

## Report to Council

<b>Report Title:</b>	Hampson Foundry Proposed Partial Demolition		
<b>Prepared By:</b>	Fiona Hamilton, Director of Legislative and Legal Services (Clerk) and Sarah Johnson, Deputy Clerk		
<b>Department:</b>	Clerk's		
<b>Date:</b>	January 14, 2025		
<b>Report Number:</b>	CLK2025-02	<b>File Number:</b>	C11CL, R01
<b>Attachments:</b>	Property Owner's Notice of Intention to Demolish		

### Recommendation:

That the Council of the Municipality of Brockton hereby receives Report Number CLK2025-02 - Hampson Foundry Proposed Partial Demolition, prepared by Fiona Hamilton, Director of Legislative and Legal Services (Clerk) and Sarah Johnson, Deputy Clerk and in doing so approves proceeding with Option 2.

### Report:

#### Background:

The Municipality has 23 "listed" heritage properties included in our Municipal Heritage Register. Unlike designated heritage properties, listed heritage properties are not designated under the [Ontario Heritage Act, R.S.O. 1990, c. O.18](#), but are still believed to be of cultural heritage value or interest. Each site has a plaque attached noting the significance of each property. The only restriction on non-designated (listed) properties are that they are subject to a 60-day delay from demolition or removal.

The Ontario's Building Code Act requires municipalities to review demolition permit applications for single-unit residential properties within 10 days, and within 15-20 days for all other buildings. This timeframe does not provide sufficient time to evaluate a demolition permit application for a property that may have cultural heritage value. Under the Ontario Heritage Act, owners of non-designated (listed) properties are required to give Council at least 60 days' notice of their intention to demolish, or to remove a building or structure. This extended timeframe provides more time for municipalities to determine whether the property should be formally designated under the Ontario Heritage Act.

The Hampson Foundry, located at 10 Yonge Street North, Walkerton is one of Brockton's non-designated (listed) heritage properties. The Hampson Foundry was built in 1873 and functioned as a blacksmith, foundry, and machine shop for over 118 years. The building's foundation was proposed to be a log raft system foundation, and the ground floor is made up of concrete and dirt.

Unfortunately, due to significant weather, the roof on a small back porch addition to one of the newer buildings collapsed in December 2024.

The Hampson Foundry is located within a floodplain. The owner of the Hampson Foundry has submitted a letter to Council advising of their Notice of Intention to Demolish the collapsed structure (small back porch addition), as it cannot be replaced. Future reconstruction may be limited due to the property's location within a floodplain and required approvals from Saugeen Valley Conservation Authority.

While the notice is referring to the partial demolition of the small back porch addition, the structure may require further demolition following the engineer's structural assessment.

The following options apply to both the partial demolition and future demolition that may occur.

### **Analysis:**

Council has a few options to consider given the property owner's Notice of Intention to Demolish:

1. Obtain more information – the Act allows that Council can request more information from the Owner, potentially about the reasons for the demolition request
2. Consult with the Brockton Heritage Committee to obtain the Committee's input at the Committee Meeting on February 3, 2025 before the 60-day period expires about both the partial demolition (small back porch addition) and future full demolition that may arise from the engineer's structural review.
3. Proceed to formally designate the property under the Ontario Heritage Act
4. Receive Notice with No Further Action

### **Receive Notice:**

If Council chooses to do nothing and simply receives the notice and the collapsed structure is demolished, the property would automatically be removed from the Municipal Heritage Register on January 1, 2027 under the requirements of the Ontario Heritage Act, as it has not been designated.

### **Process to Formally Designate the Property:**

Council could choose to file a Notice of Intention to Designate the Hampson Foundry as a designated heritage property under the Ontario Heritage Act. [Ontario Regulation 9/06](#) outlines the criteria for determining cultural heritage value or interest. Properties must meet one or more of 9 types of criteria to determine its cultural heritage value or interest.

If a Notice of Intention to Designate is given, any permit allowing the alteration or demolition of a property prior to the date the Notice is served is now void.

Consultation must occur with the Heritage Committee prior to giving a Notice of Intention to Designate.

The Notice is served on the property owner and Ontario Heritage Trust, and is published in a newspaper, containing information about the property, a statement explaining the cultural heritage value or interest, and a statement regarding the objection process.

A person can object the proposed designation within 30 days after the publication of the notice. If a Notice of Objection is filed, Council must consider the objection and decide whether to withdraw the Notice of Intention

to Designate. A Notice of Withdrawal is further issued on the property owner, the person who objected, Ontario Heritage Trust, and published in a newspaper.

If an objection is not filed within 30 days, or Council decides not to withdraw the Notice of Intention to Designate, Council can pass a by-law designating the property. The by-law must be passed within 120 days, and a copy of the by-law is further served on the property owner, any person who objected, Ontario Heritage Trust, and is published in a newspaper.

The by-law designating the property is further registered on title and served on Ontario Heritage Trust.

The By-Law can further be appealed to a Tribunal within 30 days from the publication date. A Tribunal would then hold a Hearing about the appeal.

If Council does not pass the by-law to designate the property within the required timeline set by the Ontario Heritage Act, the Notice of Intention to Designate is withdrawn and a Notice of Withdrawal must be issued. However, a new Notice of Intention to Designate can still be filed afterwards.

### **Strategic Action Plan Checklist:**

What aspect of the Brockton Strategic Action Plan does the content/recommendations in this report help advance?

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|---|-----|
| • Recommendations help move the Municipality closer to its Vision                       | Yes |
| • Recommendations contribute to achieving Heritage, Culture, and Community              | Yes |
| • Recommendations contribute to achieving Quality of Life                               | N/A |
| • Recommendations contribute to achieving Land Use Planning and the Natural Environment | N/A |
| • Recommendations contribute to achieving Economic Development                          | N/A |
| • Recommendations contribute to achieving Municipal Governance                          | Yes |

### **Financial Impacts/Source of Funding:**

- Do the recommendations represent a sound financial investment from a sustainability perspective? Yes

There may be costs associated with advertising the notices for designation of the property as required under the Ontario Heritage Act if Council chose to proceed with that option.

### **Reviewed By:**



Trish Serratore, Chief Financial Officer

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### **Respectfully Submitted by:**



Fiona Hamilton, Director of Legislative and Legal Services (Clerk)



Sarah Johnson, Deputy Clerk

**Reviewed By:**



Sonya Watson, Chief Administrative Officer