



Hamilton

**HAMILTON MUNICIPAL HERITAGE COMMITTEE
REPORT 15-011**

12:00 p.m.

Thursday, November 26, 2015

Room 264, 2nd Floor

Hamilton City Hall

71 Main Street West

Present: Councillors A. Johnson, M. Pearson, J. Partridge
W. Arndt, D. Beland, A. Denham-Robinson (Chair), C. Dimitry,
W. Furlan, K. Garay, T. Ritchie, K. Stacey, T. Wallis (Vice Chair),
R. Sinclair

Absent with Regrets: M. McGaw

**THE HAMILTON MUNICIPAL HERITAGE COMMITTEE PRESENTS REPORT 15-011
AND RESPECTFULLY RECOMMENDS:**

1. **Heritage Permit Application HP2015-039 to Demolish 1 St. James Place, Hamilton, under Section 34 of the *Ontario Heritage Act* (PED15200) (Ward 2) (Item 8.2)**
 - (a) That Heritage Permit Application HP2015-039 to demolish the building located at 1 St. James Place, Hamilton, under Section 34 of the *Ontario Heritage Act*, attached hereto as Appendix "A" to report 15-011, be refused.
 - (b) That appropriate notice of the Council decision be served on the owner of 1 St. James Place, Hamilton, and the Ontario Heritage Trust, as required under Section 34 of the *Ontario Heritage Act*.

2. **Request to Remove 2251 Rymal Road East (Former Elfrida Church) from the Register of Property of Cultural Heritage Value or Interest and from the Workplan for Designation (PED15173) (Ward 9) (Item 8.1)**
 - (a) That the request to remove 2251 Rymal Road East (Stoney Creek) (former Elfrida Church) from the Register of Property of Cultural Heritage Value or Interest be denied;

- (b) That the request to remove 2251 Rymal Road East (Stoney Creek) (former Elfrida Church) from the workplan for designation be denied;
- (c) Pursuant to Section 27(5) of the *Ontario Heritage Act*, that the Hamilton Municipal Heritage Committee request that Council require that any notice of intention to demolish or remove any structure or building on the registered property shown in Appendix "A" of Report PED15173, include a Cultural Heritage Impact Assessment report, to the satisfaction and approval of the Director of Planning and Chief Planner; and,
- (d) That Report PED15173, attached hereto as Appendix "B" to Report 15-011, be forwarded to the owner of 2251 Rymal Road East (Stoney Creek) (former Elfrida Church) for information.

FOR THE INFORMATION OF THE COMMITTEE:

(a) CHANGES TO THE AGENDA (Item 1)

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

- (i) Added as Item 4.2 - Delegation request from Mr. Victor Veri, respecting Heritage Permit Application HP2015-039 to Demolish 1 St. James Place, Hamilton, under Section 34 of the *Ontario Heritage Act* (PED15200) (Item 8.2).
- (ii) Added as Item 4.3 - Delegation request from Mr. Wayne Belcourt, Peto MacCallum, respecting Heritage Permit Application HP2015-039 to Demolish 1 St. James Place, Hamilton, under Section 34 of the *Ontario Heritage Act* (PED15200) (Item 8.2).
- (iii) Added as Item 4.4 - Delegation request from Mr. David Sa, respecting Heritage Permit Application HP2015-039 to Demolish 1 St. James Place, Hamilton, under Section 34 of the *Ontario Heritage Act* (PED15200) (Item 8.2).
- (iv) Added as Item 4.5 - Delegation request from Mr. Wei Fan, respecting Heritage Permit Application HP2015-039 to Demolish 1 St. James Place, Hamilton, under Section 34 of the *Ontario Heritage Act* (PED15200) (Item 8.2).
- (v) Added as Item 4.6 - Delegation request from Ms. Janice Brown, Durand Neighbourhood Association, respecting Heritage Permit Application HP2015-039 to Demolish 1 St. James Place, Hamilton, under Section 34 of the *Ontario Heritage Act* (PED15200) (Item 8.2).

- (vi) Added as Item 4.7 – Delegation from Ms. Sarah Pierson, respecting Heritage Permit Application HP2015-039 to Demolish 1 St. James Place, Hamilton, under Section 34 of the *Ontario Heritage Act* (PED15200) (Item 8.2).
- (vii) Added as Item 5.3 - Policy & Design Working Group Meeting Notes, November 2, 2015.

The Agenda for the November 26, 2015 Hamilton Municipal Heritage Committee was approved, as amended.

3. Inventory & Research Working Group Meeting Notes – November 24, 2014 (Item 5.1)

(a) 601 Barton Street East, Hamilton (Former Gibson School)

That 601 Barton Street East, Hamilton (Former Gibson School), be included in the Register of Property of Cultural Heritage Value or Interest as a non-designated property.

4. Policy & Design Working Group Meeting Notes – November 2, 2015 (Added Item 5.3)

(a) Revised Cultural Heritage Impact Assessment for 1 Redfern Avenue, Hamilton

That the Cultural Heritage Impact Assessment report for 1 Redfern Avenue be accepted, as submitted.

(b) Cultural Heritage Impact Assessment for 1143 Wilson Street West, Ancaster

- (i) That the applicant explore options to retain the property in its current location and explore adaptive reuse options.
- (ii) If retention of the building on site is not feasible, relocation of the existing building is considered to be an acceptable alternative and the following conditions are recommended to ensure adequate conservation of the heritage resource:
 - (1) That the applicant retain an engineer with documented heritage experience to conduct a study of the structural integrity of the building to determine the feasibility of its relocation;

- (2) That detailed plans and elevations be prepared to fully document the building prior to relocation;
- (3) That the City obtain securities to cover the estimated cost of relocating and restoring the building in its new location;
- (4) That the building, once relocated to another property, be included in the Register of Property of Cultural Heritage Value or Interest as a non-designated property.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)

(i) October 15, 2015 (Item 3.1)

The Minutes of the October 15, 2015 meeting of the Hamilton Municipal Heritage Committee were approved, as presented.

(d) DELEGATION REQUESTS (Item 4)

(i) Delegation request from Dr. Mark Levine, Private citizen and Resident of St James Place, respecting Heritage Permit Application HP2015-039 to Demolish 1 St. James Place, Hamilton, under Section 34 of the Ontario Heritage Act (PED15200) (Item 8.2) (for today's meeting) (Item 4.1)

The Delegation request from Dr. Mark Levine, Private citizen and Resident of St James Place, respecting the Heritage Permit Application HP2015-039 to Demolish 1 St. James Place, Hamilton, under Section 34 of the Ontario Heritage Act (PED15200) (Item 8.2), was approved, for today's meeting.

(ii) Delegation request from Mr. Victor Veri, respecting Heritage Permit Application HP2015-039 to Demolish 1 St. James Place, Hamilton, under Section 34 of the Ontario Heritage Act (PED15200) (Item 8.2) (for today's meeting) (Added Item 4.2)

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- (iii) **Delegation request from Mr. Wayne Belcourt, Peto MacCallum Ltd., respecting the Heritage Permit Application HP2015-039 to Demolish 1 St. James Place, Hamilton, under Section 34 of the Ontario Heritage Act (PED15200) (Item 8.2) (for today's meeting) (Added Item 4.3)**

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- (iv) **Delegation request from Mr. David Sa, respecting the Heritage Permit Application HP2015-039 to Demolish 1 St. James Place, Hamilton, under Section 34 of the Ontario Heritage Act (PED15200) (Item 8.2) (for today's meeting) (Added Item 4.4)**

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- (v) **Delegation request from Mr. Wei Fan, respecting the Heritage Permit Application HP2015-039 to Demolish 1 St. James Place, Hamilton, under Section 34 of the Ontario Heritage Act (PED15200) (Item 8.2) (for today's meeting) (Added Item 4.5)**

The Delegation request from Mr. Wei Fan, respecting the Heritage Permit Application HP2015-039 to Demolish 1 St. James Place, Hamilton, under Section 34 of the Ontario Heritage Act (PED15200) (Item 8.2), was approved, for today's meeting.

- (vi) **Delegation request from Ms. Janice Brown, Durand Neighbourhood Association, respecting the Heritage Permit Application HP2015-039 to Demolish 1 St. James Place, Hamilton, under Section 34 of the Ontario Heritage Act (PED15200) (Item 8.2) (for today's meeting) (Added Item 4.6)**

The Delegation request from Ms. Janice Brown, Durand Neighbourhood Association, respecting the Heritage Permit Application HP2015-039 to Demolish 1 St. James Place, Hamilton, under Section 34 of the Ontario Heritage Act (PED15200) (Item 8.2), was approved, for today's meeting.

- (vii) **Delegation request from Ms. Sarah Pierson, respecting the Heritage Permit Application HP2015-039 to Demolish 1 St. James Place, Hamilton, under Section 34 of the Ontario Heritage Act (PED15200) (Item 8.2) (for today's meeting) (Added Item 4.7).**

(Sinclair/Beland)

The Delegation request from Ms. Sarah Pierson, respecting the Heritage Permit Application HP2015-039 to Demolish 1 St. James Place, Hamilton, under Section 34 of the Ontario Heritage Act (PED15200) (Item 8.2), was approved, for today's meeting.

(e) CONSENT ITEMS (Item 5)

- (i) **Inventory & Research Working Group Meeting Notes – July 27, 2015 (Item 5.2)**

The July 27, 2015 Inventory & Research Working Group Notes, be received, as presented.

- (iii) **Policy & Design Working Group Meeting Notes – November 2, 2015 (Added Item 5.3)**

W. Furlan and T. Ritchie requested to be recorded as OPPOSED to the approval of Sub-section "B" of the November 2, 2015 Policy & Design Working Group Meeting Notes.

For further disposition of this matter, refer to Item 4.

(f) PUBLIC HEARINGS / DELEGATIONS (Item 6)

Heritage Permit Application HP2015-039 to Demolish 1 St. James Place, Hamilton, under Section 34 of the *Ontario Heritage Act* (PED15200) (Item 8.2)

- (i) **Dr. Mark Levine, Private citizen and Resident of St James Place**

Dr. Levine addressed the Committee with the aid of speaking notes. A copy of the speaking notes have been added to the public record. Dr. Levine's comments included, but were not limited to:

- Dr. Levine has lived at 20 St James Place for the past 23 years
- St James Place has been a tranquil residential haven for over 100 years

- Dr. Adrian Yaffee, one of Hamilton's first cardiologists lived at 1 St James Place, and raised his family there and lived there well into his 90's
- the next owner invested considerable time and effort in renovations to maintain the house
- Dr. Levine asks that the current owners to fix the mould and make 1 St James Place habitable, or sell the property

The presentation provided by Dr. Mark Levine respecting the Heritage Permit Application HP2015-039 to Demolish 1 St. James Place, Hamilton, under Section 34 of the *Ontario Heritage Act* (PED15200) (Item 8.2), was received.

(ii) Ms. Janice Brown, Durand Neighbourhood Association

Ms. Brown, Durand Neighbourhood Association, addressed the Committee with the aid of speaking notes. A copy of the speaking notes have been added to the public record. Ms. Brown's comments included, but were not limited to:

- 1 St James Place, Hamilton, was built by a famous contractor and famous architect, William Russell Souter and Joseph Pigott
- additionally it is a complete, rare surviving, classic example of the beginnings of the international Art Moderne movement in our country
- 1 St James Place, Hamilton, is linked to a rare sister home, specifically the Hale house at 16 Inglewood Drive, Hamilton and it was constructed the same year in 1936
- The architecture of the property is a snapshot of the changing times in the Durand in the 1930's

The presentation from Ms. Janice Brown, respecting Heritage Permit Application HP2015-039 to Demolish 1 St. James Place, Hamilton, under Section 34 of the *Ontario Heritage Act* (PED15200) (Item 8.2), was received.

(iii) Mr. Victor Veri

Mr. Veri addressed the Committee with the aid of speaking notes. A copy of the speaking notes have been added to the public record. Mr. Veri's comments included, but were not limited to:

- The house was built as an experiment
- Mr. Veri's investigation of the house demonstrates that the deterioration of the house has been gradual over the years

- In some places, the cork insulation in the walls is now mush and has no structural value left
- The cork, unprotected from air or ground moisture, is the cause of the mould in the building.
- Key features of this house were doomed to deteriorate since the day it was built
- There is no access to the roof from inside the house
- There is no access to the attic from inside or outside the house

The presentation from Mr. Victor Veri, respecting Heritage Permit Application HP2015-039 to Demolish 1 St. James Place, Hamilton, under Section 34 of the *Ontario Heritage Act* (PED15200) (Item 8.2), was received.

(iv) Mr. Wayne Belcourt, Peto MacCallum Ltd.

Mr. Wayne Belcourt, of Peto MacCallum Ltd., addressed the Committee with the aid of speaking notes. A copy of Mr. Belcourt's speaking notes have been added to the public record. Mr. Belcourt's comments included, but were not limited to:

- Peto MacCallum Ltd. were retained by St. James No. 1 Inc. to conduct an additional investigation to determine the possible presence of mould in the foundation walls and exterior walls of the existing dwelling at 1 St. James Place
- The stucco house at 1 St. James Place was designed and built without any secondary moisture barrier
- The original 'smooth' stucco has resulted in moisture and mould damage
- There is no way to remove the mould, correct the moisture problem and redesign the walls without major demolition
- To maintain this house to the original design and construction would be irresponsible as the construction only serves to show how not to construct a house
- To fast track this property to obtain a heritage designation without conducting a thorough investigation into whether this property is sustainable was also irresponsible
- The fact that the original builders obtained a patent for this new house design but only constructed two houses says volumes
- This house design is a failure and is not fit for occupancy
- In our opinion, it would be useless to attempt to repair this house as it represents poor design only, not heritage significance
- The costs to completely reconstruct the house would be in excess of its property value and therefore not feasible
- The best solution to resolve the moisture, mould and poor design issues is to demolish the house

The presentation from Mr. Wayne Belcourt, respecting Heritage Permit Application HP2015-039 to Demolish 1 St. James Place, Hamilton, under Section 34 of the *Ontario Heritage Act* (PED15200) (Item 8.2), was received.

(v) Mr. David Sa

Mr. David Sa addressed the Committee with the aid of speaking notes. A copy of the speaking notes have been added to the public record. Mr. Sa's comments included, but were not limited to:

- Mr. Veri approached Mr. Sa's company, Saco Insurance Brokers Inc., to insure the property at 1 St. James Place, Hamilton
- Mr. Sa is also the person who sold the property to Mr. Veri
- Deterioration is now at a level that Saco Insurance Brokers Inc. may have to cancel insurance
- The property no longer meets the underwriters' guidelines

The presentation from Mr. David Sa, respecting Heritage Permit Application HP2015-039 to Demolish 1 St. James Place, Hamilton, under Section 34 of the *Ontario Heritage Act* (PED15200) (Item 8.2), was received.

(vi) Mr. Wei Fan

Mr. Victor Veri was permitted to speak on behalf of Mr. Wei Fan respecting the Heritage Permit Application HP2015-039 to Demolish 1 St. James Place, Hamilton, under Section 34 of the *Ontario Heritage Act* (PED15200) (Item 8.2).

Mr. Veri addressed the Committee on behalf of Mr. Fan, and reiterated Mr. Fan's position on the property at 1 St. James Place, Hamilton. Mr. Veri's on behalf of Mr. Fan's comments included, but were not limited to:

- Mr. Fan is the person responsible for cutting the grass at the property
- The cork in the basement and walls are beyond repair
- The mould situation grew worse in June 2015
- The state of the home has become a health and safety issue

The presentation from Mr. Victor Veri, on behalf of Mr. Wei Fan, respecting the Heritage Permit Application HP2015-039 to Demolish 1 St. James Place, Hamilton, under Section 34 of the *Ontario Heritage Act* (PED15200) (Item 8.2), was received.

(vii) Ms. Sarah Pierson

Ms. Pierson addressed the Committee with the aid of speaking notes. A copy of the speaking notes have been added to the public record. Ms. Pierson's comments included, but were not limited to:

- Ms. Pierson introduced herself as the great-grandchild of Joseph Pigott, the Contractor of 1 St. James Place, Hamilton
- Ms. Pierson also introduced her mother, Judith Pigott, the eldest grandchild of Joseph Pigott
- Joseph Pigott created what was at one time North America's largest construction company
- In 1935, Joseph Pigott started a division called Pigott Built Homes
- Mr. Pigott built only two homes under this banner, on Inglewood Drive, and at 1 St. James Place before he had to abandon the division for other, larger projects
- Mr. Pigott was appointed by C. D. Howe to be in charge of war time housing with a budget of some \$80 million in the 1940's
- Ms. Pierson asked that 1 St. James Place be protected as part of the great legacy of Joseph Pigott

The presentation from Ms. Sarah Pierson, respecting the Heritage Permit Application HP2015-039 to Demolish 1 St. James Place, Hamilton, under Section 34 of the *Ontario Heritage Act* (PED15200) (Item 8.2), was received.

For disposition of Heritage Permit Application HP2015-039 to Demolish 1 St. James Place, Hamilton, under Section 34 of the *Ontario Heritage Act* (PED15200) (Item 8.2), refer to Item 1.

(g) DISCUSSION ITEMS (Item 8)

- (i) Request to Remove 2251 Rymal Road East (Former Elfrida Church) from the Register of Property of Cultural Heritage Value or Interest and from the Workplan for Designation (PED15173) (Ward 9) (Item 8.1)**

Chelsey Tyers, Cultural Heritage Planner, provided an overview of the report.

Mr. Graeme Tosh, owner of the property at 2251 Rymal Road East, Stoney Creek, was permitted to speak to Report PED15173 respecting a Request to Remove 2251 Rymal Road East (Former Elfrida Church) from the Register of Property of Cultural Heritage Value or Interest and from the Workplan for Designation (Item 8.1).

Mr. Tosh addressed the Committee. His comments included, but were not limited to:

- Many of the heritage attributes of the building have been removed over the years
- Repairs to the property have been completed on an ad-hoc basis
- Selling the property has proven difficult due to the heritage status of the building

The presentation from Mr. Graeme Tosh respecting a Request to Remove 2251 Rymal Road East (Former Elfrida Church) from the Register of Property of Cultural Heritage Value or Interest and from the Workplan for Designation (PED15173) (Ward 9) (Item 8.1), was received.

For further disposition of this matter, refer to Item 2.

(h) GENERAL INFORMATION/OTHER BUSINESS (Item 11)

(i) Conservation Review Board Report CRB1404 Respecting the Notice of Intention to Designate (NOID) 1 St. James Place, Hamilton (PED15133) (Ward 2) (Item 11.1)

Report PED15133 respecting a Conservation Review Board Report CRB1404 respecting the Notice of Intention to Designate (NOID) 1 St. James Place, Hamilton, was received.

(ii) Verbal Update respecting the Waterdown-East Flamborough Heritage Society & Archives, 25th Annual Book Fair, November 7, 2015 (no copy) (Item 11.2)

The Verbal Update respecting the Waterdown-East Flamborough Heritage Society & Archives, 25th Annual Book Fair, November 7, 2015, was received.

(iii) Verbal Update from the Cultural Heritage Planner respecting 1143 Wilson Street West (DA-15-018) (no copy) (Item 11.3)

The Verbal Update from the Cultural Heritage Planner respecting 1143 Wilson Street West (DA-15-018), was received.

(iv) Update on Chedoke House (1 Balfour Drive, Hamilton) (Item 11.4)

The Update on Chedoke House (1 Balfour Drive, Hamilton), was received.

(v) Preliminary Screening for the Request to Designate 39, 43 and 49 Charlton Avenue East, 40 and 50 Forest Avenue, and 183, 187 and 189 Hughson Street South in Hamilton Under Part IV of the Ontario Heritage Act (PED15169) (Ward 2) (Item 11.5)

Report PED15169 respecting a Preliminary Screening for the Request to Designate 39, 43 and 49 Charlton Avenue East, 40 and 50 Forest Avenue, and 183, 187 and 189 Hughson Street South in Hamilton Under Part IV of the Ontario Heritage Act, was received.

(vi) Buildings and Landscapes (Item 11.6)

The updates for items listed in 11.6, were 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)
- (i) Tivoli, 108 James Street North, Hamilton (D) – A. Johnson
 - (ii) Book House, 167 Book Road East, Ancaster (R) – M. McGaw
 - (iii) Andrew Sloss House, 372 Butter Road West, Ancaster (D) – M. McGaw
 - (iv) Century Manor, 100 West 5th Street, Hamilton (D) – K. Garay
 - (v) Beach Canal Lighthouse (D) – J. Partridge
 - (vi) 1 Jones Street, Stoney Creek (R) – M. Pearson
 - (vii) 18-22 King Street East, Hamilton (R)(NOI) – K. Stacey

Cultural Heritage Planning staff advised of the heritage status of the property and the Conservation Review Board pre-hearing conference on December 3, 2015. Cultural Heritage Planning staff also advised that Municipal Law Enforcement staff are currently addressing property standards issues raised by the Committee member

- (viii) 24-28 King Street East, Hamilton (R)(NOI) – K. Stacey
- (ix) 1 St. James Place, Hamilton (D) – K. Stacey
- (x) All Saints Church, 15 Queen Street South (L) – D. Beland
- (xii) Hermitage Ruins, 739 Sulphur Springs Rd, Ancaster (D – R. Sinclair
- (xiii) 354 King Street West, Hamilton (Mount St. Joseph Building/McMaster Children’s Hospital) – A. Johnson
- (xv) 43-51 King Street East, Hamilton (Kresge Property) (R) – K. Stacey

(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)

- (i) Delta High School, 1284 Main Street East, Hamilton (D) – D. Beland
- (ii) James Street Baptist Church, 96 James Street South, Hamilton (D) – A. Denham-Robinson
- (iii) Centenary Church, 24 Main Street West (R) – D. Beland
- (iv) Pearson Home, 493 Dundas Street East, Waterdown (D) – J. Partridge / W. Arndt
- (v) Charlton Hall, 52-56 Charlton Avenue West (D)
- (vi) St. Giles United Church, 85 Holton Avenue South (L) – D. Beland
- (vii) 33 Bowen Street, Hamilton (R) - T. Ritchie
- (viii) 2251 Rymal Road East, Stoney Creek (R) – C. Dmitry

- (c) Heritage Properties Update (green):
(Green = Properties whose status is stable)
- (i) The Royal Connaught Hotel, 112 King Street East, Hamilton (R) – T. Ritchie
 - (ii) Treble Hall, 4-12 John Street North, Hamilton (R) – T. Ritchie

Cultural Heritage Planning staff advised that the property is included in the Register and is on staff's work program for designation. The property is not currently subject to the Heritage Permit process. However, any development proposals requiring a Planning Act application would be reviewed internally by staff.
 - (iii) (Thomas Building) 46 - 52 James Street North, Hamilton (D) – R. Sinclair

The site is believed to be contaminated with dry cleaning fluid.
 - (iv) Desjardins Canal, Dundas, Hamilton (R) – K. Stacey
 - (v) St. Marks, 120 Bay Street South, Hamilton (D) – A. Denham-Robinson
 - (vi) Auchmar, 88 Fennell Avenue West, Hamilton (D) – K. Garay
 - (vii) Westdale Theatre, 1014 King Street West, Hamilton (R) – A. Johnson / K. Stacey
 - (viii) Federal Building, 150 Main Street West (L) – R. Sinclair
 - (ix) Jimmy Thompson Pool, 1099 King Street E., Hamilton (R) – T. Ritchie
 - (x) Abrey-Zimmerman House, Courtcliffe Park, Flamborough (D) – J. Partridge
- (d) Heritage Properties Update (black):
(Black = Properties that HMHC have no control over and may be demolished)
- (i) Auchmar Gate House, Claremont Lodge 71 Claremont Drive (R) – K. Garay

(I) ADJOURNMENT (Item 12)

That, there being no further business, the Hamilton Municipal Heritage Committee, was adjourned at 2:45 p.m.

Respectfully submitted,

**Alissa Denham-Robinson, Chair
Hamilton Municipal Heritage Committee**

**Loren Kolar
Legislative Coordinator
Office of the City Clerk**



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Hamilton Municipal Heritage Committee
COMMITTEE DATE:	November 26, 2015
SUBJECT/REPORT NO:	Heritage Permit Application HP2015-039 to Demolish 1 St. James Place, Hamilton, under Section 34 of the <i>Ontario Heritage Act</i> (PED15200) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Alissa Golden Cultural Heritage Planner (905) 546-2424 Ext. 1214 Steve Robichaud Director of Planning and Chief Planner
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That Heritage Permit Application HP2015-039 to demolish the building located at 1 St. James Place, Hamilton, under Section 34 of the *Ontario Heritage Act*, be refused.
- (b) That appropriate notice of the Council decision be served on the owner of 1 St. James Place, Hamilton, and the Ontario Heritage Trust, as required under Section 34 of the *Ontario Heritage Act*.

EXECUTIVE SUMMARY

The owner of 1 St. James Place in Hamilton has submitted a Heritage Permit Application to demolish the two-storey building on the property, including the two side wings. The subject property is designated under Part IV of the *Ontario Heritage Act* by municipal By-law No. 15-222 and is a "protected heritage property" under the Provincial Policy Statement.

Staff have reviewed the documentation submitted with the application and have concluded there is insufficient evidence to support demolition of the building. The Heritage Permit Review Subcommittee of the Hamilton Municipal Heritage Committee were consulted and advised that the application be refused.

Staff concur with the advice of the Heritage Permit Review Subcommittee and recommend that Council refuse Heritage Permit Application HP2015-039 to demolish 1 St. James Place.

Alternatives for Consideration – See Page 10

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: This Heritage Permit application has been processed and considered within the context of the applicable legislation. Subsection 34(1) of the *Ontario Heritage Act* states that: “No owner of property designated under section 29 shall demolish or remove a building or structure on the property, or permit the demolition or removal of a building or structure on the property, unless the owner applies to the council of the municipality in which the property is situate and receives consent, in writing, to the demolition or removal.”

Subsection 34(2) of the *Ontario Heritage Act* states that: “Within 90 days after the notice of receipt is served on the applicant under subsection (1.2), or within such longer period as is agreed upon by the owner and the council, the council, after consultation with its municipal heritage committee, if one is established,

- (a) may,
 - (i) consent to the application;
 - (ii) consent to the application, subject to such terms and conditions as may be specified by the Council; or,
 - (iii) refuse the application;
- (b) shall give notice of its decision to the owner and to the Trust; and,
- (c) shall publish its decision in a newspaper having general circulation in the municipality.”

An application under Section 34 of the *Ontario Heritage Act* is deemed to have been consented to if Council fails to notify the owner of its decision within the prescribed 90-day period.

Staff issued a Notice of Receipt of the subject application on October 20, 2015, and the prescribed 90-day period will end on January 18, 2016. A letter has been received from the owner indicating they do not intend to proceed with the demolition at this time. However, under the *Ontario Heritage Act*, Council must still make its decision within 90 days or it will be deemed to have consented to the application to demolish.

HISTORICAL BACKGROUND

The subject property, 1 St. James Place, Hamilton, is located at the corner of St. James Place and James Street South and is designated under Part IV of the *Ontario Heritage Act* by municipal By-law No. 15-222 (see Location Map attached as Appendix “A” of this Report). The property is comprised of a two-storey dwelling constructed in 1935, with generous front and side yards. The cultural heritage value of the property lies in the building, which is a rare example of an innovative building technology and comprises a classically-proportioned residence with a symmetrical arrangement of facade and wings influenced by the Art Moderne use of smooth stucco and the delicate use of Art Deco decorative motifs. The residence, likely designed by the Hamilton architectural firm of Hutton and Souter, demonstrates the work and ideas of Joseph M. Pigott, President of Pigott Construction Company Ltd.

The designated attributes that contribute to the cultural heritage value of the property include exterior and interior built features, as well as landscape features of the front and side yards (see photographs attached as Appendix “B” of this Report).

The property owner has submitted a Heritage Permit Application to demolish the two-storey building in its entirety, including the two side wings.

The following is a chronology of relevant events to this application:

- | | |
|------------------------|--|
| <u>May 30, 2014:</u> | Notice of Intention to Designate (NOID) 1 St. James Place issued. |
| <u>June 26, 2014:</u> | City received two objections to NOID. |
| <u>February 2015:</u> | Owner reported interior flooding, believed to have been caused by a frozen water pipe. |
| <u>June 2-5, 2015:</u> | Conservation Review Board (CRB) hearing regarding NOID objections. |

SUBJECT: Heritage Permit Application HP2015-039 to Demolish 1 St. James Place, Hamilton, under Section 34 of the *Ontario Heritage Act* (PED15200) (Ward 2) - Page 4 of 28

- June 2015: Owner retained Pinchin Ltd. to investigate mould and air quality in building.
- July 24, 2015: CRB issued report on hearing (CRB1404), which found that:
- The City of Hamilton complied with the provisions of the *Ontario Heritage Act* when issuing the NOID for 1 St. James Place; and,
 - The property satisfies the criteria for determining cultural heritage value and is worthy of designation.
- August 2015: Owner retained Peto MacCallum Ltd. Consulting Engineers to investigate the condition of the building.
- September 21, 2015: Owner sends letter to Council objecting to proposed designation By-law and indicating an application to demolish is forthcoming.
- September 23, 2015: Council passed By-law No. 15-222 to designate the property under Part IV of the *Ontario Heritage Act*.
- October 14, 2015: Staff received Heritage Permit Application to demolish 1 St. James Place.
- October 20, 2015: Staff issued Notice of Receipt for application (HP2015-039).
- October 26, 2015: Staff site visit with applicant and consultant.
- October 27, 2015: Heritage Permit Review Subcommittee consulted on application.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014):

Section 2.6 of the Provincial Policy Statement (PPS) pertains to Cultural Heritage and Archaeology. Subsection 2.6.1 states that “*significant built heritage resources and significant cultural heritage landscapes shall be conserved*”. The subject property has been recognized as a significant built heritage resource that has been designated under Part IV of the *Ontario Heritage Act*. The conservation of built heritage resources, as defined in the PPS, relates to their identification, protection, management and use in a manner that ensures their cultural heritage value or interest is retained under the *Ontario Heritage Act*. The recommendations of this Report are consistent with this policy.

Urban Hamilton Official Plan:

Volume 1, Section 3.4 - Cultural Heritage Resources Policies of the Urban Hamilton Official Plan 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” (B.3.4.2.1(a)), and “encourage the rehabilitation, renovation, and restoration of built heritage resources in order that they remain in active use” (B.3.4.1.4).

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

RELEVANT CONSULTATION

Pursuant to section 34 of the *Ontario Heritage Act*, which requires that Council consult with its heritage committee where an application for demolition has been made, this matter was brought to the attention of the Heritage Permit Review Subcommittee (HPRS) of the Hamilton Municipal Heritage Committee on October 27, 2015.

The HPRS posed a number of questions during their review regarding the current state of the building and the scope of building condition assessment work completed to date. The following is a summary of the key questions and / or comments provided by the HPRS:

- Is the house currently being heated and ventilated adequately?
- Have the disconnected downspouts been reconnected?
- Has any landscaping been done to mitigate the foundation drainage issues?
- Does the house have a sump pump?
- Was a home inspection completed prior to purchasing the home in April 2014?
- Has an attempt been made to understand how the building science of the structure functioned historically?
- Why was comprehensive mould testing of the cork not completed?
- Can a peer review of the submitted documentation be conducted?
- Is the home insured? If so, has a claim been submitted to repair the water damage?
- Can mould grow on cork?
- The majority of the recommendations from the reports submitted with the application amount to general repairs necessary for any eighty-year-old-plus building.
- The mould and air quality are the main health and safety issues that need to be remedied.

Following a discussion with the applicant and their consultants, the HPRS advised Council to refuse the application, as submitted. The Recommendations of this Report are consistent with the advice from the HPRS.

The applicant has been advised of the staff recommendation for Council to refuse this application. Further, staff have provided the applicant with a summary of the questions and comments provided by HPRS, as well as additional questions from staff, as outlined in the Analysis and Rationale for Recommendation Section of this Report.

On November 9, 2015, staff received a letter from the owner indicating that they wish to withdraw the application to allow them time to conduct additional studies to support their proposal to demolish, and that they do not intend to proceed with the demolition at this time. However, under the *Ontario Heritage Act*, Council must still make its decision within 90 days or it will be deemed to have consented to the application to demolish.

At the time of writing this report, staff have received correspondence from five residents expressing their opposition to the demolition of 1 St. James Place (see correspondence attached as Appendix "C" to this Report).

The Legal Services Division, Office of the City Manager, and the Municipal Law Enforcement Section of the Parking and By-Law Services Division of the Planning and Economic Development Department were consulted in preparation of this Report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. Heritage Permit Application:

The applicant has requested approval to demolish the two-storey and flanking side wings and has submitted three documents in support of their application:

- Foundation Walls and Building Structure Investigation of 1 St. James Place, Hamilton, prepared for St. James No. 1 Inc., prepared by Peto MacCallum Ltd. Consulting Engineers on September 16, 2015 (the "structure report");
- Mould Air Monitoring Results Letter, prepared by Pinchin Ltd., prepared for St. James No. 1 Inc., prepared on June 23, 2015 (the "mould report"); and,
- Letter to Council from Mr. Victor Veri on behalf of St. James No. 1 Inc., dated September 21, 2015.

The owner has indicated they are requesting to demolish the building for the following reasons:

- The building has serious health, safety and environmental problems and likely structural problems;
- There is substantial mould in the house; and,

SUBJECT: Heritage Permit Application HP2015-039 to Demolish 1 St. James Place, Hamilton, under Section 34 of the *Ontario Heritage Act* (PED15200) (Ward 2) - Page 7 of 28

- The building is in an unsafe condition, has health issues and is not practicable to repair or restore.

Key factors that are considered in the evaluation of any change affecting a cultural heritage resource include:

- Displacement effects: those adverse actions that result in the damage, loss, or removal of heritage attributes; and,
- Disruption effects: those actions that result in detrimental changes to the setting or character of the heritage attributes.

The subject property is designated by municipal By-law No. 15-222, which protects the following attributes that contribute to the cultural heritage value of the property:

- All exterior features of 1 St. James Place, including:
 - All building facades of the existing house, including the side porch and side garage,
 - The cross-hip roof and existing chimneys, including the projecting end volumes; and,
 - All associated construction materials and techniques;
- All steel framing, concrete floor slabs and insulating cork;
- The interior staircase, including its terrazzo steps and metal handrail; and,
- The grassed front and side yards, including:
 - The central pathway; and,
 - The existing driveway.

The subject application would result in the displacement of the entire historic structure, including all exterior and interior built attributes, which would in turn disrupt the landscape features, comprised of the front and side yards. As such, the cultural heritage value of this significant built heritage resource would not be conserved.

2. Staff Assessment:

The two-storey dwelling located at 1 St. James Place was constructed in 1935 with a rare residential building construction technology comprised of wood, cork insulation, concrete floor slabs and steel framing, with a stucco cladding exterior. The exterior walls (from interior to exterior) consist of: 12 mm (1/2 inch) of painted cementitious plaster; 12 mm (1/2 inch) of gypsum board; 90 mm (3 1/2 inch) of steel channel studs and wood cross braces; 76 mm (3 inch) of cork insulation; and, exterior painted stucco (as identified in the structure report).

The applicant proposes that the water damage and subsequent mould growth is too significant to repair and impractical given the unique construction of the building, including the use of cork insulation. However, staff note that neither the mould

report nor the structure report confirm the presence of mould in the cork insulation, nor do they recommend removing the cork insulation, other than in the basement as part of the proposed foundation wall repairs.

a. Mould Report

The mould report submitted with the subject application indicates that mould growth was found in one location in the building, in the west closet of the second floor north bedroom, which is believed to be the result of a water leak from the ceiling. A white powdery substance, likely efflorescence, was reported on plaster walls in various locations. Two cork board samples were taken from the second floor, east bedroom and the northwest corner of the basement on June 8 and June 10, 2015, respectively. No mould was found in either of the physical samples. The mould report indicates that elevated levels of mould spores were found in the air sampling and states the following: "The mould air sample results indicate indoor air quality was being negatively impacted by mould growth at time of sampling and the elevated levels can also be attributed to lack of housekeeping". In conclusion, there are two recommendations made in the mould report:

- 1) Perform a thorough cleaning of horizontal surfaces within the house; and,
- 2) Clean surface mould from the plaster wall in the second floor north bedroom (following EACO Level 2 mould procedures).

b. Structure Report

The structure report submitted with the subject application indicates that the consulting engineers were retained to perform a full inspection on various building components and prepare a list of deficiencies with an estimate repair / replacement cost to bring the house to a state that is suitable for occupancy.

The objective of the report was to "identify the sources of the excessive moisture infiltration, high relative humidity, mould, cork insulation degradation, and building component deterioration." The building inspection conducted by the consulting engineers included: a visual assessment of the interior and exterior of the building; a test pit dug along the north side of the exterior foundation to visually inspect the wall and existing damp proofing; moisture vapour emission tests in the basement; ambient air temperature and relative humidity tests throughout the interior of the house; and, moisture content testing of the wall insulation and foundation walls.

The structure report concluded that there were "many deficiencies and requirements for repairs / replacement found within the building that must be addressed and require immediate attention, mainly related to moisture damage from the roof, walls and foundation". The structure report also noted that the

consultants had limited access and test openings into the walls, ceilings and roof to identify any hidden building deterioration, moisture infiltration and mould development.

Staff have summarized the 28 recommendations outlined in the structure report and have conducted a preliminary assessment of the potential impact of the recommendations on the designated heritage attributes (see Appendix "D" attached to this Report). The cost associated with the building repairs recommended in the structure report is estimated at \$315,960, and may be closer to \$395,000 to \$474,000, if a 25% to 50% contingency is considered.

Staff were granted access to the subject property to conduct a site visit on October 26, 2015, at which time staff walked through the interior and around the exterior of the building with the owner and their consulting engineer who conducted the structural investigation submitted with the application.

Upon review of the supporting documentation submitted with the application, the results of the site visit and the advice and comments provided by the Heritage Permit Review Subcommittee, staff conclude the following:

- The structure report does not indicate the building is structurally unsound or unsafe;
- Based on the testing done to date, the presence of mould in the cork insulation has not been confirmed;
- There are elevated moisture levels in the walls, which may promote mould growth;
- The extent of the repair work recommended through both the mould report and the structure report would not significantly disrupt or displace the designated heritage attributes (see Appendix "D" attached to this Report);
- The recommendations outlined in the structure report includes work that may not be necessary to make the building safe for occupancy (e.g., new carpeting, replacement tiles, new foundation waterproofing, installing new downspouts and new roofing for the garage and porch roofs, replacing exterior doors and garage door, replacing basement and garage windows, repainting metal sills, upgrading bathroom fixtures, upgrading lighting, and painting exterior walls);
 - Therefore, the cost of repairs to make the building safe for occupancy may be significantly less than estimated in the structure report;
- The owner has not contemplated or explored alternatives to demolition;
- The extent of the damage caused by the flooding that transpired in February 2015 has not been determined and may not have been adequately remedied;
- There has been no investigation into the possible cumulative effects of other factors that may be causing the elevated moisture levels in the building and foundation, including:
 - the leak that took place in February 2015 and the scope of remedial efforts following the incident;

- inadequate heating and ventilation; and,
- the condition of the existing drainage system (e.g., disconnected downspouts); and,
- The owner has not undertaken any remedial action to address the recommendations identified in the mould and structure reports, which may lead to further deterioration and mould growth.

c. Standards and Guidelines for the Conservation of Historic Places in Canada

In considering Heritage Permit Applications, it is necessary to consider the Standards and Guidelines for the Conservation of Historic Places in Canada. Published by Parks Canada, the Standards and Guidelines provide a country-wide benchmark for best conservation practices. Chapter 3 of the Standards and Guidelines identifies the following General Standards for Preservation, Rehabilitation and Restoration:

- “Evaluate the existing condition of character-defining elements to determine the appropriate intervention needed. Use the gentlest means possible for any intervention. Respect heritage value when undertaking an intervention” (Standard no. 7); and,
- “Repair rather than replace character-defining elements. Where character-defining elements are too severely deteriorated to repair, and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements” (Standard no. 10).

As such, the demolition of 1 St. James Place is inconsistent with the Standards and Guidelines when there are alternative and less invasive interventions available, such as repair and replacement of deteriorated materials.

3. Conclusions:

The subject application would result in the loss of a significant cultural heritage resource. Staff have reviewed the documentation submitted with the application and have concluded there is insufficient evidence to support demolition of the building. Staff recommend that Council refuse the application pursuant to subsection 34(2)(a)(ii) of the *Ontario Heritage Act*.

ALTERNATIVES FOR CONSIDERATION

1. Approve the Heritage Permit with no conditions.

Council may approve this application with no conditions. This alternative is not recommended, as it would result in the demolition of a significant cultural heritage

resource contrary to municipal and provincial policies for conservation and the findings of the Conservation Review Board, as outlined in Report CRB1404.

2. Approve the Heritage Permit with additional or amended conditions.

Council may approve this application with terms and conditions. This alternative is not recommended, as it would result in the demolition of a significant cultural heritage resource contrary to municipal and provincial policies for conservation and the findings of the Conservation Review Board, as outlined in Report CRB1404.

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN

Strategic Priority #1

A Prosperous & 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).

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A”: Location Map
- Appendix “B”: Photographs
- Appendix “C”: Correspondence
- Appendix “D”: Summary of Recommendations from Structure Report and Preliminary Staff Analysis of Impact on Heritage Attributes

SUBJECT: Heritage Permit Application HP2015-039 to Demolish 1 St. James Place, Hamilton, under Section 34 of the Ontario Heritage Act (PED15200) (Ward 2) - Page 12 of 28



● Site Location



Key Map - Ward 2

N.T.S.

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
1 St James Pl

Date:
August 12, 2015

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
AG/AL

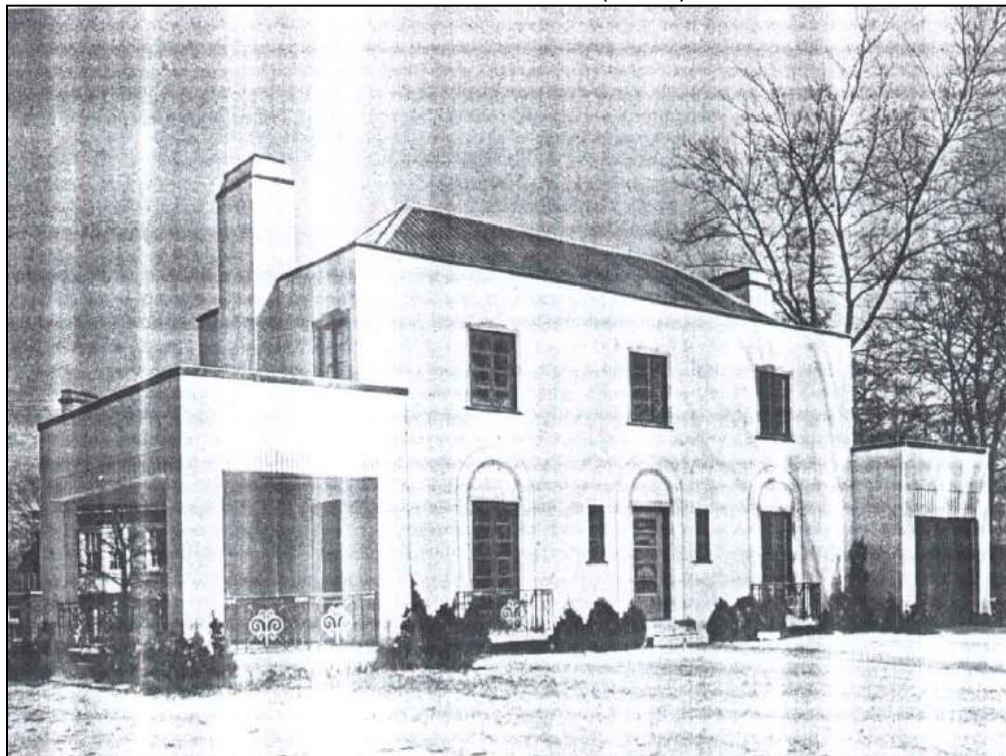
Subject Property



1 St. James Place



1 St. James Place (2015)



1 St. James Place circa 1936 (Source: Canadian Homes and Gardens)



Mould growth in second storey, north bedroom, west closet (October 2015)



Water damage in central front hallway ceiling (left) and second storey north bedroom (right) (October 2015)



Typical wall construction, showing steel channels, wood cross braces and cork
(October 2015)



Typical floor, showing poured concrete over metal pans (October 2015)

SUBJECT: Heritage Permit Application HP2015-039 to Demolish 1 St. James Place, Hamilton, under Section 34 of the *Ontario Heritage Act* (PED15200) (Ward 2) - Page 16 of 28



Typical roof system showing raised parapet wall, sunken gutters, flashing and clogged scrubbers (Source: Structure Report)



Disconnected downspouts in rear (north) and west (side) walls (October 2015)



Typical cracking of exterior stucco finish (October 2015)



Typical chimney and roof flashing condition (October 2015)



Deterioration of rear window frame (October 2015)

SUBJECT: Heritage Permit Application HP2015-039 to Demolish 1 St. James Place, Hamilton, under Section 34 of the *Ontario Heritage Act* (PED15200) (Ward 2) - Page 19 of 28

Mark Levine



October 26, 2015

Ms. Alissa Denham-Robinson
Chair, Hamilton Municipal Heritage Committee
71 Main St. West
Hamilton ON, L8P 4Y5

Dear Ms. Alissa Denham-Robinson:

I am writing this letter expressing my concern about the demolition application for No. 1 St James Place. It is my understanding that the request for the demolition permit is related to the presence of mold in the building. I do not have the expertise to debate the merits of a fungal infection, safety, and the need for demolition. However I want to bring to your attention the events that have occurred prior to this application and the context in which it is filed.

Mr. Veri purchased No. 1 St James Place on April 1, 2014 and within 4 weeks he applied to sever the garage and porch from the main building. At the same time he cut down several beautiful old trees on the property which were healthy. This was tragic and a very sad day for Hamilton. Furthermore, Mr. Veri declared publicly that his intention was to establish a public parking area at No. 1 St James Place whether the property was zoned residential or not. Thus his plan to demolish part of the structure and his willful annihilation of old trees demonstrates his lack of consideration of the edifice, the environment and the neighborhood.

For the last 18 months there has been no one living in the house. The property outside the house, i.e. the lawn is full of weeds. Mr. Veri cuts the grass, usually in response to notices from the City. There is still a large tree trunk remaining at the back of the property from the cutting which was done in the spring of 2015 and is quite an eye sore. In summary, No. 1 St James Place looks like "crap".

In the winter of 2014, a pipe burst in the house and water poured out the front door and froze rapidly. I can only imagine what the inside of the house looked like and the damage the burst pipe caused.

In summary, it is my opinion that Mr. Veri has intentionally failed to maintain No.1 St James Place, so that the property would deteriorate resulting in the need to demolish. I refer to this as "demolition by neglect". With the structure gone, he will then pursue his parking lot, with or without a proper permit.

SUBJECT: Heritage Permit Application HP2015-039 to Demolish 1 St. James Place, Hamilton, under Section 34 of the *Ontario Heritage Act* (PED15200) (Ward 2) - Page 20 of 28

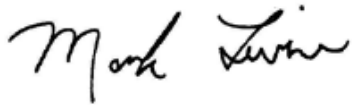
Ms. Alissa Denham-Robinson

October 26, 2015

Page 2

In a civil society, rules are established and maintained to avoid chaos. Mr. Veri seems to feel that City laws do not apply to him. Can you imagine if all the citizens of Hamilton felt the same way? I strongly oppose the application to demolish No. 1 St James Place.

Sincerely,

A handwritten signature in black ink that reads "Mark Levine". The signature is written in a cursive, flowing style.

Mark Levine MD MSC FRCPC FASCO

SUBJECT: Heritage Permit Application HP2015-039 to Demolish 1 St. James Place, Hamilton, under Section 34 of the *Ontario Heritage Act* (PED15200) (Ward 2) - Page 21 of 28

From: [Janis and David Topp](#)
To: [Farr, Jason](#)
Cc: [Golden, Alissa](#); [Janice Brown](#)
Subject: 1 St. James Place
Date: October-26-15 10:16:20 PM

This is to register my strong objection to the request for demolition of the home at 1 St. James Place. Its heritage value rightfully merits its designation, its impact on the positive contextual value of the streetscape, and the significant negative impact its removal would have all lead to the decision that it must not be demolished.
Janis Topp

Sent from my iPad

SUBJECT: Heritage Permit Application HP2015-039 to Demolish 1 St. James Place, Hamilton, under Section 34 of the *Ontario Heritage Act* (PED15200) (Ward 2) - Page 22 of 28

From: [REDACTED]
To: [REDACTED] jason.farr@hamilton.ca
Subject: 1 St. James Place, Hamilton
Date: Mon, 26 Oct 2015 11:15:58 -0400

I am a homeowner residing in the Durand Neighbourhood writing to you regarding a notice that there has been a demolition permit request for the above noted property. I would hope that the committees involved would thoroughly research both the request and subsequent plan for the property before moving forward. The registered property owner has made it clear in the past that he has no intention of building another home on the property but plans to use it as a parking lot. I trust that the decisions made will protect and preserve the history and relevance of this neighbourhood.

Jane Anderson

[REDACTED]
Hamilton, Ontario [REDACTED]

SUBJECT: Heritage Permit Application HP2015-039 to Demolish 1 St. James Place, Hamilton, under Section 34 of the *Ontario Heritage Act* (PED15200) (Ward 2) - Page 23 of 28

----- Forwarded message -----

From: Sue Shaker [REDACTED]
Date: Mon, Oct 26, 2015 at 2:06 PM
Subject: 1 ST. James
To: Jason Farr <jasonfarr@hamilton.ca>
Cc: Janice Brown [REDACTED]

Sonja Depauw and I are walkers and she certainly saw water coming out from under the front door in the past year. Either a pipe broke while the house was unattended or a tap was left on. As there did not appear to be any one living there I suspect the heat was not on, thus the problem. Occasionally there is a car in the drive way but never for more than a few hours. When someone is not living in their home insurance requires that the house is checked every 36 (?) hours. If there is no insurance then that problem has been removed. As for the mold , that house was in mint condition when he bought it so any damaged that has occurred is planned. We saw a number of city notices posted on his door and apparently ignored. At what point do we make it clear to developers that our city will not stand for this. Are there not bylaws in place that make it clear to Veri that he will not be successful in his plan if he sets about to show such disrespect for the regulations that are on the books for everyone? I am told he has done this before. You would know more about this than I do. Why have bylaws if they do not work ?As it stands he can move into any neighborhood and do as he has done without consequences. This includes your street and anyone on the committee making the demolition decision. Perhaps a requirement to fix the house to the state it was in at the time of purchase would make him think twice about his actions ! He is laughing at all of you and us.While we spend our time adding value to our city he diminishes it and is rewarded! Sounds wrong to me.

SUBJECT: Heritage Permit Application HP2015-039 to Demolish 1 St. James Place, Hamilton, under Section 34 of the *Ontario Heritage Act* (PED15200) (Ward 2) - Page 24 of 28

From: [Robert Fedak](#)
To: [Farr, Jason](#); [Golden, Alissa](#); [Johnson, Aidan](#)
Subject: Re st James place
Date: October-27-15 10:28:05 AM

Good morning. I see that Mr veri is back at it trying for a tear down of 1 st James. He either knew or ought to have known the rules re properties of interest as well as residential neighborhoods. Choosing to do by the back.door that which you couldn't do by the front, seems to be a hallmark of this fellow. A fundamental change in the nature and character of the street makes no sense for our neighborhood or neighbour's who have a significant vested interest in preserving it. I ask that this application be denied.

Robert Fedak


Sent from my Samsung device over Bell's LTE network.

Summary of Recommendations from Structure Report and Preliminary Staff Analysis of Impact on Heritage Attributes

Recommendation*	Possible Impact to Designated Attributes
<p>1. Repair to foundation walls – exterior. Excavate along the foundation walls down to the weeping tile system if present, repair any cracks and surface defects in the foundation walls, install new waterproofing/ dampproofing membrane and drainage board to the foundation walls below grade and install new weeping tile system at the base of the existing footings. Allow for one dry well and a connection to the main sewer to drain the water from the weeping tiles.</p>	Possible disruption/displacement of exterior stucco
<p>2. Repair to foundation walls – interior. Remove all existing plaster from the interior face of the foundation walls, including efflorescence, moisture and leak staining and cork insulation and clean the interior surface of the foundation walls and install new basement wall insulation and vapour retarder as required.</p>	Removal of cork insulation proposed
<p>3. Basement floor repairs. Remove all peeling paint from the surface of the basement concrete floor slab and coat the floor with suitable basement floor moisture reduction coating. This will reduce the rate of moisture vapour transmission through the basement floors.</p>	N/A
<p>4. Replace damaged red tile flooring in the porch area.</p>	Removal/replacement proposed. Unsure if original.
<p>5. Repair all cracks in the garage floor and repaint the floor with floor grade paint.</p>	N/A
<p>6. Remove existing carpet flooring and install new carpet in the second floor and on the stairs.</p>	N/A
<p>7. Replace interior wall and ceiling finishes. Replace all damaged ceiling and interior wall finishes including plaster, stucco, gypsum boards and painted cementitious plaster that were caused by water penetration from walls and roof or interior leak from the</p>	N/A

Recommendation*	Possible Impact to Designated Attributes
bathroom in the second floor.	
8. Remove all peeling and blistering paint and repair cracks in the interior wall finishes.	N/A
9. Repaint interior wall finishes, doors, frames, and exterior railings. Re-paint the interior wall and ceiling finishes, interior doors and frames, wooden and metal handrails for the stairs inside the house, perimeter handrails at the porch and metal railing installed for the two windows at both sides of the main entrance.	N/A (assuming appropriate preparation of metal railings before painting)
10. Remove existing mould from the closet in the north room and reinstate the closet.	N/A
11. Remove debris and clean the existing scuppers at the higher roof (main roof) to prevent water accumulation and to drain the standing water from the roof.	N/A
12. Remove all blistered, open and damaged membrane flashing at the perimeter of the higher roof.	Removal of heritage fabric
13. Replace all metal flashing on main roof, garage roof and porch roof.	Removal of heritage fabric
14. Replace existing downpipes and extension pipes.	Removal of heritage fabric (copper downpipes)
15. Install two scuppers with downpipes on the garage and porch roof to prevent water accumulation under the wood decking on the flat roof.	Disruption of original design, possible displacement of heritage fabric to install
16. Replace damaged Wooden baseboard at the perimeter of the flat roof.	N/A
17. Repair chimneys. Repair the top part of the chimneys including, damaged concrete, damaged and corroded flues, corroded protection wire mesh and damaged metal flashing.	Removal/replacement of heritage fabric may be required
18. Repair cracks in the painted stucco at the exterior finishes of the walls.	Ensure appropriate method of repair to

Recommendation*	Possible Impact to Designated Attributes
	conserve historic stucco finish
19. Replace the overhead garage door, main entrance door and the two exterior side doors.	Displacement of original heritage fabric
20. Replace windows in garage and basement, and broken window in rear wall. Replace the two windows in the garage, all the windows in the basement and the broken window in the west room at the north elevation with double pane window system.	Displacement of original heritage fabric (garage and basement windows)
21. Replace exterior caulking. Replace all exterior caulking located at the window frame perimeter, exterior doors frame perimeter, between the concrete stairs and exterior wall at the east elevation, and all pipes, services and cables penetrating the exterior walls.	N/A (assuming appropriate compatible materials)
22. Clean and repaint existing metal sills under the windows.	N/A
23. Upgrade bathrooms and plumbing. Upgrade the ensuite bathroom in the second floor, plumbing fixtures and the plumbing system throughout the entire house.	Further details required. May cause displacement and/or disruption of features if system rerouted
24. Upgrade lighting system in the basement, first and second floors.	N/A
25. Clean duct work throughout the house.	N/A
26. Paint the exterior walls of the house including, porch walls, garage walls and the chimney walls.	Ensure appropriate/compatible methods and materials
27. Replace the flat roof at the garage and porch.	Displacement of heritage fabric anticipated
28. Install new attic access, remove and install new attic insulation and install new roof vents along the attic space.	Displacement/disruption of heritage fabric (roof) anticipated



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Hamilton Municipal Heritage Committee
COMMITTEE DATE:	October 15, 2015
SUBJECT/REPORT NO:	Request to Remove 2251 Rymal Road East (Former Elfrida Church) from the Register of Property of Cultural Heritage Value or Interest and from the Workplan for Designation (PED15173) (Ward 9)
WARD(S) AFFECTED:	Ward 9
PREPARED BY:	Chelsey Tyers Cultural Heritage Planner (905) 546-2424 Ext.1202 Steve Robichaud Director and Chief Planner
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the request to remove 2251 Rymal Road East (Stoney Creek) (former Elfrida Church) from the Register of Property of Cultural Heritage Value or Interest be denied;
- (b) That the request to remove 2251 Rymal Road East (Stoney Creek) (former Elfrida Church) from the workplan for designation be denied;
- (c) Pursuant to Section 27(5) of the *Ontario Heritage Act*, that the Hamilton Municipal Heritage Committee request that Council require that any notice of intention to demolish or remove any structure or building on the registered property shown in Appendix "A" of Report PED15173, include a Cultural Heritage Impact Assessment

SUBJECT: Request to Remove 2251 Rymal Road East (Former Elfrida Church) from the Register of Property of Cultural Heritage Value or Interest and from the Workplan for Designation (PED15173) (Ward 9) - Page 2 of 26

report, to the satisfaction and approval of the Director of Planning and Chief Planner; and,

- (d) That Report PED15173 be forwarded to the owner of 2251 Rymal Road East (Stoney Creek) (former Elfrida Church) for information.

EXECUTIVE SUMMARY

On September 10, 2015, Planning staff received a request to remove 2251 Rymal Road East, Stoney Creek (former Elfrida Church) from the Register of Property of Cultural Heritage Value or Interest and the workplan for designation (see correspondence from property owner in Appendix “B”).

The subject lands are located on the north side of Rymal Road East, west of the intersection of Upper Centennial Parkway, in Stoney Creek and have a total lot area of 0.11 ha (0.27 ac) (see Location Map in Appendix “A”). The property is comprised of a one-storey brick building designed in the Late Gothic Revival architectural style and originally constructed as a church in 1858 and rebuilt in 1881. The former church was renovated and rezoned in the mid-1990’s for adaptive reuse as a restaurant.

The subject lands were added to the Register and workplan for designation on August 16, 2013, with further assessment work scheduled for 2018, through staff report PED13129. In accordance with the direction provided by Council, a copy of the report was forwarded to the property owner for information.

To warrant removal from the Register and workplan for designation, staff are of the opinion that it must be demonstrated that the property does not appear to have cultural heritage value as expressed in *Ontario Regulation 9/06*. Preliminary evaluation of the subject property’s cultural heritage value reveals the property possesses design / physical value, historical / associative value and contextual value. Removal of the property from the workplan without a full Cultural Heritage Assessment would be inconsistent with the intent of the Council approved process for designating properties under the *Ontario Heritage Act*, as Council’s decision would be made without the benefit of a full understanding of the property’s cultural heritage value. As such staff are recommending that the request to remove the property from the Register and workplan be denied.

Alternatives for Consideration - See Page 10

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: None.

SUBJECT: Request to Remove 2251 Rymal Road East (Former Elfrida Church) from the Register of Property of Cultural Heritage Value or Interest and from the Workplan for Designation (PED15173) (Ward 9) - Page 3 of 26

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.

Further, Subsection 27(5) of the *Ontario Heritage Act* requires that a notice of intention to demolish or remove a building under Subsection 27(3) be “accompanied by such plans and shall set out such information as the council may require”.

Legal Services were consulted in the preparation of the 2008 staff Report regarding the 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.

BACKGROUND

The original request to consider designation under Part IV of the *Ontario Heritage Act* for 2251 Rymal Road East, Stoney Creek (former Elfrida Church) came from the Hamilton Municipal Heritage Committee (HMHC), at its meeting on December 20, 2012. The HMHC expressed concern that the subject property was for sale, and that any future owner may propose to demolish the building without the City having the opportunity to obtain documentation of the building’s history and construction. The former Stoney Creek Local Architectural Conservation Advisory Committee (LACAC) expressed an interest in designating the subject property in 1992, and again in 1996 / 1997, however, the church trustees and the subsequent owners were not interested in designation at the time, and designation of the property was not pursued. The former Elfrida Church underwent a successful adaptive reuse as a result of rezoning and

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renovation approvals in 1995, and the building has housed a number of catering businesses and restaurants since the early 2000s.

A staff report recommending inclusion in the Register and on the workplan for designation (see an excerpt of Report PED13129 in Appendix “C”) was considered by Council in August 2013. A screening was undertaken using the criteria contained in *Ontario Regulation 9/06* (see Appendix “D”) to determine if the property warranted inclusion in the municipal Register, and to determine if further Cultural Heritage Assessment work for the purpose of considering designation under the *Ontario Heritage Act* was warranted. The staff report concluded that the property is considered to have design / physical value, historical / associative value and contextual value and as such warrants inclusion on the Register and the workplan for designation. Council approved staff recommendations to add the property to the Register and workplan for designation (scheduled for 2018) on August 16, 2013.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Ontario Heritage Act:

Inclusion in the City of Hamilton Register of Property of Cultural Heritage Value or Interest under Section 27 (3) of the *Ontario Heritage Act* requires that Council be given 60-days notice of the intention to demolish or remove any building or structure on the property, and the demolition and removal of any building or structure is prohibited during this time period.

Furthermore, Section 27 (5) allows a council to specify any plans or information that must accompany a notice of intent to demolish or remove any building or structure on the property. Please refer to Recommendation (c) and the Analysis and Rationale for Recommendation section of this Report for further discussion.

The recommendations of this Report are consistent with this policy.

Urban Hamilton Official Plan:

Volume 1, Section B.3.4 - Cultural Heritage Resources Policies of the Urban Hamilton Official Plan (UHOP) states that the City shall:

“B.3.4.2.1(a) Protect and conserve the tangible cultural heritage resources of the City, including archaeological resources, built heritage resources, and cultural heritage landscapes for present and future generations.

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- B.3.4.2.1(b) Identify cultural heritage resources through a continuing process of inventory, survey, and evaluation, as a basis for the wise management of these resources.
- B.3.4.2.3 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, including buildings, properties, cultural heritage landscapes, heritage conservation districts, and heritage roads or road allowances.
- B 3.4.2.6 The City recognizes there may be cultural heritage properties that are not yet identified or included in the Register of Property of Cultural Heritage Value or Interest nor designated under the Ontario Heritage Act, but still may be of cultural heritage interest. These may be properties that have yet to be surveyed, or otherwise identified, or their significance and cultural heritage value has not been comprehensively evaluated but are still worthy of conservation.
- B 3.4.2.7 The City shall ensure these non-designated and non-registered cultural heritage properties are identified, evaluated, and appropriately conserved through various legislated planning and assessment processes, including the Planning Act, the Environmental Assessment Act and the Cemeteries Act.
- B 3.4.2.8 To ensure consistency in the identification and evaluation of these non-designated and non-registered cultural heritage properties, the City shall use the criteria for determining cultural heritage value or interest established by provincial regulation under the Ontario Heritage Act and set out in Policy B.3.4.2.9.”

The recommendations of this Report are consistent with these policies.

RELEVANT CONSULTATION

There was a meeting on September 9, 2015 with the property owner, ward councilor and staff to discuss the subject property.

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*.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The City of Hamilton has a Council-approved process for considering designation requests (see Appendix “F”). Council approved adding the subject property to the staff workplan for designation (scheduled for 2018) and to the Register on August 16, 2013 in accordance with the approved process. As such, it stands to reason that removal from the workplan and Register should require justification in accordance with the criteria (*Ontario Regulation 9/06*) that was considered when the property was added to the Register and workplan. The Preliminary Screening of the property for cultural heritage value was completed as a part of staff report PED13129 and found the property did possess significant cultural heritage value (see relevant excerpt in Appendix “C”). Despite the property owners’ correspondence, the findings of the Preliminary Screening are still applicable, as discussed in more detail below.

As per the designation process, approved by Council on October 29, 2008 (see Appendix “D”), this Report recommends that Council maintain the existing direction to staff to complete further research and evaluation of the property for a later decision by Council and to keep the property on the Register. If staff are directed to proceed with further cultural heritage assessment evaluation, 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 HMHC, and the positions of the property owner and any other interested parties.

Correspondence from the Property Owner

In a correspondence dated September 10, 2015, the property owner expressed that the property should be removed from the workplan and the Register for the following reasons (see full correspondence in Appendix “B”):

1. Elements of the interior and exterior of the building have been replaced over the years (i.e. glass in windows replaced due to vandals, basement replaced due to a flood, kitchen is where the fireplace was, roof was replaced eight years ago).
2. The property was not designated under the *Ontario Heritage Act*, nor included on the Municipal Register when it was purchased.
3. While the property owner also owns a number of other recognized heritage properties in Hamilton, they are of the opinion that designating the property under

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the *Ontario Heritage Act* would make it difficult to sustain the business, given its location and difficulty in maintaining the building (i.e. private sewage system).

Staff will address each point below.

1. *Elements of the interior and exterior of the building have been replaced over the years (i.e. glass in windows replaced due to vandals, basement replaced due to a flood, kitchen is where the fireplace was, roof was replaced eight years ago).*

Staff were afforded an opportunity to take a closer look at the interior and exterior of the subject property on September 11, 2015 (see pictures in Appendix “E”). While there have been changes in the interior to accommodate the restaurant use, staff are of the opinion that the former church has retained a good degree of integrity for a building constructed in 1881. While the windows in the basement no longer exist, the glass in the windows on the main floor have been replaced as well as the circular window above the door, in addition to interior alterations, the building has retained many features that speak to its architectural style, Gothic Revival.

The building clearly demonstrates the Gothic Revival Style in the red-brick façade and stone accents; the symmetrical composition; the steep pitch of the roof with decorative wood brackets and brick dentils, the tall brick chimneys; the stone hood-moulds above the pointed lancet windows; the ornamental quatrefoil tracery above the windows; and the large rose window opening above the main entrance.

The opinion of staff of the cultural heritage value as identified in the preliminary evaluation in Report PED13129 has not changed based on this additional information (see relevant excerpt from Report PED13129 as Appendix “C”). Staff do, however, note that the current building was rebuilt in 1881, and that the original preliminary evaluation in PED13129 did not acknowledge this information.

2. *The property was not designated under the Ontario Heritage Act, nor included on the Municipal Register when it was purchased.*

Both the workplan for designation and the Register are evolving lists, which can be added to at the discretion of Council.

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Furthermore, the Urban Hamilton Official Plan has a number of policies that encourage the recognition and protection of cultural heritage assets, which were discussed in the Policy Section of this Report.

In accordance with these policies and the Council-approved process for designation, this property was added to the workplan and the Register.

Staff also note that the *Ontario Heritage Act* does not require that a property owner consent for the property to be designated under the Act or included on the Register (see Legal Implications Section of this Report).

- 3. While the property owner also owns a number of other recognized heritage properties in Hamilton, they are of the opinion that designating the property under the Ontario Heritage Act would make it difficult to sustain the business, given its location and difficulty maintaining the building (i.e. private sewage system).*

In discussion with the property owner on September 9, 2015, the owner expressed that the remote location and building's private services have made sustaining the business and maintaining the building costly.

While staff understand the challenges, it must be acknowledged that designating the property under the *Ontario Heritage Act* will not change the challenges with this property's location nor lack of full municipal services.

The purpose of designation is to recognize that a property is of cultural heritage value to a community. Changes are managed through a Heritage Permit process to ensure alterations are appropriate. Designation would also provide opportunities for financial aid for structural / stability work required to conserve and restore heritage features; and the conservation and restoration of heritage features through the City's grant and loan programs. Furthermore, whether or not the property should be designated under the *Ontario Heritage Act* has yet to be determined. As per the Council approved process for considering requests to designate, a recommendation will be brought forward regarding designation after a Cultural Heritage Assessment is completed. The Cultural Heritage Assessment for the subject property is scheduled for 2018.

Purpose of the Register of Property of Cultural Heritage Value or Interest

In considering the property owner's request, it is important to consider the purpose of the Register. The Register is a heritage conservation management tool under the

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Ontario Heritage Act. It is an administrative record consisting of properties identified by Council as being of cultural heritage value or interest. Consultation with the Hamilton Municipal Heritage Committee and a Council resolution is required to include, or remove a property from the Register.

Inclusion in the Register under Section 27 (1.2) of the *Ontario Heritage Act* requires that Council be given a 60-day notice of the intention to demolish or remove any building or structure on the property, and the demolition and removal of any building or structure is prohibited during this time period. The 60-day period allows staff the opportunity to discuss alternatives to pursue conservation options for the property should a notice of intention to demolish be received by Council, or if a development application under the *Planning Act* is received, including:

- Discussions with the owner respecting retention, adaptive re-use and financial incentives;
- Photo-documentation of the property prior to demolition; and,
- Designation under the *Ontario Heritage Act*.

Heritage resources are finite resources, once gone they cannot be recovered. As such, the Register is an important tool as it allows for thoughtful reflection prior to demolition. To remove a property from the Register without further consideration of the property's cultural heritage value would be inconsistent with the intent of the Register.

Subsection 27(5) of the *Ontario Heritage Act* enables a Council to require that a notice of intention to demolish or remove a building or structure on a property included in the Register be "accompanied by such plans and shall set out such information as the council may require". As such, staff recommend that the HMHC request that Council require a Cultural Heritage Impact Assessment report be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, to accompany any future notice of intention to remove or demolish a building or structure on the subject property as shown in Appendix "A" of this Report, as per the provisions of the *Ontario Heritage Act* (see Recommendation (c) of this Report). The 60-day period discussed above would not commence until the satisfactory submission of a Cultural Heritage Impact Assessment.

A Cultural Heritage Impact Assessment is a report that documents a clear and traceable evaluation of the effects of a proposed new development or redevelopment on cultural heritage resources and / or their setting. If there are demonstrated adverse effects, the report must describe the means by which the adverse effects can be minimized, mitigated or avoided. The primary goal of a Cultural Heritage Impact Assessment report is to ensure that the cultural heritage value of the property is conserved.

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Purpose of Designating Properties under the *Ontario Heritage Act*

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.

Regardless of the owner's objection to designation, staff do not have sufficient information at this time to recommend to Council whether it is in the public interest and / or community interest to remove the property from the workplan for designation (see Legal Implications Section of this Report). The purpose of this Report is to recommend that the HMHC advise Council to deny the requests to remove the property from the Register and workplan for designation. This would leave the property on the workplan schedule for further cultural heritage assessment in 2018.

ALTERNATIVES FOR CONSIDERATION

Council, as advised by its Municipal Heritage Committee, may consider the following alternatives:

Option 1:

Council may remove the property from the workplan for further 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).

Option 2:

Council may remove the property from the 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

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Option 3:

Council could move the subject property forward on the workplan, making it an immediate priority for staff to address rather than waiting until 2018. This would allow Council to make an informed decision on whether or not to designate the property sooner rather than waiting until 2018. However, this option would require rearranging of the properties currently on the top of the workplan priority list (see Appendix "G").

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN

Strategic Priority #1

A Prosperous & 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).

APPENDICES AND SCHEDULES ATTACHED

- Appendix "A": Location Map
- Appendix "B": Correspondence from Property Owner
- Appendix "C": Preliminary Screening Excerpt from PED13129
- Appendix "D": Ontario Regulation 9/06
- Appendix "E": Pictures of the Subject Property
- Appendix "F": Council-Approved Designation Process
- Appendix "G": Requests to Designate Properties Under Part IV of the *Ontario Heritage Act*: Priorities (as Amended by Report PED14191)

:CT/th

SUBJECT: Request to Remove 2251 Rymal Road East (Former Elfrida Church) from the Register of Property of Cultural Heritage Value or Interest and from the Workplan for Designation (PED15173) (Ward 9) - Page 12 of 26



<p>● Site of the Application</p> <p>Ward 9 Key Map</p>		<p>Location Map</p> <p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	
<p>File Name/Number: 2251 Rymal Rd E</p>		<p>Date: September 14, 2015</p>	
<p>Appendix "A"</p>	<p>Scale: N.T.S.</p>	<p>Planner/Technician: CT/VS</p>	
<p>Subject Property</p> <p> 2251 Rymal Road East</p>			
		<p>N.T.S. </p>	

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Tyers, Chelsey

From: [REDACTED]
Sent: September-10-15 10:51 AM
To: Tyers, Chelsey
Subject: vicars vice

Hi Chelsey
I hope this letter finds you well . thanks for yesterdays meeting .

Re – vicars vice

I would like to have a meeting to take the building off the heritage list.

Points of interest

1. The building has been replaced inside and out and really isn't the same as the original. For example all the glass has been replaced due to vandals. The basement was replaced due to the flood , and our kitchen takes up were the fireplace was. I replaced the roof 8 years ago along with the front window again vandals.
2. When I purchased I did my due diligence and it wasn't on any list or I wouldn't have bought it at the time.
3. As you know I have other building that are heritage and I knew this going into the endeavours . the vicars is a distination location being said the was risk just buying it without it being heritage I feel the buy making it a heritage building you may put me into bankruptcy as I cant sustain business or the maintenance of the building.(sewers)

I would like to attend meeting

Sincerely
Graeme tosh
owner

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Preliminary Screening Excerpt from PED13129

2251 Rymal Road East (Stoney Creek) (Former Elfrida Church):

2251 Rymal Road East is a 0.27 acre property on the north side of Rymal Road East, west of the intersection of Upper Centennial Parkway, in Stoney Creek. The property is comprised of a one-storey brick building designed in the Late Gothic Revival architectural style and constructed as a church in 1858. The former church was renovated and rezoned in the mid-1990's for adaptive reuse as a restaurant. The property is considered to be of design/physical value, historical/associative value, and contextual value.

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/Physical Value, Historical/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/Physical Value:**

2251 Rymal Road East is a one-storey brick building constructed as a place of worship in 1858 and is a representative example of the Late Gothic Revival architectural style. The design/physical value of the property lies in its architectural features representative of the Late Gothic Revival style, including: the red-brick façade and stone accents; the symmetrical composition; the picturesque steep roof with decorative wood brackets and brick dentils, pierced by tall brick chimneys; the stone hood-moulds above the pointed lancet windows; the ornamental quatrefoil tracery above the windows; and, the large rose window above the main entrance.

Also contributing to the design/physical value of the property is the distinctive design of the pointed-lancet stained-glass windows etched with floral patterns of rich colours of green, purple, gold and red.

2. **Historical/Associative Value:**

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The former Elfrida Church, municipally addressed as 2251 Rymal Road East, plays an important role in understanding the history of the development of Stoney Creek, being one of the earliest places of worship. The subject property was purchased in 1856 by Philip and Catherine Hendershot in order to establish a church that would serve the small hamlet of Elfrida in the Township of Saltfleet. Constructed in 1858 as a Canadian Methodist Church, it later served the United Church Circuit that included Binbrook, Blackheath and Trinity. Elfrida United Church served as the only place of worship in the area with an active ladies group until the arrival of Our Lady of the Assumption Catholic Parish in the 1950s. The former church was renovated and rezoned in the mid-1990's for adaptive reuse as a restaurant and continues to serve a commercial purpose in the local community.

3. **Contextual Value:**

The former Elfrida Church contributes to the Rymal Road streetscape and is important in supporting the overall historic character of the area. It is historically connected to its surroundings, representing the last remaining non-residential building in the old hamlet of Elfrida along the historic transportation corridor and, as such, may be considered a historic landmark for the area.

Conclusion:

2251 Rymal Road East (Stoney Creek), known as the Former Elfrida Church, is considered to be of design/physical value, historical/associative value, and contextual 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*.

Ontario Heritage Act

ONTARIO REGULATION 9/06

CRITERIA FOR DETERMINING CULTURAL HERITAGE VALUE OR INTEREST

Criteria

1. [\(1\)](#) The criteria set out in subsection (2) are prescribed for the purposes of clause 29 (1) (a) of the Act. O. Reg. 9/06, s. 1 (1).

2. [\(2\)](#) 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).

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Former Elfrida Church - (Hamilton Public Library, Special Collections, c. 1952)

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2251 Rymal Road East, Stoney Creek – Looking northwest from Rymal Road East (2013)



2251 Rymal Road East, Stoney Creek – Front (south) façade (2013)

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2251 Rymal Road East, Stoney Creek – Side (west) façade (2013)

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2251 Rymal Road East, Stoney Creek –Front (south) façade with main entrance fronting onto Rymal Road East (2015)

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2251 Rymal Road East, Stoney Creek – Interior View, looking towards the back of the building (2015)

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2251 Rymal Road East, Stoney Creek – Interior View, looking towards front of the building and the balcony (2015)

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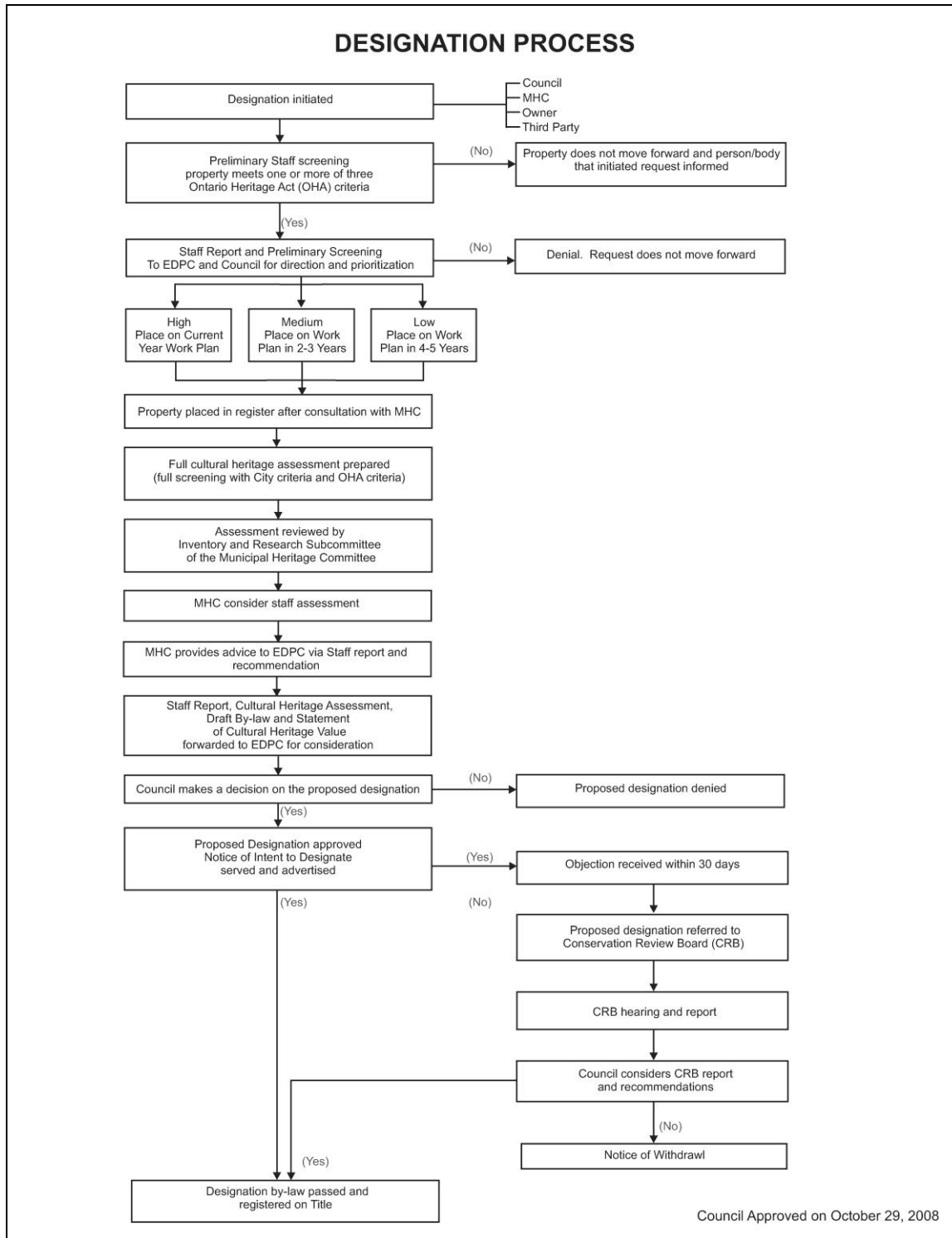
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2251 Rymal Road East, Stoney Creek – Interior View, looking towards windows on west side of building (2015)

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OUR Mission: WE provide quality public service that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Values: Accountability, Cost Consciousness, Equity, Excellence, Honesty, Innovation, Leadership, Respect and Teamwork

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**Requests to Designate Properties under Part IV of the *Ontario Heritage Act*:
Priorities (as amended by Report PED14191)**

<u>Year</u>	<u>Property</u>	<u>Date of Request</u>
2013	104 King Street West, Dundas (Dundas Post Office)	24-Sep-09
2013	71 Claremont Drive, Hamilton (Auchmar Gatehouse)	28-May-09
2013	82-112 King Street East , Hamilton (Former Royal Connaught)	09-Apr-08
2013	167 Book Road, Ancaster (Book House)	24-May-07
2014	52-56 Charlton Avenue West, Hamilton (Charlton Hall)	24-Apr-07
2014	91 John Street South, Hamilton (Former Edwin Pass Shop)	25-Oct-07
2014	140 Locke Street South, Hamilton (Former Church)	03-Jun-09
2014	3027 Homestead Drive, Glanbrook (Mount Hope Library)	24-Jan-08
2015	1395-1401 King Street East, Hamilton (Church)	04-Aug-09
2015	1062 Golf Club Road, Glanbrook (Former Woodburn Hall)	27-Mar-08
2015	1000 Main Street East, Hamilton (Gage Park)	23-Mar-06
2015	1 Hughson Street South, Hamilton (Gore Park)	24-Apr-08
2016	314 Wilson Street East, Ancaster (Tisdale House)	16-Aug-01
2016	111 Kenilworth Access, Hamilton (Barton Reservoir)	26-Feb-09
2016	262 MacNab Street North, Hamilton (MacNab Terrace)	18-Dec-08
2016	378 Main Street East, Hamilton (Former Cathedral School)	04-Aug-13
2017	Desjardins Canal, Dundas	26-Feb-09
2017	1065 Highway 8, Stoney Creek (Coachhouse)	27-Aug-09
2017	170 Longwood Road North, Hamilton (Hambly House)	15-Feb-11
2017	4-12 John Street North, Hamilton (Treble Hall)	08-Feb-11
2018	7 Ravenscliffe Avenue, Hamilton (Residence)	10-Jun-11
2018	39 Lakeview Drive, Stoney Creek (Residence)	17-Feb-11
2018	231 Ferguson Avenue South, Hamilton (Pumping Station)	18-Oct-11
2018	2251 Rymal Road East, Stoney Creek (Former Elfrida Church)	20-Dec-12
2019	105 Erie Avenue, Hamilton (Residence)	02-May-13
2019	634 Rymal Road West, Hamilton (Former Union School)	07-June-13
2019	103 Kenilworth Avenue North, Hamilton (Kenilworth Library)	12-Feb-14

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<u>Year</u>	<u>Property</u>	<u>Date of Request</u>
2019	1175 Main Street East, Hamilton (Memorial School)*	09-April-14
2019	801 Dunsmure Road, Hamilton (W.H. Ballard Public School)*	09-April-14

They may be addressed simultaneously

<u>Year</u>	<u>Property</u>	<u>Date of Request</u>
2020	134 Cannon Street East, Hamilton (Cannon Knitting Mill)	21-Aug-14
2020	17 Jackson Street West, Hamilton (Bell Building)	21-Aug-14
2020	10 James Street North, Hamilton (Oak Hall)	21-Aug-14
2020	54 King Street East, Hamilton (Former Bank of Nova Scotia)	21-Aug-14
2021	50 Main Street East, Hamilton (McMaster Downtown Centre)	21-Aug-14
2021	24 Main Street West, Hamilton (Centenary United Church)	21-Aug-14
2021	16 Jarvis Street, Hamilton (Former Hamilton Distillery Co. Building)	21-Aug-14
2022	165, 173, 177, 179, 181, 183, 185, 189, 191, 195, 197, 199, 201, 203 and 205 King Street East, Hamilton (Copp Block)	21-Aug-14
2023	200 Main Street East, Hamilton (First Pilgrim United Church)	21-Aug-14
2023	37 Wilson Street, Hamilton (St. John's Evangelical Lutheran Church)	21-Aug-14
2023	103 Catharine Street North, Hamilton (Hughson House)	21-Aug-14
2023	55 John Street North, Hamilton (Hamilton Hydro/Horizon Utilities Building)	21-Aug-14
2024	6 Main Street East, Hamilton (Hamilton Club)	21-Aug-14
2024	189 Rebecca Street, Hamilton (Commercial building)	21-Aug-14
2024	100 King Street West, Hamilton (Stelco Tower)	21-Aug-14
2024	100 Main Street East, Hamilton (Landmark Place/Century 21)	21-Aug-14