




CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Committee Members Hamilton Municipal Heritage Committee
COMMITTEE DATE:	November 22, 2024
SUBJECT/REPORT NO:	Recommendation to Designate 223 Governor's Road, Dundas (Starfield), under Part IV of the <i>Ontario Heritage Act</i> (PED24181) (Ward 13)
WARD(S) AFFECTED:	Ward 13
PREPARED BY:	Meg Oldfield (905) 546-2424 Ext. 7163 Alissa Golden (905) 546-2424 Ext. 1202
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 223 Governor's Road, Dundas, shown in Appendix "A" attached to Report PED24181, 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 PED24181, 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 223 Governor's Road, Dundas, known as Starfield, under Part IV of the *Ontario*

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Heritage Act. The Report was prepared in response to a request to designate the property from the property owner. 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 PED24181.

Alternatives for Consideration – See Page 5

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 223 Governor's Road, Dundas, as shown in Appendix "A" to Report PED24181, is comprised of a two-storey brick building, known as Starfield, believed to have been constructed circa 1870. The subject property was first surveyed for potential heritage interest in the 1990s.

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At its meeting on November 22, 2021, the Inventory and Research Working Group of the Hamilton Municipal Heritage Committee recommended that the property be listed on the Municipal Heritage Register. On January 31, 2022, Cultural Heritage Planning staff notified the owner of the subject property of the recommendation to list the property, and on February 23, 2022, the property owners responded to staff, expressing interest in the designation of the property. At its meeting on February 25, 2022, the Hamilton Municipal Heritage Committee approved the recommendations made by the Inventory and Research Working Group that the subject property be listed. On March 30, 2022, City Council approved the recommendations to list the property as part of Planning Committee Report 22-004. In June 2023, staff conducted a site visit to the property and consulted with the owners on the heritage designation process. On July 31, 2024, staff sent a letter to the owners to advise them of the timing of this report.

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);
- 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

Staff have consulted with the property owners and have advised them of the timing of this report.

In addition, Planning staff have advised 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

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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 June 19, 2023 (see Appendix “C” to Report PED24181) and available secondary and primary research sources (see Appendix “D” to Report PED24181). 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 property is a representative example of a vernacular brick dwelling constructed circa 1870, with Classical Revival influences. Notable features of the dwelling include the: symmetrical front (west) façade; low-hipped roof with flanking chimneys; projecting bay windows flanking the central entrance with sidelights and transom; segmentally arched window openings with brick voussoirs and stone sills; and, covered front and side porches with Ionic columns.
2. The property demonstrates a high degree of craftsmanship in the form of its wooden fluted Ionic columns.
3. The property does not appear to demonstrate a high degree of technical or scientific achievement.

Historical / Associative Value

4. The property is directly associated with people significant to the history and evolution of Dundas and its economy. The building at 223 Governor’s Road is associated with Timothy Greening (c.1815-1900), owner of the property from 1869 to 1896. In 1858, Timothy Greening immigrated to Hamilton with his half-brother, Benjamin Greening (1808-1877). Descended from a long line of wire manufacturers, Timothy Greening operated the T. Greening Wire Works, later Greening and Sons, from circa 1860 until his death in 1900, manufacturing wire cloth and sheet metal.

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The property is also associated with John Maw (1841-1920), a local businessman who resided at the property between 1904 and 1920. In 1865, Maw partnered with James Littler under Littler, Maw & Co. to form the Dundas Tool Works, manufacturing iron and woodworking machinery. In the 1880s, Maw joined the B. Greening Wire Works in Hamilton, serving as superintendent until his retirement in 1906, at which time he was appointed Chairman of the Board of Directors.

5. The property does not appear to yield or have the potential to yield, information that contributes to the understanding of a community or culture.
6. The property does not appear to demonstrate or reflect the work or ideas of an architect, artist, builder, designer, or theorist significant to the community.

Contextual Value

7. The property is considered important in defining the character of the area. The setting of the property helps define the historic character of Governor’s Road, one of the area’s earliest transportation corridors. Constructed under the direction of Governor-General John Graves Simcoe (1752-1806), the road was meant to act as a military route, connecting Burlington Bay to London, Graves’ desired capital. The property also stands out from the surrounding mid-twentieth century residential streetscape as one of the few extant mid-nineteenth century homes.
8. The property is historically, functionally, and visually linked to its surroundings as one of the few extant mid-nineteenth century homes located along the Dundas portion of Governor’s Road and the connection to the former T. Greening Wire Works industrial factory to the west. Initially situated on a 4-hectare lot, the property was home to an orchard and other small scale agricultural pursuits.
9. The property is considered to be a local landmark due to its prominent location and raised elevation on Governor’s Road.

Staff have determined that 223 Governor’s Road, Dundas 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 PED24181.

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

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED24181 – Location Map

Appendix "B" to Report PED24181 – Statement of Cultural Heritage Value or Interest
and Description of Heritage Attributes

Appendix "C" to Report PED24181 – Photographs

Appendix "D" to Report PED24181 – Research Sources

(MO/AG/sd)