



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

<b>TO:</b>	Chair and Members Hamilton Municipal Heritage Committee
<b>COMMITTEE DATE:</b>	July 19, 2018
<b>SUBJECT/REPORT NO:</b>	Notice of Intention to Demolish Metal Accessory Structure at 64 Hatt Street, Dundas (PED18166) (Ward 13)
<b>WARD(S) AFFECTED:</b>	Ward 13
<b>PREPARED BY:</b>	Jeremy Parsons (905) 546-2424 Ext. 1214 Asiya Patel (905) 546-2424 Ext. 7163
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That no action be taken in response to the notice of intention to demolish the metal accessory structure at 64 Hatt Street, Dundas, a property included in the City's Register of Property of Cultural Heritage Value or Interest;
- (b) That 64 Hatt Street, Dundas remain on the designation work plan for completion of a Cultural Heritage Assessment in 2025.

**EXECUTIVE SUMMARY**

The subject property known municipally as 64 Hatt Street, is located at the intersection of Hatt Street (to the north), and McMurray Street (to the west) (see Appendix "A" to Report PED18166).

The property was added to the Register of Property of Cultural Heritage Value or Interest (the Register) by Council on June 14, 2017. Inclusion of non-designated property in the Register, established under Subsection 27 (1.2) of the *Ontario Heritage Act*, requires that Council be given 60 days notice in writing of the intention to demolish or remove any building or structure on the property, and the demolition and removal of a building or structure is prohibited during this time period. Inclusion of a property on the Register does not automatically indicate a property should be designated under the *Ontario Heritage Act*. Rather, the intent is to provide Council with an opportunity to consider if the property should be designated to prevent the demolition of the building

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and to issue the Notice of Intention to Designate (NOID) if designation is deemed appropriate or to discuss other options with the proponent.

On June 14, 2017, Council added 64 Hatt Street, Dundas to staff's work plan to consider designation under Part IV of the *Ontario Heritage Act*.

On May 11, 2018, the property owner submitted a Notice of Intention to Demolish the metal clad accessory structure adjacent to the historic Gartshore Building at 64 Hatt Street, Dundas. The 60 days' notice will expire on July 10, 2018.

Staff have researched the accessory structure and are recommending that no action be taken to prevent the demolition of the accessory structure as it does not meet the criteria for designation and has not been identified as having any cultural heritage value. However, while the accessory structure does not have cultural heritage value, the principle building on the subject lands itself continues to possess significant cultural heritage value, and as such, the property should remain on the designation work plan for completion in 2025.

***Alternatives for Consideration – See Page 5***

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: Continued inclusion in the City's Register of Property of Cultural Heritage Value or Interest under Section 27 (1.2) 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. Council must consult with the Municipal Heritage Committee prior to including a non-designated property in the Register or removing reference to a property from the Register under Section 27 (1.3) of the Act.

**HISTORICAL BACKGROUND**

The subject metal accessory structure was used for material storage. The structure was built by Thiel Steel Contracting Inc. for Valley City Manufacturing Company in 1988, and is part of the larger Gartshore site (see "Appendix C" to Report PED18166). The site is composed of several buildings that form a solid wall façade along Hatt Street, in addition to the metal accessory structure that faces McMurray Street. The subject accessory structure is detached and separate from the main brick building. It is composed of non-combustible steel material and is approximately 11.1 m by 6.3 m (34.6 ft by 20.5 ft) in size.

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The Gartshore site was originally home to industrial operations believed to have begun on the site between 1836-1838 by prominent Scottish entrepreneur John Gartshore (1810-1873) and partner James Belle Ewart (1801-1853). The extant original stone portion of the main building is believed to have been built in 1846, replacing the earlier construction destroyed by fire. The site is a tangible reminder of the importance of the manufacturing industry to the former Town of Dundas.

The property was added to the Register and to the work plan to be designated under the *Ontario Heritage Act* by Council on June 14, 2017. Inclusion of non-designated property in the Register, established under Subsection 27 (1.2) of the *Ontario Heritage Act*, requires that Council be given 60 days notice in writing of the intention to demolish or remove any building or structure on the property, and the demolition and removal of a building or structure is prohibited during this time period. Inclusion of a property on the Register does not automatically indicate a property should be designated under the *Ontario Heritage Act*. Rather, the intent is to provide Council with an opportunity to consider if the property should be designated to prevent the demolition of the building and to issue the Notice of Intention to Designate (NOID) if designation is deemed appropriate or to discuss other options with the proponent.

On May 11, 2018, the property owner submitted a Notice of Intention to Demolish to the Building Division for the accessory structure located on the west side of 64 Hatt Street, Dundas. The 60 day notice expires on July 10, 2018. Staff are not concerned that the Gartshore Building which contains cultural heritage value will be demolished prior to the scheduled designation in 2025.

## **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”.

### **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 “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)), “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)) and “ensure the conservation and protection of *cultural heritage resources* in planning and development matters subject to the *Planning Act* either through appropriate planning and design measures or as conditions of development approvals” (B.3.4.2.1(g)). The policies also

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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**

N/A

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

As the Notice of Intention to Demolish was specifically for the metal clad accessory structure and not the principle heritage building itself, this analysis and rationale are specifically aimed at the cultural heritage value of the accessory structure as it relates to the subject property.

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

Section 29 (1) of the *Ontario Heritage Act* permits the Council of a municipality to designate property to be of cultural heritage value or interest where property meets the criteria prescribed by provincial regulation. In 2006, the Province issued Ontario Regulation 9 / 06: Criteria for Determining Cultural Heritage Value or Interest. According to Sub-section 1(2) of Ontario Regulation 9 / 06, a property may be designated under Section 29 of the *Ontario Heritage Act* where it meets one or more of the identified criteria. Ontario Regulation 9 / 06 identifies criteria in three broad categories: Design / Physical Value, Historical / Associative Value and Contextual Value (see Appendix “B” to Report PED18166).

It should be noted that the criteria in Ontario Regulation 9 / 06 is intended to be applied to an entire property; however in this case, application of the criteria is limited to the accessory structure as it is proposed for demolition.

#### **1. Design / Physical Value:**

- i. The accessory structure does not appear to be a rare, unique, representative or early example of a style, type, expression, material or construction method.
- ii. The accessory structure does not display a high degree of craftsmanship or artistic merit.

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

**2. Historical / Associative Value:**

- i. The accessory structure is not considered to have direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community.
- ii. The accessory structure is not considered to have the potential to yield information that contributes to an understanding of a community.
- iii. The accessory structure on the property is not attributed to a prominent architect.

**3. Contextual Value:**

- i. The accessory structure is not considered important in defining, maintaining and supporting the character of the area.
- ii. While the accessory structure is physically, functionally, and visually linked with the building on the property, the accessory structure is not considered to be physically, functionally, visually and historically linked with the surrounding properties.
- iii. The accessory structure is not considered a landmark.

**Conclusion:**

The metal accessory structure does not meet any of the criteria for designation and, as such, is not considered to have sufficient cultural heritage value to warrant immediate designation of the subject property under the *Ontario Heritage Act*.

However, the wider property is still considered to possess significant cultural heritage value and warrant further consideration for designation under the *Ontario Heritage Act*. As such, staff recommends that the property remain on the designation work plan scheduled for 2025, when a comprehensive cultural heritage assessment can be completed. This will allow the 60 day notice of the intention to demolish the accessory structure to expire without any further action.

**ALTERNATIVES FOR CONSIDERATION**

Under Part IV of the *Ontario Heritage Act*, the designation of property is a discretionary activity on the part of Council. Council, as advised by the Hamilton Municipal Heritage

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Committee (HMHC), may consider the alternative to designate the property immediately.

**Reject Staff's recommendation**

HMHC can advise that Council make designation of the subject property an immediate priority. However, staff are not recommending this option as the accessory structure is not considered to be of sufficient cultural heritage value to be identified as a heritage feature or resource. As such, if HMHC recommends this alternative to Council, the City typically retains outside consultants to support the designation of the subject property immediately.

**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" – Ontario Regulation 9 / 06: Criteria for Determining Cultural Heritage Value or Interest
- Appendix "C" – Photographs