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Date : June 13, 2008

To/Destinataire : Kieran C. Dickson

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Telephone: 416-325-5000
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June 13, 2008

By Fax to: 905 525 - 7897

Mr. Kieran C. Dickson
c/o Evans, Philp LLP
Barristers and Solicitors
One King Street West, 16th Floor
Hamilton, Ontario
L8P 1A4

Dear Mr. Dickson:

Further to Order EO-2681, please find enclosed the report regarding the Lister Block, as described within the Order.

Sincerely,

A handwritten signature in cursive script that reads "Catherine Axford".

Catherine Axford
FIPPA Co-Ordinator



An agency of the Government of Ontario

10 Adelaide Street East
Toronto, Ontario M5C 1J3

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June 7, 2006

The Honourable Caroline Di Cocco
Minister of Culture
Room 4320, Whitney Block
99 Wellesley Street West
Toronto, Ontario
M7A 1W3

CONFIDENTIAL

Dear Minister:

**Subject: Request for Advice from the Ontario Heritage Trust regarding
the Provincial Significance of the Lister Block, Hamilton**

On April 5, 2006 the Minister of Culture requested that the Ontario Heritage Trust evaluate the Lister Block in Hamilton to determine if it is of provincial significance under Ontario Regulation 10/06.

The Lister Block is a provincially significant building that is associated with provincially significant patterns of Ontario's history and is an increasingly rare aspect of the province's heritage. Built in 1924, it is one of the largest commercial buildings in Hamilton's downtown core. The building was designated municipally under Part IV of the *Ontario Heritage Act* in 1996. It has remained vacant since 1995 and is currently subject to a redevelopment application. Hamilton City Council is expected to give consideration to a request to demolish and redevelop the Lister Block at its meeting of June 12, 2006.

Following a meeting of the Board of Directors of the Ontario Heritage Trust held today, I am pleased to convey the following resolution containing the Trust's advice to the Minister:

1. the Ontario Heritage Trust has determined that the Lister Block (located at 28-44 James Street North / 5-21 King William Street, Hamilton) is a property of cultural heritage value or interest of provincial significance as defined under *Ontario Heritage Act* Regulation 10/06;

Having determined that the property is provincially significant the Trust also advises that:

2. the Minister of Culture should encourage the City of Hamilton and the owner to stabilize, protect and conserve the Lister Block using the municipal powers that exist under the *Ontario Heritage Act, Building Code Act and Planning Act*;

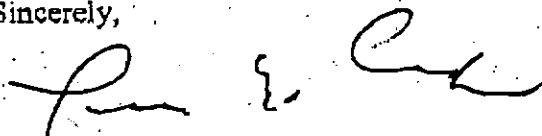
3. the Trust is willing to hold a heritage conservation easement agreement to protect the heritage attributes of the Lister Block in perpetuity, if the owner is willing to enter into such easement agreement, and adequate resources can be secured for the taking and monitoring of the easement;
4. if the Municipality is unwilling to retain the Lister Block, the Minister should intervene and designate the Lister Block using the powers as prescribed under section 34.5 of the *Ontario Heritage Act*;
5. if the Municipal Council approves the demolition of the Lister Block at its meeting of June 12, 2006, or at a subsequent meeting, the Minister should intervene immediately with a stop order under section 35.2 of the *Ontario Heritage Act* in order to ensure that the provincial designation (recommendation 4) can be implemented;
6. The Lister Block is a significant heritage property, that would be eligible for assistance under the federally administered Commercial Heritage Property Incentive Fund (CHPIF) and should be submitted for nomination to the Canadian Register of Historic Places; and
7. these recommendations be forwarded to the Minister of Culture for her consideration.

I enclose, for your consideration, a summary of the assessment conducted by the Trust. This includes the evaluation of the Lister Block, the Statement of Heritage Value or Interest, photographs of the site, and an overview of the process used to assess this property.

As you may know, there has been considerable discussion within the community about the preservation of this building. The Trust's Board considers this to be a significant opportunity for the province to show leadership in the preservation of Ontario's heritage.

I would be pleased to discuss these recommendations with you further.

Sincerely,



The Honourable Lincoln M. Alexander
Chairman

Enclosures

Copy: Lucille Roch, Deputy Minister



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Lister Block: Discussion Paper

BACKGROUND

On April 5, 2006 the Minister of Culture, requested the Ontario Heritage Trust to evaluate the Lister Block (Hamilton) to determine if it is of provincial significance under Ontario Regulation 10/06.

The Lister Block, built in 1924, is one of the largest commercial buildings in Hamilton's downtown core. By the early 1990s, most of the Lister Block was vacant and eviction notices were given to the other tenants by 1995. The building was designated municipally under Part IV of the *Ontario Heritage Act* in 1996. It has remained vacant since 1995 and is currently subject to a redevelopment application. Hamilton City Council is expected to approve the demolition and redevelopment of the Lister Block in May 2006.

DESCRIPTION AND HISTORY OF THE LISTER BLOCK

The Lister Block was built in 1924 by Hamilton businessman Edmond Lister. An earlier commercial building, the Lister Chambers, was built by Edmond's grandfather Joseph Lister on this site in 1859, but burned down in 1923. The Lister Block is located at the northeast corner of James Street North and King William Street in downtown Hamilton. The 6-storey (plus basement) commercial building has a total gross floor area of approximately 80,000 square feet. It extends 8.5 bays along James Street North and 6.5 bays along King William. The building was designed by Bernard H. Prack and constructed by well known Hamilton contractor Pigott Construction. The Lister Block was designed in the Renaissance Revival style, and opened in June 1924 with retail space on the lower levels and office space above. The building is constructed of reinforced concrete, and is clad with brick and terra cotta. One of the most distinguishing features of the Lister Block is the interior L-shaped arcade that more than tripled the commercial ground floor shop frontage of the building.

EVALUATION SUMMARY

In order to be considered to be of cultural heritage value or interest of provincial significance, a property must meet one or more of the eight criteria contained in *Ontario Heritage Act* Regulation 10/06. The Lister Block was reviewed in detail against the criteria using an evaluation model developed by the Trust. The Lister Block was found to be provincially significant for 2 of the 8 criteria:

Criterion 1 - The property represents or is important in demonstrating a theme or pattern in Ontario's history;

The building represents urbanization and post World War I re-investment in Ontario's major cities in the 1920s. It is also important in demonstrating changing retail patterns in urban Ontario in the first quarter of the 20th century.

Criterion 3 - The property demonstrates an uncommon, rare, or unique aspect of Ontario's cultural heritage.

The building demonstrates the large multi-use, multi tenant, commercial "blocks" which were built from 1890-1930 in Ontario's major urban centres and are becoming an increasingly uncommon aspect of Ontario's heritage.

The results of the research and evaluation of the Lister Block are described in the Statement of Cultural Heritage Value or Interest.

DISCUSSION

The City of Hamilton has worked with the owner of the Lister Block and the adjacent properties for several years in an effort to develop a plan for this block that combines architectural and urban conservation with a revitalization of the City's downtown core. Municipal heritage staff have shown due diligence by ensuring that the heritage strategy is professionally vetted by conducting a peer review process of the project by 3 recognized experts in the conservation field. Nonetheless, as this property combines planning and redevelopment with heritage, Hamilton City Council must balance several municipal mandates, including increasing the tax base of the city, improving the condition of a dilapidated section of the downtown, contributing to the local economy, and conserving the City's heritage properties.

The current proposal for the site would see a handful of the Lister Block's architectural details dismantled or removed from the site, the building demolished, a new larger structure erected and some of the heritage details reinstated in a new building. This is not conservation nor is it even partial retention (façadism). The new building would be an emulation of the Lister block in mass and general fenestration, but would be a thoroughly new structure built with modern materials and methods. Three heritage consultants were retained by the City of Hamilton to conduct a peer review of the heritage impact assessment submitted in 2005 by the owner of the Lister Block in defense of the proposed redevelopment. All three heritage experts were highly critical of the project's approach, lack of conservation rigour and the flawed heritage strategy proposed by the owner.

During the course of the provincial heritage evaluation it was determined that in addition to the Lister Block there are other buildings threatened with demolition by the current Lister Block redevelopment. One of these is the McKay Building (46-52 James Street North) a 4-storey commercial building built in 1855-6 and designed by the provincially significant and highly prolific architect William Thomas. The building is vacant and in 1961 modern cladding was applied to 3 of the 4 ground floor bays significantly altering the character of the building. The upper floors remain partially intact at least on the exterior. The McKay building is listed on the

Hamilton Inventory of Heritage properties. This building was not part of the Trust's review and heritage evaluation nor did Trust staff inspect the building, nonetheless the proposed demolition of this building is another potential heritage impact of the proposed redevelopment.

The Lister Block is a provincially significant building that is associated with provincially significant patterns of Ontario's history and is an increasingly rare aspect of the province's heritage. Consequently the Minister should use her influence and if necessary her powers under the Act to encourage the retention of this historic building.



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Statement of Cultural Heritage Value or Interest

LISTER BLOCK, HAMILTON

Statement of Provincial Significance

The Lister Block is provincially significant as defined by two of the eight criteria contained within *Ontario Heritage Act* Regulation 10/6. As outlined in *Criterion 1*, the Lister Block is representative of two important themes in Ontario's history. First, the building represents the post-World War I reinvestment in Ontario's major cities that occurred with the booming economy of the early 1920s. Second, the building represents the changing retail patterns in urban Ontario that coincided with the development of department stores and shopping centres in the first quarter of the 20th century. As outlined in *Criterion 3*, the Lister Block also clearly demonstrates an uncommon aspect of Ontario's cultural heritage. The building provides an example of a large, multi-use, multi-tenant, commercial block that began to appear in urban centres in the 1890s. This form began to decline in the 1930s and is now a rare architectural form and commercial type in the urban landscape.

Description of Historic Place

The Lister Block is located at the northeast corner of James Street North and King William Streets (28-44 James Street North and 5-21 King William Street) in the City of Hamilton. The 6 storey (plus basement) rug brick and terra cotta building was designed by architect Bernard H. Prack in Renaissance Revival style and constructed in 1923-24. The most significant features of the building include its exterior terra cotta work and interior L-shaped arcade, which was purportedly the first to be built in Hamilton. The Lister Block was fully occupied until the 1970s, but by the early 1990s much of the building had been vacated. Eviction notices were given to the remaining tenants in 1995 and the building closed shortly thereafter. In 1996 the Lister Block was municipally designated under Part IV of the *Ontario Heritage Act* (City of Hamilton Bylaw 96-175).

Description of Heritage Value and Interest

Historic Value

The Lister Block is historically significant for its association with a number of significant individuals in the City of Hamilton. The original Lister Chambers, built in 1859 by Joseph Lister was destroyed by fire in February 1923. Edmund Lister, grandson of Joseph, hired Bernard H. Prack to design a new fireproof building which opened in June 1924. The construction was carried out by Pigott Construction, a successful Hamilton based company responsible for a number of landmark buildings including Hamilton's first skyscraper, the 1929 Pigott Building. The Lister Block housed a number of retail outlets on the ground level, professional offices on the upper floors, and facilities for leisure activities such as a billiards and bowling in the basement.

Architectural Value

The Lister Block is architecturally significant due to its interior arcade and its decorative use of terra cotta. The building was very large for its time, with a gross floor area of approximately 80,000 square feet. Based upon Renaissance Revival design, the Lister Block is fairly representative of commercial buildings in the 1920s and reflects many elements of the Chicago School of Architecture. The first two levels of the building are highly decorative in nature and include fluted pilasters, an entablature, and medallions all in white glazed terra cotta. The upper storeys are strongly contrasted with the lower section and are characterized by dark rug brick, tall sash windows, and copper spandrels. These contrasting sections are tied together through the presence of an upper entablature in glazed terra cotta that replicates the decorative details of the lower floors. The horizontal emphasis and large display windows of the building are reminiscent of early Canadian department stores, but are more reflective of the industrial warehouse designs practiced previously by this architect. The interior L-shaped arcade in the Lister Block had entrances on both James and King Edward Street and allowed Edmond Lister to maximize the rentable commercial space on the ground floor of the building. Arcades similar to this had been incorporated in Canadian buildings as early as the 1880s, but were still quite rare in the first quarter of the 20th century.

Contextual Value

Situated at the intersection of James Street North and King William Street, the Lister Block is located in Hamilton's historic city centre. Market Square, Old City Hall and a Zeller's store once stood adjacent to the site, and an old Eaton's Department Store formerly acted as the north anchor to this historic commercial district.

Description of Heritage Attributes:

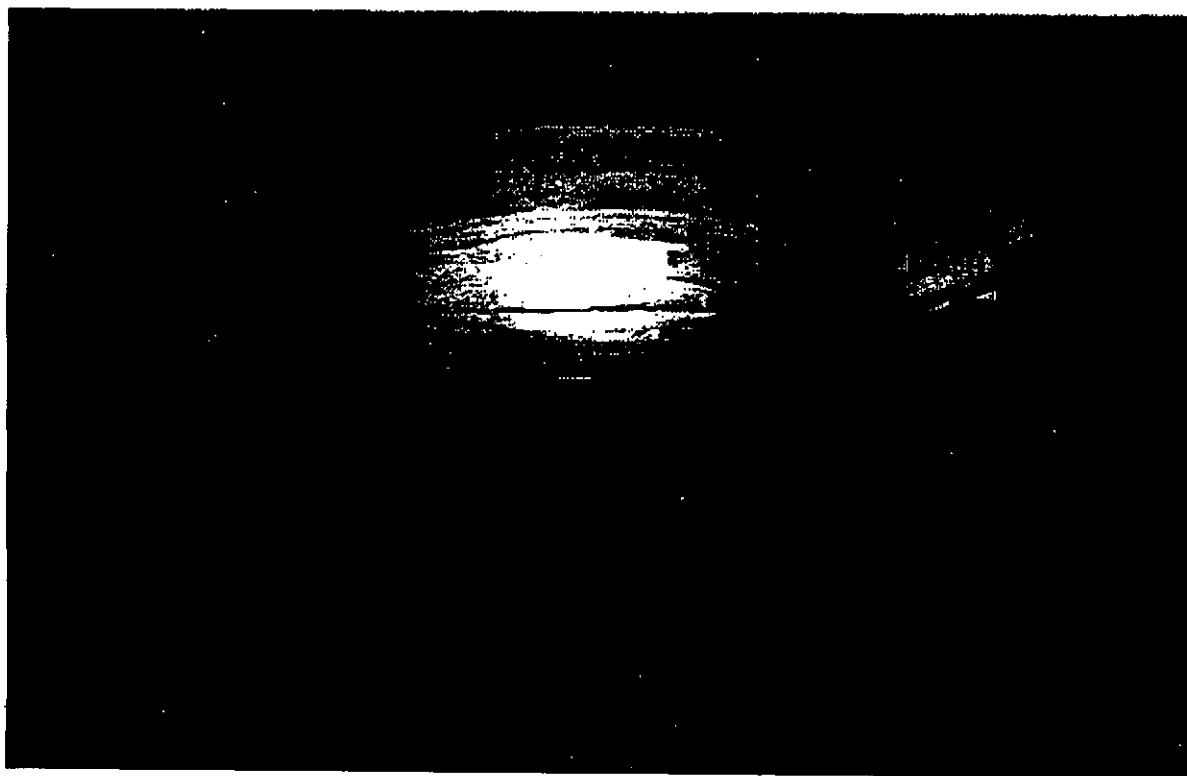
- 6- storey reinforced concrete building;
- An architectural massing which extends south and west to the historically established street edge and street corner;
- Flat roofline defined by the parapet above the upper cornice;
- Organization of the first two floors into 8 ½ large bays on James Street North and 6 ½ large bays on King William;
- Truncated corner whose single narrow bay is set at 45 degrees to the south and west walls of the building;
- Renaissance Revival design elements including:
 - Tripartite vertical organization of the façade (derived from a 16th century Italian Palazzo) creating a base (ground and 2nd floor), shaft (3rd -6th floors), and capital (pronounced top cornice);
 - Façade of the lower two levels in white glazed terra cotta with fluted pilasters, lower cornice, decorative medallions, and custom lettering (ie: "ARCADE");
 - Elaborate white glazed terra cotta top cornice with cartouches in the frieze;
 - 3rd-6th floors consisting of rug brick clad walls
 - Rug brick clad stylized pilasters that organize the upper floors into bays 3 windows wide and which serve to extenuate the underlying structure;
 - Decorative copper spandrel panels;
 - Single hung vertical wood sash windows and wood window frames;
- Large windowed storefronts on James Street North and King William;
- L - shaped interior ground floor arcade decorated with plasterwork, marble flooring, plate-glass store fronts and square skylights in the ceiling.

LISTER BLOCK,
28-44 JAMES STREET NORTH, 5-21 KING WILLIAM STREET (HAMILTON)



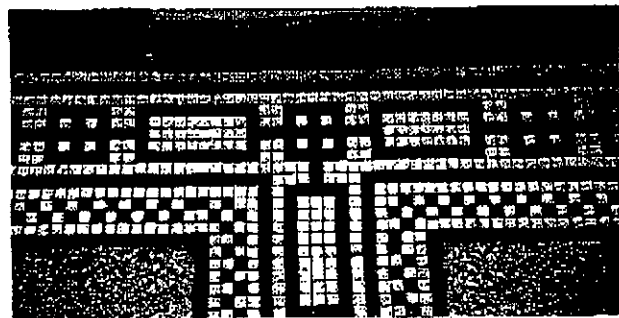
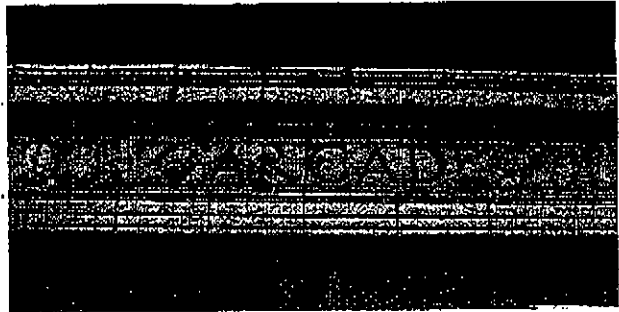
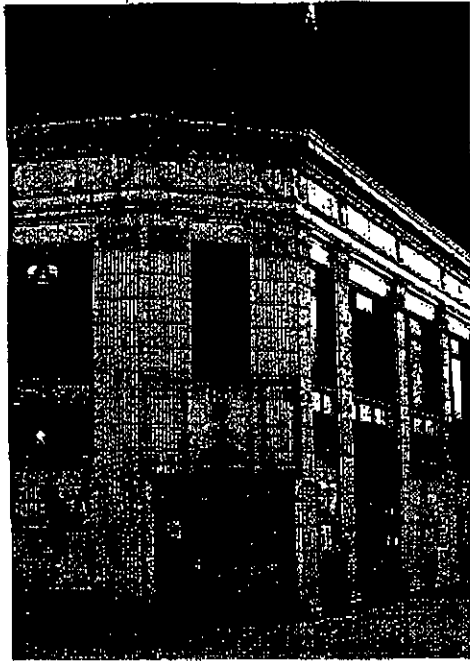
Lister Block: (top) northeast elevation, (left) cornice and window detail.

LISTER BLOCK,
28-44 JAMES STREET NORTH, 5-21 KING WILLIAM STREET (HAMILTON)

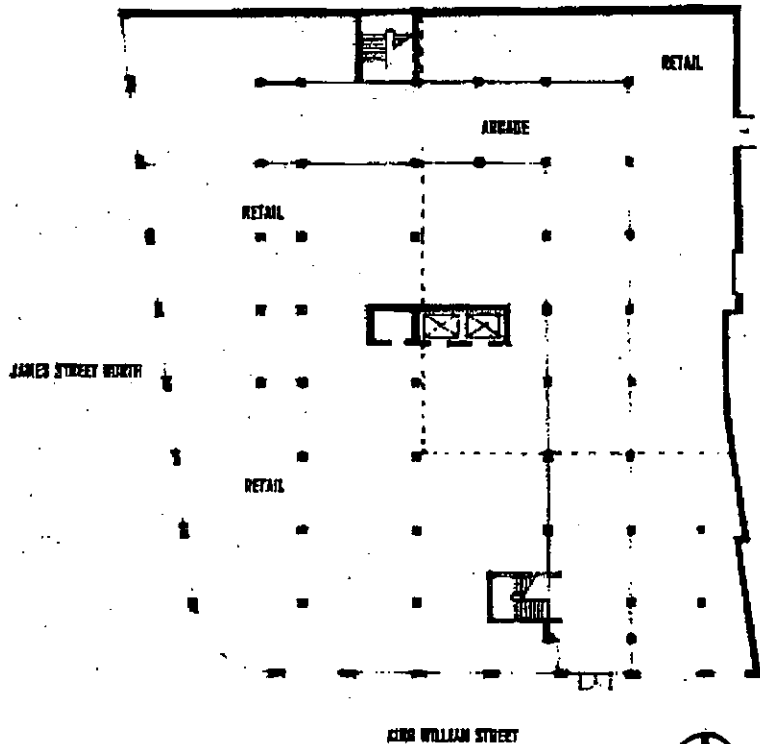


Lister Block: (top) interior arcade 1993, (bottom) interior arcade post 1995.

LISTER BLOCK, 28-44 JAMES STREET NORTH, 5-21 KING WILLIAM STREET (HAMILTON)



LISTERBLOCK - GROUND FLOOR PLAN



Lister Block: (top left) ground floor, (top right) exterior terracotta detail and interior floor detail, (left) ground floor plan.



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Lister Block: Assessment Process Summary

Background

On April 5, 2006 the Minister of Culture, requested the Ontario Heritage Trust to evaluate the Lister Block (Hamilton) to determine if it is of provincial significance under Ontario Regulation 10/06. [Sean, reference consultation with Ministry staff here] On 3 May 2006 a multi-disciplinary committee (e.g. historians, architects, and planners) comprised of Trust staff met to evaluate the cultural heritage value or interest of the Lister Block.

Methodology for OHT's assessment:

- Utilizes a comparative method
- Is conducted by a multi-disciplinary committee of specialists
- The evaluation and the consideration of options are supported by:
 - Research
 - Site visits
 - The OHA Register
 - Consultation with the Ministry of Culture.
 - Consultation with other heritage jurisdictions
 - Previous Case Studies
- Applies the criteria in Ontario Regulation 10/06
- General criteria statements are distilled into a number of more objective and specific evaluations
- Based on the nature of the resource, there are an average of 50 questions in 20 tests that apply the criteria
- Heritage recognition or lack thereof by other jurisdictions is not relevant to the evaluation.
- OHT assessment model was developed with reference to other evaluation models (FHBRO, HSMBC, Kalman, ORC)

Research

Research on the Lister Block included print material, books, municipal documents, building plans, architectural reports, internet sites, and consultation with experts. See bibliography below.

Site Visit: Trust staff visited and photographed the site.

Experts consulted on the property included:

Sharon Vattay, Cultural Heritage Planner, City of Hamilton
Robert Hamilton, President, Hamilton Region Branch; ACO

Stephen Otto, Historian.

The comparables reviewed during the assessment process included:

- Other commercial blocks in Ottawa, Toronto and Hamilton
- Robert Simpson Store at Queen and Bay Streets,
- Eaton's College Street Store at Yonge and College Street, and
- Toronto Arcade on Yonge Street.

This material was augmented by the training, professional knowledge and over 60 years of combined experience of the staff evaluation committee. The staff Committee evaluated the Lister Block using the model developed by the Trust, and derived from OHA Regulation 10/06, which includes 20 tests and over 50 separate questions.

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