



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Committee Members Hamilton Municipal Heritage Committee
COMMITTEE DATE:	April 19, 2018
SUBJECT/REPORT NO:	Recommendation to Remove the Property Located at 167 Book Road East, Ancaster from the Register of Properties of Cultural Heritage Value or Interest and Staff's Work Plan for Designation under Part IV of the <i>Ontario Heritage Act</i> (Ward 12) (PED18083)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Jeremy Parsons (905) 546-2424 Ext. 1214
SUBMITTED BY:	Steve Robichaud Director, Planning & Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATIONS

- (a) That the property located at 167 Book Road East, Ancaster, shown on Appendix "A" to Report PED18083, currently included in the City of Hamilton's Register of Properties of Cultural Heritage Value or Interest not be designated as a property of cultural value or interest under Part IV of the *Ontario Heritage Act*;
- (b) That the subject property be removed from staff's designation work plan entitled "Requests to Designate Properties under Part IV of the *Ontario Heritage Act*: Priorities (as amended by Council on February 28, 2018)", attached as Appendix "E" to Report PED18083;
- (c) That the subject property be removed from the City's Register of Properties of Cultural Heritage Value or Interest as a non-designated property;
- (d) That the Documentation and Salvage Report, to be submitted by the applicant, be circulated to Council, to the Hamilton Municipal Heritage Committee, and to the Hamilton Public Library's Local History & Archives Department for archival purposes;
- (e) That Planning staff be directed to explore the potential of having an historical interpretive plaque erected on site detailing the history of the Book family.

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EXECUTIVE SUMMARY

The subject property is located at 167 Book Road East, Ancaster within part of Lot 44, Concession 4 within the former Township of Ancaster. The property is a 37.77 acre parcel of land within Ward 12 that contains an early 19th century dwelling known as the Book House. The subject property is located on the north side of Book Road East, between Fiddler's Green Road and Southcote Road (see Appendix "A" to Report PED18083).

The property is zoned Agriculture (A1) Zone and Conservation / Hazard Land – Rural (P7) Zone in Zoning By-law No. 05-200. The property previously included a number of agricultural outbuildings and feed silos but currently only features the remains of the Book House, accessed by an obstructed dirt driveway.

The property is listed on the City's Register of Properties of Cultural Heritage Value or Interest as a non-designated property, having been added by Council on October 22, 2008. The property was also added to staff's work plan for designation under Part IV of the *Ontario Heritage Act* (see Appendix "E" to Report PED18083) by Council on October 22, 2008 as a high priority property.

The property was originally settled by John Book (1754-1827) in 1789 and later given a Crown Land Grant for the land in 1793. The Book House was built circa 1831 by John's son Adam Book (1786-1869) and later sold to Dr. Harmanus Smith (1790-1872) a local physician and well-known politician. The property was acquired by the current owners (the Roman Catholic Diocese of Hamilton) in 2006 and has been largely untouched since that time. The neglect of the Book House has directly contributed to the worsening of its condition (see Appendix "B" to Report PED18083).

In 2018, the collapse of the Book House roof was confirmed. Staff have since undertaken discussions with the owners who have agreed to retain a heritage consultant to complete a Documentation and Salvage Report prior to seeking the issuance of a Demolition Permit for the remainder of the structure. Given the state of the structure and the owners' agreement to salvage materials, staff are recommending that the property be removed from the designation work plan and from the Register of Properties of Cultural Heritage Value or Interest.

Alternatives for Consideration – See Page 10

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

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Staffing: N/A

Legal: Section 27 of the *Ontario Heritage Act* stipulates that inclusion in the Register of Properties of Cultural Heritage Value or Interest requires that Council be given notice of the intention to demolish or remove any building or structure on the property 60-days prior to the issuance of a Demolition Permit. Council must consult with their Municipal Heritage Committee prior to including a property in the Register or removing a property from the Register.

Designation under Part IV of the *Ontario Heritage Act* allows municipalities to recognize a property's cultural heritage value or interest, and to conserve and manage the property through the Heritage Permit process enabled under Sections 33 (alterations) and 34 (demolition or removal) of the *Act*. Where alterations to designated properties are contemplated, a property owner is required to apply for, obtain, and comply with a Heritage Permit, for any alteration that "is likely to affect the property's heritage attributes, as set out in the description of the property's heritage attributes" (Sub-section 33(1)). Designation does not restrict the use of a property, prohibit alterations or additions, or restrict the sale of a property.

HISTORICAL BACKGROUND

The Book family were German-originated United Empire Loyalists who immigrated to Canada from the eastern United States after the American Revolutionary War in 1789. John Book was formally given 700 acres of land within Ancaster Township by way of a Crown Land Grant, as evidenced on the 1793 Augustus Jones survey of the township. John and Charity Book had twelve children, many of whom settled within the vicinity of Lot 44, Concession 4. The legacy of the Book family remains present, although fragmented, on the landscape of rural Ancaster—as evidenced by the presence of the the Book House, the Book Family Cemetery (281 Book Road East, Ancaster), and Book Road itself. An earlier Book House, built by John Book in 1817, once stood at 209 Book Road East until it was destroyed by fire in 2005.

The extant Book House was built circa 1831 by Adam Book. In 1847, the property was sold to Harmanus Smith, a local physician and politician elected to the Legislative Assembly of Upper Canada (1834-1837, 1841-1848, and 1856-1860). The property subsequently remained in the Smith family for over a century.

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More recent historical background on the subject property is outlined below:

- March 29, 1957: The John Book House purchased by the Roman Catholic Diocese of Hamilton.
- January 1, 1975: The subject property purchased by the Roman Catholic Diocese of Hamilton.
- August 16, 2001: Hamilton Municipal Heritage Committee (HMHC) indicated concern for the two extant Book properties as a result of the commencement of the Highway 6 extension which bisected the historic Book family property. No formal recommendation made to Council to direct staff to undertake work.
- June 21, 2005: The John Book House located at 209 Book Road East was destroyed by fire.
- June 2006: The Book House was badly vandalized with windows on both upper and lower floors destroyed.
- November 2006: The Book House was vandalized a second time. Vandals removed plywood boards secured to windows and damaged the interior, including original fireplace mantles.
- March 2007: HMHC conducted its own scoped Cultural Heritage Assessment (CHA) of the property and presented it to the owners (see Appendix "C" to Report PED18083).
- May 25, 2007: Further vandalism of the Book House was reported and the HMHC Chair sent letter to owners advising on property security measures for vacant buildings.
- June 21, 2007: The owners indicated in a letter to the HMHC that the Diocese of Hamilton would oppose any attempt to impose a heritage designation on the property. The owners offered to sell the building to the City for \$1 on condition that it be moved off the property at the City's expense (see Appendix "D" to Report PED18083).
- June 28, 2007: HMHC requested designation of the subject property.

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- August 7, 2007: Staff presented Report PED07218 to the Economic Development and Planning Committee, addressing the request to designate the subject property and recommending that staff be directed to conduct a full CHA, Statement of Cultural Heritage Value, and Description of Attributes for Council's consideration for designation under Part IV of the *Ontario Heritage Act*. The report was tabled at the request of the Ward Councillor in order that they be given further opportunity to meet with the owners.
- April 24, 2008: HMHC publicly advised that, in the event that preservation in situ was not possible, that it would support the relocation of the Book House to an appropriate location, subject to the completion of a CHA, the designation of the building under Part IV of the *Ontario Heritage Act*, and the restoration of the building.
- May 20, 2008: The Economic Development and Planning Committee received the HMHC's advice on the relocation of the Book House.
- October 22, 2008: Council directed staff to assign the subject property to the designation work plan and to prepare a CHA, a Statement of Cultural Heritage Value, and a Description of Heritage Attributes for Council's consideration for designation under Part IV of the *Ontario Heritage Act*. Council also approved staff's recommendation that the property be added to the Register of Properties of Cultural Heritage Value or Interest as a non-designated property.
- April 12, 2013: Staff sent a letter to the owners requesting permission to access the property to conduct an updated site survey and CHA for designation (see Appendix "F" to Report PED18083). No response was received.
- November 21, 2013: HMHC requested that staff speak to the owners respecting documentation of the building and report back to the Committee.
- December 15, 2016: HMHC member Ron Sinclair noted that the structure is in very poor condition and that roof collapse may be imminent.

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March 31, 2017: Staff initiated contact with the City's Curator of Collections and the Curator of Fieldcote Park & Museum to inquire about the possibility of having any salvaged material collected and displayed for exhibits related to Ancaster. Staff were informed that there was no interest.

February 7, 2018: Staff were made aware of confirmation of the roof collapse and informed the Roman Catholic Diocese of Hamilton.

February 21, 2018: Staff met with staff from the Roman Catholic Diocese of Hamilton and received verbal agreement that the owners would submit a Documentation and Salvage Report and seek to donate historic material prior to seeking a Demolition Permit for the remains of the Book House.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement:

Section 2.6 of the Provincial Policy Statement pertains to Cultural Heritage and Archaeology. Sub-section 2.6.1 states that "significant built heritage resources and significant cultural heritage landscapes shall be conserved".

The recommendations of this Report are consistent with this policy.

Rural Hamilton Official Plan:

Volume 1, Section B.3.4 - Cultural Heritage Resources Policies of the Rural Hamilton Official Plan (RHOP) 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 "identify cultural heritage resources through a continuing process of inventory, survey, and evaluation, as a basis for the wise management of these resources" (B.3.4.2.1(b)). The policies also provide that the "City may, by By-law, designate individual and groups of properties of cultural heritage value under Parts IV and V, respectively, of the *Ontario Heritage Act*" (B.3.4.2.3).

The recommendations of this Report comply with these policies.

RELEVANT CONSULTATION

Staff have been in consultation with the property owners, the HMHC, and Councillors on the subject property since at least June of 2006.

Staff have notified the Ward Councillor of the recommendations of this Report. As of the writing of this Report, staff have not received any concerns from the Ward Councillor. Staff have also sent a copy of Report PED18083 to Ms. Jane Mulkewich, one of the descendants of the Book family actively interested in the state of the Book House.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Ontario Regulation 9 / 06: Criteria for Determining Cultural Heritage Value or Interest:

In 2006, the Province issued Ontario Regulation 9 / 06: Criteria for Determining Cultural Heritage Value or Interest. A property is required to meet at minimum one of the nine criteria of value to be considered as a candidate for designation under the *Ontario Heritage Act*. The intent of designation is to recognize the cultural and / or historical importance of a property and to identify features of value within the property deemed to merit protection for unsuitable alteration or demolition. Designation does not restrict the use of a property, prohibit alterations or additions, or restrict the sale of a property. Designation cannot be employed as a tool to require that property owners invest in their property or substantially repair structures above and beyond the level of maintenance to prevent deterioration outlined in the City of Hamilton's Property Standards By-law No. 10-221.

The Book House was built in the Georgian architectural style and is an early example of brick construction in Hamilton. The structure is located a significant distance from the road and has been left to deteriorate over the years, lessening the value of remaining architectural features. Staff are of the opinion that the subject property meets three of the nine criteria contained in Ontario Regulation 9 / 06 in all three categories.

1. Design / Physical Value:

- i. The property is a representative of example of a style and an early example of a construction method.

The Book House is an example of Georgian architecture which was common throughout Ontario during the early to mid-19th century. It is also an early example of the use of brick construction materials. At that time in Upper Canada, most structures were constructed of wood or stone. Brick

yards were still uncommon and therefore if brick was used it was typically shipped at great cost or created on site from extracted clay (as has been suggested was the case for the Book family).

The two-storey red brick structure was built with a formal layout, symmetrical appearance, side-gable roof, flanking chimneys, and double-hung sash windows which were characteristic of the Georgian style. Unfortunately, few of those features remain intact while others are missing entirely (such as any interior features).

- ii. The property does not demonstrate a high degree of craftsmanship or artistic merit.

Although noteworthy craftsmanship may have been extant on the interior or exterior of the original Georgian dwelling, it is no longer intact or missing entirely.

- iii. The property does not demonstrate a high degree of technical or scientific achievement.

2. **Historical / Associative Value:**

- i. The property does have direct associations with a person and group that are significant to the community.

The property has direct associations with the Book and Smith families, both influential groups within the European settlement and development of rural Ancaster. The property is a small part of the original 700 acre parcel of land that was granted to John Book by the Crown in 1793. The property is adjacent to the location of the original John Book House (ca. 1817), the Book Family Cemetery, and is located along Book Road. The extant Book House contributes to the context of this unique settlement landscape but is located a significant distance from the road and is not visible to the public. As such, the associative value, although present, is significantly diminished.

- ii. The property does not have the potential to yield information that contributes to an understanding of a community or culture.

Extensive historical research has been conducted on the extant Book House, the John Book House, the Book Cemetery, and the Book family

itself. Further research on this property is not likely to yield further information.

- iii. The property does not demonstrate or reflect the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.

The architect or designer of the Book House is unknown, although it is assumed that Adam Book was responsible for the design of the home.

3. Contextual Value:

- i. The property is not important in defining, maintaining, or supporting the character of the area.

The location of the Book House, a significant distance from the road and concealed from public view reduces the importance of the historic resource in defining, maintaining or supporting the character of the area.

- ii. The property is historically linked to its surroundings.

The property is historically linked to its surroundings as a part of the original Book settlement, settled as early as 1789 by John Book. The property is located along Book Road, near the Book Family Cemetery, and adjacent to the former John Book House (ca. 1817) destroyed by fire in 2005. The Book House does not maintain any physical, functional, or visual links to its surroundings due to its concealed location approximately 250m from Book Road. Staff are recommending that an historical plaque be erected on site, near the public road, in order to interpret the history of the property and the Book family itself. The plaque would also serve to demarcate the general location of the Book House for future generations.

- iii. The property is not considered a landmark.

Although the Book House is recognized by some locals as an important heritage home, it is considered to be a landmark. The structure is not visible from the road nor is it sufficiently intact to be considered a landmark.

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Conclusion:

Staff determine that the subject property meets three of nine criteria under Ontario Regulation 9 / 06 in all three categories. The Book House is an example of Georgian architecture and an early example of the use of brick construction materials. The property has direct associations with the Book family and is historically linked to its surroundings but is not visible from the public road. The Book House is also in very poor condition and its roof has collapsed within the recent past. The property owners have agreed to retain a heritage consultant to complete a Documentation and Salvage Report and to donate part of the material.

As such, staff are recommending that the property be removed from the City's Register of Properties of Cultural Heritage Value and staff's work plan for designation under Part IV of the *Ontario Heritage Act*. Staff are also recommending the possibility of erecting an historical plaque on site be explored to commemorate the property's history.

ALTERNATIVES FOR CONSIDERATION

Decide to Designate:

Council may decide to recommend that the subject property be designated under Part IV of the *Ontario Heritage Act*. Given the poor state of the Book House as a partially-demolished structure and the lack of intact heritage features, staff do not support this option.

Retain the Property on the Register:

Council may decide to retain the property on the City's Register of Properties of Cultural Heritage Value. Retaining the property on the Register would provide the property with 60 days of protection from demolition as per Section 27 of the *Ontario Heritage Act*. Staff are of the opinion that retaining the property on the Register would not provide a mechanism for the reparation of the Book House. Given the state of the Book House and the unwillingness of the current ownership to maintain the structure, it is staff's opinion that the demolition of the structure will occur. As such, removing the property from the Register would prevent the need for a 60 day hold to be applied to the demolition of the Book House and for Council to be informed of that impending demolition.

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ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

APPENDICES AND SCHEDULES ATTACHED

- Appendix "A": Location Map
- Appendix "B": Photographs of Book House
- Appendix "C": Scoped Cultural Heritage Assessment Report
- Appendix "D": Letter dated June 21, 2007 from Roman Catholic Diocese of Hamilton
- Appendix "E": Requests to Designate Properties under Part IV of the *Ontario Heritage Act*. Priorities (as amended by Council on February 28, 2018)
- Appendix "F": Staff letter to owner requesting property access

JP:mo