TO: Chair and Members
   Economic Development and Planning Committee

WARD(S) AFFECTED: WARD 1

COMMITTEE DATE: October 5, 2010

SUBJECT/REPORT NO:
Request to Designate a portion of the former Toronto, Hamilton & Buffalo Railway right-of-way, Under Part IV of the Ontario Heritage Act (PED10222) (Ward 1)

SUBMITTED BY:
Tim McCabe
General Manager
Planning and Economic Development Department

PREPARED BY:
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Jeff Healey
(905) 546-2424, Ext. 7163

RECOMMENDATION:

(a) That the request to designate a portion of the former Toronto, Hamilton & Buffalo Railway right-of-way, under Part IV of the Ontario Heritage Act, not be pursued and that Staff be directed not to undertake a full Cultural Heritage Assessment Report.

(b) That Report PED10222 be forwarded to the Ainslie Wood/Westdale Community Association of Resident Homeowners Inc. for information.

(c) That Report PED10222 be forwarded to the Hamilton Municipal Heritage Committee for information.

(d) That Report PED10222 be forwarded to the Public Works Department for information.

(e) That Report PED10222 be forwarded to the Hamilton Historical Board for information.
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(f) That Report PED10222 be forwarded to the Owners of 10 Ewen Road, 45 Ewen Road, 1579 Main Street West, 1733 Main Street West and 0 Rymal Road West (Hydro One) for information.

EXECUTIVE SUMMARY

Staff has received a request to designate a portion of the former Toronto, Hamilton & Buffalo Railway right-of-way under Part IV of the Ontario Heritage Act (see Appendix “A”). Under the Council approved designation process (approved October 29, 2008, Report PED08211), the following report contains a preliminary evaluation of the former right-of-way using the criteria contained in Ontario Regulation 9/06. This preliminary evaluation of the property assists in determining whether or not further Cultural Heritage Assessment work is warranted.

The Ainslie Wood/Westdale Community Association of Resident Homeowners Inc. has requested that a portion of the former Toronto Hamilton & Buffalo Railway through the Ainslie Wood and Westdale Neighbourhood (see location map attached as Appendix “B”, and photographs attached as Appendix “C”, be designated under Part IV of the Ontario Heritage Act. The subject lands are a portion of the former Toronto, Hamilton & Buffalo (TH&B) Railway right-of-way. Established in 1892, the TH&B Railway provided an important passenger railway link between Buffalo, Toronto, and Waterford via Hamilton. The area requested for potential designation stretches from the east end of the Aberdeen Rail Yard in the east to the Main Street West pedestrian bridge in the west. The total length of the subject lands is approximately 3.2 km. The City of Hamilton is the current owner of the portion of the right-of-way between Rifle Range Road (Fortinos plaza) and Stroud Road, while the Canadian Pacific Railway (CPR) is the current owner of the portion of the right-of-way from Stroud Road to Aberdeen Avenue (Aberdeen Rail Yard). The former right-of-way has been dispersed to several public and private owners between the Main Street West pedestrian bridge and the Fortino’s plaza. Commercial, industrial and recreational uses in this area include: a recreational trail managed by the Hamilton Conservation Authority, a Hydro One hydroelectric transmission corridor, the West End Physiotherapy Clinic, and the Cadbury Adams factory.

A preliminary assessment of the right-of-way has been undertaken by staff using the criteria contained in Ontario Regulation 9/06. The property is considered to have historical and associative value, and contextual value. However, Staff is of the opinion that designation under Part IV of the Ontario Heritage Act is not necessary or effective for the appropriate management of this cultural heritage resource. Additionally, portions of the former right-of-way are owned and/or regulated by other levels of government and the provisions of the Ontario Heritage Act related to municipal designation either do not apply or are in conflict with the intent of other legislation.

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Through this report, staff recommends to the Economic Development and Planning Committee and Council that no further assessment work be undertaken to determine the property’s eligibility for designation under the Ontario Heritage Act. Staff recommend that the Ainslie Wood/Westdale Community Association, the Hamilton Municipal Heritage Committee, the Hamilton Historical Board, the Public Works Department (Traffic Engineering) and the owners of 10 Ewen Road, 45 Ewen Road, 1579-1581 Main Street West, 1733 Main Street West (Hamilton Conservation Authority), and 0 Rymal Road West (Hydro One) receive copies of this report for information.

Alternatives for Consideration - See Page 12

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial: None.

Staffing: None.

Legal: The City’s legal counsel was consulted in the preparation of the original staff report regarding the new designation process (Report PED08211). Planning staff has prepared the following review of the legal implications of the recommendations of this report in consultation with legal counsel:

The Owner’s consent is not a prerequisite for designation of a property under the Ontario Heritage Act. The role of the Owner in a property designation was considered in Tremblay v. Lakeshore (Town), a 2003 Divisional Court decision where a group of parishioners successfully challenged, by means of judicial review, the Council of Lakeshore’s decision not to designate a church. The court found that the interests of the public, community, and the Owner must all be considered when a Council decides whether or not to designate a property. Further, the court found that the Council of Lakeshore had made the Owner’s consent a condition of designation, effectively pre-empting any consideration of either the public interest or the community interest. In doing so, the Council actually fettered its discretion to make the designation decision, acting contrary to the Ontario Heritage Act.

Accordingly, a Council may decide, after considering all of the circumstances in regard to the particular property before it - including the staff report, the Cultural Heritage Assessment, the Municipal Heritage Committee recommendation, and any other relevant submissions such as an owner’s objections - that it is in the public interest and/or community interest to conserve a property, despite objections by the Owner.
In accordance with the designation process approved by Council on October 29, 2008, the purpose of this report is to provide staff with direction and determine whether or not further research and evaluation of the property for a later decision by Council is warranted. At this stage of the designation process, the Owners of the property have not been formally consulted by staff. Typically, a property Owner is not consulted in the preparation of this report, and Council does not yet have before it information with respect to the owner’s, public’s or community’s interests. If staff is directed to proceed, Council will be able to make an appropriate decision on designation at a subsequent stage in the designation process when it has before it a staff report, the Cultural Heritage Assessment, a draft designating By-law, advice from the Hamilton Municipal Heritage Committee, and the positions of the property Owners and any other interested parties.

A portion of the former right-of-way known as the Aberdeen Rail Yard is under the ownership of the Canadian Pacific Railway. These lands are subject to federal jurisdiction as identified in the Constitution Act, 1982. Designation under the Ontario Heritage Act potentially regulates lands under federal jurisdiction and legal staff has advised that this would be outside of municipal jurisdiction.

Another portion of the former right-of-way known municipally as ORymal Road West is owned by Hydro One, an Ontario Crown Corporation. Section 25.2 (2) of the Ontario Heritage Act states that properties owned by the Crown or a prescribed public body cannot be designated under Part IV or Part V of the Act.

**HISTORICAL BACKGROUND**

A process for considering requests for designation was approved by Council on October 29, 2008 (see Appendix “D”), and recognizes the Divisional Court decision Tremblay v. Lakeshore (Town).

A request to designate the former TH&B right-of-way, under Part IV of the Ontario Heritage Act, has been received (see Appendix “A”). Under the Council-approved process for considering requests for designation, preliminary screening has been conducted (see Analysis/Rationale for Recommendation section of this Report) referencing the criteria contained in Ontario Regulation 9/06 (see Appendix “E”) to determine if further Cultural Heritage Assessment work is warranted.
Work Program Priority

The Council-approved designation process provides for the prioritization of detailed research and assessment work. Within the annual work program, Heritage staff can typically process three to four properties through the designation process, including the preparation of the comprehensive Cultural Heritage Assessment reports and the processing of the designation By-laws in conjunction with Clerks. According to the Council approved process, Committee and Council may assign a high, medium, or low priority to a designation request in the context of a four- to five-year timeframe. These priorities generally fall within the following time frames:

- A high priority would direct staff to prepare the cultural heritage assessment within the current year’s work program;
- A medium priority would direct the designation request to the 2nd or 3rd year of the work program; or,
- A low priority would direct the request to the 4th or 5th year of the work program.

Work program priorities are assigned based on a number of factors, including:

- Risk to the property with respect to demolition or removal;
- Funding eligibility;
- Heritage value associated with the property;
- Current level of property maintenance;
- The property is City-owned; and,
- Work program/Staff resources.

The currently approved work program priorities are contained in Appendix “F”, and no changes to the work program are recommended in this report.

POLICY IMPLICATIONS

Ontario Heritage Act

Designation under Part IV of the Ontario Heritage Act allows municipalities to recognize a property’s cultural heritage value or interest, and to conserve and manage the property through the heritage permit process enabled under Sections 33 (alterations) and 34 (demolition or removal) of the Act. Where alterations to designated properties are contemplated, a property owner is required to apply for, obtain, and comply with a Heritage Permit for any alteration that “is likely to affect the property’s heritage attributes, as set out in the description of the property’s heritage attributes” (Subsection 33(1)).
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Designation does not restrict the use of a property, prohibit alterations or additions, or restrict the sale of a property. The City of Hamilton also provides heritage grant and loan programs to assist in the continuing conservation of properties once they are designated.

Inclusion in the municipal Register of Property of Cultural Heritage Value or Interest 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 and removal of any building or structure is prohibited during this time period.

City of Hamilton Official Plan

Section C.6 - Heritage Resources of the former City of Hamilton Official Plan encourages the preservation, maintenance, reconstruction, restoration, and management of property considered to have historic, architectural, or aesthetic value (C.6.1).

Urban Hamilton Official Plan

Section 3.4 - Cultural Heritage Resources Policies of the Council-adopted Urban Hamilton Official Plan (adopted July 9, 2009) states that the City shall “protect and conserve the tangible cultural heritage resources of the City, including archaeological resources, built heritage resources, and cultural heritage landscapes” (3.4.2.1(a)), and “identify cultural heritage resources through a continuing process of inventory, survey, and evaluation, as a basis for the wise management of these resources” (3.4.2.1(b)). The policies also provide that the “City may, by By-law, designate individual and groups of properties of cultural heritage value under Parts IV and V, respectively, of the Ontario Heritage Act” (3.4.2.3). Although the Urban Hamilton Official Plan has not been approved by the Ministry of Municipal Affairs and Housing, and is not in effect, these policies demonstrate Council’s commitment to the identification, protection, and conservation of the cultural heritage resources.

Ainslie Wood Westdale Secondary Plan

Section 6.4.10 (i) of the Ainslie Wood Westdale Secondary Plan states that “properties and areas which are designated under the Ontario Heritage Act, or listed in the City’s Inventory of Archaeological and/or Historical Interest, will be conserved and retained”. Section 6.4.10 (ii) states that “additional properties or heritage conservation districts may be designated or listed under the Ontario Heritage Act, by City Council, under the advice of the Planning and Economic Development Department, and the Municipal Heritage Committee, without the need for amendment to this Secondary Plan. This may include areas which are identified in this Plan as Cultural Heritage Landscapes”. Section 6.4.10 (iii) states that “Cultural Heritage Landscapes will be conserved and protected with the intent of retaining major characteristics”.

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RELEVANT CONSULTATION

This is the initial stage in the consideration of a request for designation under the process approved by Council on October 29, 2008. Typically, a property owner is not consulted in the preparation of this report. Regardless of the Owner's acceptance or objection to designation, Council usually does not have enough information at this point in the process to determine whether it is in the public interest and/or community interest to conserve the property (see Legal Implications). The purpose of this report is to provide staff with appropriate direction and the merits of completing further research and evaluation of the property in order to assemble the information for a later decision by Council. In this instance, staff is of the opinion that no further work be undertaken.

Staff is recommending that the Ainslie Wood/Westdale Community Association of Resident Homeowners Inc., the Hamilton Municipal Heritage Committee, the Hamilton Historical Board, and the Public Works Department (Traffic Engineering), as well as the owners of 10 Ewen Road, 45 Ewen Road, 1579 Main Street West, 1733 Main Street West and 0 Rymal Road West (hydroelectric transmission corridor), receive copies of this report for information.

ANALYSIS / RATIONALE FOR RECOMMENDATION

Former Toronto Hamilton & Buffalo Railway Right-of-way:

The Toronto, Hamilton, and Buffalo (TH&B) Railway was chartered in 1884 as a regional rail network connecting Toronto and the Lake Erie area to Buffalo via Hamilton. In 1895, the TH&B railway purchased lands in West Hamilton and Ancaster for a route that would connect Hamilton and Dundas with the newly purchased Waterford-Brantford line (see Appendix "C" for map of former TH&B railway network). The railway ran west from downtown Hamilton, through what is now the Ainslie Wood/Westdale neighbourhoods and the Dundas Valley, before ascending the Niagara Escarpment at the westerly end of Dundas Valley and crossing the former Township of Ancaster towards Brantford and Waterford. The TH&B’s route took advantage of the relatively shallow grade at the westerly end of the Dundas Valley to ascend the Escarpment.

The railway company provided service to several communities across the Niagara Peninsula and its routes were operated until 1989. Within Hamilton, a number of buildings and structures were constructed along the rail line including:

- The 1933 TH&B rail station and headquarters located at 36 Hunter Street (Designated under Part IV of the Ontario Heritage Act);
- The Hunter Street rail tunnel constructed in 1895;
- The Chatham Street Roundhouse, demolished in the late 1980’s;
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- A series of road bridges at Ray Street (demolished), Locke Street, Dundurn Street, Pearl Street South (pedestrian only) and Poulette Street (demolished);
- The Aberdeen rail station; and,
- The Main Street West rail bridge constructed in the early 1930’s, now a pedestrian bridge only.

After decommissioning the railway from Hamilton to Waterford, lands west of Ewen Road were transferred to the Hamilton Conservation Authority (HCA) and Hydro One. In 1996, the HRCA converted the right-of-way between the Main Street West Rail Bridge and Ewen Road into a multi-purpose rail trail called the Hamilton-Brantford Rail Trail. The trail is part of an inter-regional trail network that connects the City of Hamilton with the City of Cambridge (via Brantford). The right-of-way across the commercial properties is either a dirt trail or has been paved over as part of parking lots.

In 2008, the lands between Rifle Range Road (Fortinos plaza) and Stroud Road were purchased by the City of Hamilton as part of the City’s multi-use recreational trail and cycling route network (Report PW08068/PED08143). The tracks on the westerly portion of the former right-of-way were removed in 2009. This portion of the former right-of-way has been informally used by the community as a recreational trail and community gardens since the discontinuation of rail service.

Between Rifle Range Road and Main Street West, local businesses, Hydro One and the HCA own land parcels that lie along the former TH&B right-of-way. Pedestrian access to the right-of-way still exists through this portion of the rail line. The HRCA portion has been formally developed as a recreational trail (through to Brantford), while pedestrian access across the other properties is informal.

**Preliminary Evaluation - Ontario Regulation 9/06**

In 2006, the Province issued criteria for determining cultural heritage value or interest under the [Ontario Heritage Act](https://www.ontario.ca/page/ontario-heritage-act). The regulation identifies three broad categories of criteria: Design or Physical Value, Historical or Associative Value, and Contextual Value, under which three subsets of criteria are further identified (see Appendix “E”). The following provides a preliminary evaluation using the criteria contained in [Ontario Regulation 9/06 - Criteria for Determining Cultural Heritage Value or Interest](https://www.ontario.ca/page/ontario-regulation-9-06).

1. **Design Value or Physical Value:**

   The description of the physical character of the former right-of-way can be divided into three distinct sections: the westerly section of the right-of-way from the Main Street West rail bridge to Rifle Range Road, the central section of the right-of-way between Rifle Range Road (Fortinos plaza) and Stroud Road, and the easterly section from Stroud Road to Aberdeen Avenue, including the Aberdeen Rail Yard.
West Section

The western portion of the former right-of-way was a single track rail line connecting the Aberdeen Rail Yard to Waterford (via Brantford). In 1989, the rail service to Waterford was discontinued. The railway line in Hamilton was decommissioned between Brantford and Ewen Road. Businesses between Ewen Road and Rifle Range Road continued to use the rail line until 1996. The properties identified in this section of the rail right-of-way are as follows:

- 10 Ewen Road
- 45 Ewen Road
- 1733 Main Street West
- 0 Rymal Road West (hydroelectric transmission corridor)

The integrity of the subject lands as a railway right-of-way has been compromised by the removal of the railway features (steel rail tracks, ties and aggregate) and local redevelopment, but the property can be identified as a former railway right-of-way by its linear form and the alignment follows the route of the former TH&B Railway. At the westernmost portion of the subject lands, a railway bridge from the former right-of-way remains. This steel bridge was constructed circa 1930 to by-pass traffic on Main Street West (Highway 2). The bridge is supported by masonry abutments on either side of Main Street West.

Centre Section

The central portion of the former right-of-way was a single track rail line connecting the Aberdeen Rail Yard to Waterford (via Brantford), with a spur line north to Dundas at Leland Road. The properties identified in this section of the rail right-of-way are as follows:

- 1579 Main Street West
- 1 Railway Street

The rail tracks were in operation from 1895 to 1996. In 2009, the steel rail tracks, ties and aggregate and the road crossing signs (“cross bucks”) were removed between Rifle Range Road and Stroud Road. At the Fortino’s grocery store, the right-of-way is now a parking lot. A pedestrian route was installed north of the right-of-way to by-pass the parking lot and to connect with the existing trail system at Rifle Range Road. Steel rail tracks still remain within the roadway crossing at Leland Street, Emerson Street, Broadway Avenue and Stroud Road. A second set of steel rail track which was used to service a local business on Broadway Avenue lies adjacent to the primary right-of-way on Broadway Avenue. The alignment and the width of the right-of-way through this section remain intact.
The integrity of the property as a railway right-of-way has been compromised by the removal of the railway features, but the property is easily identified as a former railway right-of-way by its linear form and the alignment follows the route of the former TH&B Railway.

**East Section**

The easterly portion of the former right-of-way primarily comprises the Aberdeen Rail Yard. The rail yard has been in operation since 1895 and is still in active use by the Canadian Pacific Railway (CPR). The Aberdeen Rail Yard once contained TH&B Railway's Chatham Street Roundhouse, which served as a storage and repair facility for trains as part of TH&B. The roundhouse was demolished in the mid-1980s.

Staff concludes that the property does not have design or physical value sufficient to satisfy the regulation.

2. **Historical Value or Associative Value:**

The TH&B Railway was chartered in 1884 and began operations after acquiring the track between Waterford and Brantford from the Brantford, Waterloo & Lake Erie Railway in 1892. The TH&B received permission to build their line into downtown Hamilton in 1894 and the Hunter Street tunnel was excavated during the summer and early fall of 1895. A map of the TH&B Railway network is attached in Appendix “C”.

The Canadian Pacific Railway (CPR) and the New York Central Railroad (NYC) bought the TH&B in 1895 and the company was jointly owned for several decades. TH&B lines were never built into Toronto or Buffalo, but the company used the track of its parent companies to provide passenger service to these cities. The first through service between Toronto and Buffalo ran in 1897.

In 1897, the TH&B obtained rights to use the Hamilton and Dundas Railway to provide freight-only service into Dundas, this service was discontinued in 1923.

Although, the TH&B eventually became an all-freight line, much of the railway's early business was providing passenger service. In 1913, over 700,000 passengers rode TH&B trains and there were six trains travelling from Toronto to Buffalo everyday. Passenger service peaked during World War II, but the railway's passenger services gradually ebbed following the conclusion of the War. The primary node for passenger service was the TH&B headquarters on Hunter Street (now known as the Hamilton GO Centre).
In 1970, CPR took over the remaining passenger routes. These routes were later operated by VIA Rail, who terminated all services over former TH&B lines in 1981. Following the discontinuation of the TH&B lines the stretch of track over the former right-of-way remained in operation to serve local industries east of Rifle Range Road and act as an overflow line for the Aberdeen Rail Yard. The use of the tracks ceased completely in the mid-1990s when the Aberdeen Rail Yard changed its function from a marshalling yard to a transfer yard, which resulted in the railway track west of Stroud Road becoming redundant.

The TH&B Railway provided passenger travel linkages between the cities and towns of the Niagara Peninsula and also provided short-range freight service between Hamilton and the outlying industrial areas in Dundas and West Hamilton. The railway was important to the history and development of Hamilton. The former right-of-way is considered to have historical and associative value due its associations to the TH&B and the general development of railways and transportation networks throughout the Niagara Peninsula and Ontario.

The subject lands meet two sub-criteria for Historical or Associative Value as follows:

i. has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community, and;

ii. yields, or has the potential to yield, information that contributes to an understanding of a community or culture.

3. **Contextual Value:**

The portion of the former right-of-way that is east of Stroud Road continues to operate as a rail yard similar to when the TH&B Railway was still in operation. West of Stroud Road, the right-of-way is no longer used for railway purposes and the local community has been using the former right-of-way as a recreational trail and community gardens.

A wide variety of uses surround the former right-of-way. The Aberdeen Rail Yard is surrounded by recreational (Chedoke Golf Course), transportation (Highway 403), and industrial uses. West of Stroud Road, the property is primarily surrounded by residential uses constructed post-WWI. Former industries that were located adjacent to the railway are now converted retail, service and institutional uses. The property is considered to have contextual value.

The subject lands meet one sub-criterion for Contextual Value as follows:
i. is important in defining, maintaining or supporting the character of an area.

Conclusion

Staff concludes that the former TH&B right-of-way does satisfy the Provincial criteria for determining cultural heritage value. It is the opinion of Staff that the important characteristics (e.g. the width, alignment, vegetated edges, etc.) of the former railway right-of-way will be maintained through the City’s ownership and use of the westerly portion of the former right-of-way as a recreational trail. The easterly portion of the former right-of-way remains in active use by Canadian Pacific Rail and retains its character by virtue of this continued use. The City does not appear to have jurisdiction to designate the federally-regulated railway lands or the Crown-owned hydro corridor. Therefore, designation under Part IV of the Ontario Heritage Act is neither necessary nor effective for the appropriate management of this cultural heritage resource.

Staff does not recommend further research and assessment for purposes of possible designation under the Ontario Heritage Act or inclusion of the property on the City’s Register of Property of Cultural Heritage Value or Interest. Staff recommends that the Public Works Department and the Owners of 10 Ewen Road, 45 Ewen Road, 1579 Main Street West, 1733 Main Street West and 0 Rymal Road West (hydroelectric transmission corridor) be advised through this report that the property does possess some cultural heritage value and interest, and that the City should retain ownership of these lands in perpetuity and consider the heritage value of the property in the design and maintenance of the currently planned recreational trail. A City heritage plaque commemorating the TH&B railway exists across from the Hamilton GO Centre (see Appendix “C”).

Work Program Priority

Staff does not recommend that further research and cultural heritage assessment work be completed.

No changes to the current Council-approved work program are recommended (see Appendix “F”).

ALTERNATIVES FOR CONSIDERATION:

Council may direct staff to complete a Cultural Heritage Assessment of the TH&B former right-of-way to determine whether the property is of cultural heritage value and worthy of designation under Part IV of the Ontario Heritage Act and assign this work a priority within staff’s work program. Council may also include the properties in private, municipal and provincial ownership in the Register of Property of Cultural Heritage Value or Interest established under the Ontario Heritage Act. The City has no authority...
to include properties that are federally regulated in the Register. Staff is of the opinion that neither designation of the subject properties nor inclusion in the City’s *Register of Property of Cultural Heritage Value or Interest* is necessary or effective for the appropriate management of this cultural heritage resource.

**CORPORATE STRATEGIC PLAN** (Linkage to Desired End Results)


**Skilled, Innovative & Respectful Organization**

- Council and SMT are recognized for their leadership and integrity.
- Staff comment: The approval of the recommendations of this report demonstrates Council’s commitment to the Council-approved designation process and to existing strategic planning initiatives (including the development of recreational trails and cycling routes).

**Intergovernmental Relationships**

- Maintain effective relationships with other public agencies.
- Staff comment: The approval of the recommendations of this report demonstrates Council’s commitment to conserving cultural heritage resources, as directed by provincial and federal level policies.

**Healthy Community**

- Plan and manage the built environment.
- An engaged Citizenry.
- Staff comment: There is demonstrated public interest in the cultural heritage value of this property and its conservation as a community resource. The community interest in this resource will be accommodated through its use as a recreational trail.
APPENDICES / SCHEDULES

Appendix “A” to Report PED10222 - Request for Designation
Appendix “B” to Report PED10222 - Location Map
Appendix “C” to Report PED10222 - Photographs
Appendix “D” to Report PED10222 - Council Approved Designation Process
Appendix “E” to Report PED10222 - Ontario Regulation 9/06
Appendix “F” to Report PED10222 - Requests to Designate Properties under Part IV of the Ontario Heritage Act: Priorities (as amended by Report PED10169)

:MH/JH
Attachs. (6)
February 5, 2010

Mr. Joseph Muller  
Cultural Heritage Planner  
Community Planning & Design Section  
Planning Division, Planning & Economic Development Department  
City of Hamilton  
77 James St. N., Suite 250  
Hamilton, ON L8N 0A3

Via e-mail: Joseph.Muller@hamilton.ca

Dear Mr. Muller

The Ainslie Wood/Westdale Community Association of Resident Homeowners Inc. is writing to you to request heritage designation of the Rail Trail in West Hamilton under Part IV of the Ontario Heritage Act.

At a meeting with you and Meghan House on Jan. 15, AWWCA board member Janet Woodward and her husband, Malcolm Horsnell, provided you with a disc containing 25 pictures of the main intersections of the trail, looking both east and west. Also on the disc were maps of the area of the trail for which designation is requested—from the east side of the old Chatham Street engine-service terminal to and including the bridge over Highway 2 (Main Street West) that leads to Ancaster.

They also provided you with a brief summary of the history of the TH&B line in West Hamilton by Malcolm Horsnell, which appears on page 32 of the autumn 2009 issue of Neighbourhood News & Views, the newsletter of the AWWCA. You can access this publication at http://media.awwca.ca/site_media/Autumn_09_newsletter.pdf. In the same issue there are articles (pp. 12 and 13) that show the importance of the Rail Trail in the community.

The Rail Trail is well used by walkers and cyclists in all weather and at all times of the year. Through a grassroots community initiative, a cleanup takes place every year around Earth Day.
A report of the seventh annual cleanup is on page 25 at http://media.awwca.ca/site_media/newsletters/Spring2009cColour_mediumResolution.pdf. Also, the Rail Trail is featured in a section of our community website, Laneways and Rail Trail, at http://awwca.ca/stockphoto/laneways/.

Through heritage designation we aim to retain the defined cultural heritage values, which would include:

- The existing right-of-way;
- Community gardens incorporated as part of the adaptive re-use of the rail corridor;
- Gardens (and perhaps community gardens) on the sides of the trail;
- Railway-crossing signs (crossbucks), perhaps similar to those on the trail at Jerseyville, at the sections of the trail where it crosses the north-south streets;
- A history of the rail line with interpretive panels along the trail, recreating the original railway fabric. The recreation could include a sample rail-crossing signal from the area, crossbucks from the area, along with any other interpretations. The tracks still imbedded at Broadway Avenue would be an ideal place for an interpretive panel;
- Public art reflecting the history of the TH&B and its impact on West Hamilton from 1892 to 1987.

We trust this documentation will convince the heritage committee of the importance to the community of the Rail Trail. Please let us know if there is anything further you require.

We look forward to hearing from you in due course.

Sincerely yours,

John Wigle, President
Ainslie Wood/Westdale Community Association of Resident Homeowners Inc.

cc:
Ms. Meghan House, Cultural Heritage Planner, City of Hamilton, Meghan.House@hamilton.ca
Councillor Brian McHattie, bmchattie@hamilton.ca
Map of the Toronto Hamilton and Buffalo Railway network c.1954.

Right-of-way east from Broadway Avenue. Signal lights have been removed since date of picture. (Source: Ainslie Wood/Westdale Community Association of Resident Homeowners Inc.)
Right-of-way west from Leland Street. (Source: Ainslie Wood/Westdale Community Association of Resident Homeowners Inc.)

Right-of-way east from Emerson Street. (Source: Ainslie Wood/Westdale Community Association of Resident Homeowners Inc.)
Right-of-way east from Stroud Road. The Aberdeen Rail Yard can be seen in the background (Source: Ainslie Wood/Westdale Community Association of Resident Homeowners Inc.).

City of Hamilton plaque about the history of the TH&B Railway, located across Hunter Street from the Hamilton GO Station.
ONTARIO HERITAGE ACT

ONTARIO REGULATION 9/06

CRITERIA FOR DETERMINING CULTURAL HERITAGE VALUE OR INTEREST

Criteria

1.(1) The criteria set out in subsection (2) are prescribed for the purposes of clause 29 (1) (a) of the Act. O. Reg. 9/06, s. 1 (1).

(2) A property may be designated under section 29 of the Act if it meets one or more of the following criteria for determining whether it is of cultural heritage value or interest:

1. The property has design value or physical value because it,
   i. is a rare, unique, representative or early example of a style, type, expression, material or construction method,
   ii. displays a high degree of craftsmanship or artistic merit, or
   iii. demonstrates a high degree of technical or scientific achievement.

2. The property has historical value or associative value because it,
   i. has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,
   ii. yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or
   iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.

3. The property has contextual value because it,
   i. is important in defining, maintaining or supporting the character of an area,
   ii. is physically, functionally, visually or historically linked to its surroundings, or
   iii. is a landmark. O. Reg. 9/06, s. 1 (2).
Requests to Designate Properties under Part IV of the **Ontario Heritage Act**: Priorities (as amended by Report PED10169)

<table>
<thead>
<tr>
<th>Year</th>
<th>Property</th>
<th>Date of Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>104 King Street West, Dundas (Dundas Post Office)</td>
<td>24-Sep-09</td>
</tr>
<tr>
<td>2010</td>
<td>71 Claremont Drive, Hamilton</td>
<td>28-May-09</td>
</tr>
<tr>
<td>2010</td>
<td>167 Book Road, Ancaster</td>
<td>24-May-07</td>
</tr>
<tr>
<td>2010</td>
<td>397 King Street West, Dundas (Dundas District High School)</td>
<td>24-May-07</td>
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<tr>
<td>2011</td>
<td>Book Cemetery, Ancaster</td>
<td>16-Dec-04</td>
</tr>
<tr>
<td>2011</td>
<td>82-112 King Street East, Hamilton (Royal Connaught)</td>
<td>09-Apr-08</td>
</tr>
<tr>
<td>2011</td>
<td>52-56 Charlton Avenue West, Hamilton</td>
<td>24-Apr-07</td>
</tr>
<tr>
<td>2011</td>
<td>654 Garth Street, Hamilton (Chedoke House)</td>
<td>28-Jun-07</td>
</tr>
<tr>
<td>2012</td>
<td>91 John Street South, Hamilton</td>
<td>25-Oct-07</td>
</tr>
<tr>
<td>2012</td>
<td>140 Locke Street South, Hamilton</td>
<td>03-Jun-09</td>
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<tr>
<td>2012</td>
<td>9300 Airport Road, Mount Hope (RCAF 447)</td>
<td>22-Nov-07</td>
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<tr>
<td>2012</td>
<td>3027 Homestead Drive, Mount Hope</td>
<td>24-Jan-08</td>
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<tr>
<td>2013</td>
<td>1395-1401 King Street East, Hamilton</td>
<td>04-Aug-09</td>
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<tr>
<td>2013</td>
<td>1062 Golf Club Road, Binbrook (Woodburn)</td>
<td>27-Mar-08</td>
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<tr>
<td>2013</td>
<td>Gage Park, Hamilton</td>
<td>23-Mar-06</td>
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<td>2013</td>
<td>Gore Park, Hamilton</td>
<td>24-Apr-08</td>
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<td>2014</td>
<td>Tisdale House, Ancaster</td>
<td>16-Aug-01</td>
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<td>2014</td>
<td>111 Kenilworth Access, Hamilton (Barton Reservoir)</td>
<td>26-Feb-09</td>
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<td>2014</td>
<td>262 MacNab Street North, Hamilton</td>
<td>18-Dec-08</td>
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<tr>
<td>2014</td>
<td>Desjardins Canal, Dundas</td>
<td>26-Feb-09</td>
</tr>
<tr>
<td>2015</td>
<td>1065 Highway 8, Stoney Creek</td>
<td>27-Aug-09</td>
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</tbody>
</table>