



**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 340 Dundas Street, Flamborough (Eager House), under Part IV of the <i>Ontario Heritage Act</i> (PED24106) (Ward 15)
<b>WARD AFFECTED:</b>	Ward 15
<b>PREPARED BY:</b>	Scott Dickinson (905) 546-2424 Ext. 7167 Meg Oldfield (905) 546-2424 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 340 Dundas Street East, Flamborough (Eager House), shown in Appendix "A" attached to Report PED24106, 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 PED24106, 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 340 Dundas Street East, Flamborough, known historically as the Eager House, 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 PED24106.

## **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)).

The City of Hamilton also provides financial incentive programs, including development charge exemption and heritage grants and loans, to assist in the adaptive re-use and continued conservation of properties once they are designated.

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## **HISTORICAL BACKGROUND**

The subject property located at 340 Dundas Street East, Flamborough, shown in Appendix “A” attached to Report PED24106, is comprised of a two-storey stone dwelling constructed circa 1871, known historically as the Eager House. In 2019, the property was listed on the Municipal Heritage Register and was added to staff’s designation workplan for further research and assessment of the property.

Staff prepared a Cultural Heritage Assessment Report in support of designation of the subject property as part of the Waterdown Village Built Heritage Inventory project in 2022 but did not bring forward a recommendation to designate with the other Waterdown designations as part of Report PED21201(b). As noted in the report at the time, City staff were in conversation with the subject property about the adjacent Dundas Street Bridge replacement over the Grindstone Creek and its potential impact on the property, so the recommendation to designate the property was not brought forward at that time to allow for further discussions and for the bridge-related matters to be resolved.

As a result of the recent Bill 23 changes to the *Ontario Heritage Act*, the former staff workplan for designation was rescinded and replaced with a new public list of Candidates for Designation under Part IV of the *Ontario Heritage Act* (see Report PED22211(a)), at which time 340 Dundas Street East, Flamborough was reprioritized for review for designation by January 1, 2025.

In July 2023, Cultural Heritage Planning staff notified the property owner of the changes to the City’s heritage designation process and the reprioritization of staff’s review of the property for designation. Subsequently, in a letter dated May 21, 2024, staff advised the owner of the recommendation to designate the property, provided them with a copy of the proposed Statement of Cultural Heritage Value or Interest and advised them of the Hamilton Municipal Heritage Committee meeting date that the recommendation would be considered. Staff have not received a response from the property owner to date.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENT**

The Recommendations of this Report are 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,

**SUBJECT: Recommendation to Designate 340 Dundas Street, Flamborough (Eager House), under Part IV of the *Ontario Heritage Act* (PED24106) (Ward 15) – Page 4 of 7**

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- 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, staff have emailed the Ward Councillor (Councillor T. McMeekin) for Ward 15 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 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 (see photographs attached as Appendix “C” to Report PED24106) and available secondary and primary research sources (attached as Appendix “D” to Report PED24106). As outlined below, based on staff’s cultural heritage evaluation, it was determined that the subject property meets seven of the nine criteria contained in Ontario Regulation 9/06 in all three categories.

### **Design / Physical Value**

1. The property is comprised of a two-storey parged stone dwelling built circa 1871. The property has design value as a representative example of residential Gothic Revival style of architecture. The architectural features typical of this style include its high-pitched gables with decorative bargeboard. Other notable features of the building include its: parged stone façades; central entrance with transom and sidelights; gable-roofed front porch with decorative sun and ray motif wooden detailing; flat-headed one-over-one windows with four-pane

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**SUBJECT: Recommendation to Designate 340 Dundas Street, Flamborough  
(Eager House), under Part IV of the *Ontario Heritage Act* (PED24106)  
(Ward 15) – Page 5 of 7**

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wooden storms and plain stone lug sills on the ground floor; and semi-circular windows with wooden storms and plain stone lug sills in the second storey below the gables.

2. The property displays a high degree of craftsmanship, as demonstrated by the decorative bargeboard and wood detailing on the front porch, including the sun and ray motif.
3. The property does not appear to demonstrate a high degree of technical or scientific achievement.

**Historical / Associative Value**

4. The property has historical value which lies in its direct association with the Eager family, an early local merchant family that operated a well-known general store in Waterdown Village. Joseph Culloden Eager (1809-1893) and his son James E. Eager (1842-1921) purchased the property in 1871 to build their family home and, in 1880, purchased Griffin's General Merchant Store to the west on the southeast corner of Dundas and Mill Streets and renamed it the Eager General Store. When Joseph Culloden died in 1893, his son James took over the family home and continued operation of the family business. The general store remained in the family for three generations before being sold to, and continued by, the Weeks family in 1924. The house remained in the family until the death of Helen Eager (born in 1904) in 1989 when the property was sold ending the more than a century long legacy of the Eager family in Waterdown.
5. The property does not yield or have the potential to yield information that contributes to an understanding of a community or culture.
6. This property demonstrates the work of architect William Leith of Hamilton and builder John Reid of Waterdown. The house was designed by prominent Hamilton architect William Leith (1835-1880). Leith designed ecclesiastical, institutional, commercial, industrial and residential buildings throughout Hamilton and its historic surrounding areas, including Dundas and Flamborough.

The sun motif portico was a later addition were designed and constructed by well-known Waterdown builder John Reid (1854-1912). The son of a weaver who immigrated to Canada in 1830, John established himself as a contractor and built himself a sawmill on the east side of Grindstone Creek, which he operated until 1912 when the railroad was constructed. John was also responsible for other notable Waterdown buildings, including the Reid House (8 Margaret Street) and the McGregor House (49 Main Street North).

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## **Contextual Value**

7. The property is important in defining the historic residential character of the area of Waterdown known as Vinegar Hill. The late-nineteenth century single-detached building is a key component in the surrounding streetscape of one- to two-and-a-half storey buildings dating between the mid-nineteenth century to modern day. This property helps mark the transition from the historic commercial core of Waterdown to the west over the Dundas Street Bridge, to the modern subdivisions east of First Street.
8. The property is visually, historically and functionally linked to its surroundings. Sited on its original location along the historic transportation corridor of Dundas Street a short distance from the former Eager General Store, the subject property lies in the midst of a residential streetscape that demonstrates the development of the Village of Waterdown throughout its history.
9. The property is considered to be a local landmark. It is an important feature on Dundas Street marking the entrance to Vinegar Hill from the west and the transition from the commercial core of the Village of Waterdown over the bridge into this historic residential area.

Staff have determined that 340 Dundas Street East, Waterdown, is of cultural heritage value or interest sufficient to warrant designation under Part IV of the *Ontario Heritage Act* and recommend designation according to the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix “B” to Report PED24106.

## **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 the 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 a property or been

**SUBJECT: Recommendation to Designate 340 Dundas Street, Flamborough  
(Eager House), under Part IV of the *Ontario Heritage Act* (PED24106)  
(Ward 15) – Page 7 of 7**

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demonstrated to affect its resale value. However, designation does allow the municipality to manage change to the heritage attributes of a property through the 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 PED24106 – Location Map

Appendix “B” to Report PED24106 – Statement of Cultural Heritage Value or Interest  
and Description of Heritage Attributes

Appendix “C” to Report PED24106 – Photographs

Appendix “D” to Report PED24106 – Research Sources

Appendix “E” to Report PED24106 – Cultural Heritage Assessment Report

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