



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	March 21, 2023
SUBJECT/REPORT NO:	Correspondence Regarding the Notice of Intention to Designate 66-68 Charlton Avenue West, Hamilton, under Part IV of the <i>Ontario Heritage Act</i> (PED22208(a)) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Lisa Christie (905) 546-2424 Ext. 1291
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

BACKGROUND

On December 7, 2022, Council approved the recommendation to issue a Notice of Intention to Designate (NOID) the property located at 66-68 Charlton Avenue West, Hamilton, in accordance with Section 29 of the *Ontario Heritage Act* (see Report PED22208, Hamilton Municipal Heritage Committee Report 22-010 and Planning Committee Report 22-016).

The NOID was published in the Hamilton Spectator and served on the registered owner and the Ontario Heritage Trust on December 14, 2022. In accordance with Section 29 (5) of the *Ontario Heritage Act*, any person who objects to a proposed designation shall, within thirty days after the date of publication of the notice of intention to designate, serve the clerk of the municipality a notice of objection setting out the reason for the objection and all relevant facts. The 30-day objection period ended on January 13, 2023.

INFORMATION

On January 13, 2023, the City received correspondence from Stikeman Elliott LLP, legal counsel representing the registered owner of 66-68 Charlton Avenue West, Hamilton (attached as Appendix "A" to Report PED22208(a)). The correspondence included

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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.

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comments regarding the heritage designation of the property, and the desire of the owner to explore redevelopment of the property for residential purposes. The letter indicates that the property owner has retained ERA Architects Inc. (ERA), heritage consultants, to undertake a condition assessment and evaluation of the property. As outlined in the correspondence, ERA, was not able to conduct their assessment before the end of the 30-day objection period for the Notice of Intention to Designate. Staff note that no reasons for objection to the NOID were provided in the correspondence.

Staff have reviewed the letter and do not believe the correspondence constitutes a formal objection under Section 29 (5) of the *Ontario Heritage Act*. As such, the by-law to designate 66-68 Charlton Avenue West, Hamilton under Part IV of the *Ontario Heritage Act* will be included on the March 29, 2023, Council meeting agenda for passing.

On January 27, 2023, staff responded to the owner's legal counsel to acknowledge receipt of their correspondence dated January 13, 2023. As part of the response, staff advised their legal counsel that staff would be reporting to the Planning Committee to notify them of their letter before Council passes the designation by-law for the property, and that this Information Report was anticipated to be brought forward on the March 21, 2023, agenda.

Should Council decide to proceed with passing the designating by-law, Section 29 (11) of the *Ontario Heritage Act*, states that any person who objects to the proposed designation by-law may appeal to the Ontario Land Tribunal within 30-days of publication of the notice of passing of the Designation By-law.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED22208(a) – Correspondence from Stikeman Elliott LLP dated January 13, 2023

LC:sd