



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Hamilton Municipal Heritage Committee
COMMITTEE DATE:	September 26, 2023
SUBJECT/REPORT NO:	Monthly Report on Recommended Proactive Listings for the Municipal Heritage Register, September 2023 (PED23197) (Ward 13)
WARD(S) AFFECTED:	Ward 13
PREPARED BY:	Emily Bent (905) 546-2424 Ext. 6663
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That staff be directed to list the property located at 98 Sydenham Street, Dundas (Ward 13) on the Municipal Heritage Register as a non-designated property that Council believes to be of cultural heritage value or interest, as outlined in Report PED23197, in accordance with Section 27 of the *Ontario Heritage Act*.

EXECUTIVE SUMMARY

This Report recommends that Council list 98 Sydenham Street, Dundas on the Municipal Heritage Register (Register) as a non-designated property of cultural heritage value or interest.

Listing on the Register under Section 27 of the *Ontario Heritage Act* recognizes the value of the property to the community, provides properties with interim protection from demolition, and can help facilitate informed decision-making and priority-based planning from staff and Council.

By Council deciding to proactively list this property on the Register, staff will be able to take appropriate action should a Prescribed Event be triggered under the *Planning Act*, or if demolition or significant alteration is proposed as part of a Building Permit Application in the next two years before the Register listing expires.

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Should Council decide to list the property on the Register, staff will provide notice of their listing to the owner and outline legislated process for objecting to the listings, as per the requirements of the *Ontario Heritage Act*.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: None.

Staffing: As outlined in Report PED22211(a), the City has hired two temporary Cultural Heritage Planning Technician positions, whose primary focus will be on the research and evaluation of heritage properties on the high priority designation list and triggered by Prescribed Events under the *Planning Act*. The full extent of the implications on staff resources, resulting from the *Bill 23* and *Bill 109* changes to the *Ontario Heritage Act*, are not known at this time.

Legal: The *Ontario Heritage Act* enables Council to list non-designated properties that it believes to be of cultural heritage value or interest on the Register if it is demonstrated that they meet at least one criterion outlined in *Ontario Regulation 9/06*, as amended by *Ontario Regulation 569/22*. The Municipal Heritage Committee must be consulted prior to Council deciding to list a non-designated property on the Register. The recently amended *Ontario Heritage Act* now limits how the City can list a property, including a two-year expiry from the time of listing and a five-year restriction on re-listing after expiry.

The *Ontario Heritage Act* requires municipalities to notify owners within 30 days of a Council's decision to list a property on the Register. Under Section 27(7) of the *Ontario Heritage Act*, an owner can object to a property being included on the Register after receiving notice of it being listed. The owner's objection should be served on the Clerk of the municipality and identify the reasons for the objection and all relevant facts. Council must consider the objection and decide whether to keep the property listed on the Register or to remove it. The owner must be given notice of a Council's decision on the consideration of their objection within 90-days of the decision.

HISTORICAL BACKGROUND

The effect of the cumulative changes to the *Ontario Heritage Act* over the past few years, implemented by *Bill 108, More Homes, More Choice Act, 2019* and *Bill 23, More Homes Built Faster Act, 2022* (see Reports PED22211(a) and PED19125(c)), now require the City to be strategic when it lists properties of cultural heritage value or

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interest on the Municipal Heritage Register (see Legal Implications above). A property is now required to be listed on the Register prior to a Prescribed Event under the *Planning Act* for a municipality to be able to issue a notice of intention to designate within a 90-day restricted window.

As outlined in Report PED22211(a), staff are now bringing forward proactive recommendations on a monthly basis to list properties of heritage interest flagged as part of the Formal Consultation process, when they are anticipated to trigger a Prescribed Event under the *Planning Act*, or if they are under a perceived immediate threat of potential demolition or removal and require interim protection until such time as further review and evaluation for designation can be conducted.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The Recommendations of this Report are consistent with Provincial and Municipal legislation, 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, as amended by Ontario Regulation 569/22*);
- Ensuring significant built heritage resources are conserved (*Provincial Policy Statement, 2020, Sub-section 2.6.1*);
- 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 owner / applicant.

Internal

- Ward Councillor A. Wilson, Ward 13

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The property at 98 Sydenham Street, Dundas, is comprised of a two and a half storey brick dwelling constructed circa 1904. The City received Committee of Adjustment

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Severance application DN/B-23:44, which proposes to sever the existing lot into three parcels; the severed lands at the rear of the property will facilitate the construction of two new dwellings fronting onto Queen Street, and the retained lands will retain the existing historic dwelling and landscape fronting onto Sydenham Street. Although the historic dwelling is proposed to be retained, the property may be subject to further applications and proposals. As such, staff conducted a preliminary cultural heritage evaluation of the subject property and determined that it met the required criteria for determining cultural heritage value or interest, as outlined in *Ontario Regulation 9/06*, as amended by *Ontario Regulation 569/22*. The result of staff's evaluation is attached as Appendix "A" to Report PED23197. A synopsis of the evaluation is:

The building at 98 Sydenham Street, Dundas has design value as a representative example of an early-twentieth century vernacular two-storey brick dwelling. While the building does not appear to display a high degree of craftsmanship, its notable features include its: symmetrical three-bay front façade with central ground-floor entrance; hip roof with flanking chimneys; segmentally-arched window openings with decorative brick voussoirs with raised trim and stone lug sills, and decorative brick panelling between the storeys..

The building has contextual value as it helps to support and maintain the character of Dundas, which includes an eclectic mix of nineteenth and early-twentieth century buildings reflecting the evolution of the town. Further, it is historically and visually linked to adjacent surrounding buildings from the nineteenth and early-twentieth centuries, which also include brick materiality. Lastly, the property is historically and physically linked to the historic transportation corridor of Sydenham Road.

The full summary of the preliminary evaluation of cultural heritage value or interest for the property is attached as Appendix "A" to Report PED23197. Therefore, 98 Sydenham Street, Dundas, has been determined to have sufficient cultural heritage value or interest to warrant listing on the Municipal Heritage Register as a non-designated property under Section 27 of the *Ontario Heritage Act*, as per Recommendation (a) of Report PED23197.

ALTERNATIVES FOR CONSIDERATION

N/A

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED23197 - Preliminary Heritage Evaluation of 98 Sydenham Street, Dundas

EB:sd