

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Development and Real Estate Division

Report to: Chair and Members Planning & Economic Development Committee	Submitted by: Lee Ann Coveyduck General Manager Planning and Economic Development Department
Date: October 31, 2005	Prepared by: David Cuming (905) 546-2424, Ext. 1215

SUBJECT: National Recognition of the Auchmar Estate (88 Fennell Avenue West, Hamilton) by the Historic Sites and Monuments Board of Canada (PED05191) (Ward 8)

RECOMMENDATION:

That staff be directed to request that the Historic Sites and Monuments Board of Canada re-evaluate the heritage status of the Auchmar Estate, 88 Fennell Avenue West, Hamilton, with respect to its potential cultural heritage value as a property of national interest.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

EXECUTIVE SUMMARY:

At its meeting on May 11, 2005, Council received correspondence from Ms. Eileen Butson, President of Auchmar Millennium Fund, respecting designation of the Auchmar Estate (88 Fennell Avenue West) as a National Heritage Site. Council directed this matter to the Municipal Heritage Committee for comment and subsequent report to the Planning and Economic Development Committee. Auchmar is currently designated under Part IV of the Ontario Heritage Act and protected by an Ontario Heritage Trust (formerly the Ontario Heritage Foundation) heritage conservation easement.

Responsibility for “designation” of national historic sites rests with the Minister of Canadian Heritage. The Minister is advised on national site recognition by the Historic Sites and Monuments Board of Canada (HSMBC). HSMBC carries out a formal evaluation of submitted requests and subsequently advises the Minister on the national historic importance of places, people and events. Federal “designation” is an honorific

SUBJECT: National Recognition of the Auchmar Estate (88 Fennell Avenue West, Hamilton) by the Historic Sites and Monuments Board of Canada (PED05191) (Ward 8) - Page 2 of 6

notation of commemoration and does not carry any actual powers of protection. National recognition by the Minister may have financial implications for Federal cost-sharing programs for conservation.

Staff is of the opinion that the main house, carriage house, dovecote, substantial estate walls, carriageways, walled garden and probable subsurface archaeological remains of planting beds of the Auchmar Estate, remain as an important ensemble of features. Together the intact group of buildings and features are of sufficient rarity and value to warrant re-examination for national heritage recognition.

BACKGROUND:

The HSMBC has been requested to consider the national status of Auchmar on two previous occasions: once for the historical value of the main house (1989) and more recently (2001) for the heritage value of the Estate's entire 3.88 hectares (9.6 acres) landscape.

In 1989 the HSMBC considered a request for national recognition of the main house alone, separate from the larger estate. The request was denied with the HSMBC opining that:

“it is not a sufficiently compelling example, both in extent and degree, of the Gothic Revival style that would qualify it as of national historical significance. Rather it is an example of a fine local and regional heritage resource that merits conservation and preservation.”

In 2001 the HSMBC declined once again to recognize the property as being of national interest and remained concerned about two key issues: the high degree of uncertainty about the future integrity of the Estate, and the extent of past transformations that involved a loss of many of the important features normally found in a Picturesque Landscape.

In both instances, while supportive of the conservation of a cultural heritage resource, the HSMBC declined to afford Auchmar any national recognition.

At its meeting on May 11, 2005, Council received correspondence from Ms. Eileen Butson, President of Auchmar Millennium Fund, respecting designation of the Auchmar Estate (see location map attached as Appendix A to Report PED05191) as a National Heritage Site. Council directed that the correspondence be forwarded to the Municipal Heritage Committee for comment and report to the Planning and Economic Development Committee.

ANALYSIS/RATIONALE:

The HSMBC is the agency responsible for advising on national heritage sites. The HSMBC formally advises the Minister of Canadian Heritage on the national historic importance of places, people and events and subsequent designation by the Minister.

SUBJECT: National Recognition of the Auchmar Estate (88 Fennell Avenue West, Hamilton) by the Historic Sites and Monuments Board of Canada (PED05191) (Ward 8) - Page 3 of 6

Federal “designation” is an honorific notation of commemoration and does not carry any powers of protection. National recognition by the Minister, however, may have financial implications for Federal cost-sharing programs for conservation. Auchmar is currently designated under Part IV of the Ontario Heritage Act and protected by an Ontario Heritage Trust (formerly the Ontario Heritage Foundation) heritage conservation easement.

The issue of national recognition of the subject property is not new. In August, 2001 the HSMBC advised the City of Hamilton that in response to the request made by the former City of Hamilton for national recognition of the Auchmar Estate that it did not recommend designation of the property as a national historic site. The Board, in 1989, also considered a request for national recognition of the main house alone, separate from the larger estate that was also denied. The Board was of the opinion that it was not a sufficiently compelling example of the Gothic Revival style to warrant recognition as being of national historical significance.

The excerpts from the HSMBC proceedings of the June 2000 meeting clearly reaffirm the Board’s previous position that the main house of the Auchmar Estate is of local or regional interest as an example of the Gothic Revival style. City staff agrees with this conclusion.

In reviewing the proceeding’s excerpts, however, it appears that the HSMBC remained concerned about two issues relating to the entire Auchmar Estate:

- the high degree of uncertainty about the future integrity of the Estate.
- the extent of past transformations, namely “a loss of many of the important features normally found in a landscapes site representative of the Picturesque Movement”.

In requesting reconsideration by the Board of the property’s value in a national context, staff suggests that these two pivotal items be reconsidered by the HSMBC in the context of the following:

Uncertainty: The HSMBC considered that there were a number of unresolved questions which individually and collectively caused a high degree of uncertainty with respect to the future integrity of the site. At the time of the submission there were ongoing negotiations with respect to severance of a 1.46 hectare (3.6 acre) parcel containing the key heritage structures. There is, however, substantial legal protection afforded to the subject property. Protection is vested in two separate instruments. The former City of Hamilton, prior to municipal amalgamation in 2001, designated this property under Part IV of the Ontario Heritage Act. The Reasons for Designation attached to By-law 00-037 that are registered on title to the property clearly identify the numerous heritage attributes of the property, including the many built heritage and cultural heritage landscape features. Designation runs with title to the property regardless of ownership and any alterations or additions that affect the Reasons for Designation require a heritage permit to be issued by Council. Such permits may be approved, approved with conditions or refused.

SUBJECT: National Recognition of the Auchmar Estate (88 Fennell Avenue West, Hamilton) by the Historic Sites and Monuments Board of Canada (PED05191) (Ward 8) - Page 4 of 6

The excerpt from the Board's June 2000 proceedings may have confused designation under Part IV of the Ontario Heritage Act with a heritage conservation easement. On March 9, 2001, a heritage conservation easement agreement, between the Corporation of the City of Hamilton and the Ontario Heritage Foundation was registered on title to the Auchmar property (Instrument No. WE27355). The easement agreement generally sought to conserve the cultural heritage landscape, all heritage buildings and structures (omitting the 1960 Holy Spirit Retreat Centre) and certain interior elements of the Manor House.

While City staff cannot speak for the Ontario Heritage Trust, the easement holder, the intent of the City in negotiating the conservation easement was very clearly to protect and conserve the entire 3.88 hectare estate. At the present time the City has been renting out the property to a film company with received revenues being assigned by the City for maintenance and upkeep of building fabric. Accordingly, it is believed that there are adequate protective measures (designation by the City and a heritage conservation easement held by a third party) in place to ensure the long term conservation of this property, regardless of ownership, thus removing possible doubt as to the matter of "uncertainty".

Past transformations: The very nature of landscapes and their dynamic environment that distinguishes them from relatively static, individual component features, (particularly buildings and structures), are the inevitable maturation, decay, losses and additions that occur from their creation to the present-day. For example, the Dundurn Castle Estate and grounds are a nationally recognized landscape and its cultural landscape attributes are comparable to those of Auchmar. The "Picturesque" landscape of Dundurn recognized by the HSMBC was clearly undertaken in the knowledge that many features of the landscape had been either lost (e.g., former pathways, tree plantings, *Inchbuie*, the MacNab family burial plot, the kitchen garden, etc.); or altered, (e.g., the relocation of the former Battery Lodge, together with a number of past intrusions including parking lots, a pavilion, now removed as part of the kitchen garden restoration, former gun emplacements and so on).

Accordingly, staff is of the opinion that the main house, carriage house, dovecote, substantial estate walls, carriageways, walled garden and probable subsurface archaeological remains of planting beds of the Auchmar Estate, are an important ensemble of features. Together the intact group of buildings and features are of sufficient rarity and value to warrant re-examination for national heritage recognition.

Staff considers that the re-assessment of the entire Estate by the HSMBC, now without the issue of "uncertainty" clouding evaluation (this is not a stated criterion of the formal Federal evaluation process), is warranted. While carrying no formal weight, successful national recognition would add to the City's portfolio of properties of national interest and the resulting community pride, interest and attractiveness to visitors and tourists.

Accordingly, staff considers that this course of action is preferable to the alternative discussed in the following section.

SUBJECT: National Recognition of the Auchmar Estate (88 Fennell Avenue West, Hamilton) by the Historic Sites and Monuments Board of Canada (PED05191) (Ward 8) - Page 5 of 6

ALTERNATIVES FOR CONSIDERATION:

Alternative: Take no action

The HSMBC has on two previous occasions advised of its opinion on Auchmar. Staff agrees with the assessment of the Gothic Revival main house but questions the conclusions of the assessment of the entire Estate. Regardless, the property is protected by a heritage conservation easement and Part IV designation. For all practical and meaningful purposes the appropriate management tools are in place to conserve the property.

Federal "Designation" is an honorific notation of commemoration and does not carry any specific powers of protection. Taking no action with respect to national recognition should not result in the loss or attrition of the heritage values of the property.

Taking no action, however, may reflect poorly on the City of Hamilton in not availing itself of a final opportunity to add to the City's profile of properties of national interest and enhance community pride, interest and attractiveness to visitors and tourists.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial: National recognition by the HSMB and Minister enables property owners to participate in Federal cost-share programs for restoration and conservation works associated with national heritage sites. The City has taken advantage of such funding for work on Dundurn Castle and the Hamilton Museum of Steam and Technology.

Staffing: None.

Legal: None.

POLICIES AFFECTING PROPOSAL:

The former City of Hamilton's Official Plan policies provide for the management and conservation of local heritage resources. This request to HSMBC would be in keeping with those policies.

RELEVANT CONSULTATION:

This matter was considered by the Hamilton LACAC (Municipal Heritage Committee) at its meeting of October 27, 2005 together with an accompanying staff report. Following discussion, Committee members recommended approval of the staff recommendation contained in the report which is now advised as the key recommendation in this report PED05191.

SUBJECT: National Recognition of the Auchmar Estate (88 Fennell Avenue West, Hamilton) by the Historic Sites and Monuments Board of Canada (PED05191) (Ward 8) - Page 6 of 6

CITY STRATEGIC COMMITMENT:

By evaluating the “**Triple Bottom Line**”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. **Yes** **No**
Arts, culture, archaeological and cultural heritage are supported and enhanced.

Environmental Well-Being is enhanced. **Yes** **No**
Human health and safety are protected.

The sense of continuity and familiarity with the past provided by heritage buildings contributes to emotional well-being in human mental health.

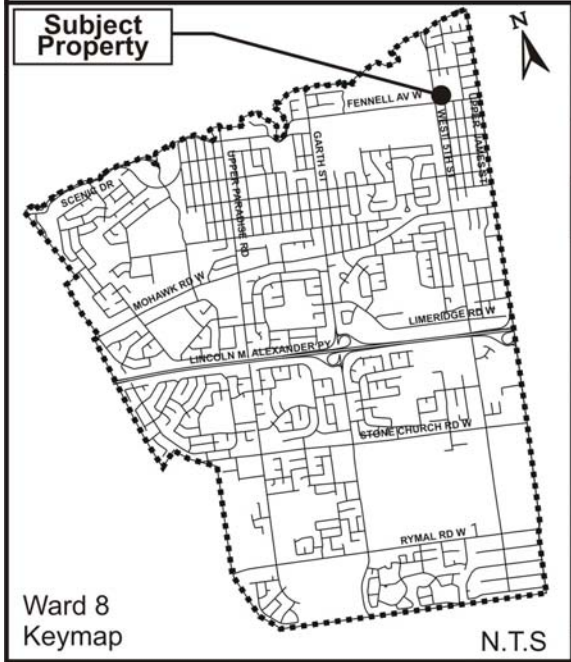
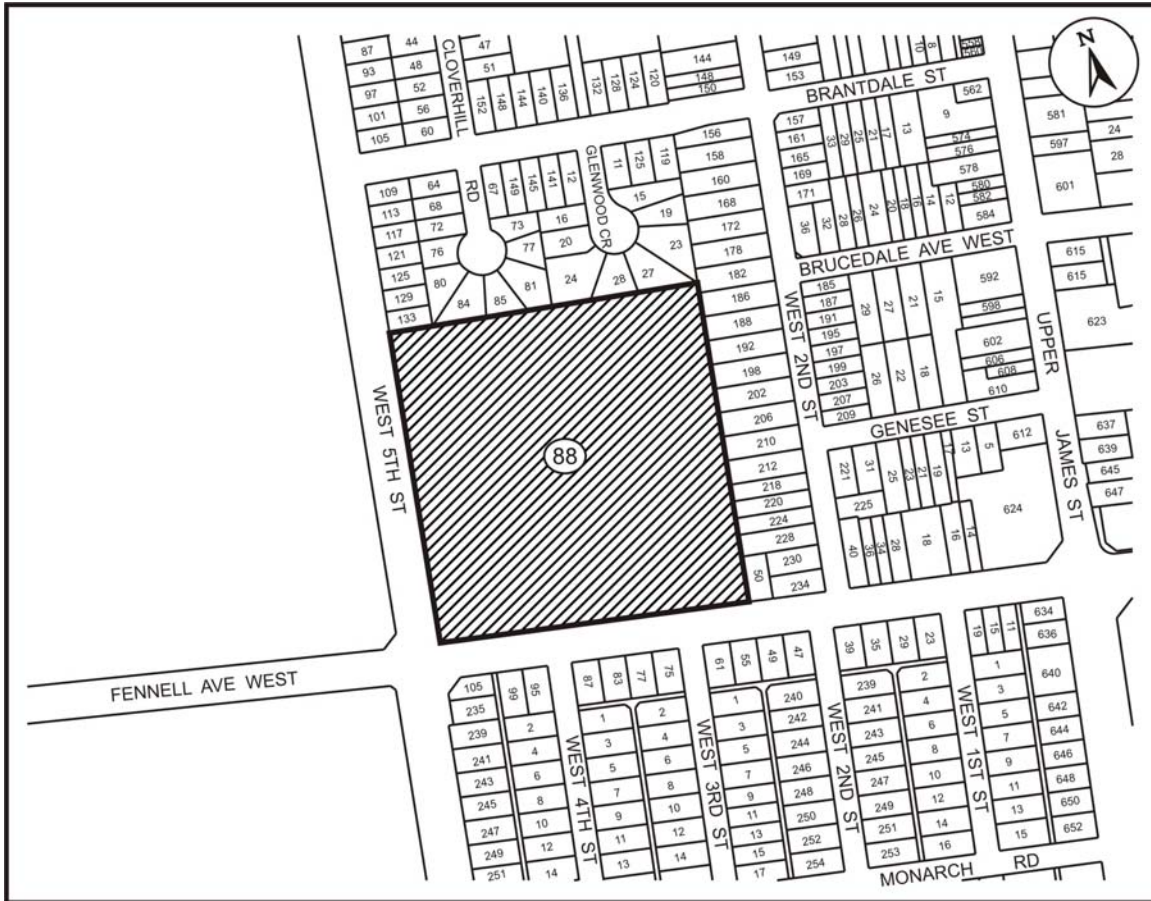
Economic Well-Being is enhanced. **Yes** **No**
Hamilton's high-quality environmental amenities are maintained and enhanced.

As part of the Hamilton's built and natural environment, Auchmar comprises a component of the heritage environment that contributes to overall environmental amenity. Its recognition in a national context contributes to a higher quality amenity value.

Does the option you are recommending create value across all three bottom lines?
 Yes **No**

Do the options you are recommending make Hamilton a City of choice for high performance public servants? **Yes** **No**
The recommended option attests to the City's desire to set a high standard in attempting to maximize opportunities to promote its programme of, and achievements in, heritage conservation.


:DC
Attach. (1)



Planning and Economic Development Department
Hamilton

Location Map

File Name/Number: 88 Fennell Ave W	Date: July 14, 2005
Appendix "A"	Scale: N.T.S
	Planner/Technician: DC/MZ

 Subject Property

T&C File Name: N:\1T&c\Location_Maps\2005July\Corel\88 Fennell Ave W.cdr