



HAMILTON MUNICIPAL HERITAGE COMMITTEE REPORT 24-011

12:00 p.m.

December 13, 2024

Council Chambers, 2nd Floor (Hybrid)
Hamilton City Hall
71 Main Street West

Present: Councillor C. Kroetsch
A. Denham-Robinson (Chair), G. Carroll (Vice-Chair), K. Burke,
A. Douglas, L. Lunsted, A. MacLaren, L. Lunsted and
S. Spolnik (virtual)

THE HAMILTON MUNICIPAL HERITAGE COMMITTEE PRESENTS REPORT 24-011 AND RESPECTFULLY RECOMMENDS:

- 1. Heritage Permit Application HP2024-033, Under Section 34 of the *Ontario Heritage Act*, for the Demolition of the Tivoli Lobby and Auditorium at 108 James Street North and 111 -113 Hughson Street North, Hamilton (PED24232) (Ward 2) (Item 8.1)**
 - (a) That Heritage Permit Application HP2024-033, under Section 34 of the *Ontario Heritage Act*, for the demolition of the Tivoli Lobby and Auditorium at 108 James Street North and 111-113 Hughson Street North, Hamilton, be approved in accordance with the submitted Heritage Permit Application and the following conditions:
 - (i) That a Conservation Strategy, including a Conservation Plan, Interpretation/Commemoration Plan, Documentation and Salvage Report, Design Guidelines, and an Interim Conditions Plan outlining how the site conditions will be treated and managed following demolition and until redevelopment occurs, be submitted in accordance with the recommendations of the Cultural Heritage Impact Assessment prepared by +VG, dated September 30, 2024 (attached as Appendix "B" to Report PED24232), and their Addendum dated November 27, 2024 (attached as Appendix "C" to Report PED24232), to the satisfaction and approval of the Director of Planning and Chief Planner, prior to issuance of a Building Permit to Demolish any structures on the property;

- (ii) That the following conditions with respect to cost estimates and financial security shall be satisfied prior to the issuance of a Building Permit to demolish the former Tivoli Theatre structures:
- (1) The applicant shall provide cost estimates for either: (a) 100% of the total cost of implementing the Conservation Strategy, approved in accordance with Condition (i); or, (b) a minimum of \$1,000,000 to cover the approximate costs of implementing the Conservation Strategy, including salvaging representative plaster features, where feasible, and recreating the plaster detailing in a new development on the site, which may be approved in accordance with Condition (i) following demolition of the Tivoli Theatre structures. Such cost estimates shall be in the form satisfactory to the Director of Planning and Chief Planner, or be prepared in accordance with the Guides for estimating security requirements for landscaping and engineering;
 - (2) The applicant shall calculate the lump sum security payment, satisfactory to the City Solicitor, for works to the satisfaction of the Director of Planning and Chief Planner;
 - (3) The applicant shall provide Financial Instrument for security that is satisfactory to the City Solicitor such as the Letter of Credit (Policy), Surety Bond (Policy), or Certified Cheque/Bank Draft to the Director of Planning and Chief Planner for 100% of the total estimated cost as per Condition (ii)(1) in a form satisfactory to the City's Finance Department (Development Officer, Development Charges, Programs and Policies) to be held by the City as security for the completion of the on-site development works required in these conditions. Alternatively, the owner may choose to provide a lump sum payment for on-site works in accordance with Condition (ii)(2) above;
 - (4) The Security shall be kept in force, whether or not the ownership of 108 James Street North and 111-113 Hughson Street North, Hamilton, changes at any time, until the completion of the required site development works in conformity with this Heritage Permit HP2024-033, and securities may be reduced in accordance with the approved Financial Instrument Policies by the City Solicitor. If the Security is about to expire without renewal thereof and the works have not been completed in conformity with their approved designs, the City may draw all of the funds so secured and hold them as security to guarantee completion

unless the City Solicitor is provided with a replacement or renewal of the Security forthwith;

- (5) In the event that the Owner fails to complete, to the satisfaction of the Director of Planning and Chief Planner, the required site development works in conformity with this Heritage Permit within the time required, then the Owner shall permit the City, its employees, agents or contractors, at the City's sole option and in addition to any other remedies that the City may have, to enter on the lands and so complete the required site development works to the extent of monies received as Security. The cost of completion of such works shall be deducted from the monies obtained from the Security. In the event that there is a surplus, the City shall pay it forthwith to the Owner. In the event that there are required site development works remaining to be completed, the City may exercise its authority under (Section 446 of the *Municipal Act*) to have such works completed and to recover the expense incurred in doing so in like manner as municipal taxes and the Owner shall enter an agreement with the City to give effect to this Condition (ii)(5) and shall register this Agreement on title to the Property at the Owner's own expense;
- (iii) That the applicant submits a complete Zoning By-law Amendment application under the *Planning Act* for redevelopment of the site, in accordance with the Conservation Strategy approved as part of Condition (i), prior to issuance of a Building Permit to demolish the former Tivoli Theatre structures;
- (iv) That any minor changes to the approved scope of work shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to the commencement of any alterations;
- (v) That an initial scoped Conservation Plan and Documentation and Salvage Plan, assessing the feasibility of salvaging representative plaster features from the building, including details for their abatement and storage, be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to the commencement of the removal of interior plaster features;
- (vi) That the demolition, in accordance with this approval, shall be completed no later than January 31, 2026. If the alteration(s) are not completed by January 31, 2026, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton; and,

- (vii) That the Director of Planning and Chief Planner be authorized to approve a request to extend the date noted in Condition (vi) of this approval if that request is submitted prior to the expiry and if progress is being made to their satisfaction.
- (b) That the Director of Planning and Chief Planner be authorized to execute an Agreement with the owner(s) of 108 James Street North and 111-113 Hughson Street North, Hamilton, satisfactory to the City Solicitor, to be registered on title by the owner(s) and to give effect to Recommendation (a) (ii) (5) of Report PED24232; and,
- (c) That staff be directed to repeal Designation By-law Nos. 04-256 (Tivoli Auditorium) and 90-255 (Tivoli Lobby) following implementation of the recommendations of the Conservation Strategy approved as part of Recommendation (a)(i) of Report PED24232.

G. Carroll and A. Douglas requested to be recorded as OPPOSED to the above motion.

2. Hamilton Municipal Heritage Committee Year in Review, 2024 (PED24235) (City Wide) (Item 9.1)

That Report PED24235 respecting Hamilton Municipal Heritage Committee Year in Review, 2024, be received.

3. Demolition of 537 King Street East, Hamilton, Being a Non-Designated Property Listed on the Municipal Heritage Register with an Unsafe Order to Comply (PED24231) (Ward 3) (Item 10.1)

That the non-designated property located at 537 King Street East, Hamilton, be removed from the Municipal Heritage Register.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

The Committee Clerk advised the Committee of the following changes to the agenda:

6. DELEGATION REQUESTS

- 6.1 Delegation Requests respecting Item 8.1 Heritage Permit Application HP2024-033, Under Section 34 of the *Ontario Heritage Act*, for the Demolition of the Tivoli Lobby and Auditorium at 108 James Street North and 111 - 113 Hughson Street North, Hamilton

(PED24232) (Ward 2), for today's meeting, from the following individuals:

- (a) Carol Priamo, Beasley Neighbourhood Association (In-Person)
- (b) Dr. Diane Dent (In-Person)

8. STAFF PRESENTATIONS

- 8.1 Heritage Permit Application HP2024-033, Under Section 34 of the *Ontario Heritage Act*, for the Demolition of the Tivoli Lobby and Auditorium at 108 James Street North and 111 -113 Hughson Street North, Hamilton (PED24232) (Ward 2) – PRESENTATION ADDED

9. CONSENT ITEMS

- 9.1 Hamilton Municipal Heritage Committee Year in Review, 2024 (PED24235) (City Wide) – PRESENTATION ADDED
- 9.3 Heritage Permit Review Sub-Committee Minutes (November 12, 2024)

The agenda for the December 13, 2024, Hamilton Municipal Heritage Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

A. Denham-Robinson declared a disqualifying interest to Item 5.1 - Correspondence respecting Item 8.1 Heritage Permit Application HP2024-033, Under Section 34 of the *Ontario Heritage Act*, for the Demolition of the Tivoli Lobby and Auditorium at 108 James Street North and 111 - 113 Hughson Street North, Hamilton (PED24232) (Ward 2), as the owner of the project is a client of the architectural firm she works with.

A. Denham-Robinson declared a disqualifying interest to Item 6.1 - Delegation Requests respecting Item 8.1 Heritage Permit Application HP2024-033, Under Section 34 of the *Ontario Heritage Act*, for the Demolition of the Tivoli Lobby and Auditorium at 108 James Street North and 111 - 113 Hughson Street North, Hamilton (PED24232) (Ward 2) as the owner of the project is a client of the architectural firm she works with.

A. Denham-Robinson declared a disqualifying interest to Item 7.1 - Delegation respecting Item 8.1 Heritage Permit Application HP2024-033, Under Section 34 of the *Ontario Heritage Act*, for the Demolition of the Tivoli Lobby and Auditorium at 108 James Street North and 111 - 113 Hughson Street North, Hamilton (PED24232) (Ward 2) as the owner of the project is a client of the architectural

firm she works with.

A. Denham-Robinson declared a disqualifying interest to Item 8.1 - Heritage Permit Application HP2024-033, Under Section 34 of the *Ontario Heritage Act*, for the Demolition of the Tivoli Lobby and Auditorium at 108 James Street North and 111 -113 Hughson Street North, Hamilton (PED24232) (Ward 2), as the owner of the project is a client of the architectural firm she works with.

A. Denham-Robinson declared a disqualifying interest to Item 10.1 - Demolition of 537 King Street East, Hamilton, Being a Non-Designated Property Listed on the Municipal Heritage Register with an Unsafe Order to Comply (PED24231) (Ward 3), as the architecture firm she works with is involved with the project.

Due to the above declared conflicts A. Denham-Robinson refrained from voting on the above matters.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)

(i) November 22, 2024 (Item 4.1)

The Minutes of the November 22, 2024, meeting of the Hamilton Municipal Heritage Committee, were approved, as presented.

(d) COMMUNICATIONS (Item 5)

Due to a declared conflict on Item 5.1, A. Denham-Robinson relinquished the Chair to G. Carroll.

(i) The following Communication Items were approved, as presented:

(a) Correspondence respecting Item 8.1 Heritage Permit Application HP2024-033, Under Section 34 of the *Ontario Heritage Act*, for the Demolition of the Tivoli Lobby and Auditorium at 108 James Street North and 111 - 113 Hughson Street North, Hamilton (PED24232) (Ward 2), from the following individuals (Item 5.1):

(i) Tim Potocic (Item 5.1(a))

(ii) Janice Brown (Item 5.1(b))

Recommendation: Be received and referred to the consideration of Item 8.1.

A. Denham-Robinson assumed the Chair.

(ii) The following Communication Items were approved, as presented:

- (a) Correspondence from Anita Fabac, Acting Director Planning and Chief Planner, respecting Notice of Intention to Designate the following properties under Part IV of the *Ontario Heritage Act* (Item 5.2):
 - (i) 134 Cannon Street East, Hamilton (Cannon Knitting Mills) (Item 5.2(a))
 - (ii) 21-25 Jones Street, Stoney Creek (The Powerhouse) (Item 5.2(b))
 - (iii) 2251 Rymal Road East, Stoney Creek (Former Elfrida United Church) (Item 5.2(c))

Recommendation: Be received.

- (b) Correspondence from Anita Fabac, Acting Director Planning and Chief Planner, respecting Notice of Passing of By-law No. 24-199 to Designate 7 Rolph Street, Dundas under Part IV of the *Ontario Heritage Act* (Item 5.3)

Recommendation: Be received.

- (c) Correspondence from Anita Fabac, Acting Director Planning and Chief Planner, respecting Notice of Passing of By-law No. 24-200 to Designate 634 Rymal Road West, Hamilton (Union School Section No. 3) under Part IV of the *Ontario Heritage Act* (Item 5.4)

Recommendation: Be received.

- (d) Correspondence from Anita Fabac, Acting Director Planning and Chief Planner, respecting Heritage Permit Application HP2024-037: Removal of Dead and Unsafe Trees at 610 York Boulevard, Hamilton (Ward 1) (Dundurn Castle, By-law No. 77-239) (Item 5.5)

Recommendation: Be received.

(e) DELEGATION REQUESTS (Item 6)

Due to a declared conflict on the following items, A. Denham-Robinson relinquished the Chair to G. Carroll:

- (i) The Delegation Requests respecting Item 8.1 Heritage Permit Application HP2024-033, Under Section 34 of the *Ontario Heritage Act*, for the Demolition of the Tivoli Lobby and Auditorium at 108 James Street North and 111 - 113 Hughson Street North, Hamilton (PED24232) (Ward 2), were

approved, for today's meeting, from the following individuals (Added Item 6.1):

- (a) Carol Priamo, Beasley Neighbourhood Association (In-Person) (Added Item 6.1(a))
- (b) Dr. Diane Dent (In-Person) (Added Item 6.1(b))

(f) DELEGATIONS (Item 7)

- (i) The Hamilton Municipal Heritage Committee recessed for 10 minutes until 12:21 p.m. to resolve technical issues.

The Hamilton Municipal Heritage Committee reconvened at 12:21 p.m.

- (ii) **Delegations respecting Item 8.1 Heritage Permit Application HP2024-033, Under Section 34 of the *Ontario Heritage Act*, for the Demolition of the Tivoli Lobby and Auditorium at 108 James Street North and 111 - 113 Hughson Street North, Hamilton (PED24232) (Ward 2) (Added Item 7.1)**

- (1) The following delegates addressed the Committee respecting Item 8.1 Heritage Permit Application HP2024-033, Under Section 34 of the *Ontario Heritage Act*, for the Demolition of the Tivoli Lobby and Auditorium at 108 James Street North and 111 - 113 Hughson Street North, Hamilton (PED24232) (Ward 2):

- (a) Carol Priamo, Beasley Neighbourhood Association (In-Person) (Added Item 7.1(a))
- (b) Dr. Diane Dent (In-Person) (Added Item 7.1(b))

- (2) The following delegations respecting Item 8.1 Heritage Permit Application HP2024-033, Under Section 34 of the *Ontario Heritage Act*, for the Demolition of the Tivoli Lobby and Auditorium at 108 James Street North and 111 - 113 Hughson Street North, Hamilton (PED24232) (Ward 2), were received:

- (a) Carol Priamo, Beasley Neighbourhood Association (In-Person) (Added Item 7.1(a))
- (b) Dr. Diane Dent (In-Person) (Added Item 7.1(b))

(g) STAFF PRESENTATIONS (Item 8)

- (i) Heritage Permit Application HP2024-033, Under Section 34 of the *Ontario Heritage Act*, for the Demolition of the Tivoli Lobby and Auditorium at 108 James Street North and 111 -113 Hughson Street North, Hamilton (PED24232) (Ward 2) (Item 8.1)**

Alissa Golden, Cultural Heritage Program Lead introduced Paul John Sapounzi, Chief Executive Officer +VG Architects, Dan Wojcik, Chief Operating Officer, +VG Architects, Deb Westman, Senior Project Manager, +VG Architects, Edward John, Partner/Principal Planner, Landwise, Jonathan Dee, Principal, John G. Cooke & Associates and Andry Andriotis, Partner, Access Environmental Solutions, who addressed Committee respecting Report PED24232, Heritage Permit Application HP2024-033, Under Section 34 of the *Ontario Heritage Act*, for the Demolition of the Tivoli Lobby and Auditorium at 108 James Street North and 111 -113 Hughson Street North, Hamilton, with the aid of a PowerPoint presentation.

The presentation from Paul John Sapounzi, Chief Executive Officer +VG Architects, Dan Wojcik, Chief Operating Officer, +VG Architects, Deb Westman, Senior Project Manager, +VG Architects, Edward John, Partner/Principal Planner, Landwise, Jonathan Dee, Principal, John G. Cooke & Associates and Andry Andriotis, Partner, Access Environmental Solutions, respecting Report PED24232, Heritage Permit Application HP2024-033, Under Section 34 of the *Ontario Heritage Act*, for the Demolition of the Tivoli Lobby and Auditorium at 108 James Street North and 111 -113 Hughson Street North, Hamilton, was received.

For disposition of this matter and refer to Item 1.

A. Denham-Robinson assumed the Chair.

- (ii)** The Hamilton Municipal Heritage Committee recess for 10 minutes until 3:00 p.m.

The Hamilton Municipal Heritage Committee reconvened at 3:00 p.m.

(h) CONSENT ITEMS (Item 9)

- (i)** The following Consent Items were received:
- (a) Education and Communication Working Group Meeting Notes (Item 9.2)
- (i) October 2, 2024 (Designated Property Plaquing Policy Review) (Item 9.2(a))

(ii) October 2, 2024 (HMHC Heritage Recognition Awards Review) (Item 9.2(b))

(b) Heritage Permit Review Sub-Committee Minutes (November 12, 2024) (Added Item 9.3)

(i) DISCUSSION ITEMS

Due to a declared conflict on the following item A. Denham-Robinson relinquished the Chair to G. Carroll:

(i) Demolition of 537 King Street East, Hamilton, Being a Non-Designated Property Listed on the Municipal Heritage Register with an Unsafe Order to Comply (PED24231) (Ward 3) (Item 10.1)

For disposition of this matter, refer to Item 3.

A. Denham-Robinson assumed the Chair.

(j) GENERAL INFORMATION / OTHER BUSINESS (Item 13)

(i) Buildings and Landscapes (Item 13.1)

Committee members provided brief updates on properties of interest.

(a) 537 King Street East, Rebel's Rock (R) was removed from the Endangered Buildings and Landscapes (RED) listing.

That the following updates were received:

(a) Endangered Buildings and Landscapes (RED):
(Red = Properties where there is a perceived immediate threat to heritage resources through: demolition; neglect; vacancy; alterations, and/or, redevelopment)

Ancaster

- (1) 372 Butter Road West, Andrew Sloss House (D) – S. Spolnik
- (2) 1021 Garner Road East, Lampman House (D) – S. Spolnik
- (3) 398 Wilson Street East, Marr House (D) – S. Spolnik

Dundas

- (4) 2 Hatt Street (R) – K. Burke
- (5) 216 Hatt Street (I) – K. Burke
- (6) 215 King Street West (R) – K. Burke
- (7) 219 King Street West (R) – K. Burke

Glanbrook

- (8) 2235 Upper James Street (R) – G. Carroll

Hamilton

- (9) 80-92 Barton Street East, Former Hanrahan Hotel (R) – S. Spolnik
(10) 1155-1157 Beach Boulevard, Beach Canal Lighthouse and Cottage (D) – A. Denham-Robinson
(11) 66-68 Charlton Avenue West (D) – C. Kroetsch
(12) 71 Claremont Drive, Auchmar Gate House / Claremont Lodge (R) – G. Carroll
(13) 711 Concession Street, Former Mount Hamilton Hospital, 1932 Wing (R) – G. Carroll
(14) 127 Hughson Street North, Firth Brothers Building (D) – C. Kroetsch
(15) 163 Jackson Street West, Pinehurst / Television City (D) – C. Kroetsch
(16) 108 James Street North, Tivoli (D) – C. Kroetsch
(17) 98 James Street South, Former James Street Baptist Church (D) – C. Kroetsch
(18) 18-22 King Street East, Gore Buildings (D) – C. Kroetsch
(19) 24-28 King Street East, Gore Buildings (D) – C. Kroetsch
(20) 537 King Street East, Rebel's Rock (R) – G. Carroll
(21) 378 Main Street East, Cathedral Boys School (R) – S. Spolnik
(22) 679 Main Street East / 85 Holton Street South, Former St. Giles Church (I) – G. Carroll
(23) 120 Park Street North (R) – C. Kroetsch
(24) 828 Sanatorium Road, Long and Bisby Building (D) – G. Carroll
(25) 100 West 5th Street, Century Manor (D) – G. Carroll

- (b) Buildings and Landscapes of Interest (YELLOW):
(Yellow = Properties that are undergoing some type of change, such as a change in ownership or use, but are not perceived as being immediately threatened)

Dundas

- (1) 64 Hatt Street, Former Valley City Manufacturing (D) – K. Burke
(2) 24 King Street West, Former Majestic Theatre (I) – K. Burke
(3) 3 Main Street, Former Masonic Lodge (D) – K. Burke
(4) 23 Melville Street, Knox Presbyterian Church (D) – K. Burke

- (5) 574 Northcliffe Avenue, St. Joseph's Motherhouse (R) – L. Lunsted

Flamborough

- (6) 283 Brock Road, WF Township Hall (D) – L. Lunsted
- (7) 62 6th Concession East, Hewick House (I) – L. Lunsted

Hamilton

- (8) 1 Balfour Drive, Chedoke Estate / Balfour House, (R) – G. Carroll
- (9) 134 Cannon Street East, Cannon Knitting Mill (R) – C. Kroetsch
- (10) 52 Charlton Avenue West, Former Charlton Hall (D) – C. Kroetsch
- (11) 2 Dartnall Road, Rymal Road Station Silos (R) – G. Carroll
- (12) 54-56 Hess Street South (D) – C. Kroetsch
- (13) 1284 Main Street East, Delta High School (D) – G. Carroll
- (14) 311 Rymal Road East (R) – G. Carroll
- (15) St. Clair Boulevard Heritage Conservation District (D) – G. Carroll
- (16) 56 York Boulevard / 63-76 MacNab Street North, Copley Building (D) – G. Carroll
- (17) 84 York Boulevard, Philpott Church (NOID) – G. Carroll
- (18) 175 Lawrence Road, Hamilton Pressed / Century Brick (R) – G. Carroll
- (19) 65 Charlton Avenue East, Church of Ascension (D, NHS), Hamilton – G. Carroll
- (20) 4 Turner Avenue, Hamilton (R) – C. Kroetsch
- (21) 420 King St E, St. Patrick Roman Catholic Church (I) – S. Spolnik
- (22) 206-210 King Street East, Former Bremner Grocery (I) – G. Carroll
- (23) 1269 Mohawk Road, Ancaster (I) – G. Carroll
- (24) 657 King Street East, Hamilton (R) – G. Carroll
- (25) 665-667 King Street East, Hamilton (R) – G. Carroll
- (26) 90 Markland, Hamilton (D) – C. Kroetsch
- (27) 231 Bay St. N. (Gallery on the Bay/Hamilton Bridge Works Company Office) (I) – C. Kroetsch
- (28) 29 Harriet Street (Felton Brush Company) (I) – C. Kroetsch
- (29) 33 Bowen Street (Bradley Stable, Court House Hotel Stable) (R) – C. Kroetsch

Stoney Creek

- (30) 2251 Rymal Road East, Former Elfrida Church (R) – G. Carroll

- (c) Heritage Properties Update (GREEN):
(Green = Properties whose status is stable)

Dundas

- (1) 104 King Street West, Former Post Office (R) – K. Burke

Hamilton

- (2) 46 Forest Avenue, Rastrick House (D) – G. Carroll
(3) 88 Fennell Avenue West, Auchmar (D) – A. Douglas
(4) 125 King Street East, Norwich Apartments (R) – C. Kroetsch
(5) 206 Main Street West, Arlo House (R) – C. Kroetsch
(6) 50-54 Sanders Boulevard, Binkley Property (R) – K. Burke

- (d) Heritage Properties Update (BLACK):
(Black = Properties that HMHC have no control over and may be demolished)

Ancaster

- (1) 442, 450 and 452 Wilson Street East (R) – S. Spolnik

Heritage Status: (I) Inventoried, (R) Registered, (D) Designated,
(NHS) National Historic Site

(k) ADJOURNMENT (Item 15)

There being no further business, the Hamilton Municipal Heritage Committee, adjourned, at 3:14 p.m.

Respectfully submitted,

Alissa Denham-Robinson
Chair, Hamilton Municipal
Heritage Committee

Graham Carroll
Vice-Chair, Hamilton Municipal
Heritage Committee

Matt Gauthier
Legislative Coordinator
Office of the City Clerk