

# Staff Report



Development Services Department

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

**WARD(S) INVOLVED:** Ward 9

**DATE OF REPORT:** October 11, 2023

**REPORT NO.:** DSD-2023-465

**SUBJECT:** Notice of Intention to Designate 67 King Street East under Part IV of the Ontario Heritage Act

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## 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 67 King Street East as being of cultural heritage value or interest.

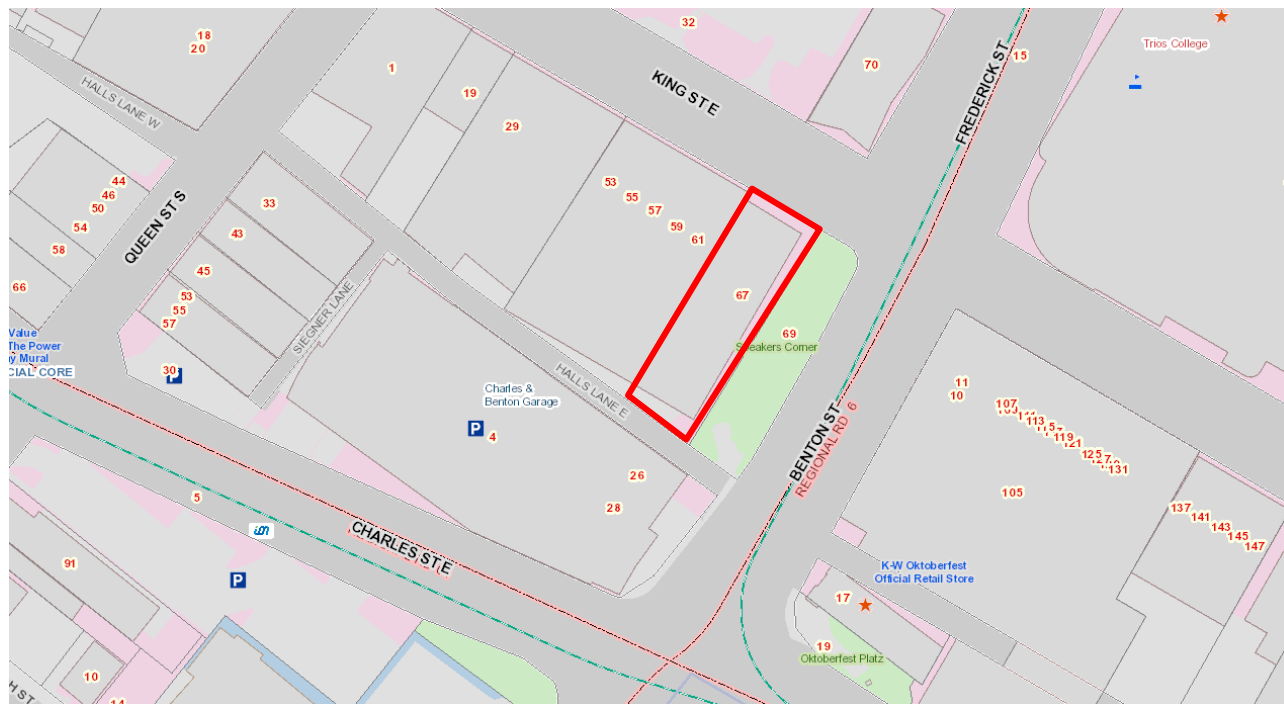
## REPORT HIGHLIGHTS:

- 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 67 King 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 August 1, 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 67 King Street East be recognized, and designation pursued.
- The key finding of this report is that the property municipally addressed as 267 King 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 south side of King Street East, between where Benton Street intersects to the east and Queen Street South intersects to the west. The property contains a two-storey late 20<sup>th</sup> century commercial building, constructed in the International architectural style. The commercial building is situated on a 0.22-acre parcel of land in the City of Kitchener within the Region of Waterloo. The principal resource that contributes to the heritage value of the property is the commercial building.



**Figure 1: Location Map of Subject Property**

A full assessment of 67 King 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 August 1, 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 67 King 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: View of Subject Property from King & Benton Intersection



**Figure 3: Side Facade of Subject Property Viewed Through Speakers Corner**

67 King Street East is recognized for its design/physical, historical/associative, and contextual values. It satisfies five 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.	<b>Yes</b>
2. The property has design value or physical value because it displays a high degree of craftsmanship or artistic merit.	<b>No</b>
3. The property has design or physical value because it demonstrates a high degree of technical or scientific achievement.	<b>No</b>
4. The property has historical value or associative value because it has direct associations with a theme, event,	<b>Yes</b>

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.	<b>No</b>
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.	<b>Yes</b>
7. The property has contextual value because it is important in defining, maintaining or supporting the character of an area.	<b>Yes</b>
8. The property has contextual value because it is physically, functionally, visually, or historically linked to its surroundings.	<b>Yes</b>
9. The property has contextual value because it is a landmark.	<b>No</b>

*Design / Physical Value*

The design and physical value of the subject property resides in the architecture and physical construction of the building. It is a unique and representative example of the International architectural style in a commercial building. The building was constructed in a two-storey rectangular form and is in good condition as the original appearance of the structure has been largely maintained.

*Historical / Associative Value*

The building possesses historical and associative value due to its original use and ownership. The building was originally owned and operated by the Canada Permanent Trust Company, whose origins as a trust company date back to 1855. After World War II the company contributed significantly towards continued growth and development in cities, as they focused on mortgage lending within urban areas as well as lending to corporations investing in plans and equipment. At the time that 67 King Street East was constructed, Canada Permanent was the oldest trust company in Canada. In the late 1990's Canada Permanent – now named Canada Trust – grew to be the largest trust and loan financial institution in the country with almost 400 branches. In 2000, Canada Trust was acquired by the TD Bank Financial Group.

The architecture firm which designed the building also contributes to the historical and associative value of 67 King Street East. The building was designed by the prominent architecture firm that was at the time known as Rieder and Hymmen, previously called Barnett Rieder Architects and later Rieder, Hymmen and Lobban Inc. Architects. This was the firm of prolific local architect Carl Rieder, who in the 47 years of his career made significant contribution to the development of the Modernist architectural style in Southwest Ontario and in the Waterloo County region specifically.

## *Contextual Value*

The contextual value of 67 King Street East relates to its importance in maintaining the commercial character of the surrounding area, as well as its physical, functional, visual, and historical link to its surroundings. The subject property is located within the Downtown Cultural Heritage Landscape, which is within the City Centre District. This area is recognized as the heart of the downtown and historically was the focal point of early development in what was then Berlin. Hotels and inns, banks, offices, and other commercial enterprises anchored this core area. Many of these late-19<sup>th</sup> and early-20<sup>th</sup> century remain today, and the mix of uses continues. The building currently operates as the Canadian Mental Health Association (CMHA) Waterloo Wellington office – this is a continuation of the original office use of the building and supports the function and character of the surrounding area. Further it is located in-situ within a notable setting, as the building provides a frame for the adjacent Speakers Corner Park space. Other historical buildings are located adjacent to or in proximity to the property, including properties within the Victoria Park Area Heritage Conservation District.

## *Heritage Attributes*

The heritage value of 67 King Street East resides in the following attributes identified below.

- All elements related to the construction and International architectural style of the building, including:
  - Two storey rectangular form;
  - Flat roof with large overhang
  - Rectangular steel support pillars placed at regular intervals;
  - Smooth neutral limestone cladding on 1/3 of the side façades;
  - Extensive use of glazing from ground floor to roofline;
  - Repetitive and even patterning of windows;
  - Steel framed doors and windows;
  - Horizontal textured steel panels that wrap in a band around the building above both the first and second storey windows; and
  - Steel canopy above entrances.
  
- All elements related to the contextual value, including:
  - Location of the building and the contribution that it makes to the continuity and character of the King Street streetscape;
  - Setting that is provided to the adjacent Speakers Corner Park space.

## **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. A representative of the property owner contacted heritage staff via email on September 8<sup>th</sup>, 2023, to ask a singular question regarding signage. No other concerns were identified with the proposed designation.

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*
- August Kitchener Municipal Heritage Register Review Update (DSD-2023-309)

**REVIEWED BY:** Rosa Bustamante, Director of Planning

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

**ATTACHMENTS:**

Attachment A – Statement of Significance for 67 King Street East