




CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

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| TO: | Chair and Committee Members Hamilton Municipal Heritage Committee |
| COMMITTEE DATE: | October 25, 2024 |
| SUBJECT/REPORT NO: | Recommendation to Designate 2251 Rymal Road East, Stoney Creek (Former Elfrida United Church), under Part IV of the <i>Ontario Heritage Act</i> (PED24201) (Ward 9) |
| WARD AFFECTED: | Ward 9 |
| PREPARED BY: | Scott Dickinson (905) 546-2424 Ext. 7167 Meg Oldfield (905) 546-2424 Ext. 7163 |
| SUBMITTED BY: | Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department |
| SIGNATURE: |  |

RECOMMENDATION

That the City Clerk be directed to give notice of Council's intention to designate 2251 Rymal Road East, Stoney Creek (former Elfrida United Church), shown in Appendix "A" attached to Report PED24201, 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 PED24201, 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.

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EXECUTIVE SUMMARY

This Report recommends designation of the significant built heritage resource located at 2251 Rymal Road East, Stoney Creek, under Part IV of the *Ontario Heritage Act*, known as the former Elfrida United Church. The subject property is currently listed on the City's Municipal Heritage Register and has been adaptively reused for commercial purposes. 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 PED24201.

Alternatives for Consideration – See Page 7

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 2251 Rymal Road East, Stoney Creek, shown in Appendix “A” attached to Report PED24201, is comprised of a one-storey brick building constructed as a place of worship in 1881, known historically as the Elfrida United Church. The subject property was first surveyed for heritage interest in the 1990s. The former Stoney Creek Local Architectural Conservation Advisory Committee expressed an interest in designating the subject property in 1992, and again in 1996-97, however, the church trustees and the subsequent owners were not interested in designation at the time, and designation of the property was not pursued. The former Elfrida United Church underwent a successful adaptive reuse as a result of rezoning and renovation approvals in 1995, and the building has housed a number of catering businesses and restaurants since the early 2000s.

In 2011, the property received a Heritage Property Conservation Award from the Hamilton Municipal Heritage Committee, then occupied by the former Vicar’s Vice restaurant. In December 2012, the Hamilton Municipal Heritage Committee requested that the former Elfrida United Church be reviewed for designation due to the property being put up for sale. In 2013, 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. The owner was subsequently notified of the property listing and addition to the designation work plan. The property owner received a subsequent Heritage Property Recognition Award in 2014 in recognition of the collective ownership efforts of a series of restaurants in historic buildings, including The Pheasant Plucker (20 Augusta Street), The Augusta House (17 Augusta Street), The Power House (1 Jones Street and Vicar’s Vice (2251 Rymal Road East).

In 2015, the owner submitted a request for the property to be removed from the Municipal Heritage Register. The Hamilton Municipal Heritage Committee and Council considered the removal request as part of Staff Report PED15173. The owner’s request was denied, and Council resolved to keep the property listed on the Register and on staff’s workplan for designation.

As a result of 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 2251 Rymal Road East was reprioritized for review for designation by January 1, 2025. In a letter dated July 26, 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.

In September 2023, staff were contacted by the new owner and their agent to confirm any heritage approval requirements for the legalization of two existing decks that had

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been constructed on the property. Staff advised them that, since the property was not yet designated under the *Ontario Heritage Act*, a Heritage Permit was not required. Staff also reconfirmed that the City was in the process of reviewing the property for designation and that a recommendation was forthcoming before January 1, 2025.

In a letter dated June 27, 2024, staff advised the owner of the recommendation to designate the property. In a subsequent letter dated August 9, 2024, sent by registered mail and email, staff provided the owner 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.

On September 19, 2024, Staff were contacted by a representative of the property owner to schedule a meeting between representatives of the owner, Cultural Heritage Staff, and representatives of a potential buyer of the property. On September 30, 2024, Staff met with these representatives to discuss the potential designation of this property.

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);
- Implementing proactive strategies for conserving significant built heritage resources (Provincial Planning Statement, 2024, Sub-section 4.6.4(b)); 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, Planning staff have emailed the Ward Councillor (Councillor B. Clark) for Ward 9 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

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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 conducted on February 9, 2024 (see photographs attached as Appendix “C” to Report PED24201) and available secondary and primary research sources (attached as Appendix “D” to Report PED24201). As outlined below, based on staff’s cultural heritage evaluation, it was determined that the subject property meets six of the nine criteria contained in Ontario Regulation 9/06 in all three categories.

Design / Physical Value

1. The one-storey brick former church building at 2251 Rymal Road East, Stoney Creek was constructed in 1881, rebuilt on the site of the former circa 1858 church. The property has design or physical value as a representative example of the Gothic Revival architectural style as applied to a place of worship. The architectural features representative of the Gothic Revival style include the: gable roof with decorative wood brackets and brick dentils; red brick exterior with stone accents; large circular window opening with round arch stone hood mould, brick buttresses on the front and side elevations; lancet stained glass windows on the front elevation with stone hood moulds; lancet stained glass windows on the side elevations with brick voussoirs; wooden quatrefoil tracery on the stained glass windows on the front and side elevations; and, round arch stone hood-mould over semicircular stained glass transom on the front entry way.
2. This property displays a high degree of craftsmanship, as demonstrated by the: ornate brackets, stone hood mould above the circular window opening, lancet windows and main entrance on front elevation, windows with ornamental quatrefoil tracery and distinctive stained glass etched with floral patterns in red, green, yellow, and blue.
3. The property does not appear to demonstrate a high degree of technical or scientific achievement.

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Historical / Associative Value

4. This property has historical or associative value due to its status as one of the earliest places of worship in Saltfleet Township, and its association with the theme of nineteenth-century development in Saltfleet Township. In 1856, the land was purchased by Philip (1827-1906) and Catherine Hendershot (1832-1908), and in 1858 a church was built to serve the small community of Clinesville, renamed Elfrida in 1865. The church was rebuilt in 1881, though the cause of and extent of this rebuilding is unknown. Constructed as a Canadian Methodist Church, the congregation joined the United Church of Canada in 1925, serving the United Church Circuit that included Binbrook, Blackheath, and Trinity. In 1960, they joined with Trinity United Church in Hannon to form the Trinity-Elfrida Pastoral Charge. Elfrida United Church served as the only place of worship in the area with an active ladies' group until the arrival of Our Lady of the Assumption Catholic Parish in the 1950s. The Elfrida Church closed in 1991 and was later purchased in 1994 and converted into a kitchen and restaurant. Several restaurants have subsequently made their home in the former church.
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 does not demonstrate or reflect the work or ideas of an architect, artist, builder, designer, or theorist who is significant to the community.

Contextual Value

7. The property is important in defining the former historic rural character of the area. 2251 Rymal Road East is surrounded by modern commercial and residential development, which is a juxtaposition to the nineteenth-century former church of a small rural settlement area. The property acts as a signpost to mark the location of historic Elfrida, and to remind the viewer of what this area once looked like.
8. The property is historically linked to its surroundings, being situated on its original location along the historic transportation corridor of Rymal Road and representing the last remaining non-residential building in the historic settlement area of Elfrida.
9. This property is considered a landmark, given its slight setback from the public right-of-way, its high visibility from the road and its distinctive Gothic Revival style, standing out against the backdrop of modern commercial construction.

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Staff have determined that 2251 Rymal Road East, Stoney Creek, 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 PED24201.

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 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 PED24201 – Location Map

Appendix “B” to Report PED24201 – Statement of Cultural Heritage Value or Interested and Description of Heritage Attributes

Appendix “C” to Report PED24201 – Photographs

Appendix “D” to Report PED24201 – Research Sources

SD/sd