



CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Tourism and Culture Division

TO: Mayor and Members General Issues Committee	WARD(S) AFFECTED: WARD 8
COMMITTEE DATE: September 18, 2013	
SUBJECT/REPORT NO: Chedoke Estate – 1 Balfour Drive, Hamilton (PED13153) (Ward 8)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Anna M. Bradford (905) 546-2424 Ext. 3967
SIGNATURE:	

RECOMMENDATION

- (a) That staff be directed to access \$16,000 from the Balfour Estate Trust - Chedoke Reserve #120010 to cover maintenance costs of the Chedoke Estate incurred in 2013;
- (b) That an enhancement, in the amount of \$20,000 to the Tourism and Culture Division's base budget, be referred to the 2014 operating budget process for the maintenance of the Chedoke Estate;
- (c) That staff be directed to work with the Ontario Heritage Trust on a future use of the property and buildings, including a revenue source for property maintenance costs, and report back to the General Issues Committee.

EXECUTIVE SUMMARY

In December 1979, the City of Hamilton entered into a Control Agreement with the Ontario Heritage Trust (OHT), owners of the Chedoke Estate, to develop, maintain, preserve, administer and supervise the property which is regulated under a Provincial Heritage Conservation Easement with all costs being borne by the City. The Control Agreement was entered into for a term of 30 years with an automatic further 30 year term occurring on December 11, 2009 provided the City was in compliance with the agreement at that time. Given that Mrs. Baxter was still alive at that time, the second 30 year term was allowed to automatically renew, which term is currently scheduled to expire on December 11, 2039.

In 1979, the City of Hamilton and the Ontario Heritage Trust entered into a lease with Mrs. Wilson Elizabeth Baxter that addressed her lifetime tenancy of Chedoke Estate and provided for her to pay rent to the City of Hamilton. Mrs. Baxter passed away in February 2013, resulting in the rents ceasing as of May 2013 (three months after her death). Rents received from Mrs. Baxter were posted to the Balfour Estate Trust - Chedoke Reserve, currently at approximately \$88,000, which has been used to maintain and pay for capital repairs at Chedoke Estate. As a result of the rent ceasing, a budget must be identified for the maintenance of the property as the City is responsible for the costs of maintaining the property under the Control Agreement.

Although the Control Agreement does not contain a specific termination clause, it does contain a provision that allows the City to seek the OHT's consent to the City divesting itself of the Chedoke Estate and to bring the Control Agreement to an end. To this end, following Mrs. Baxter's death, we contacted the OHT to determine whether they would consent to an early termination of the Control Agreement, which request was refused.

The purpose of this Report is to identify the need for an annual budget to be created in order to sustain maintenance and capital repairs of the Chedoke Estate property and buildings in accordance with the levels established by the Control Agreement and to identify that staff will determine an appropriate use for the property and buildings in accordance with that Control Agreement and report back to the General Issues Committee. Any proposed use should include provision for a financial contribution to the maintenance and capital repairs of the Chedoke Estate property and buildings.

Alternatives for Consideration – See Page 6

FINANCIAL / STAFFING / LEGAL

Financial:

- 1) An annual maintenance budget is required for Chedoke Estate of approximately \$20,000.

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Landscaping (Lawns, Tree Trimming, Hedges, etc.)	\$7,000
Snow Removal	\$1,200
Water	\$1,000
Alarm Monitoring	\$ 550
Natural Gas	\$5,900
Hydro	\$2,350
Miscellaneous	\$2,000

- 2) The balance of the Balfour Estate Trust - Chedoke Reserve #120010 is approximately \$88,000. Although, generally used for capital repairs staff need to access \$16,000 of the funds to cover maintenance expenses for 2013.

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

Comprised of a large park, an early Victorian stone manor house and stable, Chedoke Estate is located at 1 Balfour Drive, (previously 64 Garth Street) in Hamilton. Interestingly, a sustainable portion of the property contains an Early to Middle Iroquoian village site dating to c. A.D. 1280 to A.D. 1350. Many pre-contact artefacts have been recovered. The Ministry of Tourism, Culture and Sport has registered the property as an important archaeological site (Chedoke AhGx-264). The original manor house was erected in the 1830s with two significant additions added in the 1850s and the 1920s. Chedoke Estate changed hands several times with the Southam Family purchasing the property in 1909. Various members of the Southam family lived at Chedoke Estate until 2013.

In 1978, the last generation of Southam descendants donated the land and buildings to the Ontario Heritage Foundation (now the OHT which is an agency of the Ontario Ministry of Tourism, Culture and Sport). The OHT accepted the donation of Chedoke Estate as an important heritage resource to Canadians.

In December 1979, the City of Hamilton entered into a Control Agreement with the OHT.

The Control Agreement identified the OHT as the owners of Chedoke Estate which granted to the City possession and control of the Property for a period of 30 years with a further 30 year extension provided that the City was in compliance with the terms and conditions of the Control Agreement. When the initial 30 year term ended on December 11, 2009, the City was in compliance with the Control Agreement and Mrs. Baxter was still alive such that the Control Agreement was automatically renewed for that second 30 year term with the current expiry date being December 11, 2039.

The Lease between the City, the OHT and Mrs. Wilson Elizabeth Baxter (Mrs. Baxter), a Southam descendent, which was the basis for the Control Agreement, granted Mrs. Baxter a lifetime tenancy to live at Chedoke Estate. Mrs. Baxter passed away in February 2013. As per the Lease, Mrs. Baxter paid rent to the City and personally covered expenses such as heat and hydro. All maintenance and capital improvements to the property were the responsibility of the City. The rents received by Mrs. Baxter paid for the majority of maintenance and capital improvement work required over the years. That Lease provided for it to come to an end three months after Mrs. Baxter's death, the effect of which is that as of May 2013 the revenue source from which to cover the costs of on-going maintenance and capital improvements at Chedoke Estate came to an end although under the Control Agreement the City continues to be responsibility for those costs until December 11, 2039.

POLICY IMPLICATIONS/LEGISLATED REQUIREMENTS

There are no policy implications or legislated requirements associated with the recommendations in Report PED13153.

RELEVANT CONSULTATION

Manager, Finance and Administration Section, Corporate Services Department

Solicitor, Legal Services Division, City Manager's Office

ANALYSIS / RATIONALE FOR RECOMMENDATION

The history of a community contributes to its personality. Preserving the history of a place through its significant historic resources gives a community its unique character. Historic preservation provides a link to the roots of the community and its people.ⁱ

The OHT accepted the donation of Chedoke Estate as it represents an important component of Ontario's heritage.

Chedoke Estate is important to Hamilton due to its design, architectural and heritage value.

Design/Architectural Value

One Balfour Drive comprises 4.4 acres on which is situated a stone house and stone stable. The original two-storey house was constructed in 1836 out of limestone from the escarpment face below the house and had a low hip roof. It had a symmetrical five-bay façade; unadorned exterior walls; double cornice details; and a simple square plan with

a central hall and two rooms deep on each side. The main elevation (south) was built with an irregular coursed ashlar pattern and all other elevations are of uncoursed rubble stone. A one or one-and-a-half storey east wing was also built at the same time to house the kitchen, with an upper floor being added later when the two-storey east wing was added in the mid-1850s. The additions were Italianate-inspired: the east wing had a large conservatory and vinery running across the front, the two-storey addition to the west wing incorporated an octagonal belvedere and a one-storey open verandah ran along the front of the central portion.

Other changes to the exterior of the house were changes to the window sash configurations and the removal of the exterior shutters between 1875 and 1910 and the addition of sunroom to the west side of the house in the 1920s.

The exterior of the house exists today much as it did in the early 1900s. The interior of the house remains remarkably intact, except for a few modern plumbing, electrical and heating upgrades. Many interior features that are not typically preserved in houses that are in active use have been preserved in this house.

Historical Value

The property contains an Early to Middle Iroquoian village site dating to c. A.D. 1280 to A.D. 1350. This period is largely defined by the emergence of village life and the increased reliance on domesticated plants, particularly corn but with beans and squash also playing important roles. Much evidence remains of this occupation.

The Crown Patent for the Concession 4, Lot 19, Barton Township, District of Gore was granted to John Lottridge in 1798 and registered in 1816. The 100 acres within Lot 19 were mainly below the escarpment, except for an approximately 13 acre southerly portion located above the mountain brow. These lands above the mountain brow were sold to William Scott Burn in 1834. Burn, a recent Scottish immigrant, was a prosperous grain merchant and built a two-storey stone house and one or one-and-a-half storey stone kitchen wing on the property in 1836. By the time the Burn family sold the property and moved to Toronto in 1842 the gardens, a driveway and a gatehouse were shown on the “Map of the Town of Hamilton”.

Chedoke Estate was then occupied by a succession of owners, including John Jaffray, Edward James Snow Maitland and Nehmiah Merritt. In 1853, the property was purchased by Charles John Brydges, who was managing director of the Great Western Railway. Brydges was likely responsible for the addition of an upper storey to the kitchen (east) wing and the two-storey west wing.

The Brydges family lived at Chedoke Estate for nine years, but left for Montreal in 1862 when Charles Brydges took the position of managing director with the Grand Trunk Railway. The house was then leased to Brydges’ successor, Thomas Swinyard, until 1866 and was vacant for four years until it was sold to Plummer Dewar in 1870. The

Dewars sold the property in 1878 to John M. Burns and Henry Carcallen. Burns and Carcallen sold the property in January 1880 to John Rankin, who in turn sold it to Walter Burn in July 1881. The purchase of the estate by Walter Scott Burn, the son of William David Burn and the grandson of Walter Scott Burn, the builder of Chedoke Estate, re-established the Burn family connection to Chedoke Estate after a forty-year hiatus.

When the Burn family moved to Detroit, Michigan in about 1890 they retained ownership of the estate and the property was likely leased until it was sold to Frederick Watkins in 1898. However, when Watkins declared bankruptcy after only a year of residency, the estate was purchased by John Billings, a business partner of George E. Tuckett. Billings never did live in the house and the estate was sold in 1906 to Dr. Roeliff Morton Breckenridge. Breckenridge sold the property to real estate developer William D. Flatt in 1909; it was Flatt who designed the Chedoke Park Survey which encompassed the entire 13 acre estate.

In 1909, the entire Chedoke Park Survey was purchased by William Southam, editor of the Hamilton Spectator. The Southam family lived at “Pinehurst” on Jackson Street, but the newly married Ethel May Southam and St. Clair Balfour moved into Chedoke Estate. Ethel Southam Balfour lived at Chedoke Estate for sixty-six years, the longest period that a single family had ever owned and lived at Chedoke Estate. In 1979, Chedoke Estate was donated to the Ontario Heritage Foundation (now the OHT) by the heirs of Ethel Balfour and the Balfour’s oldest daughter, Wilson Balfour Baxter, resided at Chedoke Estate as a tenant until 2013.

Chedoke Estate has been consistently associated with some of the most prominent families in the Hamilton area and through its occupants has also been associated with the economic and political development of Hamilton.ⁱⁱ

ALTERNATIVES FOR CONSIDERATION

Termination of Control Agreement

Although the Control Agreement does not contain a specific termination clause, it does contain a provision that allows the City to seek the OHT’s consent to the City divesting itself of the Chedoke Estate and to bring the Control Agreement to an end. To this end, following Mrs. Baxter’s death, we contacted the OHT to determine whether they would consent to an early termination of the Control Agreement, which request was refused.

Despite the OHT’s initial response to our request, staff may be directed to submit a more formal request for the OHT’s consent to the City divesting itself of the Chedoke Estate and bringing the Control Agreement to an end and were that to be refused to consider whether or not the issue was one which could appropriately be arbitrated.

Financial: If the Ontario Heritage Trust agrees to allow the City to divest itself of Chedoke Estate no maintenance or capital budget would be required.

Staffing: N/A.

Legal: Legal Services assistance with respect to the above would be required.

Policy: N/A.

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN:

Strategic Priority #1

A Prosperous & Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective

- 1.1 Continue to grow the non-residential tax base.
- 1.2 Continue to prioritize capital infrastructure projects to support managed growth and optimize community benefit.

Strategic Priority #2

Valued and Sustainable Services

WE deliver high quality services that meet citizen needs and expectations, in a cost effective and responsible manner.

Strategic Objective

- 2.2 Improve the City's approach to engaging and informing citizens and stakeholders.

Strategic Priority #3

Leadership & Governance

WE work together to ensure we are a government that is respectful towards each other and that the community has confidence and trust in.

Strategic Objective

- 3.1 Engage in a range of inter-governmental relations (IGR) work that will advance partnerships and projects that benefit the City of Hamilton.

APPENDICES / SCHEDULES

N/A

AB/ro

ⁱ Historic Hawaii Foundation

ⁱⁱ Meghan House, Cultural Heritage Planner, Community Planning Section, Planning Division
Planning and Economic Development Department, City of Hamilton