

Authority: Item 7(a), Planning Committee Report 24-015 (PED24169)
CM: October 23, 2024 Ward: 15
Written approval for this by-law was given by Mayoral Decision MDE-2025-01
Dated January 22, 2025

Bill No. 004

CITY OF HAMILTON

BY-LAW NO. 25-004

To Designate Property Located at 265 Mill Street South, Flamborough, City of Hamilton as Property of Cultural Heritage Value

WHEREAS section 29 of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18 authorizes Council of the municipality to enact by-laws to designate property, including all buildings and structures thereon, to be of cultural heritage value or interest;

AND WHEREAS Council of the City of Hamilton has received and considered the recommendations of its Hamilton Municipal Heritage Committee pertaining to this by-law, arising from the meeting of the Hamilton Municipal Heritage Committee held on September 27, 2024;

AND WHEREAS the Council of the City of Hamilton, at its meeting held on October 23, 2024, resolved to direct the City Clerk to take appropriate action to designate the Property described as 265 Mill Street South, Flamborough in the City of Hamilton, and more particularly described in Schedule "A" hereto (the "Property"), as property of cultural heritage value or interest, which resolution was confirmed by By-law No. 24-192;

AND WHEREAS in accordance with subsection 29(3) of the *Ontario Heritage Act*, Council of the City of Hamilton has caused to be served on the owner of the Property and upon the Ontario Heritage Trust, a Notice of Intention to Designate the Property as being of cultural heritage value or interest, and has caused a Notice of Intention to Designate to be published in a newspaper having general circulation in the municipality, a copy of which is attached hereto as Schedule "B";

AND WHEREAS no Notice of Objection to the proposed designation under section 29(5) of the *Ontario Heritage Act* has been served upon the Clerk of the municipality;

AND WHEREAS Council has decided to designate the Property in accordance with section 29(8) of the *Ontario Heritage Act*;

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

1. A statement explaining the cultural heritage value or interest of the Property, and a description of the heritage attributes of the Property are set out in Schedule "C" hereto.

2. The Property, together with its heritage attributes listed in Schedule “C” hereto, is hereby designated as property of cultural heritage value or interest.
3. The City Clerk is hereby authorized and directed,
 - a. to cause a copy of this By-law, together with the statement of cultural heritage value or interest and description of heritage attributes of the Property, to be served on the Ontario Heritage Trust, the owner of the Property, and any person who served an objection to the Notice of Intention to Designate, by a method permitted by the *Ontario Heritage Act*; and,
 - b. to publish a notice of passing of this By-law in a newspaper having general circulation in the City of Hamilton. Once this By-law comes into force and effect in accordance with the applicable provisions of the *Ontario Heritage Act*, the City Solicitor is hereby authorized and directed to cause a copy of this By-law, together with its Schedules, to be registered against the whole of the Property described in Schedule “A” hereto in the proper registry office.

PASSED this 22nd day of January, 2025.

A. Horwath
Mayor

M. Trennum
City Clerk

To Designate Property Located at 265 Mill Street South, Flamborough, City of Hamilton as Property of Cultural Heritage Value

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Schedule "A"

To

By-law No. 25-004

**265 Mill Street South, Flamborough
Hamilton, Ontario**

PIN: 17501-0807 (LT)

Legal Description:

PART LOT 4 PLAN M11 PARTS 6 & 7 62R334 EXCEPT PART 1 62R20948 & PART 3 62R20779; FLAMBOROUGH; CITY OF HAMILTON

Schedule "B"
To
By-law No. 25-004

**265 Mill Street South, Flamborough
Hamilton, Ontario**

**Notice of Intention to Designate
265 Mill Street South, Flamborough (Braebourne)**

The City of Hamilton intends to designate 265 Mill Street South, Flamborough, under Section 29 of the *Ontario Heritage Act*, as being a property of cultural heritage value.

Statement of Cultural Heritage Value or Interest

The property at 265 Mill Street South, Flamborough is a representative example of the residential Neoclassical architectural style which displays a high degree of artistry through the wooden surrounds with pilasters, paneling and carved brackets on the Venetian window, and the interior staircase.

The property is associated with prominent industrialists, including John (1797-1868) and Lockman Cummer (1827-1907); Lieutenant-Governor Sir William Pearce Howland (1811-1907); Robert Livingston Innes (1872-1935); and Francis Farwell (1894-1966). Contextually, this property is important in defining the historic former industrial character of Smokey Hollow and is visually, historically, and physically linked to its surroundings.

The Statement of Cultural Heritage Value or Interest, Description of Heritage Attributes and supporting Cultural Heritage Assessment may be found online via www.hamilton.ca or viewed at the Office of the City Clerk, 71 Main Street West, 1st Floor, Hamilton, Ontario, L8P 4Y5, during regular business hours.

Any person may, within 30 days after the date of the publication of the Notice, serve written notice of their objections to the proposed designation, together with a statement for the objection and relevant facts, on the City Clerk at the Office of the City Clerk.

Dated at Hamilton, this 8th day of November, 2024.



Matthew Trennum
City Clerk
Hamilton, Ontario

CONTACT: Scott Dickinson, Heritage Planning Technician,
E-mail: Scott.Dickinson@hamilton.ca

www.hamilton.ca/heritageplanning



Schedule “C”

To

By-law No. 25-004

**265 Mill Street South, Flamborough
Hamilton, Ontario**

**STATEMENT OF CULTURAL HERITAGE VALUE OR INTEREST, AND
DESCRIPTION OF HERITAGE ATTRIBUTES**

Description of Property

The 2.0-hectare property municipally addressed as 265 Mill Street South is comprised of a two-storey stone dwelling constructed in 1846, historically known as Braebourne and the Cummer House. It is located on the northeast corner of the intersection of Mill Street South and Mountain Brow Road, in the former Township of East Flamborough, in the Village of Waterdown in the City of Hamilton.

Statement of Cultural Heritage Value or Interest

The cultural heritage value of the property lies in its design value as a representative example of the residential Neoclassical architectural style, as demonstrated by the symmetrical front elevation, hip roof with projecting eaves, second storey Venetian window and central entrance with sidelights and wooden surround. The property also displays a high degree of artistry through the wooden surrounds with pilasters, paneling and carved brackets on the Venetian window and central entrance, and the interior staircase.

The historical value of the property lies in its association with several prominent industrialists and businesspeople, including mill-owner John Cummer (1797-1868) and his son Lockman (1827-1907); wealthy banker and politician Lieutenant-Governor Sir William Pearce Howland (1811-1907); Hamilton industrialist Robert Livingston Innes (1872-1935); and bus-line owner Francis Farwell (1894-1966).

Contextually, this property is important in defining the historic former industrial character of the surrounding area, known as Smokey Hollow. This mill-owner's house acts as a physical reminder of the many mills and industries which once lined Grindstone Creek and Smokey Hollow. It is visually, historically, and physically linked to its surroundings, being on its original location overlooking Smokey Hollow and close to the location of the Waterdown Flouring Mill.

Description of Heritage Attributes

Key attributes that embody the physical value of the property as being a representative example of residential Neoclassical architecture and in demonstrating a high degree of artisanship, and the historical value for its association with John Cummer and other prominent former owners, include the:

- Front (south) and side (west) elevations and roofline of the two-storey 1846 stone building, including its:
 - Brick chimney;
 - Hip roof with projecting eaves and moulded cornice and brick chimney to the west;
 - Symmetrical three-bay front elevation;
 - Rough cut, rubble-stone walls;
 - Venetian window with wooden surround with pilasters and brackets supporting moulded cornice;
 - Six-over-six hung windows with working shutters;
 - Stone voussoirs and tooled stone lug sills on window and door openings;
 - Paneled wooden front door flanked by sidelights and wooden surround with wooden paneling, pilasters and brackets supporting moulded cornice; and,
 - Stone foundation.
- One-storey sunroom side wing to the west, including its:
 - Flat roof;
 - Six-over-nine hung wood windows; and,
 - Wooden shingle siding.
- Front (south) elevation of the stone first storey side wing to the east, including its six-over-six hung wood windows with stone voussoirs and lug sills.
- Interior features of the centre hallways to the first and second floor, including:
 - Wooden baseboards; and,
 - Central Quarter-sawn American white oak staircase.

The detached accessory structures and the modern covered driveway and glass-in addition are not considered to be heritage attributes.

Key attributes that embody the contextual value of the property as a defining feature of the historical character of Waterdown and the nearby Smokey Hollow include its:

- Location on raised topography at the top of Mill Street South overlooking Smokey Hollow; and,
- Deep setback from Mountain Brow Road with lawns sweeping down to public right-of-way.