surviving northeast ground-floor window in the east facade with its 12-over-12 sash should be preserved for reference in case the owner should desire to return the present 2-over-2 sashes to their original organization*

*\* Although the designation by-law notes that chimneys are a contributing heritage attribute, in its current state, these are no longer present.*

#### 3.1 Adjacencies

'Adjacency' in this context refers to lands that are directly across from and near to a property on the Heritage register.

The subject site assembly is currently occupied by vacant lots, and a surface level parking lot to the south, and is also considered adjacent to/ across the street from numerous low-rise buildings, including five listed heritage properties. These include:

##### Adjacent:

- 11 Academy Street (1907) - Residence. Listed on City's Heritage Register in 2021.
- 380 Wilson Street (1847) - Old Ancaster Hotel. Listed on City's Heritage Register in 2020.
- 420 Wilson Street East (1823) - The Needle Emporium. Listed on City's Heritage Register in 2020.
- 426 Wilson Street East (1921) - Residence. Listed on City's Heritage Register in 2020.
- 413 Wilson Street East (1867) - Commercial building. Listed on City's Heritage Register in 2020.

##### Notable stone buildings in surrounding area, not included above:

- 375 Wilson Street East (1848) - village house built by George Brock Rousseau.
- 343 Wilson Street East (1860) - Richardson-Ashworth Italianate style House
- 419 Wilson E. (1820) - Seymour Lodge

**4. CONDITION REVIEW**

GBCA visited the site in April 2021 to conduct a high level visual review of the building’s exterior. This visual review is based on the condition of the building on that date. Any alterations, damage or improvements occurring after the date of assessment have not been updated as part of this report.

GBCA obtained only limited access to all exterior parts of the building facades (north, east, south and west elevations). Assessment was limited from the ground level only as no boom lift was utilised for higher areas such as the gable, 2nd floor windows, soffit and roof.

**4.1 Exterior Walls**

The rubble stone is considered a key heritage attribute of this property and is entirely exposed to the public realm.

The elevations are built of random coursed rubble stone from the nearby Niagara Escarpment. Even the quoins, which have squared tails at the side elevations, are irregular at the rear. The pointing is coarse and cementitious with wide joints in a similar in colour to the masonry. The front elevations feature voussoirs built in coursed squared rubble.

The masonry is in fair repair, with several areas of open joints and evidence of movement. Given the uneven nature of the face mortar and applied cementitious parging there may be voids in the cavity and deep re-pointing or micro-fine grouting may be required. Test pits should be dug below the low-level course to examine the below-grade mortar conditions.

On all elevations there are signs of water infiltration, evidence of improper mortar repairs and patches, staining of stone – including efflorescence, unsympathetic parging, atmospheric staining, rust from metal fasteners, etc.



*West elevation: ground level showing cementitious parging applied at the northern edge of the building.*



*South elevation: ground level showing open joints, and repair work.*

#### 4.2 Foundation Masonry at Grade

Of particular concern is the masonry immediately at grade where the stone units and mortar joints are highly susceptible to deterioration. Eroded mortar joints further promote water entry and accelerate deterioration and mould growth. Numerous instances of stepped, horizontal and vertical cracking were noted in the visible foundation walls. In addition to this, efflorescence was noted sporadically on all elevations.

The lower areas of walls at grade level are mostly in fair condition given their proximity to ground water, snow, ice and de-icing salts; all of these contribute to extensive masonry and mortar deterioration. Localised damage was noted with large openings on the southern elevation.

Stepped cracking was observed at the corners of the windows. Minor cracking near window corners is a common occurrence since the windows act as a weak area in the masonry wall. Recent repair and pointing work, parging and entire sections of stone removed suggest possible impact as a result of vertical settlement.

Settlement cracking and movement lines are present at the midpoints of the north and south facades consistent with the rotation of the rear part of the building. Other cracking and displacement is found on the east end of the north and south walls and the base of the east wall which is consistent with the slow-motion rotation of half of the house.



*South elevation: ground level failed and open joints with previous repair work also visible.*



*North elevation: failed and open joints, oxidization and metal anchors near foundation.*



*South elevation: failed and open joints at foundation. Movement lines are present at the midsection of this elevation.*



*West elevation: Recent repair and pointing work, parging and entire sections of stone removed below the 2nd storey window.*

### 4.3 Windows and Doors

#### 4.3.1 Windows

The front elevation contains five, symmetrically placed, rectangular window apertures, with a central door. The rear elevation has the same configuration, although a later tail-extension has been constructed and two openings have been removed. The south elevation is blank, while the north elevation features two pairs of symmetrically spaced windows, the top left having been closed in.

Condition of the current wood frames appears to be good although better access via lift or scaffold would be required for a more thorough assessment, especially at the upper level. The wood frames show some paint checking and minimal, intermittent areas of rot and/or damage. The lower portions of stone sill components are more deteriorated than the upper portions due to water/ice exposure that has settled on the sills requiring repair.

Generally, the window perimeter sealants and glazing seals were observed to be in fair condition. Failed seals will allow water ingress and cause more damage to the surrounding area. Loose window seals exist in most of the windows. Loose or missing seals allow air movement through the windows, reducing efficiency and allow for deterioration inside the walls due to condensation.



*West elevation: window frames on 2nd storey appear to be in good repair upon visual review..*



*North elevation: eastern-most window opening on 2nd storey has been closed in.*

**4.3.2 Doors**

The central door and five-pane transom window is set within a deep recess lined by wooden panels with modest mouldings. The current door with 12-over-12 sash appears to be in good condition although of much later design than the date of the building. As is typical with most entry doors, they are repetitively used and will have incurred wear and tear from normal use.

Seals and weatherstripping may be worn and/or missing, allowing air infiltration/exfiltration, with normal signs of wear and tear due to usage, particularly at the door frames.

**4.4 Summary**

The visual review of the building reveals that there have been various progressions of deterioration in certain areas of the building. The overall building remains fairly intact and there has been no major loss of material (ie. collapsed walls, roofs etc.) given that the building is of very robust construction. However, the areas at the south elevation of the building that have settled and deteriorated will continue to do so unless action is taken to resolve the issues. Side wall cracks corresponding to the “bending “ or rotation of the structure due to soil conditions, compounded by settlement cracking due to the deformation of the structure, will continue to progress without intervention.



*West elevation: Central door with with 12-over-12 sash and five-pane toplight is in good repair.*



*East elevation: Openings at rear elevation have been obscured by the later addition of a one-storey tail.*



## 5. ASSESSMENT OF PROPOSED RELOCATION

### 5.1 Description of Proposed Strategy

The proposed relocation strategy is primarily in response to subsurface soil conditions adjacent to, and below, the Marr House. An environmental investigation undertaken by Landtek Limited (Appendix III) identified subsurface soil and groundwater contamination from historical gas station operations on the adjacent site.

Due to the heritage building's proximity to the pre-existing contamination plume, relocation is necessary in order to permit excavation works. The proposed relocation strategy consists of moving the Marr house approximately 100 meters north, and 50 meters to the east of Wilson Street East (to current day 15-Lorne Avenue). This permanent relocation is driven by a need to excavate the site for soil remediation, and limit any unnecessary impacts on the building's fabric arising the excavation work, and from multiple moves.

While there is no direct correlation with the soil contamination, the building's long-term stability is also in question. Portions of the south elevation have begun to show evidence of failure, which may be a result of settlement. Excavating nearby can generate vibrations that may highly compromise the structural and heritage integrity of the small structure. Although it is acknowledged that relocation is not typically favoured, in this particular case, relocation can be seen as a mitigation strategy for the building's long-term preservation. Relocation to a properly designed foundation will ensure the conservation of the building.

The relocation is proposed to occur in a single stage. The site receiving the Marr House will have to be partially excavated and new foundations provided. Once this new site is prepared with its new foundations, the House will be partly excavated so to install necessary moving supports and wheeled bogies. The building will require substantial stabilisation before such a move. Restoration work on the heritage building would be carried out after it is moved to its final location.



*The (6) six lots comprising 392, 398, 406, 412 Wilson Street East and 15 Lorne Avenue will be assembled for a future development. With the exception of 398 Wilson Street East, the site is vacant.*

### 5.1.2 General Procedures for Relocation:

While every building is different and each project must be assessed on a case-by-case basis, there are general procedures that are followed in the moving process. The engineer working for the moving company will factor into the calculations the building dimensions, weights and materials (and their characteristics).

The area around the structure would be excavated and a crib, consisting of lengthwise and cross beams, would be designed and installed in the basement of the house. Then, the area at grade will be cut through to separate the house from its foundation. Extensions to the carrying frame will be inserted below the walls and secured to the exterior. Windows will be framed with solid panels to prevent "racking". Additional cross bracing may be installed in the interiors to reduce potential for structural deformation. The engineer would factor in the building's dimensions, weight, and materials. The frame carrying the Marr House would then be raised by hydraulic lifts or jacks and lowered onto hydraulically self-levelling wheels or "bogies".

While the above work is under way, the new foundation will be created for the house then filled to allow the house to roll over it into position. The steel support/crib would be used as the base of the building during the move until the perimeter of the house is supported on the foundation, then removed with the bogies. The house is then lowered into position onto the foundation and restoration work will then commence.

The best route to the new location – in this case roughly 150 meters north-east of its present site – would be determined by the building mover who would be responsible for analysing telephone cables, wires, utility poles and topography. The proper authorities would be consulted in relation to permits for the removals or reinforcement of any elements.

### 5.1.3 Technical Issues of Marr House Relocation

Moving heritage buildings, if not well considered, could result in physical endangerment of the resource. In any project that proposes relocation of heritage buildings, a detailed feasibility study should be undertaken and approved by a structural engineer and the best method for moving be determined. The engineer would be employed by a qualified moving contractor.

GBCA is able to provide examples of successful relocations of heritage buildings. In 2008, GBCA worked with Tridel Developments for the relocation of the Cooper Mansion, a 950 ton, three-storey Second Empire brick building. Laurie McCulloch undertook this move. In 2009, GBCA worked with Pinnacle Developments for the relocation of a two-storey Georgian brick building, undertaken by Danco. Both of these relocations took place in urban environments, in downtown Toronto.



*Richard West House relocation in downtown Toronto (2009)*



*James Cooper Mansion relocation in Toronto (2008)*



*Plan showing the proposed relocation area for the Marr House, at present day 15 Lorne Avenue. A patio, lawn and garden area have been designed around the heritage building, which will be repurposed as an amenity space for a future development on the lands to the south. The new site is located directly to the east 420 Wilson Street East (1823) - The Needle Emporium, and a residence at 426 Wilson Street East (1921) both of which were added to the City's Heritage Register in 2020. For reference, the lotting pattern of the adjacent residences on Lorne Avenue are shown with a red line. The proposed relocation has nearly double to lot frontage as the adjacent properties. The proposed relocation site for the Marr House is oriented in the same direction as its original location, but 50-meters east of Wilson Street East.*

## 5.2 Impacts on Heritage Resources

The proposed building relocation will result in the following impacts on the property:

- New lot pattern;
- Relocation of building to north-east part of site;
- Removal of rear tail of building;

An assessment of possible effects of the proposed development on the property is presented opposite. The table lists possible effects based on the Ontario Heritage Tool Kit - Heritage Resources in the Land Use Process.

While there is no means of reducing the impact from moving the house in order to remediate the grounds beneath it, the preservation of the Marr House and the conservation of the majority of the heritage attributes is important to acknowledge this existing heritage resource on this site. The sequencing of events will be discussed in more detail through a Conservation Plan.

The building will require substantial stabilization before relocation, which is also an opportunity to provide necessary intervention and provide long-term conservation of the heritage resource. Restoration work on the heritage building would be carried out after it is moved to its final site.

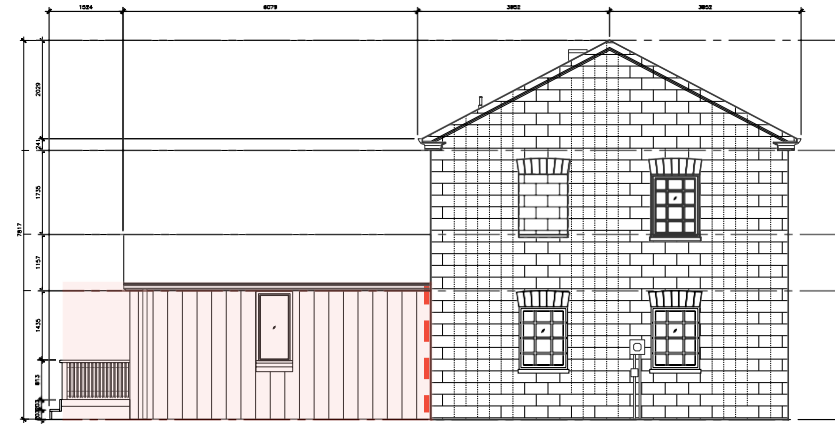
Possible Effect - (from Ontario Heritage Tool Kit-Heritage Resources in the Land Use Process) <b>Assessment (Considered Alternative Development and Mitigation Measures)</b>
<p>Destruction of any, or part of any, significant heritage attributes or features</p> <p><i>Character-defining elements (heritage attributes) identified for the property include the ‘the four facades of the building, including the exposed stonework construction; the roof and chimneys (now missing) and return eaves; the 5-pane toplight over the front door; the surviving northeast ground-floor window in the east facade with its 12-over-12 sash should be preserved for reference. The Standards and Guidelines asks to not “substantially alter its intact or repairable character-defining elements”.</i></p>
<p>Alteration not sympathetic, or incompatible, with the historic fabric and appearance</p> <p><i>The land assembly proposes the creation of additional parcel on the property, build a permanent foundation, relocated the extant Marr House, excavate the former site and prepare lands for a new development. The house will lose its original quality and contextual fit with Wilson Street East as a result of being moved to a new location.</i></p>
<p>Shadows created that alter the appearance of a heritage attribute or change the viability of an associated natural feature or plantings, such as a garden</p> <p><i>Shadow studies are not relevant to the proposed building relocation strategy.</i></p>
<p>Isolation of a heritage attribute from its surrounding environment, context or a significant relationship</p> <p><i>The building relocation will isolate the Marr House from its former context. It has been proposed to be moved to a lot with similarly scaled housing. However, the visual setting of Wilson Street East is considered a character attribute, and relates to the cultural significance of the Marr House. Mitigation strategies are listed in Section 5.2 of this report.</i></p>
<p>Direct or indirect obstruction of significant views or vistas within, from, or of built and natural features.</p> <p><i>The building relocation will not impact any identified views or vistas.</i></p>
<p>A change in land use (such as rezoning a church to a multi-unit residence) where the change in use negates the property’s cultural heritage value</p> <p><i>The land assembly will change through merging six properties into one lot. Additionally, the property will be rezoned to multi-unit residence. Although originally a residence, the Marr House has since been adaptively reused for commercial use.</i></p>
<p>Land disturbances such as a change in grade that alters soils, and drainage patterns that adversely affect a cultural heritage resource, including archaeological resources</p> <p><i>Land disturbances as a result of this development will have impacts on local cultural heritage resources. However, the proposed redevelopment will address subsurface soil contamination so is considered beneficial in this case.</i></p>

**5.2.1 Removal of the rear tail of the building:**

This removal will not impact the original scale of the house and will not alter the original appearance of the rear elevation.

Mitigation strategies/Recommendations:

- The removal of the tail from the main residence will require repair, infill of new stone, reinstatement of original openings, refinishing and repainting upon removal of the extension. Restoration and conservation of the former Marr House will involve rehabilitating the rear facade based on archival material, in keeping with the original design intent which would be further explored in a forthcoming Conservation Plan.



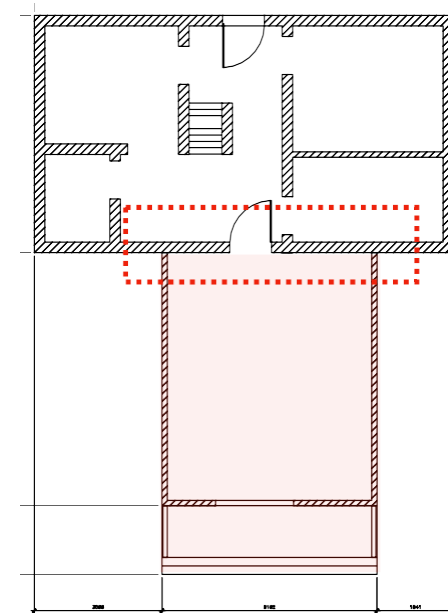
**5.2.2 Physical relocation from Wilson Street East location:**

The current location of the Marr House was based largely on the early settlement patterns of the village Main Street provided by Wilson Street East. It visually connects with the character of several local stone buildings of the same vintage. The contribution of the building’s front elevation and character-defining attributes will no longer be maintained by relocating the building away from Wilson Street East.

It is acknowledged that relocation is not typically favoured. However in this case, permanent relocation can be seen as a mitigation strategy for the building’s long-term preservation, and for the remediation of the site. While every building is different and each project must be assessed on a case-by-case basis, there are general procedures to be followed in the moving process. Details of the relocation will be provided under a separate Conservation Plan.

Mitigation strategies/Alternate Strategies:

- Leaving the stone building for a long period of time during construction poses risks to the stability of a fragile structure such as the Marr House. A permanent move is seen as the best course of action. This is driven by a need to excavate the site for soil remediation, and limit any unnecessary impacts on the building’s fabric arising the excavation work or from multiple moves to sites without a solid foundation.



*The above plan and elevation illustrate the proposed tail to be removed from the Marr House. Areas with a dashed line will require infilling of new stone and reinstatement of original openings upon removal of the extension.*

### 5.2.1 New lot pattern and location

Currently, the Marr House is located at 398 Wilson Street East. The proposed assembly of properties will see a change in the lot pattern and the proposed relocation of the existing building footprint to the north of its present location. The proposed lot does not front a street, and the relocated house is set-back approximately double the lot frontage compared to adjacent properties fronting Lorne Avenue. While the Marr House today fits in with the scale of the historic properties on Wilson Street East, moving it behind any new development and on a lot that is not fronted by a street will diminish its presence.

The *Standards and Guidelines for the Conservation of Historic Places in Canada*, heritage conservation requires the retention of an appropriate visual setting and other relationships that contribute to the cultural significance of the place. New construction, demolition, intrusions or other changes that would affect the setting or relationships are not encouraged.

The proposed relocation site is characterised by the modest scale of its environs, with post-war bungalows that have window and door openings facing the public realm. In the proposed relocation scenario, the south elevation of the Marr House (a blank wall) will be oriented to the public realm. This will have an impact on the ability to view the character defining attributes of this Designated heritage property from the public realm although the benefits of its relocation and conservation are clear.

In addition, the recipient site at current day 15 Lorne Avenue is directly adjacent to 420 Wilson Street East (1823) - The Needle Emporium, and a residence at 426 Wilson Street East (1921) both of which were listed on City's Heritage Register in 2020. The front entrance of the Marr House will face the rear yards of these properties and not be visible from Wilson Street East.

### Mitigation strategies/Alternate Strategies:

- The visual setting of Wilson Street East is considered a character attribute, and relates to the cultural significance of the Marr House. Moving the house to another property along Wilson Street East and within the Village Core of Ancaster could be considered.
- Given the site circumstances, if Lorne Avenue remains the most viable site for permanent relocation, how the Marr House relates to its new setting and interacts with any proposed development to the south will be important. Allowing its character attributes (primary facade) to be viewed from the street, and borrowing compatible lotting patterns from adjacent properties (ie, locating the house using the same lot orientation, and same setback as adjacent houses) are two considerations to bear in mind.

## 7. CONSERVATION STRATEGIES

A variety of options are typically available for the redevelopment of sites with buildings of heritage value due to proposed developments, and options must be weighed with other decisive factors, the most common are time and costs. In the case of 389 Wilson Street East (The Marr House) a number of options have been considered and are discussed.

In this instance, the Marr House, which is of heritage value, is at risk if left in its current location on the property and will prevent the development of vacant sites the north and south. The house will be preserved, rehabilitated, and restored. Details regarding repair, stabilisation, preservation and long term conservation will be explored in a detailed Conservation Plan at a later date.

**Preservation** involves the protection, maintenance and stabilisation of the existing form, material and integrity of a historic place or of an individual component, while its heritage value is protected.

**Rehabilitation** is the sensitive adaptation of an historic place or of an individual component for a continuing or compatible contemporary use, while protecting its heritage value. In this instance, the heritage building will be rehabilitated and with a new use related to the proposed development.

**Restoration** is the revealing, recovering or representing the state of a historic place or of an individual component as it appeared at a particular period in its history, as accurately as possible, while its heritage value is protected. In this instance, the Marr House will have reinstated its original exterior finishes by removing any non-original cladding, restoring masonry, and reinstating original window designs and details.

### 7.1 International Standards for Heritage Conservation

Beginning in 1931, various heritage charters have been drafted and subsequently recognized internationally as part of a consistent and objective approach to issues being faced by all countries in addressing heritage conservation.

The concept of setting was addressed in the 1960s in the Venice Charter, the seminal text that underpinned the foundation of ICOMOS (the International Council of Monuments and Sites). Many national charters, including Canada's Appleton Charter (1983), further developed the importance of setting.

The **Venice Charter** is the first of the modern charters (1964) to tackle heritage conservation, codifying acceptable universal principles and practices for the conservation of historic monuments. Of particular relevance for this assessment are the following Articles:

*ARTICLE 1: The concept of a historic resource embraces not only the single architectural work, but also the urban or rural setting in which is found the evidence of a particular history.*

*ARTICLE 6: The conservation of a monument implies preserving a setting which is not out of scale. Wherever the traditional setting exists, it must be kept. No new construction, demolition or modification which would alter the relations of mass and colour must be allowed.*

*ARTICLE 13: Additions cannot be allowed except in so far as they do not detract from the interesting parts of the building, its traditional setting, the balance of its composition and its relation with its surroundings.*

The **Appleton Charter** was established in Ottawa in 1983 and adapted the principles of the Venice Charter to a Canadian context. This charter recognizes that the sound management of the built environment is an important cultural activity.

*C. Principles (Protection): Any element of the built environment is inseparable from the history to which it bears witness, and from the setting in which it occurs. Consequently, all interventions must deal with the whole as well as with the parts.*



## 7.2 Exterior conservation and stabilisation

The building would require substantial reconstruction and stabilisation before it is relocated. Anticipated actions once the to the Marr House reaches its final location are as follows:

- Repair, replacement and painting of windows, and sills where required;
- Repair and replacement of awnings;
- Reinstate blocked in window openings;
- Repairs to exterior stone masonry;
- Repairs to exterior woodwork – fascia, soffits, etc.;
- Removal of unsympathetic cladding;
- Repairs or replacement to - metal railing, eaves and troughs;
- Replacement of visible roof area with new high quality shingles.

As excavation work is proposed on the site, which will be adjacent to existing heritage buildings, a structural engineer with proven knowledge and experience in heritage conservation, will need to be consulted. Prior to the execution of the work, the engineer will need to verify if adjacent properties will not be impacted by the excavation work.

As the Marr House is proposed to be relocated, specifications and scope of work for moving the building should be prepared by a qualified building mover in conjunction with a structural engineer. Refer to the International Association of Structural Movers and Ontario Structural Movers Association for qualified companies. Since the practice of professional engineering is regulated by provincial laws, qualified engineering advice must be obtained from a licensed professional engineer.

## 7.3 Interior conservation

The mitigative options for the interior spaces and features will need to be worked out in conjunction with the project architect as the plans are developed in more detail.

At this time, it is possible to assert that the proposed reuse of the Marr House will be associated with a future development to the south which will be sympathetically inserted within the existing heritage building. Attention will need to be paid to the required program needs, with the plans being adjusted according to existing building, if need be. Consideration of new use should begin with respect for existing and traditional patterns of the layout.

The following interior features should be preserved:

- Original hard wood flooring
- The central plan layout with stairs at centre
- The wood window frames
- All original wood doors (along with any original hardware)
- Original wood trim and baseboards

## 8. CONCLUSION

The proposed land assembly, excavation, relocation and site preparation for a future development will result in a number of changes to the existing property and its heritage attributes.

Due to existing site conditions, the proposed building relocation is considered a necessary intervention for the remediation of the site, and for the long-term conservation of the heritage resource. This permanent relocation will limit any unnecessary impacts from multiple moves.

By considering the recommendations contained in this report, the proposed development at 392-412 Wilson Street East can be accomplished in accordance with accepted conservation principles.

In our view, and in light of mitigating strategies to reduce impacts to heritage properties, this proposal balances demands for *intensification* with those of *heritage preservation* in a manner that allows both objectives to be appreciated as a part of a complex and changing urban environment.

## 9. CLOSURE

The information and data contained herein represents GBCA's best professional judgment in light of the knowledge and information available to GBCA at the time of preparation. GBCA denies any liability whatsoever to other parties who may obtain access to this report for any injury, loss or damage suffered by such parties arising from their use of, or reliance upon, this report or any of its contents without the express written consent of GBCA and the client.

  
Christopher Borgal OAA FRAIC CAHP

President  
Goldsmith Borgal & Company Ltd. Architects

## APPENDIX I

### Standards and Guidelines for the Conservation of Historic Places in Canada

#### THE STANDARDS

The Standards are not presented in a hierarchical order. All standards for any given type of treatment must be considered, and applied where appropriate, to any conservation project.

#### General Standards for Preservation, Rehabilitation and Restoration

1. Conserve the *heritage value* of an *historic place*. Do not remove, replace or substantially alter its intact or repairable *character-defining elements*. Do not move a part of an historic place if its current location is a character-defining element.
2. Conserve changes to an *historic place* that, over time, have become *character-defining elements* in their own right.
3. Conserve *heritage value* by adopting an approach calling for *minimal intervention*.
4. Recognize each *historic place* as a physical record of its time, place and use. Do not create a false sense of historical development by adding elements from other historic places or other properties, or by combining features of the same property that never coexisted.
5. Find a use for an *historic place* that requires minimal or no change to its *character-defining elements*.
6. Protect and, if necessary, stabilize an *historic place* until any subsequent *intervention* is undertaken. Protect and preserve archaeological resources in place. Where there is potential for disturbing archaeological resources, take mitigation measures to limit damage and loss of information.
7. Evaluate the existing condition of *character-defining elements* to determine the appropriate *intervention* needed. Use the gentlest means possible for any intervention. Respect *heritage value* when undertaking an intervention.
8. Maintain *character-defining elements* on an ongoing basis. Repair character-defining elements by reinforcing their materials using recognized conservation methods. Replace in kind any extensively deteriorated or missing parts of character-defining elements, where there are surviving *prototypes*.
9. Make any *intervention* needed to preserve *character-defining elements* physically and visually compatible with the *historic place* and identifiable on close inspection. Document any intervention for future reference.

#### Additional Standards Relating to Rehabilitation

10. Repair rather than replace *character-defining elements*. Where character-defining elements are too severely deteriorated to repair, and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements. Where there is insufficient physical evidence, make the form, material and detailing of the new elements compatible with the character of the *historic place*.
11. Conserve the *heritage value* and *character-defining elements* when creating any new additions to an *historic place* or any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the historic place.
12. Create any new additions or related new construction so that the essential form and integrity of an *historic place* will not be impaired if the new work is removed in the future.

#### Additional Standards Relating to Restoration

13. Repair rather than replace *character-defining elements* from the *restoration* period. Where character-defining elements are too severely deteriorated to repair and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements.
14. Replace missing features from the *restoration* period with new features whose forms, materials and detailing are based on sufficient physical, documentary and/or oral evidence.

**APPENDIX II**  
Designation By-Law 78-87

THE CORPORATION OF THE TOWN OF ANCASTER

BY-LAW NO. 78-87

To Designate the Lands and Building Municipally known as 398 Wilson Street East, in the Town of Ancaster, as Lands and Building of Historic Value, Architectural Value and Interest

WHEREAS this Council is empowered under sub-section (6) of Section 29 of The Ontario Heritage Act to enact By-laws to designate real property, including buildings and structures thereon, as described in Schedule "A" attached hereto to be of historic or architectural value or interest, and

WHEREAS this Council has caused to be served upon the owner of the lands and premises known municipally as 398 Wilson Street East, in the Town of Ancaster, and upon the Ontario Heritage Foundation notice of intention to so designate the described property and has caused such notice of intention to be published in a newspaper having a general circulation in this Municipality once for each of three consecutive weeks, and


WHEREAS no notice of objection to the proposed designation of the described property has been served on the Clerk of this Municipality within the time prescribed by the said Statute, and

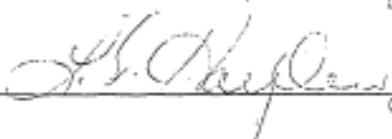
WHEREAS this Council's reasons for the proposed designation are as set forth in Schedule "B" attached hereto.

NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF ANCASTER ENACTS AS FOLLOWS:

1. In this By-law the word "property" means real property and includes all buildings and structures thereon.
2. There is hereby designated as being of historic value, architectural value and interest the property known municipally as 398 Wilson Street East, in the Town of Ancaster, and more particularly described in Schedule "A" attached hereto.
3. YATES and YATES are hereby authorized and directed to cause a copy of this By-law to be registered against the property described in Schedule "A" attached hereto in the Land Registry Office for the Registry Division of Westworth.
4. The Clerk is hereby authorized and directed to cause a copy of this By-law to be served upon the owner of the property and upon the Ontario Heritage Foundation and to cause notice of this By-law to be published in a newspaper having general circulation in the Town of Ancaster.

ENACTED AND PASSED THIS 11th DAY OF DECEMBER 1978.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk

THIS AGREEMENT made, in duplicate, the 13th day of April  
1981.

B E T W E E N:

THE CORPORATION OF THE TOWN OF ANCASTER  
(hereinafter called the "Town")

OF THE FIRST PART,

- and -

MARY ELIZABETH McKEON  
(hereinafter called the "Owner")

OF THE SECOND PART

WHEREAS The Corporation of the Town of Ancaster is the Owner of a  
6 inch x 6 inch plaque, reading "DESIGNATED PROPERTY, ONTARIO  
HERITAGE ACT", with the Crest of the Town of Ancaster thereon, and

WHEREAS Mary Elizabeth McKeon is the registered Owner of the lands  
and premises municipally known as 398 Wilson Street East, in the  
Town of Ancaster, more particularly described as part of Lot Number  
45, Concession 2, in Schedule "A" attached hereto, and

WHEREAS pursuant to By-law No. 78-87 of The Corporation of the Town  
of Ancaster and pursuant to the provisions of The Ontario Heritage  
Act, S.O. 1974, Chapter 122, the lands and premises municipally known  
as 398 Wilson Street East, in the Town of Ancaster, were designated  
as a building or structure of historical or architectural value or  
interest, and

WHEREAS by Section 37(1) of The Ontario Heritage Act, the Town is  
entitled to enter into agreements, covenants and easements with  
Owners of real property or interest therein, for the conservation,  
protection and preservation of the heritage of Ontario, and

WHEREAS by Section 37(3) of The Ontario Heritage Act, such covenants  
and easements entered into by the Town when registered in the proper  
Land Registry Office against the real property affected by them,  
shall run with the real property and may, whether positive or nega-  
tive in nature, be enforced by the Town or its assignee against the  
Owner(s) or any subsequent Owner(s) of the real property, even where  
the Town owns no other land which would be accommodated or benefited  
by such covenants and easements, and

-2-

WHEREAS the Owner and the Town desire to conserve the present historical, architectural, aesthetic and scenic character and condition of the building on premises municipally known as 398 Wilson Street East, in the Town of Ancaster.

NOW WITNESSETH this Agreement that in consideration of the sum of TWO (\$2.00) DOLLARS now paid by the Town to the Owner, (the receipt of which is hereby acknowledged) and for other valuable consideration, and in further consideration of the granting of the covenants herein and in further consideration of the mutual covenants and restrictions hereinafter set forth, the Owner and the Town agree to abide and be bound by the following covenants, easements and agreements.

1. Duties of Owner

- (a) The Owner shall and doth hereby allow the Town as Owner of the plaque to attach the said plaque to premises described in Schedule "A" hereto and grant to the Town the privilege of maintaining the said plaque on the premises.
- (b) The Owner does hereby permit the Town servants and agents to enter with material and equipment necessary for the installation, maintenance and inspection of the said plaque and its mountings.
- (c) The Owner shall not, without the prior written approval of the Town, remove the plaque from the premises.

2. Duties of Town

- (a) The Town agrees to install and mount and to maintain a plaque at its own expense on premises municipally known as 398 Wilson Street East, in the Town of Ancaster.
- (b) The Town agrees that, upon the removal of the designation of the premises pursuant to The Ontario Heritage Act, it will remove the plaque from the premises and as far as practicable restore the premises to their same condition as prior to the installation of the plaque.

3. The Owner and the Town agree that at all times the plaque is and remains the property of the Town.

- 3 -

- 4. Nothing contained herein in this Agreement requires the Owner of the premises to open the premises to public viewing.
- 5. This Agreement shall enure to the benefit of and be binding upon the parties hereto, their successors, administrators and assigns.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their seals under the hands of their officers duly appointed in that behalf.

Signed, sealed, and delivered )  
in the presence of: )

THE CORPORATION OF THE TOWN OF ANCASTER

*Ann Clark*  
Mayor

*B. Hughes*  
Clerk

MARY ELIZABETH McKEON  
*Mary Elizabeth McKeon*  
Registered Owner

*Michelle Peterson*



SCHEDULE "B"

Reasons for Designation of 398 Wilson  
Street East, in the Town of Ancaster

The Marr House/Heritage Bookstore, known municipally as 398 Wilson Street East, in the Town of Ancaster, being of historic and architectural value and interest, is a well-preserved and charming Georgian stone house dating from circa 1850 although some stylistic details suggest an earlier date. The use of stone as a construction material relates the building to several other important buildings on Wilson Street. For these reasons the building is of great importance to the Wilson Street streetscape. Without restricting the generality of the foregoing the reasons for this Council designating the described premises include the intention that the following features of the described premises should be preserved, that is,

- (a) the four facades of the building, including the exposed stonework construction, and
- (b) the roof and chimneys and return eaves, and
- (c) the 5-pane toplight over the front door; the surviving northeast ground-floor window in the east facade with its 12-over-12 sash should be preserved for reference in case the owner should desire to return the present 2-over-2 sashes to their original organization, but

this Council has no intention that any alteration, maintenance, repair, replacement or improvement of elements of the premises requires the prior written consent of this Council unless such affect the reasons for the designation of the premises as described in paragraphs (a) to (c) herein.

**APPENDIX III**  
**Remediation Memo**  
as prepared by Landtek Limited



## LANDTEK LIMITED

Consulting Engineers

205 Nebo Road, Unit 3  
Hamilton, Ontario  
Canada  
L8W 2E1

Phone: 905-383-3733  
Fax: 905-383-8433  
engineering@landteklimited.com  
www.landteklimited.com

April 30, 2021  
File: 17476

To Whom it may Concern,

**Re: Remediation Measures and Building Structure Location  
(Existing Heritage Structure)  
392 - 406 Wilson Street East, Hamilton (Ancaster), Ontario**

---

Based on the environmental investigations completed to date at the above site which previously included the location of a gas station, subsurface soil and groundwater impacts due to historical operations have been identified/confirmed. Impact plumes have migrated throughout several areas of the site and include areas beneath existing structures. Contamination has been found to depths of up to approximately 6 m to 8 m in some areas.

### Remediation Measures

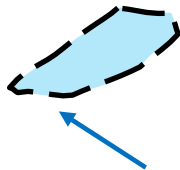
The redevelopment remedial option is expected to be a 'dig and dump' methodology which will focus on the removal/disposal of the impacted materials. For this remediation, it is essential that safe physical access for excavation activities can be maintained. Additionally, given the significant depths and lateral extents of impact in some areas, it is Landtek's opinion that the structural integrity of on-site structures will be jeopardized.

With regards to the above conditions, it is our recommendation that demolition/removal or relocation of the building structures be completed to allow for safe and effective environmental remediation to proceed in accordance with the Ministry of the Environment, Conservation and Parks (MECP) regulation for filing/acceptance of a Record of Site Condition (RSC).

If you have any questions, please do not hesitate to contact our office.

Yours truly,  
**LANDTEK LIMITED**

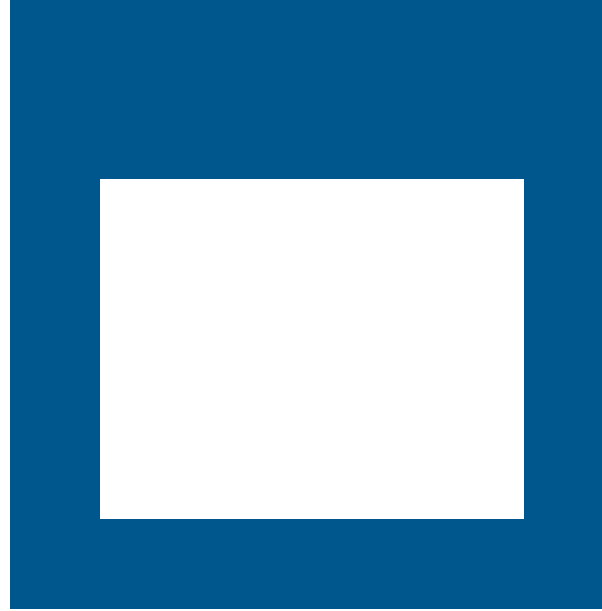
Paul Blunt., P.Eng., QP<sub>ESA</sub>  
Senior Environmental Engineer



Estimated extent of on-Site groundwater contamination  
Estimated groundwater flow direction



Estimated extent of on-Site soil contamination



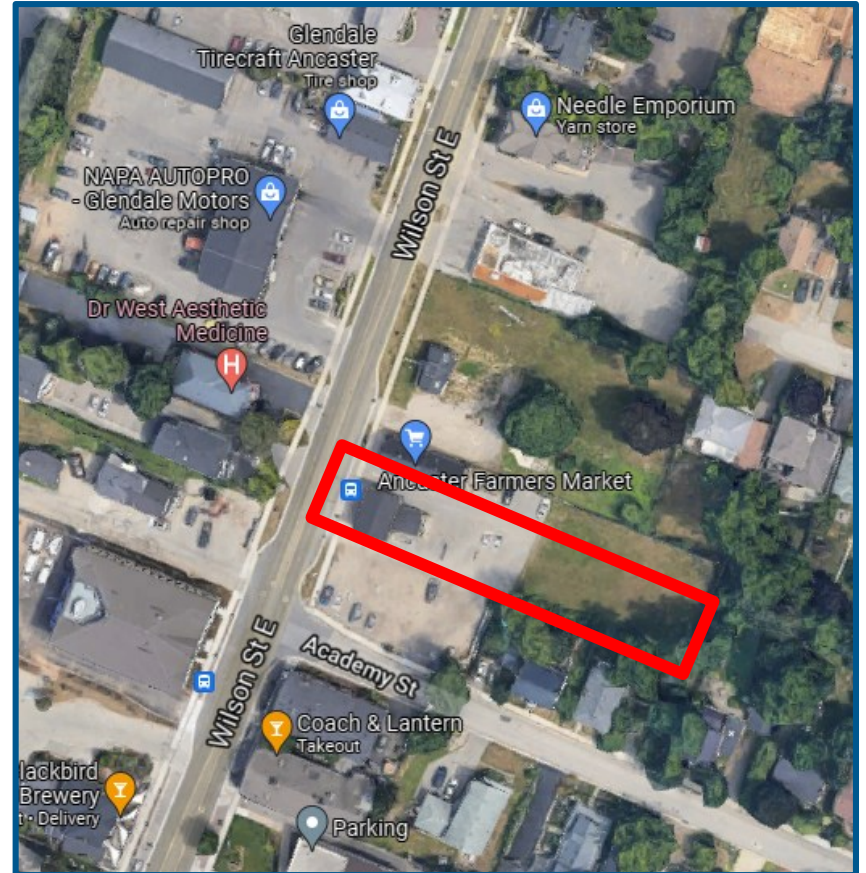
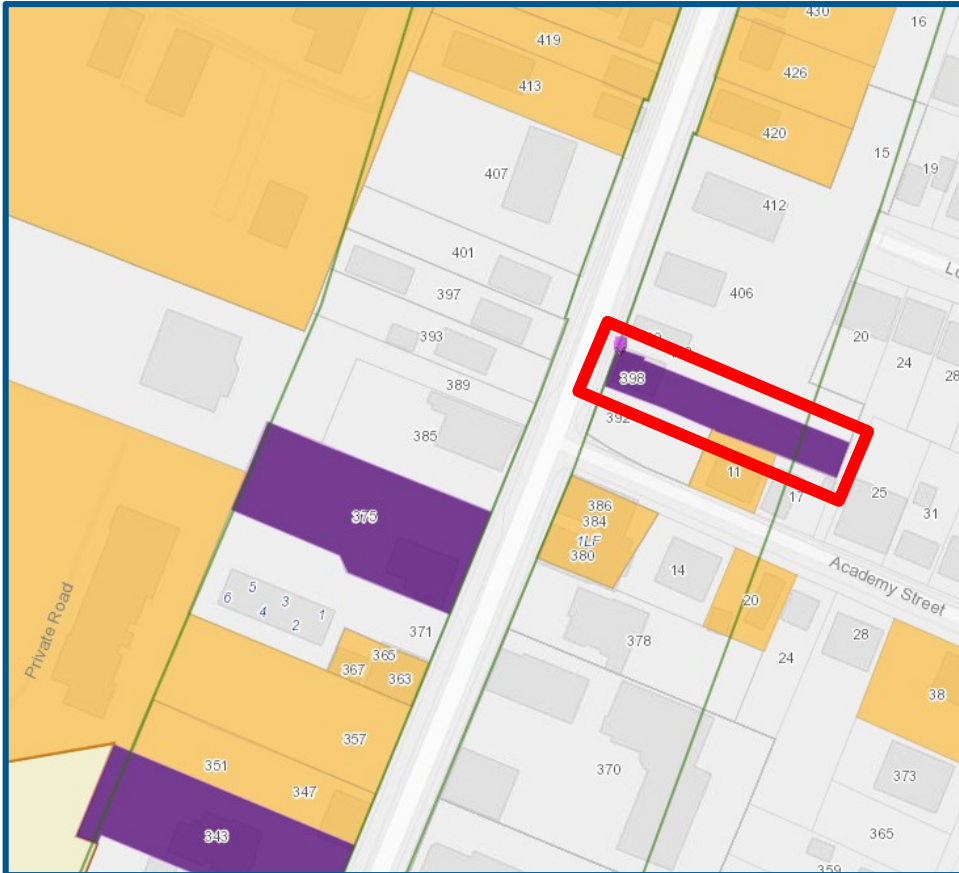
HERITAGE PERMIT APPLICATION HP2021-033  
DESIGNATED UNDER PART IV OF THE  
*ONTARIO HERITAGE ACT* FOR PROPOSED  
RELOCATION OF 398 WILSON STREET EAST,  
ANCASTER

September 24, 2021

# HP2021-033 – 398 WILSON STREET EAST, ANCASTER



# HP2021-033 – 398 WILSON STREET EAST, ANCASTER



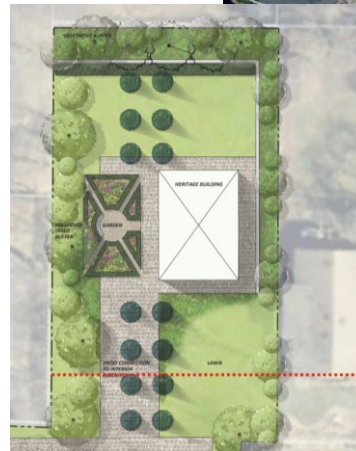
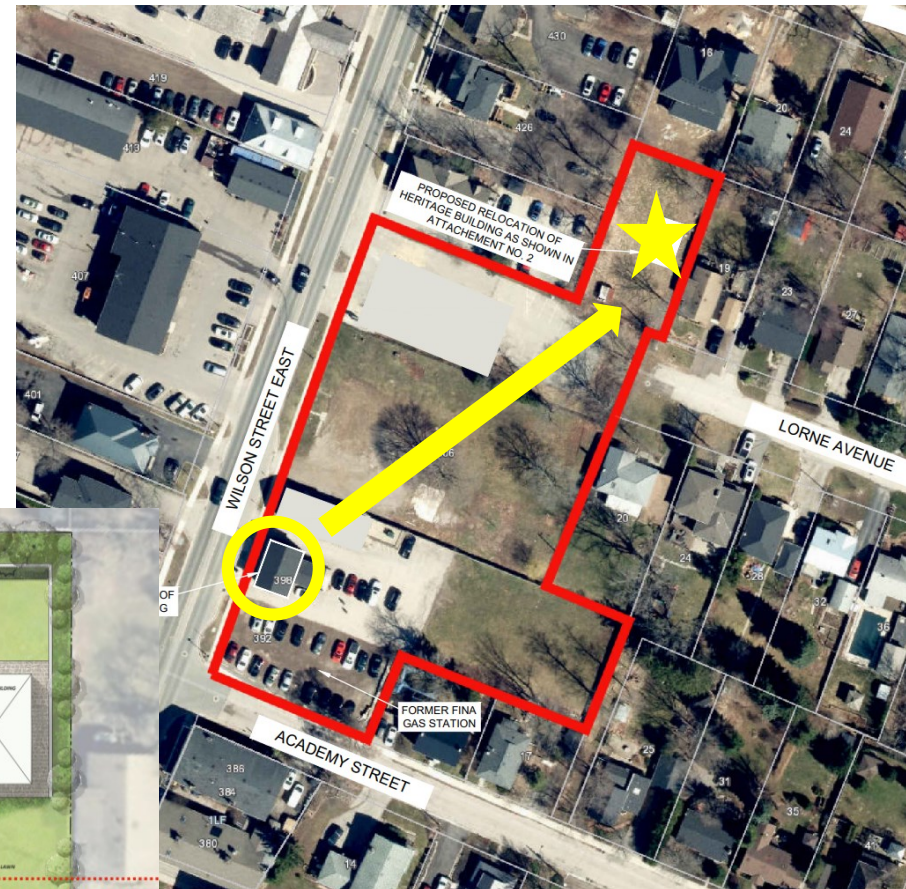
# HP2021-033 – 398 WILSON STREET EAST, ANCASTER

## Proposal:

- Relocate the existing stone structure (Marr House) to the NE corner of amalgamated parcel (15 Lorne Avenue);
- Removal of rear wing addition;
- Extensive restoration work following relocation;
- Conceptual plan shows use as amenity space/garden for future redevelopment.

## Applicant's Reason for Relocation:

- Decontaminate soil and groundwater below/adjacent to structure;
- Future comprehensive redevelopment of the site.





# HP2021-033 – 398 WILSON STREET EAST, ANCASTER

GBCA Project No. 21006 - 392- 412 Wilson Street East and 15 Lorne Avenue Ancaster

4 June 2021



*Marr House, 2021 (GBCA). North Elevation. Top left window opening closed in.*



*Marr House, 2021 (GBCA). South Elevation. Blank wall with tail extending to the east. Foundation issues notable from a distance.*



*Marr House, 2021 (GBCA). East Elevation. Rear tail covers to ground level openings.*

GBCA Architects



*Marr House, 2021 (GBCA). West Elevation 2.4 meters from Wilson Street East. Although the designation by-law notes that chimneys are a contributing heritage attribute, in its current state these are no longer present.*

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# HP2021-033 – 398 WILSON STREET EAST, ANCASTER

## SCHEDULE "B"

### Reasons for Designation of 398 Wilson Street East, in the Town of Ancaster

The Marr House/Heritage Bookstore, known municipally as 398 Wilson Street East, in the Town of Ancaster, being of historic and architectural value and interest, is a well-preserved and charming Georgian stone house dating from circa 1850 although some stylistic details suggest an earlier date.

Without restricting the generality of the foregoing the reasons for this Council designating the described premises include the intention that the following features of the described premises should be preserved, that is,

this Council has no intention that any alteration, maintenance, repair, replacement or improvement of elements of the premises requires the prior written consent of this Council unless such affect the reasons for the designation of the premises as described in paragraphs (a) to (c) herein.

### **Property Overview:**

- Part IV of OHA in 1978 by By-law No. 78-87;
- Constructed circa 1850 for Adam Marr, local cabinet maker;
- Random rubble stone structure consistent with others along Wilson St;
- Initially a residence, converted to commercial uses.

### **Previous Applications:**

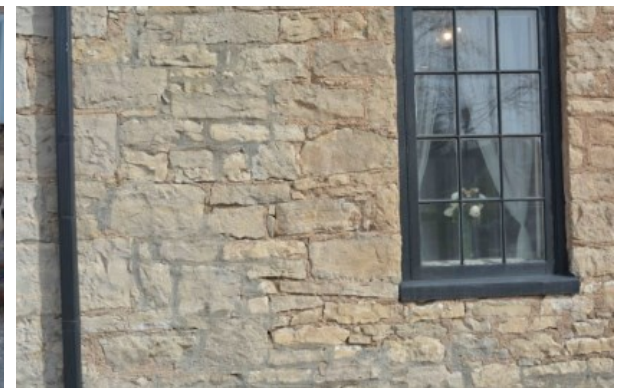
- Formal Consultation in 2019 for redevelopment including relocation of Marr House – no formal *Planning Act* applications submitted to date.

# HP2021-033 – 398 WILSON STREET EAST, ANCASTER

## **Cultural Heritage Impact Assessment (CHIA) prepared by GBCA Architects:**

### Conclusions & Recommendations:

- Recognition of the location on Wilson St E being considered character attribute;
- Due to site conditions, relocation is considered necessary intervention for remediation of site and for long term-conservation of resource;
- Permanent relocation will limit unnecessary impacts to building from multiple moves;
- Advises a Structural Engineer with heritage knowledge needs to be consulted;
- Advises specifications & scope of relocation should be prepared by qualified Building Mover in conjunction with Structural Engineer;
- Proposal balances demand for intensification with those of heritage preservation in a manner that allows both objectives to be appreciated as a part of a complex and changing urban environment.



# HP2021-033 – 398 WILSON STREET EAST, ANCASTER

**Environmental Letter prepared by Landtek Limited Consulting Engineers:**

**Contamination:**

- Site previously contained gas station
- Subsurface soil and groundwater impacts have been confirmed
- Impact plumes migrated to several areas including beneath the Marr House
- Contamination has been found to depths of up to 6-8m

**Proposed Remediation:**

- Redevelopment remedial option is expected to be a 'dig and dump' method
- Focus on remove/dispose impacted materials
- Landtek's opinion that the structural integrity of on-site structures will be jeopardized.
- Recommend demolition/removal or relocation to allow for remediation to get an accepted Record of Site Condition



Estimated extent of on-Site groundwater contamination

Estimated extent of on-Site soil contamination

Estimated groundwater flow direction

# HP2021-033 – 398 WILSON STREET EAST, ANCASTER

## Policy & Design Working Group:

- Reviewed CHIA at the **August 23, 2021** and had several concerns about the CHIA, deemed it to be incomplete.

## Heritage Permit Review Subcommittee Consultation (HPRS):

- Reviewed application at a special meeting on **August 31, 2021** and recommended that the application as submitted be **denied**.
- Several concerns and questions raised about the proposal including:
  - Significance of its location;
  - Associated risks given complex nature of relocating stone structure;
  - Other alternatives (location and remediation methods);
  - Future intention for property;
  - Scope and timing of remediation;
  - Case studies;
  - Conformity with policy.

# HP2021-033 – 398 WILSON STREET EAST, ANCASTER

## Staff Analysis:

- Key Factors Considered for Evaluating Change Affecting Heritage Resource:
  - Displacement Effects:
    - Entire structure and all features proposed to be removed from its designated and prominent location along Wilson St E.
  - Disruption Effects:
    - Complex relocation given random rubble stone construction and age – high potential risks that could be irreversible;
    - Changes to the setting of the historic building from streetscape (defining feature).
- Ontario Heritage Act:
  - Interpreted as a demolition as all attributes proposed to be removed from limitations of designated parcel.
- Archaeology:
  - Amalgamated site meets six of ten criteria used by MHSTCI;
  - No Stage 1&2 Archaeological Assessment submitted with application.

# HP2021-033 – 398 WILSON STREET EAST, ANCASTER

## Staff Conclusions:

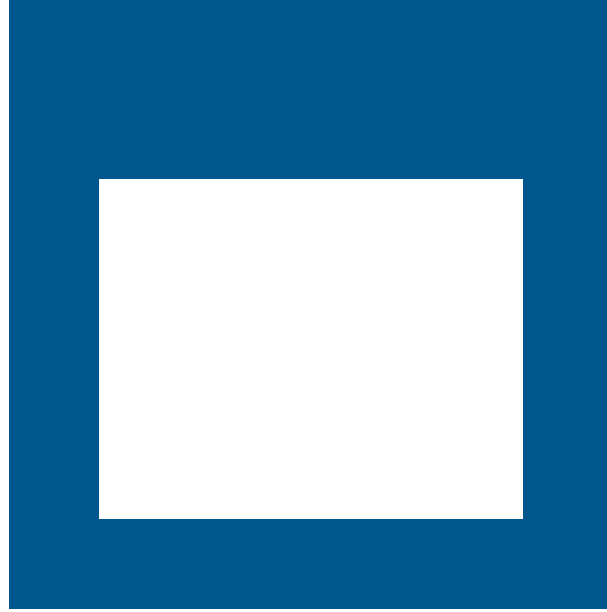
- Does not meet the intent of the designation By-law - value of building's setting;
- Not in keeping with the policies of the PPS, UHOP, Ancaster Wilson Street Secondary Plan;
- Potential mitigation measures or alternatives are not adequately assessed;
- Supporting documentation does not provide sufficient justification or technical information;
  - CHIA is deficient in its assessment, alternatives and overall impact;
  - Environmental Letter had minimal information on contamination or options;
  - No documentation provided by qualified Structural Engineer;
  - No documentation provided by qualified building moving company;
  - No technical information on scope or specifications of building.
- Formal Consultation in 2019 identified concerns and requirements from other departments – should be reviewed in its entirety through appropriate *Planning Act* applications;
- Application cannot be adequately assessed, insufficient evidence to support relocation as proposed;
- In agreement with recommendation of HPRS.

# HP2021-033 – 398 WILSON STREET EAST, ANCASTER

## **Staff Recommendation:**

- (a) That Heritage Permit application HP2021-033, for the relocation of the Part IV designated heritage building at 398 Wilson Street East, Ancaster, under section 34 of the *Ontario Heritage Act*, be deemed to be premature and therefore be **denied**;
- (b) That appropriate notice of the Council decision be served on the owner of 398 Wilson Street East, Ancaster, and the Ontario Heritage Trust, as required under Section 34 of the *Ontario Heritage Act*.





THANK YOU