

REPORT TO: Heritage Kitchener

DATE OF MEETING: November 7, 2023

SUBMITTED BY: Garrett Stevenson, Manager of Development Review, 519-741-2200 ext. 7070

PREPARED BY: Victoria Grohn, Heritage Planner, 519-741-2200 ext. 7041

WARD(S) INVOLVED: Ward 9

DATE OF REPORT: October 5, 2023

REPORT NO.: DSD-2023-457

SUBJECT: Notice of Intention to Designate 26 Courtland Avenue East under Part IV of the Ontario Heritage Act

RECOMMENDATION:

That pursuant to Section 29 of the *Ontario Heritage Act*, the Clerk be directed to publish a Notice of Intention to Designate the property municipally addressed as 26 Courtland Avenue East as being of cultural heritage value or interest.

REPORT HIGHLIGHTS:

- The purpose of this report is to request that Council direct the Clerk to publish a Notice of Intention to Designate the property municipally addressed as 26 Courtland Avenue East under Part IV of the *Ontario Heritage Act*.
- An updated Statement of Significance on the property's cultural heritage value was taken to the Heritage Kitchener Committee on June 6, 2023. On this meeting date, the Committee recommended that pursuant to Section 29 of the *Ontario Heritage Act*, the cultural heritage value or interest of 26 Courtland Avenue East be recognized and designation pursued.
- The key finding of this report is that the property municipally addressed as 26 Courtland Avenue East meets the criteria for designation under Ontario Regulation 9/06 (amended by Ontario Regulation 569/22) and has been confirmed to be a significant cultural heritage resource.
- There are no financial implications.
- Community engagement included informing residents by posting this report with the agenda in advance of the Heritage Kitchener committee meeting, providing written correspondence to the property owner, and consulting with Heritage Kitchener. In addition, should Council choose to give notice of its intention to designate, such notice will be served to the Owner and the Ontario Heritage Trust.
- This report supports the delivery of core services.

BACKGROUND:

The subject property is located on the north side of Courtland Avenue East between Queen Street South and Benton Street. The subject property forms part of a walk-up row housing block known as “Nelson Terrace”.

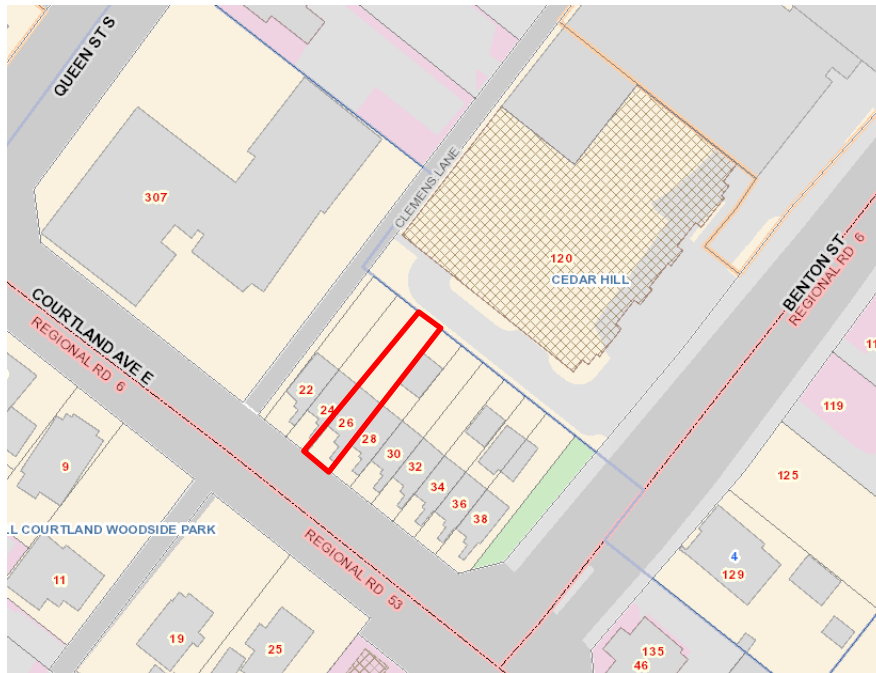


Figure 1: Location Map

A full assessment of 26 Courtland Avenue East has been completed and included a field evaluation and detailed archival research. The findings concluded that the subject property meets the criteria for designation. An updated Statement of Significance on the property’s cultural heritage value was taken to the Heritage Kitchener Committee on June 6, 2023. On this meeting date, the Committee recommended that pursuant to Section 29 of the *Ontario Heritage Act*, the cultural heritage value or interest of 26 Courtland Avenue East be recognized and designation pursued. This work was undertaken as part of the City of Kitchener Municipal Heritage Register (MHR) Review, initiated in February of 2023. The MHR Review is the City’s response to amendments to the Ontario Heritage Act introduced in January of 2023 through Bill 23, the *More Homes Built Faster Act*. The City contacted owners of listed properties through an initial letter dated May 23, 2023, to inform them of this undertaking. Owners of properties recommended for designation were contacted via a second letter dated August 25, 2023, and invited to contact the City’s Heritage Planner with any comments, questions, or concerns. Per standard procedure, should Council support the Notice of Intention to Designate, Owners will be contacted a third time through a Notice of Intention to Designate (NOID) Letter. An ad for the NOID will also be published in a newspaper. Once the letter is served and the ad posted, there will be a 30-day appeal period in which Owners may object to the designation.

REPORT:

Identifying and protecting cultural heritage resources within the City of Kitchener is an important part of planning for the future, and helping to guide change while conserving the

buildings, structures, and landscapes that give the City of Kitchener its unique identity. The City plays a critical role in the conservation of cultural heritage resources. The designation of property under the *Ontario Heritage Act* is the main tool to provide long-term protection of cultural heritage resources for future generations. Designation recognizes the importance of a property to the local community; protects the property's cultural heritage value; encourages good stewardship and conservation; and promotes knowledge and understanding about the property. Designation not only publicly recognizes and promotes awareness, but it also provides a process for ensuring that changes to a property are appropriately managed and that these changes respect the property's cultural heritage value and interest.



Figure 2: Front Façade of 26 Courtland Avenue East

The property municipally addressed as 26 Courtland Avenue East is one unit of a three-storey, late 19th century brick row house building constructed in the Victorian Gothic architectural style. Constructed in 1889, the subject property forms part of the walk-up row housing block known as “Nelson Terrace, and is recognized for its design/physical, historical/associative, and contextual values. It satisfies five out of the nine criteria for designation under Ontario Regulation 9/06 (amended by Ontario Regulation 569/22).

Criteria	Criteria Met (Yes/No)
1. The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, material, or construction method.	Yes
2. The property has design value or physical value because it displays a high degree of craftsmanship or artistic merit.	No

3. The property has design or physical value because it demonstrates a high degree of technical or scientific achievement.	No
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.	Yes
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.	Yes
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.	No
7. The property has contextual value because it is important in defining, maintaining or supporting the character of an area.	Yes
8. The property has contextual value because it is physically, functionally, visually, or historically linked to its surroundings.	Yes
9. The property has contextual value because it is a landmark.	No

Design/Physical Value

The design and physical value of 26 Courtland Avenue East relates to the unique Vernacular Victorian Gothic architectural style that is in good condition with many in-tact original elements. Walk-up row housing is rare in the context of Kitchener, with not many examples of this housing typology within the City.

Historical/Associative Value

The historical and associative value of 26 Courtland Avenue East relates to the original owner, purpose, and relationship to adjacent industrial buildings.

The walk-up row housing is representative of the industrial development that was taking place in Kitchener in the late 19th and early 20th century. The building was constructed by Martin Nelson to accommodate the female workers from the adjacent Williams, Greene and Rome Shirt and Collar Factory on Queen Street South (now known as the Bread and Roses Cooperative). Nelson also established the Nelson & Forsyth Foundry on King Street West at College Street. Significant later owners of the row house building included: Isaac Shantz, A.O. Boehmer, and Joseph Bingeman. Shantz purchased the entire row-housing block and units were individually sold starting in 1947.

Contextual Value

The contextual value of 26 Courtland Avenue East relates to the building's historic and visual link to the adjacent industrial buildings, including the former Williams, Greene and Rome Shirt and Collar Factory and the Arrow Shirt Factory.

Heritage Attributes

The heritage value of 26 Courtland Avenue East resides in the following attributes:

- All elements relating to the construction and Vernacular Victorian Gothic architectural style including:
 - Yellow brick construction;
 - The original height, scale, and massing of the townhouse;
 - Original windows and window openings, including:
 - Segmental window openings;
 - 1/1 hung windows; and
 - Stained glass transom;
 - Original doors and door openings, including:
 - 2nd floor segmental door opening;
 - Stained glass transom;
 - Roof and roofline, including:
 - Flat roof;
 - Cornice, fascia, and frieze;
 - Decorative brickwork including:
 - Brick voussoirs;
 - Brick label trim; and
 - Tri-brick keystones.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget – The recommendation has no impact on the Operating Budget.

COMMUNITY ENGAGEMENT:

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

CONSULT– Heritage Planning staff have consulted with the Heritage Kitchener committee regarding designation under the *Ontario Heritage Act*. Property owners were invited to consult via two separate letters dated May 23, 2023 and August 25, 2023.

Section 29(2) of the *Ontario Heritage Act* requires Council to consult with the Municipal Heritage Committee (Heritage Kitchener) before giving notice of its intention to designate a property. Heritage Kitchener will be consulted via circulation and consideration of this report (see INFORM above). Members of the community will be informed via circulation of this report to Heritage Kitchener and via formal consideration by Council. In addition, should Council choose to give notice of its intention to designate, such notice will be served on the property owner and the Ontario Heritage Trust, and published in the local newspaper (The Record). Once notice has been served, the owner has the right of appeal to the Ontario Land Tribunal. It should be noted that should Council decide not to proceed with a Notice of Intention to Designate, that the building will remain on the City's Municipal Heritage Register until January 1, 2025, after which it will be removed according to the changes enacted by Bill 23. Once removed, it cannot re-listed on the Register again for five (5) years, i.e. January 1, 2030.

PREVIOUS REPORTS/AUTHORITIES:

- *Ontario Heritage Act, 2022*

REVIEWED BY: Rosa Bustamante, Director of Planning

APPROVED BY: Justin Readman, General Manager, Development Services Department

ATTACHMENTS:

Attachment A – Statement of Significance for 26 Courtland Avenue East