



**City of Hamilton**  
**HAMILTON MUNICIPAL HERITAGE COMMITTEE**  
**AGENDA**

**Meeting #:** 24-005  
**Date:** June 24, 2024  
**Time:** 12:00 p.m.  
**Location:** Room 264, 2nd Floor, City Hall (hybrid) (RM)  
71 Main Street West

Matt Gauthier, Legislative Coordinator (905) 546-2424 ext. 6437

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1. **CEREMONIAL ACTIVITIES**
2. **APPROVAL OF AGENDA**  
(Added Items, if applicable, will be noted with \*)
3. **DECLARATIONS OF INTEREST**
4. **APPROVAL OF MINUTES OF PREVIOUS MEETING**
  - 4.1 May 24, 2024
5. **COMMUNICATIONS**
6. **DELEGATION REQUESTS**
7. **DELEGATIONS**
8. **STAFF PRESENTATIONS**
  - 8.1 Recommendation to Designate 340 Dundas Street, Flamborough (Eager House), under Part IV of the Ontario Heritage Act (PED24106) (Ward 15)
  - 8.2 Recommendation to Designate 291 King Street West, Dundas, under Part IV of the Ontario Heritage Act (PED24116) (Ward 13)
9. **CONSENT ITEMS**

- 9.1 Heritage Permit Review Sub-Committee Meeting Minutes
  - a. April 16, 2024
  - b. May 21, 2024
- 9.2 Working Group Meeting Notes
  - a. Policy and Design Working Group - April 15, 2024
  - b. Policy and Design Working Group - May 27, 2024
- 9.3 Delegated Approval: Heritage Permit Applications
  - a. Heritage Permit Application HP2024-008: Masonry Repairs at 262 MacNab Street North, Hamilton (Ward 2) (By-law No. 18-127)
  - b. Heritage Permit Application HP2024-011: Bell Tower Repairs and Repointed at 3989 Governors Road, Flamborough (Ward 12) (Lynden United Church, Part IV, By-law No. 84-127-H)
  - c. Heritage Permit Application HP2024-012: To Facilitate Redevelopment of Property at 115-117 George Street, Hamilton (Ward 2) (By-Law No. 23-125)
  - d. Heritage Permit Application HP2024-013: Stained Glass Window Repairs at 157 Mill Street North, Flamborough (Ward 13) (Waterdown Mill Street HCD, Part V, By-law No. 96-34-H)
  - e. Heritage Permit Application HP2024-014: To Comply with a Property Standards Order at 54 Hess Street South, Hamilton (Ward 2) (By-Law No. 24-010)
- 9.4 Update on Bill 139, Schedule 14, Less Red Tape, More Common Sense Act, 2023, and Amendments to the Ontario Heritage Act and the Heritage Permit Requirements for Alterations to Part IV Designated Properties for Alterations to Part IV Designated Properties  
with Buildings Used for Religious Practices (PED23253(a)) (City Wide)
- 9.5 Bill 200, Schedule 2, Homeowner Protection Act, 2024, and Proposed Changes to the Ontario Heritage Act for Properties Listed on the Municipal Heritage Register (PED24127) (City Wide)

## 10. DISCUSSION ITEMS

## 11. MOTIONS

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

## 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.

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

#### 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

- (1) 372 Butter Road West, Andrew Sloss House (D) – S. Spolnik
- (2) 1021 Garner Road East, Lampman House (D) – S. Spolnik
- (3) 398 Wilson Street East, Marr House (D) – S. Spolnik

##### Dundas

- (4) 2 Hatt Street (R) – K. Burke
- (5) 216 Hatt Street (I) – K. Burke
- (6) 215 King Street West (R) – K. Burke
- (7) 219 King Street West (R) – K. Burke

##### Glanbrook

- (8) 2235 Upper James Street (R) – G. Carroll

##### Hamilton

- (9) 80-92 Barton Street East, Former Hanrahan Hotel (R) – S. Spolnik
- (10) 1155-1157 Beach Boulevard, Beach Canal Lighthouse and Cottage (D) – A. Denham-Robinson
- (11) 66-68 Charlton Avenue West (D) – C. Kroetsch
- (12) 71 Claremont Drive, Auchmar Gate House / Claremont Lodge (R) – G. Carroll
- (13) 711 Concession Street, Former Mount Hamilton Hospital, 1932 Wing (R) – G. Carroll

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

- (14) 127 Hughson Street North, Firth Brothers Building (D) – C. Kroetsch
- (15) 163 Jackson Street West, Pinehurst / Television City (D) – C. Kroetsch
- (16) 108 James Street North, Tivoli (D) – C. Kroetsch
- (17) 98 James Street South, Former James Street Baptist Church (D) – C. Kroetsch
- (18) 18-22 King Street East, Gore Buildings (D) – C. Kroetsch
- (19) 24-28 King Street East, Gore Buildings (D) – C. Kroetsch
- (20) 537 King Street East, Rebel's Rock (R) – G. Carroll
- (21) 378 Main Street East, Cathedral Boys School (R) – S. Spolnik
- (22) 679 Main Street East / 85 Holton Street South, Former St. Giles Church (I) – G. Carroll
- (23) 120 Park Street North (R) – C. Kroetsch
- (24) 828 Sanatorium Road, Long and Bisby Building (D) – G. Carroll
- (25) 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

- (1) 64 Hatt Street, Former Valley City Manufacturing (D) – K. Burke
- (2) 24 King Street West, Former Majestic Theatre (I) – K. Burke
- (3) 3 Main Street, Former Masonic Lodge (D) – K. Burke
- (4) 23 Melville Street, Knox Presbyterian Church (D) – K. Burke
- (5) 574 Northcliffe Avenue, St. Joseph's Motherhouse (R) – L. Lunsted

Flamborough

- (6) 283 Brock Road, WF Township Hall (D) – L. Lunsted
- (7) 62 6th Concession East, Hewick House (I) – L. Lunsted

Hamilton

- (8) 1 Balfour Drive, Chedoke Estate / Balfour House, (R) – G. Carroll
- (9) 134 Cannon Street East, Cannon Knitting Mill (R) – C. Kroetsch
- (10) 52 Charlton Avenue West, Former Charlton Hall (D) – C. Kroetsch
- (11) 2 Dartnall Road, Rymal Road Station Silos (R) – G. Carroll
- (12) 54-56 Hess Street South (D) – C. Kroetsch
- (13) 1284 Main Street East, Delta High School (D) – G. Carroll
- (14) 311 Rymal Road East (R) – G. Carroll
- (15) St. Clair Boulevard Heritage Conservation District (D) – G. Carroll

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



- (16) 56 York Boulevard / 63-76 MacNab Street North, Copley Building (D) – G. Carroll
- (17) 84 York Boulevard, Philpott Church (NOID) – G. Carroll
- (18) 175 Lawrence Road, Hamilton Pressed / Century Brick (R) – G. Carroll
- (19) 65 Charlton Avenue East, Church of Ascension (D, NHS), Hamilton – G. Carroll
- (20) 4 Turner Avenue, Hamilton (R) – C. Kroetsch
- (21) 420 King St E, St. Patrick Roman Catholic Church (I) – S. Spolnik
- (22) 206-210 King Street East, Former Bremner Grocery (I) – G. Carroll
- (23) 1269 Mohawk Road, Ancaster (I) – G. Carroll
- (24) 657 King Street East, Hamilton (R) – G. Carroll
- (25) 665-667 King Street East, Hamilton (R) – G. Carroll
- (26) 90 Markland, Hamilton (D) – C. Kroetsch
- (27) 231 Bay St. N. (Gallery on the Bay/Hamilton Bridge Works Company Office) (I) – C. Kroetsch
- (28) 29 Harriet Street (Felton Brush Company) (I) – C. Kroetsch

#### Stoney Creek

- (26) 2251 Rymal Road East, Former Elfrida Church (R) – G. Carroll

#### c. Heritage Properties Update (GREEN)

(Green = Properties whose status is stable)

#### Dundas

- (1) 104 King Street West, Former Post Office (R) – K. Burke

#### Hamilton

- (2) 46 Forest Avenue, Rastrick House (D) – G. Carroll
- (3) 88 Fennell Avenue West, Auchmar (D) – A. Douglas
- (4) 125 King Street East, Norwich Apartments (R) – C. Kroetsch
- (5) 206 Main Street West, Arlo House (R) – C. Kroetsch
- (6) 50-54 Sanders Boulevard, Binkley Property (R) – K. Burke

#### Flamborough

- (7) 340 Dundas Street East, Eager House (R) – L. Lunsted

d. Heritage Properties Update (BLACK)

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

Ancaster

(1) 442, 450 and 452 Wilson Street East (R) – S. Spolnik

13.2 HMHC Heritage Recognition Awards Celebration Held June 13, 2024 Update (No copy)

13.3 HMHC Heritage Recognition Awards (2024-25) – Call for Nominations by Deadline of September 15th (No Copy)

13.4 Ontario Heritage Conference Update (No Copy)

**14. PRIVATE AND CONFIDENTIAL**

**15. ADJOURNMENT**



## HAMILTON MUNICIPAL HERITAGE COMMITTEE MINUTES 24-004

12:00 p.m.

Friday May 24, 2024

Room 264, City Hall, 2<sup>nd</sup> Floor  
71 Main Street West, Hamilton, Ontario

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**Present:** Councillor C. Kroetsch  
A. Denham-Robinson (Chair), K. Burke, G. Carroll (Vice-Chair), A. Douglas, L. Lunsted and S. Spolnik

**Absent  
With Regrets:** A. MacLaren

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

1. **Recommendation to Designate 1320 Woodburn Road, Glanbrook (Edmonds House), under Part IV of the *Ontario Heritage Act* (PED24090) (Ward 11) (Item 8.1)**

**(Carroll/Kroetsch)**

- (a) That the City Clerk be directed to give notice of Council's intention to designate 1320 Woodburn Road, Glanbrook (Edmonds House), shown in Appendix "A" attached to Report PED24090, 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 PED24090, 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. Information Update Regarding Heritage Permit Extension HP2024-010 for 98 James Street South, Hamilton (PED24105) (Ward 2) (Item 9.2)**

**(Kroetsch/Burke)**

That Report PED24105 respecting an Information Update Regarding Heritage Permit Extension HP24024-010 for 98 James Street South, Hamilton, be received.

**CARRIED**

**FOR INFORMATION:**

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

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

**6. DELEGATION REQUESTS**

- 6.1 Christine O'Connor, respecting Item 8.1 - Recommendation to Designate 1320 Woodburn Road, Glanbrook (Edmonds House), under Part IV of the *Ontario Heritage Act* (PED24090) (Ward 11) (for today's meeting)

**(Carroll/Burke)**

That the agenda for the May 24, 2024, Hamilton Municipal Heritage Committee be approved, as amended.

**CARRIED**

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

There were no declarations of interest.

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

**(i) April 26, 2024 (Item 4.1)**

**(Spolnik/Lunsted)**

That the Minutes of the April 26, 2024, meeting of the Hamilton Municipal Heritage Committee, be approved, as presented.

**CARRIED**

**(d) DELEGATION REQUESTS (Item 6)**

- (i) Christine O'Connor, respecting Item 8.1 - Recommendation to Designate 1320 Woodburn Road, Glanbrook (Edmonds House), under Part IV of the *Ontario Heritage Act* (PED24090) (Ward 11) (for today's meeting) (Added Item 6.1)**

**(Carroll/Lunsted)**

That the delegation request from Christine O'Connor, respecting Item 8.1 - Recommendation to Designate 1320 Woodburn Road, Glanbrook (Edmonds House), under Part IV of the *Ontario Heritage Act* (PED24090) (Ward 11), be approved, for today's meeting.

**CARRIED**

**(e) DELEGATION (Item 7)**

- (i) Christine O'Connor, respecting Item 8.1 - Recommendation to Designate 1320 Woodburn Road, Glanbrook (Edmonds House), under Part IV of the *Ontario Heritage Act* (PED24090) (Ward 11) (for today's meeting) (Added Item 7.1)**

Christine O'Connor addressed the Committee respecting Item 8.1, Recommendation to Designate 1320 Woodburn Road, Glanbrook (Edmonds House), under Part IV of the *Ontario Heritage Act* (PED24090) (Ward 11).

**(Burke/Carroll)**

That the Delegation from Christine O'Connor, respecting Item 8.1, Recommendation to Designate 1320 Woodburn Road, Glanbrook (Edmonds House), under Part IV of the *Ontario Heritage Act* (PED24090) (Ward 11), be received.

**CARRIED**

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

**(f) STAFF PRESENTATIONS (Item 8)**

- (i) Recommendation to Designate 1320 Woodburn Road, Glanbrook (Edmonds House), under Part IV of the *Ontario Heritage Act* (PED24090) (Ward 11) (Item 8.1)**

Scott Dickinson, Cultural Heritage Planning Technician, addressed Committee respecting Report PED24090, Recommendation to Designate 1320 Woodburn Road, Glanbrook (Edmonds House), under Part IV of the *Ontario Heritage Act*, with the aid of a PowerPoint presentation.

**(Spolnik/Carroll)**

That the presentation from Scott Dickinson, Cultural Heritage Planning Technician, respecting Report PED24090, Recommendation to Designate 1320 Woodburn Road, Glanbrook (Edmonds House), under Part IV of the *Ontario Heritage Act*, be received.

**CARRIED**

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

**(g) CONSENT ITEMS (Item 9)**

**(i) (Spolnik/Burke)**

That the following Consent Items, be received:

- (a) Delegated Approval: Heritage Permit Applications (Item 9.1)
  - (a) Heritage Permit Application HP2024-001: Exterior Restoration at 310 Wilson Street East, Ancaster (Ward 12) (Ancaster Old Town Hall, By-Law No. 76-101) (b) February 20, 2024 (Staff Liaison Report) (Item 9.1(a))
  - (b) Heritage Permit Application HP2024-002: Exterior Restoration and Accessibility Upgrades at 733 Mineral Springs Road, Ancaster (Ward 12) (Griffin House NHS, By-Law No. 90-92) (Item 9.1(b))
  - (c) Heritage Permit Application HP2024-003: Exterior Rear Alterations to Facilitate Interior Renovations at 46 Melville Street, Dundas (Ward 13) (Cross-Melville HCD, By-Law No. 3899-90) (Item 9.1(c))
  - (d) Heritage Permit Application HP2024-004: Exterior Repairs and Landscaping at 111 St. Clair Avenue, Hamilton (Ward 3) (St. Clair Avenue Heritage Conservation District, By-law No. 86-125) (Item 9.1(d))
  - (e) Heritage Permit Application HP2024-005: Stucco and Windowsill Repairs at 224 St. Clair Boulevard, Hamilton (Ward 3) (St. Clair Boulevard HCD, By-law No. 92-140) (Item 9.1(e))
  - (f) Heritage Permit Application HP2024-006: Interior Renovations to the First Floor at 71 Main Street West, Hamilton (Hamilton City Hall, By-law No. 06-011) (Ward 2)

(Item 9.1(f))

- (g) Heritage Permit Application HP2024-007: Porch and Bay Window Repairs at 17 Victoria Street, Dundas (Ward 13) (Cross-Melville HCD, By-law No. 3899-90) [Extension of Previously Approved Permit HP2022-002] (Item 9.1(g))
- (h) Heritage Permit Application HP2024-009: Extension of Council-approved Heritage Permit Application HP2021-033 to Relocate the Existing Two-storey Stone Structure at 398 Wilson Street East, Ancaster, Marr House (Ward 12) (By-law No. 78-87) (Item 9.1(h))

**CARRIED**

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

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

Committee members provided brief updates on properties of interest.

**(Kroetsch/Lunsted)**

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

- (1) 372 Butter Road West, Andrew Sloss House (D) – S. Spolnik
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- (b) Buildings and Landscapes of Interest (YELLOW):  
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- (22) 206-210 King Street East, Former Bremner Grocery (I) – G. Carroll
- (23) 1269 Mohawk Road, Ancaster (I) – G. Carroll
- (24) 657 King Street East, Hamilton (R) – G. Carroll
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Stoney Creek

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

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Hamilton

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- (6) 50-54 Sanders Boulevard, Binkley Property (R) – K. Burke

Flamborough

- (7) 340 Dundas Street East, Eager House (R) – L. Lunsted

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

Ancaster

- (1) 442, 450 and 452 Wilson Street East (R) – S. Spolnik

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

**CARRIED**

Chair A. Denham-Robinson relinquished the Chair to Vice-Chair G. Carroll in order to introduce the following item.

**(ii) Hamilton Municipal Heritage Committee's Heritage Recognition Awards – June 13, 2024 (no copy) (Item 13.2)**

A. Denham-Robinson provided Committee with a verbal update respecting Hamilton Municipal Heritage Committee's Heritage Recognition Awards on June 13, 2024.

**(Kroetsch/Burke)**

That the verbal update from A. Denham-Robinson respecting Hamilton Municipal Heritage Committee's Heritage Recognition Awards on June 13, 2024, be received.

**CARRIED**

Chair A. Denham-Robinson assumed the Chair.

(i) **ADJOURNMENT (Item 15)**

**(Carroll/Spolnik)**

That, there being no further business, the Hamilton Municipal Heritage Committee, be adjourned, at 12:33 p.m.

**CARRIED**

Respectfully submitted,

Alissa Denham-Robinson  
Chair, Hamilton Municipal  
Heritage Committee

Matt Gauthier  
Legislative Coordinator  
Office of the City Clerk



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

<b>TO:</b>	Chair and Committee Members Hamilton Municipal Heritage Committee
<b>COMMITTEE DATE:</b>	June 24, 2024
<b>SUBJECT/REPORT NO:</b>	Recommendation to Designate 340 Dundas Street, Flamborough (Eager House), under Part IV of the <i>Ontario Heritage Act</i> (PED24106) (Ward 15)
<b>WARD AFFECTED:</b>	Ward 15
<b>PREPARED BY:</b>	Scott Dickinson (905) 546-2424 Ext. 7167 Meg Oldfield (905) 546-2424 Ext. 7163
<b>SUBMITTED BY:</b>	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

That the City Clerk be directed to give notice of Council’s intention to designate 340 Dundas Street East, Flamborough (Eager House), shown in Appendix “A” attached to Report PED24106, 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 PED24106, 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 Planning Committee 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 340 Dundas Street East, Flamborough, known historically as the Eager House, under Part IV of the *Ontario Heritage Act*. The subject property is currently listed on the City's Municipal Heritage 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 PED24106.

## **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.

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

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

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

## **HISTORICAL BACKGROUND**

The subject property located at 340 Dundas Street East, Flamborough, shown in Appendix “A” attached to Report PED24106, is comprised of a two-storey stone dwelling constructed circa 1871, known historically as the Eager House. In 2019, the property was listed on the Municipal Heritage Register and was added to staff’s designation workplan for further research and assessment of the property.

Staff prepared a Cultural Heritage Assessment Report in support of designation of the subject property as part of the Waterdown Village Built Heritage Inventory project in 2022 but did not bring forward a recommendation to designate with the other Waterdown designations as part of Report PED21201(b). As noted in the report at the time, City staff were in conversation with the subject property about the adjacent Dundas Street Bridge replacement over the Grindstone Creek and its potential impact on the property, so the recommendation to designate the property was not brought forward at that time to allow for further discussions and for the bridge-related matters to be resolved.

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 340 Dundas Street East, Flamborough was reprioritized for review for designation by January 1, 2025.

In July 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. Subsequently, in a letter dated May 21, 2024, 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. Staff have not received a response from the property owner to date.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENT**

The Recommendations of this Report are 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,

**SUBJECT: Recommendation to Designate 340 Dundas Street, Flamborough (Eager House), under Part IV of the *Ontario Heritage Act* (PED24106) (Ward 15) – Page 4 of 7**

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- 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, staff have emailed the Ward Councillor (Councillor T. McMeekin) for Ward 15 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 (see photographs attached as Appendix “C” to Report PED24106) and available secondary and primary research sources (attached as Appendix “D” to Report PED24106). As outlined below, based on staff’s cultural heritage evaluation, it was determined that the subject property meets seven of the nine criteria contained in Ontario Regulation 9/06 in all three categories.

### **Design / Physical Value**

1. The property is comprised of a two-storey parged stone dwelling built circa 1871. The property has design value as a representative example of residential Gothic Revival style of architecture. The architectural features typical of this style include its high-pitched gables with decorative bargeboard. Other notable features of the building include its: parged stone façades; central entrance with transom and sidelights; gable-roofed front porch with decorative sun and ray motif wooden detailing; flat-headed one-over-one windows with four-pane

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**SUBJECT: Recommendation to Designate 340 Dundas Street, Flamborough  
(Eager House), under Part IV of the *Ontario Heritage Act* (PED24106)  
(Ward 15) – Page 5 of 7**

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wooden storms and plain stone lug sills on the ground floor; and semi-circular windows with wooden storms and plain stone lug sills in the second storey below the gables.

2. The property displays a high degree of craftsmanship, as demonstrated by the decorative bargeboard and wood detailing on the front porch, including the sun and ray motif.
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 which lies in its direct association with the Eager family, an early local merchant family that operated a well-known general store in Waterdown Village. Joseph Culloden Eager (1809-1893) and his son James E. Eager (1842-1921) purchased the property in 1871 to build their family home and, in 1880, purchased Griffin's General Merchant Store to the west on the southeast corner of Dundas and Mill Streets and renamed it the Eager General Store. When Joseph Culloden died in 1893, his son James took over the family home and continued operation of the family business. The general store remained in the family for three generations before being sold to, and continued by, the Weeks family in 1924. The house remained in the family until the death of Helen Eager (born in 1904) in 1989 when the property was sold ending the more than a century long legacy of the Eager family in Waterdown.
5. The property does not yield or have the potential to yield information that contributes to an understanding of a community or culture.
6. This property demonstrates the work of architect William Leith of Hamilton and builder John Reid of Waterdown. The house was designed by prominent Hamilton architect William Leith (1835-1880). Leith designed ecclesiastical, institutional, commercial, industrial and residential buildings throughout Hamilton and its historic surrounding areas, including Dundas and Flamborough.

The sun motif portico was a later addition were designed and constructed by well-known Waterdown builder John Reid (1854-1912). The son of a weaver who immigrated to Canada in 1830, John established himself as a contractor and built himself a sawmill on the east side of Grindstone Creek, which he operated until 1912 when the railroad was constructed. John was also responsible for other notable Waterdown buildings, including the Reid House (8 Margaret Street) and the McGregor House (49 Main Street North).

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## **Contextual Value**

7. The property is important in defining the historic residential character of the area of Waterdown known as Vinegar Hill. The late-nineteenth century single-detached building is a key component in the surrounding streetscape of one- to two-and-a-half storey buildings dating between the mid-nineteenth century to modern day. This property helps mark the transition from the historic commercial core of Waterdown to the west over the Dundas Street Bridge, to the modern subdivisions east of First Street.
8. The property is visually, historically and functionally linked to its surroundings. Sited on its original location along the historic transportation corridor of Dundas Street a short distance from the former Eager General Store, the subject property lies in the midst of a residential streetscape that demonstrates the development of the Village of Waterdown throughout its history.
9. The property is considered to be a local landmark. It is an important feature on Dundas Street marking the entrance to Vinegar Hill from the west and the transition from the commercial core of the Village of Waterdown over the bridge into this historic residential area.

Staff have determined that 340 Dundas Street East, Waterdown, 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 PED24106.

## **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 the 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 a property or been

**SUBJECT: Recommendation to Designate 340 Dundas Street, Flamborough  
(Eager House), under Part IV of the *Ontario Heritage Act* (PED24106)  
(Ward 15) – Page 7 of 7**

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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 the property to be an appropriate conservation alternative.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED24106 – Location Map

Appendix “B” to Report PED24106 – Statement of Cultural Heritage Value or Interest  
and Description of Heritage Attributes

Appendix “C” to Report PED24106 – Photographs

Appendix “D” to Report PED24106 – Research Sources

Appendix “E” to Report PED24106 – Cultural Heritage Assessment Report

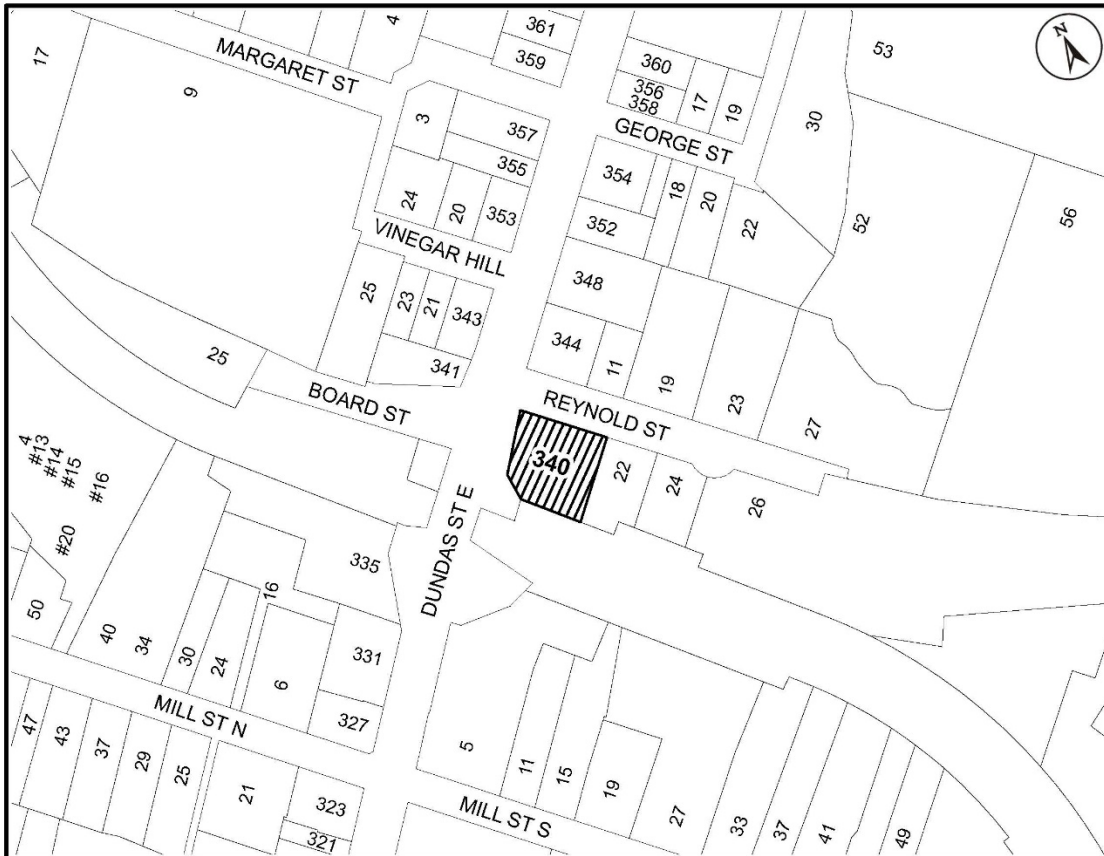
SD/MO/sd

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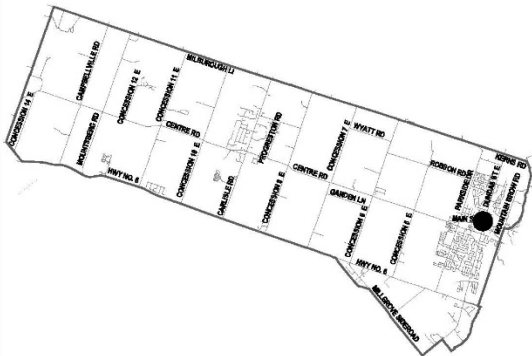
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● Site Location



Key Map - Ward 15

## Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
340 Dundas St E


Date:  
January 9, 2024

Appendix "A"

Scale:  
N.T.S

Planner/Technician:  
SD/AL

### Subject Property

 340 Dundas Street East

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

### Description of Property

The 0.137-hectare property located at 340 Dundas Street East is comprised of a two-storey parged stone dwelling constructed circa 1871, historically known as the Eager House. It is located on the southwest corner of Dundas and Reynolds Streets, in an area known as Vinegar Hill in the Village of Waterdown, in the community of Flamborough, within 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 the residential Gothic Revival architectural style, as typified by the flanking projecting front bays with high pitched gables and decorative bargeboard. The property also demonstrates a high degree of craftsmanship, as demonstrated by the ornately decorated front porch with wooden sun and ray detailing.

The historical value of the property lies in its association with the Eager family. Joseph Culloden Eager (1809-1893) and his son, James Edward Eager (1842-1921), purchased the property in 1871 and built the house sometime between 1871 and 1880. In 1880, Joseph purchased Griffin’s General Store on the corner of Dundas and Mill Streets and established the well-known Eager General Store. The general store was family-run for three generations before being sold to and continued by the Weeks family in 1924. The Eager House remained in the family until the death of Helen Eager (born in 1904), James Edward Eager’s daughter, in 1989.

The associative value of the property also lies in its demonstration of the work of prominent Hamilton architect William Leith and local builder John Reid. William Leith (1835-1880) designed ecclesiastical, institutional, commercial, industrial and residential buildings throughout Wentworth County. The ornate front porch was a later addition commissioned by James Edward Eager, designed and constructed by well-known Waterdown builder John Reid (1854-1912).

Contextually, the subject property is important in defining the historic character of Dundas Street, Vinegar Hill and the Village of Waterdown. The Eager House is functionally, visually and historically linked to its surroundings, located east of the Grindstone Creek and marking the entrance to the area known as Vinegar Hill. The Eager House is a recognizable local landmark situated on the Grindstone Creek, a prime location in the village, and only a short distance from the former Eager General Store on the southeast corner of Dundas and Mill Streets.

## Description of Heritage Attributes

Key attributes that embody the physical value of the property as being a representative example of residential Gothic Revival architecture and in demonstrating a high degree of craftsmanship, include:

- All elevations and roofline of the two-storey stone building, including its:
  - Masonry construction with parged exterior;
  - Rectangular footprint with flanking projecting front bays and one-storey rear wing;
  - H-shaped gable roof with high pitched flanking projecting front and rear gables and off-set projecting side gables;
  - Decorative bargeboard under the front gables;
  - Flat-headed window openings on the ground floor with one-over-one windows, four-pane wooden storms, plain lug stone sills and functional shutters;
  - Semi-circular window openings in the second storey below the gables with one-over-one windows, two-pane wooden storms, plain lug stone sills and functional shutters;
  - Small rectangular window opening above the front entrance between the flanking bays;
  - Central entrance fronting onto Dundas Street with transom, sidelights and decorated wood paneling; and,
  - Gable-roofed front porch, ornately decorated with wooden sun and ray detailing and supported by decorative wood columns atop a stone base with steps.

Key attributes that embody the contextual value of the property as a defining feature of the historic residential character of the Vinegar Hill area, include its:

- Moderate setback from Dundas Street with front lawn and walkway to the front entrance.



## Photographs

All images taken by City of Hamilton staff in June 2018 unless otherwise noted.



Figure 1: Front (north) elevation.



Figure 2: Looking south down Reynold Street from Dundas Street East, showing the Eager House on the right.





Figure 3: Front (north) elevation (Royal LePage, 2024)



Figure 4: Detail view of front porch and entryway (Royal LePage, 2024)





Figure 5: Front Elevation, 1982 (Flamborough Archives)



Figure 6: Side (west) elevation, 1982 (Flamborough Archives)





Figure 7: Detail view of front porch and entryway, 1982 (Flamborough Archives)



Figure 8: Side west elevation and east elevations, 1982 (Flamborough Archives)



Figure 9: West side elevation of rear wing, 1982 (Flamborough Archives)



Figure 10: Looking west along Dundas Street to Bridge





Figure 11: Looking west along Dundas Street to Bridge, c. 1907 (Flamborough Archives)



Figure 12: Looking Southeast across Grindstone Creek, c. 1906-1910 (Flamborough Archives)





Figure 13: Detail view of Subject Property, showing roofline with decorative elements, c.1906-1910 (Flamborough Archives)



Figure 14: Looking East across Grindstone Creek and up Vinegar Hill. Subject Property on right. c. 1900 (Flamborough Archives)



Figure 15: Industries along Grindstone Creek, c. 1900 (Flamborough Archives)

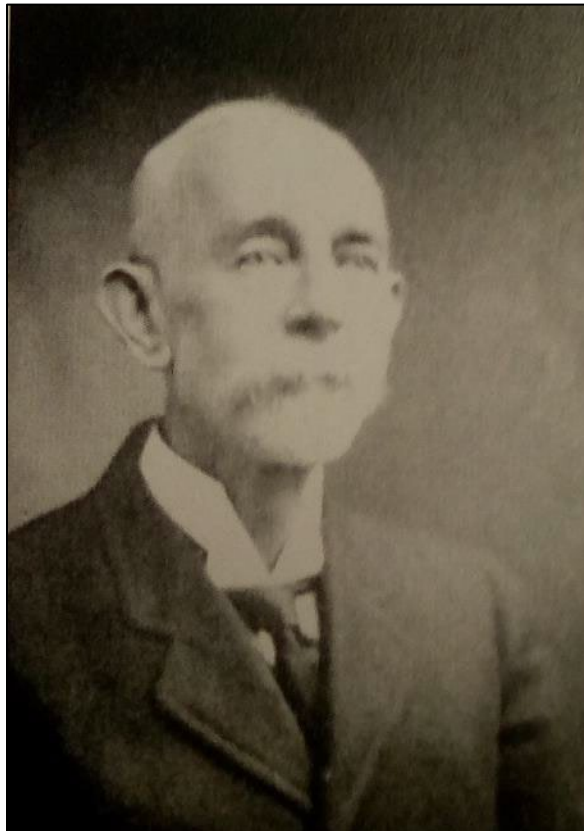


Figure 16: James E. Eager (1842-1921), (The Mills of Waterdown)





Figure 17: Eager General Store, c. 1904 (Flamborough Archives)

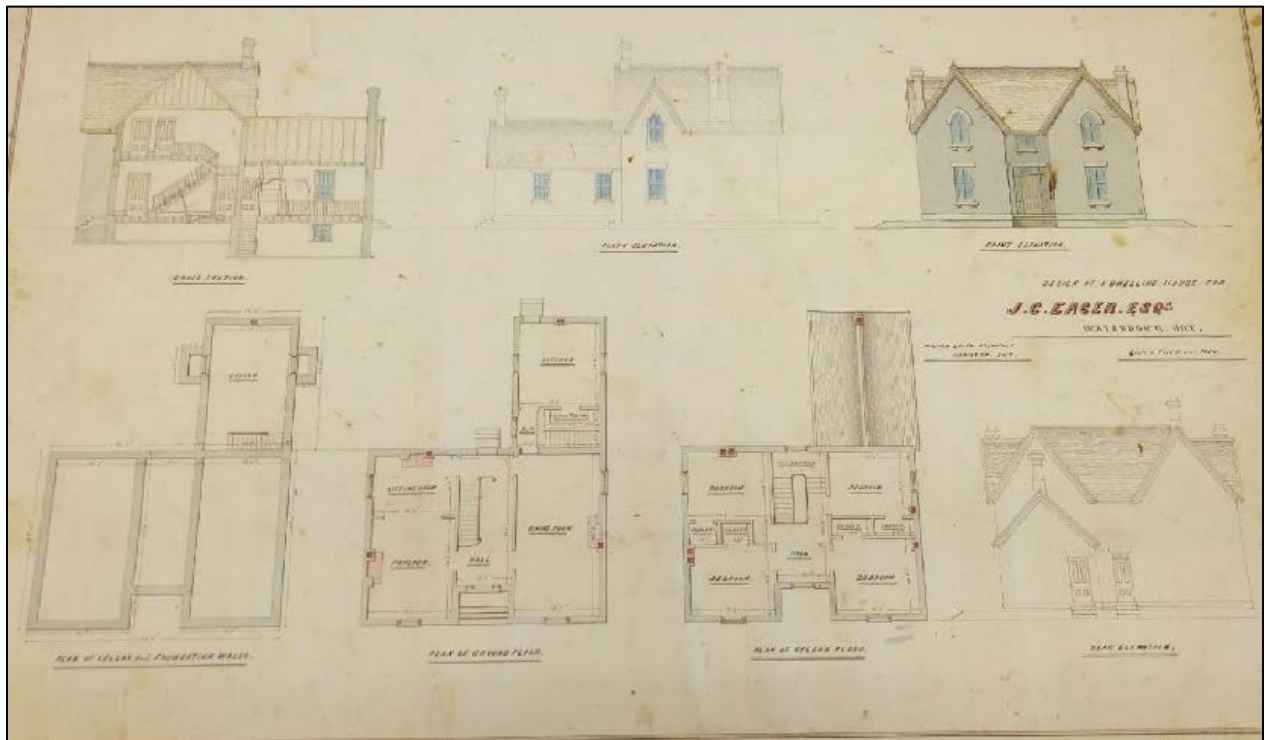


Figure 18: Architectural drawing of subject property by William Leith, undated (Flamborough Archives)

James Eagers porch

100 ft of 1" dressed lumber	3.00
Front door with lock hinges + hanging	5.00
Side " " " " " "	5.00
Scantling	1.00
Sash + glass	3.00
Work + mouldings	8.00
	<u>25.00</u>

Figure 19: Entry in John Reid's workbook for James Eager's porch, c. 1904  
(Flamborough Archives)

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Photograph No. BW363. “West side Eager House.” Flamborough Archives (Waterdown).

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## CULTURAL HERITAGE ASSESSMENT REPORT



**340 Dundas Street East, Waterdown  
(Eager House)  
City of Hamilton**

Prepared by Lisa Oversby, Heritage Project Intern  
and Alissa Golden, Heritage Project Specialist

Heritage Resource Management Section  
Tourism and Culture Division  
Planning and Economic Development Department  
City of Hamilton

January 10, 2020 (DRAFT FOR COMMENT)



## CULTURAL HERITAGE ASSESSMENT REPORT: A READER'S GUIDE

This cultural heritage assessment report is prepared as part of a standard process that assists in determining the cultural heritage value of properties and their prospective merit for protection, including designation and/or a heritage conservation easement agreement, under the *Ontario Heritage Act*.

This report is divided into eight sections:

**Section 1** comprises an introduction.

**Section 2**, *Property Location*, briefly describes the physical location, legal description and dimensions of the property.

**Section 3**, *Physiographic Context*, contains a description of the physiographic region in which the subject property is located.

**Section 4**, *Settlement Context*, contains a description of the broad historical development of the settlement in which the subject property is located as well as the development of the subject property itself. A range of secondary sources such as local histories and a variety of historical and topographical maps are used to determine settlement history.

**Section 5**, *Property Description*, describes the subject property's key heritage characteristics that provide the base information to be used in Section 6.

**Section 6**, *Cultural Heritage Evaluation*, comprises a detailed evaluation of the subject property using the three sets of evaluation criteria: archaeology; built heritage; and, cultural heritage landscapes.

**Section 7**, *Cultural Heritage Value: Conclusions and Recommendations*, comprises a brief summary of the Cultural Heritage Evaluation and provides a list of those criteria that have been satisfied in determining cultural heritage value, as well as determining compliance with Ontario Regulation 9/06. It also contains a recommendation as to whether or not the subject property should be protected under the *Ontario Heritage Act* through designation and/or a heritage conservation easement agreement, including a Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes.

**Section 8**, *Bibliography*, comprises a list of sources used in the compilation of the report.

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# 1. Introduction

This cultural heritage assessment report examines the cultural heritage value or interest of the property located at 340 Dundas Street East in Waterdown. The property is comprised of a two-storey stone dwelling constructed in the late-nineteenth century, which has remained largely unmodified. The subject property was listed on the City's Municipal Heritage Register on November 21, 2019 (Planning Committee Report 19-014).

## 1.1 Waterdown Village Built Heritage Inventory Project

This assessment is conducted as part of the Waterdown Village Built Heritage Inventory Project, the latest phase in the City of Hamilton's ongoing Built Heritage Inventory Process. Previous phases of this process include the Downtown Built Heritage Inventory Project, completed in 2014 (PED14191), and the Durand Neighbourhood Built Heritage Inventory, completed in 2017 (PED17092).

The primary goal of this inventory project is to evaluate each property within the Waterdown Village study area to determine its heritage value or interest. This evaluation will guide future cultural heritage decision making and policy creation.

## 1.2 Potential Designation and Next Steps

The subject property has been identified as a property of potentially significant cultural heritage value. As a result, extensive research has been conducted to determine the cultural heritage value of the property, which is outlined in this document, and could result in a recommendation for designation under Part IV of the *Ontario Heritage Act*.

## 1.3 Property Location

The 0.34-acre subject property, comprised of a two-storey stone dwelling clad with stucco, is located east of the Village of Waterdown's historic core, in an area known as Vinegar Hill, on the southwest corner of Dundas and Reynold Streets, just over the Dundas bridge to the east of Mill Street.

## 2. Physiographic Context

The subject property is located within the physiographic region known as the Niagara Escarpment,<sup>1</sup> at a point where the escarpment meets the Norfolk Sand Plain and the Horseshoe Moraine.<sup>2</sup> The Niagara Escarpment has greatly influenced land use in Southern Ontario, its rocky outcroppings limiting agricultural opportunities in certain areas and concentrating the construction of roads, railways, and urban settlements into the escarpment's few breaks and valleys.<sup>3</sup> For settlers, the escarpment served as an important source of building material such as cut stone, lime, and shale, and its numerous streams and waterfalls permitted the development of early industries such as Waterdown's various historic mills.<sup>4</sup>

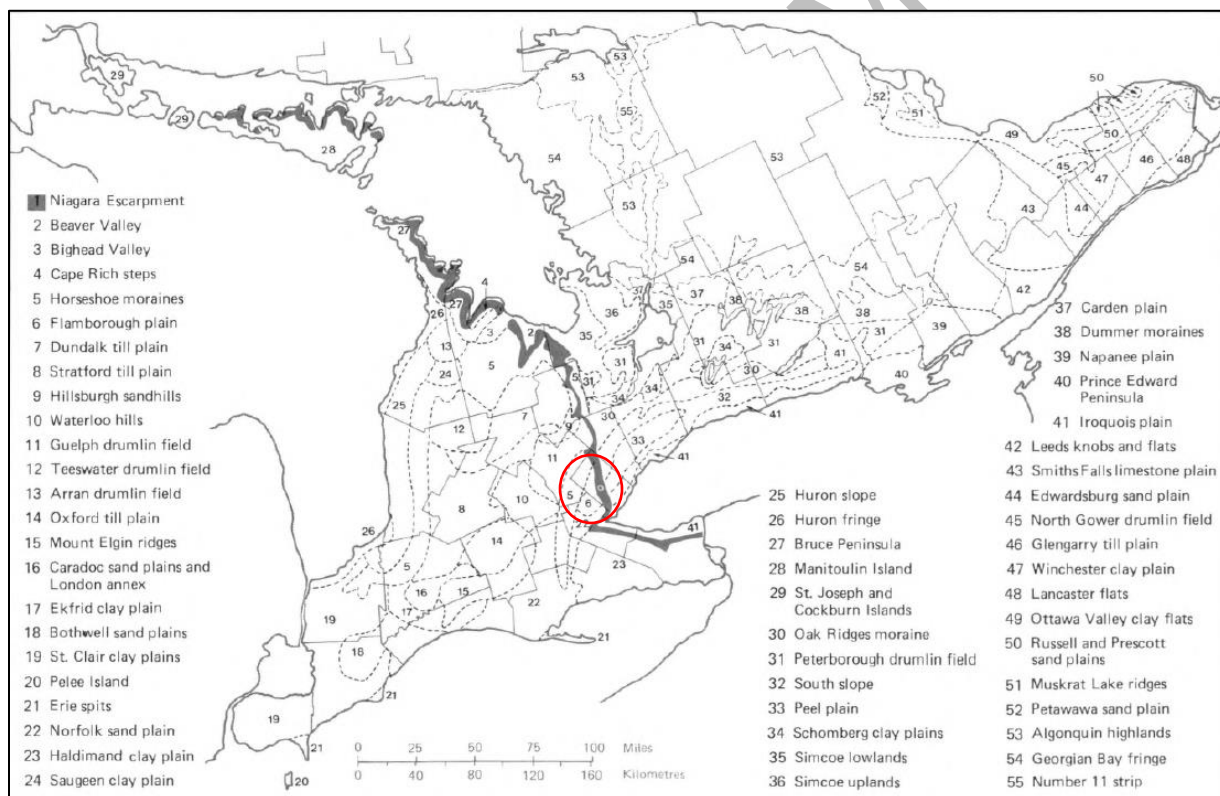


Figure 1: The physiographic regions of Southern Ontario from Chapman and Putnam's *The Physiography of Southern Ontario*, 1984, Page 113 (Approximate location of Waterdown identified by red circle)

<sup>1</sup> L.J. Chapman and D.F. Putnam, *The Physiography of Southern Ontario* (Toronto: Ontario Ministry of Natural Resources, 1984), 114-122.

<sup>2</sup> L.J. Chapman and D.F. Putnam, Figure 19: *The 55 physiographic regions of Southern Ontario*, in *The Physiography of Southern Ontario*, by L.J. Chapman and D.F. Putnam (Toronto: Ontario Ministry of Natural Resources, 1984), 113.

<sup>3</sup> Chapman and Putnam, *Physiology of Southern Ontario*, 119.

<sup>4</sup> Chapman and Putnam, *Physiology of Southern Ontario*, 119.

## 3. Settlement Context

### 3.1 Indigenous Settlement

The area encompassing the former Township of East Flamborough and the Village of Waterdown has attracted human settlement since long before their formal establishment. The Grindstone Creek runs south through Waterdown towards Hamilton Harbour and was central to an extensive trail network traveled by the Indigenous Chonnonton People, commonly known as the Neutrals, which abounded with food and resources such as sugar maple and salmon.<sup>5</sup> These trails, the origins of contemporary roads such as Snake Road and Old Waterdown Road, led the Neutrals from the base of the escarpment to their settlements north and west of present day Waterdown.<sup>6</sup>

The Neutrals, dubbed as such by explorer Samuel Champlain in 1615 for their lack of participation in wars between the neighbouring Huron and Iroquois people, were a powerful chiefdom which traded extensively throughout present day Ontario and New York.<sup>7</sup> The Neutral's population was decimated by a 1638 smallpox outbreak and subsequent conflict and defeat by the Seneca and Mohawk during the Beaver Wars of the mid-17<sup>th</sup> century.<sup>8</sup> The Mississaugas, an Anishinaabe nation who inhabited the lands east of the Neutrals, established settlement in the area following the Beaver Wars and were the predominant Indigenous group at the time of arrival by European settlers.<sup>9</sup> In the late 17<sup>th</sup> century, the Anishinaabe and Haudenosaunee nations established peace with the "Dish with One Spoon" Wampum promising that the two nations would share the bounty of the land (the dish) together (using one spoon).<sup>10</sup>



Figure 2: Dish With One Spoon Wampum Belt Reproduction (utoronto.ca)

<sup>5</sup> Donald R. Woods and Diane E. Woods, *The Mills of Waterdown: The Growth of an Ontario Village – 1790 to 1915* (Waterdown, ON: The Waterdown – East Flamborough Heritage Society, 2010), 2-3; Sylvia Wray, Robert Wray, Patricia Green and Maurice Green, *...and they came to East Flamborough: A Celebration of East Flamborough Township's pre-Confederation Heritage* (Waterdown, ON: The Waterdown-East Flamborough Heritage Society, 2015), 18-19.

<sup>6</sup> Waterdown-East Flamborough Centennial Committee, *1867-1967: Waterdown and East Flamborough* (Waterdown, ON: Waterdown-East Flamborough Centennial Committee, 1967), 41.

<sup>7</sup> Woods and Woods, *The Mills of Waterdown*, 2-5.

<sup>8</sup> Woods and Woods, *The Mills of Waterdown*, 2-5.; Patricia Green, Maurice Green, Sylvia Wray and Robert Wray, *from West Flamborough's storied past* (Waterdown, ON: The Waterdown – East Flamborough Heritage Society, 2003), 2.

<sup>9</sup> William C. Noble, "The Neutral Confederacy," *Canadian Encyclopedia*, last modified October 16, 2018. <https://www.thecanadianencyclopedia.ca/en/article/neutral.>; Green, Green, Wray and Wray, *from West Flamborough's Storied Past*, 2.

<sup>10</sup> Nathan Tidridge, *The Extraordinary History of Flamborough: East Flamborough, West Flamborough & Waterdown* (Waterdown, ON: The Waterdown-East Flamborough Heritage Society, 2016), 11.

### 3.2 Euro Canadian Settlement

Beginning in the 1780s, Euro-Canadian settlement in the area superseded that of Indigenous populations.<sup>11</sup> The American War for Independence (1775-1783) greatly influenced settlement in the Flamborough and Waterdown area. Following the establishment of the United States of America in 1783, approximately 30,000 British Loyalists were displaced and sought refuge in Britain's remaining North American colonies.<sup>12</sup> In response to this demand for settlement lands, fifteen land surrender treaties were negotiated between the Crown and the Anishinaabe peoples living in present day Southern Ontario between 1783 and 1812.<sup>13</sup> These treaties gave the colonial government authority to survey and eventually distribute lands to Loyalists and other European settlers.<sup>14</sup> In 1788, to further facilitate the surveying of new settlement lands, the western extent of Quebec's District of Montreal was subdivided into four districts: Lunenburg, Mecklenburg, Nassau and Hesse. The area which would become East Flamborough, and subsequently the Village of Waterdown, was situated within the District of Nassau.<sup>15</sup>

In 1791, a portion of Quebec, including the new districts, was separated to establish the Province of Upper Canada. Newly appointed Lieutenant Governor John Graves Simcoe named Augustus Jones Provincial Land Surveyor and directed him to travel west from the Niagara River to survey and lay out Townships.<sup>16</sup> In 1792 Treaty No. 3, the Between the Lakes Purchase, was negotiated between the Crown and the Mississaugas, giving Upper Canada ownership and access to a vast swath of land between Lake Erie and Lake Ontario.<sup>17</sup> The final component of Jones' initial survey was the Township of Geneva, four concessions along the broken front of Lake Geneva, now known as Burlington Bay. Geneva's concessions were surveyed from the "Indian Point", a line which divided the lands to the west purchased by the crown, and the lands to the east still claimed by the Mississaugas. Initially set out for refugees of the French Revolution (1787-1799), an additional 10 concessions were surveyed to the north of Geneva and amalgamated with the Township and the lands surrounding the town of Dundas to form the Township of Flamborough in 1793.<sup>18</sup>

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<sup>11</sup> Noble, "The Neutral Confederacy."

<sup>12</sup> "Upper Canada Land Surrenders and the Williams Treaties (1764-1862/1923)," *Government of Canada*, last modified February 15, 2013, <https://www.rcaanc-cirnac.gc.ca/eng/1360941656761/1544619778887#uc>.

<sup>13</sup> "Upper Canada Land Surrenders," *Government of Canada*.

<sup>14</sup> "Upper Canada Land Surrenders," *Government of Canada*.

<sup>15</sup> Wray, Wray, Green and Green, ...and they came to East Flamborough, 1-3.

<sup>16</sup> Wray, Wray, Green and Green, ...and they came to East Flamborough, 1-3.

<sup>17</sup> "Upper Canada Land Surrenders," *Government of Canada*.; Donna Duric, "Between the Lakes Treaty No. 3 (1792)," *Mississaugas of the Credit First Nation*, last modified May 18, 2017, <http://mncfn.ca/treaty3/>.

<sup>18</sup> Wray, Wray, Green and Green, ...and they came to East Flamborough, 1-2.

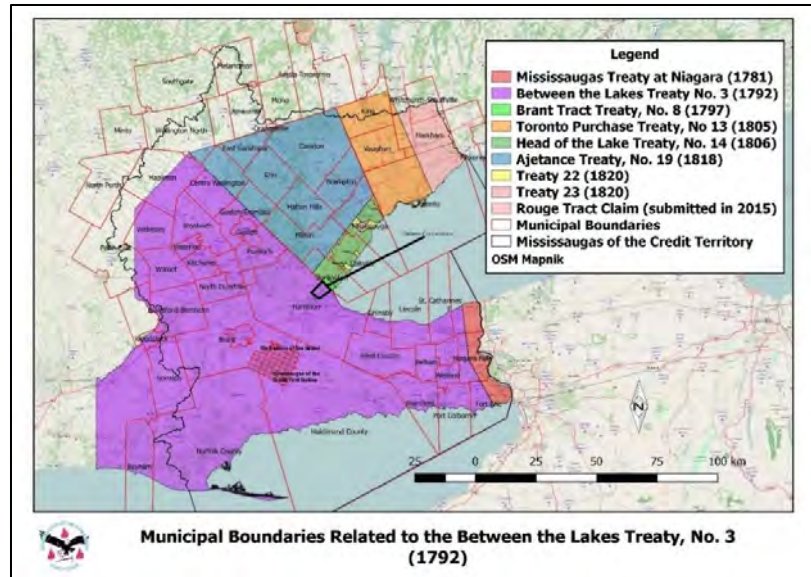


Figure 3: Geneva concessions as illustrated on a map of the treaties with the Indigenous from the Mississaugas of the Credit First Nation webpage

Construction began in 1793 on a highway commissioned by Lt. Governor John Simcoe, which initially ran westward from Burlington Bay to Joseph Brant's village on the Grand River.<sup>19</sup> Subsequently, the previously established Land Board began accepting applications for property grants in Flamborough, awarding land mostly to members of the military and government officials who typically remained absentee landlords.<sup>20</sup> In 1796, Lieutenant Alexander McDonnell was awarded approximately 3000 acres including Lots 6 and 7 of Concession 3, the location of the original village core of Waterdown.<sup>21</sup> Following boundary realignments and territorial renaming within Upper Canada between 1793 and 1798, the Township of Flamborough was split into the Townships of East and West Flamborough in 1798.<sup>22</sup>

McDonnell's land went undeveloped and 800 acres were acquired by Alexander Brown in 1805, who then established the area's first sawmill above the Great Falls at Smokey Hollow and the Grindstone Creek.<sup>23</sup> That same year, Treaty No. 14, the Head of the Lake Treaty, was negotiated and the Crown acquired Mississauga lands east of East Flamborough, allowing for the easterly expansion of Lt. Governor Simcoe's highway, which would become Provincial Highway 5 and Dundas Street in Waterdown.<sup>24</sup> While

<sup>19</sup> Sylvia Wray, *Dundas Street, Waterdown, 1793-1993* (Waterdown, ON: The Waterdown-East Flamborough Heritage Society, 1994), 3.

<sup>20</sup> Wray, Wray, Green and Green, *...and they came to East Flamborough*, 2-3.

<sup>21</sup> Wray, Wray, Green and Green, *...and they came to East Flamborough*, 2-3.; Unterman McPhail Cuming Associates and Wendy Shearer Landscape Architect Limited, *Waterdown Heritage Conservation District Study: Heritage Assessment Report* (1996), 2-1.; Woods and Woods, *The Mills of Waterdown*, 20.

<sup>22</sup> Wray, *From West Flamborough's Storied Past*, 4.

<sup>23</sup> Wray, Wray, Green and Green, *...and they came to East Flamborough*, 18.; Woods and Woods, *The Mills of Waterdown*, 21.

<sup>24</sup> Wray, *Dundas Street*, 4; Wray, Wray, Green and Green, *...and they came to East Flamborough*, 3.; Donna Duric, "Head of the Lake, Treaty No. 14 (1806)," *Mississaugas of the Credit First Nation*, last modified May 28, 2017, <http://mncfn.ca/head-of-the-lake-purchase-treaty-14/>.



previously difficult to access and largely untouched, the road and potential for water power made settlement in East Flamborough appealing to many, and slowly settlement and associated industry increased throughout the early 19<sup>th</sup> century.<sup>25</sup>

Lieutenant Governor Simcoe's highway was a response to concerns about surprise attacks from the newly liberated American colonies and was intended to serve as a military passage for the movement of troops and supplies. Its secondary purpose was a means of encouraging settlement; however, construction did not begin until Simcoe's decision to move the capital to present day London. The first section of it, which became known as The Governor's Road, stretched from Burlington Bay to the Grand River. The second section was intended to extend the road to London, but Simcoe changed the location of the capital to York (modern day Toronto) causing construction to cease and nature to retake their hard work. Land grants were offered along this strip of highway with the stipulation that owners were required to keep the roadway clear. Work on the trail from Dundas began immediately following the movement of the capital but the second section of it, which stretched from Burlington Bay to York, was not started until a decade later due to the success of water transportation along Lake Ontario. This road from Dundas to York was named the Dundas Highway in honour of Henry Dundas, the Home Secretary responsible for Colonial Affairs. This roadway began as an Indigenous trail before being turned into a highway serving an important role in the history of both Waterdown and Ontario.<sup>26</sup>

In 1823, Ebenezer C. Griffin arrived in the area, having previously purchased the majority of Concession 3, Lot 7 from Alexander Brown.<sup>27</sup> He established a number of businesses, including a store at the corner of Mill and Dundas Street, a flour mill above the Great Falls, and a carding mill on Mill Street South.<sup>28</sup> The area came to be known as Waterdown, and in 1831 Griffin prepared a village plan which became known as the Griffin Survey and began to sell off lots.<sup>29</sup> Settlement had begun along Dundas Street before his survey was finished particularly along what is known as Vinegar Hill, one of the oldest residential neighbourhoods of the village. This area is at the eastern entrance to Waterdown and is believed to be named after the smell from the fermentation of apples to create vinegar, which took place along this stretch of road where orchards were reportedly prevalent.<sup>30</sup> According to the 1841 assessment rolls, the majority of the almost fifty households in the Village were located in this area resulting in the formation of the Union Cemetery within this neighbourhood. In 1836, E.C Griffin sold his mill operations, at what would become known as Smokey Hollow, to George Abrey and John Heywood. In 1837, E.C. Griffin received a grant to Concession 3, Lot 6.<sup>31</sup>

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<sup>25</sup> Wray, Wray, Green and Green, *...and they came to East Flamborough*, 18.

<sup>26</sup> Wray, *Dundas Street*, 3-5.

<sup>27</sup> Woods and Woods, *The Mills of Waterdown*, 44.

<sup>28</sup> Woods and Woods, *The Mills of Waterdown*, 44-46.

<sup>29</sup> Woods and Woods, *The Mills of Waterdown*, 50-54.; Wray, Wray, Green and Green, *...and they came to East Flamborough*, 18.

<sup>30</sup> Wray, *Dundas Street*, 8.

<sup>31</sup> Woods and Woods, *The Mills of Waterdown*, 52.

In 1880, Griffin's General Merchant Store located on the southeast corner of Dundas and Mill Streets was sold to Joseph Culloden Eager. It remained in operation by the Eager family until its sale to the Weeks family in 1924.



Figure 4: Eager Store located on the southeast corner of Dundas and Mill Street, looking southeast to see the Eager House in the background, circa 1904; Source: Flamborough Archives, BW 71, Will Reid Collection

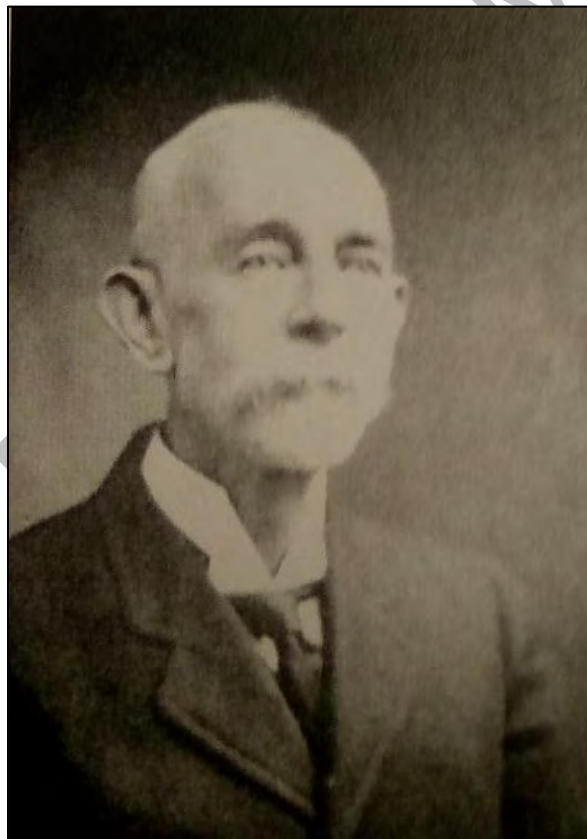
**Subject Property – Block 25 Lot 12 (See Appendix E: Ownership History)**

The subject property is part of Lot 6 Concession 3, which was granted by the Crown to E.C. Griffin in 1837. In 1845, twelve village lots totaling three of the original two hundred acres was sold to Daniel Reynolds who then sold the same village lots to George Abrey in 1852. With the settlement of Abrey's estate in 1871, Louisa Abrey sold these lots to James E. Eager (1842-1921) and his father Joseph C. Eager (1885-1948).<sup>32</sup> The Eager family slowly leased and sold these lots until only the current lot of 0.34-acres remained. This lot of 0.34-acres remained as the Eager family home until 1989 when Helen Eager (1904-1989) died with no children of her own and her only surviving family members that had already established themselves outside of Waterdown, ending the family's ownership of the property.<sup>33</sup>

<sup>32</sup> Student Research for Heritage Society - Title Search: Eager House, Block 25, Lot 12, Conc. 3, 86.02.006, *Waterdown: Houses – The Eager House, 340 Dundas Street East*, Flamborough Archives (Waterdown).

<sup>33</sup> Flamborough Review - 17 May 1989 "Miss Helen Eager passes away: Family bought general store in 1880", 2005.12.307, *Vertical File: Eager Family*, Flamborough Archives (Waterdown).

According to the tax assessment records, the property was valued at \$1,600 in 1880 indicating that a significant structure was in existence. Since the available tax assessment records for Waterdown start in the year 1880, it is difficult to ascertain a precise construction date; however, considering the Eager family purchased the property in 1871 and Joseph C. Eager appeared to have commissioned architectural drawings (see **Appendix F: Primary Documents**) for the building, it is estimated that the house was built between 1871 and 1880.<sup>34</sup> These architectural drawings depict the proposed plan for construction, including the interior layout and exterior facades, as drawn by Hamilton architect William Leith. The drawings are not dated and the report accompanying it, which details the materials, measurements and methods of construction to be used, does not indicate if Joseph Eager requested any alterations to the purposed plan resulting in the current dwelling that does not exactly match the drawings. Considering William Leith's life span of 1835 to 1880 and his other work within Flamborough at this time, these drawings do fit into his career.



*Figure 5: Photograph of James E. Eager; Source: The Mills of Waterdown, page 106 (photograph provided by his daughter Helen Eager)*

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<sup>34</sup> William Leith, *Design of a Dwelling House for J.C. Eager, Esq.*, 93.08.086, Map Cabinet Drawer #10, Flamborough Archives (Waterdown).



### 3.3 Contemporary Context

The subject property is located on the southwest corner of Dundas Street East and Reynold Street just east of the Dundas Street bridge of the Grindstone Creek. The immediate area on the north and south side of Dundas Street East features variably sized residential buildings that possess various setbacks, heights and styles, with tree cover and front facing landscaping.



*Figure 6: Looking south down Reynold Street from Dundas Street East, showing the Eager House on the right (June 2018)*

The property is also located within the historic residential area known as Vinegar Hill, generally described as Dundas Street between the Grindstone Creek to the west and First Street to the east, and north up to the Waterdown Union Cemetery and south to George Street. The area is primarily comprised of mid-nineteenth to early-twentieth century dwellings with some contemporary residential infill. Historic properties in the area include the Eager House (340 Dundas Street East, c. 1871), the Raycroft Cottage (348 Dundas Street East, c. 1860), the Pille House (353 Dundas Street East, c. 1879), Bramwell (356 Dundas Street East, c. 1876), the Kirby House (365 Dundas Street East, 1870), the Reid House (8 Margaret Street, c. 1890) and Union Cemetery (c. 1830). Various interventions to widen Dundas Street have altered the character of the homes in Vinegar Hill as the front yards have been shortened and former decorative fencing, as shown in **Figure 7** below) removed.





*Figure 7: Vinegar Hill, looking west down Dundas Street towards the bridge with the white fence of the Eager House on the left, circa 1907; Source; Flamborough Archives, BW 2810*



*Figure 8: Vinegar Hill, looking west down Dundas Street to the bridge (June 2018)*

## 4. Property Description

The 0.34-acre property at 340 Dundas Street East is comprised of a two-storey single-detached stone building clad in stucco, situated on the southwest corner of Dundas Street and Reynold Street in the Vinegar Hill area of the former Village of Waterdown and the former Township of East Flamborough, within the City of Hamilton.

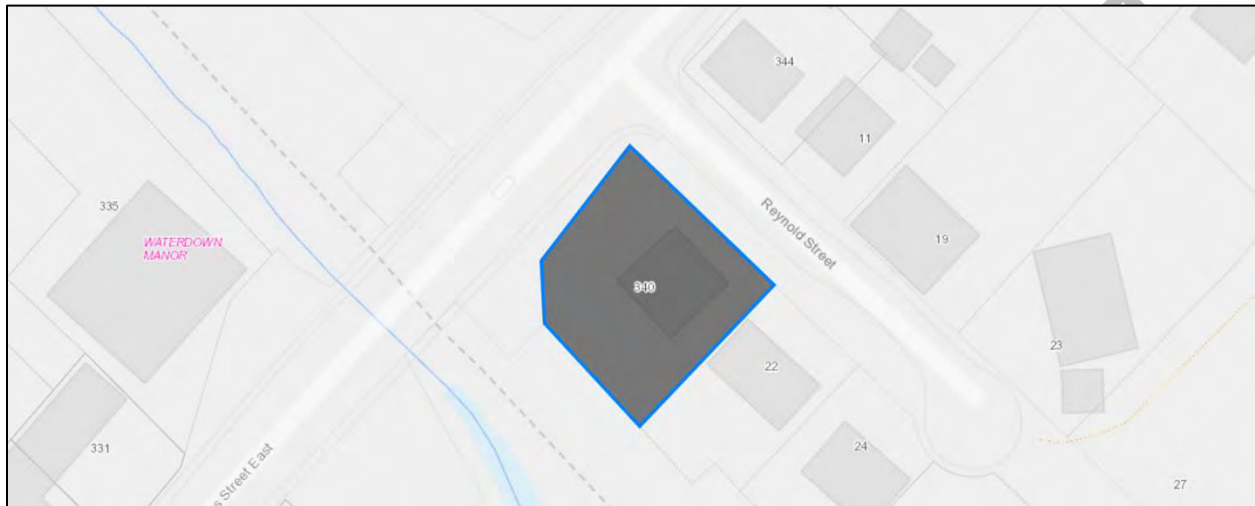


Figure 9: 340 Dundas Street East, highlighted in grey, City of Hamilton GISnet, 2019

### 4.1 Evolution of the Buildings and Landscape

The two-storey stone building clad with stucco has undergone few alterations since it was first constructed circa 1871. The 1939 Fire Insurance Plan of the Village (Figure 10) indicates that the property consisted of a two-storey dwelling fronting onto Dundas Street with a one-storey rear wing.

The most notable alterations that have taken place to the building, and its surroundings, include:

- Introduction of a wooden portico on the Dundas Street entrance (c. 1904);
- Parging of the exterior masonry, most likely with a rough cast lime cement finish (pre-1900s);
- Painting of the parged exterior (pre-1910s);
- Introduction of wooden shutters;
- Removal of all original chimneys, including both double chimneys, one on each projecting bay, and both single chimneys, one on the rear eastern bay and the other on the rear kitchen (20th century);



- Introduction of a single exterior chimney offset to the west of the building (mid-20<sup>th</sup> century);
- Removal of the finials on each of the gables of the projecting bays (20<sup>th</sup> century);
- Introduction of a small addition on the east façade of the rear kitchen (pre-1930s);
- Planting of a line of coniferous trees in the front yard (mid-20<sup>th</sup> century);
- Widening of Dundas Street and the adjacent bridge and removal of the decorative perimeter fencing in the front yard (mid-to-late-20<sup>th</sup> century);
- Introduction of a wooden privacy fence along Reynold Street and at the northwest corner near the bridge and the Grindstone Creek embankment (circa 2010); and,
- Introduction of extensive decorative gardens in the front yard including a row of daylilies along the Dundas Street sidewalk (late-20<sup>th</sup> to early-21<sup>st</sup> century).

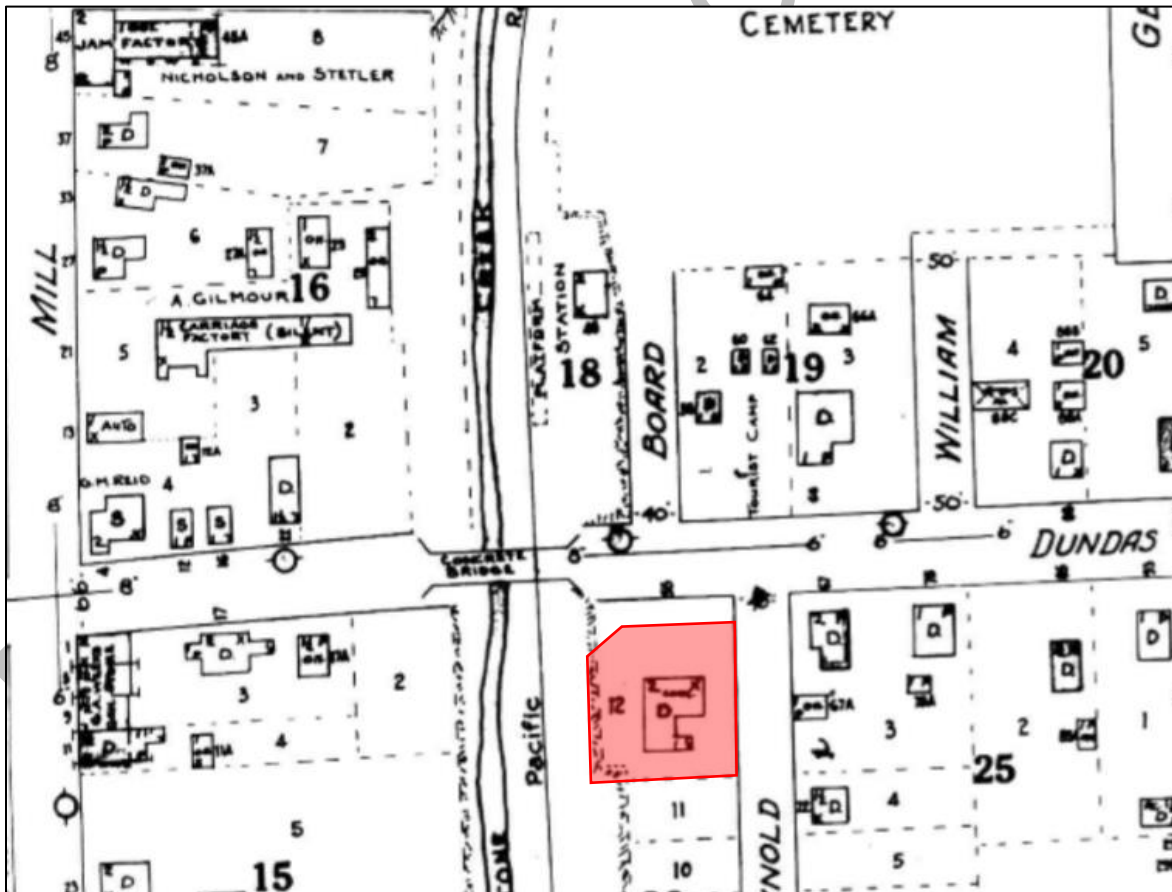


Figure 10: Insurance Plan of the Village of Waterdown, ON, May 1939, Excerpt of Sheet 1 (Existing property boundary of 340 Dundas Street East highlighted in red)

## 4.2 Building Description

The property is comprised of a two-storey, single-detached parged stone building believed to have been constructed around 1871 with a one-storey rear wing. The architect designed dwelling is influenced by the Gothic Revival architectural style, and key features include the:

- Rectangular footprint with flanking projecting front bays and rear wing;
- H-shaped gable roof with high pitched flanking projecting front and rear gables and off-set projecting side gables;
- Masonry construction with parged exterior;
- Decorative bargeboard under the front gables;
- Flat-headed window openings on the ground floor with one-over-one windows, four-pane wooden storms, plain lug stone sills and functional shutters;
- Semi-circular window openings in the second storey below the gables with one-over-one windows, two-pane wooden storms, plain lug stone sills and functional shutters;
- Small rectangular window opening above the front entrance between the flanking bays;
- Central entrance fronting onto Dundas Street with transom, sidelights and decorated wood panelling; and,
- Gable-roofed front porch ornately decorated with a wooden sun and ray detailing and supported by decorative wood columns atop a stone base with steps.



*Figure 11: Eager House including front porch and windows, 1982; Source: Flamborough Archives, BW 269*



*Figure 12: Eager House including front porch and windows, 2018*



## 5. Cultural Heritage Evaluation

The following is an evaluation of the cultural heritage value or interest of the subject property, in accordance with *Ontario Regulation 9/06* and the *City of Hamilton's Framework for Cultural Heritage Evaluation*.

The subject property has been evaluated against three sets of criteria – Archaeology, Built Heritage, and Cultural Heritage Landscapes – as follows:

### 5.1 Archaeology

Identified or potential archaeological resources can be considered as values meriting inclusion into the identified cultural heritage value for the designation of a property. A set of twelve criteria is used to evaluate an archaeological site or measure archaeological potential to determine what attributes, if any, warrant designation under Part IV of the *Ontario Heritage Act*.

The first eleven criteria for designation of an archaeological site are predicated on the presence of an archaeological site. In the case of 340 Dundas Street East, there are no registered or reported archaeological sites located on the subject property. As a result, only the Archaeological Potential criterion applies in this assessment.

<b>Archaeological Criteria</b>	
Cultural Definition: N/A	Site Setting: N/A
Temporal Integrity: N/A	Site Socio-political Value: N/A
Site Size: N/A	Site Uniqueness: N/A
Site Type: N/A	Site Rarity: N/A
Site Integrity: N/A	Site Human Remains: N/A
Historical Association: N/A	Archaeological Site Potential: Applicable

#### 5.1.1 Archaeological Potential

The subject property is comprised of a two-storey building, situated in an historic urban context first developed in the late-nineteenth century. To be considered a site with archeological potential the property must meet at least one primary criteria or two secondary criteria for determining archaeological potential. The subject property is within the water catchment area of Grindstone Creek, meeting one primary criteria. The property is also within one hundred meters of an historic transportation corridor (Dundas Street), meeting one secondary criteria. The property has also experienced minimal disturbance. Therefore, this criterion is considered satisfied.

### 5.2 Built Heritage

A set of twelve criteria is used to identify and assess the built heritage value of a property. Of the twelve criteria, **ten** were applicable and satisfied for 340 Dundas Street East.

<b>Historical Associations</b>	<b>Architecture and Design</b>
Thematic: Applicable	Architectural Merit: Applicable
Event: N/A	Functional Merit: N/A
Person and/or Group: Applicable	Designer: Applicable
<b>Integrity</b>	<b>Environmental Context</b>
Location Integrity: Applicable	Landmark: Applicable
Built Integrity: Applicable	Character: Applicable
	Setting: Applicable
<b>Social Value</b>	
Public Perception: Applicable	

### 5.2.1 Historical Associations

#### Thematic

The property has direct associations with the themes of heritage preservation and village development. In 1871, Joseph C. and James E. Eager purchased this yet-to-be-developed land on the eastern edge of the village, later known as Vinegar Hill. The Eagers constructed a house on this property sometime between 1871 and 1880. As the village grew, the developed edge of the village was pushed further east. Despite the growth of the village, Vinegar Hill has remained residential despite its proximity to the downtown core, suggesting a resistance to development and the desire to maintain the residential use of the area. The relatively unchanged nature of the area, and the limited modifications to the Eager House, may be indicative of a focus on heritage preservation within the village, which has remained a prominent theme in the modern village context. Therefore, this criterion is considered satisfied.

#### Event

A specific event that has made a significant contribution to Waterdown, Ontario or Canada is not known to have occurred here.

#### Person/Group

The property has a direct association with the Eager family, specifically Joseph Culloden Eager (1809-1893), James Edward Eager (1842-1921) and Helen Eager (1904-1989). Joseph Culloden Eager was the son of Benjamin Eager and his second wife Rebecca Culloden who were Jacobites that moved from their native England to Ireland then to Upper Canada in 1837. The family settled in Lowville where Benjamin farmed, and Joseph started his career as a merchant before moving to Waterdown in the 1860s. The 1875 Wentworth County Atlas's Business Directory for East Flamboro' lists J.C. Eager & Son as farmers located on Dundas who settled in Waterdown in 1863. Joseph and James purchased the subject property in 1871 and, in 1880, they purchased the Griffin's General Merchant Store on the prominent southeast corner of Dundas and Mill Streets, located just west of the Eager House on the other side of the bridge over Grindstone Creek, and renamed it the Eager General Store. When Joseph

Culloden died in 1893, his son James took over the family home and continued operation of the family business. The Eager Store remained in the family for three generations before being sold to the Weeks family in 1924 who operated the store, later known as Weeks Hardware, until 1972. The Eager House remained in the family until the death of Helen Eager (1904-1989), daughter of James Edward Eager (her full name was Eliza Helen Feilde but she is referred to as Helen in all of the sources indicating her name preference), in 1989. She had no children of her own, her brothers and sisters predeceased her, and her niece and nephews had established themselves outside of Waterdown, so the property was sold ending the century-long legacy of the Eager family in Waterdown. Further research has the potential to yield information that contributes to a better understanding of the Eager Family's prominence in the village and their progression from a farming family to store owners and their ability to commission an architect to design their home.

## 5.2.2 Architecture and Design

### Architectural Merit

The property is comprised of a two-storey parged stone architect-designed dwelling influenced by the Gothic Revival architectural style. It was constructed circa 1871 as a residence and has remained a dwelling throughout its history. The architectural merit of the building lies in its architectural features typical of, and influenced by, the Gothic Revival architectural style, including the: high pitched gables with decorative bargeboard; parged stone façades; central entrance with transom and sidelights; gable-roofed front porch with decorative sun and ray motif wooden detailing; flat-headed one-over-one windows with four-pane wooden storms and plain stone lug sills on the ground floor; and semi-circular windows with wooden storms and plain stone lug sills in the second storey below the gables. There is also high potential that some of the original interior features remain intact warranting further investigation, if given the opportunity.

The property exhibits a high degree of craftsmanship and artistic merit through the wood detailing including the decorative bargeboard and the ornate wood detailing on the front porch, an early addition. Therefore, this criterion is considered satisfied.

### Functional Merit

The subject property was constructed as a residence circa 1871. It is a typical example of an vernacular stone structure, uses typical construction methods (such as exterior masonry parging) and does not possess any utilitarian features. Therefore, this criterion is not considered to be satisfied.

### Designer

According to undated architectural drawings (see **Appendix F: Primary Documents**), the house was designed by Hamilton architect William Leith (1835-1880). Little is known about this particular architect beyond references to his business and work. *The Dictionary of Architects in Canada* indicates that Leith designed ecclesiastical,

institutional, commercial, industrial and residential buildings including: the MacNab Presbyterian Church Manse (116 MacNab Street South), Christ Church Sunday School (252 James Street North), Masonic Hall (96 James Street North), All Saints Church (15 Queen Street South), and a number of residential dwellings including a residence in West Flamborough (Lot 22, Concession 3) built in 1871, which appears to be non-extant. In the late 1870s, Leith was in a partnership with architect Lucien Hill. Together they designed an addition to the House of Providence in Dundas, a church in Tapleystown, a commercial block on King and James Streets (Hamilton), and an addition to the Central Fire Station on Hughson Street in Hamilton. It is possible that he was a member of the Leith family that resided in the Hermitage in Ancaster, but more research would need to be conducted to confirm this.

In addition, the portico was designed and constructed by well-known Waterdown contractor and carpenter John Reid (1854-1912), who was responsible for the construction of the Reid House (8 Margaret Street) and the McGregor House (49 Main Street North). He was the son of a weaver, William Reid, who arrived in Canada in 1830. John established himself as a builder and built himself a sawmill on the east side of Grindstone Creek, which was in operation until 1912 when the railroad was constructed. An excerpt from his workbook circa 1904 details the materials and labour required to construct and install the sun motif portico on the Eager House, which was commissioned by James Edward Eager (See **Appendix F**).

### **5.2.3 Integrity**

#### **Location Integrity**

The building at 340 Dundas Street East remains in its original location. This fact is important since a historic building in its original location has greater cultural heritage value than one that has been moved from its original site. Therefore, this criterion is considered satisfied.

#### **Built Integrity**

Despite alterations, many of the original features of the building remain unchanged. Notable building features that appear to be original to the building and remain unaltered include the: stone construction, H-shaped gable roof with flanking projecting front bays with steep pitches and decorative bargeboard below; flat-headed and semi-circular windows with plain lug stone sills; and, central front entrance with transom and sidelights. The wooden portico on the front (north) entrance was a later addition to the house (circa 1900s); however, it appears to be unaltered and is now considered to be integral to the character of the building.

The interior of the building is presumed to be altered over time; however, there is potential that many of its original interior elements remain intact since the exterior of the building has been subject to few alterations. This warrants further investigation, if given the opportunity. Therefore, this criterion is considered satisfied.

## 5.2.4 Environmental Context

### Landmark

The property is considered to be a local landmark. It is an important feature on Dundas Street marking the entrance to Vinegar Hill from the west and the transition from the commercial core of the village over the bridge into this historic residential area. Therefore, this criterion is considered satisfied.

### Character

The section of Dundas Street east of the Grindstone Creek and west of First Street (Concession 6/7 line), known as Vinegar Hill, has historically been comprised of residential properties since the early development of the village in the mid-nineteenth century.

The property is important in defining the historic character of the area. The late-nineteenth century single-detached building defines the early residential character on the east end of Dundas Street and is visually and historically linked to its surroundings. The streetscape is characterized by buildings of both traditional (brick, wood, stucco) and modern (vinyl siding) building materials, heights ranging from one to two-and-one-half storeys, and eclectic architectural styles that demonstrate the development of the Village of Waterdown throughout its history. Therefore, this criterion is considered satisfied.

### Setting

The property contributes to the character of Dundas Street, which features buildings of various ages and architectural influences. This section of Dundas Street includes one-to two-and-a-half storey buildings dating between the mid-nineteenth century to modern day. This property helps mark the transition from the historic commercial core of Waterdown to the west over the Dundas Street Bridge, to the modern subdivisions east of First Street. The shape of the property also reflects the angled northwest corner of the property that led to the historic Spring Street in the 19<sup>th</sup>-century, which travelled south parallel to Reynold Street towards the historic Water Street (non-extant). The widening of Dundas Street has altered the property and the character of Vinegar Hill as indicated in the historic photographs (see **Appendix C: Historical Images**). As is the case with all homes in Vinegar Hill fronting onto Dundas Street, the front yard was at one point larger, complete with decorative fencing. That fencing has since been removed and the yard shortened. The mid-twentieth century plantings of coniferous trees in the front yard may have been the Eager family's response to Dundas Street becoming a busier road.

The location of the Eager House in relation to the Eager Store is also significant. The former Eager Store, now the Waterdown Business Improvement Area Office at 5 Mill Street South, is still in its historic location just a few minutes walk from the house across the bridge over the Grindstone Creek. Also significant is the location of the house on the bank of the Grindstone Creek, a prime location especially during the boom of the milling

industry in Waterdown, that allowed Alfred (1905-1969) and Ted (1907-1956; full name was James Edward Benjamin) Eager, sons of James Edward Eager, to dam up the Grindstone Creek creating a swimming hole in their backyard. Therefore, this criterion is considered satisfied.

### 5.2.5 Social Value

#### Public Perception

Through its inclusion in various Waterdown specific histories and studies, the subject property has continued to demonstrate its value to the village.

The Eager House (340 Dundas Street East) was included in Sylvia Wray and Maurice Green's *Dundas Street Waterdown 1793-1993*, which documents the history of the main thoroughfare in the village. The history of the building and its occupants is outlined, and historic photographs included to showcase it as one of few significant residences that existed on Dundas Street during the indicated period.

The Eager House is also visible in a number of historic photographs of the village focused on the important crossing of Dundas Street over the Grindstone Creek (see **Appendix C: Historical Images**).

The subject property was included in a historic walking tour hosted by the Flamborough Archives, has been previously evaluated by the former Local Architectural Conservation Advisory Committee of Waterdown, as part of the Canadian Inventory of Historic Building (CIHB), and was evaluated by the Canadian Ministry of Transportation and Communications in 1983 as part of a report to determine the impact of the widening of Dundas Street between Evans and Sydenham Roads. In addition, there is an oral history of two of James Edward Eager's sons creating a swimming hole in their backyard by damming up the Grindstone Creek. Therefore, this criterion is considered satisfied.

### 5.3 Cultural Heritage Landscapes

A set of nine criteria is used to identify and assess the potential for a cultural heritage landscape. In the case of 340 Dundas Street East, the original transaction granting James E. Eager and Joseph C. Eager the property contained numerous other village lots that were later sold; however, the size of the property containing the family home (the subject property) has remained the same 0.34-acre sized lot. The subject property does contain mature trees and gardens, and is part of three identified landscapes, Dundas Street, Vinegar Hill and the Village of Waterdown, but on its own it is not considered to be a cultural heritage landscape. As a result, none of the Cultural Heritage Landscape criteria apply.



<b><i>Historical Associations</i></b>	<b><i>Scenic Amenity</i></b>
Thematic: N/A	Sense of Place: N/A
Event: N/A	Serial Vision: N/A
Person and/or Group: N/A	Material Content: N/A
<b><i>Integrity</i></b>	<b><i>Design</i></b>
Integrity: N/A	Design: N/A
<b><i>Social Value</i></b>	
Public Perception: N/A	

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## 6. Cultural Heritage Value: Conclusions and Recommendations

### 6.1 Conclusions

The subject property possesses high archeological potential but does not satisfy any of the other eleven criteria indicated under the City's guidelines for archeology. In addition, the subject property is part of three identified landscapes, Dundas Street, Vinegar Hill and the Village of Waterdown, but on its own is not considered to be a cultural heritage landscape. As a result, none of the Cultural Heritage Landscape criteria apply. Therefore, the subject property is not considered to have heritage value worthy of designation according to those two categories. However, the subject property does satisfy **ten** of the twelve criteria pertaining to built heritage, including:

- Historical Associations:
  - Thematic
  - Person and/or Group
- Architecture and Design:
  - Architectural Merit
  - Designer
- Integrity:
  - Location Integrity
  - Built Integrity
- Environmental Context:
  - Landmark
  - Character
  - Setting
- Social Value:
  - Public Perception

## 6.2 Compliance with Ontario Regulation 9/06: Criteria for Determining Cultural Heritage Value or Interest

According to Subsection 1 (2) of *Ontario Regulation 9/06*, Criteria for Determining Cultural Heritage Value or Interest, a property may be designated under section 29 of the *Ontario Heritage Act* if it meets one or more of the following criteria:

- 1) The property has design value or physical value because it,
  - i) is a rare, unique, representative or early example of a style, type, expression, material or construction method,
  - ii) displays a high degree of craftsmanship or artistic merit, or
  - iii) demonstrates a high degree of technical or scientific achievement.
- 2) The property has historical value or associative value because it,
  - i) has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,
  - ii) yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or
  - iii) demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
- 3) The property has contextual value because it,
  - i) is important in defining, maintaining or supporting the character of an area,
  - ii) is physically, functionally, visually or historically linked to its surroundings, or
  - iii) is a landmark.

The subject property has design value because it is a representative example of an architectural style and displays a high degree of craftsmanship and artistic merit; it has historical value because it has direct associations with a family significant to the community and demonstrates the work of a prominent architect and a builder who has significance to the community; and, it has contextual value because it is a landmark, important in defining the character of the area and is physically, functionally, visually and historically linked to its surroundings. The following is a summary of the cultural heritage value of the subject property according to *Ontario Regulation 9/06*:

### 6.2.1 Design / Physical Value

The property comprises a two-storey parged stone architect-designed dwelling influenced by the Gothic Revival architectural style. It was constructed as a residence between 1871, when the Eager family purchased the property, and 1880 when the tax

assessment records indicate the existence of a significant structure through its \$1,600 evaluation. The design value of the building lies in its architectural features typical of, and influenced by, the Gothic Revival architectural style, including the: high pitched gables with decorative bargeboard; parged stone façades; central entrance with transom and sidelights; gable-roofed front porch with decorative sun and ray motif wooden detailing; flat-headed one-over-one windows with four-pane wooden storms and plain stone lug sills on the ground floor; and semi-circular windows with wooden storms and plain stone lug sills in the second storey below the gables.

The physical value of the property also lies in its high degree of craftsmanship and artistic merit demonstrated by the decorative bargeboard and wood detailing on the front porch, including the sun and ray motif.

### **6.2.2 Historical / Associative Value**

The historical value of the property lies in its direct association with the Eager family, an early local merchant family that operated a well-known general store in the village.

Joseph Culloden Eager (1809-1893) and his son James E. Eager (1842-1921) purchased the property in 1871 to build their family home and, in 1880, purchased Griffin's General Merchant Store to the west on the southeast corner of Dundas and Mill Streets and renamed it the Eager General Store. When Joseph Culloden died in 1893 his son James took over the family home and continued operation of the family business. The general store remained in the family for three generations before being sold to and continued by the Weeks family in 1924. The house remained in the family until the death of Helen Eager (born in 1904) in 1989 when the property was sold ending the more than a century long legacy of the Eager family in Waterdown.

The house demonstrates the work of architect William Leith of Hamilton and builder John Reid of Waterdown. The house is believed to have been designed by prominent Hamilton architect William Leith (1835-1880). He designed ecclesiastical, institutional, commercial, industrial and residential buildings throughout Hamilton including its historic surrounding areas including Dundas and Flamborough. The sun motif portico was a later addition designed and constructed by well-known Waterdown builder John Reid (1854-1912). He was the son of a weaver, William, who arrived in Canada in 1830. John established himself as a contractor and built himself a sawmill on the east side of Grindstone Creek, which he operated until 1912 when the railroad was constructed. John is responsible for other notable Waterdown buildings including the Reid House (8 Margaret Street) and The McGregor House (49 Main Street North).

### **6.2.3 Contextual Value**

The 0.34-acre property is situated on the corner of Dundas and Reynold Streets, just east of the Dundas Street bridge, in the Village of Waterdown, in former East

Flamborough Township, within the City of Hamilton. The late-nineteenth century single-detached building defines the historic character of Dundas Street, as well as the area known as Vinegar Hill, and is visually and historically linked to its surroundings. The streetscape consists of buildings constructed both with traditional building materials (e.g. brick, wood and stucco) and modern building materials (e.g. vinyl siding) with heights ranging from one to two-and-a-half storeys and displaying an eclectic mix of architectural styles that demonstrate the development of the Village of Waterdown throughout its history. The character of Vinegar Hill and the size of the front lawns of the properties fronting onto Dundas Street have been altered due to the widening of the street resulting in smaller front yards and removal of the decorative fencing. It is believed that the planting of the coniferous trees in the front yard in the mid-twentieth century was the Eager family's response to the increased traffic from Dundas Street.

The property's location on the bank of the Grindstone Creek, a prime location particularly during the boom of the milling industry, and its close proximity to the extant Eager Store (now the Waterdown Village Business Improvement Area office), a few minutes walk from the house just over the bridge on Mill Street, are also significant to the contextual value of the Eager House. In addition, the shape of the property also reflects the angled northwest corner of the property that led to the historic Spring Street in the nineteenth century, which travelled south parallel to Reynolds Street towards the historic Water Street (non-extant).

### **6.3 Recommendation**

The property located at 340 Dundas Street East, Waterdown satisfies the City of Hamilton evaluation criteria for properties of cultural heritage value, and the criteria established in *Ontario Regulation 9/06*. Therefore, the subject property warrants protection under the *Ontario Heritage Act* by designation and / or the negotiation of a heritage conservation easement agreement under the *Ontario Heritage Act*, in accordance with the following Description of Property, Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes:

#### **Description of Property**

The 0.34-acre property at 340 Dundas Street East is comprised of a two-storey single-detached parged stone building located on the southwest corner of Dundas and Reynold Streets in the area known as Vinegar Hill in the Village of Waterdown, in the former Township of East Flamborough, within the City of Hamilton.

#### **Statement of Cultural Heritage Value or Interest**

The property located at 340 Dundas Street East, known as the Eager House, is comprised of a two-storey parged stone building constructed circa 1871. The historical value of the property lies in its association with the Eager family. Joseph Culloden Eager (1809-1893) and his son, James Edward Eager (1842-1921), purchased the property in 1871 and built the house sometime between 1871 and 1880. In 1880,

Joseph purchased Griffin's General Store on the corner of Dundas and Mill Streets and established the well-known Eager General Store. The general store was family-run for three generations before being sold to and continued by the Weeks family in 1924. The Eager House remained in the family until the death of Helen Eager (born in 1904), James Edward Eager's daughter, in 1989.

The associative value of the property also lies in its demonstration of the work of prominent Hamilton architect William Leith and local builder John Reid. William Leith (1835-1880) designed ecclesiastical, institutional, commercial, industrial and residential buildings throughout Wentworth County, including its historic surrounding areas such as Dundas and Flamborough. According to undated drawings, Joseph Culloden Eager commissioned William Leith to design the house. The ornate front porch was a later addition commissioned by James Edward Eager, designed and constructed by well-known Waterdown builder John Reid (1854-1912). John established himself as a contractor and built himself a sawmill on the east side of Grindstone Creek, which he operated until 1912 when the railroad was constructed. John is responsible for carpentry on other notable Waterdown buildings including the Reid House (8 Margaret Street) and The McGregor House (49 Main Street North).

The cultural heritage value of the property also lies in its design value as a representative example of an architect-designed dwelling influenced by the Gothic Revival architectural style, exemplified by the flanking projecting front bays with high pitched gables and decorative bargeboard. The property also demonstrates a high degree of craftsmanship and artistic merit, demonstrated by the ornately decorated front porch with wooden sun and ray detailing.

The contextual value of the property lies in its contribution to defining the historic character of Dundas Street, Vinegar Hill and the Village of Waterdown. The Eager House is physically, functionally, visually and historically linked to its surroundings, located on the south side of Dundas Street, east of the Grindstone Creek, marking the entrance to the area known as Vinegar Hill as you travel east up Dundas Street and out of the village. The Eager House is a recognizable local landmark situated on the Grindstone Creek, a prime location in the village, and only a few minutes walk away from the former Eager General Store on the southeast corner of Dundas and Mill Streets.

### **Description of Heritage Attributes**

Key attributes that embody the heritage value of the property include the:

- Two-storey stone building, including its:
  - Masonry construction with parged exterior;
  - Rectangular footprint with flanking projecting front bays and one-storey rear wing;
  - H-shaped gable roof with high pitched flanking projecting front and rear gables and off-set projecting side gables;



- Decorative bargeboard under the front gables;
  - Flat-headed window openings on the ground floor with one-over-one windows, four-pane wooden storms, plain lug stone sills and functional shutters;
  - Semi-circular window openings in the second storey below the gables with one-over-one windows, two-pane wooden storms, plain lug stone sills and functional shutters;
  - Small rectangular window opening above the front entrance between the flanking bays;
  - Central entrance fronting onto Dundas Street with transom, sidelights and decorated wood panelling; and,
  - Gable-roofed front porch ornately decorated with wooden sun and ray detailing and supported by decorative wood columns atop a stone base with steps.
- Moderate setback from Dundas Street with front lawn and walkway to the front entrance.

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## Maps

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## Historic Photographs

"340 Dundas Street East, August 2009, Waterdown." Google Streetview.

"340 Dundas Street East, May 2015, Waterdown." Google Streetview.

"340 Dundas Street East, July 2017, Waterdown." Google Streetview.

"340 Dundas Street East, April 2018, Waterdown." Google Streetview.

"340 Dundas Street East, June 2019, Waterdown." Google Streetview.

Photograph No. BW269. "Eager House." Flamborough Archives (Waterdown).

Photograph No. BW294. "Looking northeast to Board Street and the Eager House from Reid's planning mill on the banks of Grindstone Creek." Flamborough Archives (Waterdown).

Photograph No. BW342. "The Eager House." Flamborough Archives (Waterdown).

Photograph No. BW363. "West side Eager House." Flamborough Archives (Waterdown).

Photograph No. BW601. "Eager House Entrance." Flamborough Archives (Waterdown).

Photograph No. BW602. "Eager House Entrance." Flamborough Archives (Waterdown).

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## Appendix A: Location Map

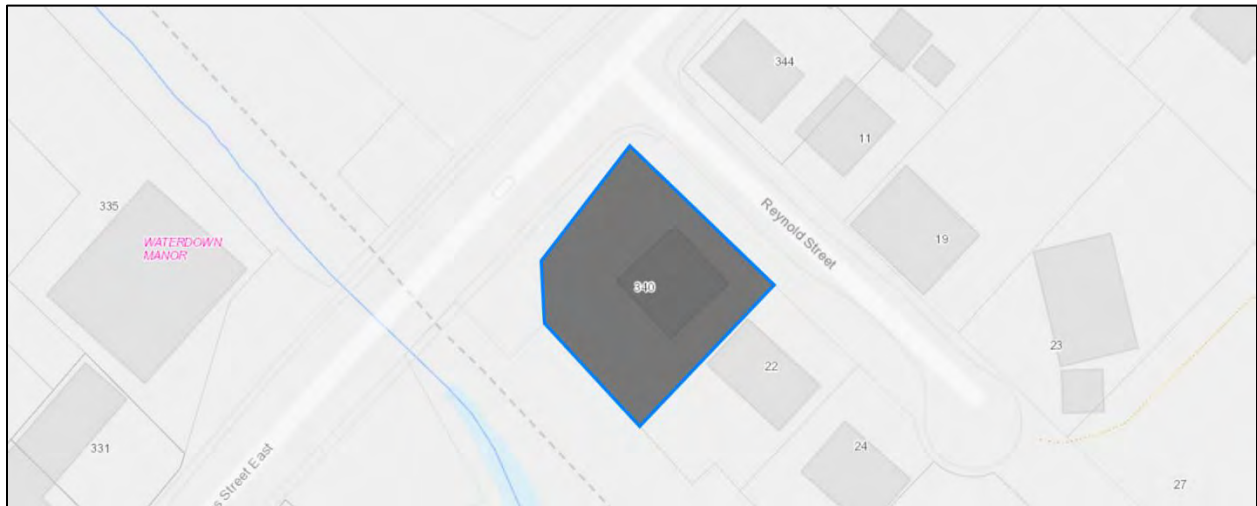


Figure 13: Map of subject property and surrounding area, City of Hamilton GISNet



Figure 14: Aerial view of subject property and immediate vicinity, City of Hamilton GISNet (2017)



## Appendix B: Photographs



*Image 1: View from Dundas Street*



*Image 2: View from Reynold Street*





*Image 3: View up the driveway from Reynold Street*



*Image 4: Corner of Dundas and Reynold Streets, looking southwest, August 2009, Waterdown; Source: Google Streetview*





*Image 5: Eager House, May 2015, Waterdown; Source: Google Streetview*



*Image 6: Eager House, July 2017, Waterdown; Source: Google Streetview*





*Image 7: Eager House, April 2018, Waterdown; Source: Google Streetview*



*Image 8: 340 Dundas Street East, June 2019, Waterdown; Source: Google Streetview*



## Appendix C: Historical Images



*Image 9: Looking south to Board Street and the Eager House from Reid's planning mill on the banks of Grindstone Creek, Waterdown; Source: Flamborough Archives, BW 294*



*Image 10: Looking east across the Dundas Street Bridge into Vinegar Hill, showing the Eager House on the right, c.1900, Source: Flamborough Archives, BW 771*





*Image 11: Looking southeast across the Grindstone Creek to the Dundas Street Bridge and the Eager House, Waterdown; 1906-1910, Source: Flamborough Archives, BW 6*



*Image 12: Close-up of the Eager House, showing the former finials and chimneys and front yard fencing, 1906-1910, Source: Flamborough Archives, BW 6*





*Image 13: Vinegar Hill, looking west down Dundas Street towards the bridge, showing the front yard and white fencing of the Eager House on the left before the bridge, c. 1907, Source: Flamborough Archives, BW 2810*



*Image 14: Group of young Waterdown people on the Dundas Street Bridge, looking southeast with the Eager House in the background showing its front yard, fencing, front gable with round-headed windows and decorative bargeboard, c. 1911, Source: Flamborough Archives, BW 1903*

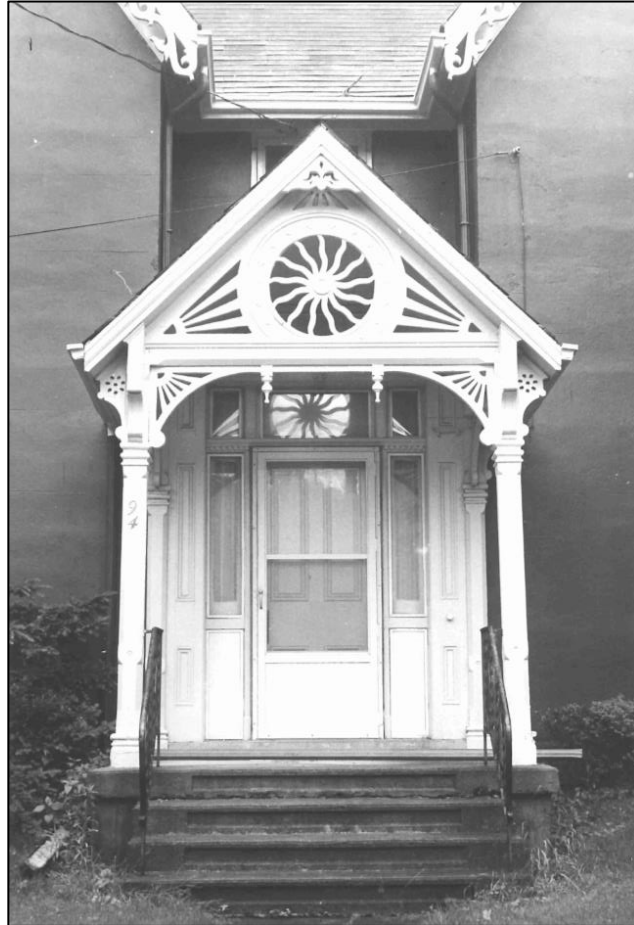




*Image 15: Eager House, Waterdown, north façade, 1982; Source: Flamborough Archives, BW 269, WAT.013*



*Image 16: West side Eager House, Waterdown, 1982; Source: Flamborough Archives, BW 363, WAT.013*



*Image 17: Eager House front entrance, 1982, Waterdown; Source: Flamborough Archives, WAT.013*



*Image 18: Eager House front porch, Waterdown, 1982; Source: Flamborough Archives, WAT.013*





*Image 19: The Eager House, 1980, Waterdown; Source: Flamborough Archives, BW 342, WAT.013*



*Image 20: East (left) and west (right) sides of the Eager House, 1982; Source: Flamborough Archives, WAT.013*



*Image 21: West side of the rear wing of the Eager House, 1982; Source: Flamborough Archives, WAT.013*



*Image 22: Rear (south) of the Eager House showing the storm door to the basement and the rear wing, 1982; Source: Flamborough Archives, WAT.013*



*Image 23: Looking east over Dundas Street Bridge showing the widened road in front of the Eager House, 1993; Source: Flamborough Archives, BW 1114*

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# Appendix D: Plans and Mapping

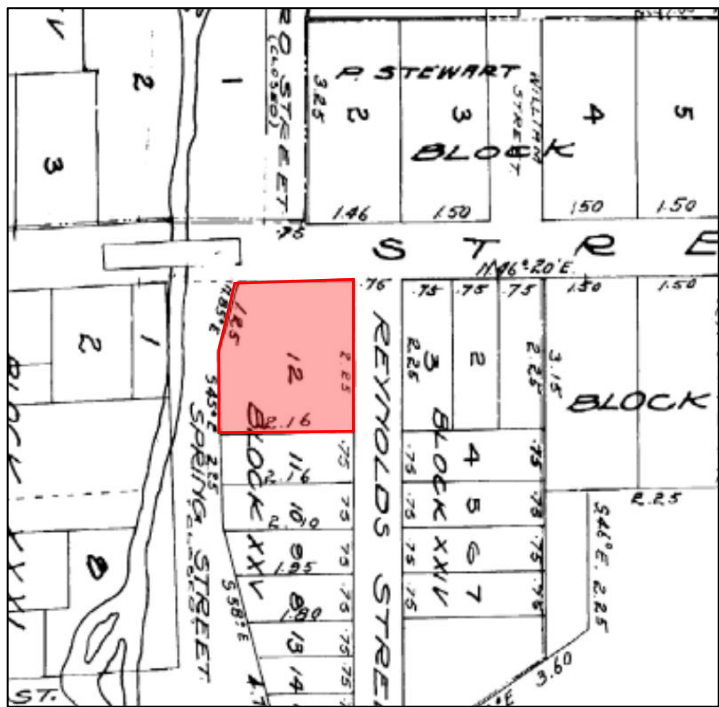


Map 1: Map of the Village of Waterdown, County of Wentworth, August 26, 1854, Henry Winter, P.L. Surveyors (Excerpt showing approximate location of subject property highlighted in red)

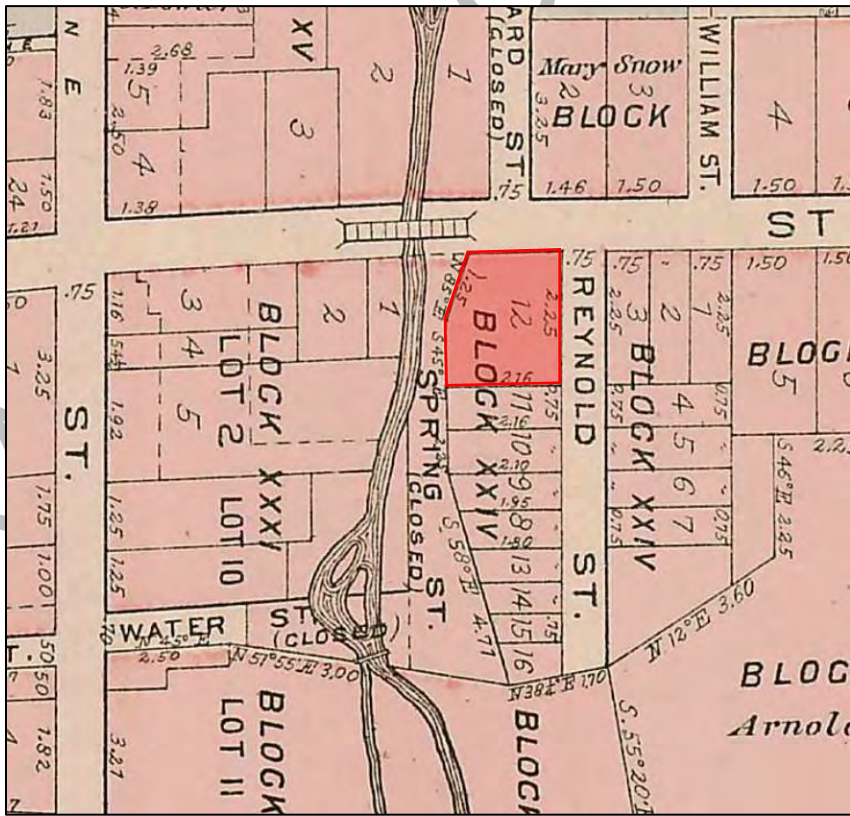


Map 2: Wentworth County Atlas Map, East Flamborough, Village of Waterdown, 1875. (Excerpt showing approximate location of subject property highlighted in red)

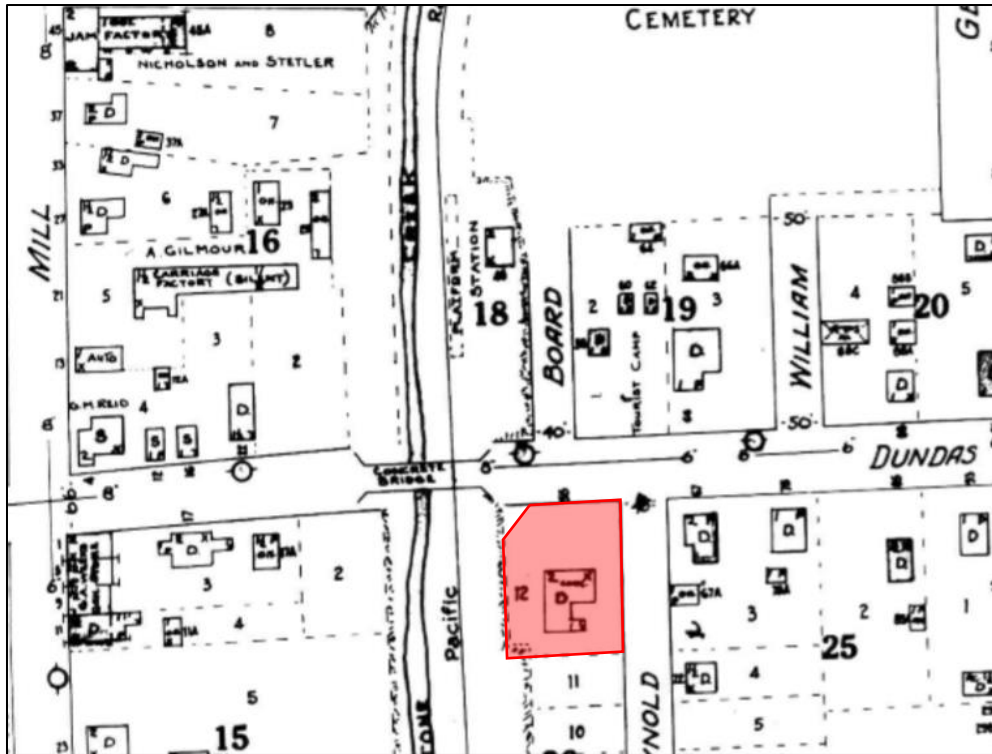




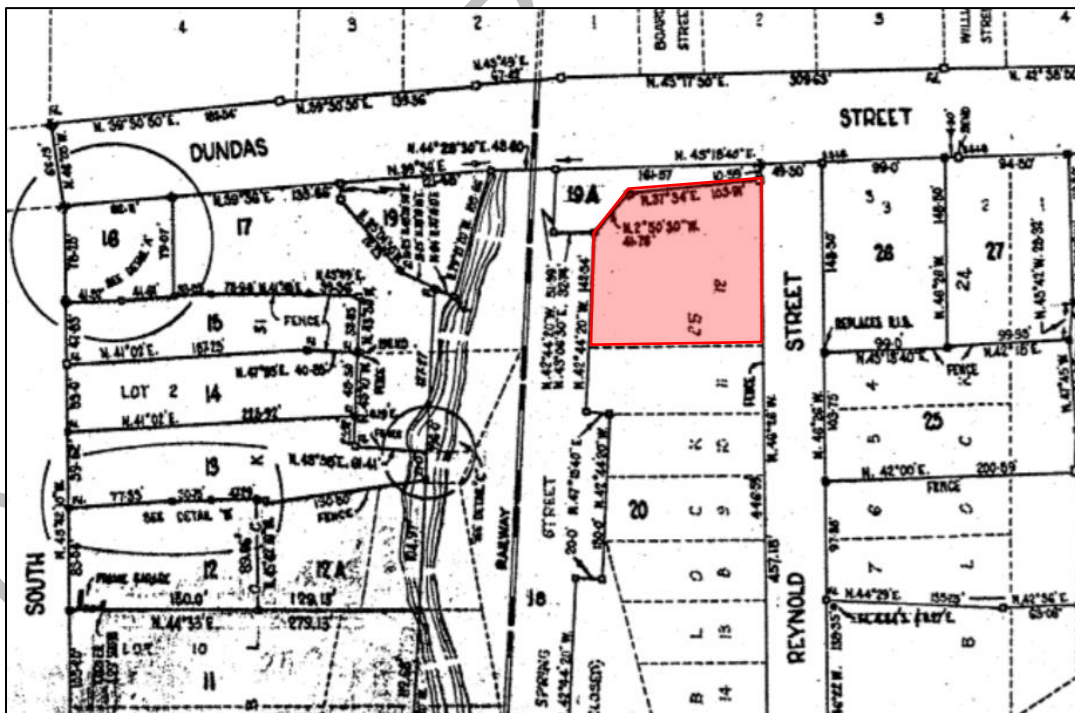
Map 3: Plan for the Village of Waterdown, 1897 (Excerpt showing approximate location of subject property highlighted in red)



Map 4: 1903 Imperial Atlas page 17, Village of Waterdown (Excerpt showing approximate location of subject property highlighted in red)



Map 5: Fire Insurance Plan for the Village of Waterdown 1939 (Excerpt showing approximate location of subject property highlighted in red)



Map 6: Plan of Survey of Lots as Shown on Registered Plan 355, Sidney W. Woods, O.L.S., 1967. City of Hamilton Registered Plan 62M-010 registered December 27, 1973 (Excerpt showing approximate location of subject property highlighted in red)

## Appendix E: Ownership History

Year	Name of Owner	Number of Acres
1836	The Crown	200
1837	E.C. Griffin	200
1845	David Reynolds	0.34
1852	George Abrey	0.34
1871	James E. and Joseph C. Eager	0.34
1960	Alfred Eager, Eliza Eager, Agnes Eager and Mary Tassie	0.34
1966	Alfred, Eliza and Agnes Eager	0.34
1978	Eliza Eager	0.34



## Appendix F: Primary Documents

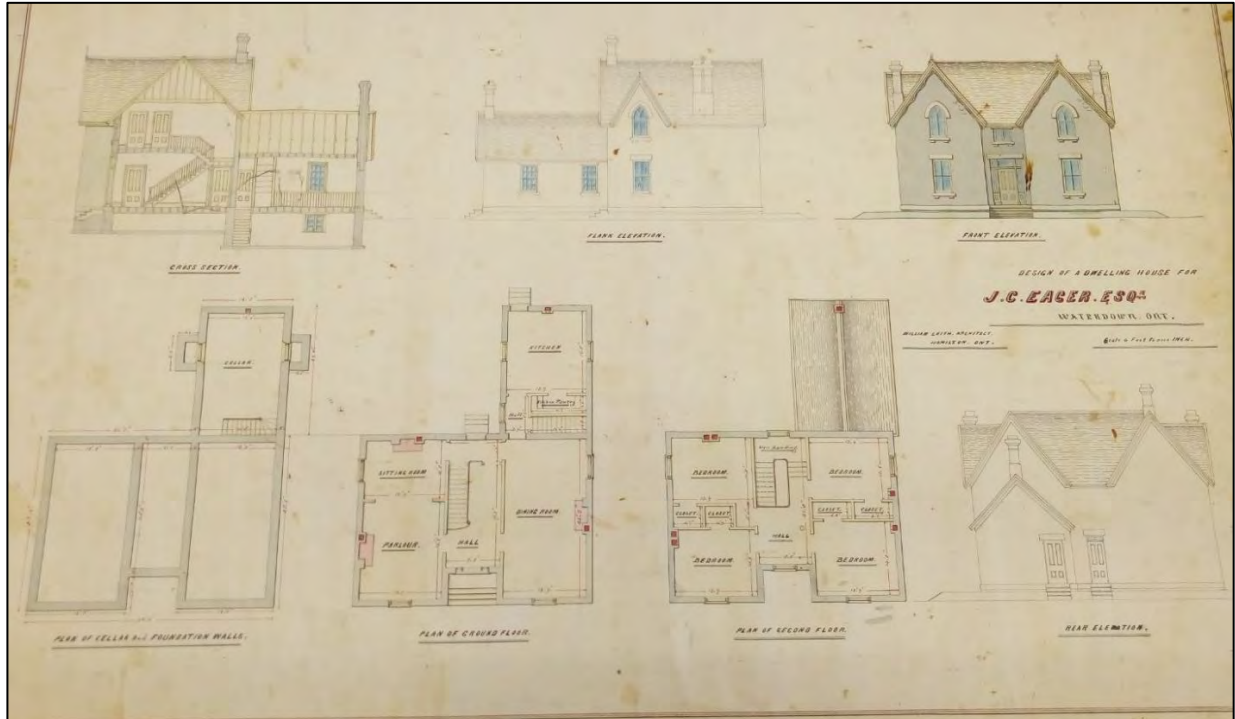


Image 24: Architectural Drawings of the Eager House by architect William Leith for James E. Eager, undated, Waterdown; Source: Flamborough Archives (93.08.086 - Map Cabinet Drawer #10) donated by the Planning Department of East Flamborough Township



Image 25: Excerpt of the Eager House Architectural Drawings featuring the Front Elevation



Image 26: Excerpt of the Eager House Architectural Drawings featuring the "Flank Elevation" (East Elevation)



Image 27: Excerpt of the Eager House Architectural Drawings featuring the Rear Elevation



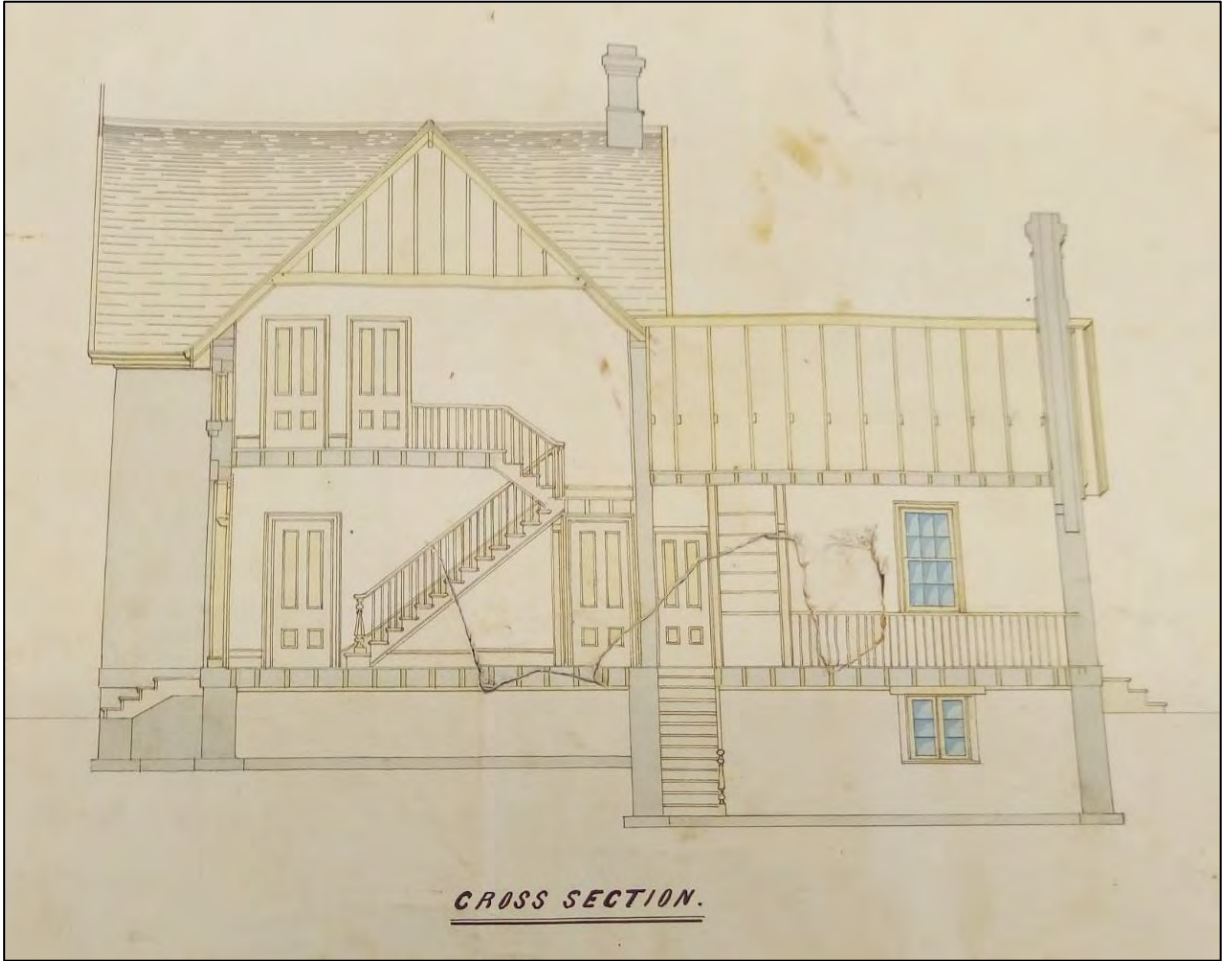


Image 28: Excerpt of the Eager House Architectural Drawings featuring the Cross Section

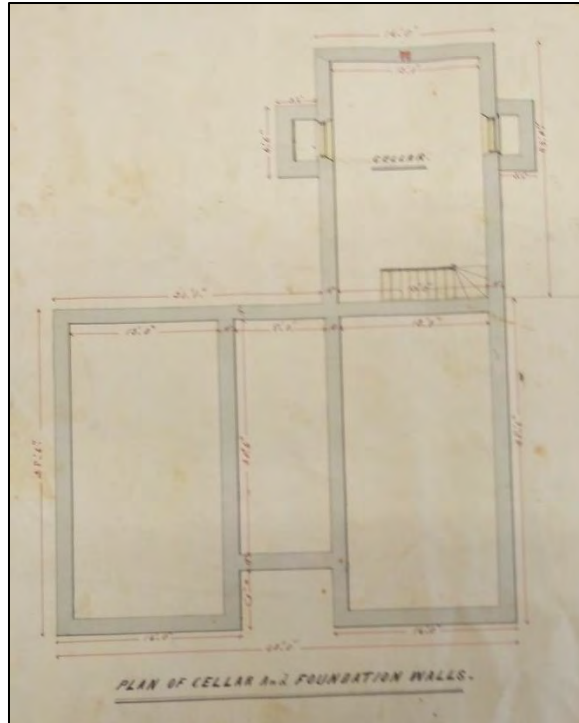


Image 29: Excerpt from the Eager House Architectural Drawings, Plan of the Cellar and Foundation Walls

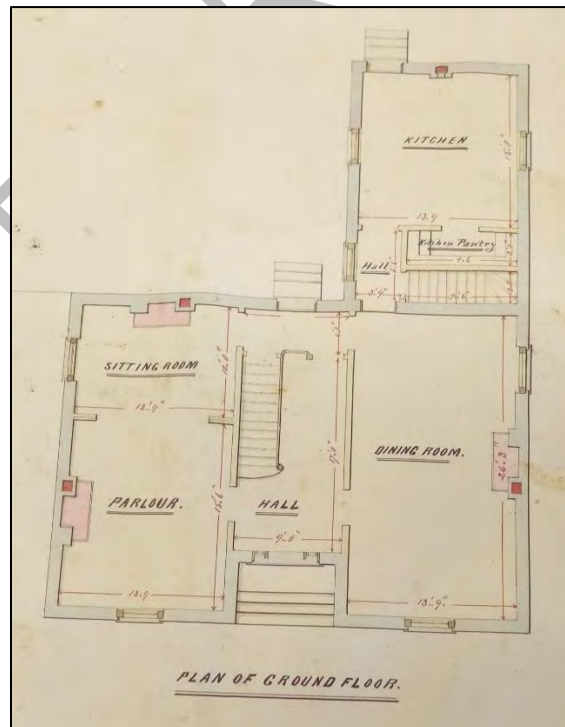


Image 30: Excerpt of the Eager House Architectural Drawings, Plan of the Ground Floor

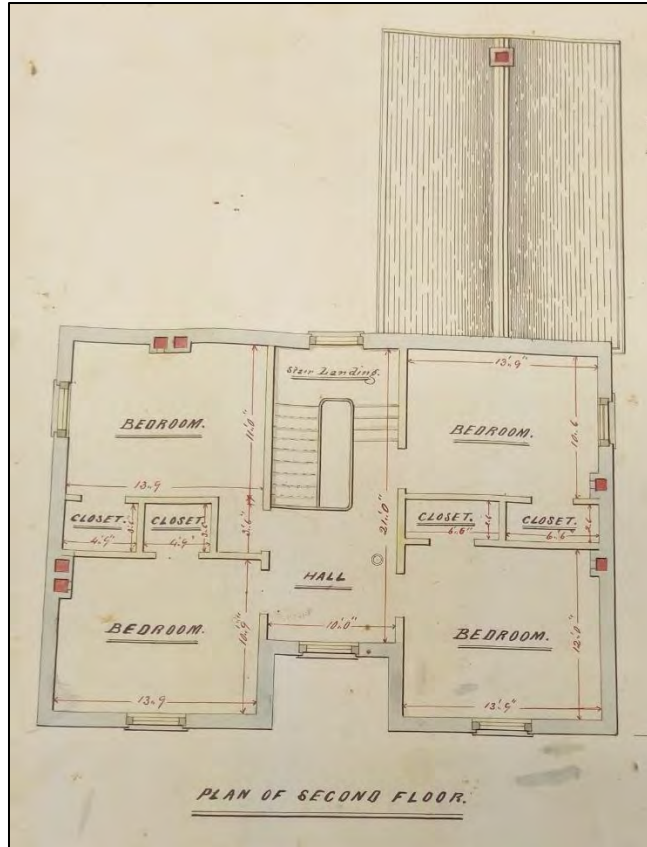


Image 31: Excerpt of the Eager House Architectural Drawings, Plan of the Second Floor

James Eagers porch	
100 ft of 1" dressed lumber	3.00
Front door with lock hinges + hanging	5.00
Side " " " " " "	5.00
Scantling	1.00
Sash + glass	3.00
Work + mouldings	8.00
	<u>25.00</u>

Image 32: Excerpt from local builder John Reid's Workbook for "James Eagers porch" for a total of \$25.00, circa 1904, Source: Flamborough Archives

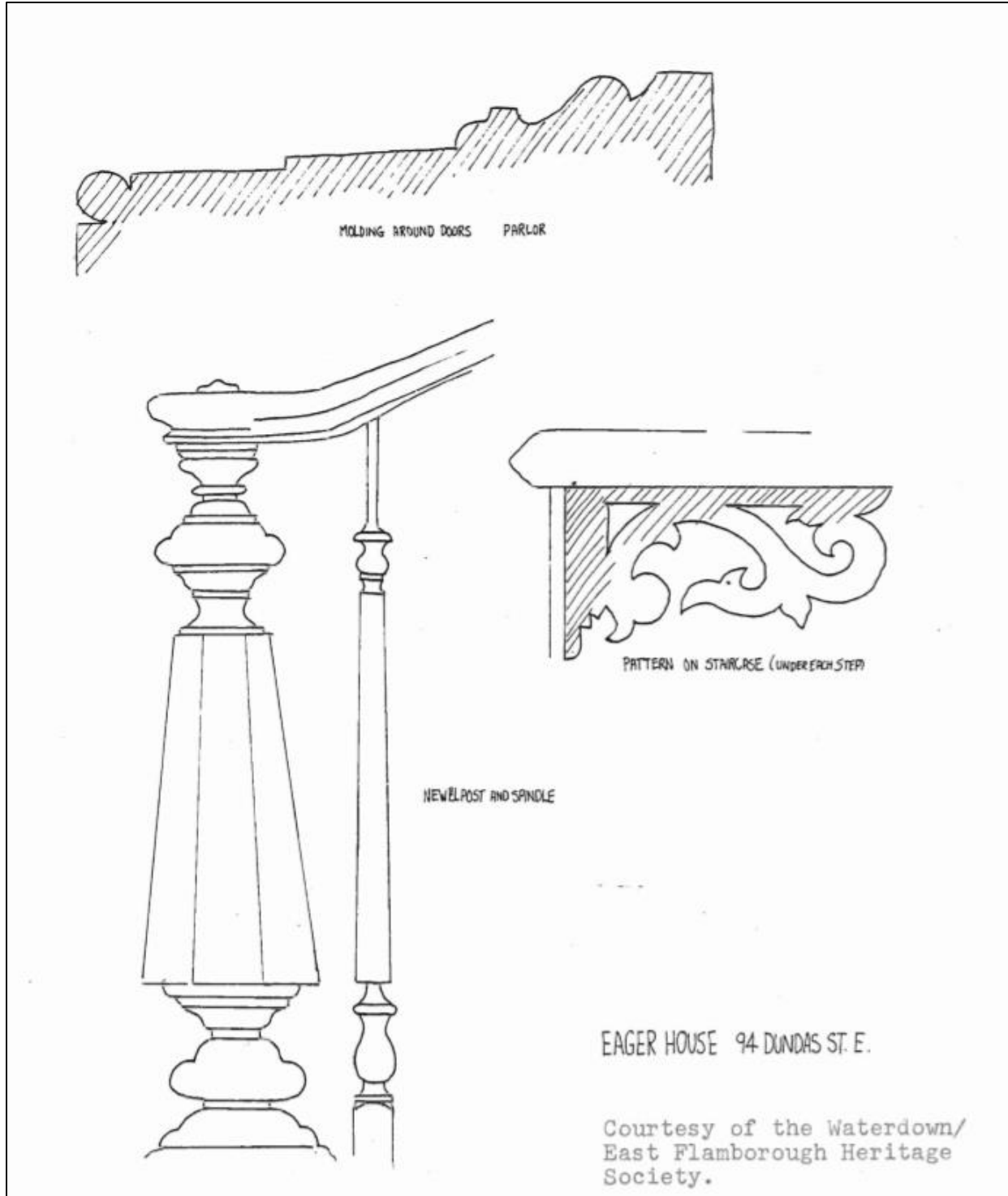


Image 33: Excerpt from the Town of Flamborough LACAC Research File, interior feature sketches, 1982, Source: Flamborough Archives WAT.013



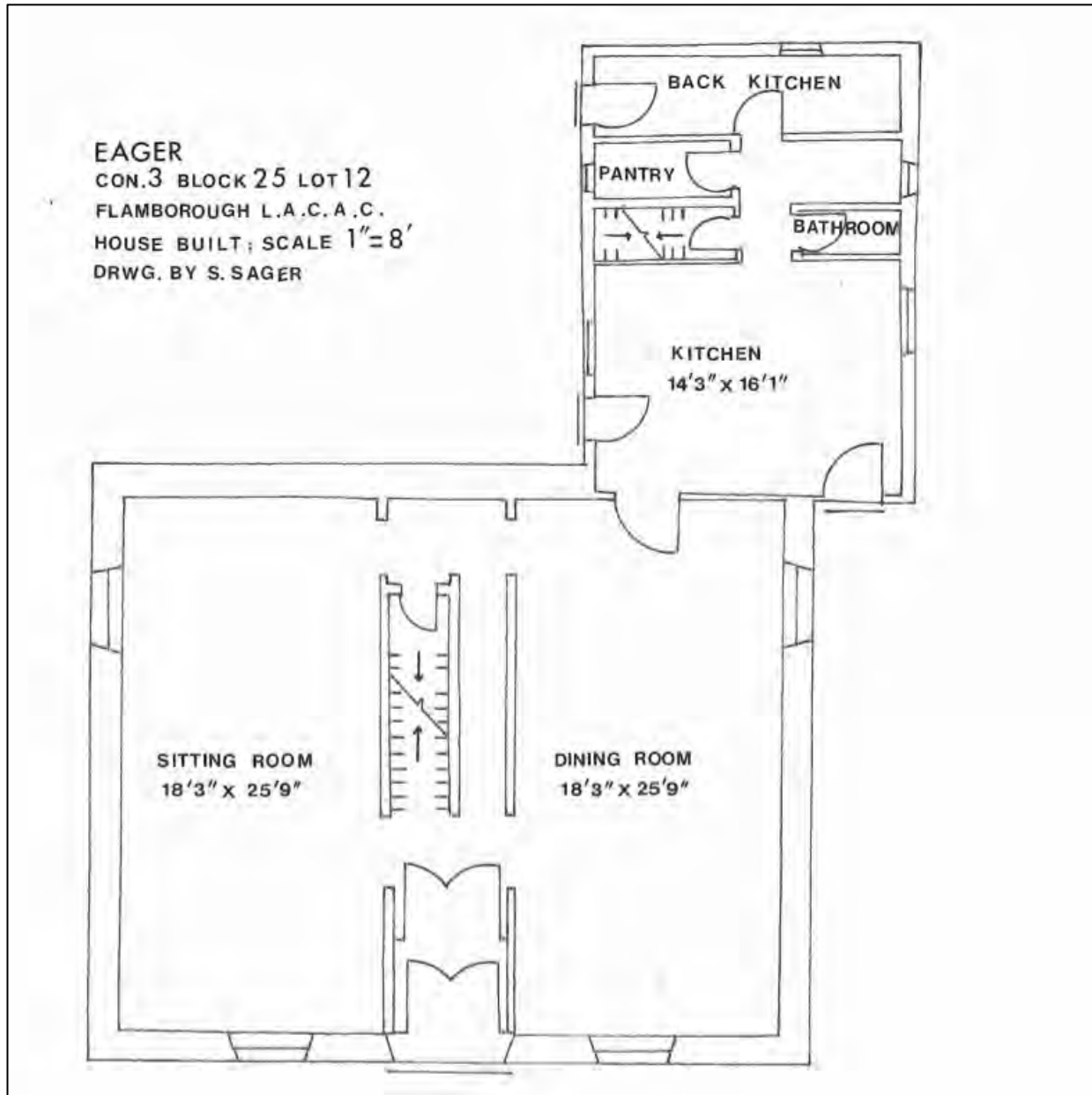


Image 34: Excerpt from the Town of Flamborough LACAC Research File, floor plan sketch, 1982, Source: Flamborough Archives WAT.013

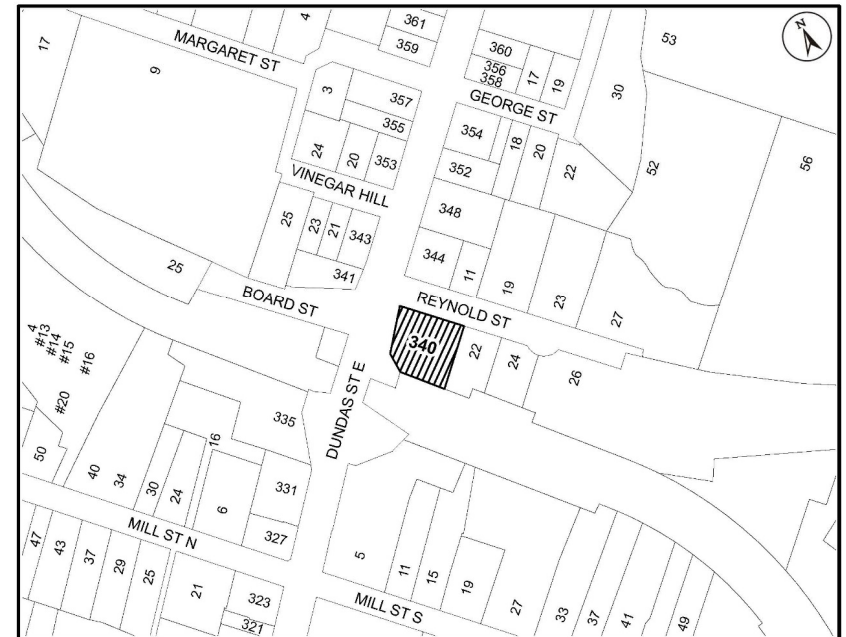


# Recommendation To Designate 340 Dundas Street East, Flamborough (Eager House)

July 22, 2024

Hamilton Municipal Heritage Committee

# 340 Dundas Street East, Waterdown



2019 - Property listed on Municipal Heritage Register and added to designation workplan (Waterdown Inventory)

March 2023 - Prioritized for Designation by January 1<sup>st</sup>, 2025

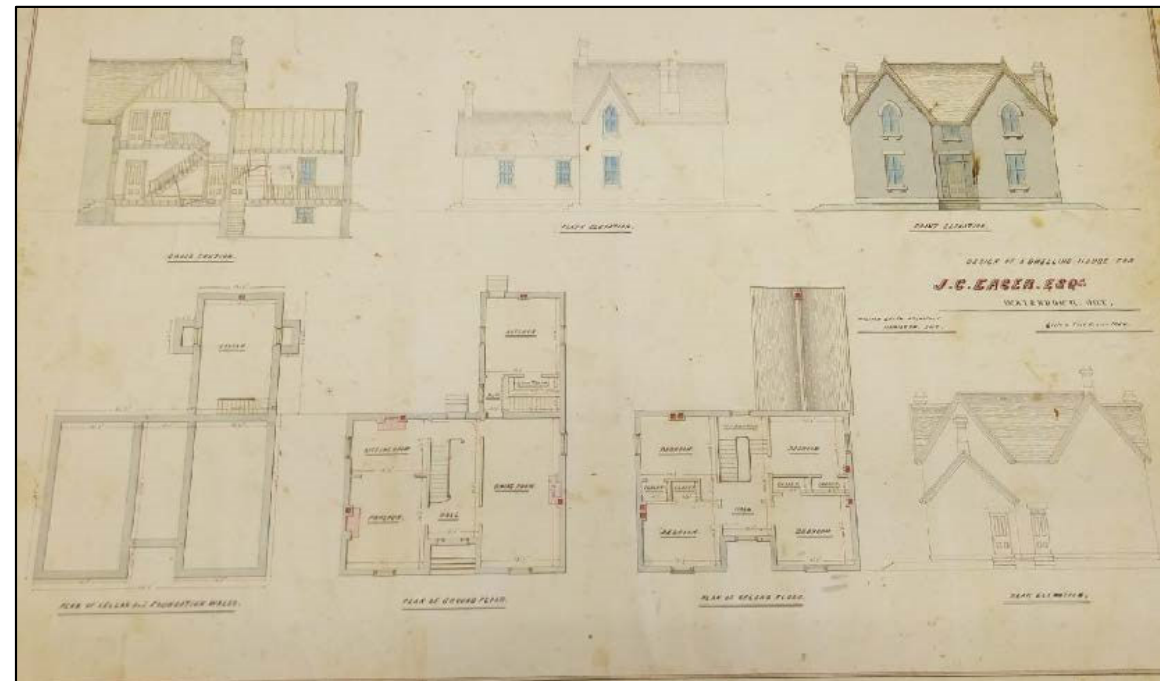




# Recommendation for Designation Under Part IV of the OHA

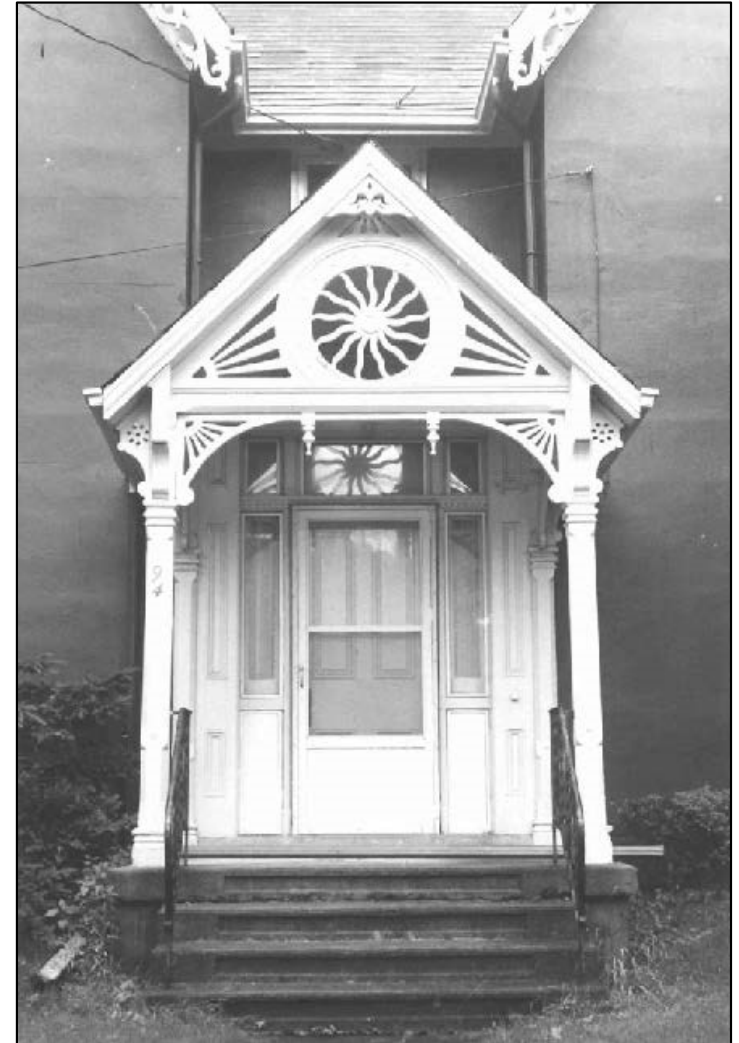
340 Dundas Street East, Flamborough  
*Ontario Regulation 9/06* Criteria (7 of 9)

- Design / Physical (Criteria #1, 2)
- Historical / Associative (Criteria #4, 6)
- Contextual (Criteria #7, 8, 9)



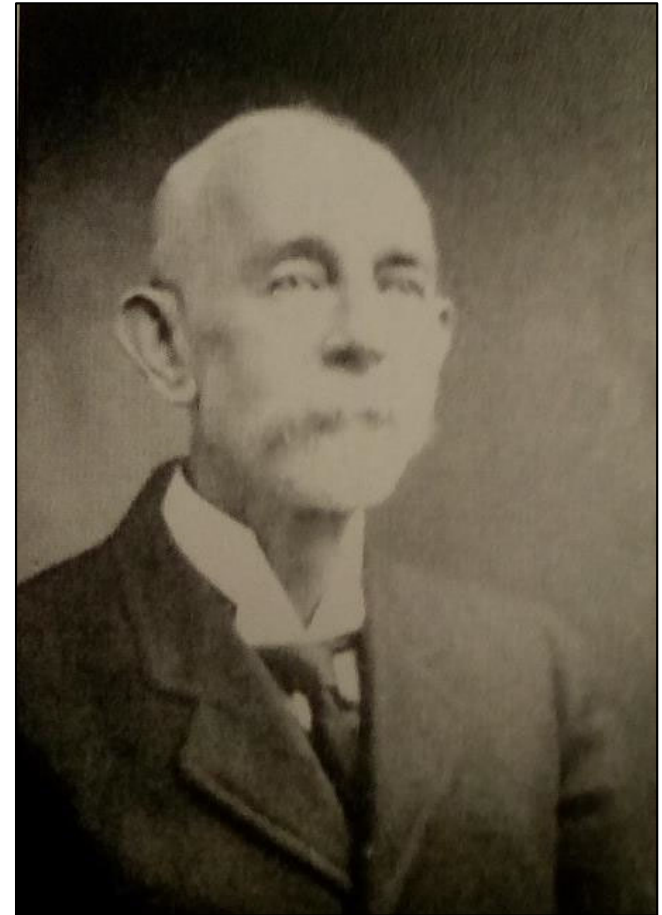
### Design / Physical Value

1. The property is a **representative example** of a **Gothic Revival** structure.
2. The property displays 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 **Joseph** and **James Eager** and the **Eager General Store**.
5. The property does not yield or have the potential to yield information that contributes to an understanding of a community or culture.
6. The property demonstrates the work of prominent architect **William Leith** of Hamilton and of builder **John Reid** of Waterdown.









## Contextual Value

7. The property helps **define** the historic character of the community of **Vinegar Hill**.
8. The property is **visually, historically and functionally linked to its surroundings**.
9. The property is considered to be a local landmark.



# Statement of Cultural Heritage Value or Interest (Summary)

The property located at 340 Dundas Street East is a two-storey stone dwelling built circa 1871. The building is a **representative example** of a residential dwelling in the **Gothic Revival** style of architecture which displays a **high degree of craftsmanship**.

The property is associated with **Joseph** and **James Eager** and the **Eager General Store**. It is also associated with architect **William Leith** and local builder **John Reid**.

The property **helps define** the historical character of the area, and is **visually, historically and functionally** linked to its surroundings. Situated on a **prominent location** along the **Grindstone Creek**, this property is considered a **local landmark**.

# Description of Heritage Attributes (Summary)

- All elevations and roofline of the two-storey stone dwelling, including its:
  - Masonry construction with parged exterior;
  - Rectangular footprint with flanking projecting front bays
  - One-storey rear wing;
  - H-shaped gable roof with high pitched projecting gables;
  - Decorative bargeboard;
  - Flat-headed and semi-circular window openings with hung wood windows, wooden storms, plain lug stone sills and functional shutters;
  - Central front entrance with transom, sidelights and decorated wood paneling; and,
  - Gable-roofed front porch, ornately decorated with wooden sun and ray detailing and supported by decorative wood columns.

The key contextual attributes include its:

- Moderate setback from Dundas Street with front lawn and walkway to the front entrance.

# Staff Recommendation

That the City Clerk be directed to give **notice of Council's intention to designate 340 Dundas Street East, Flamborough (Eager House)**, shown in Appendix "A" attached to Report PED24106, 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 PED24106, 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;
- (a) 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 Planning Committee to allow Council to consider the objection and decide whether or not to withdraw the notice of intention to designate the property.





QUESTIONS?



THANK YOU



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

<b>TO:</b>	Chair and Committee Members Hamilton Municipal Heritage Committee
<b>COMMITTEE DATE:</b>	June 24, 2024
<b>SUBJECT/REPORT NO:</b>	Recommendation to Designate 291 King Street West, Dundas, under Part IV of the <i>Ontario Heritage Act</i> (PED24116) (Ward 13)
<b>WARD(S) AFFECTED:</b>	Ward 13
<b>PREPARED BY:</b>	Maryssa Barras (905) 546-2424 Ext. 6126 Meg Oldfield (905) 546-2423 Ext. 7163
<b>SUBMITTED BY:</b>	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

That the City Clerk be directed to give notice of Council's intention to designate 291 King Street West, Dundas, shown in Appendix "A" attached to Report PED24116, 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 PED24116, 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 Planning Committee 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 291 King Street West, Dundas, under Part IV of the *Ontario Heritage Act*. The subject property is currently listed on the City's Municipal Heritage 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 PED24116. The owner of the property requested its designation and is supportive of the staff recommendation.

## **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)).

## **HISTORICAL BACKGROUND**

The subject property located at 291 King Street West, Dundas, shown in Appendix "A" attached to Report PED24116, is comprised of a one-and-a-half storey stone cottage constructed circa 1849. The subject property was first surveyed for potential heritage interest in 1993.



In September 2023, staff received a request from the owner to designate the property. In response, staff conducted a site visit on October 11, 2023, and conducted an evaluation of the property in accordance with Ontario Regulation 9/06 and determined the property met the criteria for designation. In an email dated April 22, 2024, staff advised the owner of the heritage evaluation and recommendation to designate and provided them with a draft Statement of Cultural Heritage Value or Interest and Description of Attributes for their feedback. Staff also advised the owner of the Hamilton Municipal Heritage Committee meeting date when the recommendation to designate 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, Cultural Heritage Planning staff have emailed the Ward Councillor (Councillor A. Wilson) for Ward 13 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 October 11, 2023 (see photographs attached as Appendix “C” to Report PED24116) and available secondary and primary research sources (attached as Appendix “D” to PED24116). As outlined below, based on staff’s cultural heritage evaluation, it was determined that the subject property meets five of the nine criteria contained in Ontario Regulation 9/06 in all three categories.

### **Design / Physical Value**

1. The property at 291 King Street West, Dundas, has design and physical value as a representative example of a vernacular stone workers cottage residence. The one-and-a-half-storey dwelling features: a rectangular footprint with rear wing; a side gable roof with returning eaves and flanking brick chimneys; a three-bay symmetrical front façade with a central entrance and flanking windows; a wood door with original doorbell hardware; an even-course cut-stone façade of whirlpool sandstone with quoining and broken-course field stone side elevations; and rectangular window and door openings with cut stone voussoirs and stone lug sills. The sympathetic three-window front gabled dormer and rear wing additions were completed in the late-twentieth century, before 1994, and do not contribute to the property’s heritage value. It is one of numerous nineteenth-century stone cottages built for working class families throughout Dundas and is also one of few dwellings constructed prior to 1851 in the immediate surrounding area, being the first dwelling erected on its block.
2. The property does not display a high degree of craftsmanship or artistic merit.
3. The property does not demonstrate a high degree of technical or scientific achievement.

### **Historical / Associative Value**

4. The property has historical value for its direct associations with the settlement of the Town of Dundas, nineteenth-century women’s history, notable community figures, and the nineteenth-century immigrant and working community of Dundas.

During the mid-nineteenth century, Dundas was a thriving industrial centre, home to a number of mills and manufacturers. Many people employed in these industries resided in downtown Dundas, close to their places of employment. 291 King Street West is an example of typical stone worker dwellings from this time and is one of few buildings completed prior to 1851 in its immediate

surroundings, with the dwelling being the first erected on its block. The dwelling was originally built or commissioned by William Pearson (birth and death unknown) circa 1849, was affiliated with Patrick Quinn (circa 1810-1870) by 1853 and sold to Quinn by 1854 to be used as a rental property. Quinn was an Irish immigrant, grocer and notable community figure who served as Dundas's tax collector from 1855-1862. Quinn operated 291 King Street West as one of several rental properties he owned over his lifetime in the historic Valley and Foundry wards of Dundas. In 1864, the Town of Dundas brought forward a lawsuit against Patrick Quinn for having failed to collect property taxes from non-residents, those in arrears, and those without property sizeable among others during his time as tax collector, at which point the Town appears to have disputed Quinn's ownership of the property. This case had longstanding impacts on nineteenth-century Dundas's municipal government proceedings and politics, impacting local financial decisions until the late 1860s at the very least. As a result, land records indicate that the Town of Dundas seized Quinn's property prior to 1867.

The next recorded property owner, Margaret Conley (circa 1820-1887), is first listed in 1869. Conley was an unmarried woman, Irish immigrant and shop keeper who had business affiliations with Quinn as early as 1861, either as his employee or business partner. As an unmarried businesswoman in a time where most women were dependent on their spouses for financial and social security, few records of Conley's have survived to the present day. Conley is believed to have inherited Quinn's properties as a result of his legal dispute with the Town of Dundas. Conley maintained a connection to Quinn after gaining control over the property at 291 King Street West, even being recorded as the informant on his death record in 1870. Over her life, Conley managed several properties on King, Napier, Peel, Colbourne, and Hatt Streets in Dundas, and managed a grocery store on King Street West. Conley's affiliation with 291 King Street West offers insight into women's history in industrial era Dundas as a unique case of an unmarried, successful, businesswoman.

The nineteenth century tenants of 291 King Street West, which included a papermaker and agent, offer insight into the history of working-class people and the history of growth and immigration in Dundas. The stone dwelling is representative of the conditions in which working nineteenth-century people lived.

5. The property contributes to an understanding of working-class immigrants in Dundas and the greater Hamilton area, particularly tradespeople and women. The property also contributes to an understanding of nineteenth-century local governance proceedings.
6. The property does not demonstrate or reflect the work or ideas of a significant architect, artist, builder, designer, or theorist.

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

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

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

### **Contextual Value**

7. The property has historical and contextual value in its role maintaining the historic working-class residential character of downtown Dundas. The building is also significant as the first to have been erected on its block, and as one of the few buildings on King Street West to have been constructed prior to 1851.
8. The property is historically and visually linked to its surroundings, located along the prominent historic transportation corridor of King Street West, and having been historically rented out to local tradespeople in the nineteenth century. The dwelling's shallow setback grants it a high degree of visibility in the immediate streetscape. As one of several buildings in the area owned by Patrick Quinn and later Margaret Conley, 291 King Street West has additional historical and contextual connections with similar properties in the area.
9. The property is not considered to be a landmark.

Based on the foregoing, staff have determined that 291 King Street West, Dundas is of cultural heritage value or interest sufficient to warrant designation under Part IV of the *Ontario Heritage Act*. Heritage attributes of value include contextual attributes and the exterior of the building as seen from the public right of way. Staff recommend designation according to the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "B" to Report PED24116.

### **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



**SUBJECT: Recommendation to Designate 291 King Street West, Dundas, under  
Part IV of the *Ontario Heritage Act* (PED24116) (Ward 13) - Page 7 of 7**

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Heritage Permit process. Staff does not consider declining to designate the property to be an appropriate conservation alternative.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED24116 – Location Map

Appendix "B" to Report PED24116 – Statement of Cultural Heritage Value or Interest  
and Description of Heritage Attributes

Appendix "C" to Report PED24116 – Photographs

Appendix "D" to Report PED24116 – Research Sources

MB/MOF:sd

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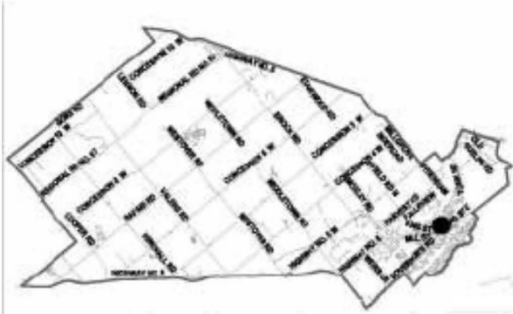
OUR Vision: To be the best place to raise a child and age successfully.

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● Site Location



Key Map - Ward 13

## Location Map



Hamilton

Planning and Economic Development Department

File Name/Number:  
291 King St W

Date:  
April 9, 2024

Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
MB/AL

### Subject Property

 291 King Street West



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

### Description of Property

The 0.068-hectare property at 291 King Street West, is comprised of a one-and-a-half storey stone cottage constructed circa 1849, located near the northwest corner of King Street West and Peel Street North, in the community of Dundas, in the City of Hamilton.

### Statement of Cultural Heritage Value or Interest

The physical cultural heritage value of the property lies in its design value as a representative example of a vernacular stone workers cottage constructed circa 1849. The historical value of the property lies in its association with nineteenth-century businesswomen, immigration, and worker housing in Dundas. 291 King Street West was built as a worker’s cottage and was sold circa 1854 to Patrick Quinn (circa 1810-1870) to be used as a rental property. Patrick Quinn was an Irish immigrant, grocer and notable community member who served as Dundas’s tax collector from 1855-1862. 291 King Street West is one of several Dundas rental properties Quinn owned over his lifetime. In 1864, the Town of Dundas brought forward a lawsuit against Patrick Quinn for having failed to appropriately collect property taxes, and this case had longstanding impacts on municipal government proceedings and politics until the late 1860s.

Margaret Conley (circa 1820-1887) was an unmarried woman, Irish immigrant and shop keeper who had business affiliations with Quinn as early as 1861. Conley is believed to have inherited 291 King Street West from Quinn in 1869 as a result of his legal dispute with the Town of Dundas. Conley managed several properties on King, Napier, Peel, Colbourne, and Hatt Streets in Dundas, and managed a grocery store on King Street West. Conley’s affiliation with 291 King Street West offers insight into working women’s history in industrial-era Dundas. Throughout the nineteenth century, tenants of 291 King Street West, including a papermaker and agent, give insight into the growth and immigration of working-class people in Dundas.

The contextual value of the property lies in its role in maintaining the historic working-class residential character of downtown Dundas. The property is historically and visually linked to its surroundings, located along the prominent historic transportation corridor of King Street West, and having been historically rented out to local tradespeople in the nineteenth century. The building’s shallow setback grants it a high degree of visibility in the immediate streetscape. As one of several buildings in the area owned by Patrick Quinn and later Margaret Conley, 291 King Street West has additional historical and contextual connections with similar properties in the area. The building is also significant as the first to have been erected on its block, and as one of few buildings on King Street West to have been constructed prior to 1851.

### Description of Heritage Attributes:

Key attributes that embody the design value of the property as a representative example of vernacular stone workers cottage, and its historical associations with nineteenth-century businesswomen, immigration, and worker housing in Dundas include the:

- Front (south) and side (east and west) elevations of the circa 1849 stone cottage, including its:
  - One-and-one-half storey massing;
  - Side gable roof with flanking brick chimneys and returning eaves;
  - Three-bay symmetrical front façade with central entrance and flanking windows;
  - Even-course cut-stone whirlpool sandstone front façade with corner quoins;
  - Broken-course field stone side elevations;
  - Front entrance with wood door with original doorbell hardware; and,
  - Flat-headed window and door openings with cut-stone voussoirs and stone lug sills.

The front gabled dormer and rear addition are not considered to have cultural heritage value or interest.

Key attributes that embody the contextual value of the property and its role in maintaining the historic residential character of downtown Dundas include its:

- Location fronting onto King Street West; and,
- Shallow setback from the public right-of-way.



## Research Sources

### Publications

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Norris, D. A. *Beyond Paradise, Building Dundas 1793 – 1950*. Ontario: Boston Mills Press/Local Architectural Conservation Advisory Committee of the Town of Dundas, 1996.

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### Primary Documents

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“Assessment Roll for the Municipality of the Town of Dundas Foundry Ward for the Year 1874.” Dundas Tax Assessment Records, 1874. Microfilm. Dundas Museum and Archives.

“Assessment Roll for the Municipality of the Town of Dundas Foundry Ward for the Year 1875.” Dundas Tax Assessment Records, 1875. Microfilm. Dundas Museum and Archives.

“Assessment Roll for the Municipality of the Town of Dundas Foundry Ward for the Year 1876.” Dundas Tax Assessment Records, 1876. Microfilm. Dundas Museum and Archives.

“Assessment Roll for the Municipality of the Town of Dundas Foundry Ward for the Year 1878.” Dundas Tax Assessment Records, 1878. Microfilm. Dundas Museum and Archives.

“Assessment Roll for the Municipality of the Town of Dundas Foundry Ward for the Year 1880.” Dundas Tax Assessment Records, 1880. Microfilm. Dundas Museum and Archives.

“Assessment Roll for the Municipality of the Town of Dundas Foundry Ward for the Year 1882.” Dundas Tax Assessment Records, 1882. Microfilm. Dundas Museum and Archives.

“Assessment Roll for the Municipality of the Town of Dundas Valley Ward for the Year 1874.” Dundas Tax Assessment Records, 1874. Microfilm. Dundas Museum and Archives.

“Assessment Roll for the Municipality of the Town of Dundas Valley Ward for the Year 1875.” Dundas Tax Assessment Records, 1875. Microfilm. Dundas Museum and Archives.

“Assessment Roll for the Municipality of the Town of Dundas Valley Ward for the Year 1876.” Dundas Tax Assessment Records, 1876. Microfilm. Dundas Museum and Archives.

“Assessment Roll for the Municipality of the Town of Dundas Valley Ward for the Year 1880.” Dundas Tax Assessment Records, 1880. Microfilm. Dundas Museum and Archives.

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“Assessment Roll for the Town of Dundas Foundry Ward 1879.” Dundas Tax Assessment Records, 1879. Microfilm. Dundas Museum and Archives.

“Collector’s Roll for the Municipality of Town of Dundas for the Year 1877. Foundry Ward.” Dundas Tax Assessment Records, 1877. Microfilm. Dundas Museum and Archives.

“Collector’s Roll for the Municipality of Town of Dundas for the Year 1877. Valley Ward.” Dundas Tax Assessment Records, 1877. Microfilm. Dundas Museum and Archives.

“Collector’s Roll for the Town of Dundas Foundry Ward for 1868.” Dundas Tax Assessment Records, 1868. Microfilm. Dundas Museum and Archives.

“Conley, Margaret” *Canadian Census of 1871*, Item number 764269. Accessed April 15, 2024. <https://www.bac-lac.gc.ca/eng/census/1871/Pages/item.aspx?itemid=764269>

"Conley, Margaret" *Canadian Census of 1881*, Item number 3845600. Accessed April 15, 2024. <https://www.bac-lac.gc.ca/eng/census/1881/Pages/item.aspx?itemid=3845600>

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**Photographs**

All images taken by City of Hamilton Staff on October 11, 2023.



Image 1: Front (southern) elevation, from the south.





Image 2: Front (southern) and side (western) elevations, from the southwest.



Image 3: Front (southern) and side (eastern) elevations, from the southeast.





Image 4: Quoin detailing on the façade and western elevations, from the west.





Image 5: Image of the front door, including original doorbell hardware.





Image 6: Close-up of the front door's transom window and stone voussoir.



Image 7: Close-up of the front door's original doorbell hardware.





Image 8: Image of the eastern 291 King Street West streetscape context, from the west.



Image 9: Image of the western 291 King Street West streetscape context, from the east.





# Recommendation To Designate 291 King Street West, Dundas

June 24, 2024

Hamilton Municipal Heritage Committee

# 291 King Street West, Dundas



1990s – Property surveyed for potential heritage interest

September 2023 – Staff receive request to designate property





# Recommendation for Designation Under Part IV of the OHA

291 King Street West, Dundas

*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 a vernacular stone worker's cottage.
2. The property does not 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.



# Heritage Evaluation

*Ontario Regulation 9/06 Criteria*





## Design / Physical Value

1. The property is a **representative example** of a vernacular stone worker's cottage.
2. The property does not 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 historical value** for its direct associations with the settlement of the Town of Dundas, nineteenth-century women's history, notable community figures, and the nineteenth-century immigrant and working community of Dundas.
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.





TOWN OF DUNDAS VS. QUINN.—This action was brought, as we informed our readers before, for the purpose of compelling Quinn, the collector of Taxes for the Town of Dundas for a number of years, to make legal returns of his rolls in order that the Town might be put in a proper position with regard to claims for back taxes on property, by having the same registered in due form in the county Treasurer's office, with the marginal notes thereon required by law, setting forth the reasons why such and such taxes were not collected. In order more fully to explain the nature of the case we may state that in the event of the death of the collector, the town would be unable to collect a large portion of such arrears in cases where parties set up a defence that the tenants on their properties had goods to destrain, and that their property could not therefore be held for the same, the officer of the law, having failed to perform his duty in the premises. One or two witnesses were examined, but the ultimatum was that the parties agreed to refer the case to arbitration, the defendant consenting to a verdict for the plaintiffs and \$1,000, subject to the approval of the arbitrators, Messrs. A. F. Begue and A. R. Wardell. Mr. J. M. Thornton, the mayor, was chosen a third party.

**New Grocery Store.**

**MISS CONLEY**

**DESIRES** to intimate to her old friends and customers and the public generally that she has re-opened the store

**In the Stone Building west of the Western Hotel,**

**As a Grocery and Provision Store, and will be pleased to see as many of her old friends and new ones as may see fit to patronize her.**

**Her Stock embraces everything in the Grocery and Provision line, will be found to be of the very best quality, and will be sold exclusively for cash at the very lowest prices.**

**CALL IN AND INSPECT.**

**Dundas August, 24th, 1870.** 661

### Historical / Associative Value

4. The property **has historical value** for its direct associations with the settlement of the Town of Dundas, nineteenth-century women's history, notable community figures, and the nineteenth-century immigrant and working community of Dundas.
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 has **historical and contextual value** in its role maintaining the **historic working-class residential character** of downtown Dundas.
8. The property is **historically and visually 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 at 291 King Street West, Dundas, is a **representative example** of a vernacular stone worker's cottage.

The property **is associated with and has the potential to yield information about** the settlement of the Town of Dundas, nineteenth-century women's history, notable community figures including Patrick Quinn and Margaret Conley, and the nineteenth-century immigrant and working community of Dundas.

The property **has historical and contextual value** in its role maintaining the historic working-class residential character of downtown Dundas, and **is visually and historically linked** to its surroundings.



# Description of Heritage Attributes (Summary)

- Front (south) and side (east and west) elevations of the circa 1849 stone cottage, including its:
  - One-and-one-half storey massing;
  - Side gable roof with flanking brick chimneys and returning eaves;
  - Three-bay symmetrical front façade with central entrance and flanking windows;
  - Even-course cut-stone whirlpool sandstone front façade with corner quoins;
  - Broken-course field stone side elevations;
  - Front entrance with wood door with original doorbell hardware; and,
  - Flat-headed window and door openings with cut-stone voussoirs and stone lug sills.
- Key attributes that embody the contextual value of the property and its role in maintaining the historic residential character of downtown Dundas include its:
  - Location fronting onto King Street West; and
  - Shallow setback from the public right-of-way.



Hamilton

QUESTIONS?



Hamilton

THANK YOU

# Heritage Permit Review Subcommittee (HPRS) Meeting Minutes

Tuesday, April 16, 2024  
City of Hamilton, Webex Virtual Meeting

**Present:** Graham Carroll (Acting Chair), Andrew Douglas, Andy MacLaren, Katie McGirr, Carol Priamo

**Staff Present:** Alissa Golden (Cultural Heritage Program Lead), Emily Bent (Cultural Heritage Planner), Meg Oldfield (Cultural Heritage Planner), Dawn Cordeiro (Cultural Heritage Planner), Valentina Casas-Rodriguez (Assistant Cultural Heritage Planner)

**Regrets:** Karen Burke, Matthew LaRose, Steve Wiegand

Quorum was reached and the meeting was called to order by Graham Carroll, Acting Chair of the Heritage Permit Review Subcommittee, at 5:10pm.

## 1. Approval of Agenda

(MacLaren/Priamo)

That the Agenda for April 16, 2024 be approved.

(Carried)

## 2. Approval of Minutes from Previous Meeting

(McGirr/MacLaren)

That the Minutes of December 12, 2023 be approved as presented.

(Carried)

## 3. Heritage Permit Applications

**a) HP2024-001 - 310 Wilson Street East, Ancaster (Ancaster Old Town Hall, Part IV)**

- Restoration of all exterior wood components including:
  - Wood fascia, soffit, frieze board, brackets and roof returns;



- Front portico columns, entablature, gable end and vaulted ceiling, fascia brackets and all trims;
- Central cupola, including replacement of existing roofing; and,
- Installation of protective coverings to windows.

Jarrett Zacharko, Heritage Project Coordinator with the City of Hamilton, the applicant spoke to the Subcommittee.

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

That the Heritage Permit Review Subcommittee advises that Heritage Permit Application HP2024-001 be consented to, subject to the following Conditions:

- i. That any masonry repairs be conducted in accordance with the City of Hamilton's Masonry Restoration Guidelines, to the satisfaction and approval of the Director of Planning and Chief Planner;
- 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; and
- iii. That implementation / installation of the alteration(s), in accordance with this approval, shall be completed no later than April 30, 2026. If the alteration(s) 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.

(Carried)

**b) HP2024-002 – 733 Mineral Springs Road, Ancaster (Griffin House NHS, Part IV)**

- Restoration of exterior cladding;
- Replacement of cedar roof in kind;
- Installation of accessible gravel pathways and wood ramp to rear;
- Addition of stone stoop to the front porch; and,

- Repairs to rotten beams.

Jarrett Zacharko, Heritage Project Coordinator with the City of Hamilton, the applicant 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/McGirr)

That the Heritage Permit Review Subcommittee advises that Heritage Permit Application HP2024-002 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 April 30, 2026. If the alteration(s) 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.

(Carried)

**c) HP2024-003 – 46 Melville Street, Dundas (Part V, Cross-Melville HCD)**

- Exterior alterations to facilitate interior renovation work, including:
  - Construction of a new rear wood deck;
  - Introduction of a new door in the side (east) elevation to the deck using the existing window opening;
  - Removal of two existing door openings in the rear (south) wall of the side addition, infilled with brick to match existing;
  - Introduction of two new windows in existing door openings of the rear (south) wall of the side addition; and,
  - Introduction of a flue vent on the rear (south) elevation.

Kevin Webster from Kevin Webster Designs, the agent for the 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:  
(Priamo/McGirr)

That the Heritage Permit Review Subcommittee advises that Heritage Permit Application HP2024-003 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 April 30, 2026. If the alteration(s) 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.

(Carried)

**d) HP2024-004 – 111 St. Clair Avenue, Hamilton (St. Clair Avenue HCD, Part V)**

- Landscaping, including:
  - Removal of shrubbery in the front and side yards;
  - Removal of the tree in the side yard;
- Repair of the leaded glass in front door;
- Repair or removal of existing chimney;
- Repairs to an existing fence;
- Repairs to the front porch, including brick repointing and fixing the roof; and,
- Repointing of stone foundation.

John Johnson, owner and applicant, spoke to the Subcommittee.

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

That the Heritage Permit Review Subcommittee advises that Heritage Permit Application HP2024-004 be consented to, subject to the following Conditions:

- i. That any masonry repairs, including repointing of brick and stone foundation and repairing of the chimney, be completed in conformity with the City of Hamilton's Masonry Restoration Guidelines;
- ii. That the details of any new vegetation or fencing proposed be submitted to the satisfaction and approval of staff, prior to implementation;
- iii. That the details of the leaded glass door repair be submitted to the satisfaction and approval of staff, prior to implementation;
- iv. 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
- v. That implementation / installation of the alteration(s), in accordance with this approval, shall be completed no later than April 30, 2026. If the alteration(s) 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.

(Carried)

**e) HP2024-005 – 224 St. Clair Boulevard, Hamilton (St. Clair Blvd HCD, Part V)**

- Repair of the existing historic stucco and EIFS cladding system, including:
  - Removing the ivy growth on the north elevation;
  - Removal of sections of damaged and delaminated stucco;
  - Application of new sand/cement stucco coatings, trowel applied, to level and achieve planer regularity; and,
- Replacement in kind of the wooden window sills in the second-floor bay and pair of square windows on the south elevation.

Andrew Pierce, owner and applicant, spoke to the Subcommittee.



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

That the Heritage Permit Review Subcommittee advises that Heritage Permit Application HP2024-005 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 April 30, 2026. If the alteration(s) 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.

(Carried)

**f) HP2024-006 – 71 Main Street West, Hamilton (Hamilton City Hall, Part IV)**

- Interior renovations on the ground floor, including:
  - Location 1 - Installation of a new information desk below the floating stairs with suspended lighting;
  - Location 2 - Installation of a security desk in front of the central alcove; and,
  - Location 3 - Relocation and reconstruction of service counters and the construction of partition walls in the Open for Business Centre in the southeast area.

Lukas Keermaa, Project Manager in Corporate Facilities and Energy Maintenance at the City of Hamilton (owner) and Philip Toms and Tyler Malone from Toms + McNally Design (applicant), spoke to the Subcommittee.

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

That the Heritage Permit Review Subcommittee advises that Heritage Permit Application HP2024-006 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 April 30, 2026. If the alteration(s) 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.

(Carried)

4. **Adjournment**

(Priamo/MacLaren)

That the meeting be adjourned at 6:15pm.

(Carried)

5. **Next Meeting:** Tuesday, May 21, 2024 at 5:00pm

# Heritage Permit Review Subcommittee (HPRS) Meeting Minutes

Tuesday, May 21, 2024  
City of Hamilton, Webex Virtual Meeting

**Present:** Karen Burke (Chair), Matthew LaRose, Katie McGirr, Carol Priamo, Steve Wiegand

**Staff Present:** Alissa Golden (Cultural Heritage Program Lead), Meg Oldfield (Cultural Heritage Planner), Dawn Cordeiro (Cultural Heritage Planner),

**Regrets:** Graham Carroll, Andrew Douglas, Andy MacLaren,

Quorum was reached and the meeting was called to order by the Chair of the Heritage Permit Review Subcommittee at 5:00pm.

## 1. Approval of Agenda

(Priamo/McGirr)

That the Agenda for May 21, 2024 be approved.

(Carried)

## 2. Declarations of Interest

None.

## 3. Approval of Minutes from Previous Meeting

(McGirr/Priamo)

That the Minutes of April 16, 2024 be approved as presented.

(Carried)

## 4. Heritage Permit Applications

a) **HP2024-008** – 262 MacNab Street North, Hamilton (Part IV)

- Masonry repairs to the front façade, including:

- Grinding out of existing mortar joints to sound material; and,
- Repointing with Type N mortar.

Robin McKee, owner and applicant, spoke to the Subcommittee.

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

That the Heritage Permit Review Subcommittee advises that Heritage Permit Application HP2024-008 be consented to.

(Carried)

b) **HP2024-013** – 157 Mill Street North, Flamborough (Waterdown Grace Anglican Church, Part V)

- Repair of the damaged stained glass window on the northwest elevation of the building, including:
  - Temporary removal the window for repair off-site;
  - Dismantling, cleaning, re-leading and cementing the window and adding round bars for additional support;
  - Repair of the wood window sill;
  - Replacement of the rotted wood window frame in kind (cedar);
  - Painting and caulking of the reconstructed window frame and sill;
  - Reinstallation of the restored stained glass window; and,
  - Installation of a new vented and tempered glass storm window, wrapped in a low-profile aluminum frame to match the exterior paint colour.

The applicant, Kayla Stinson, Outreach Coordinator for the Waterdown Grace Anglican Church, spoke to the Subcommittee.

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

That the Heritage Permit Review Subcommittee advises that Heritage Permit Application HP2024-013 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 May 30, 2026. If the alteration(s) are not completed by May 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.

(Carried)

c) **HP2024-011** – 3989 Governors Road, Flamborough (Lynden United Church, Part IV)

- Removal of the deteriorated cupola structure and bell, including:
  - Reconstruction of the rotted framing and supports at the top of the tower;
  - Capping of the top of the tower with a new metal-clad hip roof;
  - Relocation of the bell on site for display and interpretation;
- Replacement of the rotting wooden louvers and sills in the tower with new metal louvers and sills to match; and,
- Repointing the damaged brick at the base of the tower with appropriate lime-based mortar.

John Brooks from Lynden United Church (the owner) and Jason Pike from J&M Construction (the applicant), spoke to the Subcommittee.

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

That the Heritage Permit Review Subcommittee advises that Heritage Permit Application HP2024-011 be consented to, subject to the following Conditions:

- i. That the final details of the reconstructed tower roof 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;

- ii. That the final details for salvage, retention and interpretation of the bell on site be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to installation;
- iii. That the masonry repairs be conducted in accordance with the City of Hamilton's Masonry Restoration Guidelines, to the satisfaction and approval of the Director of Planning and Chief Planner;
- iv. 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
- v. That implementation / installation of the alteration(s), in accordance with this approval, shall be completed no later than May 30, 2026. If the alteration(s) are not completed by May 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.

(Carried)

d) **HP2024-014** – 54 Hess Street South, Hamilton (Part IV)

- Cover of all exposed window openings, including east bay window, with black painted exterior grade plywood;
- Roof repairs, including:
  - Replacement of the missing portion of cladding to the east bay window;
  - Removal and replacement of the deteriorated leading edge of the roof;
- Masonry repairs, including selective repointing the north elevation and,
- Removal of the awning in the east elevation.

The applicant, James Hargreaves, of James Hargreaves Architect, spoke to the Subcommittee.

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

That the Heritage Permit Review Subcommittee advises that Heritage Permit Application HP2024-014 be consented to, subject to the following Conditions:

- i. That the final details and scope of the roof repairs following investigation by the contractor be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to implementation;
- ii. That the final specifications for masonry cleaning and repointing be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner and be conducted in accordance with the City of Hamilton's Masonry Restoration Guidelines;
- 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 May 30, 2026. If the alteration(s) are not completed by May 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.

(Carried)

e) **HP2024-012** – 115-117 George Street, Hamilton (Part IV)

- Masonry restoration, including:
  - Cleaning of heavy soiling with non-abrasive techniques (e.g. low pressure water wash);
  - Removal of all paint layers from stone lintels and sills and protecting with corrosive-resistant paint;
  - Repointing and repairs, as needed (e.g. step crack, damaged bricks, etc.);
  - Infilling non-heritage openings with brick to match, including the west and east elevations and pointed-arch window openings in north elevation; and,
  - Repainting of masonry exterior walls with breathable paint.
- Roof repairs, including:

- Rebuilding of the roof structure;
  - Reconstruction of the brick chimneys;
  - Restoration of the wood detailing, including:
    - Repair of sound wood elements;
    - Reproduction of missing or damaged wood elements to match;
  - Installation of new eavestroughs and downspouts.
- Installation of new aluminum-clad two-over-two hung wood windows in existing openings.
  - Introduction of new openings in ground and second floor, including new window openings in the north elevation and venting.
  - Removal of non-heritage additions, including the front solarium and side portico.

The applicant, Michael Krasic, Coletara Development, spoke to the Subcommittee.

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

That the Heritage Permit Review Subcommittee advises that Heritage Permit Application HP2024-012 be consented to, subject to the following Conditions:

- i. That any masonry repairs be conducted in accordance with the City of Hamilton's Masonry Restoration Guidelines, to the satisfaction and approval of the Director of Planning and Chief Planner;
- 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; and
- iii. That implementation / installation of the alteration(s), in accordance with this approval, shall be completed no later than May 31, 2027. If the alteration(s) are not completed by May 31, 2027, 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)



**5. Other Business**

**a) Cross Appointment to the Cross-Melville Heritage Conservation District Advisory Committee**

(McGirr/Weigand)

That Karen Burke be nominated to be cross-appointed to the Cross-Melville Heritage Conservation District Advisory Committee as the Dundas representative from the Heritage Permit Review Subcommittee for the 2023-2026 term.

Karen Burke accepted the nomination.

(Carried)

**6. Adjournment**

(McGirr/LaRose)

That the meeting be adjourned at 6:30pm.

(Carried)

**7. Next Meeting:** Tuesday, June 18, 2024 at 5:00pm

**MEETING NOTES**  
**POLICY AND DESIGN WORKING GROUP**

Monday, April 15, 2024

2:30 pm

City of Hamilton Webex Virtual Meeting

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Attendees: L. Lunsted, A. Denham-Robinson, A. Douglas

Regrets:

Also Present: E. Bent, D. Cordeiro, A. Golden, M. Oldfield, V. Rodriguez

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

**a) CHANGES TO THE AGENDA**

None

**b) DECLARATIONS OF INTEREST**

None

**c) REVIEW OF PAST MEETING NOTES**

The notes from January 22, 2024 were approved. The February meeting was postponed. There was no meeting in March due to the cyber attack on the City of Hamilton.

**e) C.H.I.A – 125 Napier Street, (originally 200 Market Street), Hamilton by McCallum Sather, revised October 2021**

**Urban Hamilton Official Plan Amendment (UHOPA-22-005)**

The purpose of this application is to change the designation in the Strathcona Secondary Plan from High Density Residential to High Density Residential – Site Specific in order to permit an increase in height and maximum density. In addition, the applicants have requested a site specific to the parent Zoning By-law to add a site specific in order to permit an increase in height.

**Zoning By-law Amendment (ZAC-22-012)**

The purpose of this application is to change the Zoning from E-3/S-1208, E-3/S-1208a, J/S-1208 and J/S-1208a to a Downtown Mixed Use – Pedestrian Focus (D2) Zone in order to permit mixed use building with commercial, residential units and a senior's retirement residence. The proposed building will have a six storey podium with two

towers. The towers will be 39 storeys and 41 storeys in height. The proposal will have a total of 905 residential units, 169 seniors residence units and 2638 m2 of commercial space. The applicants are proposing a total of 324 parking spaces with 290 parking spaces being proposed underground and 30 parking spaces being proposed within the podium.

The Working Group Comments:

- The Working Group had no issues with this document. The changes which have been made provide a better transition.

There is no need to see this C.H.I.A. again.

**f) C.H.I.A. – 428 Main Street West, Hamilton by Parslow Heritage Consultancy Inc.,  
October 4, 2023.**

**Site Plan Control Application (DA-23-021)**

In support of Site Plan Control application for lands located at 428 Main Street West, Hamilton. The applicant proposes to construct a 9-storey, mixed use building with 182 residential units atop a ground floor commercial space with a 3-storey podium

Working Group Comments:

- The Working Group had no concerns with this C.H.I.A.
- We note that there is a discrepancy in that the document indicates a 9 storey building with 182 units, but Appendix C, page 3, states that it is for a 10 storey building with 186 units.

The meeting adjourned at 3:00 pm.

**Next meeting date: to be determined**

# MEETING NOTES

## POLICY AND DESIGN WORKING GROUP

Monday, May 27, 2024

2:30 pm

City of Hamilton Webex Virtual Meeting

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Attendees: L. Lunsted, A. Denham-Robinson, A. Douglas

Regrets:

Also Present: E. Bent, D. Cordeiro, A. Golden, L. Marlatt

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

#### a) CHANGES TO THE AGENDA

None

#### b) DECLARATIONS OF INTEREST

D. Denham-Robinson declared a conflict with regards to 676 King St. and 233 Hunter St.

#### c) REVIEW OF PAST MEETING NOTES

Meeting notes of April not available. These will be reviewed at our next meeting.

#### d) CHANGE TO MEETING SCHEDULE

The Design Review Panel meets the second Thursday of the month. In order to have P & D to provide feedback to the Panel, it is proposed that the Policy & Design Working Group change their schedule of meetings to the second Monday of the month. This change will take effect for the July 2024 meeting.

#### e) C.H.I.A – 188 Cannon Street East and 134, 136 Ferguson Avenue North, Hamilton by ERA Architects Inc., March 11, 2024

##### Formal Consultation (FCSP-24-022)

The applicant proposes to develop a 32 storey (+/-100m) mixed use building, with a 6 storey podium (a portion of which is intended to house vehicular parking), 146 square metres of retail at grade and 358 residential units. Access to podium parking will be provided via an adjacent laneway. The alleyway is also proposed to provide access for



loading and garbage pickup. In total, 142 residential parking spaces are proposed. No parking is proposed below grade. Bicycle Parking is proposed to be contained within the podium levels. The proposal will require a Site Plan Control Application.

Working Group comments:

- The CHIA does not include any building sections and the heritage buildings are not shown – there is no context.
- It is difficult to tell if the podium sections are over interior or exterior space.
- There is no mention of how much of the building is to be removed from the back. Once the removal is done, there is no description of how the back wall be treated – windows? Exit doors?
- There is no description of the interior space of the Heritage buildings – could they stay residential instead of being turned into retail space?
- Why do the drawings indicate ‘potential balcony’? Are there balconies or not?
- We would like to see a more compatible brick colour.
- North and East sides – there could be potential water/drainage issues.
- How will they address lighting, security, affects of constant shade on materials in the set-back area?
- We would like more details regarding the conservation plan
- Are all of the foundations including the heritage buildings to be waterproofed. Including the adjacent building not included in this CHIA?
- Will there be vibration control?
- There are no details as to the impact on the heritage structure at 132 Ferguson Ave.
- Are the retained heritage building to be attached to the new building, or are they separated by space?
- Is this an opportunity for any interpretive plaquing to reflect the importance of Thomas Allen?

The Working Group would like to see this CHIA again.

**f) C.H.I.A. – 676 King Street West, Hamilton by Megan Hobson, February 20 2024**

**Formal Consultation (FC-23-020)**

The applicant proposes to construct a 7.5 storey, 26.3-metre-tall multiple dwelling with 73 units. 26 parking spaces - 23 within one level of underground and 3 surface spaces are proposed.

The Working Group had no issues with this proposal. Our only comment is that we would prefer to see the brick cladding continue for all stories, rather than changing it for the top two stories.

We do not need to see this C.H.I.A. again.

**g) C.H.I.A. 233-235 Hunter Street, Hamilton by Megan Hobson, March 7, 2024**

**Site Plan Control Application (DA-24-015)**

The applicant proposes to construct a five-storey mid-rise multiple dwelling with a total height of 15.6 metres, containing 24 units and outdoor amenity space.

This design has undergone several revisions so far. There have been issues with AODA and parking spaces.

**Working Group comments:**

- Page 5 of the document appears to show the site as a National Historic Site. This is due to the colour of the lines indicating the site, but is misleading.
- We are not in favour of the dark grey cladding. We suggest flipping the dark and grey with the light grey being the top storey.
- A second suggestion would be to have brick on all stories.
- We feel that the flat roof is not in keeping with the neighbourhood and would prefer something with gables or a sloped roof.
- If the design was changed to incorporate a gable or other façade, could a portion of the roof be a green roof or an amenity space?
- We understand that this design is still undergoing changes, and would like to see this C.H.I.A. again.

The meeting adjourned at 3:45 pm.

**Next meeting date: Monday June 17<sup>th</sup>**

**Starting in July meetings will be on the 2<sup>nd</sup> Monday of the month**



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

FILE: HP2024-008

May 28, 2024

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

**Re: Heritage Permit Application HP2024-008: Masonry Repairs at 262 MacNab Street North, Hamilton (Ward 2) (By-law No. 18-127)**

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Please be advised that pursuant to By-law No. 05-364, as amended by By-law No. 07-322, which delegates the power to consent to alterations to designated property under the *Ontario Heritage Act* to the Director of Planning and Chief Planner, Heritage Permit Application HP2024-008 is approved for the designated property at 262 MacNab Street North, Hamilton, in accordance with the materials submitted with the application for the following alterations:

- Masonry repairs to the front façade, including:
  - Grinding out of existing mortar joints to sound material; and,
  - Repointing with Type N mortar.

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 work. 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 Notice.

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, feel free to contact Alissa Golden, Cultural Heritage Program Lead, via email at [Alissa.Golden@hamilton.ca](mailto:Alissa.Golden@hamilton.ca).

Yours truly,

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

**Re: Heritage Permit Application HP2024-008: Masonry Repairs at 262 MacNab Street North, Hamilton (Ward 2) (By-law No. 18-127) - Page 2 of 2**

---

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



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

Planning and Economic Development Department  
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FILE: HP2024-011

May 31, 2024

Lynden United Church  
c/o John Brooks  
3989 Governors Road  
Flamborough, ON L0R 1T0

**Re: Heritage Permit Application HP2024-011: Bell Tower Repairs and Repointing at 3989 Governors Road, Flamborough (Ward 12) (Lynden United Church, Part IV, By-law No. 84-127-H)**

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Please be advised that pursuant to By-law No. 05-364, as amended by By-law No. 07-322, which delegates the power to consent to alterations to designated property under the *Ontario Heritage Act* to the Director of Planning and Chief Planner, Heritage Permit Application HP2024-011 is approved for the designated property at 3989 Governors Road, Flamborough (Ward 12), in accordance with the materials submitted with the application for the following alterations:

- Removal of the deteriorated cupola structure and bell, including:
  - Reconstruction of the rotted framing and supports at the top of the tower;
  - Capping of the top of the tower with a new metal-clad hip roof;
  - Relocation of the bell on site for display and interpretation;
- Replacement of the rotting wooden louvers and sills in the tower with new metal louvers and sills to match; and,
- Repointing the damaged brick at the base of the tower with appropriate lime-based mortar.

**Subject to the following conditions:**

- a) That the final details of the reconstructed tower roof 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;



**Re: Heritage Permit Application HP2024-011: Bell Tower Repairs and Repointing at 3989 Governors Road, Flamborough (Ward 12) (Lynden United Church, Part IV, By-law No. 84-127-H) - Page 2 of 2**

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- b) That the final details for salvage, retention, and interpretation of the bell on site be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to installation;
- c) That the masonry repairs be conducted in accordance with the City of Hamilton's Masonry Restoration Guidelines, to the satisfaction and approval of the Director of Planning and Chief Planner;
- d) That any minor changes to the plans and elevations following approval shall be submitted to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations; and,
- e) That implementation of the alterations, in accordance with this approval, shall be completed no later than May 31, 2026. If the alterations are not completed by May 31, 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.

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 work. 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 Notice.

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, feel free to contact Dawn Cordeiro, Cultural Heritage Planner, via email at [dawn.cordeiro@hamilton.ca](mailto:dawn.cordeiro@hamilton.ca).

Yours truly,



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

cc: Dawn Cordeiro, Cultural Heritage Planner  
Chantal Costa, Plan Examination Secretary  
Matt Gauthier, Legislative Coordinator  
Councillor Cassar, Ward 12



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

FILE: HP2024-012

May 31, 2024

222 Main Holdings Inc.  
c/o Michael Krasic, Coletara Development  
966 Pantera Drive, Suite 22  
Mississauga, ON L4W 2S1

**Re: Heritage Permit Application HP2024-012: To Facilitate Redevelopment of Property at 115-117 George Street, Hamilton (Ward 2) (By-Law No. 23-125)**

---

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 HP2024-012 is approved for the designated property at 115-117 George Street, Hamilton, in accordance with the submitted Heritage Permit Application for the following alterations:

- Masonry restoration, including:
  - Cleaning of heavy soiling with non-abrasive techniques (e.g. low pressure water wash);
  - Removal of all paint layers from stone lintels and sills and protecting with corrosive-resistant paint;
  - Repointing and repairs, as needed (e.g. step crack, damaged bricks, etc.);
  - Infilling non-heritage openings with brick to match, including the west and east elevations and pointed-arch window openings in north elevation; and,
  - Repainting of masonry exterior walls with breathable paint.
- Roof repairs, including:
  - Rebuilding of the roof structure;
  - Reconstruction of the brick chimneys;
  - Restoration of the wood detailing, including:
    - Repair of sound wood elements;
    - Reproduction of missing or damaged wood elements to match; and,
  - Installation of new eavestroughs and downspouts.
- Installation of new aluminum-clad two-over-two hung wood windows in existing openings.



**Re: Heritage Permit Application HP2024-012: To Facilitate Redevelopment of Property at 115-117 George Street, Hamilton (Ward 2) (By-Law No. 23-125) - Page 2 of 2**

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- Introduction of new openings in ground and second floor, including new window openings in the north elevation and venting.
- Removal of non-heritage additions, including the front solarium and side portico.

**Subject to the following conditions:**

- a) That any masonry repairs be conducted in accordance with the City of Hamilton's Masonry Restoration Guidelines, to the satisfaction and approval of the Director of Planning and Chief Planner;
- b) 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,
- c) That the installation of the alterations, in accordance with this approval, shall be completed no later than May 31, 2027. If the alterations are not completed by May 31, 2027, 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 work. 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 Notice.

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, feel free to contact Meg Oldfield, Cultural Heritage Planner via email at [Meg.Oldfield@hamilton.ca](mailto:Meg.Oldfield@hamilton.ca).

Yours truly,



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

cc: Meg Oldfield, Cultural Heritage Planner  
Chantal Costa, Plan Examination Secretary  
Matt Gauthier, Legislative Coordinator  
Cameron Kroetsch, Ward 2



**Hamilton**

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Canada L8P 4Y5  
www.hamilton.ca

Planning and Economic Development Department  
Planning Division  
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FILE: HP2024-013

May 31, 2024

Grace Anglican Church Waterdown  
c/o Denise Vieira, Cemetery Representative  
Kayla Stinson, Outreach Coordinator  
157 Mill Street North  
Flamborough, ON L0R 2H0

**Re: Heritage Permit Application HP2024-013: Stained Glass Window Repairs at 157 Mill Street North, Flamborough (Ward 13) (Waterdown Mill Street HCD, Part V, 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 HP2024-013 is approved for the designated property at 157 Mill Street North, Flamborough in accordance with the materials submitted with the application for the following alterations:

- Repair of the damaged stained glass window on the northwest elevation of the building, including:
  - Temporary removal of the window for repair off-site;
  - Dismantling, cleaning, re-leading and cementing the window and adding round bars for additional support;
  - Repair of the wood window sill;
  - Replacement of the rotted wood window frame in kind (cedar);
  - Painting and caulking of the reconstructed window frame and sill;
  - Reinstallation of the restored stained glass window; and,
  - Installation of a new vented and tempered glass storm window, wrapped in a low-profile aluminum frame to match the exterior paint colour.

**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,



**Re: Heritage Permit Application HP2024-013: Stained Glass Window Repairs at 157 Mill Street North, Flamborough (Ward 15) (Waterdown Mill Street HCD, Part V, By-law No. 96-34-H) - Page 2 of 2**

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- b) That the installation of the alterations, in accordance with this approval, shall be completed no later than May 31, 2026. If the alterations are not completed by May 31, 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.

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 work. 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 Notice.

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, feel free to contact Dawn Cordeiro, Cultural Heritage Planner via email at [Dawn.Cordeiro@hamilton.ca](mailto:Dawn.Cordeiro@hamilton.ca).

Yours truly,



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

cc: Dawn Cordeiro, Cultural Heritage Planner  
Chantal Costa, Plan Examination Secretary  
Matt Gauthier, Legislative Coordinator  
Councillor McMeekin, Ward 15





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

FILE: HP2024-014

May 31, 2024

Brown's Wharf Development Corp.  
C/o James Hargreaves Architect  
ATTN: James Hargreaves  
34 Hess Street South  
Hamilton, ON L8P 3N1

**Re: Heritage Permit Application HP2024-014: To Comply with a Property Standards Order at 54 Hess Street South, Hamilton (Ward 2) (By-Law No. 24-010)**

---

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 HP2024-014 is approved for the designated property at 54 Hess Street South, Hamilton, in accordance with the materials submitted with the application for the following alterations:

- Cover of all exposed window openings, including east bay window, with black painted exterior grade plywood;
- Roof repairs, including:
  - Replacement of the missing portion of cladding to the east bay window;
  - Removal and replacement of the deteriorated leading edge of the roof;
- Masonry repairs, including selective repointing the north elevation; and,
- Removal of the awning in the east elevation.

**Subject to the following conditions:**

- a) That the final details and scope of the roof repairs following investigation by the contractor be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to implementation;
- b) That the final specifications for masonry cleaning and repointing be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner and be

**Re: Heritage Permit Application HP2024-014: To Comply with a Property Standards Order at 54 Hess Street South, Hamilton (Ward 2) (By-Law No. 24-010) - Page 2 of 2**

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conducted in accordance with the City of Hamilton's Masonry Restoration Guidelines;

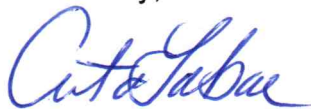
- c) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations;
- d) That the installation of the alterations, in accordance with this approval, shall be completed no later than May 31, 2026. If the alterations are not completed by May 31, 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.

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 work. 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 Notice.

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, feel free to contact Meg Oldfield, Cultural Heritage Planner via email at [Meg.Oldfield@hamilton.ca](mailto:Meg.Oldfield@hamilton.ca).

Yours truly,




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

cc: Meg Oldfield, Cultural Heritage Planner  
Chantal Costa, Plan Examination Secretary  
Matt Gauthier, Legislative Coordinator  
Cameron Kroetsch, Ward 2



# INFORMATION REPORT

<b>TO:</b>	Chair and Members Hamilton Municipal Heritage Committee
<b>COMMITTEE DATE:</b>	June 24, 2024
<b>SUBJECT/REPORT NO:</b>	Update on Bill 139, Schedule 14, <i>Less Red Tape, More Common Sense Act, 2023</i> , and Amendments 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(a)) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Alissa Golden (905) 546-2424 Ext. 1202
<b>SUBMITTED BY:</b>	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

## INFORMATION

On October 19, 2023, the *Less Red Tape, More Common Sense Act, 2023* was introduced at the Ontario Legislature. Schedule 14 of Bill 139 proposed 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 provided the following summary of the proposal:

“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.”

Cultural Heritage Planning staff provided an overview of the draft amendments and preliminary comments to the Hamilton Municipal Heritage Committee on November 28, 2023, as part of Report PED23253 and submitted formal comment to the Ministry of Citizenship and Multiculturalism on December 1, 2023. On December 4, 2023, the *Less Red Tape, More Common Sense Act, 2023* (Bill 139), received Royal Assent and the

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

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

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

**SUBJECT: Update on Bill 139, Schedule 14, *Less Red Tape, More Common Sense Act, 2023*, and Amendments to the *Ontario Heritage Act* and the *Heritage Permit Requirements for Alterations to Part IV Designated Properties with Buildings Used for Religious Practices (PED23253(a)) (City Wide) - Page 2 of 3***

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regulatory changes to Ontario Regulation 385/21 (General), required to implement the legislative changes, will come into effect on July 1, 2024.

On May 17, 2024, the Ministry of Citizenship and Multiculturalism posted a notice of decision of the Minister through the Environmental Registry of Ontario Posting, ERO #019-7684, attached as Appendix “A” to Report PED23253(a) and a revised Ontario Regulation 385/21 (General), attached as Appendix “B” to Report PED23253(a). The posting describes the amendments to the *Ontario Heritage Act* and its regulations as follows:

“Alteration Requests:

- Section 33 of the OHA, which addresses applications to alter designated properties, was amended to enable streamlining of approvals where proposed alterations to a building used primarily for religious practices involves heritage attributes connected to religious practices, where the alterations of the heritage attributes are required for religious practices and all other conditions of the provision are met.
- Changes to O. Reg. 385/21 (General) were made to require specified information and material as part of a complete application, outline additional conditions that must be met to qualify for the provision, establish timelines for determining if an application is complete and issue a notice of consent or determine that an application is incomplete and issue a notice of incomplete application, and to define terms as they relate to this streamlined process.”

The posting summarizes the comments on the amendments received by the Ministry and identifies four themes and the Ministry response to each (see Appendix “A” to Report PED23253(a) for the full summary). The key revisions to the amendments are as follows:

- **Timelines:** The Ministry extended the proposed time for reviewing and providing notice of completeness, incompleteness, or consent from 30 to 60 days.
- **Conditions:** The Ministry included an additional condition related to the required affidavit or sworn declaration to clarify that the entity represented by the affidavit or sworn declaration must always be the religious organization or Indigenous community or organization, regardless of if they are the owner or tenant.



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

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- **Application Requirements:** The Ministry included a requirement for additional information and material to accompany a complete application to ensure there is sufficient documentation to understand the existing condition of the building and what specific changes were being proposed.
- **Definitions:** The Ministry refined the definition of “building” as it applies to a religious organization that is not an Indigenous organization and excluded buildings where the primary function is something else non-religious, such as education or healthcare, even where a space within the building is dedicated to religious practices.

The revised amendments address the two key concerns raised in staff’s comments to the Ministry by extending the processing timeline to 60 days to be consistent with the timelines for processing other Heritage Permit applications, and clarifying the definition of building by excluding buildings where the primary function is to provide education, healthcare, long-term care, community services, social services or commercial, institutional or industrial operations, even if the building contains a space within it dedicated to religious practices.

The Heritage Permit page on the City of Hamilton website will be updated with information and instructions regarding this new process for applying for alterations of buildings used for religious purposes in advance of them coming into effect on July 1, 2024 (see [www.hamilton.ca/heritagepermits](http://www.hamilton.ca/heritagepermits)).

#### **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED23253(a) – Environmental Registry of Ontario Posting Number 019-7684, Decision for Proposed Changes to the *Ontario Heritage Act* and O.Reg. 385/21 General with Respect to Certain Alteration Requests

Appendix “B” to Report PED23253(a) – Excerpts of Amendments to Ontario Regulation 385/21 for the Alteration of Buildings Used for Religious Practices

AG:sd

**Note: On July 1, 2024, the Regulation is amended by adding the following sections:  
(See: O. Reg. 187/24, s. 2)**

ALTERATION OF BUILDINGS USED FOR RELIGIOUS PRACTICES –  
SUBSECTIONS 33 (18), (20) AND (22) OF THE ACT

Additional conditions under para 4, s. 33 (18) of the Act

**6.1** The following conditions are prescribed for the purposes of paragraph 4 of subsection 33 (18) of the Act:

1. The alteration is not for the purposes of an addition to a building.
2. The alteration is required for one of the following:
  - i. An Indigenous community or Indigenous organization.
  - ii. A religious organization that is not an Indigenous organization if the organization is a registered charitable organization under the laws of Ontario or Canada.
3. The affidavit or sworn declaration required under paragraph 5 of subsection 33 (18) of the Act is sworn or affirmed by an individual with authority to represent the entity referred to in paragraph 2 of this section for whom the alteration is required. O. Reg. 187/24, s. 2.

Information and material re s. 33 (18) of the Act

**6.2** The following information and material shall accompany an application under subsection 33 (1) of the Act in respect of which subsection 33 (18) of the Act applies:

1. The information and material set out in paragraphs 1 to 3 of subsection 6 (1) of this Regulation.
2. Photographs that depict the existing building and the described heritage attributes of the building that would likely be affected by the proposed alteration, including the condition and context of the attributes.
3. A site plan or sketch that illustrates the location of the building subject to the proposed alteration.
4. Identification of the heritage attributes of the building that are connected to religious practices and a description of the potential impacts of the proposed alteration on those heritage attributes.
5. Drawings and written specifications of the proposed alteration.
6. An indication of whether the proposed alteration is required for the owner or for a tenant.
7. If the proposed alteration is required for a religious organization that is not an Indigenous organization, the registered charity number of the religious organization. O. Reg. 187/24, s. 2.

Time periods under s. 33 (20) and (22) of the Act

**6.3** (1) A 60-day time period is prescribed for the purposes of subsections 33 (20) and (22) of the Act. O. Reg. 187/24, s. 2.

(2) The 60-day time period referred to in subsection (1) commences on the day that the application is served on the municipality. O. Reg. 187/24, s. 2.

Definition of building under s. 33 (18) of the Act

**6.4** For the purposes of subsection 33 (18) of the Act,

“building” means,

- (a) with respect to an alteration that is required for 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
- (b) with respect to an alteration that is required for 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, but not a building where the primary function is to provide education, healthcare, long-term care, community services, social services or commercial, institutional or industrial operations, even if the building contains a space within it dedicated to religious practices. O. Reg. 187/24, s. 2.



# 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	Decision Updated
Decision posted	May 17, 2024
Comment period	October 19, 2023 - December 3, 2023 (45 days) Closed
Last updated	May 17, 2024

On November 21, 2023 the Less Red Tape, More Common Sense Act, 2023 (Bill 139) passed Third Reading and now awaits Royal Assent. Schedule 14 of Bill 139 contains the statutory amendments to the Ontario Heritage Act outlined in this proposal posting. Note, these changes would not come into force until they are proclaimed by the Lieutenant Governor. This posting will remain open to obtain public comment on the proposed regulatory amendments associated with the changes made through Bill 139.

This consultation was open from:

**October 19, 2023  
to December 3, 2023**

## Decision summary

Bill 139 received Royal Assent on December 4, 2023. Schedule 14 amends the Ontario Heritage Act (OHA) to change application requirements, timing and approvals for



alteration requests to minimize interruption of religious practice at buildings used primarily for religious practices where all applicable conditions are met.

## Decision details

Regulatory amendments were required to implement changes made to the OHA through the Less Red Tape, More Common Sense Act 2023 (Bill 139). The statutory amendments come into force on proclamation. All changes will come into effect on July 1, 2024. The amendments are as follows:

### Alteration Requests

- Section 33 of the OHA, which addresses applications to alter designated properties, was amended to enable streamlining of approvals where proposed alterations to a building used primarily for religious practices involves heritage attributes connected to religious practices, where the alterations of the heritage attributes are required for religious practices and all other conditions of the provision are met
- Changes to O. Reg. 385/21 (General) were made to require specified information and material as part of a complete application, outline additional conditions that must be met to qualify for the provision, establish timelines for determining if an application is complete and issue a notice of consent or determine that an application is incomplete and issue a notice of incomplete application, and to define terms as they relate to this streamlined process.

Comments received

Through the registry  
**20**

By email  
**3**

By mail  
**0**

[View comments submitted through the registry \(/notice/019-7684/comments\)](/notice/019-7684/comments)

# Effects of consultation

Comments received through the Environmental Registry and by email during the comment period were considered by the government in making the decision to amend the Ontario Heritage Act and its regulations.

Commonly expressed themes and the Ministry's responses are as follows:

## Timelines

- **Comments:** Submissions raised concerns that the proposed 30 days is not sufficient to determine if an application is complete and to issue a notice of consent or to determine that an application is incomplete and issue a notice of incomplete application, particularly where decision making authority had not been delegated to staff. Concerns were also raised that 30 days would be inconsistent with the existing 60-day standard time for these processes, introducing administrative burden and potential confusion.
- **Ministry Response:** The ministry has extended the proposed time for these processes from 30 to 60 days.

## Conditions

- **Comments:** Concerns were raised in responses to the ERO over responsibilities for applications and affidavits, and how to ensure that organizational delegates were authentic representatives of property owners and congregants.
- **Ministry Response:** The ministry included an additional condition that applies to the provision beyond what was originally proposed. The affidavit or sworn declaration must be sworn or affirmed by someone with the authority to represent the entity. The condition also clarifies that the entity represented by the affidavit or sworn declaration must always be the religious organization or Indigenous community or organization, regardless if they are the owner or the tenant.

## Application Requirements

- **Comments:** Submissions noted that with mandatory consent required where all conditions of the provision are met, further documentation

was necessary to understand the existing conditions of the building and what specific changes were being proposed.

- Ministry Response: The ministry has included additional information and material than what was initially proposed that must accompany a complete application which responds to these concerns.

### Definitions

- Comments: Submissions noted the lack of proposed definitions of terms used beyond “building”, including “religious practices” and “primarily”, arguing that not being defined opens the provision to misuse.
- Ministry Response: The ministry made further refinements to the definition of “building” as it applies to a religious organization that is not an Indigenous organization for purposes of this provision in the OHA. Excluded from the definition are buildings where the primary function is something else non-religious, for example to provide education or healthcare, even where a space within the building is dedicated to religious practices.

## Supporting materials

### Related links

[Ontario Heritage Act](https://www.ontario.ca/laws/statute/90o18#BK45)

[\(<https://www.ontario.ca/laws/statute/90o18#BK45>\)](https://www.ontario.ca/laws/statute/90o18#BK45)

[O.Reg. 385/21 "General"](https://www.ontario.ca/laws/regulation/210385#BK10)

[\(<https://www.ontario.ca/laws/regulation/210385#BK10>\)](https://www.ontario.ca/laws/regulation/210385#BK10)

### 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

## Connect with us

### Contact

#### Heritage Consultation



[heritage.consultation@ontario.ca](mailto:heritage.consultation@ontario.ca)

## Original proposal

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
Proposal posted	October 19, 2023
Comment period	October 19, 2023 - December 3, 2023 (45 days)

## 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.

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)?

**[Related ERO \(Environmental Registry of Ontario\) notices](#)**

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

**Supporting  
materials**

## Related links

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

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[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)

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## View materials in person

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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  
Canada

## Comment

Commenting is now closed.

This consultation was open from October 19, 2023 to December 3, 2023

## Connect with us

### Contact

Heritage Consultation




[heritage.consultation@ontario.ca](mailto:heritage.consultation@ontario.ca)





Hamilton

# INFORMATION REPORT

<b>TO:</b>	Chair and Members Hamilton Municipal Heritage Committee
<b>COMMITTEE DATE:</b>	June 24, 2024
<b>SUBJECT/REPORT NO:</b>	Bill 200, Schedule 2, <i>Homeowner Protection Act, 2024</i> , and Proposed Changes to the <i>Ontario Heritage Act</i> for Properties Listed on the Municipal Heritage Register (PED24127) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Alissa Golden (905) 546-2424 Ext. 1202
<b>SUBMITTED BY:</b>	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

## INFORMATION

On October 25, 2022, Bill 23, *More Homes Built Faster Act, 2022* was introduced at the Ontario Legislature and was proclaimed on January 1, 2023. Bill 23 changed how municipalities can use the Municipal Heritage Register as a tool for heritage conservation, effectively making it a placeholder for individual Part IV designation only. The current provisions of the *Ontario Heritage Act* will result in the automatic de-listing of over 2,300 non-designated properties listed on the City's Municipal Heritage Register on January 1, 2025. These properties would be prohibited from being re-listed until January 1, 2030.

The Bill 23 changes to the *Ontario Heritage Act* also required the City of Hamilton to change its heritage designation process, resulting in Council identifying 60 properties listed on the Municipal Heritage Register as high priorities for staff review for designation under Part IV of the *Ontario Heritage Act* by January 1, 2025 (see Report PED22211(a)).

On May 27, 2024, Bill 200, *Homeowner Protection Act, 2024*, was introduced at the Ontario Legislature. Schedule 2 of Bill 200 (attached as Appendix "A" of Report PED24127), proposed amendments to the *Ontario Heritage Act*. The Environmental

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**SUBJECT: Bill 200, Schedule 2, *Homeowner Protection Act, 2024*, and Proposed Changes to the *Ontario Heritage Act* for Properties Listed on the Municipal Heritage Register (PED24127) (City Wide) - Page 2 of 4**

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Registry of Ontario Posting, ERO # 019-8738, for Bill 200, Schedule 2 (attached as Appendix “B” of Report PED24127), provided the following summary of the proposal:

“A proposal to make legislative amendments to the Ontario Heritage Act to address matters related to non-designated or “listed” properties included on municipal registers.”

The details of the proposal identify the following changes to the *Ontario Heritage Act*:

- Providing an extension of the timeframe for the expiration of “legacy listed properties” from January 1, 2025, to January 1, 2027, and an adjustment to the related five-year prohibition on relisting. These changes are intended to help alleviate current municipal resourcing pressures associated with reviewing legacy listed properties by allowing municipalities to extend the work and associated costs over a longer period of time.
- Clarifying that the listing rules (legislative timelines and removal requirements) apply to properties even if a municipality voluntarily removes them from the Municipal Heritage Register before they expire and introducing additional transitional provisions for those properties that have already been voluntarily removed.

Bill 200 received Royal Assent on June 6, 2024. As a result of receiving Royal Assent, the proposed changes to the *Ontario Heritage Act* (under Schedule 2 of Bill 200) have already been implemented and the ERO commenting period, which was originally identified to end on June 26, 2024, has been closed.

### **Staff Comments**

Staff are supportive of an extension of the “legacy listed properties” expiry from January 1, 2025, to January 1, 2027, as it will provide additional time to review high priority properties for designation before they are delisted from the Municipal Heritage Register. However, staff believe that there should not be any time restrictions for listing a property on the Municipal Heritage Register for the following reasons:

- The Province of Ontario has not demonstrated that listing properties on the Municipal Heritage Register meaningfully limits or prohibits the development of new housing. Expiries and prohibitions on relisting complicates the administration process, causing confusion and reduced transparency for property owners and additional administrative burden for municipalities, cutting into finite staff resources that could be focused on the development commenting process to help facilitate the creation of new housing sooner.

**SUBJECT: Bill 200, Schedule 2, *Homeowner Protection Act, 2024*, and Proposed Changes to the *Ontario Heritage Act* for Properties Listed on the Municipal Heritage Register (PED24127) (City Wide) - Page 3 of 4**

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- The cumulative effects of the Bill 23, Bill 108 and Bill 109 changes to the *Ontario Heritage Act* and *Planning Act* diminish the City's ability to conserve significant cultural heritage resources through the redevelopment process. These changes are contrary to the *Planning Act* requirement for municipalities to have regard for the provincial interest outlined in Section 2(d), for "the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest".

For a municipality the size of the City of Hamilton which currently has over 2,300 non-designated properties on the Municipal Heritage Register and an additional 6,000 properties on the Inventory of Heritage Properties, it is not feasible or reasonable to assume that every property worthy of designation can be identified, evaluated, and protected through designation under the *Ontario Heritage Act* prior to a *Planning Act* application for redevelopment being submitted. The existing Provincial Policy Statement acknowledges this by stating that, "[w]hile some significant resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation". The expiry and prohibitions for relisting properties on the Municipal Heritage Register limit the City's ability to conserve significant heritage resources that are not already listed or designated at the time of a Prescribed Event under the *Planning Act*.

- By eliminating the expiry and restrictions for re-listing properties on the Municipal Heritage Register, municipalities would be better able to undertake proactive identification of heritage properties in accordance Section 4.6.4 of the proposed Provincial Planning Statement, which encourages municipalities to develop and implement "proactive strategies for evaluation under the *Ontario Heritage Act*". This would align with the City of Hamilton's Built Heritage Inventory Strategy, which is a proactive initiative for the identification of heritage properties which previously focused on listing properties of heritage interest on the Municipal Heritage Register to provide interim protection from demolition, and flagging significant heritage properties that may be worthy of designation under Part IV of the *Ontario Heritage Act*.

Staff anticipate reporting back to the Hamilton Municipal Heritage Committee by the end of 2024 with an update on the City's heritage designation process and work on the high priority list for designation, and with any recommended actions to address the legislative changes implemented as part of Bill 200 and the additional time afforded to municipalities to review the legacy listed properties. This may include options for identifying additional designation candidates for high priority review by January 1, 2027, and strategies for prioritizing the designation of other listed properties as part of potential Heritage Conservation Districts.

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**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED24127 – Bill 200, Schedule 2 Excerpt

Appendix "B" to Report PED24127 – Environmental Registry of Ontario Posting Number 019-8738, Proposed Amendments to the *Ontario Heritage Act*, Schedule 2 of the Proposed *Homeowner Protection Act, 2024*

AG:sd

**SCHEDULE 2**  
**ONTARIO HERITAGE ACT**

The Schedule amends the *Ontario Heritage Act*. Previously, subsection 27 (16) provided that if an undesignated property is included in the municipality’s register as of December 31, 2022, the council of the municipality in which the property is situated must remove the property from the register if the council does not give a notice of intention to designate the property under subsection 29 (1) on or before January 1, 2025. Paragraph 3 of subsection 27 (18) previously provided that if subsection 27 (16) requires the removal of a property from the register, the council may not include the property again in the register until five years after January 1, 2025. The Schedule changes both of these dates to January 1, 2027 or such later date as may be prescribed.

The Schedule also adds three new subsections to section 27. Subsection 27 (19) provides that if an undesignated property included in the register is removed from the register on or after the day subsection 1 (3) of the Schedule comes into force and subsection 27 (14), (15) or (16) of the Act does not require the removal, the council may not include the property again in the register for a period of five years after the date of the removal. Subsection 27 (20) provides that if a property included in the register as of December 31, 2022 is removed from register before the day subsection 1 (3) of the Schedule comes into force and subsection 27 (14) of the Act does not require the removal, subsections 27 (14), (16) and (18) apply in respect of the property as they would if the property had not been removed from the register. The council may not include the property again in the register on or after the date on which subsection 27 (14) or (16) would have required its removal from the register had it not already been removed, except in accordance with subsection 27 (18). If the council of the municipality includes the property again in the register, subsections 27 (14), (16), (18) and (19) apply in respect of the property as they would if the property had not been removed from the register. Subsection 27 (21) provides that if a property included in the register on or after January 1, 2023 is removed from the register before the day subsection 1 (3) of the Schedule comes into force and subsection 27 (14) of the Act does not require the removal, the council may not include the property again in the register under subsection 27 (3) for a period of five years after the date of the removal.





# Proposed Amendments to the Ontario Heritage Act, Schedule 2 of the Proposed Homeowner Protection Act, 2024

ERO (Environmental Registry of Ontario) number	019-8738
Notice type	Act
Act	Ontario Heritage Act, R.S.O. 1990
Posted by	Ministry of Citizenship and Multiculturalism
Notice stage	Proposal
Proposal posted	May 27, 2024
Comment period	May 27, 2024 - June 26, 2024 (30 days) Open
Last updated	May 27, 2024

This consultation closes at 11:59 p.m.

on:

**June 26, 2024**

## Proposal summary

A proposal to make legislative amendments to the Ontario Heritage Act to address matters related to non-designated or "listed" properties included on municipal registers.

## Proposal details

The More Homes Built Faster Act, 2022 (Bill 23) made several changes intended to address the interaction of heritage protections and housing supply. This included new requirements for municipalities with non-designated ("listed") properties on their heritage registers, most of which came into force on January 1, 2023. Municipalities are required to review all "legacy listed properties" (i.e., those included on their register as of December 31, 2022) by January 1, 2025, to determine whether each listed property warrants designation under the Ontario Heritage Act (OHA). The OHA provides that, unless the designation process is initiated (i.e., a notice of intention to

designate is issued) for a legacy listed property by January 1, 2023, it must be removed from the register and cannot be relisted for a period of five years, starting on January 1, 2025.

The Bill 23 amendments placed similar limitations and restrictions on properties that are listed on or after January 1, 2023, permitting them to only remain on the register for two years and if no notice of intention to designate is issued during that period, they must be removed and cannot be relisted for five years. However, in the case of these properties listed after January 1, 2023, the two-year timeframe starts on the date the property is listed and the five-year prohibition against relisting starts at the end of that two-year timeframe.

The Bill 23 amendments also required that if designation is proposed for a listed property and the proposed designation ultimately does not proceed (i.e., the notice of intention to designate is withdrawn or deemed withdrawn or the Ontario Land Tribunal repeals or directs the repeal of the designation bylaw following an appeal), the property must be removed from the list, and cannot be relisted for a period of five years following this removal.

These limitations and restrictions on listing established through Bill 23 were silent on how these rules apply and interact if council were to remove a property voluntarily and prior to the OHA requiring that the listed property be removed from the register, creating potential uncertainty on how voluntary removal impacts a municipality's ability to relist a property.

The province has been actively monitoring the implementation of the Bill 23 amendments. The ministry sees an opportunity to respond to matters that have arisen since implementation, while still meeting the overall intent of recent amendments to the OHA and its regulations meant to support increasing housing supply and other key government priorities.

### **Extension to the timeframe for reviewing "legacy listed properties"**

MCM is proposing an extension to the timeframe for reviewing legacy listed properties that, if passed, would give municipalities until January 1, 2027, to issue a notice of intention to designate before these properties must be removed from the register. The proposed amendment would also adjust the start of the five-year prohibition on relisting those properties that were removed from the register under this provision accordingly.

MCM is also proposing to insert regulation making authorities allowing for these dates to be amended in the future, prior to their expiration.

### **Clarifying listing rules**

MCM is proposing rules that, if passed, would provide clarity on how voluntarily removing a listed property ahead of the relevant legislated timelines and removal requirements would impact the application of the listing rules, including a municipality's ability to relist the property.

For listed properties voluntarily removed after these changes would come into effect, the five-year prohibition on listing would start from the date that property is voluntarily removed from the register.

An exception would be made for legacy listed properties that had been voluntarily removed from the register on or after January 1, 2023, but prior to the new rule coming into effect. As of the date the changes would come into effect:

- All the listing rules (legislated timelines and removal requirements) would continue to apply despite the voluntary removal.
- The property could be relisted following the process set out in the OHA, so long as it is relisted prior to the application of a listing rule, including the legislated deadline of January 1, 2027. However:
  - If a notice of intention to designate were not issued by January 1, 2027, the property would need to be removed from the register again and the five-year prohibition on relisting would start as of this date.
  - If a notice of intention to designate were issued by January 1, 2027, and the notice withdrawn, deemed withdrawn or the Ontario Land Tribunal repeals or directs the repeal of the designation bylaw, the property would need to be removed from the register again as of the date of that action and the five-year prohibition on relisting would begin as of that date.
  - If the property were voluntarily removed again prior to January 1, 2027, the five-year prohibition on relisting would start as of that date.
- If the property were not relisted prior to January 1, 2027, and no notice of intention to designate were issued for the property by January 1, 2027, it could now not be relisted for a period of five-years beginning January 1, 2027.

- If the property were not relisted prior to January 1, 2027, but a notice of intention to designate the delisted property were issued by January 1, 2027, and the designation does not proceed, the property could not be relisted again for a period of five years as of the date the notice were withdrawn, deemed withdrawn or the Ontario Land Tribunal repealed or directed the repeal of the designation bylaw, as applicable.

For properties that were added to the register as a listed property on or after January 1, 2023, (i.e., "non-legacy listed properties") and were then voluntarily removed from the register before these changes came into effect, the five-year prohibition on relisting would start as of the date that they were voluntarily removed.

### **Proposed Implementation**

If passed, all the proposed amendments to the Ontario Heritage Act would come into force upon Royal Assent.

### **Regulatory Impact Assessment:**

If passed, the changes resulting from Schedule 2 of the Homeowner Protection Act, 2024 would impact municipalities and property owners.

Based on preliminary analysis, combined with previous regulatory impact assessment work completed to support the Bill 23 amendments, MCM does not anticipate that the proposal would result in increased administrative or other compliance costs, including upfront or ongoing operating costs. MCM anticipates that extending the timeframe for municipalities to review legacy listed properties would help alleviate current municipal resourcing pressures associated with reviewing legacy listed properties by allowing municipalities to extend the work and associated costs over a longer period of time.

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## **Related links**

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

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**[Bill 200, Homeowner Protection Act, 2024 \(https://www.ola.org/en/legislative-business/bills/parliament-43/session-1/bill-200\)](https://www.ola.org/en/legislative-business/bills/parliament-43/session-1/bill-200)**

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**Supporting materials**

## 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  
Canada

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## Comment

Let us know what you think of our proposal.

Have questions? Get in touch with the contact person below. Please include the ERO (Environmental Registry of Ontario) number for this notice in your email or letter to the contact.

[Read our commenting and privacy policies. \(/page/commenting-privacy\)](/page/commenting-privacy)

## Submit by mail

Heritage Consultation

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## Connect with us

### Contact

Heritage Consultation



[heritage.consultation@ontario.ca](mailto:heritage.consultation@ontario.ca)