



## City of Hamilton

### CITY COUNCIL ADDENDUM

24-001

Wednesday, January 24, 2024, 9:30 A.M.

Council Chambers

Hamilton City Hall

71 Main Street West

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#### 5. COMMUNICATIONS

- \*5.18 Correspondence from Ellen Wall respecting the situation in Hamilton regarding the number of homeless.

Recommendation: Be received and referred to the General Manager of Healthy and Safe Communities for appropriate action.

#### 12. BY-LAWS AND CONFIRMING BY-LAW

- \*12.8 008

To Amend By-law No. 01-215 Being a By-law To Regulate Traffic  
Schedule 9 - No Right Turn on Red  
Schedule 29 - Weight Restrictions on Bridges  
Ward: 1,2,4,9,12,13

\*12.9 009

Being a By-law to Permanently Close a Portion of a Portion of Public Unassumed Alley Abutting 4 Mountain Avenue, Hamilton, established by Registered Plan 272, in the City of Hamilton, designated as Part 1 on Reference Plan 62R-20776, being Part of PIN 17077-0095 (LT), City of Hamilton

Ward: 1

\*12.10 010

To Designate Properties Located at 54 and 56 Hess Street South, City of Hamilton as Properties of Cultural Heritage Value

Ward: 2

**Pilon, Janet**

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**Subject:** ACTION NEEDED

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**From:** Ellen Wall

**Sent:** January 19, 2024 4:17 PM

**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca); Office of the Mayor <[Officeofthe.Mayor@hamilton.ca](mailto:Officeofthe.Mayor@hamilton.ca)>; Wilson, Maureen <[Maureen.Wilson@hamilton.ca](mailto:Maureen.Wilson@hamilton.ca)>; Kroetsch, Cameron <[Cameron.Kroetsch@hamilton.ca](mailto:Cameron.Kroetsch@hamilton.ca)>; Nann, Nrinder <[Nrinder.Nann@hamilton.ca](mailto:Nrinder.Nann@hamilton.ca)>; Hwang, Tammy <[Tammy.Hwang@hamilton.ca](mailto:Tammy.Hwang@hamilton.ca)>; Francis, Matt <[Matt.Francis@hamilton.ca](mailto:Matt.Francis@hamilton.ca)>; Jackson, Tom <[Tom.Jackson@hamilton.ca](mailto:Tom.Jackson@hamilton.ca)>; Pauls, Esther <[Esther.Pauls@hamilton.ca](mailto:Esther.Pauls@hamilton.ca)>; Danko, John-Paul <[John-Paul.Danko@hamilton.ca](mailto:John-Paul.Danko@hamilton.ca)>; Clark, Brad <[Brad.Clark@hamilton.ca](mailto:Brad.Clark@hamilton.ca)>; Beattie, Jeff <[Jeff.Beattie@hamilton.ca](mailto:Jeff.Beattie@hamilton.ca)>; Tadeson, Mark <[Mark.Tadeson@hamilton.ca](mailto:Mark.Tadeson@hamilton.ca)>; Cassar, Craig <[Craig.Cassar@hamilton.ca](mailto:Craig.Cassar@hamilton.ca)>; Wilson, Alex <[Alex.Wilson@hamilton.ca](mailto:Alex.Wilson@hamilton.ca)>; Spadafora, Mike <[Mike.Spadafora@hamilton.ca](mailto:Mike.Spadafora@hamilton.ca)>; McMeekin, Ted <[Ted.McMeekin@hamilton.ca](mailto:Ted.McMeekin@hamilton.ca)>

**Subject:** ACTION NEEDED

The situation in Hamilton regarding the number of homeless people is absolutely unacceptable. While all levels of government pass the proverbial buck people are suffering more and more. Surely the city can do a better job and use existing empty commercial and institutional space (eg. schools, armouries ) to deal with the crisis short term as longer term solutions are worked out. It is beyond shameful that there is NO leadership from council on this desperate situation.

Ellen Wall

Authority: Item 9, Public Works Committee Report 07-016 (PW07153)  
CM: December 12, 2007 Wards: 1, 2, 4, 9, 12, 13  
Written approval for this by-law was given by Mayoral Decision MDE-2024 01  
Dated January 24, 2024

**Bill No. 008**

**CITY OF HAMILTON**

**BY-LAW NO. 24-**

**To Amend By-law No. 01-215  
Being a By-law To Regulate Traffic**

**WHEREAS** sections 8, 9 and 10 of the Municipal Act, 2001, S.O. 2001, c. 25, authorize the City of Hamilton to pass by-laws as necessary or desirable for the public and municipal purposes, and in particular paragraphs 4 through 8 of subsection 10(2) authorize by-laws respecting: assets of the municipality, the economic, social and environmental well-being of the municipality; health, safety and well-being of persons; the provision of any service or thing that it considers necessary or desirable for the public; and the protection of persons and property;

**AND WHEREAS** on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

**AND WHEREAS** it is necessary to amend By-law No. 01-215.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. Schedule 9 (No Right Turn on Red) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "E" (Hamilton) thereof the following items, namely;

Ottawa Street North	Southbound/Northbound	Cannon Street East	Anytime
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2. Schedule 29 (Weight Restrictions on Bridges) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "F" (Stoney Creek) thereof the following item, namely:

Woodburn Road No.19	750 metres south of Regional Road 20	6 Tonnes 11 Tonnes 15 Tonnes
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3. Schedule 29 (Weight Restrictions on Bridges) of By-law No. 01-215, as amended, is hereby further amended by removing to Section "A" (Ancaster) thereof the following item, namely:

Alberton Road (02-235)	Creek 0.3 km south of Jerseyville Road	10 Tonnes
Carluke Road (02-235)	Creek 1.6 km west of Fiddler's Green Road	10 Tonnes

And by removing to Section "C" (Flamborough) thereof the following item, namely:

Foxden Road (No. 103)	Weir Rd. south of Highway No. 5	10 Tonnes
Fallsview Road (No. 204)	Fallsview Rd. east of Highway No. 8	Footbridge Only
Studiman Road Culvert (02-235)	Creek 0.3 km north of Hwy. 8	10 Tonnes

And by removing to Section "E" (Hamilton) thereof the following item, namely:

Bay Street (05-166)	Railway 65m south of Strachan St W	57 Tonnes
MacNab Street (03-232)	Railway at Strachan Street West	Pedestrian Access Only
Mary Street Bridge (02-235)	Creek 0.3 km north of Hwy. 8	4 Tonnes
Parkdale Avenue (10-094)	Lawrence Avenue	10 Tonnes
Pearl Street (05-166)	Railway 35m north of Hunter St W	Pedestrian Access Only
Ray Street (05-166)	Railway 30m north of Hunter St W	Pedestrian Access Only
Valley Inn Road Bridge	Grindstone Creek	5 Tonnes

And by removing to Section "F" (Stoney Creek) thereof the following item, namely:

Mud Street E. (05-166)	Creek 220m east of Tapleystown Rd	27 Tonnes
Ridge Road (05-166)	Creek 75m east of Eighth Rd E	36 Tonnes
Tapleystown Road (05-166)	Creek 95m south of Mud St E	51 Tonnes

- Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.

5. This By-law shall come into force and take effect on the date of its passing and enactment.

**PASSED** this 24<sup>th</sup> day of January, 2024.

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A. Horwath  
Mayor

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J. Pilon  
Acting City Clerk

**Authority:** Item 6, Public Works Committee Report 16-015 (PW16078)  
CM: September 28, 2016 Ward(s): 1  
Written approval for this by-law was given by Mayoral Decision MDE-2024 01  
Dated January 24, 2024

**Bill No. 009**

**CITY OF HAMILTON**

**BY-LAW NO. 24-**

**Being a By-law to Permanently Close a Portion of a Portion of Public Unassumed Alley Abutting 4 Mountain Avenue, Hamilton, established by Registered Plan 272, in the City of Hamilton, designated as Part 1 on Reference Plan 62R-20776, being Part of PIN 17077-0095 (LT), City of Hamilton**

**WHEREAS** Sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and

**WHEREAS** Section 34(1) of the *Municipal Act, 2001* provides that a by-law permanently closing a highway does not take effect until a certified copy of the by-law is registered in the proper land registry office; and

**WHEREAS** highways to be closed by by-law are declared to be surplus to the needs of the City of Hamilton under the Sale of Land Policy By-law;

**AND WHEREAS** at its meeting of September 28, 2016, the Council approved Item 6 of Public Works Committee Report 16-015, and authorized the City to permanently close and sell a portion of a unassumed alley abutting 4 Mountain Avenue, Hamilton Ontario, established by Registered Plan 272, in the City of Hamilton, designated as Part 1 on Reference Plan 62R-20776, being Part of PIN 17077-0095 (LT), City of Hamilton;

**AND WHEREAS** notice of the City's intention to pass this By-law has been published pursuant to the *Municipal Act, 2001*, S.O. 2001, c.25 as amended.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. That the portion of the unassumed alley, set out as:

Part of Alleyway lying between Aberdeen Avenue, Orchard Hill Street, Cottage Avenue and Mountain Avenue, Registered Plan 272, in the City of

Hamilton, designated as Part 1, Plan 62R-20776, being Part of PIN 17077-0095 (LT)

is hereby permanently closed.

2. That the soil and freehold of Part 1 on Reference Plan 62R-20776, hereby permanently closed, be sold to Cory James Bobiak and Sandra Jane Thompson for the sum of One Thousand, Five Hundred and Two Dollars (\$1,502.00).
3. That this by-law shall come into force and effect on the date of its registration in the Land Registry Office for the Land Titles Division of Wentworth (No. 62).

**PASSED AND ENACTED** on this 24<sup>th</sup> day of January, 2024.

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A. Horwath  
Mayor

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J. Pilon  
Acting City Clerk



**Authority:** Item 6, Planning Committee Report 24-001  
(PED24002) CM: January 24, 2024 Ward: 2  
Written approval for this by-law was given by Mayoral  
Decision MDE-2024 01 Dated January 24, 2024

**Bill No. 010**

**CITY OF HAMILTON  
BY-LAW NO. 24-**

**To Designate Properties Located at 54 and 56 Hess Street South, City of  
Hamilton as Properties of Cultural Heritage Value**

**WHEREAS** section 29 of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18 authorizes Council of the municipality to enact by-laws to designate property, including all buildings and structures thereon, to be of cultural heritage value or interest;

**AND WHEREAS** Council of the City of Hamilton has received and considered the recommendations of its Hamilton Municipal Heritage Committee pertaining to this by-law, arising from the meeting of the Hamilton Municipal Heritage Committee held on September 26, 2023;

**AND WHEREAS** the Council of the City of Hamilton, at its meeting held on October 11, 2023, resolved to direct the City Clerk to take appropriate action to designate the properties described as 54 and 56 Hess Street South in the City of Hamilton, and more particularly described in Schedule "A" hereto (the "Property"), as properties of cultural heritage value or interest, which resolution was confirmed by By-law No. 23-111;

**AND WHEREAS** in accordance with subsection 29(3) of the *Ontario Heritage Act*, Council of the City of Hamilton has caused to be served on the owner of the Property and upon the Ontario Heritage Trust, a Notice of Intention to Designate the Property as being of cultural heritage value or interest, and has caused a Notice of Intention to Designate to be published in a newspaper having general circulation in the municipality, a copy of which is attached hereto as Schedule "B";

**AND WHEREAS** a notice of objection to the notice of intention to designate 54 Hess Street South was served upon the Clerk of the municipality in accordance with subsection 29(5) of the *Ontario Heritage Act*, and the objection was considered by Council in accordance with subsection 29(6) of the *Ontario Heritage Act*;

**AND WHEREAS** Council has decided to designate the Property in accordance with subsection 29(8) of the *Ontario Heritage Act*;

To Designate Property Located at 54 and 56 Hess Street South, City of Hamilton as Property of Cultural Heritage Value

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. A statement explaining the cultural heritage value or interest of the Property, and a description of the heritage attributes of the Property are set out in Schedule “C” hereto.
2. The Property, together with its heritage attributes listed in Schedule “C” hereto, is hereby designated as property of cultural heritage value or interest.
3. The City Clerk is hereby authorized and directed,
  - a. to cause a copy of this By-law, together with the statement of cultural heritage value or interest and description of heritage attributes of the Property, to be served on the Ontario Heritage Trust, the owner of the Property, and any person who served an objection to the Notice of Intention to Designate, by a method permitted by the *Ontario Heritage Act*; and,
  - b. to publish a notice of passing of this By-law in a newspaper having general circulation in the City of Hamilton. Once this By-law comes into force and effect in accordance with the applicable provisions of the *Ontario Heritage Act*, the City Solicitor is hereby authorized and directed to cause a copy of this By-law, together with its Schedules, to be registered against the whole of the Property described in Schedule “A” hereto in the proper registry office.

**PASSED** this 24th day of January, 2024.

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A. Horwath  
Mayor

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J. Pilon  
Acting City Clerk

To Designate Property Located at 54 and 56 Hess Street South, City of Hamilton as Property  
of Cultural Heritage Value

**Schedule "A"**

**To**

**By-law No. 24-XXX**

**54 and 56 Hess Street South  
Hamilton, Ontario**

54 Hess Street South, Hamilton:

PIN: 17136-0006 (LT)

Legal Description:

PT LT 4 S/S MAIN ST SURVEY G.S.TIFFANY(UNREGISTERED) HAMILTON BTN  
QUEEN & HESS STS, AS CONFIRMED BY 62BA778; PT LT 5 S/S MAIN ST  
SURVEY G.S.TIFFANY(UNREGISTERED) HAMILTON BTN QUEEN & HESS STS,  
AS CONFIRMED BY 62BA778; PT LT 6 S/S MAIN ST SURVEY  
G.S.TIFFANY(UNREGISTERED) HAMILTON BTN QUEEN & HESS STS, AS  
CONFIRMED BY 62BA778 & 62BA654, AS IN VM126130; T/W VM126130;  
HAMILTON

56 Hess Street South, Hamilton:

PIN: 17136-0007 (LT)

Legal Description:

PT LT 4 S/S MAIN ST SURVEY G.S. TIFFANY (UNREGISTERED) HAMILTON; PT  
LT 5 S/S MAIN ST SURVEY G.S. TIFFANY (UNREGISTERED) HAMILTON; PT LT 6  
S/S MAIN ST SURVEY G.S. TIFFANY (UNREGISTERED) HAMILTON BTN QUEEN  
& HESS STS, AS CONFIRMED BY 62BA654, PTS 1 & 2 62R2931; T/W VM101062;  
HAMILTON

To Designate Property Located at 54 and 56 Hess Street South, City of Hamilton as Property  
of Cultural Heritage Value

**Schedule "B"**

**To**

**By-law No. 24-XXX**

**54 and 56 Hess Street South,  
Hamilton, Ontario**

To Designate Property Located at 54 and 56 Hess Street South, City of Hamilton as Property of Cultural Heritage Value

**CITY OF HAMILTON**  
**Notice of Intention to Designate**  
**54 and 56 Hess Street South, Hamilton**

The City of Hamilton intends to designate 54 and 56 Hess Street South, Hamilton, under Section 29 of the *Ontario Heritage Act*, as being properties of cultural heritage value.

**Statement of Cultural Heritage Value or Interest**

The properties comprise a semi-detached circa 1852 stone building and are early and representative examples of the Second Empire style of architecture, displaying a high degree of craftsmanship. The properties are associated with their first owner, former alderman and mayor of Hamilton Robert McElroy. The properties help define the character of Hess Street South, are visually and historically linked to their surroundings and are considered to be local landmarks.

The Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes may be found online via [www.hamilton.ca](http://www.hamilton.ca) or viewed at the Office of the City Clerk, 71 Main Street West, 1st Floor, Hamilton, Ontario, L8P 4Y5, during regular business hours.

Any person may, within 30 days after the date of the publication of the Notice, serve written notice of their objections to the proposed designation, together with a statement for the objection and relevant facts, on the City Clerk at the Office of the City Clerk.

Dated at Hamilton, this 13th day of October, 2023.



**Janet Pilon**  
Acting City Clerk  
Hamilton, Ontario

**CONTACT:** Meg Oldfield, Planning Technician II – Cultural Heritage, Phone: (905) 546-2424 ext. 7163,  
E-mail: [Meg.Oldfield@hamilton.ca](mailto:Meg.Oldfield@hamilton.ca)

[www.hamilton.ca/heritageplanning](http://www.hamilton.ca/heritageplanning)



To Designate Property Located at 54 and 56 Hess Street South, City of Hamilton as Property of Cultural Heritage Value

**Schedule “C”**

**To**

**By-law No. 24-XXX**

**54 and 56 Hess Street South,  
Hamilton, Ontario**

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

**Description of Property**

The properties located at 54 and 56 Hess Street South are comprised of a semi-detached two-and-one-half-storey stone building constructed circa 1852, located at the southwest corner of Hess and Main Streets in the Durand Neighbourhood, within the City of Hamilton.

**Statement of Cultural Heritage Value or Interest**

The cultural heritage value of the semi-detached stone building lies in its design value as an early and representative example of the Second Empire architectural style in Hamilton, displaying a high degree of craftsmanship, as demonstrated by its concave Mansard roof with octagonal dichromatic slate tiles, pressed metal window hoods and keystones, wood cornice with dentils, decorative brackets and moulded frieze.

The historical value of the properties lie in their direct association with prominent Hamiltonian, Robert McElroy (1810-1881), the original owner. McElroy, a contractor by trade, owned a stone quarry on the Mountain and in the 1850s was awarded a contract to construct a section of the Great Western Railway. McElroy served as an alderman in the mid-nineteenth century and as mayor of Hamilton between 1862 and 1864, and resided in the southern half of the semi-detached dwelling during that time. The properties remained in the family for 70 years until 1929. This continuous ownership is significant and has played a part in maintaining the historic integrity of the building over time.

The contextual value of the properties lie in their role in defining the historic character of Hess Street South, standing out from the surrounding mid-twentieth century mixed use streetscape. The semi-detached building is visually and historically linked to its

To Designate Property Located at 54 and 56 Hess Street South, City of Hamilton as Property of Cultural Heritage Value

surroundings as part of the surviving mid-nineteenth to early-twentieth century residential streetscape that was redeveloped for commercial purposes in the late-twentieth century. The properties are considered to be local landmarks due to their prominent location on the corner of Hess Street South and Main Street West, with a shallow setback and at the high point of Main Street.

### **Description of Heritage Attributes**

The key attributes that embody the cultural heritage value of the properties as early and representative examples of the Second Empire style of architecture with a high degree of craftsmanship, and their historical association with prominent Hamiltonian, former Mayor Robert McElroy include:

- The front (east), side (north and south), and rear (west) elevations and roofline of the semi-detached two-and-one-half-storey stone building, including its:
  - Concave Mansard roof with its:
    - Dichromatic octagonal slate tiles;
    - Corbelled brick chimneys;
    - Brick parapet with decorative stone end bracket;
    - Segmental dormers with pressed metal window hoods and keystones;
    - Wood cornices with dentils, decorative brackets and moulded frieze;
  - Cut-stone even-course facades;
  - Flat-headed window openings with one-over-one hung wood windows, stained glass transoms and plain lug sills;
  - Belt course between the first and second storeys;
  - Symmetrical four-bay front (east) elevation with its:
    - Flanking two-storey window bays with wood trim, second-storey stained glass transom and first-storey casement windows;

To Designate Property Located at 54 and 56 Hess Street South, City of Hamilton as Property of Cultural Heritage Value

- Flanking entrances with shared porch, double-leaf doors with glass and decorative wood panels, and decorative glass transom;
- One-and-a-half storey rear (north) stone addition with its:
  - Mansard roof;
  - Shed roof dormers with hung windows;
  - Gabled stone end parapet;
  - Rear rubble-stone façade; and,
- Stone foundation.

The key attributes that embody the contextual value of the properties as defining features of the historical character of Hess Street South, and as local landmarks include their:

- Location at the southwest corner of Hess and Main Streets; and
- Shallow setback from Hess Street South.