



## City of Hamilton Report for Consideration

**To:** Chair and Members  
Planning Committee

**Date:** March 18, 2025

**Report No:** PED25110

**Subject/Title:** Notice of Owner's Request to Repeal Designation  
By-law No. 95-67 for 2295 Troy Road, Flamborough  
(Former Troy School) under Section 32 of the  
*Ontario Heritage Act*

**Ward(s) Affected:** Ward 12

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### Recommendations

- 1) That the owner's request to repeal former Town of Flamborough By-law No. 95-67, being a by-law to designate 2295 Troy Road, Flamborough (Former Troy School), under Part IV of the *Ontario Heritage Act*, attached as Appendix A to Report PED25110, **BE RECEIVED**.
- 2) That the City Clerk **BE DIRECTED** to give notice of any owner's request to repeal a designating by-law under Part IV of the *Ontario Heritage Act*, in accordance with the requirements of Section 32 of the *Ontario Heritage Act*.
- 3) That staff **BE DIRECTED** to process any owner-initiated application to repeal a designating by-law, in accordance with Section 32 of the *Ontario Heritage Act*, including considering any objections to the notice of application to repeal, consulting with the Hamilton Municipal Heritage Committee and reporting back to Council with a recommendation for addressing the request for repeal.

### Key Facts

- This Report notifies Council of the owner-initiated request to repeal Former Town of Flamborough By-law No. 95-67, being by-law designating 2295 Troy Road, Flamborough (Former Troy School) under Part IV of the *Ontario Heritage Act*.

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- On December 16, 2024, Staff received an application, attached as Appendix A to Report PED25110, from the owner of 2295 Troy Road, Flamborough, requesting that the property designation be repealed.
  - Under Section 32 of the *Ontario Heritage Act*, following receipt of this application Council is required to cause notice of the application to be given by the City Clerk, beginning a 30-day objection period.
  - Following the objection period and consultation with the Hamilton Municipal Heritage Committee, Council shall consider the application and decide whether to refuse the repeal request, or consent to the application and repeal all or part of the designation by-law for the property.
  - The Recommendations of this Report provides direction for staff to issue the required notice under Section 32 of the *Ontario Heritage Act* for this, and any further, application to repeal a designating by-law.

## Financial Considerations

Not Applicable.

## Background

The subject property at 2295 Troy Road (formerly 3rd Concession Road West), Flamborough, is designated by the former Town of Flamborough By-law No. 95-67. The property, known as the former Troy School, is comprised of a wooden school building built circa 1850s. The structure features a plain rectangular plan with a gable roof and a large central tower clad in wood shiplap siding. The tower features a decorative rose window, wood panelling and a mansard roof. The former Troy School was designated for its architectural, historical, and contextual value.

On December 16, 2024, staff received an application from the property owner requesting that the designation by-law be repealed (attached as Appendix A to this Report).

## Analysis

Section 32 of the *Ontario Heritage Act* indicates that an owner of a property designated under Part IV of the Act may apply to the Council to repeal the by-law designating the property. Upon receiving an application, Council shall cause notice of the application to be given by the City Clerk in accordance with Subsection 32(3) of the *Ontario Heritage Act*. This required notice shall be published in the newspaper and contain:

- a) An adequate description of the property so that it may be readily ascertained;
- b) A statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property as set out in the by-law that is the subject of the application;
- c) A statement that further information respecting the application is available from the municipality; and

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- d) A statement that a notice of objection to the application may be served on the Clerk within 30 days after the date of publication of the notice of the application.

Staff do not currently have direction from Council to issue the required notice of an owner's request for repeal. This report is required to give staff the necessary direction to provide the required notice under the *Ontario Heritage Act*. The wording of the staff recommendation provides sufficient direction to ensure that there is staff authority moving forward to provide this mandatory notice under the *Ontario Heritage Act* without having to report back to Council for direction to do so, ensuring that future applications are processed in a timely manner.

### **Next Steps**

The *Ontario Heritage Act* requires that Council make a decision on an owner's application to repeal a designating by-law within 90 days after the end of the 30-day objection period. Following the end of the notice objection period, staff will prepare a report to the Hamilton Municipal Heritage Committee addressing the owner's request to repeal, taking into consideration any objections received to the notice of application, and recommend appropriate action for Council's consideration.

In response to the application, Council may: refuse the application; or consent to the application and pass a by-law repealing the by-law designating the property. Section 32(5) of the *Ontario Heritage Act* provides that Council must consult with its Municipal Heritage Committee and consider any objections before taking any action with respect to an application to repeal the designation by-law.

The Recommendations of this Report are consistent with municipal and provincial legislation, including:

- Ensuring that protected heritage property is conserved (*Provincial Planning Statement, 2024, Sub-section 4.6.1*); and,
- Protecting and conserving the tangible cultural heritage resources of the City, including archaeological resources, built heritage resources, and cultural heritage landscapes (*Urban Hamilton Official Plan, Section B.3.4.2.1(a)*).

### **Alternatives**

There are no alternatives to the recommendations of this report, as Council is required by law under Section 32(2) of the *Ontario Heritage Act* to cause notice of the application to be given by the City Clerk.

### **Relationship to Council Strategic Priorities**

- Priority 1: Sustainable Economic & Ecological Development
  - 1.2: Facilitate the growth of key sectors.
- Priority 3: Responsiveness & Transparency

- 3.2: Get more people involved in decision making and problem solving.

## **Previous Reports Submitted**

Not Applicable.

## **Consultation**

The owner was advised of staff's receipt of their application to repeal the designating by-law for the property by email on December 17, 2024. Following receipt, staff consulted with Legal and Clerks staff in Corporate Services to confirm the legislative process for addressing the application.

In addition, staff met with Ward 12 Councillor Craig Cassar on January 13, 2025, to notify them of the application and discuss the designation repeal application process under the *Ontario Heritage Act*. Staff subsequently advised the Councillor of the timing of this Report and next steps in processing the application.

## **Appendices and Schedules Attached**

Appendix A: Application Requesting the Repeal of the Designation By-law No. 95-67 for 2295 Troy Road, Flamborough (Former Troy School)

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