



City of Hamilton Report for Consideration

To: Chair and Members
Hamilton Municipal Heritage Committee

Date: April 25, 2025

Report No: PED25139

Subject/Title: Notice of Intention to Demolish the Building Located
at 39 Wilson Street, 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 detached building located at 39 Wilson Street, Hamilton, attached as Appendix B to Report PED25139, **BE RECEIVED.**

Key Facts

- This Report recommends no action be taken in response to the Notice of Intention to Demolish the detached circa 1902 two-and-one-half-storey brick building located at 39 Wilson Street, Hamilton, under Section 27(9) of the *Ontario Heritage Act*, received on April 3, 2025.
- The building to be demolished at 39 Wilson Street is located on the property municipally addressed as 37 Wilson Street, which is also comprised of a circa 1867 Gothic Revival church listed on the Municipal Heritage Register and a high-priority candidate for designation, and its circa 1969 modern addition to the north, known as 104 Hughson Street North.
- The cultural heritage value of the church on the property will not be impacted by the demolition of the building at 39 Wilson Street, which was assessed as part of the conditionally approved Site Plan Application SPA-25-009 as outlined in the Cultural Heritage Impact Assessment forming part of the Notice of Intention to Demolish.

- Staff consider the building at 39 Wilson Street to be sufficiently documented prior to demolition and note that items proposed to be salvaged from the building will be coordinated through the Site Plan process.

Financial Considerations

Not applicable.

Background

The subject property is a multi-addressed property (see location map attached as Appendix A to Report PED25139) comprised of:

- a Gothic Revival brick church constructed circa 1867, municipally addressed as 37 Wilson Street;
- a rear north addition to the church constructed in 1969, municipally addressed as 104 Hughson Street North; and,
- a detached, two-and-one-half storey brick building constructed circa 1902, municipally addressed as 39 Wilson Street.

This report addresses a Notice of Intention to Demolish the detached, two-and-one-half storey brick building addressed as 39 Wilson Street.

In 2014, the subject property was listed on the Municipal Heritage Register as part of the Downtown Hamilton Built Heritage Inventory project. The 1860s church structure at 37 Wilson Street and the detached brick manse located at 39 Wilson Street were both identified as having cultural heritage value or interest worthy of listing on the Municipal Heritage Register. The church structure was also identified as a candidate for designation under Part IV of the *Ontario Heritage Act* and added to the staff work plan. In 2014, as part of the Downtown Inventory, staff met with the owners of the property to discuss the merits of designation.

As a result of the recent Bill 23 changes to the *Ontario Heritage Act*, the former staff workplan for designation was rescinded and replaced with a new public list of Candidates for Designation under Part IV of the *Ontario Heritage Act* (see Report PED22211(a)), at which time only 37 Wilson Street was reprioritized for review for designation as a high priority. In a letter dated July 26, 2023, staff notified the property owner of the changes to the City's heritage designation process and the reprioritization of staff's review of the property for designation.

On April 22, 2024, the City received a Formal Consultation Application FCSP-24-055 for the subject property. This application detailed the existing church congregation's intention to modify the property to better meet their current needs. Given the property's existing physical constraints and the congregation's intention to retain the historic circa 1867 church structure, this application included a proposal to demolish the detached

brick dwelling at 39 Wilson Street to accommodate an addition to the east side of the church. On June 19, 2024, staff met with the applicants and advised them that the property was listed on the Municipal Heritage Register and of the legislative process for the owners to give their required Notice of Intention to Demolish under the *Ontario Heritage Act*. Staff also confirmed the owners' intention to retain the existing circa 1867 Church structure and circa 1969 modern extension at 37 Wilson Street and 104 Hughson Street North, respectively.

In January 2025, the City received Site Plan Control Application SPA-25-009 proposing demolition of the existing detached brick building located at 39 Wilson Street to facilitate the construction of a three-storey, 257 square metre addition to the church. A Cultural Heritage Impact Assessment was submitted with the application which both assessed the impact of the demolition of the building known as 39 Wilson Street, and the proposed addition to the church known as 37 Wilson Street. The Policy and Design Working Group of the Hamilton Municipal Heritage Committee considered the Cultural Heritage Impact Assessment report and found it to be comprehensive and complete. The Site Plan Control Application was conditionally approved on February 19, 2025.

On April 3, 2025, staff received a Notice of Intention to Demolish for the subject property, which included the Cultural Heritage Impact Assessment dated January 10, 2025, originally prepared as part of the Site Plan process (attached as Appendix B to Report PED25139).

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 evaluation of the circa 1902 building located at 39 Wilson Street, prepared as part of the Downtown Inventory, indicates that it is of cultural heritage value or interest, but not a candidate for individual designation. The Cultural Heritage Impact Assessment submitted with this Notice of Intention to Demolish (attached as Appendix B to Report PED25139), addresses the impacts of its proposed demolition. Due to constraints of the property presented by the proximity of the existing building at 39 Wilson Street to the historic circa 1867 church, limited space exists to retain and modify the existing buildings to meet the needs of the congregation who occupy it. The Cultural Heritage Impact Assessment includes documentation of the building to be demolished and identifies features to be salvaged prior to demolition, which will be coordinated as part of the Site Plan process.

As such, staff do not recommend taking any action in response to the Notice of Intention to Demolish the structure at 39 Wilson Street. Staff are satisfied that the heritage value of the circa 1867 church structure also located on the property will not be impacted by the demolition of the adjacent building. The property will remain listed on the Municipal Heritage Register as the remaining church retains cultural heritage value or interest. Staff anticipate bringing forward a recommendation to designate the property following completion of the works approved as part of the Site Plan process.

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).

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 meets criteria under Ontario Regulation 9/06, the structure proposed to be demolished is not identified as a candidate for designation and its demolition will not impact the cultural heritage value of the church building also located on the property, which is expected to be designated at a future date.

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

- [Revised Hamilton Municipal Heritage Committee Report 14-009\(a\)](#)

Consultation

Staff confirmed receipt of the Notice of Intention to Demolish in an email to the agent for the owner on April 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.

On February 10, 2025, the Policy & Design Working Group reviewed and passed a motion to accept the Cultural Heritage Impact Assessment submitted by the applicant as part of their Site Plan Control Application SPA-25-009.

Staff have emailed the Ward Councillor (Councillor C. Kroetsch) for Ward 2 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

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