



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Hamilton Municipal Heritage Committee
<b>COMMITTEE DATE:</b>	August 22, 2023
<b>SUBJECT/REPORT NO:</b>	Notice of Intention to Demolish the Building Located at 279 Hess Street South, Hamilton, being a Non-Designated Property Listed on the Municipal Heritage Register (PED23180) (Ward 2)
<b>WARD(S) AFFECTED:</b>	Ward 2
<b>PREPARED BY:</b>	Emily Bent (905) 546-2424 Ext. 6663
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

That the non-designated property located at 279 Hess Street South, Hamilton, be removed from the Municipal Heritage Register.

**EXECUTIVE SUMMARY**

This Report recommends removing 279 Hess Street South, Hamilton from the Municipal Heritage Register (Register) in response to the owner submitting a Notice of Intention to Demolish (NOID) under Section 27 (9) of the *Ontario Heritage Act*, which included photo documentation of the dwelling proposed to be demolished and replaced on the property. Staff have reviewed the existing interior and exterior conditions and find that, while the existing building does have cultural heritage value or interest (CHVI) for its early, representative design of a worker's cottage and contextual value as a character supporting resource, it is not considered to have sufficient tangible cultural heritage value to warrant protection by Part IV designation under the *Ontario Heritage Act*. Further, the photographs sufficiently document the historic building, which demonstrate that the building is in poor condition. Staff recommend removing the property from the Register to facilitate its demolition.

**Alternatives for Consideration – See Page 4**

## **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: None.

Staffing: None.

Legal: Owners of non-designated properties listed on the City's Municipal Heritage Register under Section 27 (3) of the *Ontario Heritage Act* are required to give Council 60 days' notice of their intention to demolish or remove any building or structure on the property. Council must consult with the Municipal Heritage Committee prior to removing a property from the Register under Section 27 (4) of the *Act*.

## **HISTORICAL BACKGROUND**

The property located 279 Hess Street North (see location map attached as Appendix "A" to Report PED23180) is a one-storey brick building constructed circa 1867-1899. The exterior of the building was painted white prior to 2007. In June 2017, the subject property was listed on the Register as a non-designated property of cultural heritage value or interest following the completion of the Durand Neighbourhood Built heritage Inventory (DNBHI) (PED17092). The preliminary evaluation of the property, conducted in accordance with *Ontario Regulation 9/06*, identified it as having potential cultural heritage value or interest due to:

- Its design value as an early, representative example of a worker's cottage; and,
- Its contextual value, helping to support the historic character of the neighbourhood, due to the late-nineteenth century construction of the building.

In June 2023, Cultural Heritage Planning staff spoke to the owner of 279 Hess Street South and advised of the requirement to provide a Notice of Intention to Demolish (NOID) any building or structure on the property listed under Section 27 (3) of the *Ontario Heritage Act* should they wish to apply for a building permit to construct a new dwelling on the property. As the owner did not plan to submit an application subject to the *Planning Act*, a Cultural Heritage Impact Assessment was not required.

On July 5, 2023, Cultural Heritage Planning staff received an email from the owner requesting permission to demolish the structure with the intent of constructing a new dwelling, serving as the Notice of Intention to Demolish under Section 27(9) of the *Ontario Heritage Act*. The email notice included current photos of the interior and exterior of the building, which demonstrated that the building is in poor condition.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The Recommendation of this Report is consistent with Provincial and Municipal legislation, policy and direction, including the following relevant policies from the Urban Hamilton Official Plan, Volume 1:

- Identifying cultural heritage resources through a continuing process of inventory, survey, and evaluation, as a basis for the wise management of these resources (B.3.4.2.1 b));
- Maintaining the Municipal Heritage Register, pursuant to the *Ontario Heritage Act*, and seeking advice from the Municipal Heritage Committee when considering additions and removals of non-designated properties from the Register (B.3.4.2.4); and,
- Requiring a cultural heritage resource to be thoroughly documented for archival purposes in the event that rehabilitation and reuse of the resource is not viable as part of a *Planning Act* application process (B.3.4.2.13).

## **RELEVANT CONSULTATION**

### **External**

- The property owner.

### **Internal**

- Ward 2 Councillor.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

Listing a property on the Municipal Heritage Register as a non-designated property of cultural heritage value or interest provides 60 days interim protection from demolition. The 60-day interim period is intended to allow staff time to discuss alternatives for conservation of a property with the owner, including opportunities for retention, adaptive re-use and financial incentives, and photo-documentation of the property prior to demolition. In the case of significant heritage properties, like those identified as candidates for designation, the 60-day delay could allow Council time to consider issuing a notice of intention to designate the property to prevent demolition.

### **Review of Photo Documentation**

Staff received photo documentation of the interior and exterior of the dwelling along with the email serving as the Notice of Intent to Demolish the building located at 279 Hess Street South (attached as Appendix “B” to Report PED23180). Upon review, staff noted

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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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that there is significant water damage to the interior walls and ceilings, as well as water damage indicated on the exterior brick and concluded that the building is in poor condition.

**Conclusion:**

It has been determined that 279 Hess Street South does have cultural heritage value or interest (CHVI) for its design and contextual value, however, it is not considered to have sufficient tangible cultural heritage value to warrant protection by Part IV designation under the *Ontario Heritage Act*. Staff believe that the building has been sufficiently documented and recommend that the property be removed from the Municipal Heritage Register to facilitate its demolition.

**ALTERNATIVES FOR CONSIDERATION**

**Direct Staff to Designate the Property**

Hamilton Municipal Heritage Committee may recommend that Council direct staff to designate the subject property under Part IV of the *Ontario Heritage Act* in response to the Notice of Intention to Demolish. Staff are of the opinion that the subject property does not warrant Part IV designation and this alternative is not being recommended.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED23180 – Location Map  
Appendix "B" to Report PED23180 – Photo documentation

EB/AG:sd