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Planning and Economic Development Department
Planning Division
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Phone: 905-546-2424, Ext. 1258

FILE: HP2024-009

April 30, 2024

Wilson St. Ancaster Inc.
c/o Authorized Planning Consultant Matt Johnston
UrbanSolutions Planning & Land Development Consultants Inc.
3 Studebaker Place, Unit 1
Hamilton, ON L8L 0C8

Re: Heritage Permit Application HP2024-009: Extension of Council-approved Heritage Permit Application HP2021-033 to Relocate the Existing Two-storey Stone Structure at 398 Wilson Street East, Ancaster, Marr House (Ward 12) (By-law No. 78-87)

Note: This Heritage Permit HP2024-009 is an extension of Heritage Permit HP2021-033, approved by Council on October 13, 2021, with conditions and previously extended by HP2023-022 by delegated authority. The applicant has been actively working towards clearing the conditions of Heritage Permit approval and, as a result of two recent OLT cases (OLT-22-003888 and OLT-23-001076) related to the proposed development on the subject property, the applicant will not be able to satisfy all conditions by July 31, 2024. This Heritage Permit HP2024-009 will extend the permit for a one-year period based on the date of extension request, expiring on April 30, 2025.

Please be advised that pursuant to By-law No. 05-364, as amended by By-law No. 07-322, which delegates the power to consent to alterations to designated property under the *Ontario Heritage Act* to the Director of Planning and Chief Planner, Heritage Permit Application HP2024-009 is approved for the designated property at 398 Wilson Street East, Ancaster (Marr House) in accordance with the previously submitted Heritage Permit Application HP2021-033 for the following:

- To renew the previously Council-approved Heritage Permit HP2021-033 for the relocation of the rubble stone structure at 398 Wilson Street East, Ancaster, to 15 Lorne Avenue to address subsurface soil and groundwater contamination.

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Subject to the following conditions:

- (i) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations;
- (ii) That the installation of the alterations, in accordance with this approval, shall be completed no later than April 30, 2025. If the alterations are not completed by April 30, 2025, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton;
- (iii) That an Archaeological Assessment for the entirety of the site be submitted to the satisfaction of the Director of Planning and Chief Planner;
- (iv) That a full Building Condition Assessment by a qualified professional Structural Engineer with experience in heritage buildings be prepared to the satisfaction of the Director of Planning and Chief Planner;
- (v) That a revised Cultural Heritage Impact Assessment, assessing the proposal against required criteria and a new Statement of Cultural Heritage Value and Interest be submitted to the satisfaction and approval of the Director of Planning and Chief Planner;
- (vi) That the designating By-law No. 78-87 be repealed in accordance with the requirements of the *Ontario Heritage Act* at the expense of the owner;
- (vii) That a new designation By-law be prepared in accordance with the requirements of the *Ontario Heritage Act* for the building's new location at the expense of the owner;
- (viii) That a new Survey be prepared to accompany a new designation By-law indicating the boundaries to which the designation applies;
- (ix) That a Conservation Plan in accordance with the City's Guidelines for Conservation Plans be submitted to the satisfaction and approval of the Director of Planning and Chief Planner;
- (x) That the applicant enters into a Heritage Easement Agreement with the City to the satisfaction and approval of the Director of Planning and Chief Planner prior to the issuance of any Building Permit for demolition or new construction, and that this agreement is registered on title;

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- (xi) That a Letter of Credit be provided to be held by the City based on the cost estimates for 100% of the total cost of securing, protecting, stabilizing, relocating, monitoring for a period of three years and the total cost of restoration. Such cost estimates shall be in a form satisfactory to the Director of Planning and Chief Planner;
- (xii) That any technical studies may be subject to Peer Review at the expense of the owner where deemed necessary;
- (xiii) That if the building is to be relocated prior to site plan approval for the redevelopment of 392, 398, 400, 402, 406 and 412 Wilson Street East and 15 Lorne Avenue, then the owner shall apply for and receive approval of a Minor Site Plan Application (MDA), and any other relevant *Planning Act* applications for the proposed relocation; and,
- (xiv) That the owner submit an Official Plan Amendment and Zoning By-law Amendment for the redevelopment of 392, 398, 400, 402, 406 and 412 Wilson Street East and 15 Lorne Avenue or alternatively the owner provide written confirmation to the Director of Planning and Chief Planner that they will be proceeding in accordance with the existing zoning in effect for these lands.

Please note that this property is designated under Part IV of the *Ontario Heritage Act*, and that this permit is only for the above-noted work. Any departure from the approved plans and specifications is prohibited, and could result in penalties, as provided for by the *Ontario Heritage Act*. The terms and conditions of this approval may be appealed to the Ontario Land Tribunal within 30 days of your receipt of this Notice.

The issuance of this permit under the *Ontario Heritage Act* is not a waiver of any of the provisions of any By-law of the City of Hamilton, the requirements of the *Building Code Act*, the *Planning Act*, or any other applicable legislation.

If you have any further questions, feel free to contact Emily Bent, Cultural Heritage Planner, at 905-546-2424 ext. 6663 or via email at Emily.Bent@hamilton.ca.

Yours truly,



Anita Fabac, MCIP RPP
Acting Director, Planning and Chief Planner

cc: Emily Bent, Cultural Heritage Planner
Chantal Costa, Plan Examination Secretary
Matt Gauthier, Legislative Coordinator
Councillor Cassar, Ward 12