



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Committee Hamilton Municipal Heritage Committee
COMMITTEE DATE:	April 26, 2024
SUBJECT/REPORT NO:	Monthly Report on Proactive Listings for the Municipal Heritage Register, April 2024 (PED24058) (Wards 3 and 14)
WARD(S) AFFECTED:	Wards 3 and 14
PREPARED BY:	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 following properties on the Municipal Heritage Register as non-designated properties that Council believes to be of cultural heritage value or interest, as outlined in Report PED24058, in accordance with Section 27 of the *Ontario Heritage Act*:

- (a) 58 Erie Avenue, Hamilton (Ward 3);
- (b) 62 Erie Avenue, Hamilton (Ward 3);
- (c) 1269 Mohawk Road, Ancaster (Ward 14).

EXECUTIVE SUMMARY

This Report recommends that Council list three non-designated properties of cultural heritage value or interest on the Municipal Heritage Register (Register). Listing on the Register under Section 27 of the *Ontario Heritage Act* recognizes 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 these properties on the Register, staff will be able to take appropriate action should a Prescribed Event be triggered under the *Planning*

Act, or if demolition or significant alteration is proposed as part of a Building Permit application in the next two years before the Register listings expire. Should Council decide to list these properties on the Register, staff will provide notice of their listing to the owners and outline the legislated process for objecting to the listings, as per the requirements of the *Ontario Heritage Act*.

Alternatives for Consideration – N/A

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: None.

Staffing: None.

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 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 PED19125(c) and PED22211 (a)), now require the City to be strategic when it lists properties of cultural heritage value or interest on the Municipal Heritage Register. 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 will be bringing forward proactive recommendations 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.

Staff determined that 58 and 62 Erie Avenue, Hamilton and 1269 Mohawk Road, Ancaster, are worthy of listing on the Municipal Heritage Register. The owners of the properties were sent letters on February 21, 2024, notifying them of the staff recommendation to list their properties on the Register in advance of this Report being considered by the Hamilton Municipal Heritage Committee.

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);
- 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.

Internal

- Ward Councillor Naan, Ward 3; and,
- Ward Councillor Spadafora, Ward 14.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

58 and 62 Erie Avenue, Hamilton

The properties at 58 and 62 Erie Avenue, Hamilton, are each comprised of a two-and-a-half-storey brick building constructed circa 1906, which are currently listed on the City's Inventory of Heritage Properties. In January 2024, the City received an inquiry proposing demolition and redevelopment of 58 Erie Avenue, which prompted staff to conduct a preliminary cultural heritage evaluation of the property and determined that it meets multiple criteria for determining cultural heritage value or interest, as outlined in Ontario Regulation 9/06. While reviewing 58 Erie Avenue, staff noted that 62 Erie Avenue was constructed the same year and in the same style as the adjacent dwelling and included it as part of this proactive review.

58 and 62 Erie Avenue have design value as representative examples of the Edwardian bay-and-gable style that display a high degree of craftsmanship. The properties also have historical value for their association with prominent Hamilton architects Walter Stewart and William Witton. The properties have contextual value in helping to support the historic residential streetscape of Erie Avenue and as a pair of adjacent buildings with matching architectural styles.

The full summaries of the preliminary evaluations of cultural heritage value or interest for 58 and 62 Erie Avenue, Hamilton are attached as Appendix "A" and Appendix "B" to Report PED24058, respectively.

1269 Mohawk Road, Ancaster

The property at 1269 Mohawk Road, Ancaster, known historically as "Hillfield" is comprised of a one-and-a-half storey brick farmhouse constructed circa 1883, which is currently listed on the City's inventory of Heritage Properties. In 2021, the City approved a Zoning By-Law Amendment for this property through By-law No. 21-128 to allow for redevelopment of the site while requiring the retention of the exterior facades and heritage features of the existing farmhouse. Staff were notified that the property was listed for sale in January 2024 and the Hamilton Municipal Heritage Committee added it to their list of Buildings and Landscapes for monitoring as part of their monthly meetings. As a result, staff conducted a preliminary cultural heritage evaluation of the property and determined that it meets multiple criteria for determining cultural Heritage value or interest, as outlined in Ontario Regulation 9/06.

1269 Mohawk Road has design value as a representative example of a Gothic Revival farmhouse displaying a high degree of craftsmanship and has historical value for its association with the historic Mohawk Trail transportation corridor and prominent tavern owner and farmer William Terryberry. The property also has contextual value in defining the historic rural and agricultural character of Mohawk Road.

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The full summary of the preliminary evaluation of cultural heritage value or interest of the property is attached as Appendix "C" to Report PED24058.

Conclusion

Therefore, 58 and 62 Erie Avenue, Hamilton, and 1269 Mohawk Road, Ancaster, have been determined to have sufficient cultural heritage value or interest to warrant listing on the Municipal Heritage Register as non-designated properties under Section 27 of the *Ontario Heritage Act*, as per the Recommendation of Report PED24058.

ALTERNATIVES FOR CONSIDERATION

Not Applicable.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED24058 – Preliminary Heritage Evaluation of 58 Erie Avenue, Hamilton

Appendix "B" to Report PED24058 – Preliminary Heritage Evaluation of 62 Erie Avenue, Hamilton

Appendix "C" to Report PED24058 – Preliminary Heritage Evaluation of 1269 Mohawk Road, Ancaster

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