

Staff Report



Development Services Department

www.kitchener.ca

REPORT TO: Heritage Kitchener

DATE OF MEETING: August 1, 2023

SUBMITTED BY: Garrett Stevenson, Interim Planning Director, 519-741-2200 ext. 7070

PREPARED BY: Jessica Vieira, Heritage Planner, 519-741-2200 ext. 7041

DATE OF REPORT: July 14, 2023

REPORT NO.: DSD-2023-309

SUBJECT: Kitchener Municipal Heritage Register Review – August Update

RECOMMENDATION:

That pursuant to Section 29 of the *Ontario Heritage Act*, the cultural heritage value or interest be recognized, and designation pursued for the following properties:

- 40 Chapel Hill Drive
- 4-30 King Street East / 1 Queen Street North
- 67 King Street East
- 66 Queen Street South

BACKGROUND:

On January 1st, 2023 amendments to the Ontario Heritage Act (OHA) came into effect through Bill 23, the *More Homes Build Faster Act*. One of the primary changes introduced was the imposition of a new timeline which requires “listed” properties on the Municipal Heritage Register to be evaluated to determine if they meet the criteria for heritage designation before January 1st, 2025. Listed properties are properties that have not been designated, but that the municipal Council believes to be of cultural heritage value or interest. The criterion for designation is established by the Provincial Government (Ontario Regulation 9/06, which has now been amended through Ontario Regulation 569/22) and a minimum of two must be met for a property to be eligible for designation.

A work plan to address these changes has been developed by Heritage Planning Staff with consultation from the Heritage Kitchener Committee on February 7th, 2023. Implementation of the strategy has now commenced. This report provides a summary of the findings for the first properties fully reviewed, and recommendations for next steps.

REPORT:

Ontario Regulation 569/22 (Amended from Ontario Regulation 9/06)

Among the changes that were implemented through Bill 23, the Ontario Regulation 9/06 – which is a regulation used to determine the cultural heritage value or interest of a property,

*** This information is available in accessible formats upon request. ***
Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.

was amended through Ontario Regulation 569/22 (O. Reg. 569/22). Where the original regulation had three main categories – design/physical, historical/associative and contextual - with three (3) sub-categories for determining cultural heritage value, the amended regulation now lists all nine (9) criteria independently.

The new regulation has been amended to the following:

1. The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.
2. The property has design value or physical value because it displays a high degree of craftsmanship or artistic merit.
3. The property has design value or physical value because it demonstrates a high degree of technical or scientific achievement.
4. The property has historical value or associative value because it has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community.
5. The property has historical or associative value because it yields, or has the potential to yield, information that contributes to an understanding of a community or culture.
6. The property has historical value or associative value because it demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
7. The property has contextual value because it is important in defining, maintaining or supporting the character of an area.
8. The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings.
9. The property has contextual value because it is a landmark.

Also, among the changes brought about by Bill 23 are how properties can now be listed or designated under Part IV of the Ontario Heritage Act. They include:

- Properties would warrant being listed on the City's Municipal Heritage Register if they met **one or more criteria** of O. Reg 9/06 (amended through O. Reg. 569/22).
- Properties could be designated under Part IV of the Ontario Heritage Act if they meet **two or more criteria** of O. Reg 9/06 (amended through O. Reg. 569/22).

Pursuant to O. Reg 9/06 (amended through O. Reg. 569/22), the subject properties meet the following criteria for determining cultural heritage value or interest:

40 Chapel Hill Drive

The subject property municipally addressed as 40 Chapel Hill Drive meets eight of the nine criteria of O. Reg 9/06 (amended through O. Reg. 569/22)(Attachment A):

- The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.
- The property has design value or physical value because it displays a high degree of craftsmanship or artistic merit.
- The property has historical value or associative value because it has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community.

- The property has historical value or associative value because it yields, or has the potential to yield, information that contributes to an understanding of a community or culture.
- The property has historical value or associative value because it demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
- The property has contextual value because it is important in defining, maintaining or supporting the character of an area.
- The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings.
- The property has contextual value because it is a landmark.

4-30 King Street East / 1 Queen Street North

The subject property municipally addressed as 4-30 King Street East / 1 Queen Street North meets five of the nine criteria of O. Reg 9/06 (amended through O. Reg. 569/22)(Attachment B):

- The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.
- The property has historical value or associative value because it has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community.
- The property has historical value or associative value because it yields, or has the potential to yield, information that contributes to an understanding of a community or culture.
- The property has contextual value because it is important in defining, maintaining or supporting the character of an area.
- The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings.

67 King Street East

The subject property municipally addressed as 67 King Street East meets five of the nine criteria of O. Reg 9/06 (amended through O. Reg. 569/22) (Attachment C):

- The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.
- The property has historical value or associative value because it has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community.
- The property has historical value or associative value because it demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
- The property has contextual value because it is important in defining, maintaining or supporting the character of an area.
- The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings.

66 Queen Street South

The subject property municipally addressed as 66 Queen Street South meets four of the nine criteria of O. Reg 9/06 (amended through O. Reg. 569/22)(Attachment D):

- The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.
- The property has historical value or associative value because it has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community.
- The property has contextual value because it is important in defining, maintaining or supporting the character of an area.
- The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings.

Heritage Kitchener Committee Options

Option 1 – Pursuing Designation for these properties

Should Heritage Kitchener committee vote to start pursuing designation for these properties, staff will then contact the respective property owners to inform them and to start working with them towards designation. Staff will then bring back Notices of Intention to Designate back to the Committee to get the designation process started. Should a property owner object to their property being designated, they can submit an appeal to the Ontario Land Tribunal (OLT) to rule on the decision. If the OLT determines that the property should not be designated but remain listed, it will be removed from the Municipal Heritage Register on January 1, 2025.

Option 2 – Deferring the Designation Process

Should Heritage Kitchener vote to defer the designation process for these properties, they will still remain listed on the City's Municipal Heritage Register under January 1, 2025, after which they will have to be removed. The process of designating these properties can be started at any time until January 1, 2025.

Option 3 – Not Pursuing Designation for these properties

Should Heritage Kitchener vote not to pursue the designation of these properties, they will remain listed on the City's Municipal Heritage Register until January 1, 2025, after which they will be removed. Once removed, these properties will not be able to be re-listed for the next five (5) years i.e. – January 1, 2030. It should be noted that currently staff are undertaking evaluations for high priority properties that are in located in areas of the City undergoing redevelopment.

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City's website with the agenda in advance of the council / committee meeting.

CONSULT AND COLLABORATE – The Municipal Heritage Committee (Heritage Kitchener) have been consulted at previous meetings regarding the proposed strategy to review the Municipal Heritage Register of Non-designated Properties and participated in the assessment of the properties subject to this report.

PREVIOUS REPORTS/AUTHORITIES:

- Heritage Kitchener Committee Work Plan 2022-2024 – DSD-2023-053
- Bill 23 – Municipal Heritage Register Review – DSD-2023-225
- *Ontario Heritage Act, 2022*

APPROVED BY: Justin Readman, General Manager, Development Services

ATTACHMENTS:

Attachment A – 40 Chapel Hill Drive Statement of Significance

Attachment B – 4-30 King Street East / 1 Queen Street North Statement of Significance

Attachment C – 67 King Street East Statement of Significance

Attachment D – 66 Queen Street South Statement of Significance