



An agency of the Government of Ontario

10 Adelaide Street East
Toronto, Ontario M5C 1J3

Telephone: 416-325-5000
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February 19, 2020

Mayor Fred Eisenberger and Members of Council
Mayor's Office
City of Hamilton
71 Main Street West, 2nd Floor
Hamilton, Ontario L8P 4Y5

Delivered by email

Dear Mayor and Members of Council:

On February 12 the City of Hamilton shared with the Trust the report on the Proposal for the Adaptive Reuse of Balfour House/Chedoke Estate being considered by the City of Hamilton's General Issues Committee on February 19. The recommendations in this report are contrary to the existing agreement between the City of Hamilton and the Trust.

The Trust does not support the recommendations that the City of Hamilton step out of negotiations with the proponent and asks the Trust to act in their stead. As you know, the Trust and the City of Hamilton entered into an agreement in 1979 whereby the Trust granted possession and control of the Balfour House/Chedoke Estate to the City and the City agreed to develop, maintain, preserve, administer and supervise the property in the same manner, to the same standard and for the same general purposes as the City does for similar lands that it owns or administers. Under this agreement, the City of Hamilton is responsible for negotiating any sub-leases. The Trust's role would be limited to approval authority of the sub-lease and of any alterations to the building or property.

As indicated in letters of August 1, 2019, December 16, 2019, and February 18, 2020, which are attached, the Trust is prepared to work with City of Hamilton staff in their discussions with the proponent. We are not prepared to lead those discussions on behalf of the City of Hamilton. Before the Trust joins these discussions, we require fundamental information related to Ontario Building Code compliance that is missing from the proposal.

I also refer you to the report from EVOQ which was prepared for the City of Hamilton that recommends both a detailed assessment of the required building code upgrades and interventions, and the development of a cohesive conservation plan.

The Trust will require this information related to Ontario Building Code compliance and the written concurrence of the City's Chief Building Official before undertaking further review and before approving any sub-lease arrangement.

We value our partnership with the City of Hamilton and look forward to continuing to work with City staff to support the conservation of Chedoke Estate.

Yours sincerely,



Beth Hanna
Chief Executive Officer

Copy: Jason Thorne, GM Planning & Economic Development, City of Hamilton
Carrie Brooks-Joiner, Director, Tourism & Culture, City of Hamilton

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August 1, 2019

Ian Kerr-Wilson
Manager, Heritage Resource Management
City of Hamilton
71 Main Street West
Hamilton, Ontario L8P 4Y5

Dear Mr. Kerr-Wilson:

I am following up on recent discussions between Trust staff and City staff with respect to a proposal for the Chedoke Estate, which is owned by the Ontario Heritage Trust. The Trust has a good relationship with the City of Hamilton, built in part through the management of numerous heritage cultural easements. We are also pleased to have a longstanding operating agreement with the City of Hamilton for the preservation of the Chedoke Estate. The work that the City has done to conserve the physical heritage resources of the site and recently to introduce low-impact uses bodes well for the long-term integrity of the property. The preservation of the lands and premises including the historical, architectural and aesthetic character of the buildings is the Trust's overall goal.

The Trust has recently been provided a copy of a proposal from the charitable organization Cardus to the City of Hamilton for an adaptive re-use project at Chedoke Estate. It envisions converting the building to a retreat, with an as-yet-to-be-determined combination of short-term residential lodging, meeting space, office use and support facilities. The proposed term of occupancy is through 2039. Although it is still at a conceptual stage, the proposal would represent a milestone change in the evolution of Chedoke worthy of circumspect consideration.

In the Trust's experience, the conversion of a residential building to public use usually requires substantial physical interventions to meet regulatory health and safety, building code, access and amenities required of a public building. Precise detail of program uses is key to determining whether a proposed use is compatible or detrimental to the heritage building being adapted. The information provided in the Cardus proposal is not sufficient for the Trust to make this determination.

Should the City of Hamilton choose to pursue further investigation of the Cardus proposal, the Trust would commit to provide additional review and comments as required. However, further consideration by the Trust would require that the following conditions be met.

- The City will continue to be the Trust's operating partner and shall retain control of the property for the duration of the agreement.
- Planning, design and construction associated with the adaptive re-use must conform with Parks Canada's Standards and Guidelines for the Conservation of Historic Places in Canada. The Trust has adopted these standards for all work undertaken at Trust-owned heritage sites.

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- Pursuant to the current operating agreement between the Ontario Heritage Trust and the City of Hamilton, and by established precedent, the City must be the Project Manager for any work undertaken, working in cooperation with the Trust as the approval authority.
- The prime consultant for the project must be an architect with demonstrated experience in conservation work at national historic sites, managing an interdisciplinary team of sub-consultants having similar experience.

The Trust appreciates the need to develop viable new uses for Chedoke Estate and we look forward to working with city staff towards that end.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Wayne Kelly', is written above the typed name.

Wayne Kelly
Director, Heritage Programs and Operations



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December 16, 2019

Jason Thorne
GM Planning & Economic Development
City of Hamilton
71 Main Street West, 7th Floor
Hamilton, Ontario L8P 4Y5

Dear Mr. Thorne:

On November 20, 2019, the Ontario Heritage Trust (Trust) received a copy of the Functional Plan submitted to the City of Hamilton (City) on November 15, 2019 by Cardus in support of their proposal to adapt the Chedoke Estate in Hamilton to their administrative headquarters. The Trust understands that the City's General Issues Committee passed a motion on September 18, 2019 that directed City staff to seek a preliminary opinion from the Trust on the proposal to identify any preliminary or potential concerns that the Trust may have with the proposed use.

In our letter of August 1, 2019 to the Manager of Heritage Resource Management, the Trust agreed to provide additional review and comment on this proposal provided that certain conditions were met. These conditions include:

- The City will continue to be the Trust's operating partner and shall retain control of the property for the duration of the agreement.
- Planning, design and construction associated with the adaptive re-use must conform with Parks Canada's *Standards and Guidelines for the Conservation of Historic Places in Canada*. The Trust has adopted these standards for all work undertaken at Trust-owned heritage sites.
- Pursuant to the current operating agreement between the Ontario Heritage Trust and the City of Hamilton, and by established precedent, the City must be the Project Manager for any work undertaken, working in cooperation with the Trust as the approval authority.
- The prime consultant for the project must be an architect with demonstrated experience in conservation work at national historic sites, managing an inter-disciplinary team of sub-consultants having similar experience.

The Trust requires clarity from the City on how these conditions will be met.

The Trust has a mandate to protect Ontario's rich and diverse cultural and natural heritage. The Trust has adopted the *Standards and Guidelines for the Conservation of Historic Places in Canada* and respects international charters for the conservation of cultural heritage resources including the Appleton and Burra charters, and as a prescribed public body under Part III.1 of the Ontario Heritage Act, the Trust complies with the *Standards and Guidelines for the Conservation of Provincial Heritage Properties*.

The Trust has prepared a set of guiding principles for Chedoke that will be used in reviewing this proposal to ensure the conservation of the property's heritage values. These principles are as follows:

- Significant architectural, archaeological, natural heritage and cultural landscape features of the property shall be conserved, including the picturesque landscape that depends on the deliberate placement of landscape features, groupings of trees and vegetation, and open lawn. Alterations to heritage features must take into consideration the integrated nature of these components and respect and protect their heritage values.
- Opportunities for revenue generation and new operating models will be considered, but not at the expense of the site's heritage value.
- A range of public education and interpretative opportunities that meet the highest standards are inclusive and respect all periods of the site's history should be provided.
- Public access to the property should be encouraged and provided where it is appropriate.
- Indigenous engagement shall be incorporated into any planning and decision-making for the property.
- Collections associated with the property shall be protected and housed on-site with opportunities for interpretation and access.
- Decisions regarding use and any changes to the property shall be undertaken in a collaborative and inclusive manner that takes into consideration the objectives and goals of the parties and stakeholders involved.

The Trust has completed a preliminary review of the Functional Plan provided on November 20, 2019.

The Functional Plan proposes converting Chedoke House into the proponent's administrative headquarters with conference facilities and a retreat centre including limited overnight accommodation. The plan proposes the use of all three floors with a maximum occupancy of 72 persons. This represents a significant intensification of use for what is currently and has historically been a single-family residential building.

Fundamental information is missing from the Functional Plan related to the Ontario Building Code compliance, including fire safety and accessibility. These are not details that can be addressed at a later date. The Trust will require this information and the written concurrence of the Chief Building Official before undertaking further review and before approving any sub-lease arrangement between the City and the proponent.

In summary, the Trust does not have sufficient information at this time to complete a full review of the proposal. The Trust requires clarity and more detailed analysis on how the conditions communicated to the City on August 1, 2019 will be met.

We look forward to your written response addressing the concerns and requirements contained in this letter.

Regards,



Beth Hanna
Chief Executive Officer

Copy: Carrie Brooks-Joiner, Director, Tourism & Culture, City of Hamilton



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February 18, 2020

Jason Thorne
GM Planning & Economic Development
City of Hamilton
71 Main Street West, 7th Floor
Hamilton, Ontario L8P 4Y5

Delivered by email

Dear Mr. Thorne:

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Yours sincerely,



Beth Hanna
Chief Executive Officer

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