

Authority: Item 9(b), Planning Committee
Report 23-016 (PED23218)
CM: October 11, 2023
Ward: 2

Bill No.

**CITY OF HAMILTON
BY-LAW NO. 24-XXX**

**To Designate Properties Located at 54 and 56 Hess Street South, City of
Hamilton as Properties of Cultural Heritage Value**

WHEREAS section 29 of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18 authorizes Council of the municipality to enact by-laws to designate property, including all buildings and structures thereon, to be of cultural heritage value or interest;

AND WHEREAS Council of the City of Hamilton has received and considered the recommendations of its Hamilton Municipal Heritage Committee pertaining to this by-law, arising from the meeting of the Hamilton Municipal Heritage Committee held on September 26, 2023;

AND WHEREAS the Council of the City of Hamilton, at its meeting held on October 11, 2023, resolved to direct the City Clerk to take appropriate action to designate the properties described as 54 and 56 Hess Street South in the City of Hamilton, and more particularly described in Schedule “A” hereto (the “Property”), as properties of cultural heritage value or interest, which resolution was confirmed by By-law No. 23-111;

AND WHEREAS in accordance with subsection 29(3) of the *Ontario Heritage Act*, Council of the City of Hamilton has caused to be served on the owner of the Property and upon the Ontario Heritage Trust, a Notice of Intention to Designate the Property as being of cultural heritage value or interest, and has caused a Notice of Intention to Designate to be published in a newspaper having general circulation in the municipality, a copy of which is attached hereto as Schedule “B”;

AND WHEREAS a notice of objection to the notice of intention to designate 54 Hess Street South was served upon the Clerk of the municipality in accordance with subsection 29(5) of the *Ontario Heritage Act*, and the objection was considered by Council in accordance with subsection 29(6) of the *Ontario Heritage Act*;

AND WHEREAS Council has decided to designate the Property in accordance with subsection 29(8) of the *Ontario Heritage Act*;

To Designate Property Located at 54 and 56 Hess Street South, City of Hamilton as Property
of Cultural Heritage Value

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. A statement explaining the cultural heritage value or interest of the Property, and a description of the heritage attributes of the Property are set out in Schedule “C” hereto.
2. The Property, together with its heritage attributes listed in Schedule “C” hereto, is hereby designated as property of cultural heritage value or interest.
3. The City Clerk is hereby authorized and directed,
 - a. to cause a copy of this By-law, together with the statement of cultural heritage value or interest and description of heritage attributes of the Property, to be served on the Ontario Heritage Trust, the owner of the Property, and any person who served an objection to the Notice of Intention to Designate, by a method permitted by the *Ontario Heritage Act*; and,
 - b. to publish a notice of passing of this By-law in a newspaper having general circulation in the City of Hamilton. Once this By-law comes into force and effect in accordance with the applicable provisions of the *Ontario Heritage Act*, the City Solicitor is hereby authorized and directed to cause a copy of this By-law, together with its Schedules, to be registered against the whole of the Property described in Schedule “A” hereto in the proper registry office.

PASSED this XX day of January, 2024.

A. Horwath
Mayor

J. Pilon
Acting City Clerk

To Designate Property Located at 54 and 56 Hess Street South, City of Hamilton as Property
of Cultural Heritage Value

Schedule "A"

To

By-law No. 24-XXX

54 and 56 Hess Street South
Hamilton, Ontario

54 Hess Street South, Hamilton:

PIN: 17136-0006 (LT)

Legal Description:

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 G.S.TIFFANY(UNREGISTERED) HAMILTON BTN QUEEN & HESS STS,
AS CONFIRMED BY 62BA778; PT LT 6 S/S MAIN ST SURVEY
G.S.TIFFANY(UNREGISTERED) HAMILTON BTN QUEEN & HESS STS, AS
CONFIRMED BY 62BA778 & 62BA654, AS IN VM126130; T/W VM126130;
HAMILTON

56 Hess Street South, Hamilton:

PIN: 17136-0007 (LT)

Legal Description:

PT LT 4 S/S MAIN ST SURVEY G.S. TIFFANY (UNREGISTERED) HAMILTON; PT
LT 5 S/S MAIN ST SURVEY G.S. TIFFANY (UNREGISTERED) HAMILTON; PT LT 6
S/S MAIN ST SURVEY G.S. TIFFANY (UNREGISTERED) HAMILTON BTN QUEEN
& HESS STS, AS CONFIRMED BY 62BA654, PTS 1 & 2 62R2931; T/W VM101062;
HAMILTON

To Designate Property Located at 54 and 56 Hess Street South, City of Hamilton as Property
of Cultural Heritage Value

Schedule “B”

To

By-law No. 24-XXX

**54 and 56 Hess Street South,
Hamilton, Ontario**

To Designate Property Located at 54 and 56 Hess Street South, City of Hamilton as Property
of Cultural Heritage Value

CITY OF HAMILTON
Notice of Intention to Designate
54 and 56 Hess Street South, Hamilton

The City of Hamilton intends to designate 54 and 56 Hess Street South, Hamilton, under Section 29 of the *Ontario Heritage Act*, as being properties of cultural heritage value.

Statement of Cultural Heritage Value or Interest

The properties comprise a semi-detached circa 1852 stone building and are early and representative examples of the Second Empire style of architecture, displaying a high degree of craftsmanship. The properties are associated with their first owner, former alderman and mayor of Hamilton Robert McElroy. The properties help define the character of Hess Street South, are visually and historically linked to their surroundings and are considered to be local landmarks.

The Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes may be found online via www.hamilton.ca or viewed at the Office of the City Clerk, 71 Main Street West, 1st Floor, Hamilton, Ontario, L8P 4Y5, during regular business hours.

Any person may, within 30 days after the date of the publication of the Notice, serve written notice of their objections to the proposed designation, together with a statement for the objection and relevant facts, on the City Clerk at the Office of the City Clerk.

Dated at Hamilton, this 13th day of October, 2023.



Janet Pilon
Acting City Clerk
Hamilton, Ontario

CONTACT: Meg Oldfield, Planning Technician II – Cultural
Heritage, Phone: (905) 546-2424 ext. 7163,
E-mail: Meg.Oldfield@hamilton.ca

www.hamilton.ca/heritageplanning



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of Cultural Heritage Value

Schedule "C"

To

By-law No. 24-XXX

**54 and 56 Hess Street South,
Hamilton, Ontario**

**STATEMENT OF CULTURAL HERITAGE VALUE OR INTEREST, AND
DESCRIPTION OF HERITAGE ATTRIBUTES**

Description of Property

The properties located at 54 and 56 Hess Street South are comprised of a semi-detached two-and-one-half-storey stone building constructed circa 1852, located at the southwest corner of Hess and Main Streets in the Durand Neighbourhood, within the City of Hamilton.

Statement of Cultural Heritage Value or Interest

The cultural heritage value of the semi-detached stone building lies in its design value as an early and representative example of the Second Empire architectural style in Hamilton, displaying a high degree of craftsmanship, as demonstrated by its concave Mansard roof with octagonal dichromatic slate tiles, pressed metal window hoods and keystones, wood cornice with dentils, decorative brackets and moulded frieze.

The historical value of the properties lie in their direct association with prominent Hamiltonian, Robert McElroy (1810-1881), the original owner. McElroy, a contractor by trade, owned a stone quarry on the Mountain and in the 1850s was awarded a contract to construct a section of the Great Western Railway. McElroy served as an alderman in the mid-nineteenth century and as mayor of Hamilton between 1862 and 1864, and resided in the southern half of the semi-detached dwelling during that time. The properties remained in the family for 70 years until 1929. This continuous ownership is significant and has played a part in maintaining the historic integrity of the building over time.

The contextual value of the properties lie in their role in defining the historic character of Hess Street South, standing out from the surrounding mid-twentieth century mixed

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use streetscape. The semi-detached building is visually and historically linked to its surroundings as part of the surviving mid-nineteenth to early-twentieth century residential streetscape that was redeveloped for commercial purposes in the late-twentieth century. The properties are considered to be local landmarks due to their prominent location on the corner of Hess Street South and Main Street West, with a shallow setback and at the high point of Main Street.

Description of Heritage Attributes

The key attributes that embody the cultural heritage value of the properties as early and representative examples of the Second Empire style of architecture with a high degree of craftsmanship, and their historical association with prominent Hamiltonian, former Mayor Robert McElroy include:

- The front (east), side (north and south), and rear (west) elevations and roofline of the semi-detached two-and-one-half-storey stone building, including its:
 - Concave Mansard roof with its:
 - Dichromatic octagonal slate tiles;
 - Corbelled brick chimneys;
 - Brick parapet with decorative stone end bracket;
 - Segmental dormers with pressed metal window hoods and keystones;
 - Wood cornices with dentils, decorative brackets and moulded frieze;
 - Cut-stone even-course facades;
 - Flat-headed window openings with one-over-one hung wood windows, stained glass transoms and plain lug sills;
 - Belt course between the first and second storeys;
 - Symmetrical four-bay front (east) elevation with its:

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- Flanking two-storey window bays with wood trim, second-storey stained glass transom and first-storey casement windows;
- Flanking entrances with shared porch, double-leaf doors with glass and decorative wood panels, and decorative glass transom;
- One-and-a-half storey rear (north) stone addition with its:
 - Mansard roof;
 - Shed roof dormers with hung windows;
 - Gabled stone end parapet;
 - Rear rubble-stone façade; and,
- Stone foundation.

The key attributes that embody the contextual value of the properties as defining features of the historical character of Hess Street South, and as local landmarks include their:

- Location at the southwest corner of Hess and Main Streets; and
- Shallow setback from Hess Street South.