



City of Hamilton Report for Consideration

To: Chair and Members
Hamilton Municipal Heritage Committee

Date: April 25, 2025

Report No: PED25127

Subject/Title: Notice of Intention to Demolish the Building Located at 96 John Street South, Hamilton, being a Non-Designated Property Listed on the Municipal Heritage Register

Ward(s) Affected: Ward 2

Recommendations

- 1) That the Notice of Intention to Demolish the structure located at 96 John Street South, Hamilton, attached as Appendix A to Report PED25127, **BE RECEIVED**.

Key Facts

- This Report recommends no action be taken in response to the Notice of Intention to Demolish the listed property located at 96 John Street South, Hamilton, under Section 27(9) of the *Ontario Heritage Act*, received on February 6, 2025.
- The property was listed on the Municipal Heritage Register in September 2014, as part of the Downtown Hamilton Built Heritage Inventory project.
- Although the existing structure on the property is of heritage interest, it has been modified and retains few heritage features and materials. As such, staff do not recommend designation under Part IV of the *Ontario Heritage Act* at this time in response to the notice.
- The property will remain listed on the Municipal Heritage Register until it is automatically removed on January 1, 2027, as per the current provisions of the *Ontario Heritage Act*.

Financial Considerations

Not applicable.

Background

The subject property, municipally addressed as 96 John Street South, Hamilton, (see Appendix A to Report PED25127) is comprised of a three-storey brick structure, constructed in 1875 with a rear two storey addition added sometime between 1898-1911. The property was listed on the Municipal Heritage Register in September 2014 as part of the Downtown Hamilton Built Heritage Inventory project. The preliminary evaluation of the property identified it as a Character Supporting Resource, having historical and contextual cultural heritage value or interest contributing to the character of the area and therefore being worthy of listing on the Municipal Heritage Register. The property was not identified as a candidate for designation under the *Ontario Heritage Act*.

On March 3, 2025, staff received a Notice of Intention to Demolish for the subject property by email (attached as Appendix B to Report PED25127). Submitted with the Notice was a Building Condition Assessment Report prepared by J.P. Samuel and Associates Inc. dated March 2025 (attached as Appendix C to Report PED25127). The Building Condition Assessment indicates that the building has structural damage and significant deterioration of critical load-bearing elements, and that restoration of these features is technically challenging and financially unfeasible. As such the report recommends that removal of the structure is the best course of action for the property.

Analysis

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 96 John Street South conducted as part of the Downtown Hamilton Built Heritage Inventory project identified the property as a “Character Supporting Resource”, having historical and contextual cultural heritage value or interest contributing to the character of the area and therefore being worthy of listing on the Municipal Heritage Register. Upon receipt of the Notice of Intention to Demolish, staff conducted an updated evaluation of cultural heritage value or interest of the subject property using Ontario Regulation 9/06. Staff’s updated evaluation confirms that the property meets the following criteria under Ontario Regulation 9/06:

- Criteria 1 (Design or Physical Value) – The property is a representative example of a vernacular nineteenth-century brick commercial structure.
- Criteria 4 (Historical / Associative Value) – The property has historical value for its association with commercial development in Hamilton and the Corktown neighbourhood.
- Criteria 5 (Historical / Associative Value) – The property has the potential to yield information that contributes to an understanding of the development of the Corktown Neighbourhood and John Street South commercial streetscape in the late-nineteenth and early-twentieth centuries.
- Criteria 7 (Contextual Value) – The property is important in supporting the character of the area as part of the late-nineteenth century commercial brick row of buildings along John Street South.
- Criteria 8 (Contextual Value) – The property is historically and visually linked to its surroundings.

Further, since its construction circa 1875, the property has undergone several changes. The structure's windows are modern replacements, and the first storey storefront has been remodelled, with the details from the original wooden frontage depicted in a 1932 photograph having since been removed, and the original windowfronts having been enclosed and stuccoed (see Photographs attached as Appendix D to Report PED25127). As a brick commercial row-building which has been heavily modified, the remaining historic value of the property now relies on its relationship with the surrounding commercial row buildings. Both historic row buildings which would have sat on either side of the property have been demolished, which disrupts 96 John Street South's continuity from the broader context which supports its heritage value. As a result, the property has more value as a contributing asset in a heritage landscape rather than as a property with individual merit for designation under Part IV of the *Ontario Heritage Act*.

Staff have reviewed the Building Condition Assessment (attached as Appendix C of Report PED25127), which provides an engineer's assessment of the existing condition of the property and outlines issues compromising the building's structural integrity. The report notes that cost and complexity of work necessary to repair the building is unfeasible and would only serve as a temporary solution. The report indicates that the full demolition is the safest and financially viable plan for the structure. Staff note that the report does not indicate that the building is unsafe or in an imminent state of collapse, and that it is repairable, at a cost.

Following receipt of the Building Condition Assessment, the report was circulated to Building Inspections staff and Municipal Law Enforcement for their consideration. To date, the building has not been deemed to be unsafe and there are no active orders to demolish the building.

Staff recommend that the Notice of Intention to Demolish the structure at 96 John Street South, Hamilton be received. Although the property is of heritage interest that contributes to the character of the area, staff do not recommend designation of the

property under Part IV of the *Ontario Heritage Act* to prevent its demolition at this time. The building does still retain heritage interest and, since it has not been confirmed that the owner will be able to demolish the building, which is subject to Demolition Control Area By-law No.22-101, staff do not recommend removing the property from the Municipal Heritage Register at this time. The property would remain listed on the Municipal Heritage Register until its automatic removal on January 1, 2027, as per the current provisions of the *Ontario Heritage Act*.

The recommendations of this Report are 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); and,
- 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).

Further, the City of Hamilton's Demolition Control Area By-law No. 22-101 restricts the demolition of residential property in certain situations with the intent of preventing the premature loss of dwelling units and the creation of vacant land. As per Section 4(f) of the By-law, the restriction on demolition does not apply when a residential property has been found to be unsafe under Section 15.9 of the Building Code Act and an order to demolish has been issued under that section without any option to repair.

Alternatives

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. While the subject property satisfies criteria under Ontario Regulation 9/06, staff do not recommend this alternative. While conserving cultural heritage resources is a priority in municipal and provincial policies, staff note that the extant property has been modified and limited historical fabric remains, and its identified heritage value is primarily contextual.

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

Staff confirmed receipt of the Notice of Intention to Demolish in an email to the agent for the owner on March 3, 2025, and advised of the process for bringing forward the notice to the Hamilton Municipal Heritage Committee for their advice, before consideration by Planning Committee and final decision of Council.

In addition, Planning Staff notified Councillor (Kroetsch) for Ward 2 by email on March 27, 2025, of the Notice of Intention to Demolish for 96 John Street South, Hamilton and provided an overview of the recommendations of this Report.

Appendices and Schedules Attached

Appendix A: Location Map

Appendix B: Notice of Intention to Demolish, sent via email on March 3, 2025

Appendix C: Building Condition Assessment Report prepared by J.P. Samuel and Associates Inc. dated March 2025

Appendix D: Photographs

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