

# 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 10

**DATE OF REPORT:** October 12, 2023

**REPORT NO.:** DSD-2023-466

**SUBJECT:** Notice of Intention to Designate 70 Francis Street North 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 70 Francis Street North as being of cultural heritage value or interest.

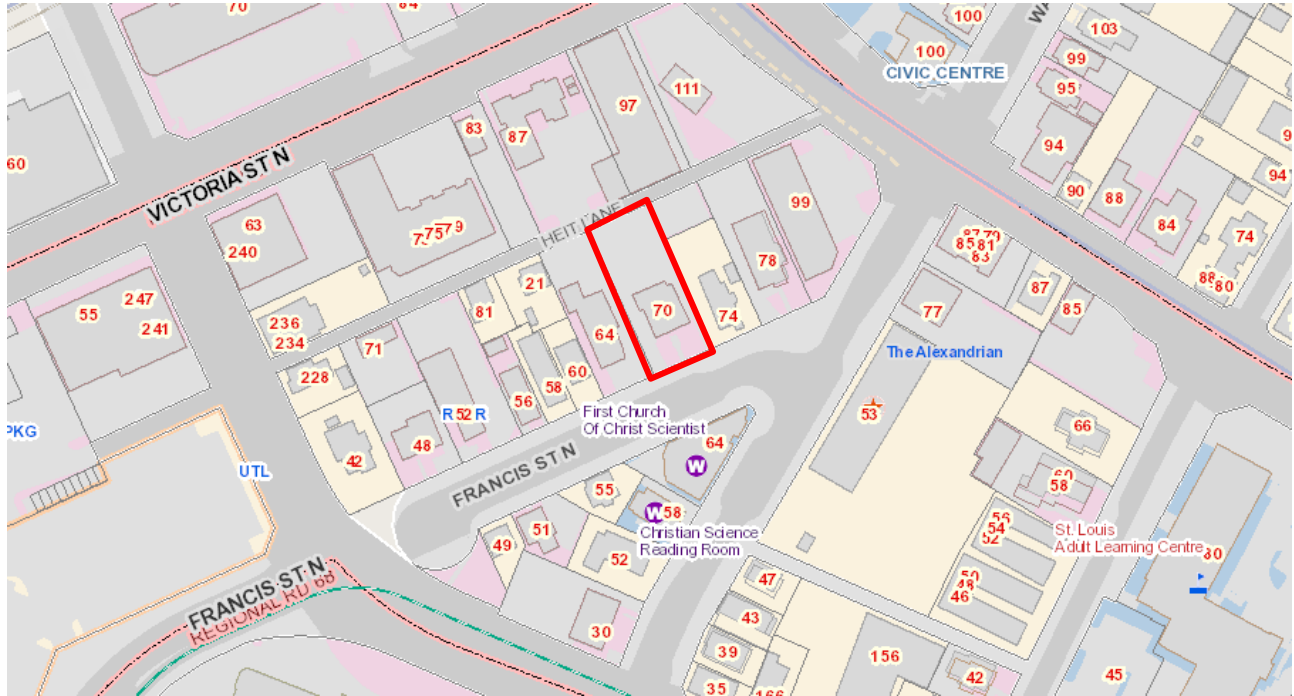
## REPORT HIGHLIGHTS:

- 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 70 Francis Street North 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 70 Francis Street North be recognized, and designation pursued.
- The key finding of this report is that the property municipally addressed as 270 Francis Street North 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 Francis Street North, to the west of Francis Street North and Water Street North intersection. The heritage resource is a two-and-one-half storey late 19<sup>th</sup> century brick house built in the Queen Anne architectural style. The building is situated on a 0.24-acre parcel of land in the City Commercial Core Planning Community of the City of Kitchener within the Region of Waterloo.



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

A full assessment of 70 Francis Street North 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 70 Francis Street North 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 Subject Property**





**Figure 3-4: Side Facades of Subject Property**

70 Francis Street North is recognized for its design/physical, historical/associative, and contextual value. 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>Yes</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, belief, person, activity, organization or institution that is significant to a community.	<b>Yes</b>

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>Yes</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>No</b>
7. The property has contextual value because it is important in defining, maintaining or supporting the character of an area.	<b>No</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 building at 70 Francis Street North has design and physical value, being a representative example of a late-19<sup>th</sup> century residential dwelling constructed in the Queen Anne Revival architectural style. It utilizes a mix of materials in its design, including buff brick – now dark and weathered in appearance – cedar shake along the gables and turret, and black asphalt shingles.

*Historical / Associative Value*

The property has historical and associative value due to it's the original ownership as well as its connection to the theme of economic development within the City. The residential dwelling was built for Albert Ruby, a prominent citizen and life-long resident of Berlin (now Kitchener) and a major contributor to the furniture industry within the area. H. Krug Furniture Company was established in the 1880's by Albert Ruby in partnership with Hartman Krug. The Rub-Krug business relationship lasted many years, and their connection developed further when Albert Ruby and Hartman Krug later married sisters Frances Dunn and Mary Ann Dunn and became brothers-in-law. Albert Ruby acted as the First Secretary Treasurer of Krug Furniture Co. until his death in 1932 at the age of 66. The position was then superseded by his son Leonard W. Ruby, who later became the Vice-President of the company in 1954, the President in 1962, and Chairman to the company in 1971. The Ruby family still retains a prominent presence and remains actively involved with Krug Furniture, with Len Ruby being the President of the company as of 2023.

The establishment of Krug Furniture was instrumental to the growth and development of the City and its economy. In the early 1900's the company was reputed to be the largest furniture plant in the British Empire, and consequently by 1920 the Town of Berlin emerged as the furniture capital of Canada. Major furniture shows were hosted within the City and buyers would travel across the country to Berlin in order to view new trends. Krug Furniture continues to be a leader in the design and manufacturing of furniture solutions,

specifically now for offices and healthcare, and it remains one of the oldest businesses still operating in Kitchener.

### *Contextual Value*

The contextual value of 70 Francis Street North relates to the physical, historical, and visual links to the surrounding area. The building is in its original location along Francis Street North and is surrounded by other historic buildings. This includes 64 Water Street to the south (the First Church of Christ Scientist), 97 Victoria Street North to the north, and 42 Francis Street North further to the west. Though the house is now used as an office space, it continues to contribute to the continuity and character of the Francis Street North streetscape. Further, it is historically linked to the Krug Furniture factory located in proximity at 111 Ahrens Street West/135 Breithaupt Street.

### *Heritage Attributes*

The heritage value of 70 Francis Street North resides in the following identified attributes.

- All elements related to the construction and Queen Anne architectural style of the building, including:
  - Irregular building plan;
  - Buff brick laid in a common bond;
  - Rock-faced stone foundation;
  - Projecting two storey bay on south elevation with gambrel roof;
  - Modified gable roof;
  - Octagonal tower with an eight-sided conical roof;
  - Plain fascia, moulded soffit, and frieze with dentils and mouldings;
  - Windows and window openings, such as the 1/1 windows with flat rusticated lintels, the large first floor windows with half-round transoms, the 1/1 round topped windows with decorative surrounds and keystone, the three part oriel window; the three section window with a two section elliptical-arch transom and brick label and, the two storey bay window with a bracketed pediment gable above;
  - Main entrance door with single light, sidelights and transom with beveled glass; and,
  - Verandah.

### **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 70 Francis Street North