

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT Planning Division

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: WARD 2
COMMITTEE DATE: October 4, 2011	
SUBJECT/REPORT NO: Request to Designate 7 Ravenscliffe Avenue (Hamilton) Under Part IV of the <u>Ontario Heritage Act</u> (PED11164) (Ward 2)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Joseph Muller (905) 546-2424, Ext. 1214 Andrea Mikkila (905) 546-2424, Ext. 7163
SIGNATURE:	

RECOMMENDATION:

- (a) That Council direct staff to carry out a Cultural Heritage Assessment of 7 Ravenscliffe Avenue (Hamilton) to determine whether the property is of cultural heritage value, and worthy of designation under Part IV of the Ontario Heritage Act.
- (b) That Council include 7 Ravenscliffe Avenue (Hamilton) in the Register of Property of Cultural Heritage Value or Interest following consultation with the Hamilton Municipal Heritage Committee, as per the provisions of the Ontario Heritage Act and Recommendation (e) of Report PED11164; and that staff make appropriate amendments to the Register of Property of Cultural Heritage Value or Interest.
- (c) That if 7 Ravenscliffe Avenue (Hamilton) is determined to be of cultural heritage value or interest, a Statement of Cultural Heritage Value and Description of Heritage Attributes be prepared by staff for Council's consideration for designation under Part IV of the Ontario Heritage Act.

SUBJECT: Request to Designate 7 Ravenscliffe Avenue (Hamilton) Under Part IV of the Ontario Heritage Act (PED11164) (Ward 2) - Page 2 of 9

- (d) That the Cultural Heritage Assessment work be assigned a low priority, and be added to staff's workplan for completion in 2015, as per Appendix "G" to Report PED11164.
- (e) That Report PED11164 be forwarded to the Hamilton Municipal Heritage Committee for information and consultation prior to the Council approved inclusion of 7 Ravenscliffe Avenue (Hamilton) in the Register of Property of Cultural Heritage Value or Interest.
- (f) That Report PED11164 be forwarded to the owner of 7 Ravenscliffe Avenue (Hamilton) for information.

EXECUTIVE SUMMARY

Staff has received a request from the owner to designate 7 Ravenscliffe Avenue (Hamilton) under Part IV of the Ontario Heritage Act (see Appendix "A"). Under the Council approved designation process (approved October 29, 2008, Report PED08211), the following Report contains a preliminary evaluation of the subject property using the criteria contained in *Ontario Regulation 9/06*. This preliminary evaluation of the property provides the basis for a recommendation for continuing Cultural Heritage Assessment work, and for assigning a workplan priority for this assessment work.

The property located at 7 Ravenscliffe Avenue (Hamilton) (see location map attached as Appendix "B", and photographs attached as Appendix "C"), comprises an Edwardian Classicism home built in 1910, and designed by the architects Stewart & Witton, Hamilton.

The property is included in Hamilton's *Inventory of Buildings of Architectural and/or Historical Interest*. A preliminary assessment of the property has been undertaken by staff using the criteria contained in *Ontario Regulation 9/06* (see Appendix "E"). The property meets all three of the criteria, and is considered to have design and physical value, historical and associative value, and contextual value.

Through this Report, staff recommends that the Planning Committee and Council direct staff to carry out a Cultural Heritage Assessment of 7 Ravenscliffe Avenue (Hamilton) to determine whether the property is of cultural heritage value and worthy of designation under Part IV of the Ontario Heritage Act as a low priority within staff's workplan. This further research and assessment work will provide Committee and Council with adequate information upon which to base a decision regarding designation under the Ontario Heritage Act. The Hamilton Municipal Heritage Committee and the appropriate City departments will be consulted during the preparation of the Cultural Heritage Assessment and the staff Report.

Alternatives for Consideration - See Page 7.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial: None.

Staffing: None.

Legal: The City's Legal Counsel was consulted in the preparation of the original staff Report regarding the new designation process (Report PED08211), the recommendations of which are summarized below:

Owner consent is not required for designation of a property under the Ontario Heritage Act, finding in *Tremblay v. Lakeshore (Town)*, a 2003 Divisional Court decision, that the interests of the public, community, and the owner must all be considered when a Council decides whether or not to designate a property. The court ruled that, by making the owner's consent a condition of designation, the Council fetters its discretion to make the designation decision, contrary to the Ontario Heritage Act. Accordingly, a Council may decide that it is in the public and/or community interest to conserve a property, despite objections by the owner.

As per the designation process approved by Council on October 29, 2008, this Report provides staff with direction to complete further research and evaluation of the property for a later decision by Council. If staff is directed to proceed, Council will make a decision on designation at a subsequent stage in the designation process when it has before it a staff Report, the Cultural Heritage Assessment, a draft designating By-law, advice from the Hamilton Municipal Heritage Committee, and the positions of the property owner and any other interested parties.

HISTORICAL BACKGROUND

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, an 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)).

Designation does not restrict the use of a property, prohibit alterations or additions, or restrict the sale of a property. The City of Hamilton also provides heritage grant and loan programs to assist in the continuing conservation of properties once they are designated.

SUBJECT: Request to Designate 7 Ravenscliffe Avenue (Hamilton) Under Part IV of the Ontario Heritage Act (PED11164) (Ward 2) - Page 4 of 9

A process for considering requests for designation was approved by Council on October 29, 2008 (see Appendix “D”), and recognizes the Divisional Court decision *Tremblay v. Lakeshore (Town)*.

A request to designate the property located at 7 Ravenscliffe Avenue (Hamilton) under Part IV of the Ontario Heritage Act was received on June 10, 2011 (see Appendix “A”). Under the Council approved process for considering requests for designation, preliminary screening has been conducted (see Analysis section of this Report) referencing the criteria contained in *Ontario Regulation 9/06* (see Appendix “E”) to determine if further Cultural Heritage Assessment work is warranted. This Report also identifies a staff recommendation for the workplan priority of this further Cultural Heritage Assessment work within the context of a four- to five-year timeframe, as per the Council approved designation process.

Work Program Priority

The Council approved designation process provides for the prioritization of detailed research and assessment work. Within the annual work program, Heritage staff can typically process three to four properties through the designation process, including the preparation of the comprehensive Cultural Heritage Assessment reports and the processing of the designation By-laws in conjunction with Clerks. According to the Council approved process, Committee and Council may assign a high, medium, or low priority to a designation request in the context of a one- to five-year timeframe. These priorities generally fall within the following time frames:

- A high priority would direct staff to prepare the Cultural Heritage Assessment within the current year’s work program;
- A medium priority would direct the designation request to the 2nd or 3rd year of the work program; or,
- A low priority would direct the request to the 4th or 5th year of the work program.

Work program priorities are assigned based on a number of factors, including:

- Risk to the property with respect to demolition or removal;
- Funding eligibility;
- Heritage value associated with the property;
- Current level of property maintenance;
- The property is City-owned; and,
- Work program/Staff resources.

The currently approved work program priorities are contained in Appendix “F”.

POLICY IMPLICATIONS

The following policies apply:

City of Hamilton Official Plan

Section C.6 - *Heritage Resources* of the former City of Hamilton Official Plan encourages the preservation, maintenance, reconstruction, restoration, and management of property considered to have historic, architectural, or aesthetic value (C.6.1).

Urban Hamilton Official Plan

Section 3.4 - *Cultural Heritage Resources Policies* of the Council-adopted Hamilton Urban Official Plan (adopted July 9, 2009) states that the City shall “protect and conserve the tangible cultural heritage resources of the City, including archaeological resources, built heritage resources, and cultural heritage landscapes” (3.4.2.1(a)), and “identify cultural heritage resources through a continuing process of inventory, survey, and evaluation, as a basis for the wise management of these resources” (3.4.2.1(b)). The policies also provide that the “City may, by By-law, designate individual and groups of properties of cultural heritage value under Parts IV and V, respectively, of the Ontario Heritage Act” (3.4.2.3). Although, the Urban Hamilton Official Plan has been approved by the Ministry of Municipal Affairs and Housing, and is not in effect, these policies demonstrate Council’s commitment to the identification, protection, and conservation of the cultural heritage resources.

RELEVANT CONSULTATION

This Report is the initial stage in the consideration of a request for designation under the process approved by Council on October 29, 2008. Regardless of the owner’s request for designation, Council does not have enough information at this time to determine whether it is in the public interest and/or community interest to conserve the property (see Legal Implications). The purpose of this Report is to provide staff with direction to complete further research and evaluation of the property in order to assemble the information for a later decision by Council. The owner will be contacted when consideration of the potential designation of the subject property is to be discussed, and would be notified of Council’s intent to designate and the passing of any By-laws under the public notification provisions of the Ontario Heritage Act. However, in keeping with Council’s intent in approving the designation process, it is recommended that the owner be forwarded a copy of this Report and advised of any further assessment work to be completed.

Staff will follow the Council approved process (see Appendix “D”) and formally consult with the Hamilton Municipal Heritage Committee prior to inclusion of the subject property in the Register.

ANALYSIS / RATIONALE FOR RECOMMENDATION

7 Ravenscliffe Avenue (Hamilton)

The subject property is located at 7 Ravenscliffe Avenue (Hamilton) as part of Lots 6 and 7, Concession 4 (see Appendix "B"). The building is a three storey structure, built in 1910, in the Edwardian Classicism Style. In 1910, the property was owned by Henry B. Witton, the Vice President of Tuckett Tobacco. The house was designed by the architects Stewart & Witton, Hamilton. The property currently comprises 0.17 hectares.

Preliminary Evaluation - Ontario Regulation 9/06

In 2006, the Province issued criteria for determining cultural heritage value or interest under the Ontario Heritage Act. The regulation identifies three broad categories of criteria: Design or Physical Value, Historical or Associative Value, and Contextual Value, under which three subsets of criteria are further identified (see Appendix "E"). The following provides a preliminary evaluation using the criteria contained in *Ontario Regulation 9/06 - Criteria for Determining Cultural Heritage Value or Interest*.

1. Design value or physical value.

Designed by Stewart & Witton, Hamilton, the residence at 7 Ravenscliffe Avenue is in excellent condition. It is a type specimen of Edwardian Classicism architecture in Hamilton. The overall shape and design of the structure is considered to have design and physical value, notably in its characteristic features:

- Smooth, unadorned walls;
- Large enclosed portico with balcony;
- Plain dormers that follow the slope of the roof;
- Smooth chimneys;
- Large-paned windows;
- Shaped corbels under the roof and window balconies;
- Decorative cornice along roofline;
- Original coal chutes along north façade;
- Porch on the side wall with roof and columns; and,
- Plain architrave along portico balcony and side porch rooflines.

The structure has recently been extensively and accurately restored. The characteristic features have been maintained, and sympathetic materials have been used in the repairs related to normal structural problems.

2. Historical value or associative value.

The property is considered to have historical and associative value having direct associations to significant community members. The owner, H. B. Witton, was Vice President of the Tuckett Tobacco Company, now Imperial Tobacco, a politician, and father of W.P. Witton, of the architectural firm Stewart and Witton, Hamilton.

3. Contextual value.

The residence at 7 Ravenscliffe Avenue remains in its original location and is surrounded by other contemporary residences. The neighbourhood is known for its monumental houses. Most notable, is 26 Ravenscliffe, known simply as Ravenscliffe, designed by James Balfour in the 1880's, and owned by W. S. Copps. Therefore, the subject property is considered to have contextual value.

Conclusion

Staff concludes that the property located at 7 Ravenscliffe Avenue (Hamilton) is of potential cultural heritage value or interest, sufficient for the property to warrant further research and assessment for purposes of possible designation under the Ontario Heritage Act.

Work Program Priority

Staff recommends that further research and cultural heritage assessment work for 7 Ravenscliffe Avenue (Hamilton) be assigned a low priority within the staff work program. Staff recommends that this work is a low priority because the property is not currently subject to any significant pressure for alteration or loss, and does not appear to be substantially deteriorating or facing immediate threats without the protection of the Ontario Heritage Act.

The assignment of a low priority to the subject designation request would place the research and preparation of a Cultural Heritage Assessment on the staff work program for 2015, and would not displace any of the existing priorities (see Appendices "F" and "G").

ALTERNATIVES FOR CONSIDERATION:
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Council may direct staff to not complete a Cultural Heritage Assessment, and no further work will be completed by staff. This alternative is contrary to the Council approved process for considering requests for designation whereby legitimate requests for designation must be addressed, and cannot be dismissed without complete consideration of all the issues (see Legal Implications section of this Report).

SUBJECT: Request to Designate 7 Ravenscliffe Avenue (Hamilton) Under Part IV of the Ontario Heritage Act (PED11164) (Ward 2) - Page 8 of 9

Council may also assign a different work program priority than recommended by staff. Given the consideration of all the factors noted in the Analysis section of this Report, staff is of the opinion that the recommended work program priority is warranted.

CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

Skilled, Innovative, and Respectful Organization

- ♦ Council and SMT are recognized for their leadership and integrity.
- ♦ Staff Comment: The approval of the recommendations of this Report demonstrates Council's commitment to the Council approved designation process and to existing planning policies.

Intergovernmental Relationships

- ♦ Maintain effective relationships with other public agencies.
- ♦ Staff Comment: The approval of the recommendations of this Report demonstrates Council's commitment to conserving cultural heritage resources, as directed by Provincial and Federal level policies.

Healthy Community

- ♦ Plan and manage the built environment.
- ♦ An engaged Citizenry.
- ♦ Staff Comment: There is demonstrated public interest in the cultural heritage value of this property and its conservation as a community resource. The approval of the recommendations of this Report acknowledges this public interest.

APPENDICES

- Appendix "A": Request for Designation
- Appendix "B": Location Map
- Appendix "C": Photographs
- Appendix "D": Council Approved Designation Process

**SUBJECT: Request to Designate 7 Ravenscliffe Avenue (Hamilton) Under Part IV
of the Ontario Heritage Act (PED11164) (Ward 2) - Page 9 of 9**

- Appendix "E": Ontario Regulation 9/06
- Appendix "F": Requests to Designate Properties under Part IV of the Ontario Heritage Act: Priorities (as amended by Report PED11098)
- Appendix "G": Requests to Designate Properties under Part IV of the Ontario Heritage Act: Priorities (as amended by Report PED11164)

:AMK/JPM
Attachs. (7)

House, Meghan

From: Cuming, David
Sent: June 10, 2011 10:28 AM
To:
Cc: Muller, Joseph; House, Meghan; Sergi, Michelle; Farr, Jason
Subject: RE: 7 Ravenscliffe Ave

Thank you for your email. Your request is now sufficient for us to bring forward a staff report to Council on this matter. Heritage staff will keep you advised on this matter. Thank you.

David Cuming, MCIP, MRTPI, RPP
Senior Project Manager, Heritage and Urban Design

Community Planning and Design Section, Planning Division
Planning and Economic Development Department
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<http://www.hamilton.ca/HeritagePlanning>
<http://www.hamilton.ca/urbandesign>

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

From: [mailto:]
Sent: Friday, June 10, 2011 10:22 AM
To: Cuming, David; Robert Fedak
Cc: Muller, Joseph; House, Meghan; Sergi, Michelle; Farr, Jason
Subject: Re:

Good morning, and thank you for your very quick response. We are requesting that our home at 7 Ravenscliffe Ave in Hamilton be designated under Part IV of the Ontario Heritage Act and are willing to enter into a heritage conservation easement agreement under Section 37 of Part IV of the Act. Please direct us on how to formally proceed.

Thank you again,
Robert Fedak

Sent wirelessly from my BlackBerry device on the Bell network.



● Site of the Application



Ward 2 Key Map

N.T.S.

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
7 Ravenscliffe Ave

Date:
August 30, 2011

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
JM/AL

Subject Property



7 Ravenscliffe Avenue



7 Ravenscliffe – West Elevation



7 Ravenscliffe – South Façade



7 Ravenscliffe — Front portico with balcony



7 Ravenscliffe — Shaped corbels under roof and balconies



7 Ravenscliffe – Original coal chute on north façade



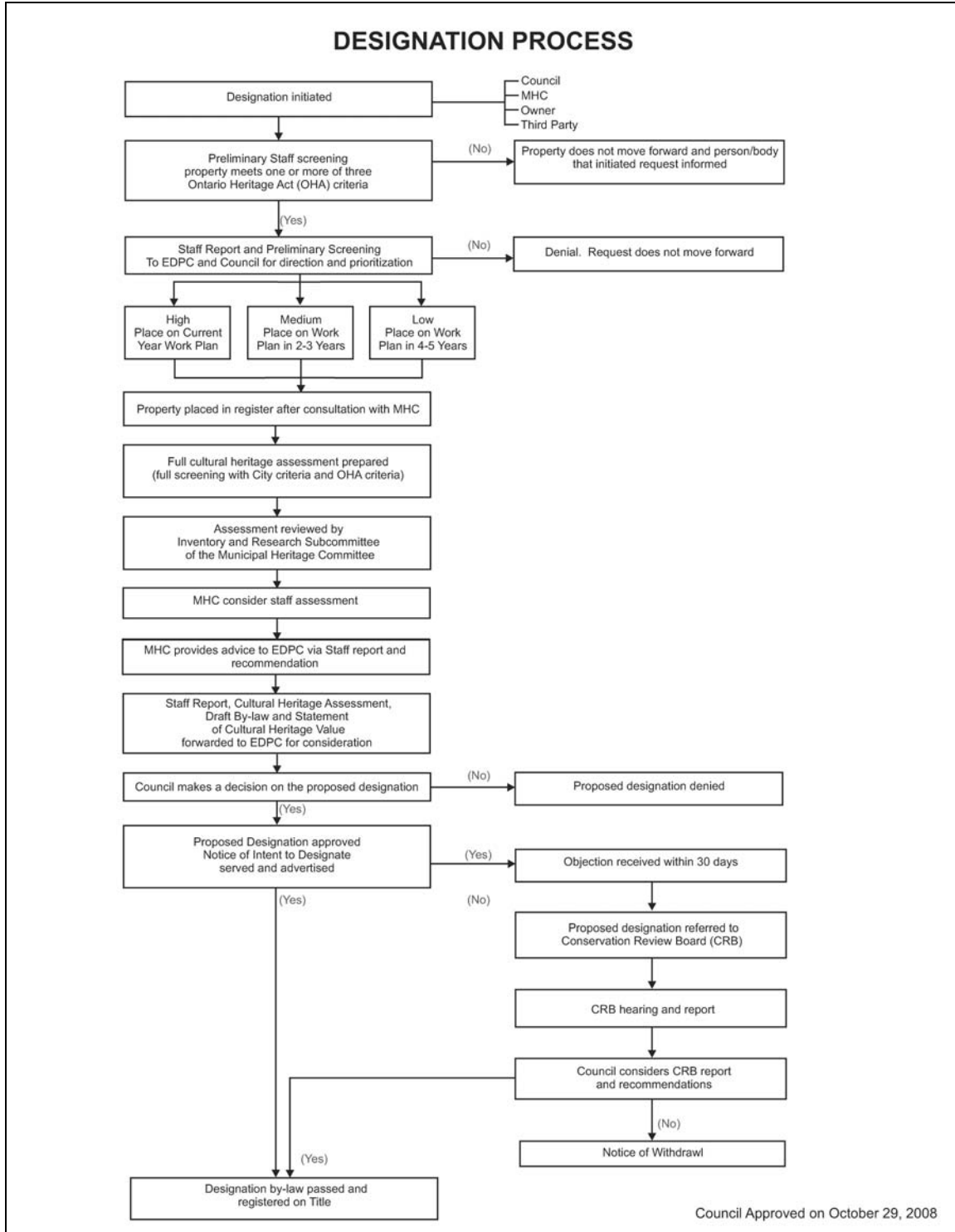
7 Ravenscliffe – Living room



7 Ravenscliffe – Reception room



7 Ravenscliffe – Master bedroom



Ontario Heritage Act

ONTARIO REGULATION 9/06

CRITERIA FOR DETERMINING CULTURAL HERITAGE VALUE OR INTEREST

Criteria

- 1.(1) The criteria set out in Sub-section (2) are prescribed for the purposes of Clause 29 (1) (a) of the Act. O. Reg. 9/06, s. 1 (1).
- (2) A property may be designated under Section 29 of the Act if it meets one or more of the following criteria for determining whether it is of cultural heritage value or interest:
 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. O. Reg. 9/06, s. 1 (2).

**Requests to Designate Properties under Part IV of the Ontario Heritage Act:
Priorities (as amended by Report PED11165)**

<u>Year</u>	<u>Property</u>	<u>Date of Request</u>
2011	104 King Street West, Dundas (Dundas Post Office)	24-Sep-09
2011	71 Claremont Drive, Hamilton	28-May-09
2011	167 Book Road, Ancaster	24-May-07
2011	397 King Street West, Dundas (Dundas District High School)	24-May-07
2011	82-112 King Street East , Hamilton (Royal Connaught)	09-Apr-08
2012	52-56 Charlton Avenue West, Hamilton	24-Apr-07
2012	91 John Street South, Hamilton	25-Oct-07
2012	140 Locke Street South, Hamilton	03-Jun-09
2012	3027 Homestead Drive, Mount Hope	24-Jan-08
2013	1395-1401 King Street East, Hamilton	04-Aug-09
2013	1062 Golf Club Road, Binbrook (Woodburn)	27-Mar-08
2013	Gage Park, Hamilton	23-Mar-06
2013	Gore Park, Hamilton	24-Apr-08
2014	Tisdale House, Ancaster	16-Aug-01
2014	111 Kenilworth Access, Hamilton (Barton Reservoir)	26-Feb-09
2014	262 MacNab Street North, Hamilton	18-Dec-08
2014	Desjardins Canal, Dundas	26-Feb-09
2015	1065 Highway 8, Stoney Creek	27-Aug-09
2015	170 Longwood Road North, Hamilton	15-Feb-11
2015	4-12 John Street North, Hamilton (Treble Hall)	08-Feb-11

**Requests to Designate Properties under Part IV of the Ontario Heritage Act:
Priorities (as amended by Report PED11164)**

<u>Year</u>	<u>Property</u>	<u>Date of Request</u>
2011	104 King Street West, Dundas (Dundas Post Office)	24-Sep-09
2011	71 Claremont Drive, Hamilton	28-May-09
2011	167 Book Road, Ancaster	24-May-07
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2013	Gage Park, Hamilton	23-Mar-06
2013	Gore Park, Hamilton	24-Apr-08
2014	Tisdale House, Ancaster	16-Aug-01
2014	111 Kenilworth Access, Hamilton (Barton Reservoir)	26-Feb-09
2014	262 MacNab Street North, Hamilton	18-Dec-08
2014	Desjardins Canal, Dundas	26-Feb-09
2015	1065 Highway 8, Stoney Creek	27-Aug-09
2015	170 Longwood Road North, Hamilton	15-Feb-11
2015	4-12 John Street North, Hamilton (Treble Hall)	08-Feb-11
2015	7 Ravenscliffe Avenue, Hamilton	10-June-11