

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT Planning Division

TO: Chair and Members
Planning Committee

WARD AFFECTED: WARD 8

COMMITTEE DATE: October 1, 2013

SUBJECT/REPORT NO:

Request to Designate 634 Rymal Road West (Hamilton) (Paradise Corner Children's Centre, Former Union School), Under Part IV of the Ontario Heritage Act (PED13160) (Ward 8)

SUBMITTED BY:

Tim McCabe
General Manager
Planning and Economic Development
Department

SIGNATURE:

PREPARED BY:

Meghan House (905) 546-2424 Ext. 1202

Erin Smith (905) 546-2424 Ext. 7163

RECOMMENDATION

- (a) That Council include 634 Rymal Road West (Hamilton) in the Register of Property of Cultural Heritage Value or Interest, and that staff makes the appropriate amendments to the Register of Property of Cultural Heritage Value or Interest;
- (b) That Council direct staff to carry out a Cultural Heritage Assessment of 634 Rymal Road West (Hamilton) to determine whether the property is of cultural heritage value, and worthy of designation under Part IV of the Ontario Heritage Act;
- (c) That if 634 Rymal Road West (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;

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- (d) That the Cultural Heritage Assessment work be assigned a low priority, and be added to staff's workplan for completion in 2019, as per Appendix "G" to Report PED13160;
- (e) That Report PED13160 be forwarded to the Hamilton Municipal Heritage Committee for information;
- (f) That Report PED13160 be forwarded to the owner of 634 Rymal Road West (Hamilton) for information.

EXECUTIVE SUMMARY

On June 7, 2013, on behalf of Paradise Corner Children's Centre, the Centre Coordinator formally requested that the property, located at 634 Rymal Road West (Hamilton), be designated under Part IV of the Ontario Heritage Act (see Appendix "A"). Under the Council-approved designation process (approved October 29, 2008 - Report PED08211 - see Appendix "D"), this Report contains background on this request and 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 subject property, located at 634 Rymal Road West (Hamilton) (see location map attached as Appendix "B" and photographs attached as Appendix "C"), comprises a red brick, one-storey, one-room school house, constructed in 1927 as the Union School. The school was expanded by additions in 1954 and 1956. In the early 1990s, the former Union School was purchased by long-time tenants, the Paradise Corner Children's Centre, who still operate the building as a non-profit day care centre. The property is currently included in the City'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 two of the three criteria, and is considered to have design and physical value, and historical and associative value.

Through this Report, staff recommends that 634 Rymal Road West (Hamilton) be included in the *Register of Property of Cultural Heritage Value or Interest*.

Furthermore, staff recommends that Council direct staff to carry out a Cultural Heritage Assessment of 634 Rymal Road West 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 Planning Committee and Council with adequate information upon which to base a decision regarding designation under the Ontario Heritage Act.

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The Hamilton Municipal Heritage Committee will be consulted during the preparation of the Cultural Heritage Assessment and the staff report.

Alternatives for Consideration - See Page 9.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial: None.

Staffing: None.

Legal:

Inclusion in the City of Hamilton Register of Property of Cultural Heritage Value or Interest requires that Council be given 60-days notice of the intention to demolish or remove any building or structure on the property. Council must consult with their Municipal Heritage Committee prior to including a property in the Register or removing reference to a property from the Register.

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 (see Appendix "D"), 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.

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HISTORICAL BACKGROUND

On June 7, 2013, the coordinator of Paradise Corner Children's Centre sent a letter requesting designation of the property located at 634 Rymal Road West (Hamilton) under Part IV of the Ontario Heritage Act (see Appendix "A"). The first Union School was constructed on the property in 1800, and was subject to several additions to accommodate expanding student populations. The existing building was constructed in 1927, after a fire destroyed the original school house in 1920. Additions were made to the existing structure in 1954 and 1956. The non-profit Paradise Corner Children's Centre began leasing the building in the early 1980s.

In the 1990s, the City of Hamilton expressed an interest in potentially designating the former Union School once it was deemed surplus by the School Board. The Paradise Corner Children's Centre, long-time tenants, purchased the former Union School in the early 1990s. The administration of the day care centre has expressed an interest in designating the property to ensure the conservation of the school building, which they believe to be a rare structure type in the Hamilton area, and to facilitate ongoing maintenance and restoration of the building's heritage features through access to City grant and loan funding.

Designation under Part IV of the <u>Ontario Heritage Act</u> allows municipalities to recognize a property's cultural heritage value of 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. 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 screening has been undertaken through this staff Report (see Analysis/Rationale for Recommendation section of this Report) using the criteria contained in *Ontario Regulation 9/06* (see Appendix "E") to determine if the property warrants inclusion in the municipal Register, and to determine if further Cultural Heritage Assessment work is warranted. Inclusion of the subject property in the Register enables staff to monitor any changes to the property, encourages the retention of its heritage attributes, and ensures adequate documentation, prior to demolition.

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This Report also identifies a staff recommendation for the workplan priority for further Cultural Heritage Assessment work within the context of a 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/LEGISLATED REQUIREMENTS

Urban Hamilton Official Plan:

Volume 1, Section 3.4 - Cultural Heritage Resources Policies of the Council-adopted (July 9, 2009) Urban Hamilton Official Plan states that the City shall "protect and conserve the tangible cultural heritage resources of the City, including archaeological resource, built heritage resources, and cultural heritage landscapes" (Volume 1,

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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" (Volume 1, 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" (Volume 1, 3.4.2.3).

These policies demonstrate Council's commitment to the identification, protection, and conservation of cultural heritage resources, and the recommendations of this Report meet the intent of these policies.

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. 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 property owner has requested designation, and will be informed of the recommendations of this Report. Further, 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. 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

634 Rymal Road West (Hamilton) (Paradise Corner Children's Centre and Former Union School):

634 Rymal Road West (Hamilton) is a 3.57 acre property on the northeast corner of Rymal Road West and Upper Paradise Road. The property is comprised of a one-storey, brick school house, constructed as the Union School in 1927. The historic school underwent adaptive reuse when purchased in the early 1990s to serve as the non-profit, Paradise Corner Children's Centre, day-care facility. The property is considered to have design and physical value, and historical and associative value.

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Preliminary Evaluation - Ontario Regulation 9/06:

In 2006, the Province issued criteria for determining cultural heritage value or interest under the <u>Ontario Heritage Act</u>. 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. <u>Design or Physical Value:</u>

634 Rymal Road West is a representative example of rural one-room school houses, constructed from the 1800s into the early 1900s. The existing building was constructed in 1927, and it has design value as being representative of 1920-30s construction and displaying Tudor Revival design influences. The building is also a largely intact example of a one-room school house, which is a relatively rare structure type in the City of Hamilton, particularly as it has not been extensively altered to accommodate a non-school use.

The design value of the property is demonstrated by the exterior features of the building, including: the one-storey, one-room structure of the original 1927 school; the two symmetrical projecting front entrances - one for male students and one for female students, with Tudor Revival inspired cladding and eaves; the decorative brick parapet inscribed "Union No. 3, A.B.G 1927"; patterned brick; the metal and Georgian-wire glass windows in the lower level; the four-over-four wood windows on the north wall of the classroom; and the bell tower (to be reconstructed).

The design value of the property also lies in its interior features, which include: the original school bell, manufactured in 1826, by the Meneely Bell Foundry of West Troy, New York, and the interior housing for the bell pull; the slate blackboard; wood flooring and trim; and the raised framed stage, located at the front of the classroom in-between the two front entrances.

2. <u>Historical or Associative Value:</u>

The first Union School Section No. 3, at 634 Rymal Road West, was established in 1800 to educate the children of early settlers in the area. The existing building was constructed in 1927, with additions in 1954 and 1957. The student population declined in the 1960s, and since the 1980s, the former Union School has housed the non-profit day-care, Paradise Corner Children's Centre. The property has associations with the development of Barton Township and of the public education system.

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3. **Contextual Value:**

The school building is in its original location; however, the context of the existing former Union School building has changed since its construction. The building is setback from the street, and situated at a higher elevation than the surrounding lands, which provides the property a distinct character within the surrounding suburban fabric. The property is not considered to have contextual value.

Conclusion:

634 Rymal Road West (Hamilton) is considered to have design and physical value, and historical and associative value. Staff concludes that the property is of potential cultural heritage value or interest sufficient to warrant its inclusion in the City of Hamilton Register of Property of Cultural Heritage Value or Interest, and 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 634 Rymal Road West (Hamilton) be assigned a low priority within the staff work program. Staff recommends that this work be a low priority because the property does not appear to be subject to pressure for alteration, demolition, vacancy, or other threats to the cultural heritage value of the property. Staff recommends that the cultural heritage assessment work be assigned a low priority provided that the property be included in the City of Hamilton Register of Property of Cultural Heritage Value or Interest.

Inclusion on the Register will allow staff the opportunity to obtain documentation of the history and construction of the building should a notice of intention to demolish be received by Council, or if a development application under the <u>Planning Act</u> is received.

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 2019, and would not displace any of the existing priorities (see Appendix "G").

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ALTERNATIVES FOR CONSIDERATION

Council may consider the following alternatives:

- 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).
- Council may assign a different work program priority for further Cultural Heritage Assessment than recommended by staff. Given the consideration of all the factors noted in the Analysis/Rationale for Recommendation section of this Report, staff is of the opinion that the recommended work program priority is warranted.
- Council may decide not to include the subject property in the municipal Register of Property of Cultural Heritage Value or Interest. If the property is not included in the Register, then the municipality would be unable to protect the heritage resource from demolition and/or review any potential redevelopment. This alternative is not considered to be an appropriate conservation alternative.

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN:

Strategic Priority #1 - A Prosperous and Healthy Community:

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective:

1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

Staff Comment:

The inclusion of this property in the Register will allow staff the opportunity to review any proposed demolition, new development, or redevelopment on or adjacent to the subject property to ensure consistency with the City's approved planning polices. There is demonstrated public interest in the cultural heritage value of this property (inclusion in the City's Inventory and this request) and its conservation as a community resource. The approval of the recommendations of this Report acknowledges this public interest.

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APPENDICES / SCHEDULES

- Appendix "A": Request for Designation
- Appendix "B": Location Map
- Appendix "C": Photographs
- Appendix "D": Council-Approved Designation Process
- Appendix "E": Ontario Regulation 9/06
- Appendix "F": Requests to Designate Properties Under Part IV of the <u>Ontario</u> <u>Heritage Act</u>: Priorities (as Amended by Report PED13130)
- Appendix "G": Requests to Designate Properties Under Part IV of the <u>Ontario</u> <u>Heritage Act</u>: Priorities (as Amended by Report PED13160)

:MH Attachs. (7)



RECEIVED
JUN 1 1 2013

Manning Department Planning and Economic Development Department City Hall

attention Heghan House / Alissa Golden

Please accept this letter of intention, as our desire to initiate the Heritage Designation Process on behalf of Upper Poundise Corner Childrens Centre Inc. Union School, 634 Rymal Road W. Hamilton.

We have reviewed the information provided regarding the Heritage Designation Process and have done some early archival research at the Educational Archives and Heritage Contre. It is aum that Union School merits consideration.

We are very new to this process and welcome any assistance and expertise of committee members regarding evaluating the heritage value and significance of our building and property.

upper faradise corner childrens Contre has been fortunate to be housed in Union School since our inception on February 14 1983.

On Harch 26 1991 Paradise Corner accepted the terms of sale offered by the Board of Education.

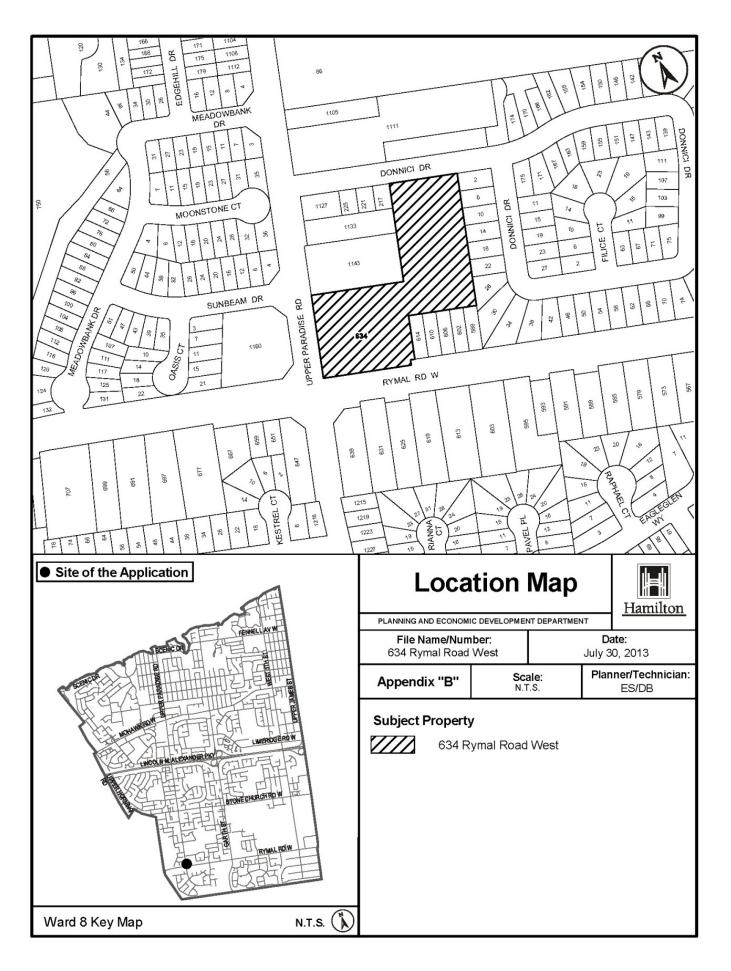
on the occasion of our 25th anniversary (Feb. 14 2008) we researched the history of Union School, Section #3,

A.B + G., using official minute books, registers and documents courtesy of the Educational Archives and Heritage Centre L. have enclosed a copy of same, for your perusal.

We strive to preserve this rich educational heritage, that is our home.

With Kindest Regards Jill Penny Centre Co-Ordinator

Partners in Education





Front (south) façade



Front (south) and side (east) façades with side addition



Rear (north) and side (west) façades with rear addition



Side (west) façade (2013)



1876 school bell



Hardware for bell pull in ceiling



Interior of one-room school house, showing entrances and stage



Slate blackboard



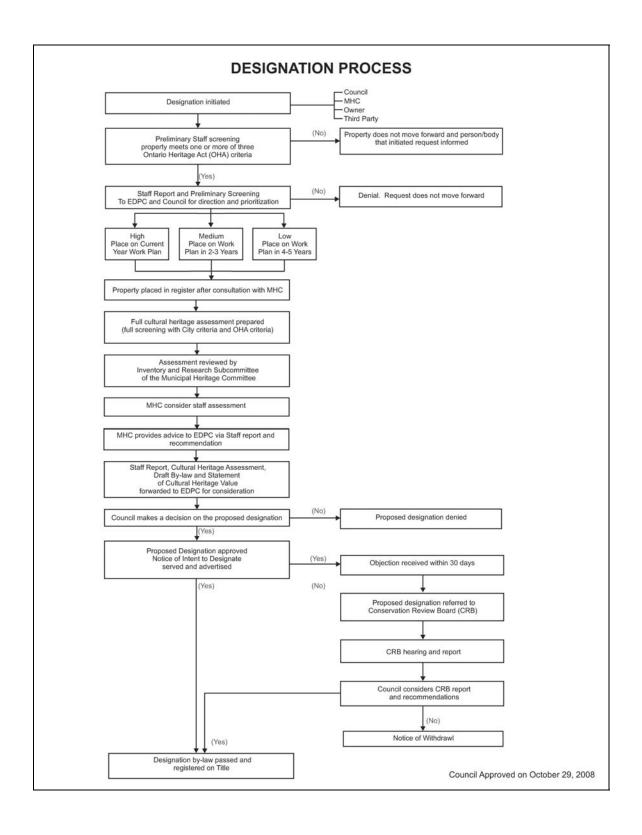
Interior of two front entrance



Front façade detailing and decorative parapet Window openings on either side of front entrance



View of the property from the intersection of Rymal Road West and Upper Paradise Road



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:
 - 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 <u>Ontario Heritage Act</u>: Priorities (as amended by Report PED13130)

<u>Year</u>	<u>Property</u>	Date of Request
		request
2013	104 King Street West, Dundas (Dundas Post Office)	24-Sep-09
2013	71 Claremont Drive, Hamilton	28-May-09
2013	82-112 King Street East , Hamilton (Royal Connaught)	09-Apr-08
2013	167 Book Road, Ancaster	24-May-07
2013	1284 Main Street East, Hamilton (Delta Secondary School)	17-May-12
2014	52-56 Charlton Avenue West, Hamilton	24-Apr-07
2014	91 John Street South, Hamilton	25-Oct-07
2014	140 Locke Street South, Hamilton	03-Jun-09
2014	3027 Homestead Drive, Mount Hope	24-Jan-08
2015	1395-1401 King Street East, Hamilton	04-Aug-09
2015	1062 Golf Club Road, Binbrook (Woodburn)	27-Mar-08
2015	Gage Park, Hamilton	23-Mar-06
2015	Gore Park, Hamilton	24-Apr-08
2016	Tisdale House, Ancaster	16-Aug-01
2016	111 Kenilworth Access, Hamilton (Barton Reservoir)	26-Feb-09
2016	262 MacNab Street North, Hamilton	18-Dec-08
2016	Desjardins Canal, Dundas	26-Feb-09
2017	1065 Highway 8, Stoney Creek	27-Aug-09
2017	170 Longwood Road North, Hamilton	15-Feb-11
2017	4-12 John Street North, Hamilton (Treble Hall)	08-Feb-11
2017	7 Ravenscliffe Avenue, Hamilton	10-Jun-11
2018	39 Lakeview Drive, Stoney Creek	17-Feb-11
2018	231 Ferguson Avenue South (Ferguson Avenue Pumping	18-Oct-11
	Station), Hamilton	
2018	2251 Rymal Road East, Stoney Creek (Former Elfrida	20-Dec-12
	Church)	
2018	105 Erie Avenue, Hamilton	02-May-13

Requests to Designate Properties under Part IV of the <u>Ontario Heritage Act</u>: Priorities (as amended by this Report)

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2014	91 John Street South, Hamilton	25-Oct-07
2014	140 Locke Street South, Hamilton	03-Jun-09
2014	3027 Homestead Drive, Mount Hope	24-Jan-08
2015	1395-1401 King Street East, Hamilton	04-Aug-09
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2015	Gage Park, Hamilton	23-Mar-06
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2016	111 Kenilworth Access, Hamilton (Barton Reservoir)	26-Feb-09
2016	262 MacNab Street North, Hamilton	18-Dec-08
2016	Desjardins Canal, Dundas	26-Feb-09
2017	1065 Highway 8, Stoney Creek	27-Aug-09
2017	170 Longwood Road North, Hamilton	15-Feb-11
2017	4-12 John Street North, Hamilton (Treble Hall)	08-Feb-11
2017	7 Ravenscliffe Avenue, Hamilton	10-Jun-11
2018	39 Lakeview Drive, Stoney Creek	17-Feb-11
2018	231 Ferguson Avenue South (Ferguson Avenue Pumping	18-Oct-11
	Station), Hamilton	
2018	2251 Rymal Road East, Stoney Creek (Former Elfrida	20-Dec-12
	Church)	
2018	105 Erie Avenue, Hamilton	02-May-13
2019	634 Rymal Road West, Hamilton (Paradise Corner Children's Centre and Former Union School)	07-June-13