




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

<b>TO:</b>	Chair and Members Hamilton Municipal Heritage Committee
<b>COMMITTEE DATE:</b>	October 25, 2024
<b>SUBJECT/REPORT NO:</b>	Notice of Intention to Demolish the Building Located at 85 Catharine Street North, Hamilton, being a Non-Designated Property Listed on the Municipal Heritage Register (PED24189) (Ward 2)
<b>WARD(S) AFFECTED:</b>	Ward 2
<b>PREPARED BY:</b>	Emily Bent (905) 546-2424 Ext. 6663
<b>SUBMITTED BY:</b>	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

That the non-designated property located at 85-87 Catharine Street North, Hamilton, be removed from the Municipal Heritage Register.

**EXECUTIVE SUMMARY**

This Report recommends removing the property municipally addressed as 85-87 Catharine Street North, Hamilton, from the Municipal Heritage Register in response to a Notice of Intention to Demolish under Section 27 (9) of the *Ontario Heritage Act*.

A Cultural Heritage Impact Assessment was submitted in support of the Notice of Intention to Demolish the building located on a portion of the property known as 85 Catharine Street North, which is comprised of a brick dwelling constructed circa 1890. The portion of the property known as 87 Catharine Street North is vacant. Staff have reviewed the Cultural Heritage Impact Assessment and note that the existing building is in good condition and does have some cultural heritage value or interest. While the property does meet enough criteria to warrant designation, given the loss of integrity of the historic streetscape and surrounding context, staff do not recommend designation of the property under the *Ontario Heritage Act*.

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The intent behind the proposed demolition is to consolidate the property at 85-87 Catharine Street North with the adjacent lot at 80 John Street North and submit a revised proposal targeting Conditional Approval of active Site Plan Control Application DA-21-137 for the construction of two 30-storey mixed use towers with 700 residential units. While the preference would be to retain and integrate the existing dwelling into a new development, staff recognize the opportunity to integrate the subject property at 85-87 Catharine Street North into the redevelopment including the adjacent surface parking lot at 80 John Street North into one cohesive development providing residential intensification.

As such, staff recommend removing the property from the Municipal Heritage Register. To support the revised Site Plan Control application, a revised Cultural Heritage Impact Assessment is required, which staff anticipate will provide further recommendations on Documentation and Salvage for the building proposed to be demolished and will be captured as revised conditions of Site Plan approval.

**Alternatives for Consideration – See Page 7**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: Owners of non-designated properties listed on the City's Municipal Heritage Register under Section 27 (3) of the *Ontario Heritage Act* are required to give Council 60 days' notice of their intention to demolish or remove any building or structure on the property. Council must consult with the Municipal Heritage Committee prior to removing a property from the Register under Section 27 (4) of the *Act*.

**HISTORICAL BACKGROUND**

The properties located at 85 and 87 Catharine Street North, Hamilton (see location map attached as Appendix "A" to Report PED24189) are comprised of a two-and-a half storey brick dwelling, constructed circa 1890.

In September 2014, the properties located at 85 and 87 Catherine Street North were listed on the Municipal Heritage Register as part of the Downtown Hamilton Built Heritage Inventory Project (see PED14191). At the time, the properties had not merged in title and 87 Catharine Street North was comprised of a two-storey brick dwelling constructed circa 1876, which joined the dwellings located at 85 and 89 Catharine Street North, forming a row. The preliminary research and evaluation for both properties

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conducted as part of the Downtown Hamilton Inventory identified them as being “Character Supporting Resources,” having contextual cultural heritage value or interest contributing to the character of the area and therefore worthy of listing on the Municipal Heritage Register. The building at 87 Catharine Street North was previously demolished and that portion of the site remains vacant.

In January 2024, Cultural Heritage Planning staff were contacted by the agent for the owner of 85 and 87 Catharine Street North who were advised of the requirement to provide a Notice of Intention to Demolish for any building or structure on the property listed under Section 27 (3) of the *Ontario Heritage Act* should they wish to apply for a building permit to demolish the existing dwelling. Staff also confirmed the agent’s intent to add the property to the adjacent lot at 80 John Street North and to submit revised drawings for active Site Plan Control application DA-21-137 to target Conditional Approval. Staff advised the agent that a Cultural Heritage Impact Assessment would not be required for the Notice of Intention to Demolish, however, a Cultural Heritage Impact Assessment would be required with a submission for an amended Site Plan.

In May 2024, the agent submitted a draft Cultural Heritage Impact Assessment for staff to review and comment on ahead of submitting an amendment to Site Plan Control application DA-21-137. Staff provided some initial feedback, noting a difference in professional opinion in the cultural heritage evaluation and that staff would prefer to see the building retained and incorporated into a new development, rather than be demolished. In a meeting with the agent and their Heritage Consultant on June 21, 2024, the agent confirmed that they would submit a Notice of Intention to Demolish ahead of making a revised submission for Site Plan Control application DA-21-137, noting that this approach would demonstrate whether there is support from Council to demolish the existing dwelling at 85 Catharine Street North prior to revising any Site Plan drawings. The agent also confirmed that, while it was not a requirement at this stage, a Cultural Heritage Impact Assessment would be submitted to support their forthcoming Notice of Intention to Demolish, which would be revised to discuss the impacts and mitigation measures once a revised concept for DA-21-137 was completed. Staff again reiterated their preference for the building to be retained and integrated into the proposed development.

On August 28, 2024, Cultural Heritage Planning staff received Notice of Intention to Demolish 85 Catharine Street North in accordance with Section 27(9) of the *Ontario Heritage Act* by way of a formal letter from the agent (attached as Appendix “B” to Report PED24189) and an accompanying Cultural Heritage Impact Assessment dated August 2024 completed by mcCallumSather (attached as “Appendix C” to Report PED24189).

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## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The Recommendation of this Report is consistent with Provincial and Municipal legislation, policy, and direction, including the following relevant policies from the Urban Hamilton Official Plan, Volume 1:

- Identifying cultural heritage resources through a continuing process of inventory, survey, and evaluation, as a basis for the wise management of these resources (B.3.4.2.1 b));
- Maintaining the Municipal Heritage Register, pursuant to the *Ontario Heritage Act*, and seeking advice from the Municipal Heritage Committee when considering additions and removals of non-designated properties from the Register (B.3.4.2.4);
- Requiring a cultural heritage resource to be thoroughly documented for archival purposes in the event that rehabilitation and reuse of the resource is not viable as part of a *Planning Act* application process (B.3.4.2.13);
- Residential intensification within the built-up area (Urban Hamilton Official Plan Volume 1, Policies B.2.4.1.4 a) - l)); and,
- Residential intensification and Cultural Heritage Resources (Urban Hamilton Official Plan Volume 1, Policy B.2.4.3.1, and B.2.4.3.2).

## **RELEVANT CONSULTATION**

- Property owner and their agents/consultants.

The Ward Councillor (Councillor Kroetsch) for Ward 2 has been advised that this matter was to be considered by the Hamilton Municipal Heritage Committee and has been advised of the staff recommendation to remove this property from the Municipal Heritage Register.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

Listing a property on the Municipal Heritage Register as a non-designated property of cultural heritage value or interest provides 60 days interim protection from demolition. The 60-day interim period is intended to allow staff time to discuss alternatives for conservation of a property with the owner, including opportunities for retention, adaptive re-use and financial incentives, and photo-documentation of the property prior to demolition. In the case of significant heritage properties, like those identified as candidates for designation, the 60-day delay could allow Council time to consider issuing a notice of intention to designate the property to prevent demolition.

The preliminary research and evaluation of 85 Catharine Street North conducted as part of the Downtown Hamilton Inventory identified the property as being a “Character

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Supporting Resource”, having contextual cultural heritage value or interest contributing to the character of the area and therefore worthy of listing on the Municipal Heritage Register. The property was not identified as a candidate for designation under Part IV of the *Ontario Heritage Act*. The preliminary evaluation indicated that the property met the following criteria of Ontario Regulation 9/06, as amended by Ontario Regulation 569/22:

- Criteria 1: Its design value as a representative example of a late-nineteenth century brick dwelling;
- Criteria 4: Its historic value because it is associated with the period of development between 1850-1900 and its location within the Beasley Neighbourhood, one of the original four neighbourhoods in Hamilton; and,
- Criteria 7: Its contextual value, helping to support the historic character of the neighbourhood.

### **Review of Cultural Heritage Impact Assessment**

Staff have reviewed the Cultural Heritage Impact Assessment (attached as Appendix “C” to Report PED24189) submitted with the Notice of Intention to Demolish and have found it to be comprehensive and complete for the purposes of accompanying the Notice.

Staff note that the Cultural Heritage Impact Assessment includes an evaluation of the subject property in accordance with Ontario Regulation 9/06 (see pages 33-35 of Appendix “C” attached to Report PED24189) that differs from the preliminary evaluation conducted as part of the Downtown Hamilton Inventory project. After reviewing the photo-documentation, historical research and rationale presented in the Cultural Heritage Impact Assessment, Cultural Heritage Planning staff agree with the consultant’s assessment that the building at 85 Catharine Street North does not meet Criteria 3, 5, 6 or 9 of Ontario Regulation 9/06. However, it is the professional opinion of staff that the property at 85 Catharine Street North meets Criteria 1, Criteria 4, and Criteria 7, which is consistent with preliminary evaluation from the Downtown Hamilton Inventory, as well as additional Criteria 2 and 8 of Ontario Regulation 9/06. Below is a summary of the staff evaluation and opinion:

- **Design / Physical Value:** Upon further review, staff found that the property meets an additional criterion in the physical value category of Ontario Regulation 9/06, as the carved red stone voussoirs are a unique feature of the dwelling, in addition to noting that this element meets Criteria 2 for displaying a high degree of artisanship. The Cultural Heritage Impact Assessment indicates that the building does not meet Criteria 1, stating that “while the building is reflective of a typology and style, it does not exemplify or define it, and as such, is not considered representative”, nor are any features unique. The report also notes

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that, regarding Criteria 2, the building remains “highly vernacular” and although it is well-constructed, does not display a high degree of artisanship.

- **Historical / Associative Value:** The preliminary evaluation of the property at 85 Catharine Street North completed as part of the Downtown Hamilton Inventory indicated that the property met Criteria 4 of Ontario Regulation 9/06, as it is linked to the period of development between 1850-1900 and is located within the Beasley Neighbourhood. Staff still concur with that the property meets this criterion.
- **Contextual Value:** The Downtown Hamilton Inventory noted that the property met Criteria 7 while the adjacent dwelling at 87 Catharine was still extant, however, it is the professional opinion of Cultural Heritage Planning staff that the building at 85 Catharine Street North supports previous character of the neighbourhood as a remnant of the previous row of houses, demonstrating the former character of the street. This is contrary to the findings of the Cultural Heritage Impact Assessment report, which notes that the surrounding surface parking lots have severed the dwelling at 85 Catharine Street North from its original historic context. Lastly, staff are of the opinion that the property meets Criteria 8, as it is historically linked to the development of the Beasley Neighbourhood. However, Cultural Heritage Impact Assessment suggests that, given the loss of historic building stock surrounding the property, it has lost that historic link to its surroundings.

The Cultural Heritage Impact Assessment notes that the conservation approach for the redevelopment of the subject property at 85 and 87 Catharine Street North, in conjunction with the adjacent lot at 80 John Street North, is one of “landscape rehabilitation.” The report states that the existing building has become disconnected from its previous historic context, and the opportunity to plan for a full urban block rehabilitation aligns with municipal and provincial policies relating to residential intensification. Staff agree that redevelopment of the site would allow it to contribute to the evolving Downtown landscape, as per the General Residential Intensification Policies of the Urban Hamilton Official Plan, Volume 1 (Policy B.2.4), and note the loss of integrity of the Catharine Street North streetscape and surrounding. However, staff disagree that demolishing the building at 85 Catharine Street North is required to facilitate said redevelopment.

Despite a difference in professional opinion regarding the evaluation of 85 Catharine Street North in accordance with Ontario Regulation 9/06, staff find the Cultural Heritage Impact Assessment to be comprehensive and complete for the purpose of the Notice of Intention to Demolish.

## **Conclusion**

It has been determined that the building located at 85 Catharine Street North has cultural heritage value or interest for its design, associative and contextual value. While the preference would be to retain and integrate the existing dwelling into a new development, staff recognize the opportunity to integrate the subject property at 85-87 Catharine Street North into the redevelopment including the adjacent surface parking lot at 80 John Street North into one cohesive development providing residential intensification. While the property does meet enough criteria to warrant designation, given the loss of integrity of the historic streetscape and surrounding context, staff do not recommend designation of the property under the *Ontario Heritage Act*. Staff recommend removing the property from the Municipal Heritage Register.

As previously noted, a revised Cultural Heritage Impact Assessment will be required to with a revised submission to target Conditional Approval of Site Plan Control Application DA-21-137. Staff anticipate that a Documentation and Salvage Report will be required as a condition of approval of an amended Site Plan application, to ensure that any historic materials are salvaged for reuse and diverted from the landfill prior to demolition of the building.

## **ALTERNATIVES FOR CONSIDERATION**

### **Direct Staff to Designate the Property**

Hamilton Municipal Heritage Committee may recommend that Council direct staff to designate the subject property under Part IV of the *Ontario Heritage Act* in response to the Notice of Intention to Demolish. Staff are of the opinion that while the subject property meets 5 of the 9 Criteria under Ontario Regulation 9/06, this alternative is not being recommended as the property will be added to the adjacent site at 80 John Street North to facilitate its redevelopment. While conserving cultural heritage resources is a priority in municipal and provincial policies, staff note that the opportunity to redevelop a surface parking lot aligns with the General Residential Intensification policies of the Urban Hamilton Official Plan, Volume 1, and that a future Documentation and Salvage Report will be able to identify historic materials for reuse.

## **APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED24189 – Location Map

Appendix "B" to Report PED24189 – Notice of Intention to Demolish

Appendix "C" to Report PED24189 – Cultural Heritage Impact Assessment

EB:mb