



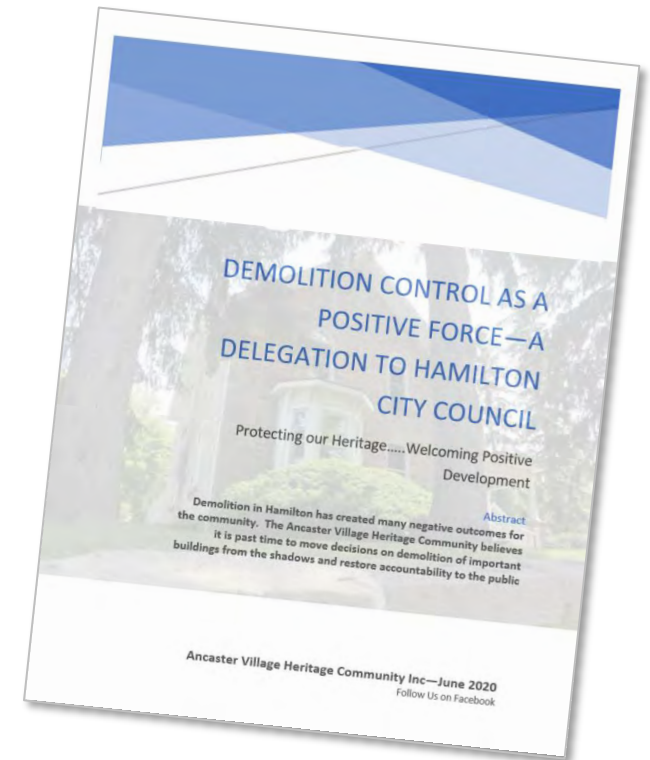
Hamilton

# Demolition Control and Heritage

Hamilton Municipal Heritage Committee (WebEx)

April 1, 2022

- AVHC Delegation
  - Planning Committee (July 2020)
  - Hamilton Municipal Heritage Committee (August 2020)
  - Referred to GM of PED
  - Staff met with AVHC (Fall 2020)
- Project put on hold in 2021 due to redeployments
- Staff reconnected with AVHC (February 2022)



- What We Heard (AVHC Delegation)
- Demolition Control
- Best Practice Review
- Observations
- Themes
- Next Steps

# What We Heard

## AVHC Delegation Request

*Revise Demolition Control By-law to require all Building Permits to Demolish buildings more than 90 years old to be considered by Council and allow for public consideration, and improve language around “routine applications”.*

Additional feedback from AVHC at Fall 2020 meeting:

- 90-year old buildings just a suggestion – open to other options to ensure unprotected properties of heritage interest are reviewed
- Get the ones that matter to Council – not looking to overload staff and Council
- **Remove subjectivity (interpreting “routine applications”)**

# Clarifications on Demolition Control

- Prevents demolition without a permit – *section 33(2)*
- **Only applies to “residential property”**
- Not a public process (only owner can appeal)
- Council has 30-days to make a decision - *section 33(4)*
- Council must issue a permit to demolish where a building permit has been issued for new construction – *section 33(6)*
- Inferred intent: retention of housing stock / residential units

## Section 33 (1), *Planning Act*

*“dwelling unit” means any property that is used or designed for use as a domestic establishment in which one or more persons may sleep and prepare and serve meals;*

*“residential property” means a building that contains one or more dwelling units, but does not include subordinate or accessory buildings the use of which is incidental to the use of the main building.*

# Municipal Best Practice Review

(Brantford, Kitchener, London, Ottawa, Waterloo)

- Rely on applicant to identify residential use and presence of “dwelling units”
- **Broader “intent” identified**
- Integration with heritage review (MHC) challenging and can set unrealistic expectations

# Summary of Observations

- Public participation in heritage conservation via BHI Strategy
- Demolition Control is not a heritage conservation tool – but should align with City policy and process
- **Premature demolition of “residential property” (heritage or not)** can be prevented by ensuring new uses are considered through development application process
- Improved transparency with undelegated applications



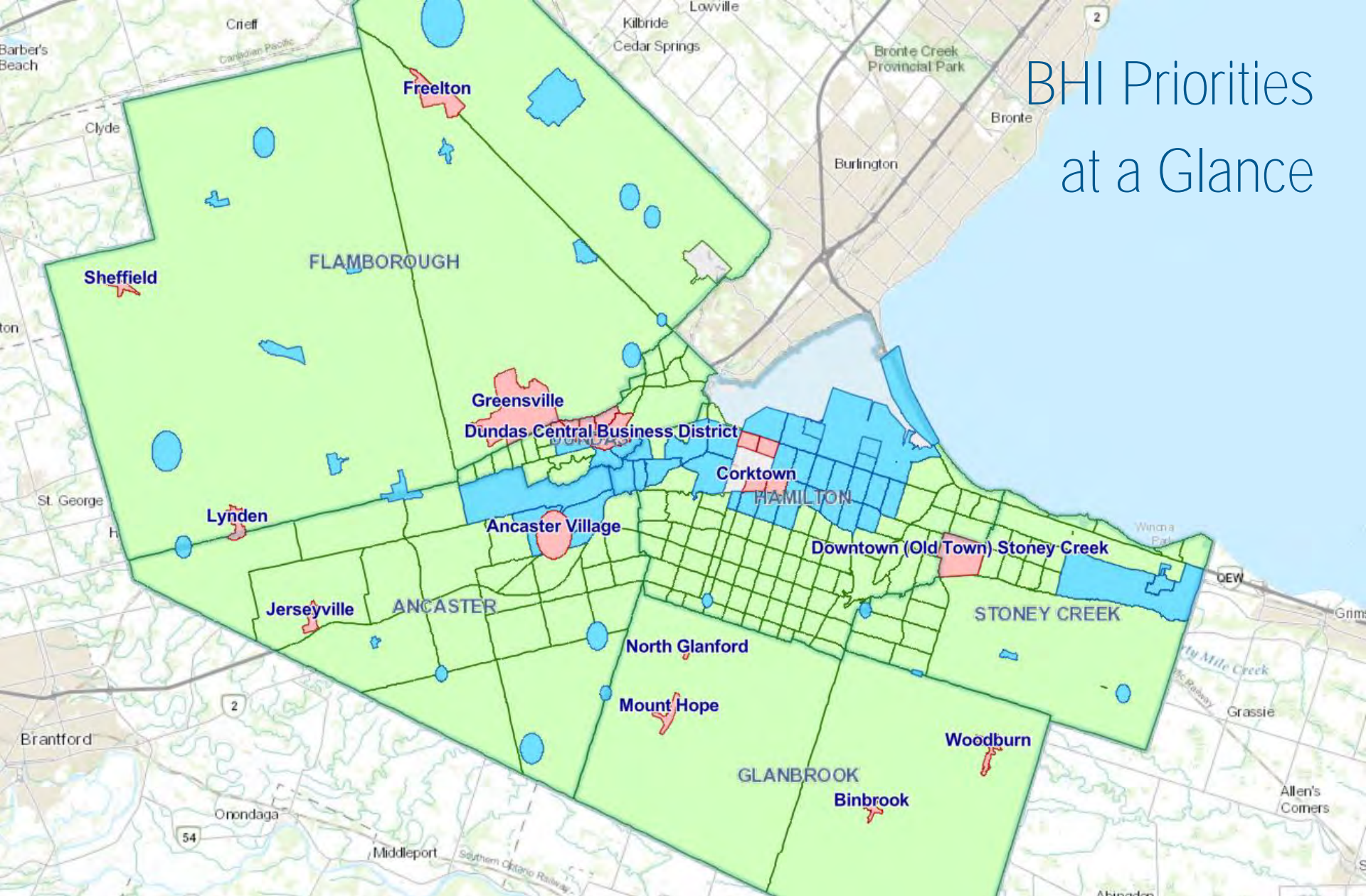
# Themes

- Proactive Register listing and designations
- Demolition Control Area By-law Updates
- Register demolition process
- Internal process and communication

# Proactive Heritage Listing and Designation

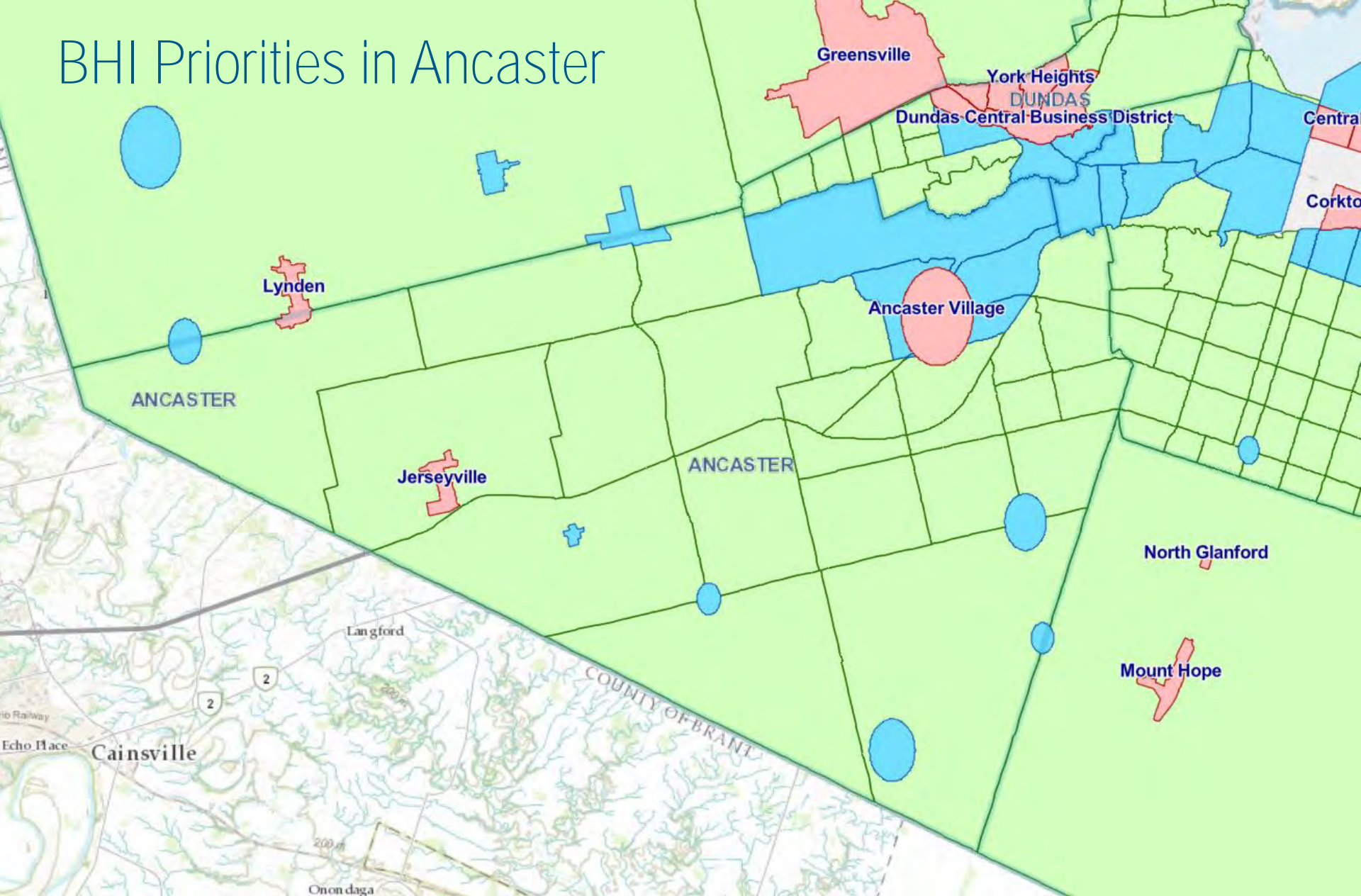
- Built Heritage Inventory Strategy
- Public engagement and participation in identification of heritage buildings
- Listing: interim 60-day protection from demolition
- Designation: Heritage Permit process

# BHI Priorities at a Glance





# BHI Priorities in Ancaster



# Community-Led Inventories



ARCHITECTURAL  
CONSERVANCY  
ONTARIO

HAMILTON  
REGION



# Demolition Control Area By-law Updates

- Intent of By-law
- Definitions
- **“Routine application” and delegated authority scope**
  - Delegate where permissions for replacement buildings and / or uses have been granted
  - Undelegated applications considered at Council (transparency)

# Existing Demolition Control By-law Language

*[...] "routine applications" include, but are not limited to, an application to demolish a residential building:*

- in an established neighbourhood when the standard conditions in section 6 would apply;*
- to facilitate a development under an approved site plan or approved draft plan of subdivision;*
- in a zone that does not permit a residential use;*
- when another non-residential use is permitted;*
- to facilitate land assembly for future development;*
- in the Rural Area when abutting lands would not be impacted.*



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# Address Heritage Register Process

- Heritage Process Review
- Bill 108 Changes to OHA
- Standardize process for Register demolition notices

# Internal Process and Communication

- Internal notifications
- Improved communication between Divisions

# Next Steps

April 2022

- Staff report to Planning Committee (April 25<sup>th</sup>)

Thank you!

Questions?

Feedback?