



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Committee Members Hamilton Municipal Heritage Committee
COMMITTEE DATE:	December 15, 2023
SUBJECT/REPORT NO:	Notice of Intention to Demolish the Building Located at 535 Old Dundas Road, Ancaster, being a Non-Designated Property Listed on the Municipal Heritage Register (PED23183) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Scott Dickinson (905) 546-2424 Ext. 7167 Alissa Golden (905) 546-2423 Ext. 1202
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That the non-designated property located at 535 Old Dundas Road, Ancaster, be removed from the Municipal Heritage Register.

EXECUTIVE SUMMARY

This Report recommends removing 535 Old Dundas Road, Ancaster from the Municipal Heritage Register in response to the owner submitting a Notice of Intention to Demolish under Section 27 (9) of the *Ontario Heritage Act*. The notice included a letter from a professional engineer that speaks to the deteriorated physical state of the dwelling proposed to be demolished.

Staff have documented the existing interior and exterior conditions of the dwelling and find that, while the existing building does have some cultural heritage value or interest, it is not considered to have sufficient tangible cultural heritage value to warrant protection by designation under Part IV 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 Municipal Heritage Register.

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Alternatives for Consideration – See Page 5

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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 at 535 Old Dundas Road, Ancaster (see location map attached as Appendix "A" to Report PED23183) is a one-and-a half storey wooden frame dwelling. In February 2021, the subject property was listed on the Municipal Heritage Register as a non-designated property of cultural heritage value or interest as part of the Ancaster Pre-Confederation Inventory (see Report PED21031).

In October 2023, the City received a Building Permit Application to Demolish the dwelling at 535 Old Dundas Road. On November 6, 2023, a representative for the property owner provided Cultural Heritage Planning staff access to the property to conduct a site visit to document the current condition of the property, including the interior and exterior of dwelling to be demolished (see photographs attached as Appendix "C" to Report PED23183).

On November 17, 2023, Cultural Heritage Planning staff received an email from the owner notifying the City of their intention to demolish the dwelling on the property in advance of future redevelopment of the site, serving as the Notice of Intention to Demolish under Section 27(9) of the *Ontario Heritage Act* (attached as Appendix "B" to Report PED23183). The notice includes a report from a structural engineer, which speaks to the deteriorated state of the building.

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:

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- 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

- Property Owner.

Internal

- Ward 12 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.

The preliminary evaluation of the property, conducted in accordance with Ontario Regulation 9/06 of the *Ontario Heritage Act*, was completed as part of the Ancaster Pre-Confederation Inventory (see Report PED21031) as a community initiative by the Ancaster Village Heritage Community Group. This initiative identified the subject lands as having potential cultural heritage value or interest as follows:

- Criteria 1: Its design value as an early, unique example of a building designed in the Gothic Revival style;
- Criteria 4: Its associative value for its direct associations with a theme;
- Criteria 5: Its associative value for its ability to yield, or potentially yield, information that contributes to an understanding of a community or culture;

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- Criteria 7: Its contextual value, helping to support the historic character of the neighbourhood, due to the mid-nineteenth century construction of the building; and,
- Criteria 8: Its contextual value being linked to its surroundings both visually and historically.

The Ancaster Pre-Confederation Inventory project did not identify 535 Old Dundas Road as a candidate for designation under Part IV of the *Ontario Heritage Act*.

Staff Analysis

On November 6, 2023, a representative for the property owner provided Cultural Heritage Planning staff access to the property to conduct a site visit to document the current condition of the property. Staff believe the dwelling at 535 Old Dundas Road to be of early-twentieth century construction, or a substantially altered pre-Confederation structure. Staff identified features which indicated a construction date later than the circa 1865 date suggested by the Ancaster Pre-Confederation Inventory project. These features included the twentieth-century windows on the main floor, siding which was consistent on both the main body of the dwelling and on a modern addition, and the lack of hand-hewn beams or other nineteenth-century features which would support an earlier construction date.

Although the design of the dwelling exterior is unusual, upon further review staff do not believe it to be representative of the Gothic Revival style, but rather a modified vernacular dwelling. Staff determined that only a few tangible heritage features remain on either the exterior or interior of the dwelling. These features include the: scrollwork and turned railings on the front porch; front wooded door; several wooden windows; and, wooden interior basement door. Cultural Heritage Planning staff conducted additional research of the subject property and were unable to identify any significant historical or associative value of the property.

Conclusion

While it has been determined that 535 Old Dundas Road does have contextual cultural heritage value or interest, 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 photo-documented and recommend that the property be removed from the Municipal Heritage Register in response to the Notice of Intention to Demolish. The owner has also indicated that they are willing to salvage the remaining heritage features in the building prior to its demolition.

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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 to prevent its demolition. While it has been determined that 535 Old Dundas Road does have cultural heritage value or interest, it is not considered to have sufficient tangible cultural heritage value to warrant protection by Part IV designation under the *Ontario Heritage Act*.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED23183 – Location Map

Appendix "B" to Report PED23183 – Notice of Intention to Demolish

Appendix "C" to Report PED23183 – Photo-Documentation

SD/AG/sd

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