



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Committee Hamilton Municipal Heritage Committee
COMMITTEE DATE:	April 26, 2024
SUBJECT/REPORT NO:	Demolition of 178 Wilson Street, Hamilton, Being a Non-Designated Property listed on the Municipal Heritage Register with an Unsafe Order to Comply (PED24081) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Alissa Golden (905) 546-2423 Ext. 1202
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That the non-designated property located at 178 Wilson Street, Hamilton, be removed from the Municipal Heritage Register.

EXECUTIVE SUMMARY

This Report recommends removing 178 Wilson Street, Hamilton from the Municipal Heritage Register, which was demolished on February 14, 2024, in response to an Unsafe Order to Comply under the *Building Code Act*. The former building on site was identified as having some cultural heritage value or interest but was not considered to have sufficient tangible cultural heritage value to warrant protection by designation under Part IV of the *Ontario Heritage Act*. Staff recommend removing the property from the Municipal Heritage Register.

Alternatives for Consideration – N/A

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

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Staffing: N/A

Legal: Listing on the Register under Section 27 of the *Ontario Heritage Act* requires that Council be given 60-days notice of the intention to demolish or remove any building or structure on the property, and the demolition or removal of a building or structure is prohibited during this time period. The 60-day interim period is intended to allow time to consider alternatives and actions for the potential conservation of a property, as applicable. Neither the *Building Code Act* nor the *Ontario Heritage Act* specifically address the consequences of an Unsafe Order to Comply on the *Ontario Heritage Act* requirement for 60-days notice of the intention to demolish a listed property. Council must consult with the Municipal Heritage Committee prior to removing a property from the Register under Section 27 (4) of the Act.

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.

HISTORICAL BACKGROUND

The subject property located at 178 Wilson Street, Hamilton, was previously comprised of a two-storey brick vernacular dwelling constructed circa 1885. It was constructed as the western end unit of a five-unit residential row, the rest of which was previously demolished before the building was listed on the Municipal Heritage Register. The property was reviewed for potential heritage value or interest as part of the Downtown Hamilton Built Heritage Inventory project and was listed on the Municipal Heritage Register in 2014 as part of that process. The property was not identified as a candidate for individual designation under Part IV of the *Ontario Heritage Act*. The property is zoned Downtown Residential (D5) Zone in City of Hamilton Zoning By-law No. 05-200.

On Friday, February 8, 2024, the Building Division was alerted of the potential unsafe condition of the building at 178 Wilson Street, which was observed to be leaning towards the adjacent property to the east. Staff conducted an inspection, confirmed that the building had a significant lean of 8 to 10 inches out of plumb and issued an Unsafe Order to Comply under the *Building Code Act*, requiring the owner to obtain a Professional Engineer's review no later than Monday, February 12, 2024. The resulting report confirmed the unsafe condition of the dwelling and recommended immediate demolition. The dwelling on site had been uninhabited prior to the unsafe order.

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It was determined that the safety of the property could only be achieved by demolition. Therefore, Building Division staff advised the owner to disconnect hydro and gas utilities and to proceed with immediate demolition of the dwelling on February 14, 2024.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The Recommendation of this Report is 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)); and,
- 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).

RELEVANT CONSULTATION

Internal

- Planning and Economic Development Department, Building Division, Building Inspections;
- Corporate Services Department, Legal and Risk Management Division, Legal Services; and,
- Ward 2 Councillor.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

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 subject property at 178 Wilson Street, Hamilton was not identified as a candidate for individual designation under Part IV of the *Ontario Heritage Act*. Building Division staff consulted with Cultural Heritage Planning staff when the unsafe condition of the

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building on site was identified. Given the immediate public safety concern, it was not reasonable to require any further documentation or salvaging of features prior to demolition taking place.

The building has been demolished and the property no longer retains any cultural heritage value or interest. As such, staff recommend that the property at 178 Wilson Street, Hamilton, be removed from the Municipal Heritage Register.

ALTERNATIVES FOR CONSIDERATION

Not applicable.

APPENDICES AND SCHEDULES ATTACHED

None.

AG/sd