

Staff Report



Development Services Department

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REPORT TO: Heritage Kitchener

DATE OF MEETING: November 7, 2023

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

PREPARED BY: Jessica Vieira, Heritage Planner, 519-741-2200 ext. 7291

WARD(S) INVOLVED: Ward 10

DATE OF REPORT: October 13, 2023

REPORT NO.: DSD-2023-462

SUBJECT: Notice of Intention to Designate 2-22 Duke Street 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 2-22 Duke Street 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 2-22 Duke Street 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 2-22 Duke Street East be recognized and designation pursued.
- The key finding of this report is that the property municipally addressed as 2-22 Duke Street 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. The property is recognized for its design/physical, historical/associative, and contextual value.
- 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.

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

BACKGROUND:

The subject property is located on the north side of Duke Street East, on the north-east corner lot where Queen Street North intersects and west of the Frederick Street intersection. It is a two-storey early 20th century brick commercial building constructed in the Art Deco architectural style, situated on 0.09 acres of land in the City of Kitchener within the Region of Waterloo.

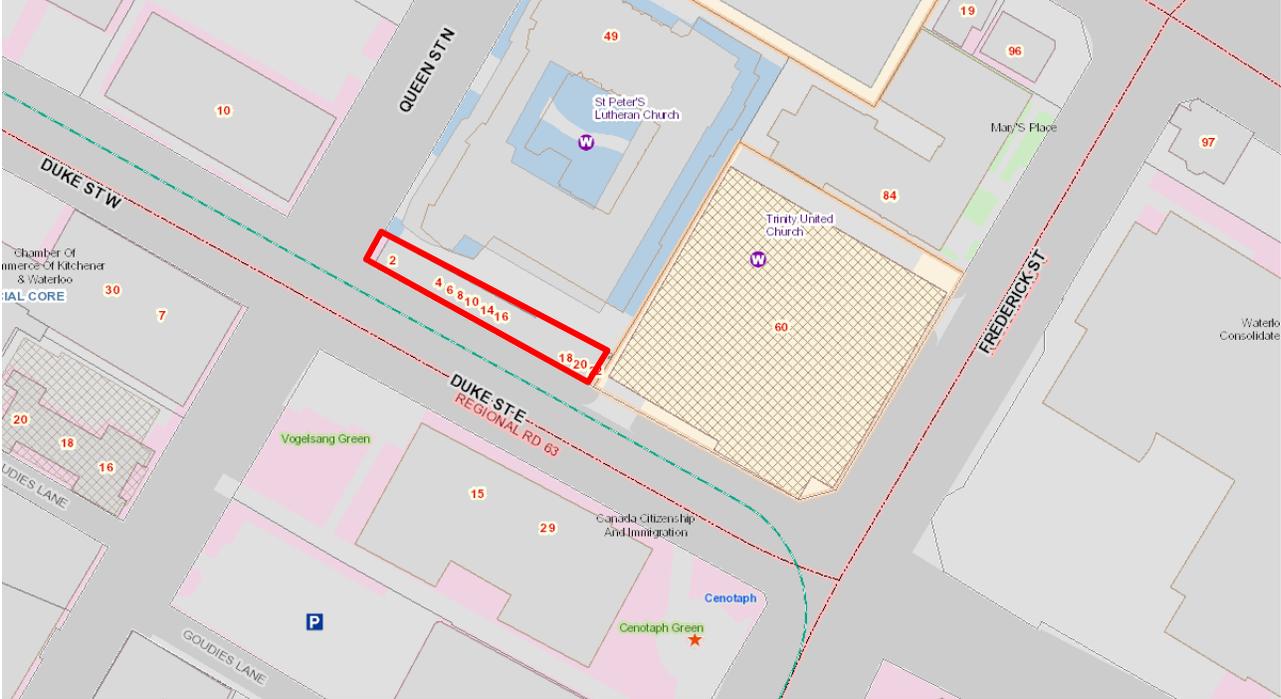


Figure 1: Location Map of Subject Property

A full assessment of 2-22 Duke Street 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 2-22 Duke Street 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 Facade of 2-22 Duke Street East

2-22 Duke Street East is recognized for its design/physical, historical/associative, and contextual values. It satisfies six of the nine criteria for designation under Ontario Regulation 9/06 (amended by Ontario Regulation 569/22). A summary of the criteria that is met or not met is provided in the table below.

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.	Yes
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 building municipally addressed as 2-22 Duke Street East has design and physical value, being a notable and unique example of the Art Deco architectural style as well as displaying a high degree of craftsmanship through the many detailed elements of the structure. The building is two-storeys in height and possesses approximately 50 metres of frontage along Duke Street East, creating a long horizontal backdrop for the streetscape.

Historical / Associative Value

The property has historical and associative values, as it relates directly to the theme of economic growth and development in the downtown area and has direct association with the Breithaupt family through its original ownership.

Since its construction in 1931, 2-22 Duke Street has been home to numerous businesses. The sites first tenant was Herman Ahrens, who worked as a local tailor. Other early shops included Freddie and Jack’s Sporting Goods, Grip Tite Roofing, and the Sheehy Brothers. The commercial use of the building continues to this day.

The building was constructed and originally owned by William Henry Breithaupt. The Breithaupt’s were a prominent family in the history of Kitchener, being involved in numerous businesses including the Breithaupt Leather Company, the Berlin Gas Company, and the Berlin and Waterloo Railway. The family also had a strong political presence, with different members acting as mayors of then-Berlin as well as being members of the House of Commons. William H. Breithaupt carried on the Breithaupt family interest in both the Berlin and Waterloo Railway and the Berlin Gas Company in the early nineteen-hundreds. Other notable achievements of his include being the first chairman of the City Planning Commission from 1917-1921 and directly contributing to the organization

and establishment of the Waterloo Historical Society in 1912, acting as the first president and holding the position for 12 consecutive years. He was involved in numerous major infrastructure projects and public enterprises, including the construction of the Bridgeport line in 1902, the Grand River Country Clubhouse, and erection of the Memorial Tower, the development of the Grand River Conservation Scheme, and the opening of Duke Street from Queen to Frederick. Through these numerous contributions, William H. Breithaupt can be defined as being significant to the community.

Contextual Values

The contextual value of the property relates to its physical, historical, functional, and visual link to its surroundings. The building sits on the intersection of Queen Street North and Duke Street East, in its original location. It retains its original use as the home to multiple local businesses. It is surrounded by other historic buildings, including 49 Queen Street North (St Peter's Lutheran Church) to the south, 10 Duke Street to the west (the former head office of the Economical Mutual Fire Insurance Company of Kitchener), and 15-29 Duke Street East to the north (the Federal Building, which is both a Recognized Federal Heritage Building and listed on the Kitchener Municipal Heritage Register).

Heritage Attributes:

The heritage value of 2-22 Duke Street East resides in the following heritage attributes:

- All elements related to the construction and Art Deco architectural style of the building, including:
 - Roof and roofline;
 - Windows and window openings;
 - Door openings;
 - Concrete sills and soldier course headings;
 - Two central brick pilasters topped with finials and decorated with floral motifs;
 - Two-storey semi-circular opening;
 - Breithaupt Family Grant of Arms; and,
 - Pilasters and decorative stone caps.

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*
- Bill 23 Municipal Heritage Register Review (DSD-2023-225)

REVIEWED BY: Rosa Bustamante, Director of Planning

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

ATTACHMENTS:

Attachment A – Statement of Significance for 2-22 Duke Street East