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FILE: HP2023-051

October 31, 2023

Hughson Business Space Corporation  
c/o John Blanchard  
4 Hughson St  
Hamilton ON  
L8N 3Z1

**Re: Heritage Permit Application HP2023-051: Proposed Redevelopment of 18-28 King Street East, Hamilton (The Gore Buildings) (Ward 2) (By-law No. 18-321) [Extension of Previously-Approved Permit HP2021-037]**

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Please be advised that pursuant to By-law No. 05-364, as amended by By-law No. 07-322, which delegates the power to consent to alterations to designated property under the *Ontario Heritage Act* to the Director of Planning and Chief Planner, Heritage Permit Application HP2023-051 is approved for the designated property at 18-28 King Street East, Hamilton, in accordance with the submitted Heritage Permit Application for the following alterations:

- Retention and restoration of the front facades of 18-22 King Street East;
- Facade replication of 24 King Street East;
- Facade dismantling and rebuilding of 28 King Street East;
- Removal of the buildings behind the front facades;
- Restoration of the gable roof and dormers of 18-22 King Street East;
- Construction of a six-storey mixed-use building behind the heritage facades; and,
- Installation of store fronts including signage bands.

**Subject to the following conditions:**

- a) That a Conservation Plan in accordance with the City's Guidelines for Conservation Plans be prepared and submitted by the applicant to the satisfaction and approval of the Director of Planning and Chief Planner prior to the issuance of any Building Permit for demolition or new construction;
- b) That the Conservation Plan completed by the applicant's heritage consultants address the following to the satisfaction and approval of the Director of

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Planning and Chief Planner prior to the issuance of any Building Permit for demolition or new construction:

- i. Structural drawings for the facade retention frame;
  - ii. Demolition and dismantling plan that provides the methodology for labelling, dismantling, re-locating and storing heritage elements;
  - iii. Inventory of items to be dismantled and stored;
  - iv. Masonry key plan that shows the original location and condition of individual stones for 28 King Street East;
  - v. Monitoring plan for regular monitoring of stored elements and structural retention frames;
  - vi. Repair methodologies and materials for heritage fabric including masonry specifications for suitable repair mortars and replacement stone;
  - vii. Structural and architectural drawings for integration of the heritage facades into the new structure;
  - viii. Window specifications for replacement windows to be installed in the heritage facades;
  - ix. Construction management plan that includes protection and monitoring of the façade retention frame and sequencing and co-ordination of conservation work, demolition work and new construction;
  - x. Project schedule and cost estimates for the proposed conservation work; and,
  - xi. Identify what remains of the original storefronts and provide recommendations for the final storefront designs.
- c) That the recommendations from the Conservation Plan submitted to the satisfaction of the Director of Planning and Chief Planner, be implemented to the satisfaction of the Director of Planning and Chief Planner, prior to the issuance of an Occupancy Permit;
- d) That the following conditions with respect to cost estimates to implement the Conservation Plan and a Letter of Credit shall be satisfied prior to submission of an application for a Building Permit for removal of portions of the building:
- i. The applicant shall provide cost estimates for 100% of the total cost of securing, protecting and stabilizing the retained portions, the cost of monitoring and security for a period of three years and the total cost of restoration and protective enclosure of the retained Designated portions. Such cost estimates shall be in a form satisfactory to the Director of Planning and Chief Planner;
  - ii. The applicant shall provide a Letter of Credit to the Director of Planning and Chief Planner for 100% of the total estimated cost as per (i) above in a form satisfactory to the City's Finance Department (Development

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Officer, Budget, Taxation and Policy) to be held by the City as security for securing, protecting, stabilizing, monitoring and restoring the retained portions as required by this Heritage Permit:

- 1) The Letter of Credit shall be kept in force, whether or not the ownership of 18-28 King Street East changes at any time, until the completion of the required restoration of the retained portions and the erection of a permanent structure to enclose the rear of the retained portions and / or to otherwise attach the retained portions to a new building in conformity with the approved design and requirements;
- 2) The Letter of Credit may be reduced in accordance with the City's Letter of Credit Policy for site plan applications;
- 3) If the Letter of Credit is about to expire without renewal thereof and any part of securing, protecting, stabilizing, monitoring or restoring the retained portions has not been completed in conformity with their approved designs, the City may draw all of the Letter of Credit funds and hold them as security to guarantee completion unless the City's Finance Department (Development Officer, Budget, Taxation and Policy) is provided with a renewal of the Letter of Credit forthwith; and,
- 4) In the event that the Owner fails to complete, to the satisfaction of the Director of Planning and Chief Planner, the required securing, protecting, stabilizing, monitoring or restoring of the retained portions and the erection of a permanent structure to enclose the rear of the retained portions and / or attach to a new building in conformity with its approved design within the time required, then the City, in addition to any other remedies that the City may have, may exercise its authority under section 446 of the *Municipal Act* to have its employees, agents or contractors enter 18-28 King Street East to complete any one or more of these requirements. The cost of completion of securing, protecting, stabilizing, monitoring or restoring the retained portions shall be paid in full by the Owner from the Letter of Credit. In the event that there is a surplus, the City shall pay the surplus to the Owner upon completion of the requirement(s). In the event that there is a deficit, the City may further exercise its authority under section 446 of the *Municipal Act* including but not limited to adding the deficit to the tax roll and collecting it in the same manner as property taxes;

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- e) That prior to the issuance of any Building Permit for demolition or new construction, the applicant enters into and registers on title a Heritage Easement Agreement and covenant with the City pursuant to the *Ontario Heritage Act* for the purposes of maintaining the heritage attributes consistent with the conditionally approved permit to the satisfaction and approval of the Director of Planning and Chief Planner, and that the Mayor and Clerk, or delegate, as the case may be, are hereby authorized to execute any such agreement;
- f) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to any application for a Building Permit and / or the commencement of any alterations;
- g) That should a Building Permit for the proposed alterations, in accordance with this approval, not be obtained and acted upon by April 30, 2025 then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton;
- h) That the proposed alterations, in accordance with this approval, shall be completed no later than April 30, 2026, If the alterations are not completed by April 30, 2026, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton; and,
- i) That the Director of Planning and Chief Planner be authorized to approve a request to extend the dates noted in conditions (g) and (h) of this approval, if that request is submitted prior to the expiry and if progress is being made.

Please note that this property is designated under Part IV of the *Ontario Heritage Act*, and that this permit is only for the above-noted alterations. Any departure from the approved plans and specifications is prohibited, and could result in penalties, as provided for by the *Ontario Heritage Act*. The terms and conditions of this approval may be appealed to the Ontario Land Tribunal within 30 days of your receipt of this permit.

The issuance of this permit under the *Ontario Heritage Act* is not a waiver of any of the provisions of any By-law of the City of Hamilton, the requirements of the *Building Code Act*, the *Planning Act*, or any other applicable legislation.

We wish you success with your project, and if you have any further questions, please feel free to contact Emily Bent, Cultural Heritage Planner, at 905-546-2424 ext. 6663 or via email at [Emily.Bent@hamilton.ca](mailto:Emily.Bent@hamilton.ca).

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Yours truly,

A handwritten signature in cursive script, appearing to read "Anita Fabac".

Anita Fabac, MCIP RPP  
Acting Director of Planning and Chief Planner

cc: Emily Bent, Cultural Heritage Planner  
Chantal Costa, Plan Examination Secretary  
Aleah Whalen, Legislative Coordinator  
Councillor Kroetsch, Ward 2