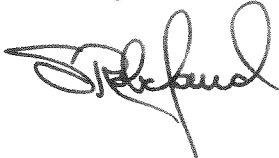


Hamilton

CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Hamilton Municipal Heritage Committee
COMMITTEE DATE:	March 27, 2023
SUBJECT/REPORT NO:	Council Initiative to Repeal Designation By-laws under Section 31 the <i>Ontario Heritage Act</i> for Vacant Properties at 14 Belvidere Avenue and 14 Mary Street, Hamilton (PED23038) (Wards 2 and 8)
WARD(S) AFFECTED:	Wards 2 and 8
PREPARED BY:	Alissa Golden (905) 546-2424 Ext. 1202
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That the City Clerk be directed to give notice of Council's intention to repeal By-law No. 83-183, being a by-law designating 14 Belvidere Avenue, Hamilton (Appendix "A" attached hereto to Report PED23038), and By-law No. 01-225, being a by-law designating 14 Mary Street, Hamilton (Appendix "B" attached hereto to Report PED23038), in accordance with the requirements of Section 31(3) of the *Ontario Heritage Act*, subject to the following:

- (a) For each property that receives no objections to the notice of intention to repeal in accordance with the *Ontario Heritage Act*, staff be directed to introduce the necessary by-law to repeal to City Council;
- (b) For each property that receives any objection to the notice of intention to repeal in accordance with the *Ontario Heritage Act*, staff be directed to report back to Council through Planning Committee to allow Council to consider the objection and decide whether or not to withdraw the notice of intention to repeal.

EXECUTIVE SUMMARY

This Report recommends that Council state its intention to repeal the designation by-laws for two vacant properties:

- 14 Belvidere Avenue, Hamilton (Bellevue) - Designated by By-law Number 83-183, demolished circa 2000 and located in Ward 8; and,
- 14 Mary Street, Hamilton (Century Theatre) - Designated by By-law Number 01-225, demolished circa 2010 and located in Ward 2.

The designated heritage buildings that were located on the two subject properties have been demolished and the properties retain no cultural heritage value or interest under the *Ontario Heritage Act*. This Report directs staff to issue notice of Council's intention to repeal the bylaws and, if no objections to the notice are received, directs staff to bring forward the necessary by-law to repeal for Council's consideration. If any objection is received, staff are directed to report back to City Council for their consideration of the objection.

Alternatives for Consideration – N/A

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: None.

Staffing: None.

Legal: Section 31 of the *Ontario Heritage Act* sets out the process for Council to repeal a designation by-law under Part IV of the Act under its own initiative. Following consultation with the Municipal Heritage Committee, as per Section 31(2) of the Act, and a decision of Council to repeal, the clerk shall give notice of Council's intention to repeal a by-law. The notice must be served on the owner of the property and on the Ontario Heritage Trust and published in the newspaper in accordance with Sections 31(3) and 31(4) of the Act.

Objections

Any person who objects to the proposed repealing by-law can do so by serving notice of their objection on the clerk setting out their reasons for objection and relevant facts within 30 days after the publication of the notice of intention to repeal, as per Section 31(5) of the Act. If an objection is

received, Council must consider the objection and decide whether or not to withdraw their notice of intention to repeal, as per Section 31(6).

Passing of By-law to Repeal

If no objections are received within the 30-day objection period, Council may pass a by-law repealing the by-law designating a property and must subsequently serve notice of the repealing by-law on the owner and the Ontario Heritage Trust, and publish notice of the repealing by-law and appeal rights in the newspaper in accordance with Section 31(8) of the *Ontario Heritage Act*. If no appeals are received, the repealing by-law comes into force on the day following the last day of the appeal period and the clerk shall ensure a copy of the repealing by-law is registered against the properties affected by the repealing by-law in the appropriate land registry office and that a copy of the registered repealing by-law is served on the Ontario Heritage Trust. The clerk shall also delete any reference to the property from the register referred to in Section 27(1) of the Act.

HISTORICAL BACKGROUND

The property located at 14 Belvidere Avenue, Hamilton (Ward 8) was designated under Part IV of the *Ontario Heritage Act* by municipal By-law Number 81-183 (attached as Appendix "A" to Report PED23038). The reasons for designation in the By-law identify the circa 1850 two-storey stone dwelling, known as Bellevue, as being of architectural and historical significance. In 1999, the owner of the property applied for a Building Permit Application to demolish Bellevue. At the time, the provisions of the *Ontario Heritage Act* did not prevent demolition of designated properties; it only delayed demolition for 180 days. The Bellevue house was demolished circa 2000 and there are no extant built features remaining on the property.

The property located at 14 Mary Street, Hamilton (Ward 2) was designated under Part IV of the *Ontario Heritage Act* by municipal By-law Number 01-225 (attached as Appendix "B" to this Report). The reasons for designation in the By-law identify the circa 1914 building known as the Lyric / Century Theatre as being of architectural, historical and contextual value. The former theatre building was demolished in 2010 after falling into disrepair and being deemed unsafe, and there are no extant built features remaining on the property.

In January, 2023, a new owner took possession of 14 Belvidere Avenue, Hamilton, and advised staff of their desire to have the designation by-law be removed from title. Staff conducted a review of other vacant Part IV designated properties and determined that the designation by-law for 14 Mary Street, Hamilton, should also be repealed.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The Recommendations of this Report are consistent with Provincial and Municipal legislation, including:

- Identifying cultural heritage resources through a continuing process of inventory, survey, and evaluation, as a basis for the wise management of these resources (Urban Hamilton Official Plan, Volume 1, B.3.4.2.1 b)); and,
- Maintaining the Municipal Heritage Register, pursuant to the *Ontario Heritage Act* (Urban Hamilton Official Plan, Volume 1, B.3.4.2.4).

RELEVANT CONSULTATION

External

- Property owners.

Internal

- Corporate Services Department, Legal Services Division, Legal and Risk Management Services;
- Ward Councillor Kroetsch, Ward 2; and,
- Ward Councillor Danko, Ward 8.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

14 Belvidere Avenue, Hamilton

The circa 1850 two-storey stone dwelling, known as Bellevue, that was previously located on the property was demolished circa 2000 and the property no longer retains any cultural heritage value or interest under Part IV of the *Ontario Heritage Act*. Staff recommend that By-law Number 83-183 be repealed in accordance with Section 31 of the Act.

14 Mary Street, Hamilton

The circa 1914 building, known as the Lyric / Century Theatre, that was previously located on the property was demolished circa 2010 and the property no longer retains any cultural heritage value or interest under Part IV of the *Ontario Heritage Act*. Staff

SUBJECT: Council Initiative to Repeal Designation By-laws under Section 31 the *Ontario Heritage Act* for Vacant Properties at 14 Belvidere Avenue and 14 Mary Street, Hamilton (PED23038) (Wards 2 and 8) - Page 5 of 5

recommend that By-law Number 01-225 be repealed in accordance with Section 31 of the Act.

ALTERNATIVES FOR CONSIDERATION

Not applicable.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

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" to Report PED23038 - Designation By-law Number 83-183 for 14 Belvidere Avenue, Hamilton

Appendix "B" to Report PED23038 - Designation By-law Number 01-225 for 14 Mary Street, Hamilton

AG:sd

The Corporation of the City of Hamilton

BY-LAW NO. 83- 183

To Designate:

THE PROPERTY KNOWN AS "BELLEVUE"
LOCATED AT MUNICIPAL NO. 14 BELVIDERE AVENUE

As Property of:

HISTORIC AND ARCHITECTURAL VALUE AND INTEREST

WHEREAS the Council of the City of Hamilton did give notice of its intention to designate the property mentioned in section 1 of this by-law in accordance with subsection 3 of section 29 of The Ontario Heritage Act, R.S.O. 1980, Chapter 337;

AND WHEREAS the Conservation Review Board made a report as required by the said Act;

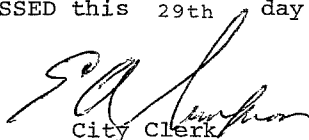
AND WHEREAS it is desired to designate the property mentioned in section 1 of this by-law in accordance with clause (a) of subsection 14 of section 29 of the said Act.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The property known as "Bellevue", located at Municipal No. 14 Belvidere Avenue and more particularly described in schedule "A" hereto annexed, is hereby designated as property of historic and architectural value and interest.
2. The City Solicitor is hereby authorized and directed to cause a copy of this by-law, together with reasons for the designation set out in schedule "B", to be registered against the property affected in the proper registry office.
3. The City Clerk is hereby authorized and directed,
 - (i) to cause a copy of this by-law, together with reasons for the designation to be served on the owners and The Ontario Heritage Foundation by personal service or by registered mail;
 - (ii) to publish a notice of this by-law in a newspaper having general circulation in the Municipality of the City of Hamilton, for three consecutive weeks.

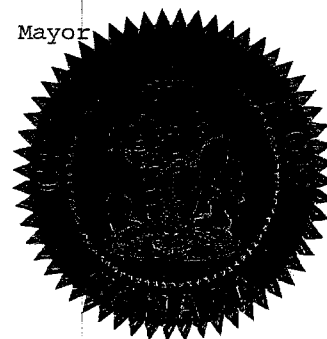
PASSED this 29th day of June

A.D. 1983.


City Clerk


Mayor

(1981) 24 R.P.R.C. 4, October 13
Approved, Parks and Recreation Committee,
June 16, 1983



SCHEDULE "A"

To

By-law No. 83-183

BELLEVUE14 Belvidere Avenue,
Hamilton, Ontario

ALL AND SINGULAR that certain parcel or tract of land, situate, lying and being composed of part of Lot Three (3), Registered Plan No. 457 (Grand View Survey) in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, formerly in the County of Wentworth and Province of Ontario, containing an area of 10,924 square feet and more particularly described as follows:

PREMISING that bearings are astronomic and are referred to the Westerly limit of the said Registered Plan No. 457 as being North seventeen degrees and twenty-seven minutes and thirty seconds East (N.17°27'30"E.) and relating all bearings herein thereto;

COMMENCING at the most Easterly corner of the said Lot 3, Registered Plan No. 457;

THENCE North twenty-three degrees and forty-three minutes and thirty seconds West (N.23°43'30"W.) along the Southeasterly limit of the said Lot Three (3), fifty-five feet (55');

THENCE North seventeen degrees and twenty-nine minutes and thirty seconds East (N.17°29'30"E.) along the Easterly limit of the said Lot Three (3) eighty-three and six one-hundredths feet (83.06') to a point in the Southerly limit of the lands of the City of Hamilton as shown on their Plan SS-905A Surveys;

THENCE South eighty-six degrees and sixteen minutes and ten seconds West (S.86°16'10"W.) following the said Southerly limit, seventy-four and fifteen one-hundredths feet (74.15') to a point distant three and ninety-two one-hundredths feet (3.92') measured North eighty-six degrees and sixteen minutes and ten seconds East (N.86°16'10"E.) from an iron bar;

THENCE South seventeen degrees and twenty-seven minutes and thirty seconds West (S.17°27'30"W.) parallel to the Westerly limit of the said Registered Plan one hundred and sixty-five and ninety-seven one-hundredths feet (165.97') to a point in the Southerly limit of the said Lot and being in a curve having a radius of two hundred and seventy-seven feet (277.0').

THENCE following the said curve an arc distance of eighty-one and fifty-one one-hundredths feet (81.51') to the point of commencement.

SCHEDULE "B"

To

By-law No. 83-183

REASONS FOR DESIGNATION

BELLEVUE14 Belvidere Avenue,
Hamilton, Ontario

Located on Hamilton's mountain brow with a commanding view out over city and bay, Bellevue ranks among the city's finest examples of historic residential architecture. This gracious dwelling at 14 Belvidere Avenue was built of locally quarried limestone in 1848-50 by John Bradley and closely resembles the McQuesten homestead of Whitehern both in style and construction.

Along with the contemporary limestone mansions of Inglewood, Ballinahinch, Rock Castle and Whitehern, Bellevue marked an important initial step in Hamilton's rapid transition from pioneer settlement to cosmopolitan centre at the middle of the nineteenth century.

Architecturally, Bellevue's compact and symmetrical Classical Revival design displays a fine sense of proportion and scale. The masonry and interior trim attest to the competence of local builders Melville, Herald and White. Embellished with a belvedere in the late 1800's, after which the street is named, the residence was one of the first in the city's tradition of escarpment estates.

Of historical importance to Hamilton's pioneer era was the original owner of Bellevue, John Bradley, who contributed not only through his commercial success but also through his political leadership to the growth of the community. George Gillespie, a resident of 14 Belvidere Avenue in the 1860's and '70's, was a successful merchant and industrialist who did much to promote Hamilton financial institutions. Of special significance are the north, east and west facades, together with the stone chimneys and belvedere of the building known as Bellevue.

Authority: Item 16, Committee of the Whole
Report 01-023 (PD01116)
CM: July 10, 2001

Bill No. 225

City of Hamilton

BY-LAW NO. 01-225

To Designate:

LAND LOCATED AT MUNICIPAL NO. 14 MARY STREET

As Property of:

HISTORIC AND ARCHITECTURAL VALUE AND INTEREST

WHEREAS the Council of the City of Hamilton did give notice of its intention to designate the property mentioned in section 1 of this by-law in accordance with subsection 29(3) of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18;

AND WHEREAS no notice of objection was served on the City Clerk as required by subsection 29(5) of the said Act;

AND WHEREAS it is desired to designate the property mentioned in section 1 of this by-law in accordance with clause 29(6)(a) of the said Act.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The property located at Municipal No. 14 Mary Street, Hamilton, Ontario and more particularly described in Schedule "A" hereto annexed and forming part of this by-law, is hereby designated as property of historic and architectural value and interest.
2. The Corporate Counsel is hereby authorized and directed to cause a copy of this by-law, together with reasons for the designation set out in Schedule "B" hereto annexed and forming part of this by-law, to be registered against the property affected in the proper registry office.

3. The City Clerk is hereby authorized and directed,
- (i) to cause a copy of this by-law, together with reasons for the designation, to be served on The Ontario Heritage Foundation by personal service or by registered mail;
 - (ii) to publish a notice of this by-law once in a newspaper having general circulation in the City of Hamilton.

PASSED this 2nd day of October A.D. 2001



MAYOR



Acting CITY CLERK

Schedule "A"

To

By-law No. 01-225

Century Theatre
14 Mary Street, Hamilton, Ontario

PIN 17168 0055 (R)

All of Lot 22 on Registrar's Compiled Plan No. 1393, City of Hamilton

TOGETHER WITH the use of the ten foot alley lying between Lots 19 and 20 on Plan 1393 and the twelve foot alley lying between Lots 21 and 22 as shown on said Plan. Both alleys being part of Lot 13 Concession 2 in the Township of Barton.

AND TOGETHER WITH the use of right-of-way 12 feet in width lying to the south of Lot 22 running from Mary Street easterly to Walnut Street being the northerly 12 feet of Lots 1 to 11 inclusive, Lots 13 to 18 inclusive and Lot 23 on said Registrar's Compiled Plan No. 1393.

As in Instrument Number VM248790.

Schedule "B"

To

By-law No. 01-225

Century Theatre
14 Mary Street, Hamilton, Ontario

REASONS FOR DESIGNATION

Context

The former Century Theatre at 14 Mary Street is located directly behind the landmark 1881 Copp Block which spans the entire block from Mary to Walnut Street. The theatre building originally stood in the midst of a thriving retail and entertainment district in the downtown core, just steps away from the busy King Street East commercial thoroughfare. Tucked away on a narrow street, its impressive four-storey façade with a crowning cornice arching over the semi-circular sign bearing its original "Lyric Theatre" name was only ever visible to visitors approaching the theatre from King Street at the intersection of Mary Street because of the continuous row of three-storey commercial buildings lining King. Today the building is much more visible from the north than it would have been in the early 20th century as many commercial/ industrial buildings and houses along Mary Street and King William Street have since been demolished and the vacant land turned into parking lots. Even though the theatre building is vacant and in disrepair, its imposing five-storey brick and cast stone façade still maintains a commanding presence. The new owners of the former Century Theatre intend to convert it into residential units on the upper floors with commercial space on the ground floor, conserving and restoring as many of the original features on the Mary Street façade as possible.

History

Opened as a vaudeville theatre in 1913, the Lyric Theatre was hailed at the time to be the largest theatre in Hamilton with a seating capacity of over 2000. It was built for Dominion Theatres Limited to offer "top-class" Loews Vaudeville and moving pictures to the citizens of Hamilton. At a time when this form of entertainment was extremely popular, the Lyric Theatre was one of the seven largest and grandest theatres of its type to be built in Hamilton, three of which were located in the immediate vicinity: the Temple, the Capitol and the Palace. In 1914, the Lyric was sold to the Canadian United Theatre Company of London, Ontario, and became the Keith Vaudeville Circuit's permanent home in Hamilton. The theatre underwent extensive renovations in 1922, making it "one of the most palatial amusement centres in the Dominion". Purchased in 1940 by 20th Century Theatres it was fully modernized to serve as a state-of-the-art movie house. In 1967, the Century underwent yet another complete refurbishing and continued to operate until closing in 1989 when the new multi-theatre complex opened in Jackson Square. Today, the Century and the Tivoli on James Street North are the only two of Hamilton's grand early 20th century theatres to survive with their auditoriums.