

RUSSELL D. CHEESEMAN
 ~ Barrister & Solicitor ~

REAL ESTATE DEVELOPMENT | MUNICIPAL LAW | ENVIRONMENTAL LAW

October 26, 2023

VIA EMAIL

Ms. Janet Pilon
 City Clerk
 Corporation of the City of Hamilton
 71 Main St. W., 1st Fl
 Hamilton, ON L8P 4Y5

Dear Ms. Pilon:

Re: Notice of Objection to Decision of Town Council of its Intention to Designate pursuant to Section 29(5) of the *Ontario Heritage Act*, R.S.O. 1990, c. O. 18, as amended, in respect of the premises known municipally as 54 Hess Street, Hamilton and legally described as PT LT 4 S/S MAIN ST SURVEY G.S. TIFFANY (UNREGISTERED) HAMILTON BTN QUEEN & HESS STS, AS CONFIRMED BY 62BA778; PT LT 5 S/S MAIN ST SURVEY

We are solicitors for Brown's Wharf Development Corp, the owner of the property known municipally as 54 Hess Street South (the "**Subject Property**").

Our client received notice on October 13, 2023, that Hamilton City Council resolved to pass a Notice of Intention to Designate the building on the Subject Property as a property of cultural heritage value and interest under s.29 of the *Ontario Heritage Act*, R.S.O. 1990, c.O. 18, as amended (the "**Decision**").

This letter will serve as our client's Notice of Objection of the above-referenced Decision pursuant to s.29(5) of the *Ontario Heritage Act*.

Our client is of the opinion that the Council erred in its decision in respect of the intent to designate the Subject Property. The property does not possess the requisite qualities under s.29 of the *Act* to justify its protection as a property of cultural heritage value and interest.

We wrote a letter to the Municipal Heritage Committee dated September 26, 2023, advising that our client's consulting engineer had advised that the building should be demolished due to its physical deterioration. In particular, they noted that there has been a rapid deterioration of all structural elements in the building, including wall bulging on the exterior walls, possibly caused by the vibration of heavy traffic close to the walls. They believe that there is a high

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probability that the building could collapse onto the adjacent sidewalk and traffic lanes. The City Building Department is well aware of its current state as well.

We trust the foregoing is clear and we hope to receive the decision of Council shortly. If you have any questions or require further information or clarification, please do not hesitate to contact the undersigned.

Yours very truly,

A handwritten signature in black ink that reads "R. D. Cheeseman". The signature is written in a cursive style with a long, sweeping tail on the final letter.

Russell D. Cheeseman

RDC/saf

Cc: S. Fleming
S. Pocrnic