



City of Hamilton

HAMILTON MUNICIPAL HERITAGE COMMITTEE REVISED

Meeting #: 23-011

Date: November 28, 2023

Time: 12:00 p.m.

Location: Room 264, 2nd Floor, City Hall (hybrid) (RM)
71 Main Street West

Aleah Whalen, Legislative Coordinator (905) 546-2424 ext. 6436

1. APPOINTMENT OF CHAIR AND VICE-CHAIR

2. APPROVAL OF AGENDA

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

3. DECLARATIONS OF INTEREST

4. APPROVAL OF MINUTES OF PREVIOUS MEETING

4.1 October 20, 2023

5. COMMUNICATIONS

5.1 Correspondence to the Ontario Heritage Trust, Provincial Heritage Registrar, respecting Notice of Passing of By-law No. 23-200 to Designate 64 Hatt Street, Dundas under Part IV of the Ontario Heritage Act

Recommendation: Be received

5.2 Correspondence to Ontario Heritage Trust respecting Notice of Intention to Designate under Part IV of the Ontario Heritage Act 7 Ravenscliffe Avenue, Hamilton

Recommendation: Be received

5.3 Correspondence from Infrastructure Ontario respecting Cultural Heritage Evaluations - Infrastructure Ontario (IO) Projects

Recommendation: Be received

- 5.4 Correspondence from Infrastructure Ontario respecting Cultural Heritage Evaluation Report Questionnaire for John Sopinka Courthouse located at 45 Main Street East, City of Hamilton
- Recommendation: Be received
- 5.5 Correspondence from Infrastructure Ontario respecting a Cultural Heritage Evaluation report of the Hamilton Superior Court Family Justice Courthouse, 55 Main Street West
- Recommendation: Be received
- 5.6 Notice of Council Decision for Heritage Permit Application HP2023-042 for 1541 Fiddlers Green Road, Ancaster (Ward 12), Part IV Designation (By-law No. 84-55)
- Recommendation: Be received
- 5.7 Notice of Council Decision for Heritage Permit Application HP2023-041 for 79 Markland Street, Hamilton (Ward 2), Durand-Markland Heritage Conservation District, Designated under Part V of the Ontario Heritage Act (By-law No. 94-184)
- Recommendation: Be received

6. DELEGATION REQUESTS

- 6.1 Kayla Jonas Galvin, Archaeological Research Associates Ltd., and Miranda Brunton, Infrastructure Ontario, respecting the Cultural Heritage Evaluation (CHE) - John Sopinka Courthouse and SCJ Family Courthouse (for a future meeting)

7. DELEGATIONS

8. STAFF PRESENTATIONS

- *8.1 Introduction to Cultural Heritage Planning - Hamilton Municipal Heritage Committee Member Orientation
- Presentation attached.
- *8.2 Recommendation to Designate 176 Wilson Street East, Ancaster, known as Birch Lawn, under Part IV of the Ontario Heritage Act (PED23241) (Ward 12)
- Presentation attached.
- *8.3 Recommendation to Designate 241 Wilson Street East, Ancaster, former Ancaster Carriage Company Factory, under Part IV of the Ontario Heritage Act (PED23192) (Ward 12)
- Presentation attached.

Members of the public can contact the Clerk's Office to acquire the documents considered at this meeting, in an alternate format.

9. CONSENT ITEMS

- 9.1 Bill 139, Schedule 14, Less Red Tape, More Common Sense Act, 2023, and Proposed Changes to the Ontario Heritage Act and the Heritage Permit Requirements for Alterations

to Part IV Designated Properties with Buildings Used for Religious Practices (PED23253) (City Wide)

- 9.2 Heritage Permit Review Sub-Committee Minutes (October 17, 2023)

- 9.3 Delegated Approval: Heritage Permit Applications

- a. Heritage Permit Application HP2023-038: Exterior Alterations at 21 Mill Street North, Flamborough (Ward 15) (By-law No. 96-34-H)
- b. Heritage Permit Application HP2023-043: Removal of the Existing Deck and Construction of a Pergola at 1000 Beach Boulevard, Hamilton (Ward 5) (By-law No. 00-135)
- c. Heritage Permit Application HP2023-046: Exterior Façade Alterations at 255-265 James Street North, Hamilton (Hamilton Brass Manufacturing Co. Building) (Ward 2) (By-law No. 87-176)

[Extension of Previously-Approved Permit HP2021-042 with Minor Changes]
- d. Heritage Permit Application HP2023-047: Installation of a Finial Above the Front Gable at 262 MacNab Street North, Hamilton (MacNab Terrace) (Ward 2) (By-law N. 18-127)
- e. Heritage Permit Application HP2023-048: Repairs to the Contemporary Pedestrian Bridge at 77 King Street West, Stoney Creek (Battlefield NHS) (Ward 5) (By-law No. 3419-91)
- f. Heritage Permit Application HP2023-050: Station Rehabilitation and Upgrades at 36 Hunter Street East, Hamilton (Hamilton GO Centre) (Ward 2) (By-law No. 94-125)
- g. Heritage Permit Application HP2023-051: Proposed Redevelopment of 18-28 King Street East, Hamilton (The Gore Buildings) (Ward 2) (By-law No. 18-321) [Extension of Previously-Approved Permit HP2021-037]
- h. Heritage Permit Application HP2023-049: Construction of a Second Storey Addition at 52 Mill Street South, Flamborough (Ward 15) (By-law No. 96-34-H)

Members of the public can contact the Clerk's Office to acquire the documents considered at this meeting, in an alternate format.

- i. Heritage Permit Application HP2023-055: Installation of Hostile Vehicle Mitigation Barriers at 71 Main Street West, Hamilton (City Hall) (Ward 2) (By-law No. 06-011) [Extension of Previously-Approved Permit HP2021-051]
- *j. Heritage Permit Application HP2023-052: Installation of a Municipal Heritage Plaque at 289 Dundas Street East, Dundas (Ward 15) (By-law No. 22-139)

10. DISCUSSION ITEMS

10.1 Establishment of Working Group Memberships

- a. Education and Communications Working Group
Meets monthly or as needed, for a minimum of 2 hours
- b. Inventory and Research Working Group
Meets monthly for minimum of 2 hours
- c. Policy and Design Working Group
Meets monthly, or as needed, for a minimum of 2 hours

10.2 Monthly Report on Recommended Proactive Listings for the Municipal Heritage Register, November 2023 (PED23235) (Ward 3)

11. MOTIONS

12. NOTICES OF MOTION

13. GENERAL INFORMATION / OTHER BUSINESS

13.1 Buildings and Landscapes

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

a. Endangered Buildings and Landscapes (RED)

Ancaster

- (i) 372 Butter Road West, Andrew Sloss House (D) – K. Burke
- (ii) 1021 Garner Road East, Lampman House (D) – K. Burke
- (iii) 398 Wilson Street East, Marr House (D) – K. Burke

Dundas

- (iv) 2 Hatt Street (R) – K. Burke
- (v) 216 Hatt Street (I) – K. Burke
- (vi) 215 King Street West (R) – K. Burke
- (vii) 219 King Street West (R) – K. Burke

Glanbrook

- (viii) 2235 Upper James Street (R) – G. Carroll

Hamilton

- (ix) 80-92 Barton Street East, Former Hanrahan Hotel (R) – T. Ritchie
- (x) 1155-1157 Beach Boulevard, Beach Canal Lighthouse and Cottage (D) – R. McKee
- (xi) 66-68 Charlton Avenue West (D) – J. Brown
- (xii) 71 Claremont Drive, Auchmar Gate House / Claremont Lodge (R) – R. McKee
- (xiii) 711 Concession Street, Former Mount Hamilton Hospital, 1932 Wing (R) – G. Carroll
- (xiv) 127 Hughson Street North, Firth Brothers Building (D) – T. Ritchie
- (xv) 163 Jackson Street West, Pinehurst / Television City (D) – J. Brown
- (xvi) 108 James Street North, Tivoli (D) – T. Ritchie
- (xvii) 98 James Street South, Former James Street Baptist Church (D) – J. Brown

Brown

- (xviii) 18-22 King Street East, Gore Buildings (D) – W. Rosart
- (xix) 24-28 King Street East, Gore Buildings (D) – W. Rosart
- (xx) 537 King Street East, Rebel's Rock (R) – G. Carroll
- (xxi) 378 Main Street East, Cathedral Boys School (R) – T. Ritchie
- (xxii) 679 Main Street East / 85 Holton Street South, Former St. Giles Church (I) – G. Carroll
- (xxiii) 120 Park Street North (R) – R. McKee
- (xxiv) 828 Sanatorium Road, Long and Bisby Building (D) – G. Carroll
- (xxv) 100 West 5th Street, Century Manor (D) – G. Carroll

b. Buildings and Landscapes of Interest (YELLOW)

Dundas

- (i) 64 Hatt Street, Former Valley City Manufacturing (D) – K. Burke
- (ii) 24 King Street West, Former Majestic Theatre (I) – K. Burke
- (iii) 3 Main Street, Former Masonic Lodge (D) – K. Burke
- (iv) 23 Melville Street, Knox Presbyterian Church (D) – K. Burke
- (v) 574 Northcliffe Avenue, St. Joseph's Motherhouse (R) – W. Rosart

Flamborough

- (vi) 283 Brock Road, WF Township Hall (D) – L. Lunsted
- (vii) 62 6th Concession East, Hewick House (I) – L. Lunsted

Hamilton

- (viii) 1 Balfour Drive, Chedoke Estate / Balfour House, (R) – T. Ritchie
- (ix) 384 Barton Street East, St. Paul's Ecumenical Church (D) – T. Ritchie
- (x) 134 Cannon Street East, Cannon Knitting Mill (R) – T. Ritchie
- (xi) 52 Charlton Avenue West, Former Charlton Hall (D) – J. Brown
- (xii) 2 Dartnall Road, Rymal Road Station Silos (R) – G. Carroll
- (xiii) 54-56 Hess Street South (NOID) – J. Brown
- (xiv) 1000 Main Street East, Dunington-Grubb Gardens / Gage Park (R) – G. Carroll
- (xv) 1284 Main Street East, Delta High School (D) – G. Carroll
- (xvi) 1 Main Street West, Former BMO / Gowlings (D) – W. Rosart
- (xvii) 311 Rymal Road East (R) – G. Carroll
- (xviii) St. Clair Boulevard Heritage Conservation District (D) – G. Carroll
- (xix) 56 York Boulevard / 63-76 MacNab Street North, Copley Building (D) – G. Carroll
- (xx) 84 York Boulevard, Philpott Church (R) – G. Carroll
- (xxii) 175 Lawrence Road, Hamilton Pressed / Century Brick (R) – G.

Carroll

(xxii) 65 Charlton Avenue East, Church of Ascension (D, NHS), Hamilton – G. Carroll

(xxiii) 4 Turner Avenue, Hamilton (R) – J. Brown

(xxiv) 420 King St E, St. Patrick Roman Catholic Church (I) – W. Rosart
Stoney Creek

(xxv) 2251 Rymal Road East, Former Elfrida Church (R) – G. Carroll

c. Heritage Properties Update (GREEN)

Dundas

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

Hamilton

(ii) 46 Forest Avenue, Rastrick House (D) – G. Carroll

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

(iv) 125 King Street East, Norwich Apartments (R) – T. Ritchie

(v) 206 Main Street West, Arlo House (R) – J. Brown

(vi) 50-54 Sanders Boulevard, Binkley Property (R) – J. Brown

d. Heritage Properties Update (BLACK)

Ancaster

(i) 442, 450 and 452 Wilson Street East (R) – K. Burke

Heritage Status: (I) Inventoried, (R) Registered, (D) Designated, (NHS)
National Historic Site

14. PRIVATE AND CONFIDENTIAL

15. ADJOURNMENT



Hamilton

HAMILTON MUNICIPAL HERITAGE COMMITTEE

Minutes 23-010

1:30 p.m.

October 20, 2023

Council Chambers, 2nd Floor, City Hall

Present: Councillor C. Kroetsch
A. Denham-Robinson (Chair), G. Carroll (Vice-Chair), J. Brown, K. Burke, L. Lunsted, R. McKee, T. Ritchie, and W. Rosart

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

1. Recommendation to Designate 7 Ravenscliffe Avenue, Hamilton, under Part IV of the Ontario Heritage Act (PED23187) (Ward 2) (Item 8.1)

(Ritchie/Carroll)

- (a) That the City Clerk be directed to give notice of Council's intention to designate 7 Ravenscliffe Avenue, Hamilton, shown in Appendix "A" attached to Report PED23187, as a property of cultural heritage value pursuant to the provisions of Part IV, Section 29 of the Ontario Heritage Act, in accordance with the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "B" to Report PED23187, subject to the following:
- (i) If no objections are received to the notice of intention to designate in accordance with the Ontario Heritage Act, City Council directs staff to introduce the necessary by-law to designate the property to be of cultural heritage value or interest to City Council;
 - (ii) If an objection to the notice of intention to designate is received in accordance with the Ontario Heritage Act, City Council directs staff to report back to Council to allow Council to consider the objection and decide whether or not to withdraw the notice of intention to designate the property

CARRIED

2. Heritage Permit Application HP2023-042 to Demolish the Remnant Structure at 1541 Fiddlers Green Road, Ancaster, and Recommendation to Repeal Designation By-law No. 84-55 under Section 31 of the Ontario Heritage Act (PED23220) (Ward 12) (Item 10.1)

(Burke/Brown)

- (a) That Heritage Permit Application HP2023-042, for the demolition of the designated property at 1541 Fiddlers Green Road, Ancaster, as shown in

Appendix "A" to Report PED23220, be approved, subject to the following Heritage Permit condition:

- (i) That the applicant make every reasonable effort to facilitate salvaging any remaining heritage features as part of the demolition process as may be safely permitted, to the satisfaction and approval of the Director of Planning and Chief Planner;
- (b) That the City Clerk be directed to give notice of Council's intention to repeal Bylaw No. 84-55, being a by-law designating 1541 Fiddlers Green Road, Ancaster attached as Appendix "B" to Report PED23220, in accordance with the requirements of Section 31(3) of the Ontario Heritage Act, subject to the following:
 - (i) If no objections to the notice of intention to repeal are received in accordance with the Ontario Heritage Act, City Council directs staff to introduce the necessary by-law to repeal to City Council;
 - (ii) If an objection to the notice of intention to repeal is received in accordance with the Ontario Heritage Act, City Council directs staff to report back to Council to allow Council to consider the objection and decide whether or not to withdraw the notice of intention to repeal.

CARRIED

3. Notice of Intention to Demolish the Building Located at 309 James Street North, Hamilton, being a Non-Designated Property Listed on the Municipal Heritage Register (PED23225) (Ward 2) (Item 10.2)

(Brown/Ritchie)

That the non-designated property located at 309 James Street North, Hamilton, be removed from the Municipal Heritage Register.

CARRIED

4. Heritage Permit Application HP2023-036, Under Sections 33 and 34 of the Ontario Heritage Act, for the Adaptive Reuse of the Former Delta Secondary School Building (circa 1924), Removal of the Rear Additions (circa 1948-1950), Construction of New Four-Storey Rear Additions and Modifications to the Landscape at 1284 Main Street East, Hamilton (PED23224) (Ward 4) (Item 10.3)

(Brown/Rosart)

That Heritage Permit Application HP2023-036 for the adaptive reuse of the former Delta Secondary School Building (circa 1924), removal of the rear additions (circa 1948- 1950), construction of new four storey rear additions and modifications to the landscape at 1284 Main Street East, Hamilton, under Sections 33 and 34 of the Ontario Heritage Act, be refused.

CARRIED

5. Heritage Permit Application HP2023-041, Under Part V of the Ontario Heritage Act, for the Erection of a New Front Detached Accessory Structure at 79 Markland Street, Hamilton (PED23223) (Ward 2) (Item 10.4)

(Brown/Ritchie)

- (a) That Heritage Permit Application HP2023-041, for the erection of a front detached accessory structure on the designated property at 79 Markland Street, Hamilton (Durand-Markland Heritage Conservation District), as shown in Appendix "A" attached to Report PED23223, be approved, subject to the approval of any required Planning Act applications and the following Heritage Permit conditions:
- (i) That the final details for the proposed stucco be submitted to the satisfaction and approval of the Director of Planning and Chief Planner, prior to installation;
 - (ii) 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;
 - (iii) That construction and site alterations, in accordance with this approval, shall be completed no later than November 30, 2025. If the construction and site alterations are not completed by November 30, 2025, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

CARRIED

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

The Clerk advised the Committee of the following changes to the agenda:

6. DELEGATIONS

- 6.3 James Webb, WEBB Planning Consultants, respecting item 10.2 Notice of Intention to Demolish the Building Located at 309 James Street North, Hamilton, being a Non-Designated Property Listed on the Municipal Heritage Register (PED23225) (Ward 2)
- 6.4 Sarah Knoll, GSP Group Inc., respecting item 10.3 Heritage Permit Application HP2023-036 , Under Sections 33 and 34 of the Ontario Heritage Act, for the Adaptive Reuse of the Former Delta Secondary School Building (circa 1924), Removal of the Rear Additions (circa 1948-1950), Construction of New Four-Storey Rear Additions and Modifications to the Landscape at 1284 Main Street East, Hamilton (PED23224) (Ward 4)
- 6.5 Kasper Koblauch, ERA Architects, respecting item 10.3 Heritage Permit Application HP2023-036 , Under Sections 33 and 34 of the Ontario Heritage Act, for the Adaptive Reuse of the Former Delta Secondary School Building (circa 1924), Removal of the Rear Additions (circa 1948-1950), Construction of New Four-Storey Rear

Additions and Modifications to the Landscape at 1284 Main Street East, Hamilton (PED23224) (Ward 4)

- 6.6 Nathan Morgenstern, Sullivan Festeryga LLP, respecting item 10.1 Heritage Permit Application HP2023-042 to Demolish the Remnant Structure at 1541 Fiddlers Green Road, Ancaster Repeal Designation By-law No. 84-55 under Section 31 of the Ontario Heritage Act (PED23220) (Ward 12)

9. CONSENT ITEMS

- 9.1 Working Group Meeting Notes

b. Education and Communication Working Group (September 6, 2023)

- 9.3 Heritage Permit Review Sub-Committee Minutes (September 19, 2023)

(Brown/Carroll)

That the agenda for October 20, 2023 Hamilton Municipal Heritage Committee, be approved, as amended.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 3)

A. Denham-Robinson declared a disqualifying interest to Item 9.2 (e) respecting Heritage Permit Application HP2023-045: Exterior Alterations to the Long & Bisby Building and Landscape Alterations to the Surrounding Open, Park-Like Setting of the Property at 828 Sanatorium Road and 870 Scenic Drive, Hamilton (Mountain Sanatorium Brow Site) (Ward 14) (by-law No. 21-036) as she works for an architecture firm involved with the property.

A. Denham-Robinson declared a disqualifying interest to Item 10.2 respecting Notice of Intention to Demolish the Building Located at 309 James Street North, Hamilton, being a Non-Designated Property Listed on the Municipal Heritage Register (PED23225) (Ward 2) as she has a family member involved with the property.

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

- (i) September 26, 2023 (Item 4.1)**

(Ritchie/Brown)

That the Minutes of September 26, 2023 meeting of the Hamilton Municipal Heritage Committee, be approved, as presented.

CARRIED

(d) COMMUNICATIONS (Item 5)

- (i) (Burke/Brown)**

That the following Communication items be approved, as presented:

- (a) Russell Cheeseman for Brown's Wharf Development respecting Designation of 54 and 56 Hess St South (Item 5.1)

Recommendation: Be received.

- (b) Correspondence to the Ontario Heritage Trust, Provincial Heritage Registrar, respecting Notice of Intention to Designate under Part IV of the Ontario Heritage Act 54-56 Hess Street South (Item 5.2)

Recommendation: Be received.

CARRIED

(e) DELEGATION REQUESTS (Item 6)

(i) (Carroll/McKee)

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

- (a) Chris Cavacuiti, respecting Item 10.4 Heritage Permit Application HP2023-041, Under Part V of the Ontario Heritage Act, for the Erection of a New Front Detached Accessory Structure at 79 Markland Street, Hamilton (PED23223) (Ward 2) (Item 6.1)
- (b) Michael Baytman, respecting Item 10.4 Heritage Permit Application HP2023-041, Under Part V of the Ontario Heritage Act, for the Erection of a New Front Detached Accessory Structure at 79 Markland Street, Hamilton (PED23223) (Ward 2) (Item 6.2)
- (c) James Webb, WEBB Planning Consultants, respecting item 10.2 Notice of Intention to Demolish the Building Located at 309 James Street North, Hamilton, being a Non-Designated Property Listed on the Municipal Heritage Register (PED23225) (Ward 2) (Added Item 6.3)
- (d) Sarah Knoll, GSP Group Inc., respecting item 10.3 Heritage Permit Application HP2023-036, Under Sections 33 and 34 of the Ontario Heritage Act, for the Adaptive Reuse of the Former Delta Secondary School Building (circa 1924), Removal of the Rear Additions (circa 1948-1950), Construction of New Four-Storey Rear Additions and Modifications to the Landscape at 1284 Main Street East, Hamilton (PED23224) (Ward 4) (Added Item 6.4)
- (e) Kasper Koblauch, ERA Architects, respecting item 10.3 Heritage Permit Application HP2023-036, Under Sections 33 and 34 of the Ontario Heritage Act, for the Adaptive Reuse of the Former Delta Secondary School Building (circa 1924), Removal of the Rear Additions (circa 1948-1950), Construction of New Four-Storey Rear Additions and Modifications to the Landscape at 1284 Main Street East, Hamilton (PED23224) (Ward 4) (Added Item 6.5)

- (f) Nathan Morgenstern, Sullivan Festeryga LLP, respecting item 10.1 Heritage Permit Application HP2023-042 to Demolish the Remnant Structure at 1541 Fiddlers Green Road, Ancaster Repeal Designation By-law No. 84-55 under Section 31 of the Ontario Heritage Act (PED23220) (Ward 12) (Added Item 6.6)

CARRIED

(f) DELEGATIONS (Item 7)

- (i) Chris Cavacuiti, respecting Item 10.4 Heritage Permit Application HP2023-041, Under Part V of the Ontario Heritage Act, for the Erection of a New Front Detached Accessory Structure at 79 Markland Street, Hamilton (PED23223) (Ward 2) (Item 7.1)**

Chris Cavacuiti, addressed Committee respecting Item 10.4, Heritage Permit Application HP2023-041, Under Part V of the Ontario Heritage Act, for the Erection of a New Front Detached Accessory Structure at 79 Markland Street, Hamilton (PED23223) (Ward 2).

- (ii) Michael Baytman, respecting Item 10.4 Heritage Permit Application HP2023-041, Under Part V of the Ontario Heritage Act, for the Erection of a New Front Detached Accessory Structure at 79 Markland Street, Hamilton (PED23223) (Ward 2) (Item 7.2)**

Michael Baytman, addressed Committee with the aid of a PowerPoint presentation respecting Item 10.4, Heritage Permit Application HP2023-041, Under Part V of the Ontario Heritage Act, for the Erection of a New Front Detached Accessory Structure at 79 Markland Street, Hamilton (PED23223) (Ward 2).

- (iii) James Webb, WEBB Planning Consultants, respecting Item 10.2 Notice of Intention to Demolish the Building Located at 309 James Street North, Hamilton, being a Non-Designated Property Listed on the Municipal Heritage Register (PED23225) (Ward 2) (Added Item 7.3)**

James Webb, addressed Committee respecting Item 10.2 Notice of Intention to Demolish the Building Located at 309 James Street North, Hamilton, being a Non-Designated Property Listed on the Municipal Heritage Register (PED23225) (Ward 2).

- (iv) Sarah Knoll, GSP Group Inc., respecting Item 10.3 Heritage Permit Application HP2023-036 , Under Sections 33 and 34 of the Ontario Heritage Act, for the Adaptive Reuse of the Former Delta Secondary School Building (circa 1924), Removal of the Rear Additions (circa 1948-1950), Construction of New Four-Storey Rear Additions and Modifications to the Landscape at 1284 Main Street East, Hamilton (PED23224) (Ward 4) (Added Item 7.4)**

Sarah Knoll, addressed Committee with the aid of a PowerPoint presentation respecting Item 10.3 Heritage Permit Application HP2023-036 , Under Sections 33 and 34 of the Ontario Heritage Act, for the

Adaptive Reuse of the Former Delta Secondary School Building (circa 1924), Removal of the Rear Additions (circa 1948-1950), Construction of New Four-Storey Rear Additions and Modifications to the Landscape at 1284 Main Street East, Hamilton (PED23224) (Ward 4).

- (v) **Kasper Koblauch, ERA Architects, respecting item 10.3 Heritage Permit Application HP2023-036 , Under Sections 33 and 34 of the Ontario Heritage Act, for the Adaptive Reuse of the Former Delta Secondary School Building (circa 1924), Removal of the Rear Additions (circa 1948-1950), Construction of New Four-Storey Rear Additions and Modifications to the Landscape at 1284 Main Street East, Hamilton (PED23224) (Ward 4) (Added Item 7.5)**

Kasper Koblauch, addressed Committee with the aid of a PowerPoint presentation respecting Item 10.3 Heritage Permit Application HP2023-036 , Under Sections 33 and 34 of the Ontario Heritage Act, for the Adaptive Reuse of the Former Delta Secondary School Building (circa 1924), Removal of the Rear Additions (circa 1948-1950), Construction of New Four-Storey Rear Additions and Modifications to the Landscape at 1284 Main Street East, Hamilton (PED23224) (Ward 4).

- (vi) **Nathan Morgenstern, Sullivan Festeryga LLP, respecting Item 10.1 Heritage Permit Application HP2023-042 to Demolish the Remnant Structure at 1541 Fiddlers Green Road, Ancaster Repeal Designation By-law No. 84-55 under Section 31 of the Ontario Heritage Act (PED23220) (Ward 12) (Added Item 7.6)**

Nathan Morgenstern, addressed Committee respecting Item 10.1 Heritage Permit Application HP2023-042 to Demolish the Remnant Structure at 1541 Fiddlers Green Road, Ancaster Repeal Designation By-law No. 84-55 under Section 31 of the Ontario Heritage Act (PED23220) (Ward 12).

(Ritchie/Brown)

That the following Delegations, be received:

- (i) Chris Cavacuiti, respecting Item 10.4 Heritage Permit Application HP2023-041, Under Part V of the Ontario Heritage Act, for the Erection of a New Front Detached Accessory Structure at 79 Markland Street, Hamilton (PED23223) (Ward 2) (Item 7.1)
- (ii) Michael Baytman, respecting Item 10.4 Heritage Permit Application HP2023-041, Under Part V of the Ontario Heritage Act, for the Erection of a New Front Detached Accessory Structure at 79 Markland Street, Hamilton (PED23223) (Ward 2) (Item 7.2)
- (iii) James Webb, WEBB Planning Consultants, respecting Item 10.2 Notice of Intention to Demolish the Building Located at 309 James Street North, Hamilton, being a Non-Designated Property Listed on the Municipal Heritage Register (PED23225) (Ward 2) (Added Item 7.3)

- (iv) Sarah Knoll, GSP Group Inc., respecting Item 10.3 Heritage Permit Application HP2023-036 , Under Sections 33 and 34 of the Ontario Heritage Act, for the Adaptive Reuse of the Former Delta Secondary School Building (circa 1924), Removal of the Rear Additions (circa 1948-1950), Construction of New Four-Storey Rear Additions and Modifications to the Landscape at 1284 Main Street East, Hamilton (PED23224) (Ward 4) (Added Item 7.4)
- (v) Kasper Koblauch, ERA Architects, respecting item 10.3 Heritage Permit Application HP2023-036 , Under Sections 33 and 34 of the Ontario Heritage Act, for the Adaptive Reuse of the Former Delta Secondary School Building (circa 1924), Removal of the Rear Additions (circa 1948-1950), Construction of New Four-Storey Rear Additions and Modifications to the Landscape at 1284 Main Street East, Hamilton (PED23224) (Ward 4) (Added Item 7.5)
- (vi) Nathan Morgenstern, Sullivan Festeryga LLP, respecting Item 10.1 Heritage Permit Application HP2023-042 to Demolish the Remnant Structure at 1541 Fiddlers Green Road, Ancaster Repeal Designation By-law No. 84-55 under Section 31 of the Ontario Heritage Act (PED23220) (Ward 12) (Added Item 7.6)

CARRIED

(g) STAFF PRESENTATIONS (Item 8)

- (i) **Recommendation to Designate 7 Ravenscliffe Avenue, Hamilton, under Part IV of the Ontario Heritage Act (PED23187) (Ward 2) (Item 8.1)**

(Carroll/Lunsted)

That the Staff Presentation, be waived.

CARRIED

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

(h) CONSENT ITEMS (Item 9)

(Lunsted/Ritchie)

That the following Consent Items, be received:

- (i) Working Group Meeting Notes (Item 9.1)
 - (a) Education and Communication Working Group (July 5, 2023) (Item 9.1(a))
 - (b) Education and Communication Working Group (September 6, 2023) (Item 9.1(b))
- (ii) Delegated Approval: Heritage Permit Applications (Item 9.2)

- (a) Heritage Permit Application HP2023-044: Removal of Dying Norway Maple Trees at 211 Mill Street North, Flamborough (Ward 15) (By-law No. 96-34-H) (Item 9.2 (a))
 - (b) Heritage Permit Application HP2023-034: Removal and Installation of New Roofing Material at 31 Cross Street, Dundas (Cross-Melville Heritage Conservation District) (Ward 13) (By-law No. 3899-90) (Item 9.2 (b))
 - (c) Heritage Permit Application HP2023-039: Repairs to Exterior Features at 78 Highway 8, Flamborough (Three Gables Antiques and Things) (Ward 13) (By-law No. 87-150H) (Item 9.2 (c))
 - (d) Heritage Permit Application HP2023-037: Installation of Permanent Tactile Walking Surface Indicators at 71 Main Street West, Hamilton (City Hall) (Ward 2) (By-law No. 06-011) (Item 9.2 (d))
 - (e) Heritage Permit Application HP2023-045: Exterior Alterations to the Long & Bisby Building and Landscape Alterations to the Surrounding Open, Park-Like Setting of the Property at 828 Sanatorium Road and 870 Scenic Drive, Hamilton (Mountain Sanatorium Brow Site) (Ward 14) (by-law No. 21-036) (Item 9.2 (e))
- (iii) Heritage Permit Review Sub-Committee Minutes (September 19, 2023) (Item 9.3)

Due to a declared conflict, Item 9.2 (e) was voted on separately, with A. Denham-Robinson abstaining

- (ii) Delegated Approval: Heritage Permit Applications (Item 9.2)
 - (e) Heritage Permit Application HP2023-045: Exterior Alterations to the Long & Bisby Building and Landscape Alterations to the Surrounding Open, Park-Like Setting of the Property at 828 Sanatorium Road and 870 Scenic Drive, Hamilton (Mountain Sanatorium Brow Site) (Ward 14) (by-law No. 21-036) (Item 9.2 (e))

CARRIED

Balance of the Consent Items

CARRIED

(i) DISCUSSION ITEMS (Item 10)

- (i) Notice of Intention to Demolish the Building Located at 309 James Street North, Hamilton, being a Non-Designated Property Listed on the Municipal Heritage Register (PED23225) (Ward 2)**

A. Denham-Robinson relinquished the Chair to G. Carroll, and abstained from voting on this matter, due to Conflict of Interest

For disposition of this matter, refer to Item 3.

A. Denham-Robinson assumed the Chair.

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

(i) Buildings and Landscapes (Item 13.1)

Committee members provided brief updates on properties of interest.

(McKee/Carroll)

That the property located at 77 King Street West, Battlefield House NHS (D), be removed from the Buildings and Landscapes of Interest (YELLOW) listing.

CARRIED

(Brown/Ritchie)

That the property located at 56 Charlton Avenue West, Former Charlton Hall (D), be removed from the Buildings and Landscapes of Interest (YELLOW) listing.

CARRIED

(Lunsted/Carroll)

That the following updates, be received:

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

Ancaster

- (i) 372 Butter Road West, Andrew Sloss House (D) – K. Burke
- (ii) 1021 Garner Road East, Lampman House (D) – K. Burke
- (iii) 398 Wilson Street East, Marr House (D) – K. Burke

Dundas

- (iv) 2 Hatt Street (R) – K. Burke
- (v) 216 Hatt Street (I) – K. Burke
- (vi) 215 King Street West (R) – K. Burke
- (vii) 219 King Street West (R) – K. Burke
- (viii) 6 Tally Ho Drive, Dundas (I) – K. Burke

Glanbrook

- (viii) 2235 Upper James Street (R) – G. Carroll

Hamilton

- (ix) 80-92 Barton Street East, Former Hanrahan Hotel (R) – T. Ritchie
- (x) 1155-1157 Beach Boulevard, Beach Canal Lighthouse and Cottage (D) – R. McKee
- (xi) 66-68 Charlton Avenue West (D) – J. Brown
- (xii) 71 Claremont Drive, Auchmar Gate House / Claremont Lodge (R) – R. McKee

- (xiii) 711 Concession Street, Former Mount Hamilton Hospital, 1932 Wing (R) – G. Carroll
- (xiv) 127 Hughson Street North, Firth Brothers Building (D) – T. Ritchie
- (xv) 163 Jackson Street West, Pinehurst / Television City (D) – J. Brown
- (xvi) 108 James Street North, Tivoli (D) – T. Ritchie
- (xvii) 98 James Street South, Former James Street Baptist Church (D) – J. Brown
- (xviii) 18-22 King Street East, Gore Buildings (D) – W. Rosart
- (xix) 24-28 King Street East, Gore Buildings (D) – W. Rosart
- (xx) 537 King Street East, Rebel's Rock (R) – G. Carroll
- (xxi) 378 Main Street East, Cathedral Boys School (R) – T. Ritchie
- (xxii) 679 Main Street East / 85 Holton Street South, Former St. Giles Church (I) – G. Carroll
- (xxiii) 120 Park Street North (R) – R. McKee
- (xxiv) 828 Sanatorium Road, Long and Bisby Building (D) – G. Carroll
- (xxv) 100 West 5th Street, Century Manor (D) – G. Carroll

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

Dundas

- (i) 64 Hatt Street, Former Valley City Manufacturing (R) – K. Burke
- (ii) 24 King Street West, Former Majestic Theatre (I) – K. Burke
- (iii) 3 Main Street, Former Masonic Lodge (D) – K. Burke
- (iv) 23 Melville Street, Knox Presbyterian Church (D) – K. Burke
- (v) 574 Northcliffe Avenue, St. Joseph's Motherhouse (R) – W. Rosart

Flamborough

- (vi) 283 Brock Road, WF Township Hall (D) – L. Lunsted
- (vii) 62 6th Concession East, Hewick House (I) – L. Lunsted

Hamilton

- (viii) 1 Balfour Drive, Chedoke Estate / Balfour House, (R) – T. Ritchie
- (ix) 384 Barton Street East, St. Paul's Ecumenical Church (D) – T. Ritchie
- (x) 134 Cannon Street East, Cannon Knitting Mill (R) – T. Ritchie

- (xi) 52 Charlton Avenue West, Former Charlton Hall (D) – J. Brown
- (xii) 2 Dartnall Road, Rymal Road Station Silos (R) – G. Carroll
- (xiii) 54-56 Hess Street South (NOID) – J. Brown
- (xiv) 1000 Main Street East, Dunington-Grubb Gardens / Gage Park (R) – G. Carroll
- (xv) 1284 Main Street East, Delta High School (D) – G. Carroll
- (xvi) 1 Main Street West, Former BMO / Gowlings (D) – W. Rosart
- (xvii) 311 Rymal Road East (R) – G. Carroll
- (xviii) St. Clair Boulevard Heritage Conservation District (D) – G. Carroll
- (xix) 56 York Boulevard / 63-76 MacNab Street North, Copley Building (D) – G. Carroll
- (xx) 84 York Boulevard, Philpott Church (R) – G. Carroll
- (xxi) 175 Lawrence Road, Hamilton Pressed / Century Brick (R) – G. Carroll
- (xxii) 65 Charlton Avenue East, Church of Ascension (D, NHS), Hamilton – G. Carroll
- (xxiii) 4 Turner Avenue, Hamilton (R) – J. Brown
- (xxiv) 420 King St E, St. Patrick Roman Catholic Church (I) – W. Rosart

Stoney Creek

- (xxv) 2251 Rymal Road East, Former Elfrida Church (R) – G. Carroll

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

Dundas

- (i) 104 King Street West, Former Post Office (R) – K. Burke

Hamilton

- (ii) 46 Forest Avenue, Rastrick House (D) – G. Carroll
- (iii) 88 Fennell Avenue West, Auchmar (D) – R. McKee
- (iv) 125 King Street East, Norwich Apartments (R) – T. Ritchie
- (v) 206 Main Street West, Arlo House (R) – J. Brown
- (vi) 50-54 Sanders Boulevard, Binkley Property (R) – J. Brown

- (d) Heritage Properties Update (BLACK):
(Black = Properties that HMHC have no control over and may be demolished)

Ancaster

- (i) 442, 450 and 452 Wilson Street East (R) – K. Burke

Heritage Status: (I) Inventoried, (R) Registered, (D) Designated,
(NHS) National Historic Site

CARRIED

(ii) Cultural Heritage Planning Staff Update (Item 13.2)

Alissa Golden, Program Lead, provided the Committee with a verbal update, respecting departmental staffing changes.

(Carroll/Ritchie)

That the verbal update respecting departmental staffing changes, be received.

CARRIED

(k) ADJOURNMENT (Item 15)

(Burke/Ritchie)

That there being no further business, the Hamilton Municipal Heritage Committee adjourned at 4:18 p.m.

CARRIED

Respectfully submitted,

Alissa Denham-Robinson, Chair
Hamilton Municipal Heritage Committee

Aleah Whalen
Legislative Coordinator
Office of the City Clerk



Hamilton

Mailing Address:
71 Main Street West
Hamilton, Ontario
Canada L8P 4Y5
www.hamilton.ca

Planning and Economic Development Department
Planning Division
71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5
Phone: 905-546-2424, Ext. 1258
Fax: 905-540-5611

November 1, 2023

Ontario Heritage Trust
Attn: Provincial Heritage Registrar
10 Adelaide Street East
Toronto, ON M5C 1J3

Dear Provincial Heritage Registrar:

Re: Notice of Passing of By-law No. 23-200 to Designate 64 Hatt Street, Dundas under Part IV of the *Ontario Heritage Act*

Please take notice that the Council of the City of Hamilton has passed By-law No. 23-200 to designate 64 Hatt Street, Dundas, as being of cultural heritage value under Part IV of the *Ontario Heritage Act*. This property was officially designated by Hamilton City Council on the 25th day of October, 2023. Attached please find a copy of By-law No. 23-200.

A Notice of Passing of the By-law was also published in the Hamilton Spectator on November 1, 2023.

Any person who objects to the By-law may, within thirty days after date of publication of the Notice of Passing of the By-law, appeal to the Ontario Land Tribunal by giving the Tribunal and the clerk of the municipality a notice of appeal setting out the objection to the By-law and the reasons in support of the objection, accompanied by the fee charged by the Tribunal, in accordance with Section 29(8) of the *Ontario Heritage Act*.

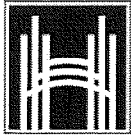
If you have any questions regarding this Notice of Passing, please contact: Meg Oldfield, Cultural Heritage Planner, Phone: (905) 546-2424 ext. 7163, Email: Meg.Oldfield@hamilton.ca.

Sincerely,

Anita Fabac, MCIP RPP
Acting Director of Planning and Chief Planner

Attach.

cc: Councillor Alex Wilson, Ward 13
Susan Nicholson, Solicitor
Alan Shaw, Director, Building Division
Aleah Whalen, Legislative Coordinator
Meg Oldfield, Cultural Heritage Planner



Hamilton

Mailing Address:
71 Main Street West
Hamilton, Ontario
Canada L8P 4Y5
www.hamilton.ca

Planning and Economic Development Department
Planning Division
71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5
Phone: 905-546-2424, Ext. 1258

November 14, 2023

Ontario Heritage Trust
Attn: Provincial Heritage Registrar
10 Adelaide Street East
Toronto, ON M5C 1J3

Dear Provincial Heritage Registrar:

**Re: Notice of Intention to Designate under Part IV of the *Ontario Heritage Act*
7 Ravenscliffe Avenue, Hamilton**

The City of Hamilton intends to designate 7 Ravenscliffe Avenue, Hamilton under Section 29 of the *Ontario Heritage Act*, as being property of cultural heritage value. **Attached** please find the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes for the subject property.

A Notice of Intention to Designate the property was also published in the Hamilton Spectator on November 14, 2023.

Any person who objects to the proposed designation shall, within thirty days after the date of publication of the notice of intention, serve on the clerk of the municipality a notice of objection setting out the reason for the objection and all relevant facts.

If you have any questions regarding this Notice of Intention to Designate, please contact: Meg Oldfield, Cultural Heritage Planner, Phone: (905) 546-2424 ext. 7163, Email: Meg.Oldfield@hamilton.ca.

Sincerely,

Anita Fabac, MCIP RPP
Acting Director of Planning and Chief Planner

MO
Attach.

cc: Councillor Kroetsch, Ward 2
Susan Nicholson, Solicitor



Hamilton

Alan Shaw, Director, Building Division
Aleah Whalen, Legislative Coordinator
Meg Oldfield, Cultural Heritage Planner

STATEMENT OF CULTURAL HERITAGE VALUE OR INTEREST AND DESCRIPTION OF HERITAGE ATTRIBUTES

Description of Property

The 0.17-hectare property at 7 Ravenscliffe Avenue is comprised of a two-and-one-half-storey stucco-clad brick residence constructed circa 1911, located in the Durand neighbourhood of the City of Hamilton.

Statement of Cultural Heritage Value or Interest

The cultural heritage value of the property lies in its design value as a representative example of residential Italian Renaissance Revival architectural style in Hamilton, as demonstrated by its low hipped roof with red clay tiles, stucco façade, paired bracketed eaves, balconets, belt course, pilasters, and Tuscan columns. The property displays a high degree of craftsmanship as demonstrated by the interior wood and plaster features in the front foyer, library, and first and second storey staircase, and the exterior features including the moulded entablature, double bracketed eaves, and Tuscan columns.

The historical value of the property lies in its direct association with Harry Blois Witton (1865-1927), the original owner of the building. Witton worked as a lawyer in Hamilton for 11 years before he was named the vice-president of Tuckett Tobacco Company Ltd. In 1896, and president in 1915. Witton also served on the Hamilton City Council from 1911-1927, and the Board of Education’s appointment to the Library Board. Additionally, the historical value of the property also lies in its direct association with the prominent Hamilton architectural firm of Stewart & Witton, which was operated by Walter Stewart (1871-1917) and William Witton (1871-1947), Harry Blois Witton’s brother, from 1904-1917. The pair designed a number of recognizable residential and institutional buildings in Hamilton, including 6 Ravenscliffe Avenue, Herkimer Apartments, King George Public School, and St. Giles Presbyterian Church.

The contextual value of the property lies in its role in defining the historic character of Ravenscliffe Avenue and the Durand neighbourhood. The building is visually and historically linked to its surroundings as part of the surviving late-nineteenth to early-twentieth century residential streetscape that makes up one of Hamilton’s most prominent and distinguished neighbourhoods.

Description of Heritage Attributes

The key attributes that embody the cultural heritage value of the property as a representative example of the Italian Renaissance Revival style of architecture, with a high degree of craftsmanship, and its historical association with previous owner Harry Blois Witton and architectural firm of Stewart & Witton include:

- All four elevations and roofline of the two-and-one-half storey stucco-clad brick structure including its:
 - Front hipped roof with flanking projecting bays with its:
 - Flanking stucco-clad decorative chimneys;
 - Red clay tiles;
 - Two hipped-roof front dormers;
 - Entablature with modillioned eaves cornice, carved soffit, moulded frieze and architrave, with paired carved brackets;
 - Smooth stucco façades;
 - Flat-headed window openings with one-over-one hung wood windows and storms and plain lug sills;
 - Belt course between the first and second storeys;
 - Five-bay front (west) elevation with its:
 - Flanking balconets in the outer second-storey projecting bays with wrought-iron railings, corbels beneath and decorative keystones in the window below;
 - Central entrance with enclosed portico, plain architrave and pilasters, balcony with balustrades, and arched entryway with French doors;
 - Covered porch in the side (south) elevation with entablature, pilasters, and Tuscan columns;
 - Decorative copper downspouts; and,
 - Coal chutes in the side (north) elevation.

- The interior and original first and second storey features, including the:
 - Front foyer with its segmentally arched front entry way with double doors with wood carved leaf and acorn design, wood paneled walls with carved wood pilasters and double brackets, and cross vaulted ceiling;
 - First-floor library with its ornately decorated plaster ceiling with plaster rosettes, wood carved crown moulding and dentils, wood paneled walls with built in shelves, fluted square wood columns with Ionic capitals, and fireplace with moulded wood and marble detailing;
 - Oval shaped dining room with its ornately decorated plaster ceiling with wood carved crown moulding and dentils, curved wood paneling and curved wood doors; and,
 - First and second storey main staircase with carved wood handrail and newel post, carved wood paneling, and alcove with carved wood keystone, fluted pilasters, and fluted Tuscan columns.

The key attributes that embody the contextual value of the property as a defining feature of the historical character of Ravenscliffe Avenue and the Durand neighbourhood include its:

- Moderate setback from Ravenscliffe Avenue with grassed lawn and central walkway to the front entrance.

Head Office

One Dundas Street West
Suite 2000, Toronto, ON
M5G 1Z3

Siège de direction

1, rue Dundas Ouest
bureau 2000, Toronto, ON
M5G 1Z3



Cultural Heritage Evaluations - Infrastructure Ontario (IO) Projects

IO is reaching out to you today regarding the broader management of known and potential cultural heritage resources within our property portfolio. To identify potential cultural heritage resources, IO initiates a Cultural Heritage Evaluation report (CHER).

Until recently, CHERs typically have not engaged broader community groups that may have information, connections, and/or experiences with IO-managed provincially owned properties. Moving forward we would like to take a more holistic approach to these assessments, including opportunities for those who may wish to share their insight and input about the cultural heritage value of these properties.

When assessing a property for potential cultural heritage value, the CHER refers to cultural heritage criteria within the Ontario Heritage Act to assess if a potential heritage resource is locally significant or provincially significant. These criteria fall under [O. Reg 9/06](#) (as amended by [O. Reg 569/22](#)) and [O. Reg 10/06](#) respectively. The full criteria can be found online by following the links above.

The CHER will gather information through a wide variety of sources and methods, including through engagement, to determine whether the criteria for local and/or provincial heritage value are met. One of these ways is by asking local municipalities and heritage organizations if a resource or property has specific significance and, if so, to explain what that significance is. For example, a structure might have been built by a famous architect or a property might have been the site of an important event. The evaluations are also open to broader interpretation of cultural heritage, including more intangible heritage value associated with community connections to and experiences surrounding a particular property. This type of information helps heritage experts understand the full history and potential importance of a cultural heritage resource.

We acknowledge that there are many buildings, properties, and landscapes managed by IO that may carry cultural significance to communities and individuals in various ways. Going forward, we want to ensure that community groups have an opportunity to contribute their voice and narrative to the documentation of cultural heritage in Ontario. With this in mind we are extending an offer, if it is of interest, for you to share historical information or any related knowledge about the property. There is no obligation for you to respond, but we would welcome any input you have.

IO Cultural Heritage Managers and our heritage consultants will be reaching out with more information about property specific CHERs and we would be happy to discuss further at your convenience.

Cultural Heritage Evaluation Report Questionnaire

Infrastructure Ontario (IO) is undertaking a Cultural Heritage Evaluation report (CHE) of the property known as John Sopinka Courthouse located at 45 Main Street East, in the City of Hamilton. As a key stakeholder we are looking to gather your input into the cultural heritage value of the property through this comment form. The CHE refers to provincial heritage criteria to assess if a potential heritage resource is locally significant (Ontario Regulation 9/06 as amended by Ontario Regulation 569/22) or provincially significant (Ontario Regulation 10/06).

We anticipate that the form will take 15-20 minutes to complete. In order to more easily integrate information into the CHE we ask that only one form for your organization be returned.

Thank you for taking the time to fill out the comment form. We appreciate your insight!

There are four sections to the comment form:

1. Property Information
2. Participant Information
3. Feedback Section
4. Closing

Instructions are provided at the start of each section. Information gathered in this form will be combined with information collected from other stakeholders. Input will not be associated to a specific group and/or individual within the CHE.

Please provide your completed form by November 20, 2023. If you are not able to provide input within this timeframe, please email kayla.jonasgalvin@arahertige.ca by November 10, 2023 to request an extension.

1. Project Information

Instructions: Please read the following section which includes background information on the property.

The John Sopinka Courthouse property is located in Hamilton's downtown core at the prominent corner of Main Street East and John Street South. It is bounded by Gore Park and King Street East to the north, John Street South to the east, Main Street East to the south, and an alleyway and commercial buildings to the west. The JSC is owned by the Ministry of Infrastructure (MOI). The property contains one building, the JSC. Originally constructed as the Dominion Public Building between 1935-36, the structure was erected as part of a Depression works program introduced by the government in 1934 under the Public Works Construction Act. The subject property was built to serve as Hamilton's main Post Office and to house various federal departments including customs and excise, national health, and immigration. The main Post Office was located in the building for over 50 years, closing in 1991 when the Province of Ontario purchased the structure for conversion to a new court facility, consolidating the Provincial and General Division courts. The John Sopinka Courthouse officially opened on May 31, 1999, and consolidated the court operations of the Regional Head Office, the Provincial and General Divisions and the Crown Attorney's office into one facility.

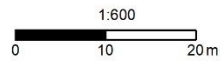
The 1.2-acre subject property is comprised of one building that occupies the entirety of the site. As the structure is built to the lot line, there is little landscaping aside from mature street trees growing along the John Street South and King Street East boulevards and a small courtyard with interlocking brick at the southwest side of the site (see Map 1). The property includes one building; the JSCP (B21658), which consists of the original building (1935-36) and upper storey and west additions (1998). The structure includes 18 courtrooms, jury deliberation rooms, public waiting areas and administrative offices in addition to service rooms and holding cells.

The property was designated by the City of Hamilton under Part IV of the Ontario Heritage Act (OHA) through By-law 93-011 on February 11, 1993.

The property boundaries are mapped on the Map 1 below, a selection of photos are included in Image 1 to Image 4.



 Subject Property



Contains information licensed under the Open Government Licence - Ontario
Base Map Source: INCLUDES MATERIAL © 2020 OF THE QUEEN'S
PRINTER FOR ONTARIO. ALL RIGHTS RESERVED.

Map 1: John Sopinka Courthouse



**Image 1: View of Southeast Corner
(October 18, 2023; Facing Northwest)**



**Image 2: View of East Elevation
(October 18, 2023; Facing West)**



**Image 3: Detailed View of East Elevation
(October 18, 2023; Facing West)**



**Image 4: Northeast Corner
(October 18, 2023; Facing Southwest)**

Additional Heritage Resources:

Ontario Regulation 9/06 (as amended by Ontario Regulation 569/22) Criteria for Determine Cultural Heritage Value or Interest: <https://www.ontario.ca/laws/regulation/060009>

Ontario Regulation 10/06 Criteria for Determine Cultural Heritage Value or Interest of Provincial Significance: <https://www.ontario.ca/laws/regulation/060010>

Learn more about the Standards and Guidelines for the Conservation of Provincial Properties here: http://www.mtc.gov.on.ca/en/heritage/heritage_s_g.shtml

2. Participant Information

Instructions: Please fill out the information below. The information provided in this section will only be used for future communication within the engagement process for this project.

Name:

Organization:

Title/Role:

Association with the Property:

Are you a resident of the City of Hamilton?

Yes No

What is your preferred method of communication?

Email: Phone: Other:

Contact information (i.e., phone number, email, or address):

3. Feedback Section

Instructions: To the best of your ability, please provide feedback on the cultural heritage value or interest of the John Sopinka Courthouse. Feedback should focus on your understanding of the cultural heritage value of the property. Feedback may be positive, negative, or neutral, and can be as general or specific as desired. Answers to all questions are not required, so you may skip any question(s).

1. In your opinion, what makes the John Sopinka Courthouse property special or unique?

2. Are there any stories you can tell us about the John Sopinka Courthouse from your experience or organization's point of view? Please include any details which may relate to the architecture, history or landscape.

3. In your opinion, what are the most important elements on the John Sopinka Courthouse property (i.e., structures, building materials, landscape features, monuments, layout, etc.)? Please list the top three elements and why they are important to you.

1.

2.

3.

4. In your opinion what elements of the John Sopinka Courthouse property that are not important (i.e., structures, building materials, landscape features, monuments, layout, etc.)? Please list the top three elements and why they are not important to you.

1.

2.

3.

5. From your point of view, what is the one historical detail you think that the consulting team should know about the John Sopinka Courthouse?

6. Is there any additional information (i.e., cultural heritage related, newsworthy, historical tidbits, etc.) that you feel should be consider as part of the built heritage assessment?

4. Closing

Thank you for your feedback! A follow up email will be sent to you after all feedback has been received and reviewed.

Please check which statement applies to you:

I feel that I was able to communicate my heritage related feedback regarding this project.

I do not feel that I was able to communicate my heritage feedback regarding this project.

I would like to speak with you more about:

The best time to reach me is morning evening.

Cultural Heritage Evaluation Report Questionnaire

Infrastructure Ontario (IO) is undertaking a Cultural Heritage Evaluation report (CHE) of 55 Main Street West, known as the Hamilton Superior Court Family Justice Courthouse (HSCFJC), in the City of Hamilton. As a key stakeholder we are looking to gather your input into the cultural heritage value of the property through this comment form. The CHE refers to provincial heritage criteria to assess if a potential heritage resource is locally significant (Ontario Regulation 9/06 as amended by Ontario Regulation 569/22) or provincially significant (Ontario Regulation 10/06).

We anticipate that the form will take 15-20 minutes to complete. In order to more easily integrate information into the CHE we ask that only one form for your organization be returned.

Thank you for taking the time to fill out the comment form. We appreciate your insight!

There are four sections to the comment form:

1. Property Information
2. Participant Information
3. Feedback Section
4. Closing

Instructions are provided at the start of each section. Information gathered in this form will be combined with information collected from other stakeholders. Input will not be associated to a specific group and/or individual within the CHE.

Please provide your completed form by November 20, 2023. If you are not able to provide input within this timeframe, please email kayla.jonasgalvin@arahertige.ca by November 10, 2023 to request an extension.

1. Project Information

Instructions: Please read the following section which includes background information on the property.

The Hamilton Superior Court Family Justice Courthouse property is located in Hamilton's downtown core at the southwest corner of MacNab Street South and Main Street West. The property is bounded by Main Street West to the north, MacNab Street South to the east, Jackson Street West to the south, and the Canadian Football Hall of Fame and Hamilton City Hall to the west. The Hamilton Superior Court Family Justice Courthouse is owned by the Ministry of Infrastructure (MOI). The property contains one building, the Hamilton Superior Court Family Justice Courthouse. Originally constructed as a Carnegie Library in 1913, the structure served as Hamilton's main library, the Hamilton Public Library, for 67 years before it was vacated in 1980. It was sold to the Province of Ontario for use as the Hamilton Superior Court of Justice Family Courthouse. A \$7.1 million renovation project began in June 1987 and included a 21,530 sq. ft. addition to the rear of the original building. The new Family Court opened on April 7, 1989.

The 1.14-acre "L" shaped subject property is comprised of one structure (B24638) and the land is sloped approximately 8-10 ft. above street level and displays a front lawn area that is fully landscaped with retaining walls, staircases and ramps, pathways, original iron light standards, hedges, shrubs, trees and manicured greenspace. The property includes one building; the Hamilton Superior Court Family Justice Courthouse (B24638), which consists of the original

building (1913) and addition (1989). The structure includes six courtrooms, two motion rooms, public waiting areas and administrative offices in addition to service rooms and holding cells. The property boundaries and individual buildings are mapped on the Map 1 below, a selection of landscape photos are included in Image 1 to Image 4.



Map 1: Hamilton Superior Court Family Justice Courthouse



**Image 1: View of Façade
(October 18, 2023; Facing South)**



**Image 2: View of Northwest Corner
(October 18, 2023; Facing Southeast)**



**Image 3: Detailed View of West Elevation
(October 18, 2023; Facing East)**



**Image 4: View of East Elevation and Addition
(October 18, 2023; Facing West)**

Additional Heritage Resources:

Ontario Regulation 9/06 (as amended by Ontario Regulation 569/22) Criteria for Determine Cultural Heritage Value or Interest: <https://www.ontario.ca/laws/regulation/060009>

Ontario Regulation 10/06 Criteria for Determine Cultural Heritage Value or Interest of Provincial Significance: <https://www.ontario.ca/laws/regulation/060010>

Learn more about the Standards and Guidelines for the Conservation of Provincial Properties here: http://www.mtc.gov.on.ca/en/heritage/heritage_s_g.shtml

2. Participant Information

Instructions: Please fill out the information below. The information provided in this section will only be used for future communication within the engagement process for this project.

Name:

Organization:

Title/Role:

Association with the Property:

Are you a resident of the City of Hamilton?

Yes No

What is your preferred method of communication?

Email: Phone: Other:

Contact information (i.e., phone number, email, or address):

3. Feedback Section

Instructions: To the best of your ability, please provide feedback on the cultural heritage value or interest of the Hamilton Superior Court Family Justice Courthouse. Feedback should focus on your understanding of the cultural heritage value of the property. Feedback may be positive, negative, or neutral, and can be as general or specific as desired. Answers to all questions are not required, so you may skip any question(s).

1. In your opinion, what makes the Hamilton Superior Court Family Justice Courthouse property special or unique?

2. Are there any stories you can tell us about the Hamilton Superior Court Family Justice Courthouse from your experience or organization's point of view? Please include any details which may relate to the architecture, history or landscape.

3. In your opinion, what are the most important elements on the Hamilton Superior Court Family Justice Courthouse property (i.e., structures, building materials, landscape features, monuments, layout, etc.)? Please list the top three elements and why they are important to you.

1.

2.

3.

4. In your opinion what elements of the Hamilton Superior Court Family Justice Courthouse property that are not important (i.e., structures, building materials, landscape features, monuments, layout, etc.)? Please list the top three elements and why they are not important to you.

1.

2.

3.

5. From your point of view, what is the one historical detail you think that the consulting team should know about the Hamilton Superior Court Family Justice Courthouse?

6. Is there any additional information (i.e., cultural heritage related, newsworthy, historical tidbits, etc.) that you feel should be consider as part of the built heritage assessment?

4. Closing

Thank you for your feedback! A follow up email will be sent to you after all feedback has been received and reviewed.

Please check which statement applies to you:

I feel that I was able to communicate my heritage related feedback regarding this project.

I do not feel that I was able to communicate my heritage feedback regarding this project.

I would like to speak with you more about:

The best time to reach me is morning evening.



Hamilton

Mailing Address:
71 Main Street West
Hamilton, Ontario
Canada L8P 4Y5
www.hamilton.ca

Planning and Economic Development Department
Planning Division
71 Main Street West, 4th Floor, Hamilton, Ontario, L8P 4Y5
Phone: 905-546-2424 ext. 1202

November 15, 2023

FILE: HP2023-042

Ontario Heritage Trust
Attn: Registrar
10 Adelaide Street East
Toronto ON M5C 1J3

Delivered via email to: registrar@heritagetrust.on.ca

Re: Notice of Council Decision for Heritage Permit Application HP2023-042 for 1541 Fiddlers Green Road, Ancaster (Ward 12), Part IV Designation (By-law No. 84-55)

Please be advised that Council, at its meeting of November 8, 2023, made the following decision as part of Planning Committee Report 23-018, Item 5(b):

- (i) That Heritage Permit Application HP2023-042, for the demolition of the designated property at 1541 Fiddlers Green Road, Ancaster, as shown in Appendix "A" to Report PED23220, be approved, subject to the following Heritage Permit condition:
 - (1) That the applicant make every reasonable effort to facilitate salvaging any remaining heritage features as part of the demolition process as may be safely permitted, to the satisfaction and approval of the Director of Planning and Chief Planner;

If you have any further questions, please feel free to contact myself at 905-546-2424 ext. 1202 or via email at Alissa.Golden@hamilton.ca

Yours truly,

Alissa Golden *MCIP RPP*
Cultural Heritage Program Lead

cc: Aleah Whalen, Legislative Coordinator
Councillor Cassar, Ward 12
Chantal Costa, Plan Examination Secretary



Hamilton

Mailing Address:
71 Main Street West
Hamilton, Ontario
Canada L8P 4Y5
www.hamilton.ca

Planning and Economic Development Department
Planning Division
71 Main Street West, 4th Floor, Hamilton, Ontario, L8P 4Y5
Phone: 905-546-2424 ext. 1202

November 21, 2023

FILE: HP2023-041

Chris and Jennifer Cavacuiti
79 Markland Street
Hamilton, ON L8P 3J7

Re: Notice of Council Decision for Heritage Permit Application HP2023-041 for 79 Markland Street, Hamilton (Ward 2), Durand-Markland Heritage Conservation District, Designated under Part V of the *Ontario Heritage Act* (By-law No. 94-184)

Please be advised that Council, at its meeting of November 8, 2023, made the following decision as part of Planning Committee Report 23-018, Item 5(e):

- “(i) That Heritage Permit Application HP2023-041, for the erection of a front detached accessory structure on the designated property at 79 Markland Street, Hamilton (Durand-Markland Heritage Conservation District), as shown in Appendix “A” attached to Report PED23223, be approved, subject to the approval of any required Planning Act applications and the following Heritage Permit conditions:
- (1) That the final details for the proposed stucco be submitted to the satisfaction and approval of the Director of Planning and Chief Planner, prior to installation;
 - (2) 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;
 - (3) That construction and site alterations, in accordance with this approval, shall be completed no later than November 30, 2025. If the construction and site alterations are not completed by November 30, 2025, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton.”

Re: Notice of Council Decision for Heritage Permit November 21, 2023
Application HP2023-041 for 79 Markland Street, Page 2 of 2
Hamilton (Ward 2), Durand-Markland Heritage
Conservation District, Designated under Part V of the
Ontario Heritage Act (By-law No. 94-184)

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

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

If you have any further questions, please feel free to contact myself at 905-546-2424 ext. 1202 or via email at Alissa.Golden@hamilton.ca.

Yours truly,



Alissa Golden
Program Lead, Cultural Heritage

cc: Chantal Costa, Plan Examination Secretary
Aleah Whalen, Legislative Coordinator
Councillor Cameron Kroetsch, Ward 2

From: City of Hamilton <hello@hamilton.ca>

Sent: November 17, 2023 11:25 AM

To: clerk@hamilton.ca

Subject: Webform submission from: Request to Speak to a Committee of Council

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It appears that you have subscribed to commercial messages from this sender. To stop receiving such messages from this sender, please [unsubscribe](#)

Submitted on Fri, 11/17/2023 - 11:25

Submitted by: Anonymous

Submitted values are:

Committee Requested

Committee

Hamilton Heritage Committee

Will you be delegating in-person or virtually?

Virtually

Will you be delegating via a pre-recorded video?

No

Requestor Information

Requestor Information

Kayla Jonas Galvin

ARA

205 Cannon St. East

Hamilton, ON. L8L 2A9



Preferred Pronoun

she/her

Reason(s) for delegation request

Cultural Heritage Evaluation (CHE) - John Sopinka Courthouse and SCJ Family Courthouse

Will you be requesting funds from the City?

No

Will you be submitting a formal presentation?

No

The sender designated this message as non-commercial mandatory content with the following note:

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71 Main Street West
Hamilton, ON, L8P 4Y5
Canada



Hamilton

Introduction to Cultural Heritage Planning

HMHC Member Orientation
November 28, 2023

Presentation Overview

- Role of the Hamilton Municipal Heritage Committee
- Heritage Planning in Ontario
- Understanding Heritage Status
 - Inventoried properties
 - Registered properties (“listed”)
 - Designated properties (and Heritage Conservation Easements)
- Heritage Permits
- Proactive Heritage Work
- Financial Incentives

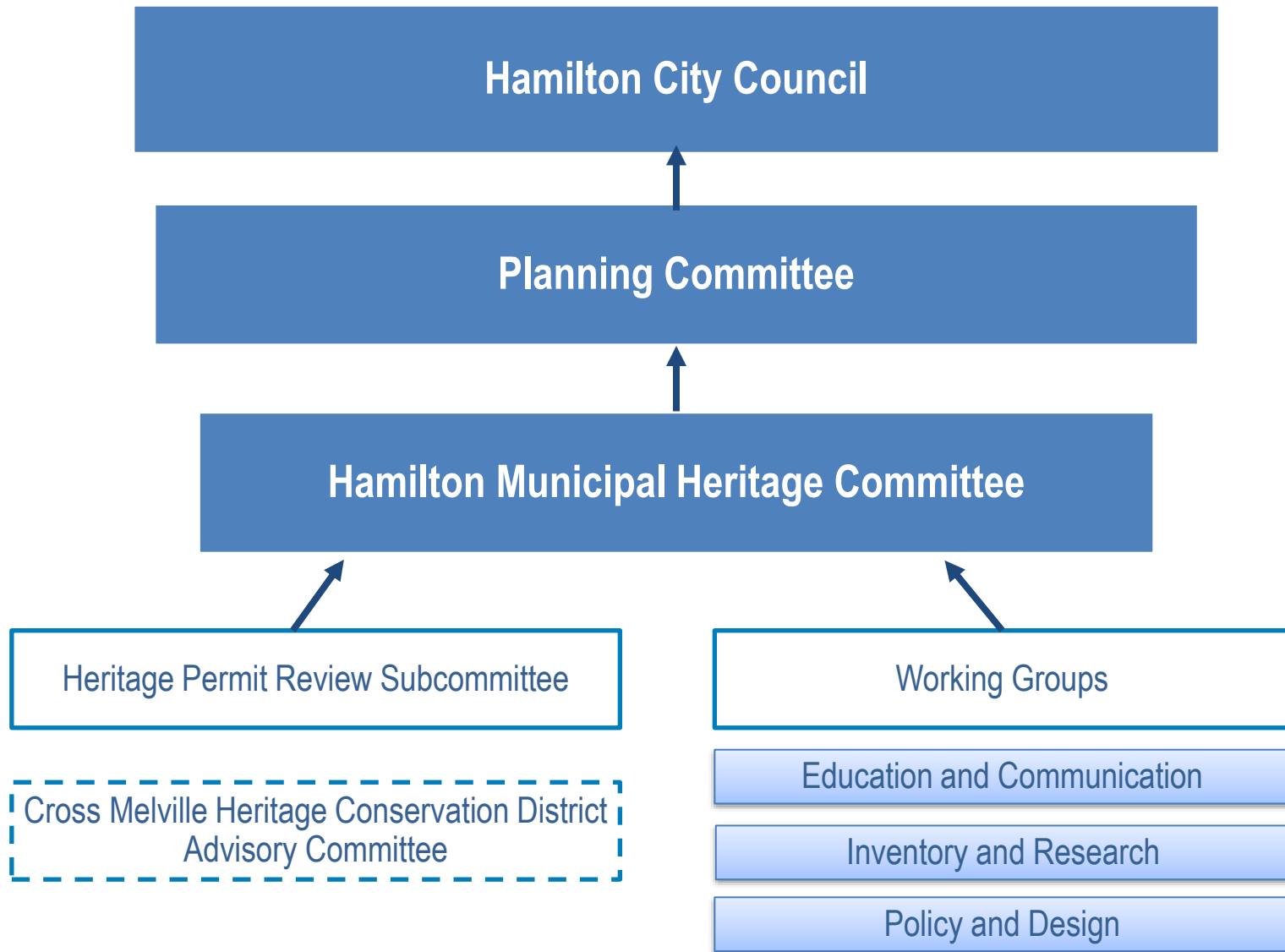
- Heritage Municipal Heritage Committee
 - Established under the *Ontario Heritage Act*
 - Follows the term of Council
 - 7 citizen members, 1 Councillor member
 - Meet monthly (hybrid)
 - Meeting agenda published one week before the meeting
 - Chair runs the meeting
 - Assisted by the Legislative Coordinator (Clerks)
 - Public meeting that is also live streamed and recorded/archived
 - Delegations – see “Request to Speak to a Committee of Council” online

The Role of Heritage Committee

- To *advise* and *assist* City staff and Council:
 - on all matters relating to the **designation** of property, the review of **heritage permit** applications and other cultural **heritage conservation** measures under Parts IV and V of the *Ontario Heritage Act*.
 - in the preparation, evaluation and maintenance of a list of properties and areas worthy of conservation.
 - on any other matters relating to the conservation of listed properties or areas of cultural heritage value or interest.
 - on programs and activities to **increase public awareness** and knowledge of heritage conservation issues.

The Role of Heritage Committee (con't)

- To prepare, by the 31st day of January each year, an **annual report** of the previous year's activities.
- To participate, where possible, on at least one of the following: Inventory and Research, Policy and Design, Education and Communication, Heritage Permit Review SubCommittee.
- To participate, where possible in other external groups and/or stakeholder committees.
- To participate, where possible in heritage events and activities, such as the Annual **Hamilton Municipal Heritage Recognition Awards**.



Planning & Economic Development Department

Jason Thorne, General Manager

Planning Division

Stephen Robichaud, Director & Chief Planner

Heritage & Urban Design Section

Ken Coit, Director

Cultural Heritage Planning Team

Alissa Golden, Program Lead

Emily Bent, Cultural Heritage Planner

Scott Dickinson, Heritage Planning Technician

Meg Oldfield, Cultural Heritage Planner

Heritage Planning Technician (Vacant)

Cultural Heritage Planner (Vacant)

Assistant Cultural Heritage Planner (Student)

The Role of Heritage Permit Review Subcommittee

- To advise the Hamilton Municipal Heritage Committee, Cultural Heritage planning staff, and the Director of Planning on the consideration of **Heritage Permit** applications to:
 - alter designated heritage properties under Part IV of the Ontario Heritage Act.
 - alter properties within a Heritage Conservation District designated under Part V of the Ontario Heritage Act.

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

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

HMHC Working Groups

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

Heritage Planning in Ontario

- Municipalities are tasked with ensuring that ***significant cultural heritage resources are conserved*** (*Planning Act*, Provincial Policy Statement).
- The *Ontario Heritage Act* (the Act) is the main tool available to municipalities to accomplish this goal.
 - **Protection**: designation and heritage easements; manage physical changes through the **Heritage Permit** process
 - **Recognition**: listing non-designated properties on the Municipal Heritage Register; interim protection from demolition (60-days notice)
- Other applicable legislation includes: *Environmental Assessment Act, Greenbelt Act, Niagara Escarpment Planning and Development Act, Funeral, Burial and Cremation Services Act*

Cultural Heritage Resources



Archaeology

Artifacts, archaeological sites, and marine sites



Built Heritage

Buildings, structures, monuments, installations or remains



Cultural Heritage Landscapes

Groupings of structures, space, archaeological sites and natural elements

What is Heritage Conservation?

- Understanding and respecting
- Preventative maintenance
- Minimal intervention
- Managing change, not preventing it

General Rule:

Repair rather than replace original features and avoid permanent damage to historic materials or construction measures.

Why Conserve Heritage Buildings?

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

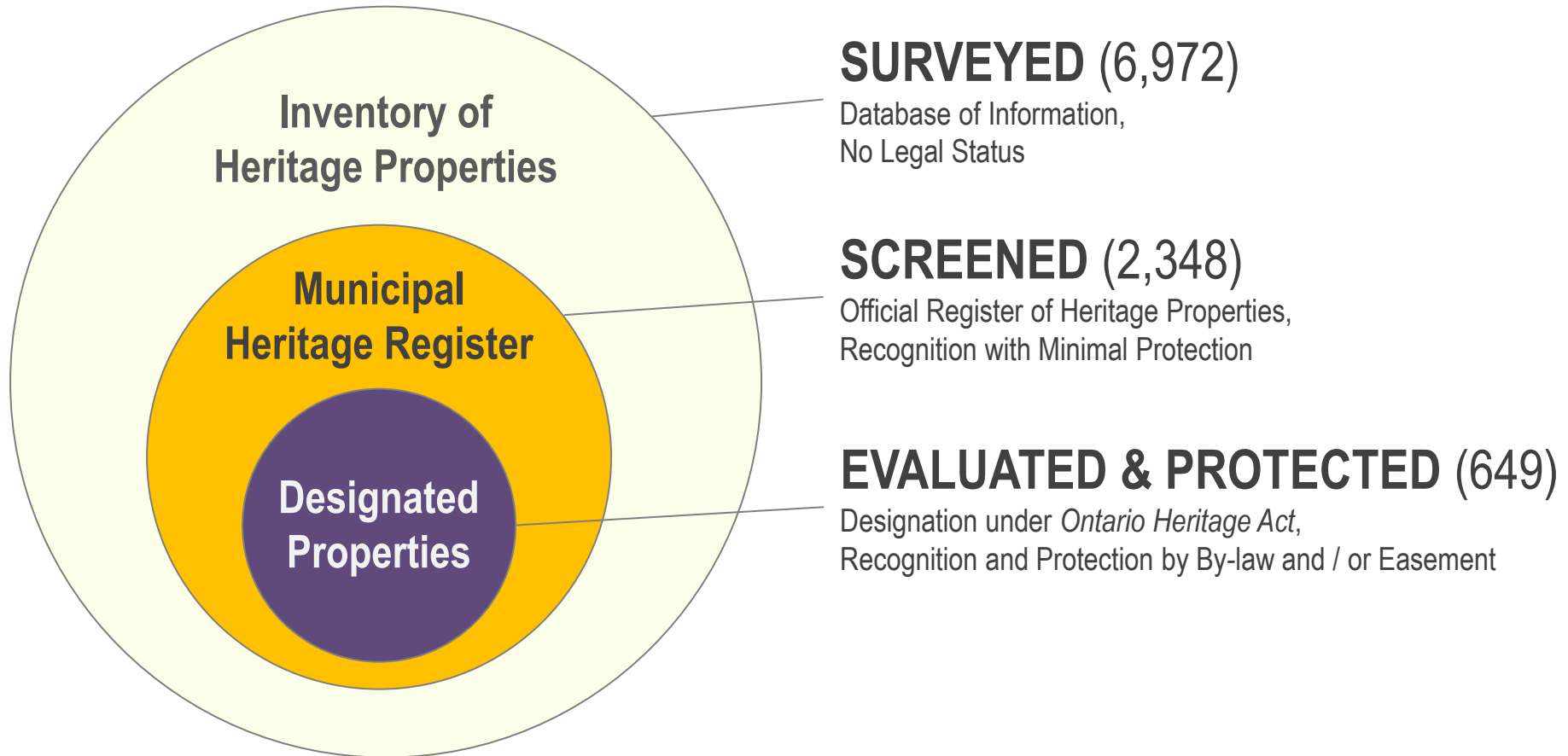
“Don't it always seem to go, that you don't know what you've got till it's gone.” – Joni Mitchell

What is a “Heritage” Building?

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

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

Understanding Heritage Status



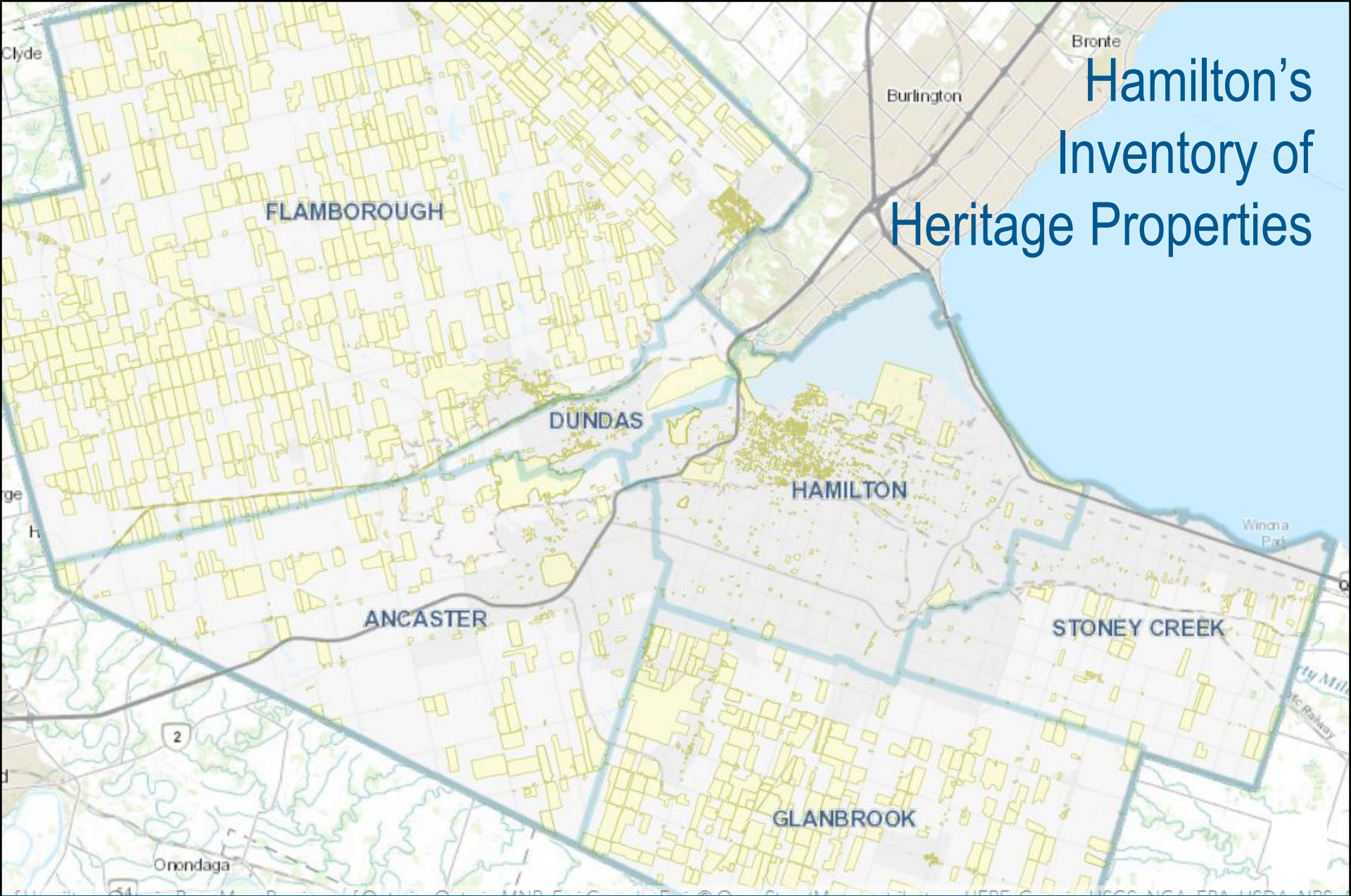
What is the Inventory?

What do we have?

Where is it located?



Hamilton's Inventory of Heritage Properties



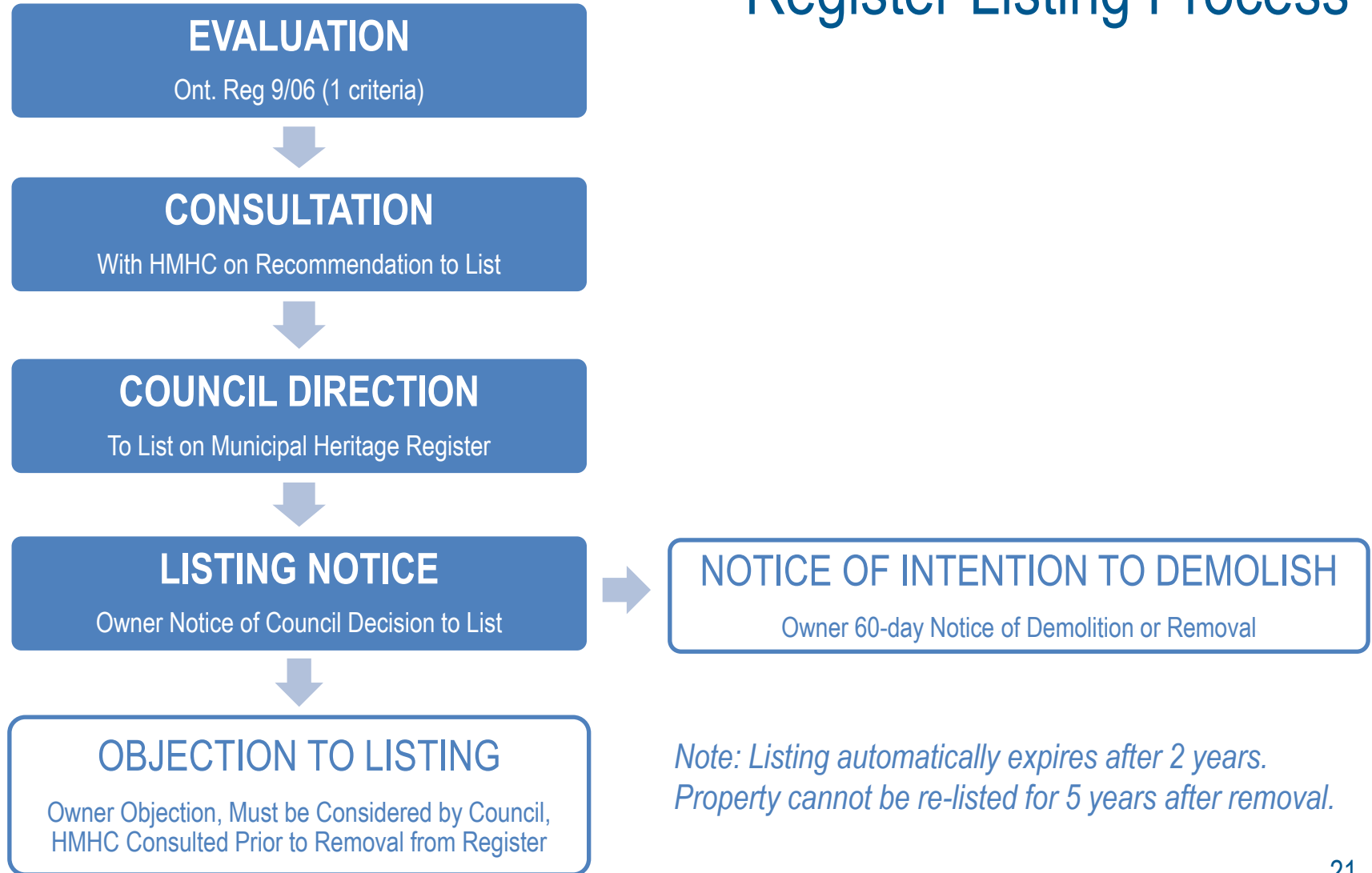
What is the Register?

- Heritage conservation management tool under the *OHA*
- Administrative record consisting of:
 - Properties designated under Parts IV and V of the *Ontario Heritage Act*
 - Non-designated properties identified by Council as being of heritage interest (“listed”)
- Non-designated properties are “listed” on the Register to:
 - Help prioritize future designations
 - Provide **interim protection** from demolition
- Strategic approach to listing (post-Bill 23)
 - Monthly proactive listing reports
 - “Prescribed events”
 - 2-year expiries, and 5-year restriction on re-listing after expiry

Interim Protection for Listed Properties

- “Notice of Intention to Demolish” (required by OHA)
 - Separate from the Building Permit process
- Cannot prevent demolition, but delays it 60 days
- Gives CHP staff time to discuss alternatives to demo, possibly designate to void demo permit
- Building Permit to Demolish cannot be issued until end of 60-day notice period (confirmed by CHP staff)

Register Listing Process



What is Designation?

- Protection for significant heritage properties by By-law
 - Part IV – Individual Properties
 - Part V – Heritage Conservation Districts
- Identifies value and attributes
- Framework for managing change (Heritage Permits)



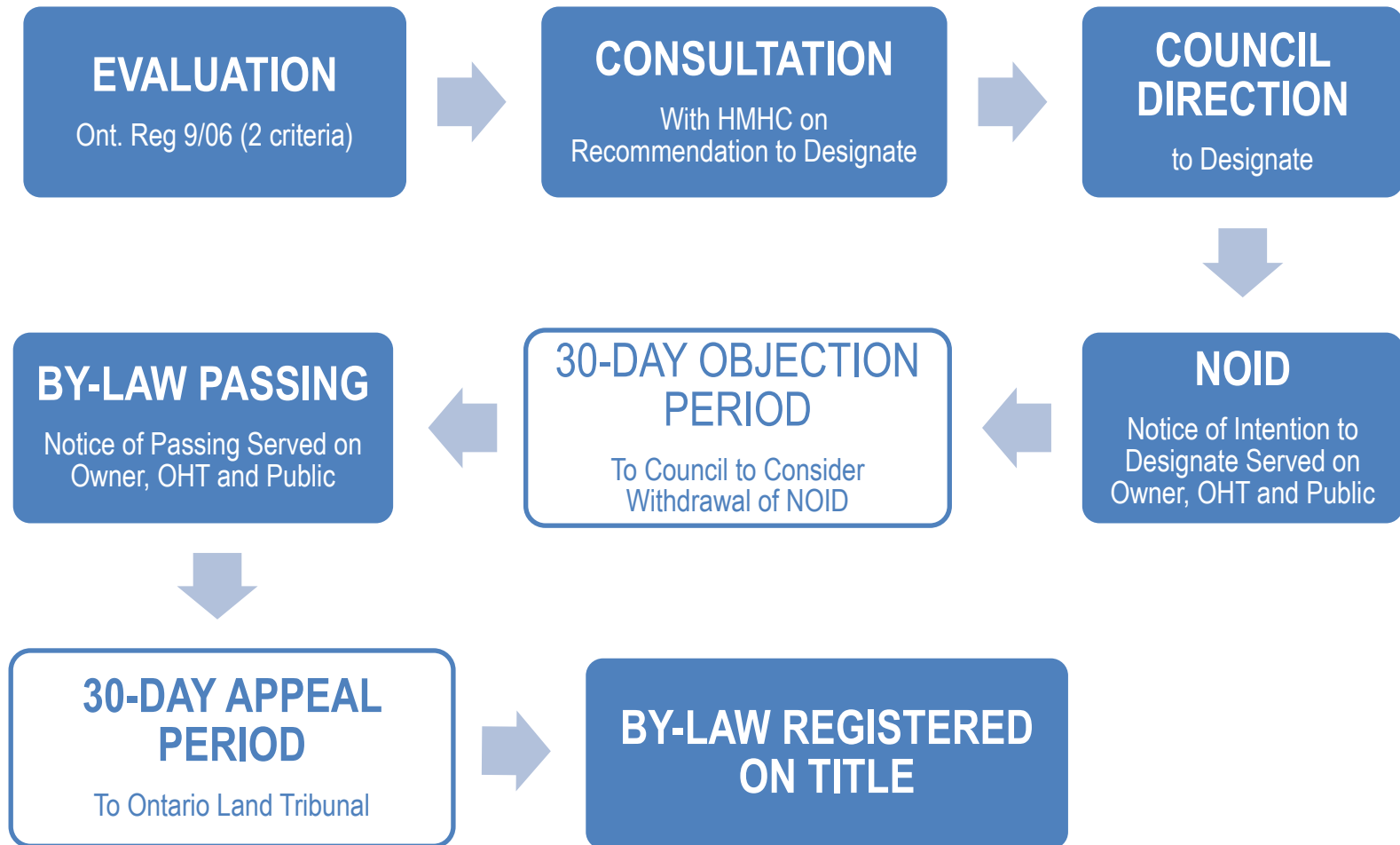
Designation serves to:

- Recognize the importance of a property to a community
- Identify and protect the cultural heritage value of a property
- Encourage good stewardship and conservation
- Promote knowledge and understanding about the property and the development of the community

Criteria for Part IV Designation (*Ontario Regulation 9/06*)

- Must meet **two** of the criteria to be eligible for designation
- 9 criteria, broken into 3 categories:
 - Design / Physical Value
 - Historical / Associative Value
 - Contextual Value

Part IV Designation Process



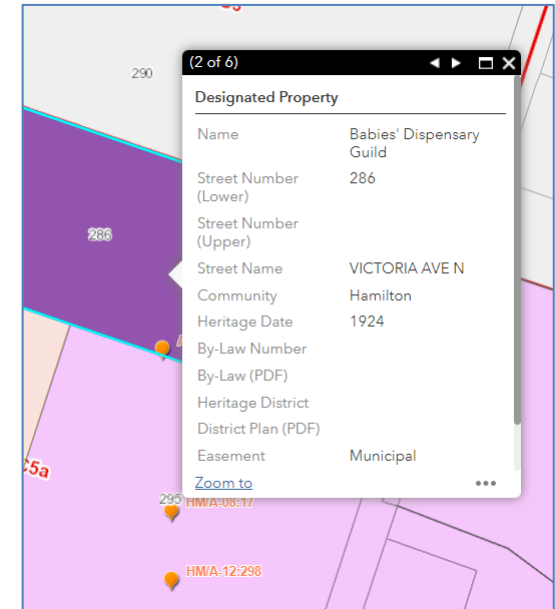
Designated Properties in Hamilton

- **291** (and counting) individually designated properties
- **349** properties in seven Heritage Conservation Districts
 - Beach Boulevard (Hamilton)
 - Cross-Melville (Dundas)
 - Durand-Markland (Hamilton)
 - MacNab-Charles (Hamilton)
 - Mill Street (Flamborough)
 - St. Clair Avenue (Hamilton)
 - St. Clair Boulevard (Hamilton)



Heritage Conservation Easement Agreements

- May be negotiated between an owner and:
 - The municipality
 - The Ontario Heritage Trust
- Approvals required for alterations to heritage attributes
- Similar to designation
- Most are also designated, a few only have an easement



Applicable Law for Building Permits

Heritage Status	Applicable Law
Inventoried	No applicable law for OBC
“Listed” - Registered (Non-Designated)	60-day delay from demolition (Section 27, <i>Ontario Heritage Act</i>); No applicable law regarding “alterations”
Designated (Part IV, V) and/or Heritage Easement	Heritage Permit approval may be required before a Building Permit can be issued

What are Heritage Permits?

- Owners of designated properties are required to get Council approval prior to making certain physical changes
- Managed through the **Heritage Permit** process (no cost to apply)
- Ensure proposed changes do not adversely impact the identified heritage value and attributes
- Possible effects / impacts:
 - **Displacement:** changes resulting in damage, loss or removal of identified heritage attributes/values
 - **Disruption:** actions resulting in detrimental changes to the setting or character of the designated property

When is a Heritage Permit Required?

- **Part IV – Individually Designated Properties**

- When there is any potential impact to the identified heritage value and attributes in the designation by-law (post-2005)
- When there is any potential impact to the “reasons for designation” (pre-2005)

- **Part V – Heritage Conservation District Properties**

- When changes are proposed to the exterior of buildings and landscapes in the district visible from the public right-of-way
- When demolition or removal of a building or structure is proposed
- When the construction of a new building or structure is proposed
- As required by the Heritage Conservation District Plan

When is a Heritage Permit Required?

- Typically, when there is any potential impact to the identified heritage value and attributes
- For example:
 - Significant additions
 - Demolition of buildings or structures
 - Masonry cleaning and repointing
 - Replacement of historic fabric or identified features
 - Installation of dormers, skylights, etc.
 - Installation of signage to a designated façade
 - Installation of temporary/removable storm windows and doors
 - Painting of previously unpainted masonry
 - Removal of architectural decorative details
 - Major landscaping



Heritage Permit Administration

- All permits reviewed by HPRS for advice
- Decision required in 90 days, but most permits are processed within a month (consent, consent with conditions, refuse)
- Alteration permits are typically approved by the Director of Planning (delegated authority of Council)
 - Delegated approval letters included on HMHC agenda for information
- Council approval required for certain applications (cannot be delegated):
 - Demolition of a heritage attribute or building on a Part IV property
 - Demolition or new building construction on a Part V property
 - Refusal of an application
 - Disagreement between staff and HPRS/HMHC on recommendation

Conditions of Heritage Permit Approval

Standard Conditions

- Minor changes to the approval submitted to the satisfaction of staff
- 2-year permit expiry

Other Condition Examples:

- Obtaining other required approvals prior to commencing works (e.g. *Planning Act* applications, City Forestry, etc.)
- Final design or material details submitted to the satisfaction of staff
- Final methodology or scope of repair work submitted to satisfaction of staff
- Masonry repair or repointing in conformity with the City's Masonry Restoration Guidelines

Proactive Heritage Work

- Public List of Candidates for Part IV Designation
 - Includes 60 high-priority properties for review by January 1, 2025
 - Identifying new designation candidates (e.g. prescribed events)
- Development of a Heritage Conservation District Strategy and Work Plan
 - Preliminary HCD Study list:
 - **Gore Park**, King Street East, Hamilton
 - **Waterdown Village**, Flamborough
 - **Ravenscliffe Avenue**, Hamilton
 - Ancaster Village, Wilson Street East, Ancaster
 - Charlton-Hughson-Forest-John Block, Hamilton
 - James Street North, Hamilton
 - Mineral Springs Road, Ancaster
 - Strathcona Neighbourhood, Hamilton
- Ongoing Melville Street HCD Study (Dundas)



Designation Candidate

Name: Gore Park
Address: 1 HUGHSON ST S, Hamilton

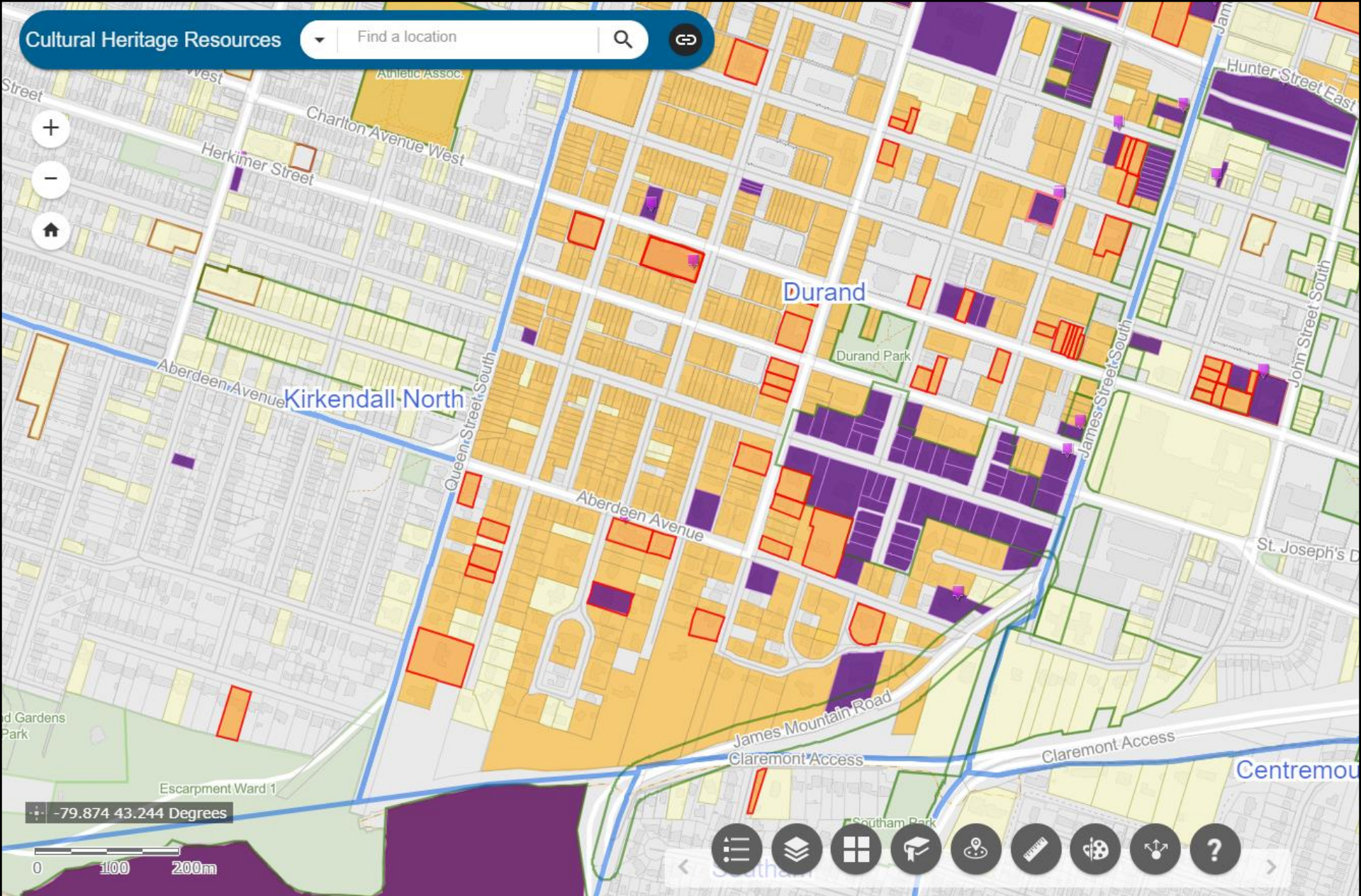
Designation Request Year: April 2008
Requester: HMHC

For more information on the list of Candidates for Designation under Part IV of the Ontario Heritage Act, please visit www.hamilton.ca/heritagedesignation or contact staff at CulturalHeritagePlanning@hamilton.ca

[Zoom to](#) ⋮

-79.868 43.248 Degrees





Financial Incentives

- Development Charge Exemption for the Adaptive Reuse of Heritage Properties
- Hamilton Heritage Property Grant Program (HHPGP)
- Hamilton Heritage Conservation Grant Program (HHCGP)
- Hamilton Community Heritage Fund Loan Program (HCHF)

The City also offers a variety of other financial incentive programs that can be used in conjunction with the heritage-specific funding programs.

Thank you!

For more information:

Heritage Planning: www.hamilton.ca/heritageplanning

Public Heritage Mapping: www.map.hamilton.ca/heritagemap

Designation: www.hamilton.ca/heritagedesignation

Heritage Permits: www.hamilton.ca/heritagepermits

Register: www.hamilton.ca/municipalheritageregister


Built Heritage Inventory: www.hamilton.ca/heritageinventory

Heritage Grants and Loans: www.investinhamilton.ca



Hamilton

CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Committee Members Hamilton Municipal Heritage Committee
COMMITTEE DATE:	November 28, 2023
SUBJECT/REPORT NO:	Recommendation to Designate 176 Wilson Street East, Ancaster, known as Birch Lawn, under Part IV of the <i>Ontario Heritage Act</i> (PED23241) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Scott Dickinson (905) 546-2424 Ext. 7167 Alissa Golden (905) 546-2423 Ext. 1202
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That the City Clerk be directed to give notice of Council’s intention to designate 176 Wilson Street East, Ancaster, shown in Appendix “A” attached to Report PED23241, as a property of cultural heritage value pursuant to the provisions of Part IV, Section 29 of the *Ontario Heritage Act*, in accordance with the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix “B” to Report PED23241, subject to the following:

- (a) If no objections are received to the notice of intention to designate in accordance with the *Ontario Heritage Act*, City Council directs staff to introduce the necessary by-law to designate the property to be of cultural heritage value or interest to City Council;
- (b) If an objection to the notice of intention to designate is received in accordance with the *Ontario Heritage Act*, City Council directs staff to report back to Council to allow Council to consider the objection and decide whether or not to withdraw the notice of intention to designate the property.

EXECUTIVE SUMMARY

This Report recommends designation of the significant built heritage resource located at 176 Wilson Street East, Ancaster, known as Birch Lawn, under Part IV of the *Ontario Heritage Act*. The subject property is currently listed on the City's Municipal Heritage Register (Register). Staff have completed an evaluation of the subject property using *Ontario Regulation 9/06* and determined that it has sufficient cultural heritage value or interest to warrant designation, as per the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes attached as Appendix "B" to Report PED23241.

Alternatives for Consideration – See Page 5

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: The designation process will follow the requirements of the *Ontario Heritage Act* and provide for adequate notice of Council's intention to designate the property. Formal objections may be made under the *Ontario Heritage Act* and considered by Council before either withdrawing the notice of intention to designate or passing a designation by-law. Once a designation by-law has been passed, any further objection would be heard before the Ontario Land Tribunal.

Designation under Part IV of the *Ontario Heritage Act* allows municipalities to recognize a property's cultural heritage value or interest, and to conserve and manage the property through the Heritage Permit process enabled under Sections 33 (alterations) and 34 (demolition or removal) of the *Act*.

Where alterations to designated properties are contemplated, a property owner is required to apply for, obtain, and comply with a Heritage Permit, for any alteration that "is likely to affect the property's heritage attributes, as set out in the description of the property's heritage attributes" (Sub-section 33(1)).

The City of Hamilton also provides financial incentive programs, including development charge exemption and heritage grants and loans, to assist in the adaptive re-use and continued conservation of properties once they are designated.

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.

HISTORICAL BACKGROUND

The subject property located at 176 Wilson Street East, Hamilton, shown in Appendix “A” attached to Report PED23241, is comprised of a two-storey brick building constructed circa 1881. The subject property was first surveyed for potential heritage interest in the 1970s.

Between 1976 and 1985, the Ancaster Local Architectural Conservation Advisory Committee (former Heritage Committee) conducted an inventory of properties of potential heritage interest across the community. In 1978, as part of that inventory, a heritage research report was prepared for the subject property. A copy of the report “Fraser House: 176 Wilson Street” was utilized in the writing of this Report (see the Research Sources attached as Appendix “D” to Report PED23241).

In 2020, the subject property was listed on the Municipal Heritage Register (Register) and was added to staff’s designation workplan for further research and assessment of the property. As a result of the recent *Bill 23* changes to the *Ontario Heritage Act*, the former staff workplan for designation was rescinded and replaced with a new public list of Candidates for Designation under Part IV of the *Ontario Heritage Act* (see Report PED22211(a)), at which time 176 Wilson Street East was reprioritized for review for designation by January 1, 2025.

In a letter dated July 10, 2023, Cultural Heritage Planning staff notified the property owner of the changes to the City’s heritage designation process and the reprioritization of staff’s review of the property for designation. In a subsequent letter dated October 18, 2023, staff advised the owner of the recommendation to designate the property, provided them with a copy of the proposed Statement of Cultural Heritage Value or Interest and advised them of the Hamilton Municipal Heritage Committee meeting date that the recommendation would be considered. On October 24, 2023, the property owners called staff with their concerns that designation of their property might increase their insurance rates or complicate the sale of the property.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The Recommendation of this Report is consistent with Provincial and Municipal legislation, policy and direction, including:

- Determining the cultural heritage value or interest of a property based on design/physical value, historical/associative value and contextual value criteria (*Ontario Heritage Act, Ontario Regulation 9/06*);
- Ensuring significant built heritage resources are conserved (*Provincial Policy Statement, 2020, Sub-section 2.6.1*); and,

- Designating properties of cultural heritage value under Part IV of the *Ontario Heritage Act* (Urban Hamilton Official Plan, Section B.3.4.2.3).

RELEVANT CONSULTATION

External

- Property Owner.

In addition, Planning staff have emailed the Ward Councillor (Councillor C. Cassar) for Ward 12 and provided an overview of the reasons for designation and the process for designating a property.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The intent of municipal designation, under Part IV of the *Ontario Heritage Act*, is to enable a process for the management and conservation of significant cultural heritage resources. Once a property is designated, the municipality can manage change to a property through the Heritage Permit process to ensure that the significant features of the property are maintained.

Section 29(1) of the *Ontario Heritage Act* permits the Council of a municipality to designate property to be of cultural heritage value or interest where property meets two or more of the Criteria for Determining Cultural Heritage Value or Interest prescribed in *Ontario Regulation 9/06*, as amended by *Ontario Regulation 569/22*, which identifies nine criteria in three broad categories: Design / Physical Value; Historical / Associative Value; and, Contextual Value. The evaluation of cultural heritage value or interest of the subject property was completed by Cultural Heritage Planning staff based on a site visit of the exterior of the property conducted on August 28, 2023 (see photographs attached as Appendix “C” to Report PED23241) and available primary and secondary research sources (attached as Appendix “D” to PED23241). As outlined below, based on staff’s cultural heritage evaluation, it was determined that the subject property meets four of the nine criteria contained in *Ontario Regulation 9/06* in all three categories.

Design / Physical Value

1. The two-storey brick dwelling located at 176 Wilson Street East, Ancaster, known historically as ‘Birch Lawn’, was constructed circa 1881. A small sympathetic addition was constructed on the southern side by the mid-to-late-twentieth century. The property has design or physical value as it is a representative example of the Italianate style of architecture as applied to a private dwelling. The features typical of the Italianate style include its: truncated hip roof (that once supported iron cresting); wide projecting eaves supported by paired wooden brackets; projecting

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.

- three-sided two-storey front and side bays with polygonal roofs; and decorative elements in dichromatic brick, including prominent quoins, broken pediment hoods over windows and ornamental panels under prominent eaves.
2. The property displays a high degree of craftsmanship, as evidenced by dichromatic decorative brickwork which ornaments the chimney, corners, windows and eaves.
 3. The property does not appear to demonstrate a high degree of technical or scientific achievement.

Historical / Associative Value

4. The property does not have direct association with a theme, event, belief, person, activity, organization, or institution that is significant to the community.
5. The property does not yield or have the potential to yield information that contributes to understanding a community or culture.
6. The property does not demonstrate or reflect the work or ideas of an architect, artist, builder, designer or theorist who is significant to the community.

Contextual Value

7. The property is important in supporting the character of the historic village of Ancaster. A large, former farmhouse, the property marks one of the entrances into the village core of Ancaster.
8. The property is historically linked to its surroundings being in its original location on the historic Wilson Street transportation corridor.
9. The property is not considered to be a landmark.

Staff have determined that 176 Wilson Street East, Ancaster is of cultural heritage value or interest sufficient to warrant designation under Part IV of the *Ontario Heritage Act* and recommend designation according to the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix “B” to Report PED23241.

ALTERNATIVES FOR CONSIDERATION

Under Part IV of the *Ontario Heritage Act*, the designation of property is a discretionary activity on the part of Council. Council, as advised by its Municipal Heritage Committee, may decide to designate property or decline to designate property.

Decline to Designate

By declining to designate, the municipality would be unable to provide long-term, legal protection to this significant cultural heritage resource (designation provides protection against inappropriate alterations and demolition) and would not fulfil the expectations established by existing municipal and provincial policies.

Without designation, the property would not be eligible for the City's financial incentives for heritage properties, including development charge exemption and grant and loan programs. Designation alone does not restrict the legal use of property, prohibit alterations and additions, nor does it restrict the sale of a property, or been demonstrated to affect its resale value. However, designation does allow the municipality to manage change to the heritage attributes of a property through the Heritage Permit process. Staff does not consider declining to designate any of the properties to be an appropriate conservation alternative.

APPENDICES AND SCHEDULES ATTACHED

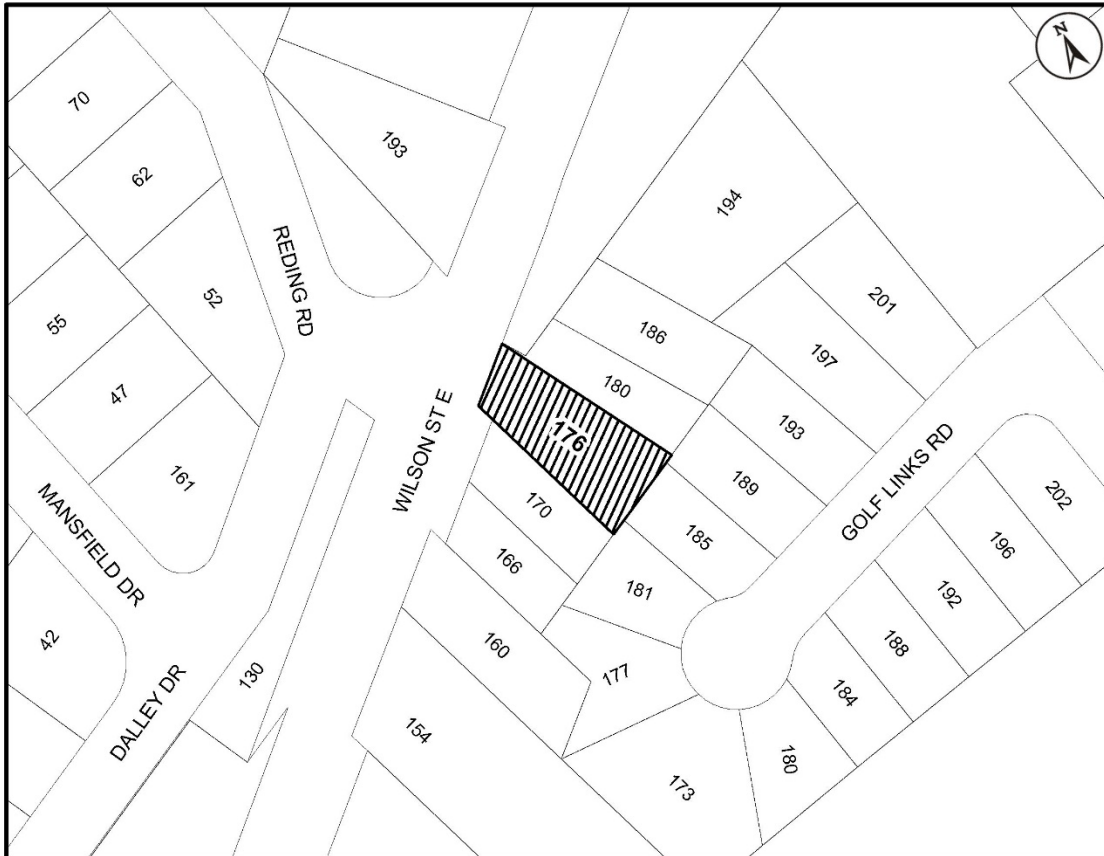
Appendix "A" to Report PED23241 – Location Map

Appendix "B" to Report PED23241 – Statement of Cultural Heritage Value or Interest
and Description of Heritage Attributes

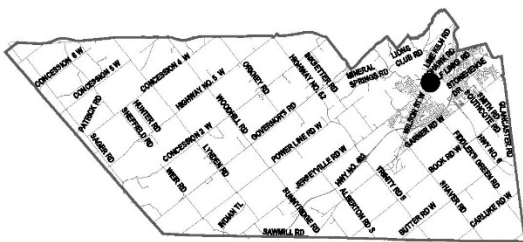
Appendix "C" to Report PED23241 – Photographs

Appendix "D" to Report PED23241 – Research Sources

SD/AG/sd



● Site Location



Key Map - Ward 12

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
176 Wilson St E

Date:
August 30, 2023

Appendix "A"

Scale:
N.T.S

Planner/Technician:
SD/VS

Subject Property



176 Wilson Street East, Ancaster

STATEMENT OF CULTURAL HERITAGE VALUE OR INTEREST AND DESCRIPTION OF HERITAGE ATTRIBUTES

Description of Property

The 0.125-hectare property municipally-addressed as 176 Wilson Street East is comprised of a two-storey brick dwelling constructed circa 1881. The property is located on the southeastern side of Wilson Street East, opposite the intersection of Wilson Street East and Dalley Drive, in the community of Ancaster in the City of Hamilton.

Statement of Cultural Heritage Value or Interest

The two-storey brick dwelling located at 176 Wilson Street East, Ancaster, known historically as ‘Birch Lawn’, was constructed circa 1881. A small sympathetic addition was constructed on the southern side by the mid-to-late-twentieth century. The property has design or physical value as it is a representative example of the Italianate style of architecture as applied to a private dwelling, displaying a high degree of craftsmanship in its construction. Contextually, the property is important in supporting the character of the historic village of Ancaster and is historically linked to its surroundings. It is located on the historic Wilson Street transportation corridor and still marks the western entrance into the core, though now surrounded by modern construction.

Description of Heritage Attributes:

Key attributes that embody the design/physical value of the property as being representative of the Italianate style or architecture and demonstrating a high degree of craftsmanship, include:

- The front (north) and side (east and west) elevations and roofline of the two-storey brick building, including its:
 - Truncated hip roof with wide projecting eaves and paired decorative wooden brackets;
 - Single stack corbelled brick chimney to the east;
 - Projecting three-sided two-storey bays to the front (north) and side (east) with polygonal roofs;
 - Segmentally-arched window openings with decorative buff brick broken pediment hoods, stone lug sills and one-over-one hung wood windows with storms;
 - Front door with segmentally-arched opening with buff brick voussoirs and transom; and,
 - Dichromatic brick work including buff brick quoining, paneling under the projecting eaves and chimney detailing.

Key attributes that embody the contextual value of the property as a supporting feature of the historical character of Wilson Street East include its:

- Location fronting onto Wilson Street East at the eastern entrance into Ancaster Village.

Photographs

All images taken by City of Hamilton Staff on August 28, 2023.



Image 1: Front (northern) elevation, from the west



Image 2: Front (northern) elevation, from the east, showing the projecting bay in the side (east) elevation



Image 3: Wilson streetscape looking from the west



Image 4: Wilson streetscape looking from the west, demonstrating the setback of property



Image 5: Wilson streetscape looking east into Ancaster Village, subject property obscured from view due to setback



Image 6: Detail of chimney and truncated hip roof



Image 9: Close up showing the projecting bay to the east, the paired brackets below the eave, dichromatic brickwork, wood windows with storms and front door with transom

Research Sources

John Richards in the 1871 Census.” *Ancestry*. Accessed June 19, 2023.
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https://www.canadiana.ca/view/oocihm.8_00033_2/1

“John Richards, Ancaster” *Wentworth County Directory 1886*. Accessed June 19, 2023.
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“John Richards, Ancaster” *Farmers’ and business directory for 1891*. Accessed June 19, 2023. https://central.bac-lac.gc.ca/.item?op=pdf&id=e010780595_p1

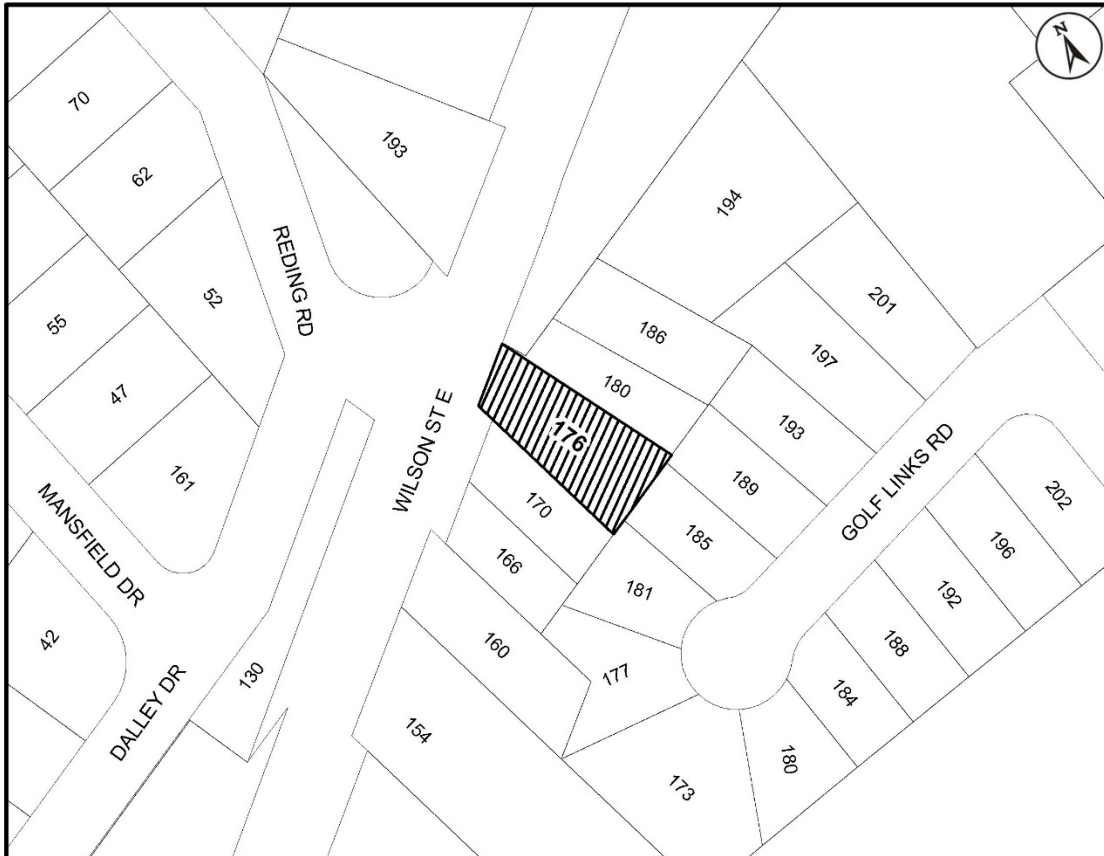
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“John Richards, Ancaster” *Farmers’ and business directory for 1894*. Accessed June 19, 2023. https://central.bac-lac.gc.ca/.item?op=pdf&id=e010780597_p6

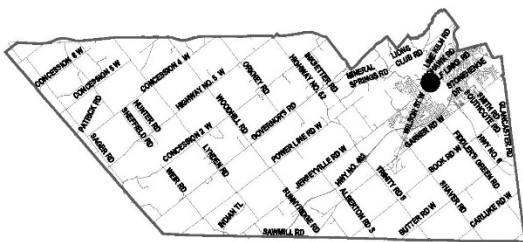
“John Richards, Ancaster” *Farmers’ and business directory for 1895*. Accessed June 19, 2023. https://central.bac-lac.gc.ca/.item?op=pdf&id=e010780604_p1

“Ancaster’s Heritage” *Ancaster Township Historical Society, 1973*

“Fraser House by Frances Pinch” *Ancaster LACAC 1978*



● Site Location



Key Map - Ward 12

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
176 Wilson St E

Date:
August 30, 2023

Appendix "A"

Scale:
N.T.S

Planner/Technician:
SD/VS

Subject Property

 176 Wilson Street East, Ancaster

STATEMENT OF CULTURAL HERITAGE VALUE OR INTEREST AND DESCRIPTION OF HERITAGE ATTRIBUTES

Description of Property

The 0.125-hectare property municipally-addressed as 176 Wilson Street East is comprised of a two-storey brick dwelling constructed circa 1881. The property is located on the southeastern side of Wilson Street East, opposite the intersection of Wilson Street East and Dalley Drive, in the community of Ancaster in the City of Hamilton.

Statement of Cultural Heritage Value or Interest

The two-storey brick dwelling located at 176 Wilson Street East, Ancaster, known historically as ‘Birch Lawn’, was constructed circa 1881. A small sympathetic addition was constructed on the southern side by the mid-to-late-twentieth century. The property has design or physical value as it is a representative example of the Italianate style of architecture as applied to a private dwelling, displaying a high degree of craftsmanship in its construction. Contextually, the property is important in supporting the character of the historic village of Ancaster and is historically linked to its surroundings. It is located on the historic Wilson Street transportation corridor and still marks the western entrance into the core, though now surrounded by modern construction.

Description of Heritage Attributes:

Key attributes that embody the design/physical value of the property as being representative of the Italianate style or architecture and demonstrating a high degree of craftsmanship, include:

- The front (north) and side (east and west) elevations and roofline of the two-storey brick building, including its:
 - Truncated hip roof with wide projecting eaves and paired decorative wooden brackets;
 - Single stack corbelled brick chimney to the east;
 - Projecting three-sided two-storey bays to the front (north) and side (east) with polygonal roofs;
 - Segmentally-arched window openings with decorative buff brick broken pediment hoods, stone lug sills and one-over-one hung wood windows with storms;
 - Front door with segmentally-arched opening with buff brick voussoirs and transom; and,
 - Dichromatic brick work including buff brick quoining, paneling under the projecting eaves and chimney detailing.

Key attributes that embody the contextual value of the property as a supporting feature of the historical character of Wilson Street East include its:

- Location fronting onto Wilson Street East at the eastern entrance into Ancaster Village.

Photographs

All images taken by City of Hamilton Staff on August 28, 2023.



Image 1: Front (northern) elevation, from the west



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Research Sources

John Richards in the 1871 Census.” *Ancestry*. Accessed June 19, 2023.
https://www.ancestrylibrary.com/discoveryui-content/view/287298:7922?tid=&pid=&queryId=3030c2fde0cefa3ba24acb574cd4a860&_phsrc=qEP79&_phstart=successSource

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“John Richards, Ancaster” *Farmers’ and business directory for 1894*. Accessed June 19, 2023. https://central.bac-lac.gc.ca/.item?op=pdf&id=e010780597_p6

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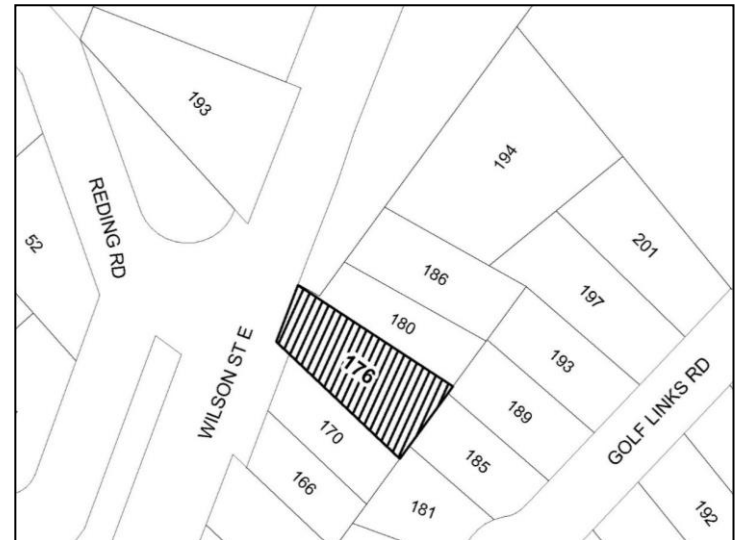
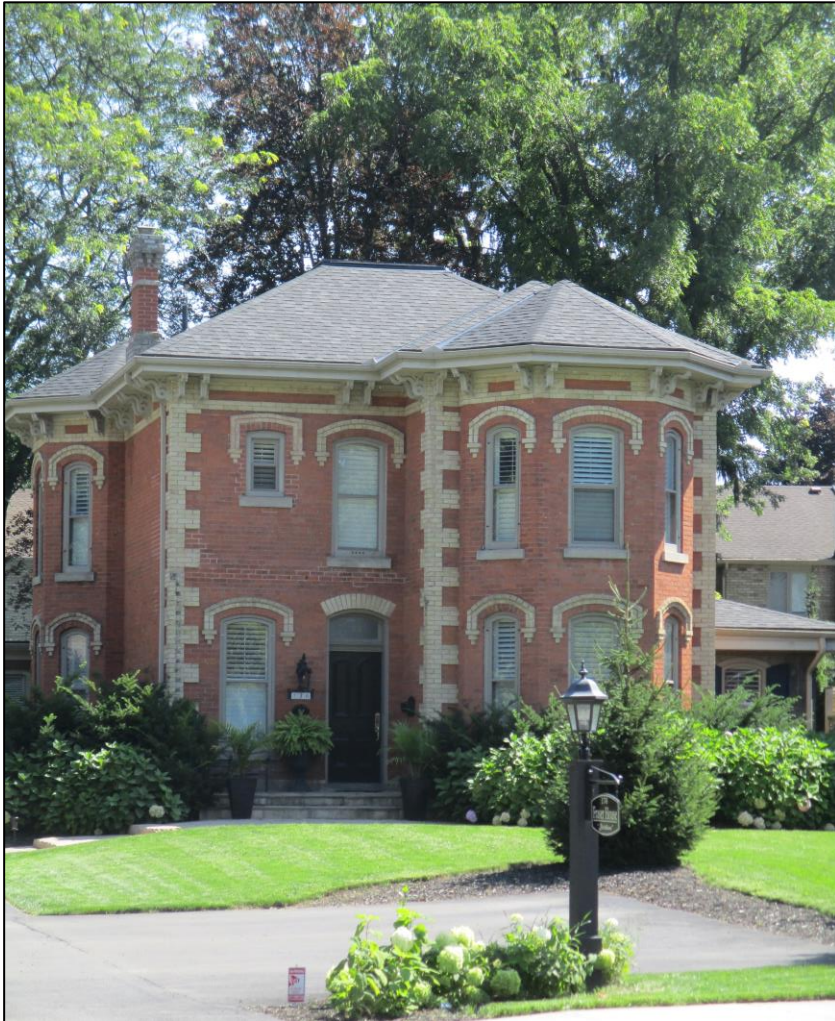
Hamilton

Recommendation to Designate 176 Wilson Street East, Ancaster

November 28, 2023

Hamilton Municipal Heritage Committee

176 Wilson Street East



Background

June 2020 - Property listed on Municipal Heritage Register and designation work plan

February 2023 - Re-Prioritized for Designation by January 1st, 2025



Recommendation for Designation

Under Part IV of the OHA

176 Wilson Street East, Ancaster

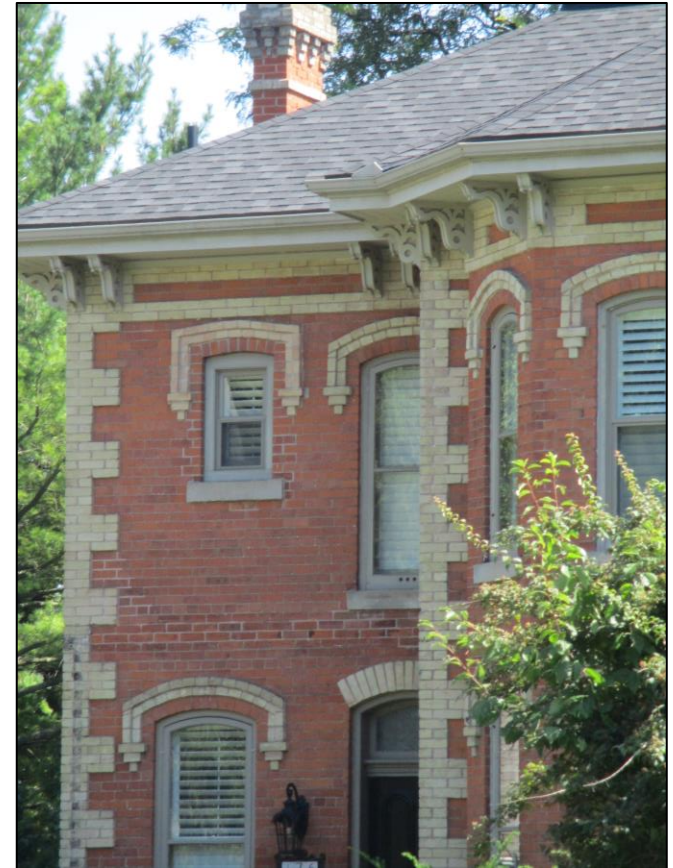
Ontario Regulation 9/06 Criteria (4 of 9)

- Design / Physical (Criteria #1, 2)
- Contextual (Criteria #7, 8)



Design / Physical Value

1. The property is a **representative example** of Italianate architecture.
2. The property is considered to **display a high degree** of craftsmanship or artistic merit.
3. The property is not considered to demonstrate a high degree of technical or scientific achievement.



Historical / Associative Value

4. The property does not have direct associations with ideas, events or persons of significance.
5. The property is not considered to have the potential to yield information that contributes to the understanding of a community or culture.
6. The property is not considered to demonstrate the work or ideas of an architect, artist, builder, designer or theorist significant to the community

Contextual Value

7. The property helps **support** the historic character of Wilson Street East and Ancaster.
8. The property is **historically linked to its surroundings.**
9. The property is not considered to be a local landmark.



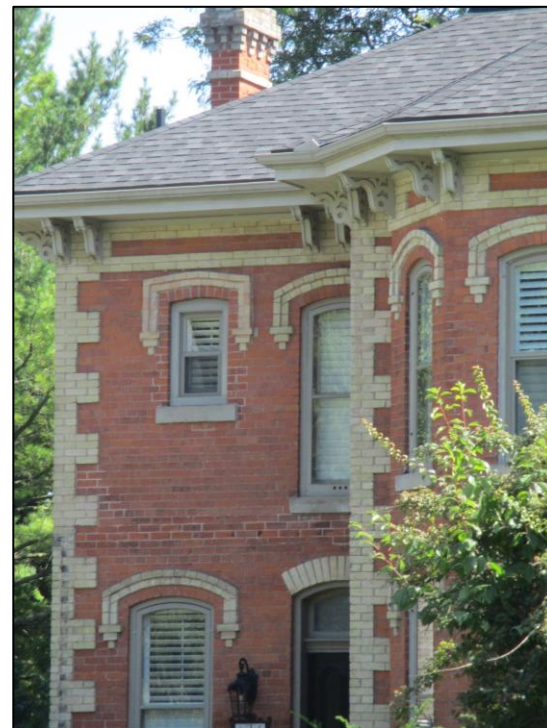
Statement of Cultural Heritage Value or Interest (Summary)

The property located at 176 Wilson Street East is a two-storey brick dwelling constructed circa 1881. It is a **representative example** of Italianate architecture and displays a **high degree of craftsmanship**.

The property **helps support** the character of Wilson Street East and Ancaster, and is **historically** linked to its surroundings

Description of Heritage Attributes (Summary)

- Front (north) and side (east and west) exterior elevations and roofline, including its:
 - Hip roof with projecting eaves and decorative wooden brackets;
 - Brick chimney;
 - Front and side projecting bays with polygonal roofs;
 - Window openings with decorative brick hoods, stone lug sills;
 - Hung wood windows with storms;
 - Front door with transom; and,
 - Dichromatic brick work.
- Location fronting onto Wilson Street East.





Hamilton

QUESTIONS?



Hamilton

THANK YOU



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Committee Members Hamilton Municipal Heritage Committee
COMMITTEE DATE:	November 28, 2023
SUBJECT/REPORT NO:	Recommendation to Designate 241 Wilson Street East, Ancaster, former Ancaster Carriage Company Factory, under Part IV of the <i>Ontario Heritage Act</i> (PED23192) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Scott Dickinson (905) 546-2424 Ext. 7167 Alissa Golden (905) 546-2423 Ext. 1202
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That the City Clerk be directed to give notice of Council’s intention to designate 241 Wilson Street East, Ancaster, shown in Appendix “A” attached to Report PED23192, as a property of cultural heritage value pursuant to the provisions of Part IV, Section 29 of the *Ontario Heritage Act*, in accordance with the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix “B” to Report PED23192, subject to the following:

- (a) If no objections are received to the notice of intention to designate in accordance with the *Ontario Heritage Act*, City Council directs staff to introduce the necessary by-law to designate the property to be of cultural heritage value or interest to City Council;
- (b) If an objection to the notice of intention to designate is received in accordance with the *Ontario Heritage Act*, City Council directs staff to report back to Council to allow Council to consider the objection and decide whether or not to withdraw the notice of intention to designate the property.

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

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EXECUTIVE SUMMARY

This Report recommends designation of the significant built heritage resource located at 241 Wilson Street East, Ancaster, known as the former Ancaster Carriage Company Factory, under Part IV of the *Ontario Heritage Act*. The subject property is currently listed on the City's Municipal Heritage Register (Register). Staff have completed an evaluation of the subject property using *Ontario Regulation 9/06* and determined that it has sufficient cultural heritage value or interest to warrant designation, as per the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes attached as Appendix "B" to Report PED23192.

Alternatives for Consideration – See Page 6

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: The designation process will follow the requirements of the *Ontario Heritage Act* and provide for adequate notice of Council's intention to designate the property. Formal objections may be made under the *Ontario Heritage Act* and considered by Council before either withdrawing the notice of intention to designate or passing a designation by-law. Once a designation by-law has been passed, any further objection would be heard before the Ontario Land Tribunal.

Designation under Part IV of the *Ontario Heritage Act* allows municipalities to recognize a property's cultural heritage value or interest, and to conserve and manage the property through the Heritage Permit process enabled under Sections 33 (alterations) and 34 (demolition or removal) of the *Act*.

Where alterations to designated properties are contemplated, a property owner is required to apply for, obtain, and comply with a Heritage Permit, for any alteration that "is likely to affect the property's heritage attributes, as set out in the description of the property's heritage attributes" (Sub-section 33(1)).

The City of Hamilton also provides financial incentive programs, including development charge exemption and heritage grants and loans, to assist in the adaptive re-use and continued conservation of properties once they are designated.

HISTORICAL BACKGROUND

The subject property located at 241 Wilson Street East, Ancaster, shown in Appendix “A” attached to Report PED23192, is comprised of a two-storey stone industrial building constructed in 1885. The subject property was first surveyed for potential heritage interest in the 1970s.

Between 1976 and 1985, the Ancaster Local Architectural Conservation Advisory Committee (former Heritage Committee) conducted an inventory of properties of potential heritage interest across the community. In 1980, as part of that inventory, a heritage research report was prepared for the subject property. A copy of the report “The Carriage Works: 241 -245 Wilson Street” was utilized in the writing of this Report (see the Research Sources attached as Appendix “D” to Report PED23192).

In 2020, the subject property was listed on the Municipal Heritage Register (Register) and was added to staff’s designation workplan for further research and assessment of the property. As a result of the recent *Bill 23* changes to the *Ontario Heritage Act*, the former staff workplan for designation was rescinded and replaced with a new public list of Candidates for Designation under Part IV of the *Ontario Heritage Act* (see Report PED22211(a)), at which time 241 Wilson Street East was reprioritized for review for designation by January 1, 2025.

In a letter dated July 10, 2023, Cultural Heritage Planning staff notified the property owner of the changes to the City’s heritage designation process and the reprioritization of staff’s review of the property for designation. In a subsequent letter dated October 18, 2023, staff advised the owner of the recommendation to designate the property, provided them with a copy of the proposed Statement of Cultural Heritage Value or Interest and advised them of the Hamilton Municipal Heritage Committee meeting date that the recommendation would be considered.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The Recommendation of this Report is consistent with Provincial and Municipal legislation, policy and direction, including:

- Determining the cultural heritage value or interest of a property based on design/physical value, historical/associative value and contextual value criteria (*Ontario Heritage Act, Ontario Regulation 9/06*);
- Ensuring significant built heritage resources are conserved (*Provincial Policy Statement, 2020, Sub-section 2.6.1*); and,
- Designating properties of cultural heritage value under Part IV of the *Ontario Heritage Act* (Urban Hamilton Official Plan, Section B.3.4.2.3).

RELEVANT CONSULTATION

External

- Property Owner.

In addition, Planning staff have emailed the Ward Councillor (Councillor C. Cassar) for Ward 12 and provided an overview of the reasons for designation and the process for designating a property.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The intent of municipal designation, under Part IV of the *Ontario Heritage Act*, is to enable a process for the management and conservation of significant cultural heritage resources. Once a property is designated, the municipality can manage change to a property through the Heritage Permit process to ensure that the significant features of the property are maintained.

Section 29(1) of the *Ontario Heritage Act* permits the Council of a municipality to designate property to be of cultural heritage value or interest where property meets two or more of the Criteria for Determining Cultural Heritage Value or Interest prescribed in *Ontario Regulation 9/06*, as amended by *Ontario Regulation 569/22*, which identifies nine criteria in three broad categories: Design / Physical Value; Historical / Associative Value; and, Contextual Value. The evaluation of cultural heritage value or interest of the subject property was completed by Cultural Heritage Planning staff based on a site visit of the exterior of the property conducted on August 28, 2023 (see photographs attached as Appendix “C” to Report PED23192) and available primary and secondary research sources (attached as Appendix “D” to Report PED23192). As outlined below, based on staff’s cultural heritage evaluation, it was determined that the subject property meets 5 of the 9 criteria contained in *Ontario Regulation 9/06* in all three categories.

Design / Physical Value

1. The two-storey stone structure located at 241 Wilson Street, Ancaster was constructed in 1885. The property has design or physical value as it is a representative example of a vernacular stone structure of the sort used to house nineteenth-century industry. It is an L-shaped building with a cross gable roof, several single stack brick chimneys, segmentally-arched windows with stone voussoirs in an irregular pattern, broken-course rubble stone walls with corner quoins; and a stone foundation.
2. The property does not appear to demonstrate a high degree of craftsmanship or artistic merit.

SUBJECT: Recommendation to Designate 241 Wilson Street East, Ancaster, former Ancaster Carriage Company Factory, under Part IV of the Ontario Heritage Act (PED23192) (Ward 12) - Page 5 of 6

3. The property does not appear to demonstrate a high degree of technical or scientific achievement.

Historical / Associative Value

4. The property has historical value as it is associated with the theme of nineteenth-century industry in Ancaster. On this site the entrepreneurial Egleston brothers Alonzo (1823 -1879) and Harris (1809-1896) operated a machine shop from a frame building, one of their many enterprises located in Ancaster. This property was sold to Ancaster lawyer Edward Kenrick (1850-1925), who operated his Ancaster Carriage Company, first in a wooden frame building, and then in the current stone structure, constructed in 1885 after a fire destroyed the earlier wooden premises. Kenrick was himself a prominent Ancasterian having a fifty-year career in the village. The property had a very short career as an industrial building, as the Ancaster Carriage Company began winding up its affairs after only a few years of occupancy. By 1900, the property was divided into several residential units and an Oddfellow's Hall. This mix of building use has continued to the present day.
5. The property has the potential to yield information that contributes to understanding Ancaster as a community. This property had a very short life as an industrial building as the Ancaster Carriage Company closed after only inhabiting the property for fifteen years. After 1900, the property was adapted to a variety of uses, including apartments, meeting halls and various professional and retail uses. It is an example of how the community has changed, and how existing buildings have adapted to serve newfound needs.
6. The property does not demonstrate or reflect the work or ideas of an architect, artist, builder, designer or theorist who is significant to the community.

Contextual Value

7. The property is important in defining the character of the area. Several modern buildings now surround 241 Wilson Street East, all of which have been built in a very sympathetic manner with compatible stone exteriors. The property's nature as a nineteenth-century industrial building is supported by these newer structures and gives the viewer a strong sense that this part of Ancaster was once home to industry. Being across the street from St. John's Anglican Church positions this property as being part of the core of Ancaster. This was not an isolated factory site, but one quite close to where Ancasterians lived and prayed.

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SUBJECT: Recommendation to Designate 241 Wilson Street East, Ancaster, former Ancaster Carriage Company Factory, under Part IV of the Ontario Heritage Act (PED23192) (Ward 12) - Page 6 of 6

8. The property is visually and historically linked to its surroundings, being at the edge of the Ancaster Village core and along the historic Wilson Street transportation corridor, close to a number of other nineteenth-century structures.
9. The property is not considered to be a local landmark.

Staff have determined that 241 Wilson Street East, Ancaster is of cultural heritage value or interest sufficient to warrant designation under Part IV of the *Ontario Heritage Act* and recommend designation according to the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix “B” to Report PED23192.

ALTERNATIVES FOR CONSIDERATION

Under Part IV of the *Ontario Heritage Act*, the designation of property is a discretionary activity on the part of Council. Council, as advised by its Municipal Heritage Committee, may decide to designate property or decline to designate property.

Decline to Designate

By declining to designate, the municipality would be unable to provide long-term, legal protection to this significant cultural heritage resource (designation provides protection against inappropriate alterations and demolition) and would not fulfil the expectations established by existing municipal and provincial policies.

Without designation, the property would not be eligible for the City’s financial incentives for heritage properties, including development charge exemption and grant and loan programs. Designation alone does not restrict the legal use of property, prohibit alterations and additions, nor does it restrict the sale of a property, or been demonstrated to affect its resale value. However, designation does allow the municipality to manage change to the heritage attributes of a property through the Heritage Permit process. Staff does not consider declining to designate any of the properties to be an appropriate conservation alternative.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED23192 – Location Map

Appendix “B” to Report PED23192 – Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes

Appendix “C” to Report PED23192 – Photographs

Appendix “D” to Report PED23192 – Research Sources

SD/AG/sd

STATEMENT OF CULTURAL HERITAGE VALUE OR INTEREST AND DESCRIPTION OF HERITAGE ATTRIBUTES

Description of Property

The 0.5 hectare property municipally-addressed as 241 Wilson Street East is comprised of a circa 1885 two-storey stone building of a vernacular style. The property is also comprised of a modern building constructed in 2007 in a sympathetic style, municipally-addressed as 253 Wilson Street East. The property is located on the northwestern side of Wilson Street East, at the intersection of Wilson Street East and Halston Street, in the community of Ancaster in the City of Hamilton.

Statement of Cultural Heritage Value or Interest

The circa 1885 two-storey stone structure located at 241 Wilson Street East has physical value as it is a representative example of a vernacular stone nineteenth-century industrial building. The historical value of the property lies in its association with nineteenth-century industry in Ancaster and the Ancaster Carriage Company, who originally constructed it in 1885. The Ancaster Carriage Company was owned by Edward Kenrick (1850-1925), prominent Ancaster lawyer. The property is also connected to the Egleston Brothers, who were responsible for much of Ancaster’s nineteenth-century industry.

This property defines the historic former industrial character of this section of Wilson Street East in the core of the village of Ancaster and is visually and historically linked to its surroundings. The sympathetic new structures on either side of the property enhance for the viewer the sense that this was an industrial space, that Ancaster was once home to a variety of manufacturers and enterprises.

Description of Heritage Attributes:

Key attributes that embody the physical value of the property as a representative vernacular nineteenth-century stone industrial building and its association with early Ancaster industry, including the Ancaster Carriage Company, include:

- The front (south) and side (west and east) elevations and roofline of the two-storey circa 1885 stone building, including its:
 - L-shaped plan;
 - Cross-gable roof with projecting eaves;
 - Single stack corbelled red brick chimneys;
 - Broken-coursed rubble stone walls with corner cut-stone quoins;
 - Segmentally-arched window and door openings with stone voussoirs and stone lug sills;
 - Side (east) entrance with transom; and,
 - Stone foundation.

Key attributes that embody the contextual value of the property as a defining feature of the historical character of Wilson Street East in the core of the village of Ancaster include its:

- Location fronting onto Wilson Street East; and,
- Visibility of three exterior walls from the public right of way.

Photographs

All photographs taken by City of Hamilton staff on August 28, 2023, unless otherwise noted.



Image 1: View of property looking west

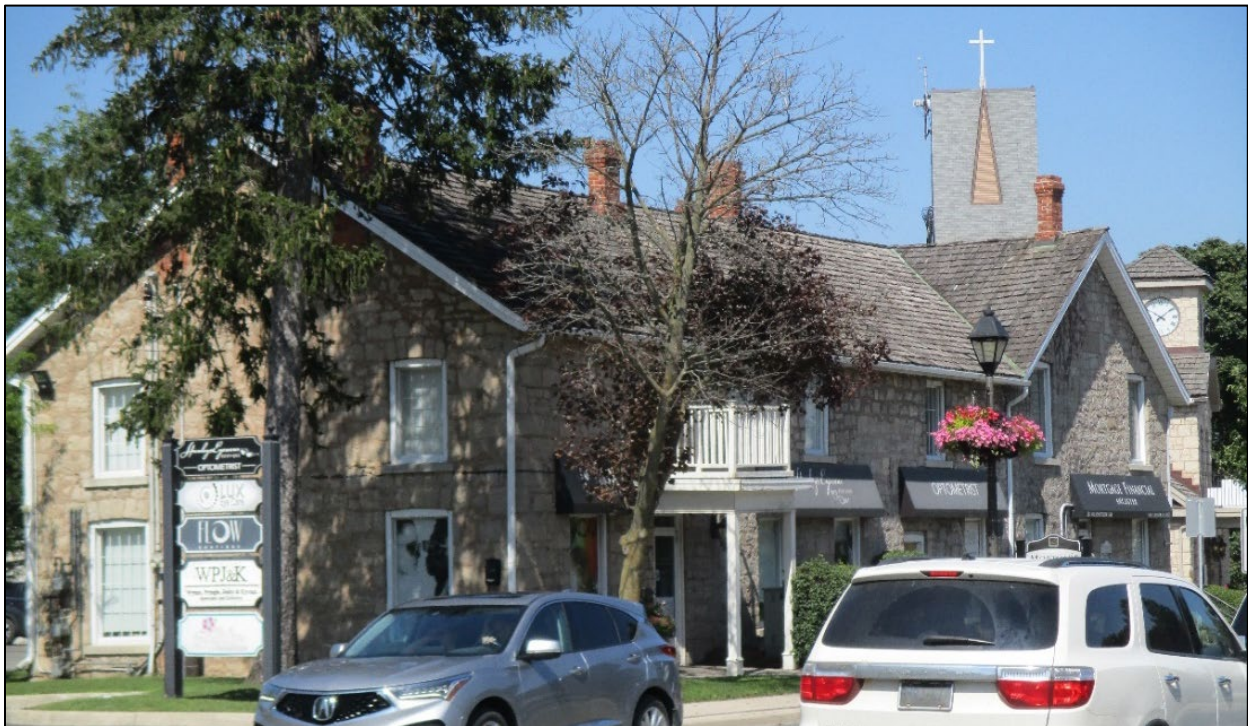


Image 2: View of property looking northeast



Image 3: West side elevation



Image 4: Detail of west elevation and yard



Image 5: South elevation of property



Image 6: West end of south elevation



Image 7: East end of south elevation



Image 8: Close up of east end of south elevation



Image 9: East side elevation



Image 10: Masonry detail on west elevation



Image 11: Balcony detail on south elevation



Image 12: Roofline detail on south elevation



Image 13 and 14: Masonry details of the eastern gable of the south elevation



Images 15 and 16: Masonry details on east elevation



Image 17: Modern infill located at 253 Wilson Street East, on the subject property



Image 18: Modern infill located at 231 Wilson Street East, to west of the property



Image 19: Subject property circa 1940 (Hamilton Public Library, Local History and Archives)



Image 20: Wilson Street circa 1909, looking north with subject property in the background (Hamilton Transit History)

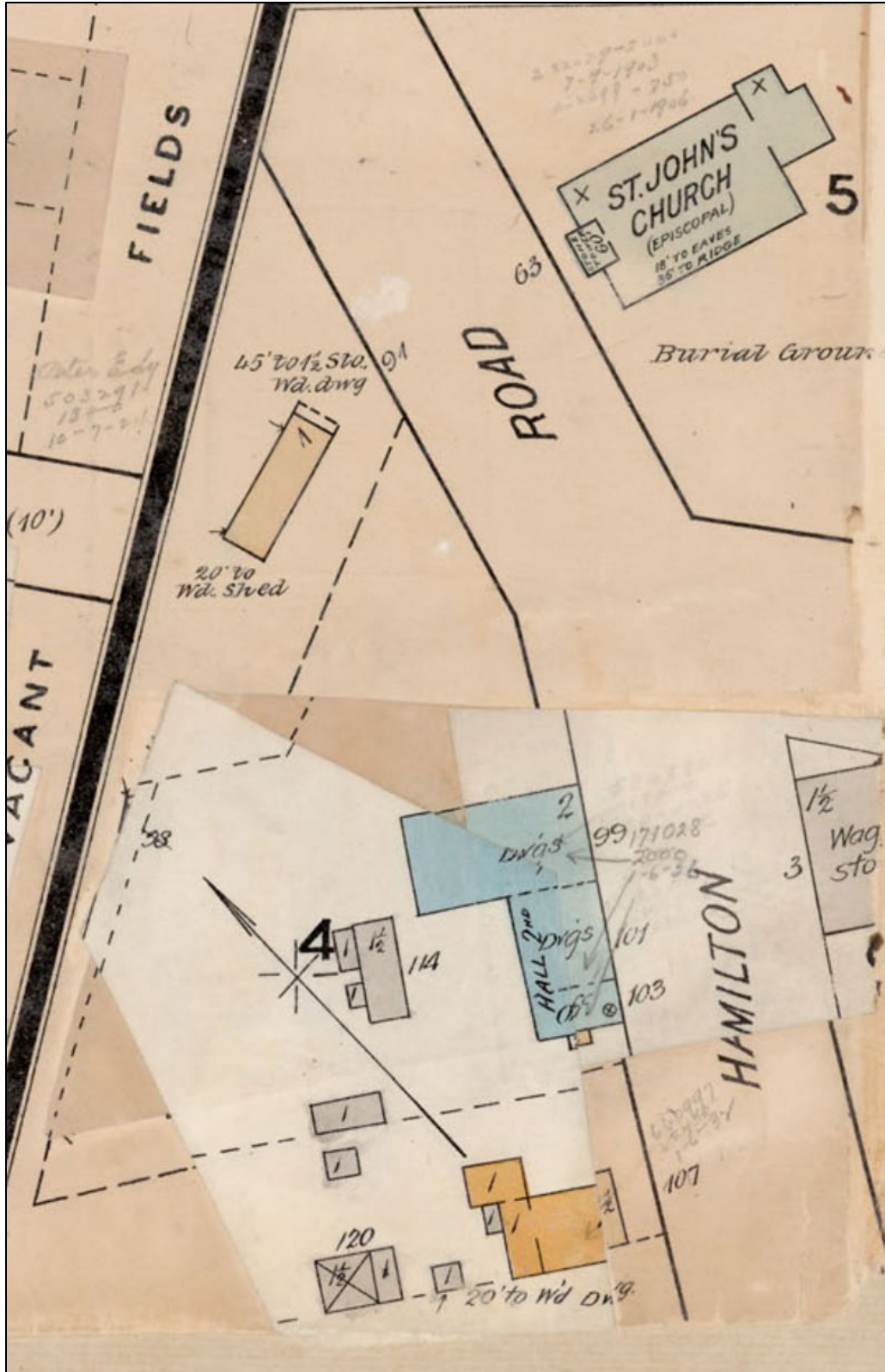


Image 21: Ancaster Fire Insurance Map 1886, revised 1897 showing the stone building in blue (Library and Archives Canada)

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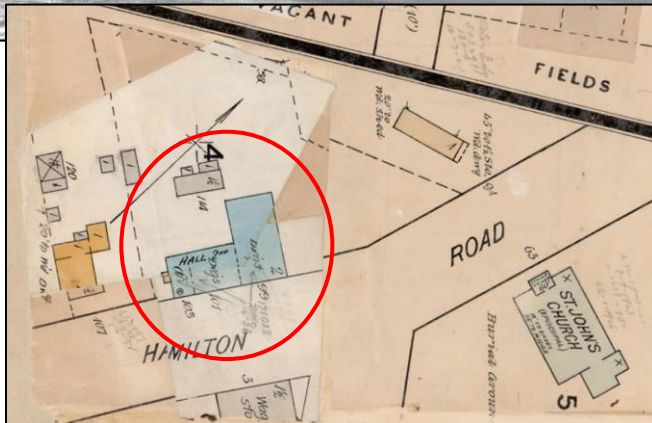
Hamilton

Recommendation to Designate 241 Wilson Street East, Ancaster (Former Ancaster Carriage Works)

November 28, 2023

Hamilton Municipal Heritage Committee

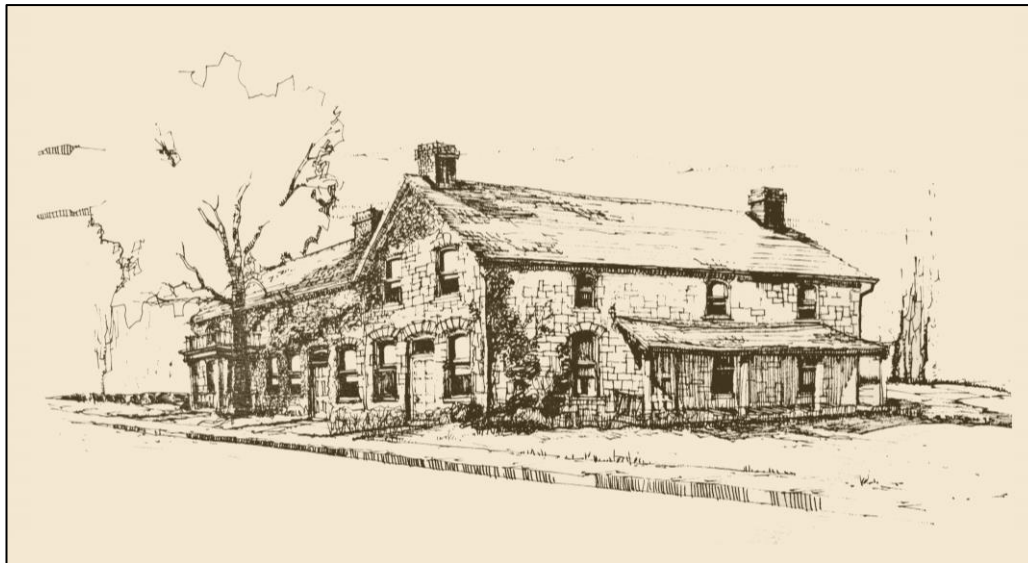
241 Wilson Street East, Ancaster (Former Ancaster Carriage Works)



Background

June 2020 - Property listed on Municipal Heritage Register and designation work plan.

March 2023 - Prioritized for Designation by January 1st, 2025



Recommendation for Designation Under Part IV of the OHA

241 Wilson Street East, Ancaster

Ontario Regulation 9/06 Criteria (5 of 9)

- Design / Physical (Criteria #1)
- Historical / Associative (Criteria #4, 5)
- Contextual (Criteria #7, 8)



Design / Physical Value

1. The property is a **representative example** of nineteenth century industrial architecture.
2. The property is not considered to display a high degree of craftsmanship or artistic merit.
3. The property is not considered to demonstrate a high degree of technical or scientific achievement.



Historical / Associative Value

4. The property has direct associations with Edward Kenrick, the Egleston brothers and the Ancaster Carriage Works.
5. The property is considered to have the potential to yield information that contributes to the understanding of a community or culture.
6. The property is not considered to demonstrate the work or ideas of an architect, artist, builder, designer or theorist significant to the community

Contextual Value

7. The property helps **define** the historic character of Wilson Street and Ancaster.
8. The property is **visually and historically linked to its surroundings.**
9. The property is not considered to be a local landmark.



Statement of Cultural Heritage Value or Interest (Summary)

The property located at 241 Wilson Street East is comprised of a two-storey stone structure built in 1885. It is representative of an industrial building constructed in a vernacular style.

The property is directly associated with industrialists **Edward Kenrick** and **Harris and Alonzo Egleston**, and the **Ancaster Carriage Works**.

The property **defines** the character of Wilson Street East, and is **visually and historically** linked to its surroundings.

Description of Heritage Attributes (Summary)

- Front (south) and side (east and west) elevations and roofline of the 1885 two-storey stone structure including its:
 - L-shaped plan;
 - Cross-gable roof with projecting eaves;
 - Single stack corbelled red brick chimneys;
 - Broken-coursed rubble stone walls with corner cut-stone quoins;
 - Segmentally-arched window and door openings with stone voussoirs and stone lug sills;
 - Side (east) entrance with transom ; and,
 - Stone foundation.
- Contextual attributes, including its:
 - Location fronting onto Wilson Street East
 - Visibility of three exterior walls from public right of way





Hamilton

QUESTIONS?



Hamilton

THANK YOU



INFORMATION REPORT

TO:	Chair and Members Hamilton Municipal Heritage Committee
COMMITTEE DATE:	November 28, 2023
SUBJECT/REPORT NO:	<i>Bill 139, Schedule 14, Less Red Tape, More Common Sense Act, 2023</i> , and Proposed Changes to the <i>Ontario Heritage Act</i> and the Heritage Permit Requirements for Alterations to Part IV Designated Properties with Buildings Used for Religious Practices (PED23253) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Alissa Golden (905) 546-2424 Ext. 1202
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

INFORMATION

On October 19, 2023, *Less Red Tape, More Common Sense Act, 2023* was introduced at the Ontario Legislature. Schedule 14 of *Bill 139* (attached as Appendix “A” of Report PED23253) proposes amendments to the *Ontario Heritage Act* and Ontario Regulation 385/21 (General).

The Environmental Registry of Ontario Posting, ERO # 019-7684, for *Bill 139*, Schedule 14 (attached as Appendix “B” of Report PED23253), provides the following summary of the proposed amendments:

“A proposal to make amendments to the Ontario Heritage Act (OHA) and O.Reg. 385/21 (General) which would allow religious organizations and Indigenous communities or organizations to move forward with their proposed alterations where the requirements of the provision are met.”

The details of the proposed amendments indicate that the amendments would “require that municipalities consent, without terms and conditions, to proposed alterations to buildings on designated properties, where the building is primarily used for religious

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

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

SUBJECT: *Bill 139, Schedule 14, Less Red Tape, More Common Sense Act, 2023, and Proposed Changes to the Ontario Heritage Act and the Heritage Permit Requirements for Alterations to Part IV Designated Properties with Buildings Used for Religious Practices (PED23253) (City Wide) - Page 2 of 5*

practices, the heritage attributes to be altered are connected to religious practices, the alterations are required for religious practices and all other conditions of the proposed legislative and regulatory amendments are met. The proposal would also reduce application requirements and shorten decision making timelines.”

The Environmental Registry of Ontario commenting period on the proposed changes ends on **December 3, 2023**. As indicated in the posting, if the amendments are passed and the regulatory amendments are made, these amendments are anticipated to come into force on January 1, 2024.

The key components of the proposed amendments include:

- **Automatic approval of alterations** – The proposed amendments to Section 33 of the *Ontario Heritage Act* would ensure that any alterations to a Part IV designated property are consented to, without terms and conditions, when the following requirements are met:
 - The building, or part thereof, to be altered is primarily used for religious practices;
 - The heritage attributes to be altered are connected to religious practices;
 - The alteration of the heritage attributes is required for religious practices;
 - Any additional conditions prescribed by regulation; and,
 - The applicant provides council with an affidavit or sworn declaration that the application meets the conditions in the Act or prescribed in regulation.
- **Prescribed conditions** – It is also proposed that the following additional conditions be prescribed by regulation:
 - The alteration is not permitted to be an addition to the building; and,
 - The alteration must be for the benefit of an Indigenous community, an Indigenous organization or a religious organization that is not an Indigenous organization where the religious organization is a registered charity under the laws of Ontario or Canada (applies to owners or tenants).
- **Processing timelines** – Municipalities will have 30 days to issue a notice of incomplete application, 30 days to issue a notice of consent upon receipt of a complete application and consent would be deemed to be provided where these timelines have not been met.

SUBJECT: *Bill 139, Schedule 14, Less Red Tape, More Common Sense Act, 2023, and Proposed Changes to the Ontario Heritage Act and the Heritage Permit Requirements for Alterations to Part IV Designated Properties with Buildings Used for Religious Practices (PED23253) (City Wide) - Page 3 of 5*

- **Application requirements** – In addition to an affidavit or sworn declaration from the applicant, complete applications would also require: applicant contact information; property information; a description of the proposed alterations and how they impact identified heritage attributes; clarification of who the alterations are for (owner or tenant); and, confirmation that the related religious organization is a registered charity.
- **Defining “building”** – The term is defined with respect to the proposed amendments to the requirements for applications to alter buildings used for religious practices.

Staff Analysis

The Environmental Registry of Ontario posting identifies key questions it has for the owners of designated properties used primarily for religious practices, as well as for the municipalities who administer heritage permits for these properties. The questions for municipalities to comment on, including the initial comments from staff, are as follows:

1. Is 30 days a sufficient time for municipalities to process applications and determine if they are complete?

Staff Comment - A 60-day review timeline would be more reasonable and would also be consistent with the timelines for reviewing other Heritage Permit applications under Part IV of the *Ontario Heritage Act*, as per Sections 33(7) and 34(4.3), which would cause less administrative confusion for municipalities and applicants.

2. Are there any further conditions that should be applied to these types of applications?

Staff Comment - It is unclear whether educational and outreach practices would fall under “religious practices”, as proposed by the legislative amendments. It would be helpful to distinguish or clarify if these types of practices are covered by the amendments and, if not, this should be outlined in the applied conditions to ensure that accessory structures or buildings, like Sunday schools, are still subject to the standard alteration approval requirements under Section 33.

3. Is the list of information and materials required as part of complete application sufficient? Are there any materials or information that is missing or should be removed?

SUBJECT: *Bill 139, Schedule 14, Less Red Tape, More Common Sense Act, 2023, and Proposed Changes to the Ontario Heritage Act and the Heritage Permit Requirements for Alterations to Part IV Designated Properties with Buildings Used for Religious Practices (PED23253) (City Wide) - Page 4 of 5*

Staff Comment - The list of information and materials is consistent with much of the basic information that would be expected to accompany a Heritage Permit application. However, staff recommend that the application requirements also include photographs of the existing condition of heritage attributes to be impacted, as well as any plans or drawings that have been prepared that depict the proposed changes, to assist staff with interpreting the description of the proposed alterations that would be required. If staff or Heritage Committee analysis are not required to advise if the application should be consented to, then no supporting studies or reports would be required.

4. Are the types of buildings listed considered by religious organizations to be reflective of what are commonly thought of, or referred to as a place of worship? Do Indigenous communities and organizations consider the definition as reflective of buildings where their religious and spiritual Indigenous practices might take place? Are there modifications or additions to the definition that religious organizations, Indigenous communities or Indigenous organizations would suggest?

Staff Comment - No comments at this time.

5. How many applications do you receive each year from municipally designated heritage properties that are primarily used for religious practices or Indigenous spiritual or religious practices requesting an alteration to identified heritage attributes connected to those practices?

Staff Comment - Based on a review of Heritage Permit applications processed over the last 5 years, since 2018, the City of Hamilton has received 18 applications to alter designated properties with buildings used primarily for religious practices. This includes 11 applications for individually designated properties under Part IV of the *Ontario Heritage Act* and 7 applications for district designated properties under Part V of the Act.

Of the 11 applications under Part IV (Section 33) of the Act, none of the alterations appear to be directly related to religious practices or Indigenous spiritual or religious practices. Types of applications include: repairs to heritage features, including windows, porches, ceilings, and roofs; the introduction of new entrances; and accessibility upgrades (e.g. elevator). One permit dealt with alterations to the Sunday school building on the property, an identified heritage attribute, but it is unclear if the reasons for the alterations were directly related to religious practices, as proposed in the amendments.

SUBJECT: *Bill 139, Schedule 14, Less Red Tape, More Common Sense Act, 2023, and Proposed Changes to the Ontario Heritage Act and the Heritage Permit Requirements for Alterations to Part IV Designated Properties with Buildings Used for Religious Practices (PED23253) (City Wide) - Page 5 of 5*

6. How long does it typically take to review such an application (in hours)? How long do you believe it would take under the revised process and requirements?

Staff Comment - The time required to review and process a Heritage Permit application to alter a Part IV designated property varies depending on the complexity of the application, supporting documentation and reports, discussions with the owner/applicant and whether approval can be issued by staff through the delegated authority of Council, or whether a report to Heritage Committee, Planning Committee and a decision of Council is required. A conservative estimated range of time would be between 5 hours for a simple application to 40 hours for a complex one.

Under the proposed revised process, since there would be no documentation to review or analysis to perform, it would take approximately 5 hours to process.

7. What level of employee in your organization typically undertakes this work (e.g., administrative staff, management)?

The processing of Heritage Permit applications requires administrative support by the Assistant Cultural Heritage Planner, review and processing time by Cultural Heritage Planning staff, and supervisory and upper management review and approval time, including the Cultural Heritage Program Lead, Director of Heritage and Urban Design and Director of Planning and Chief Planner.

Cultural Heritage Planning staff are in the process of preparing more detailed comments on the changes to the *Ontario Heritage Act* to be submitted prior to the commenting deadline. Staff will report back to the Hamilton Municipal Heritage Committee, Planning Committee and Council with any necessary actions to address the legislative changes, once passed, and the impacts on the City's policies and procedures, as applicable.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED23253 – *Bill 139, Schedule 14 Excerpt*

Appendix "B" to Report PED23253 – Environmental Registry of Ontario Posting Number 019-7684, for *Bill 139, Proposed changes to the Ontario Heritage Act and O.Reg. 385/21 General with respect to certain alteration requests*

AG/mb

**SCHEDULE 14
ONTARIO HERITAGE ACT**

1 Section 33 of the *Ontario Heritage Act* is amended by adding the following subsections:

Alteration of building used for religious practices

(18) The council shall consent to an application to alter or permit the alteration of a building, or part thereof, on property under subsection (1), without terms or conditions, where the following conditions are met:

1. The building, or part thereof, to be altered is primarily used for religious practices.
2. The heritage attributes are connected to religious practices.
3. The alteration of the heritage attributes is required for religious practices.
4. Any prescribed conditions.
5. The applicant provides the council with an affidavit or sworn declaration that the application meets the conditions set out in paragraphs 1 to 4.
6. The applicant provides the council with any information and material prescribed under subsection (2).

Indigenous religious or spiritual practices

(19) For the purposes of subsection (18), religious practices include Indigenous religious or spiritual practices.

Notice re incomplete application

(20) The council shall, in accordance with the prescribed time period, notify the applicant if the affidavit or sworn declaration required under paragraph 5 of subsection (18) is not complete or if any information and material required under paragraph 6 of subsection (18) is not provided.

Same

(21) For greater certainty, the council shall provide additional notice in accordance with subsection (20) if the applicant resubmits an affidavit or sworn declaration that remains incomplete or if any information and material required is still not provided.

Notice re consent

(22) Upon receiving the complete affidavit or sworn declaration required under paragraph 5 of subsection (18) and all information and material required under paragraph 6 of subsection (18), the council shall, in accordance with the prescribed time period, serve notice of its consent to the application under subsection (18) on the applicant and the Trust.

Deemed consent, incomplete application

(23) If the council receives an affidavit or sworn declaration required under paragraph 5 of subsection (18) that is incomplete or if any information and material required under paragraph 6 of subsection (18) is not provided by the applicant, and the council fails to provide the applicant with notice of an incomplete application in accordance with subsection (20) or (21), as the case may be, the council shall be deemed to have consented to the application.

Deemed consent, complete application

(24) If the council receives the complete affidavit or sworn declaration required under paragraph 5 of subsection (18) and all of the information and material required under paragraph 6 of subsection (18) but does not provide notice of consent to the applicant in accordance with the time period prescribed under subsection (22), the council shall be deemed to have consented to the application.

Reliance on affidavit or sworn declaration

(25) For greater certainty, the council shall rely exclusively on the affidavit or sworn declaration under paragraph 5 of subsection (18) to demonstrate that the application meets the conditions under paragraphs 1 to 4 of subsection (18).

Non-application, subss. (3) to (14)

(26) Subsections (3) to (14) do not apply to an application to alter under subsection (18).

2 Subsection 70 (1) of the Act is amended by adding the following clause:

- (j.1) defining terms for the purposes of subsections 33 (18) and (19);

3 Section 71 of the Act is amended by adding the following clauses:

- (e) facilitate the implementation of amendments to this Act made by Schedule 14 to the *Less Red Tape, More Common Sense Act, 2023*;
- (f) deal with any problems or issues arising as a result of the enactment of a provision of this Act by Schedule 14 to the *Less Red Tape, More Common Sense Act, 2023*.

Commencement

4 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

Proposed changes to the Ontario Heritage Act and O.Reg. 385/21 General with respect to certain alteration requests

ERO (Environmental Registry of Ontario) number	019-7684
Notice type	Regulation
Act	Ontario Heritage Act, R.S.O. 1990
Posted by	Ministry of Citizenship and Multiculturalism
Notice stage	Proposal
Proposal posted	October 19, 2023
Comment period	October 19, 2023 - December 3, 2023 (45 days) Open
Last updated	October 19, 2023

This consultation closes at
11:59 p.m. on:
December 3, 2023

Proposal summary

A proposal to make amendments to the Ontario Heritage Act (OHA) and O.Reg. 385/21 (General) which would allow religious organizations and Indigenous communities or organizations to move forward with their proposed alterations where the requirements of the provision are met.

Proposal details

As part of the Province's Fall Red Tape Reduction package, the Ministry of Citizenship and Multiculturalism (MCM) is proposing changes to the Ontario Heritage Act (OHA) and O.Reg. 385/21 (General) which would require that municipalities consent, without

terms and conditions, to proposed alterations to buildings on designated properties, where the building is primarily used for religious practices, the heritage attributes to be altered are connected to religious practices, the alterations are required for religious practices and all other conditions of the proposed legislative and regulatory amendments are met. The proposal would also reduce application requirements and shorten decision making timelines.

Proposed Statutory Amendments

Section 33 of the OHA requires property owners to seek municipal consent when making alterations to designated heritage properties if the alteration is likely to affect the property's heritage attributes. Municipal council can then consent, consent with terms or conditions or refuse the application. To provide more certainty to religious organizations and Indigenous communities and Indigenous organizations who need to make modifications to buildings for purposes of their religious practices, MCM is proposing amending section 33 to ensure alterations to a property designated under Part IV of the OHA are consented to without terms and conditions when the following requirements are met:

- The building, or part thereof, to be altered is primarily used for religious practices;
- The heritage attributes to be altered are connected to religious practices;
- The alteration of the heritage attributes is required for religious practices;
- Any additional conditions prescribed by regulation (this would be a new regulation making authority); and,
- The applicant provides council with an affidavit or sworn declaration that the application meets the conditions in the Act or prescribed in regulation.

Municipalities would be required to rely on the affidavit or sworn declaration to demonstrate that the conditions of the application listed above are met. Religious practices would include the religious or spiritual practices of Indigenous communities or organizations for the purposes of the provision. The applicant would also have to provide council with any additional information and materials prescribed by regulation.

Municipalities would be required to provide notice of consent within a prescribed timeline once an application is complete, and consent would be deemed to be provided if the timeline is not met. Municipalities would also be required to provide notice of an incomplete application within a prescribed timeline if the application is incomplete, and consent would also be deemed to be provided if the timeline is not met. The proposed amendments would address the situation where a resubmission continues to be incomplete.

In addition to the above-mentioned proposed statutory amendments, the proposed statutory amendment would also include a new regulation making authority that would allow for the definition of certain terms.

The objective of the proposed changes is to provide certainty and shorter timelines for religious organizations, Indigenous communities and Indigenous organizations to move forward with proposed alterations required for religious practices, in situations where the requirements of the provision are met. The changes would ensure that they can continue their religious practices or Indigenous religious or spiritual practices with limited interruptions or complications should they need to alter a property designated under the OHA.

Proposed Regulatory Amendments

A number of regulatory amendments would be required to implement the proposed statutory amendments. These are outlined below.

Timelines

MCM is proposing that upon receiving a complete application for alteration requests that meet the proposed conditions of this new provision, municipalities have 30 days to issue a notice of consent. Consent would be deemed to be provided where the timeline is not met by the municipality. Where the application is incomplete, municipalities would have 30 days to issue a notice of incomplete application. Consent would also be deemed to be provided where the timeline is not met by the municipality.

Question: Is 30 days a sufficient time for municipalities to process applications and determine if they are complete?

Conditions

MCM is proposing that the following additional conditions be prescribed by regulation:

- The alteration is not permitted to be an addition to the building.
- The alteration must be for the benefit of an Indigenous community, an Indigenous organization or a religious organization that is not an Indigenous organization where the religious organization is a registered charity under the laws of Ontario or Canada (applies to owners or tenants)

These additional conditions are being proposed to help reasonably scope the provision while allowing religious organizations and Indigenous communities or Indigenous organizations to continue their religious practices or Indigenous religious or spiritual practices without interruption. By requiring that a religious organization is a registered charity, additional supporting information can be required to be provided beyond the completion of an affidavit or

sworn declaration. Prohibiting alterations that are an addition to a building would help to limit the potential to impact heritage attributes beyond those related to religious practices.

Question: Are there any further conditions that should be applied to these types of applications?

Application Requirements

In addition to the affidavit or sworn declaration, which the applicant would already be required to provide with the application by way of the proposed legislative amendment, MCM is proposing that the following information and materials would also be required as part of a complete application:

- The name, address, telephone number and, if applicable, the email address of the applicant.
- The name of the municipality from which consent is being requested;
- A description of the property that is the subject of the application, including such information as the concession and lot numbers, reference plan and part numbers, and street names and numbers;
- A description of the proposed alteration, that includes identifying which heritage attributes would be impacted by the alteration;
- An explanation as to whether the proposal is for the benefit of the owner or a tenant; and
- Where the proposal would benefit an owner or tenant that is a religious organization that is not an Indigenous organization, the registered charity number of the religious organization.

The proposed application requirements balance a reasonable level of supporting information and materials with an effort to limit burdens on applicants and the municipality.

Questions: Is the list of information and materials required as part of complete application sufficient? Are there any materials or information that is missing or should be removed?

Proposed Definition

MCM is proposing to include a definition of the word "building" as it would be used in the provision to provide further scope and clarity. What follows is the proposed substance of the definition:

For purposes of the provision it is proposed that "building" would be defined to mean one of the following:

- (i) With respect to an application for the benefit of an Indigenous community or organization, a building that the Indigenous community or organization has identified as a place used for Indigenous religious or spiritual practices; or
- (ii) With respect to an application for the benefit of a religious organization that is not an Indigenous organization, a building that the religious organization has identified as a church, mosque, synagogue, temple, chapel, or other place of worship.

Questions: Are the types of buildings listed considered by religious organizations to be reflective of what are commonly thought of, or referred to as a place of worship? Do Indigenous communities and organizations consider the definition as reflective of buildings where their religious and spiritual Indigenous practices might take place? Are there modifications or additions to the definition that religious organizations, Indigenous communities or Indigenous organizations would suggest?

Implementation

If the statutory amendments are passed and the regulatory amendments are made, MCM intends on bringing the amendments into force on January 1, 2024. The proposed provision

would be available for applications submitted as of the in-force date. Existing alteration applications that might have been eligible for this new mandatory consent would continue to follow the existing section 33 process under which they were originally initiated.

Regulatory Impact Assessment:

The proposed statutory and regulatory amendments would impact municipalities as well as the religious organizations and Indigenous communities and organizations that would submit applications under the proposed provision.

Work is underway to analyze possible administrative and other compliance costs that may result from this proposal. To inform this analysis, MCM is seeking responses to the following questions.

Questions: For owners of municipally designated heritage properties that are primarily used for religious practices:

1. Historically, how often (i.e., times per year) have you submitted requests to your municipality to make alterations to identified heritage attributes connected to religious practices or Indigenous religious or spiritual practices that are required for these practices?
2. How long does it take you to complete and submit the request (in hours)? How long do you believe it would take under the revised process and requirements?
3. Who typically completes this work (e.g., administrative staff, senior leadership)?
4. Are there other costs associated with preparing an alteration request? If yes, what are they and how do you foresee them being impacted by this proposal?

Questions: For municipalities:

1. How many applications do you receive each year from municipally designated heritage properties that are primarily

- used for religious practices or Indigenous spiritual or religious practices requesting an alteration to identified heritage attributes connected to those practices?
2. How long does it typically take to review such an application (in hours)? How long do you believe it would take under the revised process and requirements?
 3. What level of employee in your organization typically undertakes this work (e.g., administrative staff, management)?

Supporting materials

Related links

[Ontario Heritage Act](https://www.ontario.ca/laws/statute/90o18)
(<https://www.ontario.ca/laws/statute/90o18>)

[Bill 139, Less Red Tape, More Common Sense Act, 2023](https://www.ola.org/en/legislative-business/bills/parliament-43/session-1/bill-139)
(<https://www.ola.org/en/legislative-business/bills/parliament-43/session-1/bill-139>)

Related ERO (Environmental Registry of Ontario) notices

[Bill 139 the Proposed Less Red Tape, More Common Sense Act \(/notice/019-7660\)](/notice/019-7660)

View materials in person

Some supporting materials may not be available online. If this is the case, you can request to view the materials in person.

Get in touch with the office listed below to find out if materials are available.

Heritage Branch, Ministry of Citizenship and Multiculturalism

400 University Avenue, 5th Floor
Toronto, ON
M7A 2R9
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heritage.consultation@ontario.ca

Heritage Permit Review Subcommittee (HPRS)

Meeting Minutes

Tuesday, October 17, 2023
City of Hamilton, Webex Virtual Meeting

Present: Tim Ritchie (Chair), Karen Burke (Vice Chair), Graham Carroll, Diane Dent, Andy MacLaren, Carol Priamo, Stefan Spolnik

Staff Present: Alissa Golden (Cultural Heritage Program Lead), Emily Bent (Cultural Heritage Planner), Meg Oldfield (Heritage Planning Technician), Caylee MacPherson (Assistant Cultural Heritage Planner)

Regrets: Steve Wiegand, Melissa Alexander

The meeting was called to order by the Chair at 5:00pm.

1. Approval of Agenda:

(Burke/Carroll)

That the Agenda for October 17, 2023 be approved as presented.

(Carried)

2. Approval of Minutes from Previous Meetings:

(Burke/Carroll)

That the Minutes of September 19, 2023 be approved, as presented.

(Carried)

3. Heritage Permit Applications

a) HP2023-048 – 77 King Street West, Stoney Creek (Part IV, Battlefield NHS)

- Repairs to the existing contemporary pedestrian bridge spanning Battlefield Creek.

Jarrett Zacharko from the City of Hamilton spoke to the Subcommittee.

The Subcommittee considered the application and together with input from the applicant and advice from staff, passed the following motion:
(Dent/MacLaren)

That the Heritage Permit Review Subcommittee advises that Heritage Permit Application HP2023-048 be consented to, subject to the following conditions:

- i. That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations; and,
- ii. That implementation / installation of the alteration(s), in accordance with this approval, shall be completed no later than October 31, 2025. If the alteration(s) are not completed by October 31, 2025, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

(Carried)

b) HP2023-047 – 262 MacNab Street North, Hamilton (MacNab Terrace, Part IV)

- Installation of a new wood finial on the front gable.

Robin McKee, property owner, spoke to the Subcommittee.

The Subcommittee considered the application and together with input from the applicant and advice from staff, passed the following motion:
(Spolnik/MacLaren)

That the Heritage Permit Review Subcommittee advises that Heritage Permit Application HP2023-047 be consented to, subject to the following conditions:

- i. That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part

of any application for a Building Permit and / or the commencement of any alterations; and,

- ii. That implementation / installation of the alteration(s), in accordance with this approval, shall be completed no later than October 31, 2025. If the alteration(s) are not completed by October 31, 2025, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

(Carried)

c) HP2023-049 – 52 Mill Street South, Flamborough (Mill Street Heritage Conservation District, Part V)

- Construction of a second storey addition to the existing one-storey dwelling, including:
 - Reconfiguration of the front façade, including a new central entrance with sidelights and flanking windows;
 - Removal of the existing siding and installation of new stone veneer and board-and-batten siding;
 - Construction of a new covered front porch; and,
 - Modifications to the front landscaping, including a widened front walkway.

Matthew Ribeau from Perspective Views Inc, spoke to the Subcommittee.

The Subcommittee considered the application and together with input from the applicant and advice from staff, passed the following motion:
(MacLaren/Carroll)

That the Heritage Permit Review Subcommittee advises that Heritage Permit Application HP2023-049 be consented to, subject to the following conditions:

- i. That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations; and,
- ii. That implementation / installation of the alteration(s), in accordance with this approval, shall be completed no later than October 31, 2025. If the alteration(s) are not completed by October 31, 2025,

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

(Carried)

d) HP2023-050 – 36 Hunter Street East, Hamilton (Hamilton GO Centre, Part IV)

- Rehabilitation and upgrades to the transit station, including interior repairs and improvements and exterior repairs, improvements and facilities.

Alissa Golden, Cultural Heritage Program Lead, spoke to the application.

The Subcommittee considered the application and together with advice from staff, passed the following motion:

(Dent/Carroll)

That the Heritage Permit Review Subcommittee advises that Heritage Permit Application HP2023-050 be consented to, subject to the following conditions:

- i. That rehabilitation work be consistent with the recommendations of the supporting Heritage Impact Assessment;
- ii. That copies of any subsequent reports, including the recommended Strategic Conservation Plan, be provided to the City of Hamilton;
- iii. That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations; and
- iv. That implementation / installation of the alteration(s), in accordance with this approval, shall be completed no later than October 31, 2025. If the alteration(s) are not completed by October 31, 2025, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

(Carried)

4. **Adjournment**

(MacLaren/Spolnik)

That the meeting be adjourned at 5:50pm.

(Carried)

5. **Next Meeting:** Tuesday, November 14, 2023 at 5:00pm



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Planning Division
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Phone: 905-546-2424, Ext. 1291
Fax: 905-540-5611

FILE: HP2023-038

October 31, 2023

2570850 Ontario Inc.
11 Pentland Road
Waterdown, ON L8B 0P6

**Re: Heritage Permit Application HP2023-038:
Exterior Alterations at 21 Mill Street North, Flamborough (Ward 15) (By-law
No. 96-34-H)**

Please be advised that pursuant to By-law No. 05-364, as amended by By-law No. 07-322, which delegates the power to consent to alterations to designated property under the *Ontario Heritage Act* to the Director of Planning and Chief Planner, Heritage Permit Application HP2023-038 is approved for the designated property at 21 Mill Street North, Flamborough, located in the Mill Street Heritage Conservation District, in accordance with the submitted Heritage Permit Application for the following alterations:

- Exterior alterations, including:
 - Replacement of the six existing wood exterior doors, in various locations on the front elevation;
 - Replacement of existing wood windows on all elevations;
 - Removal and reinstallation of the concrete stairs, along the front (east) and side (north and south) elevations, incorporating new handrails where necessary;
 - Partial removal of the existing contemporary chimney on the rear (west) elevation, to the roofline;
 - Full removal of the existing contemporary chimney located on the side (north) elevation; and
 - Reconfiguration and addition of curbing and bollards in the north and south parking lots.

Subject to the following conditions:

- a) That the final details of the proposed windows be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to installation;
- b) That the final details of the proposed replacement doors be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to installation;

Re: Heritage Permit Application HP2023-038: Exterior Alterations at 21 Mill Street North, Flamborough (Ward 15) (By-law No. 96-34-H) - Page 2 of 2

- c) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations; and
- d) That implementation / installation of the alteration(s), in accordance with this approval, shall be completed no later than November 30, 2025. If the alteration(s) are not completed by November 30, 2025, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

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

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

We wish you success with your project, and if you have any further questions, please feel free to contact staff at CulturalHeritagePlanning@hamilton.ca.

Yours truly,



Anita Fabac, MCIP RPP
Acting Director of Planning and Chief Planner

cc: Alissa Golden, Cultural Heritage Program Lead
Chantal Costa, Plan Examination Secretary
Aleah Whalen, Legislative Coordinator
Councillor McMeekin, Ward 15



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October 31, 2023

FILE: HP2023-043

Marilyn & Maynard Mooibroek
1000 Beach Boulevard
Hamilton, ON L8H 6Z4

**Re: Heritage Permit Application HP2023-043:
Removal of the Existing Deck and Construction of a Pergola at 1000 Beach
Boulevard, Hamilton (Ward 5) (By-law No. 00-135)**

Please be advised that pursuant to By-law No. 05-364, as amended by By-law No. 07-322, which delegates the power to consent to alterations to designated property under the *Ontario Heritage Act* to the Director of Planning and Chief Planner, Heritage Permit Application HP2023-043 is approved for the designated property at 1000 Beach Boulevard, Hamilton located in the Hamilton Beach Heritage Conservation District, in accordance with the submitted Heritage Permit Application for the following alterations:

- Replacement of the existing front deck and construction of a new front pergola, to be built with pressure treated wood and painted to match the house.

Subject to the following conditions:

- a) That any minor changes to the plans and elevations following approval shall be submitted to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations; and,
- b) That implementation of the alterations, in accordance with this approval, shall be completed no later than November 30, 2025. If the alterations are not completed by November 30, 2025, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

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

Re: Heritage Permit Application HP2023-043: Removal of the Existing Deck and Construction of a Pergola at 1000 Beach Boulevard, Hamilton (Ward 5) (By-law No. 00-135) - Page 2 of 2

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

We wish you success with your project, and if you have any further questions, please feel free to contact Emily Bent, Cultural Heritage Planner, at 905-546-2424 ext. 6663 or via email at Emily.Bent@hamilton.ca.

Yours truly,



Anita Fabac
Acting Director of Planning and Chief Planner

cc: Emily Bent, Cultural Heritage Planner
Chantal Costa, Plan Examination Secretary
Aleah Whalen, Legislative Coordinator
Councillor Matt Francis, Ward 5



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FILE: HP2023-046

October 31, 2023

Mike Di Donato
c/o Lorenzo Di Donato
12 Neilor Crescent
Etobicoke, ON
M9C 1K4

**Re: Heritage Permit Application HP2023-046:
Exterior Façade Alterations at 255-265 James Street North, Hamilton
(Hamilton Brass Manufacturing Co. Building) (Ward 2) (By-law No. 87-176)
[Extension of Previously-Approved Permit HP2021-042 with Minor Changes]**

Please be advised that pursuant to By-law No. 05-364, as amended by By-law No. 07-322, which delegates the power to consent to alterations to designated property under the *Ontario Heritage Act* to the Director of Planning and Chief Planner, Heritage Permit Application HP2023-046 is approved for the designated property at 255-265 James Street North, Hamilton (Hamilton Brass Manufacturing Co. Building) in accordance with the previously approved Heritage Permit Application (HP2021-042), with minor changes, for the following alterations:

Exterior façade alterations, including:

- **Upper Windows:**
 - Replace the existing (not original) residential windows on 2nd and 3rd floor of building with aluminum clad, one-over-one windows, black in colour.
- **Storefronts:**
 - Replace five existing storefronts (single pane glass) with new black aluminum storefront frames at 255, 257, 259, 261 and 263 James Street North. All storefronts noted above will maintain their existing configurations.
 - Reconfigure the corner storefront at 265 James Street North to eliminate the recessed entry and form a straight storefront with an operable sliding door in similar proportions to the existing storefront.
 - Remove the existing knee wall and extend glass to the floor.
 - Increase the height of the entrance doors to 8' therefore eliminating or reducing the size of the transom above each entrance.

Re: Heritage Permit Application HP2023-046: Exterior Façade Alterations at 255-265 James Street North, Hamilton (Hamilton Brass Manufacturing Co. Building) (Ward 2) (By-law No. 87-176) [Extension of Previously-Approved Permit HP2021-042 with Minor Changes] - Page 2 of 3

- Paint the existing arched window frame black on the Colbourne Street frontage to match remaining.
- Replace glass in arched window as it is cracked.
- **Signage Band:**
 - Install a new black aluminum clad band for consistent signage above storefronts on James Street.
- **Lighting:**
 - Install wall sconce between all storefronts to illuminate facade of building – Eurofase Inc. “Dale” or “Crest” model outdoor wall mount light fixtures in Graphite Grey as per submitted specs.
- **Masonry Repairs:**
 - Repointing and replacement of damaged brick with soft red bricks to match the existing.
 - Cleaning and repointing of damaged masonry joints with limestone mortar to match the existing.
 - Removal of the deteriorating limestone and wood windowsills with new Indiana limestone drip edge sills:
 - The sills will slope away from the building, and the joints will be caulked to prevent further weathering.
 - The repair of the concrete curb, fronting James Street North.

Subject to the following conditions:

- a) That the proposed masonry repairs be implemented in accordance with the City of Hamilton’s Masonry Restoration Guidelines;
- b) That the applicant submits a sketch illustrating a revised storefront for 265 James Street North indicating proportionate segments to the existing storefront with the incorporation of a sliding door, 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;
- c) That the applicant submits further details indicating the height of the existing aluminum band above the storefront for comparison to the height of the proposed aluminum band to ensure that the ornate arched brickwork and terracotta detailing along the storefronts remains visible, 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;

Re: Heritage Permit Application HP2023-046: Exterior Façade Alterations at 255-265 James Street North, Hamilton (Hamilton Brass Manufacturing Co. Building) (Ward 2) (By-law No. 87-176) [Extension of Previously-Approved Permit HP2021-042 with Minor Changes] - Page 3 of 3

- d) Any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations; and,
- e) Implementation of the alterations, in accordance with this approval, shall be completed no later than November 30, 2025. If the alterations are not completed by November 30, 2025, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

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

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

We wish you success with your project, and if you have any further questions, please feel free to contact CulturalHeritagePlanning@hamilton.ca.

Yours truly,



Anita Fabac
Acting Director of Planning and Chief Planner

cc: Lisa Christie, Cultural Heritage Planner
Chantal Costa, Plan Examination Secretary
Aleah Whalen, Legislative Coordinator
Councillor Kroetsch, Ward 2



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Fax: 905-540-5611

November 1, 2023

FILE: HP2023-047

Robin McKee
262 MacNab Street North
Hamilton, ON
L8L 1K3

**Re: Heritage Permit Application HP2023-047:
Installation of a Finial Above the Front Gable at 262 MacNab Street North,
Hamilton (MacNab Terrace) (Ward 2) (By-law No. 18-127)**

Please be advised that pursuant to By-law No. 05-364, as amended by By-law No. 07-322, which delegates the power to consent to alterations to designated property under the *Ontario Heritage Act* to the Director of Planning and Chief Planner, Heritage Permit Application HP2023-047 is approved for the designated property at 262 MacNab Street North, Hamilton (MacNab Terrace) in accordance with the submitted Heritage Permit Application for the following alteration:

- Installation of a new wood finial on the front gable.

Subject to the following conditions:

- a) That any minor changes to the plans and elevations following approval shall be submitted to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations; and,
- b) That implementation of the alterations, in accordance with this approval, shall be completed no later than November 30, 2025. If the alterations are not completed by November 30, 2025, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

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

**Re: Heritage Permit Application HP2023-047:
Installation of a Finial Above the Front Gable at 262 MacNab Street North,
Hamilton (MacNab Terrace) (Ward 2) (By-law No. 18-127) - Page 2 of 2**

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

We wish you success with your project, and if you have any further questions, please feel free to contact Alissa Golden, Program Lead, Cultural Heritage, at 905-546-2424 ext. 1202 or via email at Alissa.Golden@hamilton.ca.

Yours truly,



Anita Fabac
Acting Director of Planning and Chief Planner

cc: Alissa Golden, Program Lead, Cultural Heritage
Chantal Costa, Plan Examination Secretary
Aleah Whalen, Legislative Coordinator
Councillor Cameron Kroetsch, Ward 2



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November 1, 2023

FILE: HP2023-048

City of Hamilton - Tourism and Culture
C/O Jarrett Zacharko
28 James Street North
Hamilton, ON
L8R 1A1

**Re: Heritage Permit Application HP2023-048:
Repairs to the Contemporary Pedestrian Bridge at 77 King Street West,
Stoney Creek (Battlefield NHS) (Ward 5) (By-law No. 3419-91)**

Please be advised that pursuant to By-law No. 05-364, as amended by By-law No. 07-322, which delegates the power to consent to alterations to designated property under the *Ontario Heritage Act* to the Director of Planning and Chief Planner, Heritage Permit Application HP2023-048 is approved for the designated property at 77 King Street West, Stoney Creek (Battlefield NHS), in accordance with the submitted Heritage Permit Application for the following alterations:

- Repairs to the existing contemporary pedestrian bridge spanning Battlefield Creek.

Subject to the following conditions:

- a) That any minor changes to the plans and elevations following approval shall be submitted to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations; and,
- b) That implementation of the alterations, in accordance with this approval, shall be completed no later than November 30, 2025. If the alterations are not completed by November 30, 2025, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

Please note that this property is designated under Part IV of the *Ontario Heritage Act*, and that this permit is only for the above-noted alterations. Any departure from the approved plans and specifications is prohibited, and could result in penalties, as

**Re: Heritage Permit Application HP2023-048:
Repairs to the Contemporary Pedestrian Bridge at 77 King Street West,
Stoney Creek (Battlefield NHS) (Ward 5) (By-law No. 3419-91) - Page 2 of 2**

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

We wish you success with your project, and if you have any further questions, please feel free to contact Alissa Golden, Program Lead, Cultural Heritage, at 905-546-2424 ext. 1202 or via email at Alissa.Golden@hamilton.ca.

Yours truly,



Anita Fabac
Acting Director of Planning and Chief Planner

cc: Alissa Golden, Program Lead, Cultural Heritage
Chantal Costa, Plan Examination Secretary
Aleah Whalen, Legislative Coordinator
Councillor Matt Francis, Ward 5



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November 1, 2023

FILE: HP2023-050

Metrolinx
c/o Shahin Kheradparvardeh
30 Wellington Street West - 2nd Floor
Toronto, ON
M5L1B1

**Re: Heritage Permit Application HP2023-050:
Station Rehabilitation and Upgrades at 36 Hunter Street East, Hamilton
(Hamilton GO Centre) (Ward 2) (By-law No. 94-125)**

Please be advised that pursuant to By-law No. 05-364, as amended by By-law No. 07-322, which delegates the power to consent to alterations to designated property under the *Ontario Heritage Act* to the Director of Planning and Chief Planner, Heritage Permit Application HP2023-050 is approved for the designated property at 36 Hunter Street East, Hamilton (Hamilton GO Centre), in accordance with the submitted Heritage Permit Application for the following alterations:

- Rehabilitation and upgrades to the transit station, including interior repairs and improvements and exterior repairs, improvements and facilities.

Subject to the following conditions:

- a) That rehabilitation work be consistent with the recommendations of the supporting Heritage Impact Assessment;
- b) That copies of any subsequent reports, including the recommended Strategic Conservation Plan, be provided to the City of Hamilton;
- c) That any minor changes to the plans and elevations following approval shall be submitted to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations; and,
- d) That implementation of the alterations, in accordance with this approval, shall be

**Re: Heritage Permit Application HP2023-050:
Station Rehabilitation and Upgrades at 36 Hunter Street East, Hamilton
(Hamilton GO Centre) (Ward 2) (By-law No. 94-125)
- Page 2 of 2**

completed no later than November 30, 2025. If the alterations are not completed by November 30, 2025, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

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

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

We wish you success with your project, and if you have any further questions, please feel free to contact Alissa Golden, Program Lead, Cultural Heritage, at 905-546-2424 ext. 1202 or via email at Alissa.Golden@hamilton.ca.

Yours truly,



Anita Fabac
Acting Director of Planning and Chief Planner

cc: Alissa Golden, Program Lead, Cultural Heritage
Chantal Costa, Plan Examination Secretary
Aleah Whalen, Legislative Coordinator
Councillor Cameron Kroetsch, Ward 2



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Fax: 905-540-5611

FILE: HP2023-051

October 31, 2023

Hughson Business Space Corporation
c/o John Blanchard
4 Hughson St
Hamilton ON
L8N 3Z1

Re: Heritage Permit Application HP2023-051: Proposed Redevelopment of 18-28 King Street East, Hamilton (The Gore Buildings) (Ward 2) (By-law No. 18-321) [Extension of Previously-Approved Permit HP2021-037]

Please be advised that pursuant to By-law No. 05-364, as amended by By-law No. 07-322, which delegates the power to consent to alterations to designated property under the *Ontario Heritage Act* to the Director of Planning and Chief Planner, Heritage Permit Application HP2023-051 is approved for the designated property at 18-28 King Street East, Hamilton, in accordance with the submitted Heritage Permit Application for the following alterations:

- Retention and restoration of the front facades of 18-22 King Street East;
- Facade replication of 24 King Street East;
- Facade dismantling and rebuilding of 28 King Street East;
- Removal of the buildings behind the front facades;
- Restoration of the gable roof and dormers of 18-22 King Street East;
- Construction of a six-storey mixed-use building behind the heritage facades; and,
- Installation of store fronts including signage bands.

Subject to the following conditions:

- a) That a Conservation Plan in accordance with the City's Guidelines for Conservation Plans be prepared and submitted by the applicant 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;
- b) That the Conservation Plan completed by the applicant's heritage consultants address the following to the satisfaction and approval of the Director of

Re: Heritage Permit Application HP2023-051: Proposed Redevelopment of 18-28 King Street East, Hamilton (The Gore Buildings) (Ward 2) (By-law No. 18-321) [Extension of Previously Approved Permit HP2021-037] - Page 2 of 5

Planning and Chief Planner prior to the issuance of any Building Permit for demolition or new construction:

- i. Structural drawings for the facade retention frame;
 - ii. Demolition and dismantling plan that provides the methodology for labelling, dismantling, re-locating and storing heritage elements;
 - iii. Inventory of items to be dismantled and stored;
 - iv. Masonry key plan that shows the original location and condition of individual stones for 28 King Street East;
 - v. Monitoring plan for regular monitoring of stored elements and structural retention frames;
 - vi. Repair methodologies and materials for heritage fabric including masonry specifications for suitable repair mortars and replacement stone;
 - vii. Structural and architectural drawings for integration of the heritage facades into the new structure;
 - viii. Window specifications for replacement windows to be installed in the heritage facades;
 - ix. Construction management plan that includes protection and monitoring of the façade retention frame and sequencing and co-ordination of conservation work, demolition work and new construction;
 - x. Project schedule and cost estimates for the proposed conservation work; and,
 - xi. Identify what remains of the original storefronts and provide recommendations for the final storefront designs.
- c) That the recommendations from the Conservation Plan submitted to the satisfaction of the Director of Planning and Chief Planner, be implemented to the satisfaction of the Director of Planning and Chief Planner, prior to the issuance of an Occupancy Permit;
- d) That the following conditions with respect to cost estimates to implement the Conservation Plan and a Letter of Credit shall be satisfied prior to submission of an application for a Building Permit for removal of portions of the building:
- i. The applicant shall provide cost estimates for 100% of the total cost of securing, protecting and stabilizing the retained portions, the cost of monitoring and security for a period of three years and the total cost of restoration and protective enclosure of the retained Designated portions. Such cost estimates shall be in a form satisfactory to the Director of Planning and Chief Planner;
 - ii. The applicant shall provide a Letter of Credit to the Director of Planning and Chief Planner for 100% of the total estimated cost as per (i) above in a form satisfactory to the City's Finance Department (Development

Re: Heritage Permit Application HP2023-051: Proposed Redevelopment of 18-28 King Street East, Hamilton (The Gore Buildings) (Ward 2) (By-law No. 18-321) [Extension of Previously Approved Permit HP2021-037] - Page 3 of 5

Officer, Budget, Taxation and Policy) to be held by the City as security for securing, protecting, stabilizing, monitoring and restoring the retained portions as required by this Heritage Permit:

- 1) The Letter of Credit shall be kept in force, whether or not the ownership of 18-28 King Street East changes at any time, until the completion of the required restoration of the retained portions and the erection of a permanent structure to enclose the rear of the retained portions and / or to otherwise attach the retained portions to a new building in conformity with the approved design and requirements;
- 2) The Letter of Credit may be reduced in accordance with the City's Letter of Credit Policy for site plan applications;
- 3) If the Letter of Credit is about to expire without renewal thereof and any part of securing, protecting, stabilizing, monitoring or restoring the retained portions has not been completed in conformity with their approved designs, the City may draw all of the Letter of Credit funds and hold them as security to guarantee completion unless the City's Finance Department (Development Officer, Budget, Taxation and Policy) is provided with a renewal of the Letter of Credit forthwith; and,
- 4) In the event that the Owner fails to complete, to the satisfaction of the Director of Planning and Chief Planner, the required securing, protecting, stabilizing, monitoring or restoring of the retained portions and the erection of a permanent structure to enclose the rear of the retained portions and / or attach to a new building in conformity with its approved design within the time required, then the City, in addition to any other remedies that the City may have, may exercise its authority under section 446 of the *Municipal Act* to have its employees, agents or contractors enter 18-28 King Street East to complete any one or more of these requirements. The cost of completion of securing, protecting, stabilizing, monitoring or restoring the retained portions shall be paid in full by the Owner from the Letter of Credit. In the event that there is a surplus, the City shall pay the surplus to the Owner upon completion of the requirement(s). In the event that there is a deficit, the City may further exercise its authority under section 446 of the *Municipal Act* including but not limited to adding the deficit to the tax roll and collecting it in the same manner as property taxes;

Re: Heritage Permit Application HP2023-051: Proposed Redevelopment of 18-28 King Street East, Hamilton (The Gore Buildings) (Ward 2) (By-law No. 18-321) [Extension of Previously Approved Permit HP2021-037] - Page 4 of 5

- e) That prior to the issuance of any Building Permit for demolition or new construction, the applicant enters into and registers on title a Heritage Easement Agreement and covenant with the City pursuant to the *Ontario Heritage Act* for the purposes of maintaining the heritage attributes consistent with the conditionally approved permit to the satisfaction and approval of the Director of Planning and Chief Planner, and that the Mayor and Clerk, or delegate, as the case may be, are hereby authorized to execute any such agreement;
- f) 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 any application for a Building Permit and / or the commencement of any alterations;
- g) That should a Building Permit for the proposed alterations, in accordance with this approval, not be obtained and acted upon by April 30, 2025 then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton;
- h) That the proposed alterations, in accordance with this approval, shall be completed no later than April 30, 2026, If the alterations are not completed by April 30, 2026, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton; and,
- i) That the Director of Planning and Chief Planner be authorized to approve a request to extend the dates noted in conditions (g) and (h) of this approval, if that request is submitted prior to the expiry and if progress is being made.

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

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

We wish you success with your project, and if you have any further questions, please feel free to contact Emily Bent, Cultural Heritage Planner, at 905-546-2424 ext. 6663 or via email at Emily.Bent@hamilton.ca.

**Re: Heritage Permit Application HP2023-051: Proposed Redevelopment of
18-28 King Street East, Hamilton (The Gore Buildings) (Ward 2) (By-law No.
18-321) [Extension of Previously Approved Permit HP2021-037] - Page 5 of 5**

Yours truly,

A handwritten signature in cursive script, appearing to read "Anita Fabac".

Anita Fabac, MCIP RPP
Acting Director of Planning and Chief Planner

cc: Emily Bent, Cultural Heritage Planner
Chantal Costa, Plan Examination Secretary
Aleah Whalen, Legislative Coordinator
Councillor Kroetsch, Ward 2



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Hamilton, Ontario
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Planning and Economic Development Department
Planning Division
71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5
Phone: 905-546-2424, Ext. 1258
Fax: 905-540-5611

November 20, 2023

FILE: HP2023-049

Cameron & Melissa Smith
52 Mill Street South
Waterdown, ON
L0R 2H0

**Re: Heritage Permit Application HP2023-049:
Construction of a Second Storey Addition at 52 Mill Street South,
Flamborough (Ward 15) (By-law No. 96-34-H)**

Please be advised that pursuant to By-law No. 05-364, as amended by By-law No. 07-322, which delegates the power to consent to alterations to designated property under the *Ontario Heritage Act* to the Director of Planning and Chief Planner, Heritage Permit Application HP2023-049 is approved for the designated property at 52 Mill Street South, Flamborough, located in the Mill Street Heritage Conservation District, in accordance with the submitted Heritage Permit Application for the following alterations:

- Construction of a second storey addition to the existing one-storey dwelling, including:
 - Reconfiguration of the front façade to include a new central entrance with sidelights and flanking windows;
 - Removal of the existing siding and installation of new stone veneer and board-and-batten siding;
 - Construction of a new covered front porch; and,
 - Modifications to the front landscaping, including a widened front walkway.

Subject to the following conditions:

- a) That any minor changes to the plans and elevations following approval shall be submitted to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations; and,
- b) That implementation of the alterations, in accordance with this approval, shall be completed no later than November 30, 2025. If the alterations are not completed by November 30, 2025, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

Re: Heritage Permit Application HP2023-049: Construction of a Second Storey Addition at 52 Mill Street South, Flamborough (Ward 15) (By-law No. 96-34-H)
- Page 2 of 2

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

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

We wish you success with your project, and if you have any further questions, please feel free to contact Emily Bent, Cultural Heritage Planner, at 905-546-2424 ext. 6663 or via email at Emily.Bent@hamilton.ca.

Yours truly,



Anita Fabac
Acting Director of Planning and Chief Planner

cc: Emily Bent, Cultural Heritage Planner
Chantal Costa, Plan Examination Secretary
Aleah Whalen, Legislative Coordinator
Councillor McMeekin, Ward 15



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Fax: 905-540-5611

FILE: HP2023-055

November 20, 2023

City of Hamilton
c/o Marianne Mokrycke, OMC Landscape Architecture
71 Main Street West
Hamilton, ON
L8P 4Y5

Re: Heritage Permit Application HP2023-055: Installation of Hostile Vehicle Mitigation Barriers at 71 Main Street West, Hamilton (City Hall) (Ward 2) (By-law No. 06-011) [Extension of Previously-Approved Permit HP2021-051]

Please be advised that pursuant to By-law No. 05-364, as amended by By-law No. 07-322, which delegates the power to consent to alterations to designated property under the *Ontario Heritage Act* to the Director of Planning and Chief Planner, Heritage Permit Application HP2023-055 is approved for the designated property at 71 Main Street West, Hamilton (City Hall), in accordance with the submitted Heritage Permit Application for the following alterations:

- Installation of Hostile Vehicle Mitigation barriers at the following locations:
 - Main 1: Access point along Main Street West perpendicular to Summers Lane;
 - Main 2: Access point along Main Street West further west from “Main 1”;
 - Main 3: Access point facing west, fronting the corner of Main Street West & Bay Street South;
 - Bay 1: Access point directly adjacent to Bay Street South; and,
 - Parking 1: Access point from the south level 1 parking lot on the east side of City Hall.

Subject to the following conditions:

- a) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations;
- b) That installation of the alterations, in accordance with this approval, shall be completed no later than November 30, 2024. If the alterations are not completed

Re: Heritage Permit Application HP2023-055: Proposed Installation of Hostile Vehicle Mitigation Barriers at 71 Main Street West (City Hall) (Ward 2) (By-law No. 06-011) [Extension of Previously-Approved Permit HP2021-051]

by November 30, 2024, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton; and,

- c) That the final design specifications for the security bollards be submitted to the satisfaction and approval of the Director of Planning and Chief Planner.

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

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

We wish you success with your project, and if you have any further questions, please feel free to contact Emily Bent, Cultural Heritage Planner, at 905-546-2424 ext. 6663 or via email at Emily.Bent@hamilton.ca.

Yours truly,



Anita Fabac, MCIP RPP
Acting Director of Planning and Chief Planner

cc: Emily Bent, Cultural Heritage Planner
Chantal Costa, Plan Examination Secretary
Aleah Whalen, Legislative Coordinator
Councillor Kroetsch, Ward 2



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Phone: 905-546-2424, Ext. 1258
Fax: 905-540-5611

November 22, 2023

FILE: HP2023-052

Gord Carson
289 Dundas Street East
Waterdown, ON
L0R 2H0

**Re: Heritage Permit Application HP2023-052:
Installation of a Municipal Heritage Plaque at 289 Dundas Street East,
Dundas (Ward 15) (By-law No. 22-139)**

Please be advised that pursuant to By-law No. 05-364, as amended by By-law No. 07-322, which delegates the power to consent to alterations to designated property under the *Ontario Heritage Act* to the Director of Planning and Chief Planner, Heritage Permit Application HP2023-052 is approved for the designated property at 289 Dundas Street East, Waterdown, in accordance with the submitted Heritage Permit Application for the following alterations:

- Installation of a cast-metal oval designation plaque to be secured to the brick façade of the building beside the front entrance, including:
 - Drilling two holes into the brick façade, to be located in the existing mortar joints; and,
 - Affixing the plaque with non-rusting anchors and screws with anti-vandalism measures.

Subject to the following conditions:

- a) That any minor changes to the plans and elevations following approval shall be submitted to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations; and,
- b) That implementation of the alterations, in accordance with this approval, shall be completed no later than November 30, 2025. If the alterations are not completed by November 30, 2025, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

**Re: Heritage Permit Application HP2023-052: Installation of a Municipal Heritage
Plaque at 289 Dundas Street East, Dundas (Ward 15) (By-law No. 22-139) -
Page 2 of 2**

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

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

We wish you success with your project, and if you have any further questions, please feel free to contact Meg Oldfield, Cultural Heritage Planner, at 905-546-2424 ext. 7163 or via email at Meg.Oldfield@hamilton.ca.

Yours truly,



Anita Fabac
Acting Director of Planning and Chief Planner

cc: Meg Oldfield, Cultural Heritage Planner
Chantal Costa, Plan Examination Secretary
Aleah Whalen, Legislative Coordinator
Councillor Ted McMeekin, Ward 15



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Hamilton Municipal Heritage Committee
COMMITTEE DATE:	November 28, 2023
SUBJECT/REPORT NO:	Monthly Report on Recommended Proactive Listings for the Municipal Heritage Register, November 2023 (PED23235) (Ward 3)
WARD(S) AFFECTED:	Ward 3
PREPARED BY:	Emily Bent (905) 546-2424 Ext. 6663
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That staff be directed to list the property located at 78 Stirton Street, Hamilton (Ward 3) on the Municipal Heritage Register as a non-designated property that Council believes to be of cultural heritage value or interest, as outlined in Report PED23235, in accordance with Section 27 of the *Ontario Heritage Act*.

EXECUTIVE SUMMARY

This Report recommends that Council list 78 Stirton Street, Hamilton on the Municipal Heritage Register (Register) as a non-designated property of cultural heritage value or interest.

Listing on the Register under Section 27 of the *Ontario Heritage Act* recognizes the value of the property to the community, provides properties with interim protection from demolition, and can help facilitate informed decision-making and priority-based planning from staff and Council.

By Council deciding to proactively list this property on the Register, staff will be able to take appropriate action should a Prescribed Event be triggered under the *Planning Act*, or if demolition or significant alteration is proposed as part of a Building Permit Application in the next two years before the Register listing expires.

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

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

Should Council decide to list the property on the Register, staff will provide notice of their listing to the owner and outline legislated process for objecting to the listings, as per the requirements of the *Ontario Heritage Act*.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: None.

Staffing: As outlined in Report PED22211(a), the City has hired two temporary Cultural Heritage Planning Technician positions, whose primary focus will be on the research and evaluation of heritage properties on the high priority designation list and triggered by Prescribed Events under the *Planning Act*. The full extent of the implications on staff resources, resulting from the *Bill 23* and *Bill 109* changes to the *Ontario Heritage Act*, are not known at this time.

Legal: The *Ontario Heritage Act* enables Council to list non-designated properties that it believes to be of cultural heritage value or interest on the Register if it is demonstrated that they meet at least one criterion outlined in *Ontario Regulation 9/06*, as amended by *Ontario Regulation 569/22*. The Municipal Heritage Committee must be consulted prior to Council deciding to list a non-designated property on the Register. The recently amended *Ontario Heritage Act* now limits how the City can list a property, including a two-year expiry from the time of listing and a five-year restriction on re-listing after expiry.

The *Ontario Heritage Act* requires municipalities to notify owners within 30 days of a Council's decision to list a property on the Register. Under Section 27(7) of the *Ontario Heritage Act*, an owner can object to a property being included on the Register after receiving notice of it being listed. The owner's objection should be served on the Clerk of the municipality and identify the reasons for the objection and all relevant facts. Council must consider the objection and decide whether to keep the property listed on the Register or to remove it. The owner must be given notice of a Council's decision on the consideration of their objection within 90-days of the decision.

HISTORICAL BACKGROUND

The effect of the cumulative changes to the *Ontario Heritage Act* over the past few years, implemented by *Bill 108, More Homes, More Choice Act, 2019* and *Bill 23, More Homes Built Faster Act, 2022* (see Reports PED22211(a) and PED19125(c)), now require the City to be strategic when it lists properties of cultural heritage value or

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interest on the Municipal Heritage Register (see Legal Implications above). A property is now required to be listed on the Register prior to a Prescribed Event under the *Planning Act* for a municipality to be able to issue a notice of intention to designate within a 90-day restricted window.

As outlined in Report PED22211(a), staff are now bringing forward proactive recommendations on a monthly basis to list properties of heritage interest flagged as part of the Formal Consultation process, when they are anticipated to trigger a Prescribed Event under the *Planning Act*, or if they are under a perceived immediate threat of potential demolition or removal and require interim protection until such time as further review and evaluation for designation can be conducted.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The Recommendations of this Report are consistent with Provincial and Municipal legislation, including:

- Determining the cultural heritage value or interest of a property based on design / physical value, historical / associative value and contextual value criteria (*Ontario Heritage Act, Ontario Regulation 9/06, as amended by Ontario Regulation 569/22*);
- Ensuring significant built heritage resources are conserved (*Provincial Policy Statement, 2020, Sub-section 2.6.1*);
- Identifying cultural heritage resources through a continuing process of inventory, survey, and evaluation, as a basis for the wise management of these resources (Urban Hamilton Official Plan, Volume 1, B.3.4.2.1 b)); and,
- Maintaining the Municipal Heritage Register, pursuant to the *Ontario Heritage Act* (Urban Hamilton Official Plan, Volume 1, B.3.4.2.4).

RELEVANT CONSULTATION

External

- Property owner / applicant.

Internal

- Ward Councillor Nann, Ward 3

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The property at 78 Stirton Street, Hamilton is comprised of a two-storey brick industrial building constructed circa 1911 and is included in the City's Inventory of Heritage

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Properties. The City received a Formal Consultation application FC-23-096, which proposes to retain and adaptively reuse the existing building for residential purposes. Although the heritage resource is proposed to be retained, the property may be subject to further applications and proposals. As such, staff conducted a preliminary cultural heritage evaluation of the subject property and determined that it met the required criteria for determining cultural heritage value or interest, as outlined in *Ontario Regulation 9/06*, as amended by *Ontario Regulation 569/22*. The result of staff's evaluation is attached as Appendix "A" to Report PED23235.

The building at 78 Stirton Street, Hamilton has design value as a representative example of an early-twentieth century industrial building. While the building does not appear to display a high degree of craftsmanship, its notable features include its: red brick construction, laid in Common bond; L-shaped footprint; large segmentally arched window openings with brick voussoirs; brick buttresses in the first storey separating the window bays; chamfered southeast corner; and, flat roof.

The building has historical value for its association with the Appleford Counter Check Book Company (later known as the Appleford Paper Products), which held a patent in 1898 for a hinged metal counter cheque book, a sales bookkeeping system. The company moved to Parkdale Avenue North in 1949. Further, Appleford Paper Products is associated with William Bleecker (W.B.) Powell (April 30, 1892 – December 28, 1944), who became the general manager in the early 1930's. W.B. Powell's family donated the land that would become Powell Park, also on Stirton Street, in 1969.

The building has contextual value as it helps to maintain and support the predominately low-rise character of the area with its two-storey height. Further, the building maintains the historic character of Stirton Street with its red brick masonry. Lastly, the building's design is historically and visually linked to the surrounding Gibson Neighbourhood, which was built predominantly before 1915. The character of the neighbourhood is an expression of a chain of events from the turn of the century when the area was built, during a period of rapid industrial expansion in Hamilton, which has led to a present day neighbourhood comprised of industrial, commercial and residential land uses.

The full summary of the preliminary evaluation of cultural heritage value or interest for the property is attached as Appendix "A" to Report PED23235. Therefore, 78 Stirton Street, Hamilton, has been determined to have sufficient cultural heritage value or interest to warrant listing on the Municipal Heritage Register as a non-designated property under Section 27 of the *Ontario Heritage Act*, as per the Recommendation of this Report.

ALTERNATIVES FOR CONSIDERATION

N/A

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED23235 - Preliminary Heritage Evaluation of 78 Stirton
Street, Hamilton

EB:sd

78 Stirton Street, Hamilton
Constructed circa 1911



Preliminary Evaluation of Cultural Heritage Value or Interest:
(in accordance with *Ontario Regulation 9/06*, as amended by *Ontario Regulation 569/22*)

Design / Physical Value

1. The building is representative of an early-twentieth century industrial building with its red brick construction laid in Common bond, large segmentally-arched window openings with brick voussiors, brick buttresses in the first storey, and flat roof.
2. The property does not appear to demonstrate a high degree of craftsmanship.
3. The property does not appear to demonstrate a high degree of technical or scientific achievement.

Historical / Associative Value

4. The property has associative value for its connection to the Appleford Counter Check Book Company (later known as the Appleford Paper Products), who held a patent in 1898 for a metal hinged counter check book, a sales bookkeeping system. The company moved to Parkdale Avenue North in 1949.

Further, Appleford Paper Products is associated with William Bleecker (W.B.) Powell (April 30, 1892 – December 28, 1944), who became the general manager in the early 1930's. W.B. Powell's family donated the land that would become Powell Park, also on Stirton Street, in 1969.

5. The property does not appear to yield, or have the potential to yield, information that contributes to an understanding of a community or culture.
6. The property does not appear to demonstrate or reflect the work or ideas of an architect, artist, builder, designer, or theorist who is significant to a community.

Contextual Value

7. The property has contextual value as it helps maintain and support the predominately low-rise character of the area with its two storey height. Further, the building maintains the historic character of Stirton Street with its red brick masonry.
8. The property is historically and visually linked to the surrounding Gibson Neighbourhood, which was built predominantly before 1915. The character of the neighbourhood is an expression of a chain of events from the turn of the century when the area was built, during a period of rapid industrial expansion in Hamilton, which has led to a present day neighbourhood comprised of industrial, commercial and residential land uses.
9. The property is not considered to be a local landmark.

Sources:

“Appleford Counter Check Book Co. Ltd.” *Grey Roots Museum and Archives*. Accessed October 11, 2023.

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City of Hamilton. *Gibson Neighbourhood – Developed Neighbourhood Study Programme*. 1978.

Goad, Charles E. *Insurance Plan of the City of Hamilton, Ontario, Canada*. Montreal: C.E. Goad, 1911-1916, plate 93.

"The Legacy of William Bleecker Powell." *Sherman Hub News*. Accessed October 11, 2023. <https://melwalther.wixsite.com/shermanhubnews/single-post/2015/10/29/the-legacy-of-william-bleecker-powell>.

"Our Company." *Kalamazoo Vegetable Parchment Company*. Accessed October 11, 2023. <https://www.parchmentlibrary.org/wp-content/uploads/2022/05/our-company-kvp.pdf>.

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