

## History and Timeline of all City Interactions at 18-28 King Street East

The properties municipally addressed as 18 to 28 King Street East, Hamilton, are comprised of 3 separate land parcels, 18-22, 24 and 28 King Street East, owned by Hughson Business Space Corporation. The attached buildings, situated on the lands, were comprised of vacant, 3 and 4 story, stone, and brick walls. All three properties are designated under Part IV of the *Ontario Heritage Act* by By-law No. 18-321, with the front exterior facades identified as heritage attributes protected by the By-law.

Appendix A to Report PED25082 provides a complete history and timeline of all City interactions by Building and Heritage Divisions as well as Licensing and Bylaw Services related to the physical state of these buildings.

### 2012

- **December 4, 2012:** City receives applications to demolish 18-28 King Street East.
- **December 10, 2012:** City receives request to designate 18-28 King Street East received from a third party.
- **December 20, 2012:** Hamilton Municipal Heritage Committee recommends designation of the properties.

### 2013

- **January 15, 2013:** Planning Committee resolves to not pursue designation at the time, prompting further discussions with the owner to come to a resolution.
- **January 23, 2013:** Council approves Planning Committee direction to not take action at this time.
- **January 25, 2013:** Demolition Permits #12 12498 00 DP and #12 124940 00 DP issued.
- **July – October 2013:** Various meetings held between City staff (including Legal Services) and the owner (including Legal representatives).
- **December 4, 2013:** General Issues Committee approves conditional grant funding for the properties.
- **December 11, 2013:** Council approves direction to designate the properties.
- **December 12, 2013:** Notice of Intention to Designate served on the owner, all active permits for the properties are voided.

### 2014

- **January 10, 2014:** City receives objection from the owner to the Notice of Intention to Designate the properties.
- **January 15, 2014:** Building Inspector attends property to conduct an inspection and observes existing hoarding protecting the public and no unsafe condition found at the time.
- **January 20, 2014:** Municipal Law Enforcement Officer conducts inspection of properties for possible Property Standards violations.

- **February 12, 2014:** Property Standards Order issued with respect to cover all openings in the wall facing King Street East. The covering of all openings shall be undertaken in a manner that does not affect the heritage attributes. Compliance date March 10, 2014.
- **February 14, 2014:** Property Standards Order appealed.
- **April 25, 2014:** Heritage staff confirms with Municipal Law Enforcement Officer, Order to Comply has been complied with according to specifications of how the property was boarded up.
- **May 5, 2014:** Property Standards Hearing held because of the Property Owner's appeal. City's Enforcement Adjudicator determined the hearing was no longer necessary as the Order issued to 18, 20, 22, 24 and 28 King Street East had been satisfied, and the appellant had abandoned the appeal.
- **July 9, 2014:** Municipal Law Enforcement Officer inspected the properties with respect to possible Property Standards violations (loose bricks). Municipal Law Enforcement Officer contacted the Property Manager and observed the buildings vacant as per the Vacant Building Registry By-law.
- **July 14, 2014:** Municipal Law Enforcement Officer met with Property Manager on-site.
- **July 15, 2014:** Property Manager arranged installation of a new hoarding fence to remedy the hazardous situation.
- **November 11, 2014:** Municipal Law Enforcement Officer attended the property and spoke to the Property Manager. Properties remain unregistered per the Vacant Building Registry By-law. Fees for service added.
- **December 17, 2014:** Council approves extension to conditional heritage grant funding for the properties.

## 2015

- **January 15, 2015:** Municipal Law Enforcement Officer inspected the properties and noted buildings were secure against trespass. Officer documented fence intact and no changes in the condition of the bricks.
- **April 10, 2015:** Municipal Law Enforcement Officer attended properties. Fees for service added for non-registration per the Vacant Building Registry By-law.
- **May 2015:** Municipal Law Enforcement Officer attended property regarding a complaint received for possible Property Standards violations. Property Standards Order to Comply issued for falling bricks and broken window. Order appealed.
- **September 16, 2015:** Director of Licensing and By-law Services directed staff to pause enforcement. Property Standards Order to be rescinded.

## 2016

- **January 15, 2016:** Ontario Municipal Board prehearing scheduled for April 2016. Supervisor (Licensing and By-law Services) advised not to proceed with any enforcement at this time.
- **April 6, 2016:** Representatives for the Property Owner delegate to General Issues Committee on their proposal for the properties and the item was referred back to staff to review and report back to General Issues Committee.

- **April 15, 2016:** Director of Licensing and By-law Services advised not to enforce properties at this time.
- **June 1, 2016:** Staff reported back to the General Issues Committee through Report [PED16116](#)) with a process map moving forward for potential settlement of the designation appeal.
- **July 14, 2016:** Director of Licensing and By-law Services continues to advise not to enforce at this time.
- **July 18, 2016:** Property Owner submits Heritage Permit applications for the properties, including:
  - **HP2016-027** for 18-22 King Street East, for Façade Retention and a Penthouse Addition
  - **HP2016-028** for 24-28 King Street East, for **Demolition**
- **October 13, 2016:** Municipal Law Enforcement Officer conducted inspection of unregistered vacant building and confirmed the property remains vacant and unregistered as per the Vacant Building Registry By-law. Fee for service added.
- **November 9, 2016:** Municipal Law Enforcement Officer attended property to investigate a complaint regarding possible open to trespass. Order to Comply issued.
- **November 30, 2016:** Municipal Law Enforcement Officer attended property and observed completion of some work included on the Property Standards Order. However, none of the coverings were painted matte black and not all openings were secured.

## 2017

- **January 25, 2017:** Council approves Heritage Permits HP2016-027 and HP2016-028 for the properties.
- **February 10, 2017:** Municipal Law Enforcement Officer inspected and confirmed property was not secured per the Order to Comply.
- **March 1, 2017:** Municipal Law Enforcement Officer attended and observed the property remained vacant but secured. Officer met with the Property Manager to discuss possible resolution prior to the appeal of the Heritage Order. No agreement reached.
- **April 19, 2017:** City receives Site Plan Application SPA-17-087 for redevelopment of the subject properties.
- **August 21, 2017:** Municipal Law Enforcement Officer conducted inspection; property remained vacant but secured. Fees for service added for property not being registered as per the Vacant Building Registry By-law.
- **November 27, 2017:** Site Plan Application **SPA-17-087** conditionally approved.

## 2018

- **February 13, 2018:** Email communication between Municipal Law Enforcement Officer and Property Manager advising building needs to be registered as a vacant building as per the by-law.

- **February 22, 2018:** Licensing and By-law Services received a complaint regarding falling bricks at the property.
- **February 28, 2018:** Fee for service added as properties still have not been registered as vacant buildings.
- **June 7, 2018:** Municipal Law Enforcement Officer inspected property and observed the property remained vacant with fencing in place. Fee for service added as properties still not registered as per the Vacant Building By-law.
- **June 21, 2018: Property Owner registered buildings onto the Vacant Building Registry and buildings have been inspected quarterly every year since registration.**
- **August 14, 2018:** Order to Comply for Graffiti issued by Municipal Law Enforcement Officer.
- **August 15, 2018:** Yard Maintenance Order to Comply issued by Municipal Law Enforcement Officer. Compliance achieved.
- **August 16, 2018:** Property Standards Order to Comply issued by Municipal Law Enforcement Officer. The order included a requirement to board up all windows and prevent the building from being open to trespass. Compliance achieved.
- **August 24, 2018:** City receives Committee of Adjustment Application **HM/A-18:283** to implement site plan.
- **September 24, 2018:** Municipal Law Enforcement Officer completed quarterly inspection of property as per the Vacant Building Registry By-law. Building found to be secured and vacant.
- **November 7, 2018:** Conservation Review Board acknowledged that the Property Owner withdrew their objection to the City's Notice of Intention to Designate.
- **December 19, 2018: Council passed By-law No. 18-321 to designate 18 to 28 King Street East under Part IV of the *Ontario Heritage Act*.**

## 2019

- **January 9, 2019:** Municipal Law Enforcement Officer completed quarterly inspection of property as per the Vacant Building Registry By-law. Building found to be secured and vacant.
- **February 27, 2019:** Order to Comply for Graffiti issued by Municipal Law Enforcement Officer. Compliance achieved.
- **March 22, 2019:** City receives Site Plan Application **SPA-19-078** for amended proposal to retain all the heritage facades.
- **April 19, 2019:** Site Plan Application **SPA-19-078** conditionally approved.
- **May 14, 2019:** Municipal Law Enforcement Officer completed quarterly inspection of property as per the Vacant Building Registry By-law. Building found to be secured and vacant.
- **June 21, 2019:** Municipal Law Enforcement Officer issued Order to Comply for Yard Maintenance concerns. Compliance achieved.
- **July 11, 2019:** Municipal Law Enforcement Officer completed quarterly inspection of property as per the Vacant Building Registry By-law. Building found to be secured and vacant.

- **October 29, 2019:** Municipal Law Enforcement Officer completed quarterly inspection of property as per the Vacant Building Registry By-law. Building found to be secured and vacant.

## 2020

- **January 20, 2020:** Municipal Law Enforcement Officer completed quarterly inspection of property as per the Vacant Building Registry By-law. Building found to be secured and vacant.
- **July 31, 2020:** Municipal Law Enforcement Officer completed quarterly inspection of property as per the Vacant Building Registry By-law. Building found to be secured and vacant.
- **September 2020:** Structural Assessment prepared by Kalos Engineering and shared with Building Division in relation to required interior shoring.
- **November 6, 2020:** Municipal Law Enforcement Officer completed quarterly inspection of property as per the Vacant Building Registry By-law. Building found to be secured and vacant.
- **November 9, 2020:** Municipal Law Enforcement Officer conducted inspection for Yard Maintenance issues (garbage and debris).
- **November 19, 2020:** Municipal Law Enforcement Officer completed quarterly inspection of property as per the Vacant Building Registry By-law. Building found to be secured and vacant.
- **December 11, 2020:** Unsafe Order issued by the Building Division. Order required the following actions: 1. Immediately install protective fencing under the direction of Professional Engineer of Kalos Engineering. 2. Immediately shore the southeast corner of the building under the direction of a Professional Engineer of Kalos Engineering. 3. Provide copies of the engineer fencing and shoring details to the City of Hamilton Building Division.
  - The requirements of the Order to Comply were satisfied, and regular monitoring was completed by the Professional Engineer.
  - Unsafe Order was complied with February 9, 2023. Further, Building Permit 20 159153 01 R3, issued for "*PERMIT REVISED to include facade restoration work. Alteration to repair portion of exterior wall and to provide roof beam shoring*", has been closed.

## 2021

- **Feb 18, 2021:** Municipal Law Enforcement Officer completed quarterly inspection of property as per the Vacant Building Registry By-law. Building found to be secured and vacant.
- **June 3, 2021:** Municipal Law Enforcement Officer completed quarterly inspection of property as per the Vacant Building Registry By-law. Building found to be secured and vacant.
- **July 6, 2021:** New Heritage Permit application **HP2021-037** submitted for the following:
  - Retention and restoration of the front facades of 18-22 King Street East
  - Demolition and façade replication of 24 King Street East
  - Façade dismantling and rebuilding of 28 King Street East

- **October 13, 2021:** Council conditionally approved Heritage Permit HP2021-037 (See Planning Committee Report 21-015)
- **November 8, 2021:** Municipal Law Enforcement Officer completed quarterly inspection of property as per the Vacant Building Registry By-law. Building found to be secured and vacant.
- **November 23, 2021:** Building Permit 21 154269 00 C3, issued for “*Alterations to the exterior of the building as per attached drawings.*”
  - This permit was subsequently revoked, administratively, after the buildings were demolished (2025).

## 2022

- **January 2022:** Site Plan Application **SPA-21-116** for amended proposal, conditionally approved.
- **January 31, 2022:** Baseline Documentation Report prepared by Heritage Consultant on behalf of the owner and provided to the City as part of the clearing of conditions of Heritage Permit HP2021-037. Note: The owner made substantial progress in clearing the conditions of Heritage Permit HP2021-037 to be able to obtain the required Building Permits to dismantle / brace / demolish the buildings. However, the owner stopped short at finalizing the heritage easement agreement and providing the required securities in the fall of 2022. There were several follow-ups from Heritage staff on next steps and finalizing but the owner was non-responsive.
- **February 8, 2022:** Municipal Law Enforcement Officer completed quarterly inspection of property as per the Vacant Building Registry By-law. Building found to be secured and vacant.
- **April 19, 2022:** Conservation Plan prepared by Heritage Consultant on behalf of the owner and provided to the City as part of the clearing of conditions of Heritage Permit HP2021-037. The document includes a review of the current conditions of the structures and recommended conservation approaches.
- **June 27, 2022:** Municipal Law Enforcement Officer completed quarterly inspection of property as per the Vacant Building Registry By-law. Building found to be secured and vacant.
- **August 30, 2022:** Municipal Law Enforcement Officer completed quarterly inspection of property as per the Vacant Building Registry By-law. Building found to be secured and vacant.
- **November 29, 2022:** Municipal Law Enforcement Officer completed quarterly inspection of property as per the Vacant Building Registry By-law. Building found to be secured and vacant.
- **December 8, 2023:** Municipal Law Enforcement Officer attended property in response to a complaint of an encampment on private property. Compliance achieved.

## 2023

- **February 2, 2023:** Report received from Kalos Engineering and submitted to the Building Inspector. Report pertaining to a monitoring review of the buildings.

- **February 8, 2023:** Site inspection conducted with Municipal Law Enforcement Officer and staff from Building and Heritage Divisions, as well as Kalos Engineers. Site visit of exterior and interior of vacant buildings at 18-28 King Street East. North (front facing King Street). Heritage staff flagged the open roof at the northwest corner as their main concern since the facades were expected to be retained in situ and water infiltration could cause further damage until such time as the work began. Facade deemed to be of heritage value. Staff observed the following Property Standards violations - parts of roof at north (front) end have deteriorated - able to see openings - boards in need of being installed at front of building - including being painted matte black.
  - As a result of the site visit Municipal Law Enforcement Officer issued several Property Standards (By-Law 10-221 repealed and replaced with 23-162) Orders to Comply at 24 and 28 King Street East on February 8, 2023. Orders were issued to repair and maintain the roof in a weather tight condition so as to be able to prevent the leakage of water into the buildings. The Orders expired on May 3, 2023.
  - The Orders were appealed within 14 days of issuance by the Property Owner. Property Owner stated they could not safely repair the roof in line with Ministry of Labour safety regulations. As the roof was not safe to stand or work on, even with a lift.
- **February 8, 2023:** An additional Order to Comply was issued to 28 King Street East to maintain and repair the exterior wall at the northwest corner of the building. The Order was appealed and subsequently complied with prior to a hearing being scheduled.
- **February 8, 2023:** Additional Property Standards Orders were also issued with respect to covering the window openings in black painted plywood as per the Property Standards By-Law Heritage section requirements. These Orders were appealed but subsequently complied with prior to a hearing being scheduled.
- **June 5, 2023:** Staff from Building Division, Legal Services and Municipal Law Enforcement attended the site and met with the owner's structural engineer and their contractor to discuss approaches to remediate the roof and to determine if there was a way for the roof to be repaired safely, as their Property Standards appeal was based on the determination that it was too dangerous to repair it safely. It was determined that certain structural repairs would be required prior to safe repair of the roof. It was the goal of the Property Owner to pursue demolishing and rebuilding the property as an ultimate solution to the Property Standards Order as well as other outstanding Building Division issues. The property owner was to provide a plan of action to repair the roof, and the details were to be submitted to Legal Services by the end of June, otherwise a Property Standards hearing would be scheduled.
- **June 12, 2023:** Municipal Law Enforcement Officer completed quarterly inspection of property as per the Vacant Building Registry By-law. Building found to be secured and vacant.

- **August 2023:** Property Standards complaint received (door at rear fire escape). Officer notified property owner to address the concerns. Re-visit of site confirmed compliance achieved.
- **August 11, 2023:** City received Formal Consultation Application **FC-23-097** for an updated redevelopment proposal for the properties, that included a large vacant parcel to the south. The application proposed to redesignate and rezone the subject lands to facilitate development of a proposed mixed use 32-storey tower atop a five-story podium consisting of 478 residential units with 4,372 square meters of commercial space from the ground floor to the fifth floor. Approximately 426 parking spaces were to be provided in two levels of underground parking and above-grade parking on levels two through five of the podium.
- **September 5, 2023:** Compliance achieved with Property Standards Order with respect to installation and painting of boards.
- **October 31, 2023:** City issues extension to the previous Heritage Permit HP2021-037 approval at request of the Property Owner. New Heritage Permit approval issued as **HP2023-051**.
- **November 17, 2023:** Municipal Law Enforcement Officer completed quarterly inspection of property as per the Vacant Building Registry By-law. Building found to be secured and vacant.

## 2024

### April 2024

- **April 9, 2024:** Complaint received from Ward 2 Office regarding garbage behind fencing.
- **April 12, 2024:** Municipal Law Enforcement Officer attended site for scheduled inspection. Property found to be Open to Trespass in two areas of fencing, and loose litter observed. Officer advised property owner via telephone of findings. Officer re-attended and compliance was achieved.

### May 2024

- **May 1, 2024:** Municipal Law Enforcement Officer attended site for scheduled inspection. Property found to be Open to Trespass. Officer notified property owner to secure.
- **May 2024:** Property Standard Orders related to the required Heritage work was complied with, however the Order respecting the roof remained in progress due to the appeal. Partial compliance with Orders achieved.

### June 2024

- **June 28, 2024:** Site Inspection conducted by the Building Division; determination made requiring an engineer assessment by Professional Engineer.

## July 2024

- **July 22, 2024:** Order to Comply issued by Building Division sent registered mail. Required action includes:
  1. Secure and make safe the following areas by August 9, 2024:
    - a. East Elevation: Board over all window & door & openings with plywood hoarding. Fix & make good;
    - b. North Elevation: Board over all window & door & openings with plywood hoarding. Fix & make good;
    - c. Roof: Board over all holes & openings in the roofing with plywood hoarding.
  2. Provide a Structural Engineer assessment, including required remedial works for the following: a) General Review Report on:
    - The roofing & its structural support.
    - The exterior masonry façade, loose and missing bricks, cracks throughout, control joints, bed & head joints, etc.
    - The exterior fire escapes.
    - The foundation walls, above grade walls, structural members and their connections for floors, beams, etc., throughout the entire building(s).
    - General Review Report to be submitted to this Inspector by August 09, 2024.
- **July 24, 2024:** Site inspection by Building Inspector conducted, posted Order to Comply on site.
- **July 25, 2024:** Municipal Law Enforcement Officer completed quarterly inspection of property as per the Vacant Building Registry By-law. Building found to be secured and vacant.
- **July 25, 2024:** Building Inspector called the Property Manager with respect to requirements of the Order to Comply and specifically the required action to provide an engineer's assessment of the buildings.
- **July 25, 2024:** Building Inspector received a follow up email from Property Manager that acknowledged the call and instructions of the Order to Comply. The Property Manager indicated she would take appropriate actions towards achieving compliance.

## August 2024

- **August 9, 2024:** Building Inspector received email update from the Property Manager including four photographs.
- **August 13, 2024:** Building Inspector emailed Property Manager and advised of the required Engineer's general review assessment for the entire property, as per the Order to Comply.

## October 2024

- **October 18, 2024:** Municipal Law Enforcement received a complaint regarding table with garbage located at rear of building near entrance area. Municipal Law

Enforcement Officer attended the site and found no signs of garbage on the property.

- **October 18, 2024:** Heritage Staff met with the agent for the owner to discuss the outstanding conditions of Heritage Permit HP2023-051 that were required to be met prior to issuance of a Building Permit to dismantle / demolish / stabilize the structures. Staff provided the new representative with copies of the documents provided back in 2022 that required updating (e.g. Baseline Documentation and Conservation Plan) in order to inform the required securities and to obtain the required building permits.
- **October 24, 2024:** Heritage staff provided the Property Manager and their agent with an updated draft of the heritage easement agreement document required as a condition of the Heritage Permit HP2023-051, for their review and consideration.
- **October 24, 2024:** Municipal Law Enforcement Officer completed quarterly inspection of property as per the Vacant Building Registry By-law. Building found to be secured and vacant. Subsequent inspection date was due in January 2025.

November 2024:

- **November 6, 2024** – Building Inspector sent letter of intent to the Property Manager giving 5 days to comply, or legal action may proceed.
- **November 6, 2024** – Building Inspector received an email from the Property Manager acknowledging being served the letter of intent. However, still not in receipt of the Engineers letters.

### **Post Collapse**

- **November 11, 2024:** Emergency stand-by Building Inspector dispatched to the property as a result of the collapse. Building Inspector received a call from dispatch at 6:49 AM Nov 11 for a collapsed building at King and Hughson Street. Building Inspector attended the property at approximately 7:40 AM. Police, Fire and Roads were all on site. Observations of the Building Inspector found that 28 and 24 King Street East had partially collapsed into 4 Hughson Street South aka 40 King St East, a 10-storey office building and put a large dent into that building.
- **November 11, 2024:** Building Inspector notified Property Management company who indicated they were the property manager for the property. They put the Inspector in touch with a contact from Ninco developments who said that they represented the ownership group of these properties. Inspector requested that the representative have the site secured, his engineer and demolition contractor come to site.
- **November 11, 2024:** Professional Engineers letter received c/o Kalos Engineering, citing their recommendation that the entire building should be removed immediately (Units 18 to Units 28 inclusive).

- **November 11, 2024:** Inspector issued property specific Order's to Comply for each of 18 – 28 King Street East, as well as the affected adjacent building 40 King Street East.
- **November 11, 2024:** Inspector met representative from Property Management firm on site and had conversation reminding them that they still had not sent any Engineers reports per the Order to Comply. They stated they would forward asap.
- **November 11, 2024:** Inspector received follow-up email to the above conversation, containing 3 engineers reports number 4, 5 & 6.
- **November 12, 2024:** Dust mitigation concerns were brought forward from the public, Inspector confirmed on site, that appropriate measures were being undertaken to mitigate dust as best possible.
- **November 12, 2024:** Updated Professional Engineers report submitted by representative from Ninco Developments, c/o Kalos Engineering, citing that efforts are to refocus on removal of the party wall between units 22 – 24, with a paramount requirement to protect workers on site.
- **November 12, 2024:** Representative from Ninco Developments reminded of the requirement to submit property specific engineers reports with required actions as determined by professional engineer.  
Representative from Ninco Developments submitted by email, 2 separate professional engineers reports for 24 and 28 King St East respectfully, citing the immediate need for demolition.
- **November 14, 2024:** Professional Engineer report received, confirming that 4 Hughson Street (aka 40 King Street East), did not sustain any structural damage. The unit that was most affected by the collapse is to remain vacant, however the rest of the building was permitted to be re-opened for occupancy. Email exchanges continued to confirm the engineer, contractor, and owner representative are aware of building permit requirements for restoration of 4 Hughson Street.
- **November 14, 2024:** General update email provided by Building Inspector.
- **November 15, 2024:** Communications Update issued by General Manager PED.
- **November 15, 2024:** Email communication to representative from Ninco Developments, Kalos Engineering, and Ownership group, that they should be looping in Heritage expert Engineer, John G. Cooke, with whom they had an ongoing working relationship with on the redevelopment applications. The email response was to the effect of reference back to the Kalos Engineering report, and that the building specific to 22 King Street East, was at an imminent stage of further collapse. Public and worker safety was paramount and further demolition would continue.
- John G. Cooke & Assoc. were engaged and provided their findings that no one is to enter the buildings for any reason, optimal means of dismantling the façade would be from a lift (taking time and mobilization), dismantling by machine could

be done but may impact the rate of successful salvage, public safety is priority as well as adjacent property.

- **November 15, 2024:** Professional Engineers letter received from Kalos Engineering, citing that 18 and 20 King Street East have moved considerably, and have now been determined to be unstable, and at imminent danger of collapse.
- **November 17, 2024:** General update email provided by Building Inspector.
- **November 18, 2024:** Building Inspector met Professional Engineer from Kalos Engineering on record for the buildings associated with 18-28 King Street East. The Building Inspector requested a copy of all general review reports and assessments on the buildings. Professional Engineer stated he would email copies of the reports as soon as possible.
- **November 18, 2024:** Building Inspector received email from Professional Engineer on record, complete with general review reports #1, 2, 3, 4 & 6.
- **November 18, 2024:** General update email provided by Building Inspector.
- **November 19, 2024:** Email received from representative for Ninco Developments, containing demolition recommendations by John G. Cooke & Assoc., however the workers, continue to work under the guidance of the engineer of record, Kalos Engineering, with safety being the priority and objective.
  - Received further email communication from representative for Ninco Developments, containing Kalos Engineering report specific to 18 King Street East, citing the inherent danger of collapse, and recommending demolition/removal from a safe distance, with suitable equipment.