

Authority: Item 12, Planning Committee Report 24-010 (PED24077(a))
CM: July 12, 2024 Ward: 2
Written approval for this by-law was given by Mayoral Decision MDE-2024-16
Dated July 12, 2024

Bill No. 126

CITY OF HAMILTON

BY-LAW NO. 24-126

Being a By-law to Allow the City to Enter into a Heritage Covenant or Easement Agreement with the Owner of the Lands municipally known as 84 York Boulevard in the City of Hamilton for Conservation of Heritage Attributes of a Structure known as Philpott Church

WHEREAS section 37(1) of the *Ontario Heritage Act* allows council of a municipality to pass a by-law providing for the entering into of easements or covenants with owners of real property for the conservation of property of cultural heritage value or interest;

AND WHEREAS there is a house located on land municipally known as 84 York Boulevard in the city of Hamilton and more fully described on Schedule A hereto containing a structure known as Philpott Church (the "Property");

AND WHEREAS Council and the owner of the Property recognize that Philpott Church is a structure containing heritage attributes of cultural heritage value or interest;

AND WHEREAS the Hamilton Municipal Heritage Committee was consulted at its meeting on January 26, 2024 and its recommendation was shared with Council;

AND WHEREAS Council and the owner of the Property wish to conserve certain heritage attributes of Philpott Church;

NOW THEREFORE the Council of City of Hamilton enacts as follows:

1. That the General Manager of Economic Development be authorized to negotiate and execute a heritage covenant or easement agreement satisfactory to the City Solicitor with the owner of the Property on which Philpott Church is presently situated to provide for maintenance and conservation of certain heritage attributes of Philpott Church and authorize and direct staff to take such steps as may be necessary to register the heritage covenant or easement agreement against the real property affected.

SEVERABILITY

2. Should any section of this By-law be declared by a Court of competent jurisdiction to be ultra vires or illegal for any reason, the remaining parts shall nevertheless remain valid and binding, and shall be read as if the offending section or part had been struck out.

EFFECTIVE DATE

3. The provisions of this By-law shall become effective on the date approved by City Council.

PASSED this 12th day of July, 2024

A. Horwath
Mayor

M. Trennum
City Clerk

SCHEDULE "A"

PROPERTY DESCRIPTION

**84 York Boulevard
Hamilton, Ontario**

PIN: 17586-0075 (LT)

Legal Description:

PT BLK 13 PL 39 PT 1, 2, 3 62R12184 & AS IN VM147689; CITY OF HAMILTON