



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Committee Members Hamilton Municipal Heritage Committee
COMMITTEE DATE:	May 19, 2023
SUBJECT/REPORT NO:	Recommendation to Designate 3 Main Street, Dundas, under Part IV of the <i>Ontario Heritage Act</i> (PED23125) (Ward 13)
WARD(S) AFFECTED:	Ward 13
PREPARED BY:	Alissa Golden (905) 546-2424 Ext. 1202 Meg Oldfield (905) 546-2424
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 designate 3 Main Street, Dundas, shown in Appendix "A" attached to Report PED23125, as a property of cultural heritage value pursuant to the provisions of Part IV, Section 29 of the *Ontario Heritage Act*, in accordance with the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "B" to Report PED23125, subject to the following:

- (a) If no objections are received to the notice of intention to designate in accordance with the *Ontario Heritage Act*, City Council directs staff to introduce the necessary by-law to designate the property to be of cultural heritage value or interest to City Council;
- (b) If an objection to the notice of intention to designate is received in accordance with the *Ontario Heritage Act*, City Council directs staff to report back to Council to allow Council to consider the objection and decide whether or not to withdraw the notice of intention to designate the property.

EXECUTIVE SUMMARY

This Report recommends designation of the significant built heritage resources located at 3 Main Street, Dundas, under Part IV of the *Ontario Heritage Act*. The Report was prepared as part of the Downtown Dundas Built Heritage Inventory (DDBHI) project and in response to a request to designate the property. The subject property is currently listed on the City's Municipal Heritage Register (Register). Staff have completed an evaluation of the subject property using *Ontario Regulation 9/06* and determined that it has sufficient cultural heritage value or interest to warrant designation, as per the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes attached as Appendix "B" to Report PED23125. The property owner is supportive of the proposed Part IV designation.

Alternatives for Consideration – See Page 6

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: The designation process will follow the requirements of the *Ontario Heritage Act* and provide for adequate notice of Council's intention to designate the property. Formal objections may be made under the *Ontario Heritage Act* and considered by Council before either withdrawing the notice of intention to designate or passing a designation by-law. Once a designation by-law has been passed, any further objection would be heard before the Ontario Land Tribunal (OLT).

Designation under Part IV of the *Ontario Heritage Act* allows municipalities to recognize a property's cultural heritage value or interest, and to conserve and manage the property through the Heritage Permit process enabled under Sections 33 (alterations) and 34 (demolition or removal) of the *Act*.

Where alterations to designated properties are contemplated, a property owner is required to apply for, obtain, and comply with a Heritage Permit, for any alteration that "is likely to affect the property's heritage attributes, as set out in the description of the property's heritage attributes" (Sub-section 33(1)).

The City of Hamilton also provides financial incentive programs, including development charge exemption and heritage grants and loans, to assist in

SUBJECT: Recommendation to Designate 3 Main Street, Dundas, under Part IV of the *Ontario Heritage Act* (PED23125) (Ward 13) - Page 3 of 7

the adaptive re-use and continued conservation of properties once they are designated.

HISTORICAL BACKGROUND

The subject property located at 3 Main Street, Dundas, shown in Appendix “A” attached to Report PED23125, is comprised of two-storey brick building constructed circa 1875. The subject property was first surveyed for potential heritage interest in the 1970s.

At its meeting on September 15, 2022, the Hamilton Municipal Heritage Committee (HMHC) approved the recommendations made by the Inventory and Research Working Group (IRWG) that the subject property be listed on the Municipal Heritage Register (Register) and be considered a priority for designation as part of the DDBHI project. On September 28, 2022, City Council approved the recommendations to list the property as part of Planning Committee Report 22-015.

Following consultation with the property owner, staff conducted a site visit on November 16, 2022 for a tour of the property, at which time the owner expressed interest in the designation of the property. In April 2023, staff sent the owner a copy of the Cultural Heritage Assessment Report, attached as Appendix “C” to Report PED23125 and explained the scope of the proposed designation, including the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes attached as Appendix “B” to Report PED23125. Staff had subsequent correspondence with the owner explaining the designation process and discussed potential financial incentives available for eligible heritage conservation and adaptive reuse once the property is designated. The owner expressed their support for designation of the property.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

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

- Determining the cultural heritage value or interest of a property based on design/physical value, historical/associative value and contextual value criteria (*Ontario Heritage Act, Ontario Regulation 9/06*);
- Ensuring significant built heritage resources are conserved (*Provincial Policy Statement, 2020, Sub-section 2.6.1*); and,
- Designating properties of cultural heritage value under Part IV of the *Ontario Heritage Act* (Urban Hamilton Official Plan, Section B.3.4.2.3).

RELEVANT CONSULTATION

External

- Property Owner; and,
- Inventory and Research Working Group of the HMHC.

In addition, Planning staff have emailed the Ward Councillor (Councillor A. Wilson) for Ward 13 and provided an overview of the reasons for designation and the process for designating a property.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The intent of municipal designation, under Part IV of the *Ontario Heritage Act*, is to enable a process for the management and conservation of significant cultural heritage resources. Once a property is designated, the municipality can manage change to a property through the Heritage Permit process to ensure that the significant features of the property are maintained.

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 two or more of the Criteria for Determining Cultural Heritage Value or Interest prescribed in *Ontario Regulation 9/06*, as amended by *Ontario Regulation 569/22*, which identifies nine criteria in three broad categories: Design / Physical Value; Historical / Associative Value; and, Contextual Value. A Cultural Heritage Assessment Report of the subject property was completed by Cultural Heritage Planning staff (see Appendix "C" attached to Report PED23125). As outlined below, based on staff's Cultural Heritage Assessment Report, it was determined that the subject property met 6 of the 9 criteria contained in *Ontario Regulation 9/06* in all three categories.

Design / Physical Value

1. The property is comprised of a two-storey brick building constructed in 1875 in the Second Empire and Renaissance Revival architectural styles, both of which were popular styles for commercial buildings in Canada in the 1870s. The design value of the building lies in its architectural features typical of, and influenced by, Second Empire architectural style including the: Mansard roof with dormer windows; cupola; polychromatic hexagonal slate roof tiles; cut stone window lintels; and brick masonry lintels. The design value of the building also lies in its architectural features typical of, and influenced by, Renaissance Revival architectural style including the: paired wood-carved bracketed eaves; second-storey window hoods made of galvanized sheet iron with decorative rosettes; galvanized iron decorative brackets; and moulded cornices. It is a rare and early

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SUBJECT: Recommendation to Designate 3 Main Street, Dundas, under Part IV of the *Ontario Heritage Act* (PED23125) (Ward 13) - Page 5 of 7

example of the architectural use of sheet metal (in this case galvanized iron) for decorative exterior elements (in this case, window hoods) in Dundas.

2. The property demonstrates a high degree of craftsmanship in the form of its polychromatic hexagonal slate tile Mansard roof, galvanized ironwork window hoods, and decorative brackets.
3. The property does not appear to demonstrate a high degree of technical or scientific achievement.

Historical / Associative Value

4. The property historical value for its association with the original owner, Britton Bath Osler (1839-1901). B.B. Osler was the son of prominent minister Featherstone Lake Osler. B.B. Osler served as the Crown Attorney of Wentworth County from 1874-1880, and in 1882 formed the law firm of McCarthy, Osler, Hoskin & Creelman (still in operation today as Osler, Hoskin & Harcourt). B.B. Osler rose to national prominence in 1885 when he was selected by John A. MacDonald's Conservative government as one of the four prosecuting attorneys in the treason trial of Louis Riel.

The property also has historical value for association with Valley Lodge No. 100, a Masonic fraternal order which operated its meetings out of 3 Main Street between 1875 and 2022. Formed in 1858, Lodge membership included several prominent Dundas citizens, including manufacturer John Gartshore (1810-1873), mayor Henry Bickford (1842-1889), and Brigadier-General Sir Alexander Bertram (1853-1926). Valley Lodge No. 100 is one of fifteen Masonic lodges that make up Hamilton Masonic District "C" and one of 571 Lodges in Ontario.

5. The property does not appear to yield or have the potential to yield, information that contributes to the understanding of a community or culture.
6. The property does not appear to demonstrate or reflect the work or ideas of an architect, artist, builder, designer, or theorist significant to the community.

Contextual Value

7. The property is important in defining the character of the area. The property defines the historic character of Main Street and the community of Dundas, serving as a physical reminder of the early commercial prosperity of former Town.

SUBJECT: Recommendation to Designate 3 Main Street, Dundas, under Part IV of the *Ontario Heritage Act* (PED23125) (Ward 13) - Page 6 of 7

8. The property is historically, physically, and visually linked to its surroundings as part of the surviving mid- to late-nineteenth century commercial streetscape and row of buildings from 2 King Street East to 15 Main Street.
9. The property is considered to be a local landmark.

Staff have determined that 3 Main Street, Dundas is of cultural heritage value or interest sufficient to warrant designation under Part IV of the *Ontario Heritage Act* and recommend designation according to the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix “B” to Report PED23125.

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 its Municipal Heritage Committee, may decide to designate property or decline to designate property.

Decline to Designate

By declining to designate, the municipality would be unable to provide long-term, legal protection to this significant cultural heritage resource (designation provides protection against inappropriate alterations and demolition) and would not fulfil the expectations established by existing municipal and provincial policies.

Without designation, the property would not be eligible for the City’s financial incentives for heritage properties, including development charge exemption and grant and loan programs. Designation alone does not restrict the legal use of property, prohibit alterations and additions, nor does it restrict the sale of a property, or been demonstrated to affect its resale value. However, designation does allow the municipality to manage change to the heritage attributes of a property through the Heritage Permit process. Staff does not consider declining to designate the property to be an appropriate conservation alternative.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

**SUBJECT: Recommendation to Designate 3 Main Street, Dundas, under Part IV
of the *Ontario Heritage Act* (PED23125) (Ward 13) - Page 7 of 7**

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 PED23125 – Location Map

Appendix “B” to Report PED23125 – Statement of Cultural Heritage Value or Interest
and Description of Heritage Attributes

Appendix “C” to Report PED23125 – Cultural Heritage Assessment Report

MO/AG/sd