



City of Hamilton Report for Consideration

To: Chair and Members
Hamilton Municipal Heritage Committee

Date: April 25, 2025

Report No: PED25107

Subject/Title: Recommendation to Designate 2 Hatt Street,
Dundas, under Part IV of the *Ontario Heritage Act*

Ward(s) Affected: Ward 13

Recommendations

- 1) That the City Clerk **BE DIRECTED** to give notice of Council's intention to designate 2 Hatt Street, Dundas, shown in Appendix A attached to Report PED25107, 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 PED25107, subject to the following:
 - (i) 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;
 - (ii) 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.
- 2) That Tourism and Culture staff **BE DIRECTED** to continue discussions with representatives from Hamilton's Black communities in the development of a strategy for interpreting the history of Sophia Burthen Pooley.

Key Facts

- This Report recommends designation of the significant built heritage resource located at 2 Hatt Street, Dundas, under Part IV of the *Ontario Heritage Act*.
- The subject property is currently listed on the City's Municipal Heritage Register and is a high priority on the City's list of candidates for designation, as directed by Council.
- 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 PED25107.
- The cultural heritage value of the property includes its associations with the Hatt family and the founding of Dundas, as well as its potential to yield an understanding of Sophia Burthen Pooley, the history of slavery in Upper Canada, Black communities, and their history in Dundas.
- The Afro-Caribbean Canadian Association, Hamilton Black History Council, Dundas Museum and Archives, and the City of Hamilton's Indigenous Relations staff have been consulted in the preparation of this Report.
- Tourism and Culture staff continue to collaborate with representatives from Hamilton's Black communities (coordinated through the Afro-Caribbean Canadian Association) on how to interpret and share the property's potential to yield information on Sophia Burthen Pooley's story who was enslaved by the Hatt family.

Financial Considerations

N/A

Background

The subject property located at 2 Hatt Street, Dundas, shown in Appendix A attached to Report PED25107, is comprised of a one-storey single-detached stone commercial building constructed circa 1804. The subject property was first surveyed for potential heritage interest in the 1970s as part of the former Local Architectural Conservation Advisory Committee's inventory of historic buildings and was again surveyed by this same group in 1994. The property received a Hamilton Municipal Heritage Committee Heritage Property Conservation Award in 2008.

Property Standards

In May 2013, Municipal Law Enforcement staff received a complaint that the subject property had been vacated, and the property was added to the Vacant Building Registry, resulting in ongoing proactive monitoring of the building. In February 2019, Municipal Law Enforcement staff noted that the building had utilities connected with

minimal usage and, as a result, the property was removed from the Vacant Building Registry. In 2022, the building was again declared vacant, though it is currently an unregistered vacant building.

Designation Request

In 2017, the Hamilton Municipal Heritage Committee raised concerns about the status of the building, having been vacant since 2013 and listed for sale in June of 2017, and requested that staff review the property for designation under Part IV of the *Ontario Heritage Act*. On October 19, 2017, Heritage Committee considered staff Report PED17187 recommending the property be listed on the Municipal Heritage Register and added to staff's designation workplan for more comprehensive review for designation at a later date. These recommendations were approved by City Council on November 8, 2017, as part of Planning Committee Report 17-013.

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 2 Hatt Street, Dundas was reprioritized for review for designation by January 1, 2025. At its meeting on February 27, 2023, the Inventory and Research Working Group of the Hamilton Municipal Heritage Committee considered a draft Cultural Heritage Assessment Report for the property and confirmed its support for designation. In a letter dated March 31, 2023, Cultural Heritage Planning staff notified the property owner of staff's recommendation to designate the property under Part IV of the *Ontario Heritage Act*.

Consultation and Engagement

In 2021, a private citizen posted signs around Dundas bringing attention to the town's history with slavery, including signs on the building at 2 Hatt Street. In May 2023, staff was in contact with a community member who has published works and curated an exhibit on Sophia Burthen Pooley (circa 1775/78- circa 1860) - a Black woman enslaved by members of the Hatt family for approximately seven years in the Ancaster and Dundas areas - with the intention of better understanding the connections between the property, Black history, and the history of slavery. As a result of this meeting staff sought out additional feedback from Hamilton's Black community. Following extended consultation with representatives from the Afro-Caribbean Canadian Association and Hamilton Black History Council in 2024, staff's Cultural Heritage Assessment Report (attached as Appendix C to this Report) was revised to incorporate their feedback and finalized in March 2025.

Tourism and Culture staff have also been engaged in ongoing discussions with the Afro-Canadian Caribbean Association on how to interpret and share Sophia Burthen Pooley's story. The Honouring Sophia Burthen Pooley Advisory Committee was formed

in 2023 and Hamilton Civic Museums staff continue to engage with the Advisory Committee to develop a strategy for interpretation.

Analysis

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 property through the Heritage Permit process to ensure that the significant features of the property are maintained. Designated properties are also considered to be “protected heritage property” under the Provincial Planning Statement (2024), which shall be conserved through the *Planning Act* development application process.

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 site visits to view the exterior of the property, available primary and secondary research sources, and consultation with key stakeholders. The full Cultural Heritage Assessment Report for 2 Hatt Street is attached as Appendix B to Report PED25107. 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 has physical value as a rare, unique, and early example of pre-Confederation architecture in Upper Canada. 2 Hatt Street is one of the oldest buildings in Dundas, is the only extant structure from Richard Hatt’s New Dundas Mill complex and is an early example of the use of dolostone from the nearby Niagara Escarpment in the construction of Dundas buildings. Features of the circa 1804 one-storey vernacular stone building representative of its value include its: one-storey massing; rectangular footprint; low side-gable roof; and coursed rubblestone elevations, with local dolostone.
2. The property does not display a high degree of craftsmanship.
3. The property does not demonstrate a high degree of technical or scientific achievement.

Historical / Associative Value

4. The property has historical value for its association with significant Dundas figures, events, and institutions, including the Hatt family, the New Dundas Mills, the founding of the Town of Dundas and the history of slavery in Ontario. As the last remaining building of the New Dundas Mills, 2 Hatt Street is an important relic of the town's early colonial settlement and industrial history. The New Dundas Mills (so named for its proximity to Dundas Street) was a mill complex which first began as a sawmill in 1799 and was expanded upon in 1800, before being purchased by Samuel Hatt (1776-1842), Richard Hatt (1769-1819), and Manuel Overfield (1773-1839) in 1804. Together, these three men, likely using the labour of indentured servants and enslaved persons, had the mill complex further expanded, constructing additional buildings including 2 Hatt Street, which served as a store. The mill quickly became a commercial success, having an irrevocable impact on the built form of Dundas - attracting American and European settlers westwards towards Spencer Creek and away from the 1792 Coote's Paradise town plan closer to where the Desjardins Canal sits today. Building on the town's rapid growth, 2 Hatt Street served as its very first informal post office, where letters would be addressed to the New Dundas Mills. In 1814 this would influence the Crown's official opening of the town's first post office, called the Dundas Post Office, at which point the name of Dundas officially superseded that of Coote's Paradise.

Of the three men who expanded the mills in 1804, Richard Hatt has historically been credited as the primary owner and operator of the mill after having purchased Samuel and Manuel's shares by 1808 – but all three men are attributed to its founding. Having originally started their business in Ancaster, Samuel and Richard worked to find ways in which to expand their business and influence, including by having roadways constructed to support their economic networks and expansion. This continued after they had purchased the New Dundas Mills, where Richard platted Dundas' early streets and established a town plot which would guide the growth of the town. Elsewhere, Richard expanded his political influence by serving as Justice of the Peace in 1800, establishing the *Upper Canada Phoenix* newspaper (the first newspaper west of York), entering the House of Assembly in 1817, and serving as a major during the War of 1812. Although Samuel stopped being co-owner of the mill by 1808, he remained closely involved in business with his brother, and was a key player in local political and economic networks similarly growing his influence and power before he eventually moved to Quebec following the War of 1812.

While historic records rarely include details on the people whose labour helped produce the wealth, influence, and power of early-nineteenth century industrialists like the Hatts, it is known that both Hatt brothers were complicit in institutions of slavery and oppression. Of the two, historic evidence has shown that Samuel enslaved at least one Black woman, named Sophia Burthen Pooley

(circa 1775/78- circa 1860), and was involved in the indenture (forced labour) of a Black orphaned child. While no evidence had been found to date showing Richard directly involving himself with slavery, he was responsible for the indenture of at least six individuals, and his continued business relationship with his brother, and other known slaveowners in the region, is evidence that he nonetheless profited from and supported these institutions.

5. The property has the potential to yield information that contributes to an understanding of the history of slavery in Upper Canada, Black communities, and their history in Dundas, early Dundas settlement and industry, and the nuanced intersections between them.

Historic documentation is biased towards remembering wealthy, elite, literate classes of landowners like the Hatts, which makes it difficult to identify the histories of the people whose labour, constructing and operating mills and farms, supported the financial success of the Hatt estate. In the case of 2 Hatt Street, an 1856 interview with Sophia Burthen Pooley (circa 1775/78- circa 1860) - a Black woman enslaved by members of the Hatt family for approximately seven years in the Ancaster and Dundas areas – provided a rare and valuable glimpse of the overlooked lives of indentured and enslaved people whose labour built the wealth and power of Upper Canada's elite in the early-nineteenth century. Little is known about Sophia's life, other than that she was born into slavery in Fishkill, New York, circa 1775-1778, before her and her sister were kidnapped and brought to Niagara as small children. In Niagara Sophia was sold to, and enslaved by, the notable Mohawk figure Joseph Brant (1743-1807), with whom she reportedly lived for 12 years. While under Brant's captivity, Sophia spent a large portion of her time in the Dundas area, and reported a childhood spent hunting with Brant's own young children, as well as instances of cruelty and abuse from Brant's wife Catherine (1759-1837) whose physical attacks left her with permanent scars. Sometime after Samuel and Richard Hatt arrived in Ancaster, they developed a business relationship with Joseph Brant which would culminate in Samuel Hatt purchasing Sophia from Brant for \$100, likely circa 1798-1799.

While there is no surviving historical documentation physically tying Sophia Burthen Pooley to the building at 2 Hatt Street, she was likely already enslaved by Samuel Hatt when he was involved in purchasing the New Dundas Mills. This means that it is likely that Sophia would have at the very least witnessed the construction of 2 Hatt Street while enslaved by the partial owner of the Mills. It is also reasonable to presume Richard Hatt was complicit in the enslavement of Sophia, as the brother and close business partner of Samuel at the time of his purchase of Sophia from such an important political and business figure such as Joseph Brant. Sophia's exchange between Brant and the Hatts was representative of the ways in which economic networks at the time were built, in part, on the trade of people who were captive, whether through slavery or

indenture. Further to this, the local political and economic conditions of the time mean that it would have been very likely that she would have interacted with the property at 2 Hatt Street, or else contributed to the wealth which allowed for its construction and commercial success. As an enslaved person, Sophia was part of the Hatt family's estate, and would have actively contributed to the growth of their wealth and power. Sophia's skills as a Kanien'kéha (Mohawk) speaker and her knowledge of Kanien'kéha culture would have had value to the Hatts, and it is likely that her contribution of these skills had positive impact on the growth of their businesses and wealth, which she would not have benefitted from.

The absence of direct documentary evidence tying Sophia to places where she lived and worked is a feature of the dispossession of enslaved people in Upper Canada. However, the existence of the industry building at 2 Hatt is attributable in part to the contributions of Sophia and the six unnamed indentured servants brought by the Hatts. In this context, 2 Hatt Street's significance is tied to its perseverance as the last remains of a property and industry whose success was tied to the labour of enslaved people like Sophia - the ambiguity of Sophia's relationship with the building also speaking to the deliberate erasure of Black histories from historic documentation.

6. The property does not demonstrate or reflect the work or ideas of an architect, artist, builder, designer, or theorist who is significant in the community

Contextual Value

7. The property is important in defining the historic character of the area as an early-nineteenth century single-detached building located prominently along an important and historic transportation corridor at the terminus of Hatt Street, near the northwest corner of Main Street and Governors Road. As the last remaining building of the New Dundas Mills complex, 2 Hatt Street is a relic of the area's historic industrial past which stands out in its immediate landscape, which is now primarily residential and commercial. The property's close proximity to major landmarks like the Dundas Town Hall at 60 Main Street helps define the area's continued use as an administrative centre throughout the nineteenth century, which arguably began with 2 Hatt Street's service as an informal post office.
8. The property is visually and historically linked to its surroundings. The property's visual relationship and proximity to the Dundas Town Hall speaks to the immediate area's historic status as the governing and administrative centre of Dundas. Its presence as the last remaining building of the New Dundas Mills complex also speaks to Dundas' early industrial roots. The property's location along Hatt Street, and on a plot included in the earliest town plans for Dundas, also speak to its relationship with early local urban development and the historic economic networks across the Head-of-the-Lake region, which wealthy land prospectors and early industrialists like the Hatts depended on to assert and

expand their influence. Roads and routes that connected places like Ancaster and York (Toronto) to the New Dundas Mills commemorate those networks of influence. 2 Hatt Street is representative of the historical relationships of power that both depended on the control, and even enslavement, of people to support the rapid early economic growth.

9. The property is considered to be a local landmark. Its location at the terminus of Hatt Street, proximity to Dundas Town Hall, the triangular shape of the plot, its squat rectangular shape, and its unique rubblestone dolostone exterior allow it to stand out in its now primarily residential immediate landscape.

Staff have determined that 2 Hatt Street, 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 PED25107.

This Report also recommends that Tourism and Culture staff be directed to continue their collaboration and engagement with the Honouring Sophia Burthen Pooley Advisory Committee to develop a strategy for interpreting and sharing Sophia Burthen Pooley's story, which can be informed by the Cultural Heritage Assessment Report prepared as part of this designation process, attached as Appendix C to this Report.

The Recommendations of this Report are 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).

Alternatives

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.

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

- PED17187 - Preliminary Screening for the Request to Designate 2 Hatt Street, Dundas, Under Part IV of the *Ontario Heritage Act* (Ward 13). A copy of this report can be obtained by contacting the Office of the City Clerk.

Consultation

At its meeting on February 27, 2023, the Inventory and Research Working Group of the Hamilton Municipal Heritage Committee considered staff's initial draft Cultural Heritage Assessment Report for the property and supported its designation.

In May 2023, staff contacted a local community member and author who has published works and curated an exhibit on Sophia Burthen Pooley with the intention of better understanding the connections between the subject property and the histories of slavery and Black people in Dundas. On May 25, 2023, staff met with the community member, whose feedback indicated that staff should revise their existing draft documents. Following this meeting, staff identified a need to conduct further consultation with Hamilton's Black communities.

On June 3, 2024, staff circulated a draft Cultural Heritage Assessment Report to representatives of the Afro-Caribbean Canadian Association for feedback. On July 9, 2024, staff met with the group to discuss the draft heritage evaluation and recommendation to designate the property. Following this consultation, staff completed major revisions to the Cultural Heritage Assessment Report and circulated a revised draft on November 21, 2024. A second consultation meeting was held on December 2,

2024, where staff presented the revised report to representatives from the Afro-Caribbean Canadian Association and the Hamilton Black History Council. A final revised draft of the report was produced using this additional feedback, which was again circulated to the group by email on January 20, 2025.

On November 21, 2024, Planning staff circulated a draft Cultural Heritage Assessment Report to the City of Hamilton Indigenous Relations staff for feedback.

On February 21, 2025, staff circulated a draft Cultural Heritage Assessment Report to the Dundas Museum and Archives for feedback.

On February 21, 2025, staff advised the Ward Councillor (Councillor A. Wilson) for Ward 13 of the recommendations of this report and provided them with a copy of the Cultural Heritage Assessment Report for their information.

In a letter dated March 31, 2023, staff advised the property owner that staff were moving forward with the recommendation to designate the property. The initial timeline indicated in this letter was revised following staff's previously noted consultation in May 2023. In both a letter and email dated February 6, 2025, staff provided the property owner with a copy of the proposed Statement of Cultural Heritage Value or Interest and advised them of the Heritage Committee meeting date that the recommendation would be considered. In an email dated February 26, 2025, staff provided the property owner with additional instructions on how they could participate in meeting.

Appendices and Schedules Attached

Appendix A: Location Map

Appendix B: Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes.

Appendix C: Cultural Heritage Assessment Report

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