Present: A. French (Chair)  
A. Denham-Robinson (Vice Chair)  
Councillors B. Bratina, M. Pearson  
M. Adkins, A. Charlton, M. Kirk, R. Simpson, S. Stewart-Greene,  
F. Thorp-Neufeld, K. Wakeman, S. Wray and G. Zajac  

Absent with Regrets: Councillor B. McHattie – Funeral  

Also Present: B. Khes, Acting Manager Community Planning and Design  
D. Cuming, Senior Project Manager, Heritage and Urban Design  
J. Muller, Cultural Heritage Planner  
M. House, Cultural Heritage Planner  
L. Pasternak, Senior Solicitor  
F. Thibeault, Assistant Cultural Heritage Planner - Student  
S. Paparella, Legislative Assistant, City Clerk’s Office  

THE FOLLOWING ITEMS WERE REFERRED TO THE ECONOMIC DEVELOPMENT & PLANNING COMMITTEE FOR INFORMATION:  

The meeting was called to Order, and Chair French advised all in attendance that this would be the last Committee meeting for Fred Thibeault, the Cultural Heritage Planning student. On behalf of the of the Hamilton Municipal Heritage Committee, Chair French thanked Fred for all of his work and wished him well in his future studies.  

(a) CHANGES TO THE AGENDA (Item 1)  

There were no changes to the agenda.
(b) DECLARATIONS OF INTEREST (Item 2)

George Zajac declared an interest to the following two items:

(i) Item 8.1 – Council’s reconsideration and rescinding of previous staff direction to undertake a Cultural Heritage Assessment of All Saints Church and Rectory, 15 Queen Street South, and to include it on the Municipal Registry of Properties of Cultural Value or Interest, as one of his clients is involved in the development of the property; and,

(ii) Item 8.2, 245 Garner Road West, Ancaster – Heritage Impact Assessments and Proposed Severances, as the proponent is a client of Mr. Zajac’s employer, the IBI Group.

(c) DELEGATION REQUESTS/DELEGATIONS/PRESENTATIONS (Item 3)

None.

(d) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)

Mr. Adkins advised that the spelling of his name was incorrect on page 5.

(Adkins/Kirk)
That the Minutes of the July 23, 2009 meeting, of the Hamilton Municipal Heritage Committee be approved, as amended.

CARRIED

(e) BUSINESS ARISING FROM THE MINUTES (Item 5)

None.

(f) Council’s Reconsideration and Rescinding of previous staff direction to Undertake a Cultural Heritage Assessment of All Saints Church and Rectory, 15 Queen Street South, and to include it on the Municipal Registry of Properties of Cultural Value or Interest

Chair French asked Committee that, as the Senior Solicitor, Lisa Pasternak, was in attendance to answer questions or provide an overview of Tremblay vs. Lakeshore (Town), 2003 CanLII 6354 (ON S.C.D.C.), could he please have a motion to move Item 8.1 up on the agenda to be addressed, prior to Item 6.1.
That Item 8.1, Council’s reconsideration and rescinding of previous staff direction to undertake a Cultural Heritage Assessment of All Saints Church and Rectory, 15 Queen Street South, and to include it on the Municipal Registry of Properties of Cultural Value or Interest, be moved up on the agenda to be addressed, prior to Item 6.1.

CARRIED

(g) HERITAGE PERMIT APPLICATIONS (Item 6)

(i) Delegated Approvals (Item 6.1):

(aa) Heritage Permit Application (Exterior window sill repairs) 260 MacNab Street North, Hamilton (Ward 2) (Item 6.1.1)

(bb) Heritage Permit Application (Partial approval: Repair of the 1859 suction well and repointing the stone well enclosure and alterations to the site drainage and drain sumps) 900 Woodward Avenue, Hamilton, Hamilton Museum of Steam and Technology, By-law No. 86-310 and By-law No. 84-30 (Ward 4) (Item 6.1.2)

(cc) Heritage Permit Application (Removal of an existing attached garage and the construction of a two-bay attached garage) 335 Lima Court, Ancaster, Harmony Hall, By-law No. 03-047 (Ward 12) (Item 6.1.3)

(dd) Heritage Permit Application (new deck and new fencing construction) 62 Mill Street North, Waterdown (Ward 15) (Item 6.1.4)

(ee) Heritage Permit Application (Replacement of the existing garage door and installation of a fabric awning over the side entrance) 153 St. Clair Avenue, Hamilton, St. Clair Avenue Heritage Conservation District (Ward 3) (Item 6.1.5)

(Adkins/Charlton)
That Items 6.1(a)(i) to 6.1(a)(v) be received.

CARRIED

(ii) Staff Reports/Recommendations (Item 6.2)
None.
(h) HERITAGE PROPERTY DESIGNATIONS (Item 7)

None.

(i) Council’s reconsideration and rescinding of previous staff direction to undertake a Cultural Heritage Assessment of All Saints Church and Rectory, 15 Queen Street South, and to include it on the Municipal Registry of Properties of Cultural Value or Interest (D. Cuming) (Item 8.1)

David Cuming provided an overview of Council’s reconsideration and rescinding of the direction to staff to undertake a Cultural Heritage Assessment of All Saints Church and Rectory, located at 15 Queen Street South, Hamilton. Mr. Cuming's comments included, but were not limited to, the following:

- At its August 13, 2009 meeting, Council reconsidered and rescinded its earlier decision, of July 9, 2009 respecting All Saints Church and Rectory. As a result the property is now to be removed from the registry.

- Section 27 of the Ontario Heritage Act, states that “Where the council of a municipality has appointed a municipal heritage committee, the council shall, before including a property that has not been designated under this Part in the register under subsection (1.2) or removing the reference to such a property from the register, consult with its municipal heritage committee.

Staff advised that placing this item on the committee agenda for its consideration should be considered as “consultation”. However, Section 27 of the Act does not require that municipal heritage committees report to Council on such matters.

Ms. Pasternak commented; echoing Mr. Cuming's comments that the Act is fairly vague and does not provide clarification with respect to the consultation process.

It was also clarified that the property is still on the register.

Councillor B. Bratina addressed Committee. The Councillor’s comments included, but were not limited to, the following:
• It was suggested that the Hamilton Municipal Heritage Committee prepare a list of priorities from the 7,000 properties currently listed on the register.

• The Arch Diocese of Niagara was anxious to have Council’s original decision rescinded as they, as well as the congregation, feel the building is no longer safe, and do not wish to keep the building.

Kathy Wakeman advised Committee that a prioritized list for the Stoney Creek area’s designated properties has been prepared. She will provide it to Committee for the next meeting.

Councillor M. Pearson provided comments that included, but were not limited to, the following:

• Councillor Pearson thanked Councillor Bratina for all of his hard work with the Diocese and congregation.

• She had personally visited the church herself and observed that the building is in bad condition.

• The congregation no longer holds its services at All Saints Church as they no longer feel is safe to do so.

• In 1999, the church tower came down due to a hurricane.

• There was a large turnout of both the congregation and Diocese at the August 13, 2009 meeting of Council in support of Council’s decision to rescind its original decision.

D. Cuming advised that he and the Director of Planning had met with the proponent last week (week of August 17th) to discuss this matter and advised that the proponent should have proceeded by submitting a Heritage Impact Assessment Study and an Engineer’s report respecting the structural integrity of the building.

Various members of the Committee feel that the consultation process needs to be reviewed and improved consultation processes and procedures put into place to avoid similar situations in the future.
It was suggested that the Development Planning process should be the trigger for determining whether or not consultation should occur with the Hamilton Municipal Heritage Committee.

Staff does possess some discretion with respect to development on heritage properties. Should it be a minor development, staff may provide a permit without consultation with the MHC. However, if major development is to occur, a Heritage Assessment Study would be required as would consultation with the Committee.

Committee requested that Lisa Pasternak provide an overview of Tremblay v. Lakeshore (Town). Mrs. Pasternak’s comments included, but were not limited to, the following:

- In 2003 Divisional Court heard the matter of Tremblay v. Lakeshore (Town). The Roman Catholic Diocese wanted to demolish the Church. However, the parishioners wanted to save the church and have it designated. The Town took the position that it could not entertain a request without the consent of the Diocese (which owned the property).

- The parishioners took the matter before judicial review asking that the court order the matter be referred back to the Town for consideration of the issue of heritage designation.

- In 2007, the Conservation Review Board recommended designation of the property.

(Kirk/Bratina)

(a) That correspondence illustrating Council’s reconsideration and rescinding of previous staff direction to undertake a Cultural Heritage Assessment of All Saints Church and Rectory, 15 Queen Street South, and to include it on the Municipal Registry of Properties of Cultural Value or Interest, be received.

(b) That the following items be added to the October agenda of the Hamilton Municipal Heritage Committee:

(i) Process for triggering a Heritage Impact Assessment and review by the Hamilton Municipal Heritage Committee.

(ii) Creation of a Priority List for Hamilton’s designated properties, areas and landscapes.  

CARRIED
(j) 245 Garner Road West, Ancaster – Heritage Impact Assessments and Proposed Severances (Meghan House – Verbal) (Item 8.2)

Meghan House provided a verbal update respecting the application for severances for the property located at 245 Garner Road West, Ancaster, known as the Marshall House. Ms. House’s comments included, but were not limited to, the following:

- The applicants have revised their severance plan to have the two new lots oriented one behind the other, with one shared driveway for all lots.

- The applicants have also indicated that they will be taking this to the September 17, 2009 Committee of Adjustment meeting, despite staff’s recommendation, which will be for denial, based on the inadequacy of the Heritage Impact Assessment.

- The Heritage Impact Assessment, for the previous lot configuration, was received by the Hamilton Municipal Heritage Committee, the Heritage Permit Review Sub-committee and the Policy and Design Sub-committee, and has not been revised to reflect the new lot configuration.

- The Hamilton Municipal Heritage Committee’s perspective that the Heritage Impact Assessment is inadequate and does not support the severances will be conveyed to the Committee of Adjustment through staff’s comments.

(Pearson/Bratina)
That the verbal update respecting 245 Garner Road West, Ancaster – Heritage Impact Assessments and Proposed Severances, be received.

CARRIED

(k) Buildings and Landscapes

(a) Endangered Buildings and Landscapes:

(i) Treble Hall, 6-12 John Street North, Hamilton (L) – Councillor B. McHattie

No update.
(ii) **Lister Block, 28-44 James Street North, Hamilton (D) – Councillor B. McHattie**

Chair French noted that he had sent a message to Councillor McHattie respecting the possible removal of the Lister Block from the Endangered Buildings and Landscapes list. However, as Councillor McHattie is currently away from the office, he has not yet heard back.

(iii) **Auchmar, 88 Fennell Avenue West, Hamilton (D) – G. Zajac**

G. Zajac advised Committee that he noticed cars parked out front and a portable washroom on the site.

Staff advised that there is some ongoing work as well as a Heritage Impact Assessment being performed on the property.

(iv) **Auchmar Gate House, 71 Claremont Drive, Hamilton (L)(R) – M. Adkins**

Report PED09212 – Request to Designate 71 Claremont Drive, Hamilton (Known as “Claremont Lodge” or the “Auchmar Gatehouse”) Under Part IV of the *Ontario Heritage Act* was provided to Committee for information.

(v) **St. Marks, 120 Bay Street South, Hamilton (D) – S. Stewart-Greene**

No update.

(vi) **Tivoli, 108 James Street North, Hamilton (D) – Councillor B. McHattie**

The Federal Government has initiated a Cultural Stimulus Program, and an application has been submitted for the Tivoli for approximately $10 million dollars.

(vii) **Book House, 167 Book Road East, Ancaster (L) – A. Charlton**

No update.
(viii) The Royal Connaught Hotel, 112 King Street East, Hamilton (L) – M. Adkins

M. Adkins advised Committee that there is a movie shoot taking place in front of the Connaught and the front of the building is currently draped with drop sheets.

Councillor Bratina stated that there is approved funding to transition the Connaught Hotel into a residential project. The owners are interested in housing.

(ix) Andrew Sloss House, 372 Butter Road West, Ancaster (D) – A. Charlton

No update.

(x) 46 - 52 James Street North, Hamilton (D) – S. Stewart-Greene

No update.

(xi) All Saints Church, 15 Queen Street South, Hamilton (L) – A. Charlton

(Pearson/Bratina)

That All Saints Church, located at 15 Queen Street South, Hamilton be removed from the Endangered Buildings and Landscapes list.

CARRIED

(b) Buildings and Landscapes of Concern

(i) Federal Building, 150 Main Street West (L) – M. Adkins

M. Adkins updated Committee, advising that a good job has been done on the Federal building with respect to graffiti clean up. The building has been painted – with graffiti resistant paint to help prevent further damage.

Another set of drawings has been done illustrating affordable housing on the Main Street side, and higher end housing on the George Street side. The owner is ready to go ahead with the residential project on the building.
(ii) Desjardins Canal, Dundas, Hamilton - F. Thorp-Neufeld
No update.

(iii) Dundas Post Office, Dundas (L) – F. Thorp-Neufeld
This property will be going up for sale in 2009/2010

(iv) Old Lyric Theatre, 14 Mary Street, Hamilton (D) – R. Simpson
The graffiti has been painted over on the building, and the entire building has been painted from the ground to about 10 feet up.

(v) 795 Old Highway 8, the former Rockton Hotel Livery Stable (L) – S. Wray
S. Wray informed Committee that Real Estate Section staff advised that the property has been conditionally sold. The sale should be final in 2010 and heritage conservation easement agreement will be required as a condition of the sale.

(Wray-Thorpe-Neufeld)
That 795 Old Highway 8, the former Rockton Hotel Livery Stable be removed from the Buildings and Landscapes of Concern list.

CARRIED

(vi) East End (Barton) Reservoir – M. Adkins
No update.

(I) GENERAL INFORMATION

(a) Heritage Conservation Study, University of Waterloo (Item 10.1)
For their information, Committee was provided with a copy of the Heritage Conservation Study from the University of Waterloo.

(b) Education and Communication Sub-Committee – Update on Heritage Bookmarks (A. Denham-Robinson – Verbal) (Item 10.2)
A. Denham-Robinson informed Committee that the Education and Communication Sub-committee was working on a proposal respecting
heritage bookmarks, and that a report would be brought forward to Committee in September 2009.

(c) West Avenue School (Item 10.3)

Councillor Bratina advised that West Avenue School will be used for a residential project, which will receive City funding to support the project.

(d) Mark Preece House (Item 10.4)

Despite the fire, the Mark Preece house is moving forward.

(Adkins/Charlton)
That Items 10.1 through 10.4 be received

CARRIED

(e) Smith Family Cemetery

K. Wakeman shared some good news with Committee; informing them that a plaque was going to be placed at the Smith Family Cemetery (Garner and Upper James), and that City staff were going to place the seven (7) original headstones back at the cemetery in time for the unveiling of the plaque.

(m) ADJOURNMENT

(Pearson/Stewart-Greene)
That there being no further business, the Hamilton Municipal Heritage Committee meeting be adjourned at 1:00 p.m.

CARRIED

Respectfully submitted,

Art French, Chair
Hamilton Municipal Heritage Committee

Stephanie Paparella
Legislative Assistant,
City Clerk’s Office
August 27, 2009