



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Hamilton Municipal Heritage Committee
COMMITTEE DATE:	December 15, 2023
SUBJECT/REPORT NO:	Monthly Report on Recommended Proactive Listings for the Municipal Heritage Register, December 2023 (PED23193) (Ward 3)
WARD(S) AFFECTED:	Ward 3
PREPARED BY:	Emily Bent (905) 546-2424 Ext. 6663 Scott Dickinson (905) 546-2424 Ext. 7167
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That staff be directed to list the property located at 164 Kensington Avenue North, Hamilton (Ward 3) 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 PED23193, in accordance with Section 27 of the *Ontario Heritage Act*.

EXECUTIVE SUMMARY

This Report recommends that Council list 164 Kensington Avenue North, Hamilton 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*,

OUR Vision: To be the best place to raise a child and age successfully.

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.

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.

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 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 Nann, Ward 3

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The property at 164 Kensington Avenue North, Hamilton is comprised of a one-and-a-half storey brick building constructed circa 1920 and is included in the City's Inventory of Heritage Properties. The City received Formal Consultation Application FC-23-108, which contemplates a partial demolition and partial retention of the existing building, together with demolition of the detached dwellings located at 160 and 162 Kensington Avenue North, to construct a multiple dwelling containing 34 dwelling units on the consolidated lands. Although the heritage resource is proposed to be retained, the initial drawings demonstrate the removal of the existing roofline, window and door openings and the brick masonry, which reflect the cultural heritage value of the building. 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 summarized below.

The building at 164 Kensington Avenue North, Hamilton has historical value for its association with the former Kensington Gospel Hall Assembly, and with the theme of Hamilton's industrial growth during the twentieth century. This property was home to the Kensington Gospel Hall Assembly from the structure's construction in 1920 to the move to a larger structure elsewhere in 2009. This Christian congregation was part of an independent Christian movement which has been unnamed by its members, but is known by outsiders as the Plymouth Brethren. This Christian group was founded in 1825, in Dublin, Ireland, and is known for its rejection of other established Christian Faiths, adhering to a literal interpretation of the bible and a desire to separate themselves from the wider world. The Brethren were present in Ontario as early as 1845, and established a group in Hamilton in 1875. By 1904 the congregation was located in a former Baptist Church at 140 MacNab Street North, but with many of the members moving to the east end of the City's limits, it was decided that a new, additional Gospel Hall would be established on Kensington Avenue. At the turn of the twentieth century, many new industrial plants were being constructed at the eastern edge of the City of Hamilton, attracting thousands of workers to these new factories. In response to these worker's need for nearby housing, new neighbourhoods, focused around Barton Street East and Ottawa Street North, began to spring up. Other buildings, meant to serve the commercial, recreational and spiritual needs of the workers soon followed.

The building has design value as a representative example of an early-twentieth century vernacular building constructed as a place of worship. While the building does not

OUR Vision: To be the best place to raise a child and age successfully.

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.

appear to display a high degree of craftsmanship, its notable features include its: red brick construction, laid in running bond, a front gable roof, radiating brick voussoirs, segmentally-arched window and door openings, a rough-faced concrete block foundation, two chimneys, and rock-faced sills. The modest, simplified design is reflective of the values of the former congregation's beliefs.

The building has contextual value as it maintains, supports and defines the mixed-use streetscape along Cannon Street East with its one-and-a-half storey height and brick construction. The property is visually and historically linked to its surroundings, having been built to service the spiritual needs of the Plymouth Brethren as the City of Hamilton expanded eastward, which saw the transition of the area known today as Crown Point West from an agricultural to suburban and industrial community at the turn of the twentieth century.

The full summary of the preliminary evaluation of cultural heritage value or interest for the property is attached as Appendix "A" to Report PED23193. Therefore, 164 Kensington Avenue North, Hamilton, 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 the Recommendation of Report PED23193.

ALTERNATIVES FOR CONSIDERATION

N/A

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED23193 - Preliminary Heritage Evaluation of 164 Kensington Avenue North, Hamilton

EB:sd