



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
Planning Division

<b>TO:</b>	Chair and Committee Members Hamilton Municipal Heritage Committee
<b>COMMITTEE DATE:</b>	June 24, 2024
<b>SUBJECT/REPORT NO:</b>	Recommendation to Designate 291 King Street West, Dundas, under Part IV of the <i>Ontario Heritage Act</i> (PED24116) (Ward 13)
<b>WARD(S) AFFECTED:</b>	Ward 13
<b>PREPARED BY:</b>	Maryssa Barras (905) 546-2424 Ext. 6126 Meg Oldfield (905) 546-2423 Ext. 7163
<b>SUBMITTED BY:</b>	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

That the City Clerk be directed to give notice of Council's intention to designate 291 King Street West, Dundas, shown in Appendix "A" attached to Report PED24116, as a property of cultural heritage value pursuant to the provisions of Part IV, Section 29 of the *Ontario Heritage Act*, in accordance with the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "B" to Report PED24116, subject to the following:

- (a) If no objections are received to the notice of intention to designate in accordance with the *Ontario Heritage Act*, City Council directs staff to introduce the necessary by-law to designate the property to be of cultural heritage value or interest to City Council;
- (b) If an objection to the notice of intention to designate is received in accordance with the *Ontario Heritage Act*, City Council directs staff to report back to Planning Committee to allow Council to consider the objection and decide whether or not to withdraw the notice of intention to designate the property.

## **EXECUTIVE SUMMARY**

This Report recommends designation of the significant built heritage resource located at 291 King Street West, Dundas, under Part IV of the *Ontario Heritage Act*. The subject property is currently listed on the City's Municipal Heritage Register. Staff have completed an evaluation of the subject property using Ontario Regulation 9/06 and determined that it has sufficient cultural heritage value or interest to warrant designation, as per the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes attached as Appendix "B" to Report PED24116. The owner of the property requested its designation and is supportive of the staff recommendation.

## **Alternatives for Consideration – See Page 6**

## **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: The designation process will follow the requirements of the *Ontario Heritage Act* and provide for adequate notice of Council's intention to designate the property. Formal objections may be made under the *Ontario Heritage Act* and considered by Council before either withdrawing the notice of intention to designate or passing a designation by-law. Once a designation by-law has been passed, any further objection would be heard before the Ontario Land Tribunal.

Designation under Part IV of the *Ontario Heritage Act* allows municipalities to recognize a property's cultural heritage value or interest, and to conserve and manage the property through the Heritage Permit process enabled under Sections 33 (alterations) and 34 (demolition or removal) of the Act.

Where alterations to designated properties are contemplated, a property owner is required to apply for, obtain, and comply with a Heritage Permit, for any alteration that "is likely to affect the property's heritage attributes, as set out in the description of the property's heritage attributes" (Sub-section 33(1)).

## **HISTORICAL BACKGROUND**

The subject property located at 291 King Street West, Dundas, shown in Appendix "A" attached to Report PED24116, is comprised of a one-and-a-half storey stone cottage constructed circa 1849. The subject property was first surveyed for potential heritage interest in 1993.

---

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

In September 2023, staff received a request from the owner to designate the property. In response, staff conducted a site visit on October 11, 2023, and conducted an evaluation of the property in accordance with Ontario Regulation 9/06 and determined the property met the criteria for designation. In an email dated April 22, 2024, staff advised the owner of the heritage evaluation and recommendation to designate and provided them with a draft Statement of Cultural Heritage Value or Interest and Description of Attributes for their feedback. Staff also advised the owner of the Hamilton Municipal Heritage Committee meeting date when the recommendation to designate would be considered.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The Recommendation of this Report is consistent with Provincial and Municipal legislation, policy and direction, 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); and,
- Designating properties of cultural heritage value under Part IV of the *Ontario Heritage Act* (Urban Hamilton Official Plan, Section B.3.4.2.3).

## **RELEVANT CONSULTATION**

### **External**

- Property Owner.

In addition, Cultural Heritage Planning staff have emailed the Ward Councillor (Councillor A. Wilson) for Ward 13 and provided an overview of the reasons for designation and the process for designating a property.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

The intent of municipal designation, under Part IV of the *Ontario Heritage Act*, is to enable a process for the management and conservation of significant cultural heritage resources. Once a property is designated, the municipality can manage change to a property through the Heritage Permit process to ensure that the significant features of the property are maintained.

Section 29(1) of the *Ontario Heritage Act* permits the Council of a municipality to designate property to be of cultural heritage value or interest where property meets two or more of the Criteria for Determining Cultural Heritage Value or Interest prescribed in

---

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

*Ontario Regulation 9/06*, as amended by Ontario Regulation 569/22, which identifies nine criteria in three broad categories: Design / Physical Value; Historical / Associative Value; and Contextual Value. The evaluation of cultural heritage value or interest of the subject property was completed by Cultural Heritage Planning staff based on a site visit of the exterior of the property conducted on October 11, 2023 (see photographs attached as Appendix “C” to Report PED24116) and available secondary and primary research sources (attached as Appendix “D” to PED24116). As outlined below, based on staff’s cultural heritage evaluation, it was determined that the subject property meets five of the nine criteria contained in Ontario Regulation 9/06 in all three categories.

### **Design / Physical Value**

1. The property at 291 King Street West, Dundas, has design and physical value as a representative example of a vernacular stone workers cottage residence. The one-and-a-half-storey dwelling features: a rectangular footprint with rear wing; a side gable roof with returning eaves and flanking brick chimneys; a three-bay symmetrical front façade with a central entrance and flanking windows; a wood door with original doorbell hardware; an even-course cut-stone façade of whirlpool sandstone with quoining and broken-course field stone side elevations; and rectangular window and door openings with cut stone voussoirs and stone lug sills. The sympathetic three-window front gabled dormer and rear wing additions were completed in the late-twentieth century, before 1994, and do not contribute to the property’s heritage value. It is one of numerous nineteenth-century stone cottages built for working class families throughout Dundas and is also one of few dwellings constructed prior to 1851 in the immediate surrounding area, being the first dwelling erected on its block.
2. The property does not display a high degree of craftsmanship or artistic merit.
3. The property does not demonstrate a high degree of technical or scientific achievement.

### **Historical / Associative Value**

4. The property has historical value for its direct associations with the settlement of the Town of Dundas, nineteenth-century women’s history, notable community figures, and the nineteenth-century immigrant and working community of Dundas.

During the mid-nineteenth century, Dundas was a thriving industrial centre, home to a number of mills and manufacturers. Many people employed in these industries resided in downtown Dundas, close to their places of employment. 291 King Street West is an example of typical stone worker dwellings from this time and is one of few buildings completed prior to 1851 in its immediate

surroundings, with the dwelling being the first erected on its block. The dwelling was originally built or commissioned by William Pearson (birth and death unknown) circa 1849, was affiliated with Patrick Quinn (circa 1810-1870) by 1853 and sold to Quinn by 1854 to be used as a rental property. Quinn was an Irish immigrant, grocer and notable community figure who served as Dundas's tax collector from 1855-1862. Quinn operated 291 King Street West as one of several rental properties he owned over his lifetime in the historic Valley and Foundry wards of Dundas. In 1864, the Town of Dundas brought forward a lawsuit against Patrick Quinn for having failed to collect property taxes from non-residents, those in arrears, and those without property sizeable among others during his time as tax collector, at which point the Town appears to have disputed Quinn's ownership of the property. This case had longstanding impacts on nineteenth-century Dundas's municipal government proceedings and politics, impacting local financial decisions until the late 1860s at the very least. As a result, land records indicate that the Town of Dundas seized Quinn's property prior to 1867.

The next recorded property owner, Margaret Conley (circa 1820-1887), is first listed in 1869. Conley was an unmarried woman, Irish immigrant and shop keeper who had business affiliations with Quinn as early as 1861, either as his employee or business partner. As an unmarried businesswoman in a time where most women were dependent on their spouses for financial and social security, few records of Conley's have survived to the present day. Conley is believed to have inherited Quinn's properties as a result of his legal dispute with the Town of Dundas. Conley maintained a connection to Quinn after gaining control over the property at 291 King Street West, even being recorded as the informant on his death record in 1870. Over her life, Conley managed several properties on King, Napier, Peel, Colbourne, and Hatt Streets in Dundas, and managed a grocery store on King Street West. Conley's affiliation with 291 King Street West offers insight into women's history in industrial era Dundas as a unique case of an unmarried, successful, businesswoman.

The nineteenth century tenants of 291 King Street West, which included a papermaker and agent, offer insight into the history of working-class people and the history of growth and immigration in Dundas. The stone dwelling is representative of the conditions in which working nineteenth-century people lived.

5. The property contributes to an understanding of working-class immigrants in Dundas and the greater Hamilton area, particularly tradespeople and women. The property also contributes to an understanding of nineteenth-century local governance proceedings.
6. The property does not demonstrate or reflect the work or ideas of a significant architect, artist, builder, designer, or theorist.

---

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

### **Contextual Value**

7. The property has historical and contextual value in its role maintaining the historic working-class residential character of downtown Dundas. The building is also significant as the first to have been erected on its block, and as one of the few buildings on King Street West to have been constructed prior to 1851.
8. The property is historically and visually linked to its surroundings, located along the prominent historic transportation corridor of King Street West, and having been historically rented out to local tradespeople in the nineteenth century. The dwelling's shallow setback grants it a high degree of visibility in the immediate streetscape. As one of several buildings in the area owned by Patrick Quinn and later Margaret Conley, 291 King Street West has additional historical and contextual connections with similar properties in the area.
9. The property is not considered to be a landmark.

Based on the foregoing, staff have determined that 291 King Street West, Dundas is of cultural heritage value or interest sufficient to warrant designation under Part IV of the *Ontario Heritage Act*. Heritage attributes of value include contextual attributes and the exterior of the building as seen from the public right of way. Staff recommend designation according to the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "B" to Report PED24116.

### **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, or decline to designate property.

#### **Decline to Designate**

By declining to designate, the municipality would be unable to provide long-term, legal protection to this significant cultural heritage resource (designation provides protection against inappropriate alterations and demolition) and would not fulfil the expectations established by existing municipal and provincial policies.

Without designation, the property would not be eligible for the City's financial incentives for heritage properties, including development charge exemption and grant and loan programs. Designation alone does not restrict the legal use of property, prohibit alterations and additions, nor does it restrict the sale of a property, or been demonstrated to affect its resale value. However, designation does allow the municipality to manage change to the heritage attributes of a property through the

**SUBJECT: Recommendation to Designate 291 King Street West, Dundas, under  
Part IV of the *Ontario Heritage Act* (PED24116) (Ward 13) - Page 7 of 7**

---

Heritage Permit process. Staff does not consider declining to designate the property to be an appropriate conservation alternative.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED24116 – Location Map

Appendix "B" to Report PED24116 – Statement of Cultural Heritage Value or Interest  
and Description of Heritage Attributes

Appendix "C" to Report PED24116 – Photographs

Appendix "D" to Report PED24116 – Research Sources

MB/MOF:sd

---

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.