



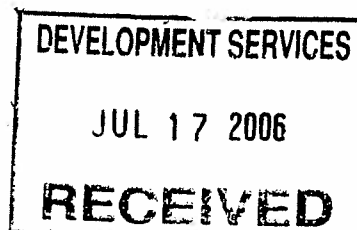
Hamilton

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July 1, 2006

Ms. Julie Christian, Chairperson
Town of Markham, Heritage Markham
c/o Regan Hutcheson, Manager of Heritage Planning
101 Town Centre Blvd.,
Markham, ON L3R 9W3



Dear Ms. Christian:

Re: Test of New Ontario Heritage Act Provisions – Lister Block in Hamilton, ON

I am writing to you as one of the municipal politicians who sits on the City of Hamilton's Municipal Heritage Committee to advise you of an issue of great significance to all heritage advocates in the province of Ontario. The ultimate decision regarding this issue will have a profound effect on how this Province's heritage resources are protected in the future.

As you are undoubtedly aware, there were important amendments made to the Ontario Heritage Act last year. Of particular importance is a new power which has been provided to the Minister of Culture to intervene to protect provincially-significant built heritage from demolition where a municipality has failed to do so. Under Section 34.5, the Minister may exercise this power after consultation with the Ontario Heritage Trust, so long as a heritage building meets prescribed criteria for "cultural heritage value or interest of provincial significance."

It has come time for the new legislation to be tested. One of Hamilton's best-known landmark buildings, the Lister Block, which was designated in 1996, is now at risk and in need of protection under the new Act. You may well be familiar with this building, which boasts Canada's first indoor shopping mall (a two-level arcade) and a grand terra cotta, copper, and rug brick facade on two street fronts. The current owners of the building applied for a demolition permit and, despite contrary advice from the Municipal Heritage Committee, the Permit Review Sub-Committee, and a group of three expert peer reviewers, Hamilton City Council has now granted the demolition permit.

However, the Minister of Culture, the Honourable Caroline Di Cocco, has intervened, and persuaded the proponents to agree to stay the demolition order for 60 days (which will expire in mid August). It is uncertain what will happen at the end of this process, and whether the Minister will ultimately choose to avail herself of the new powers under the Act. Thus far, she has only taken an intermediary role, and has not exercised any of her powers pursuant to the new amendments.

As noted above, the power to save buildings such as the Lister Block is now available to the Honourable Minister, thanks to the new legislation. On May 25, 2006, I submitted a provincial designation request for the Lister Block to the Minister but it has not yet been acted upon. Minister Di Cocco is presently considering the issue, and given that the Lister Block issue represents the first real test of the new Ontario Heritage Act, I wanted to ensure that your Municipal Heritage Committee was aware of this issue.

If your Municipal Heritage Committee feels so inclined, you may wish to contact Minister Di Cocco to request that she take positive action and designate the building provincially, pursuant to section 34.5 of the *Ontario Heritage Act*.

The Minister's contact information is as follows:

The Honourable Caroline Di Cocco, Minister of Culture
Rm. 160, Legislative Building, Queen's Park
Toronto, Ontario M7A 1A4

Telephone: (416) 325-2837 Fax: (416) 325-3194 E-mail: cdicocco.mpp.co@liberal.ola.org

I thank you for your great work in conserving cultural and natural heritage throughout Ontario, and for seriously considering the precedent-setting nature of the Lister Block issue in Hamilton, and how its resolution may well affect the success of the new Ontario Heritage Act. Please feel free to contact me if you have any questions or concerns.

Yours truly,



Brian McHattie, MSc., MCIP, CPP
Ward 1 Councillor and Member, City of Hamilton Municipal Heritage Committee