

# Staff Report



Development Services Department

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**REPORT TO:** Heritage Kitchener

**DATE OF MEETING:** March 5, 2024

**SUBMITTED BY:** Garrett Stevenson, Director of Development and Housing Approvals,  
519-741-2200 ext. 7070

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

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

**DATE OF REPORT:** February 14, 2024

**REPORT NO.:** DSD-2024-094

**SUBJECT:** Notice of Intention to Designate 33 Eby Street South 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 33 Eby Street South as being of cultural heritage value or interest.

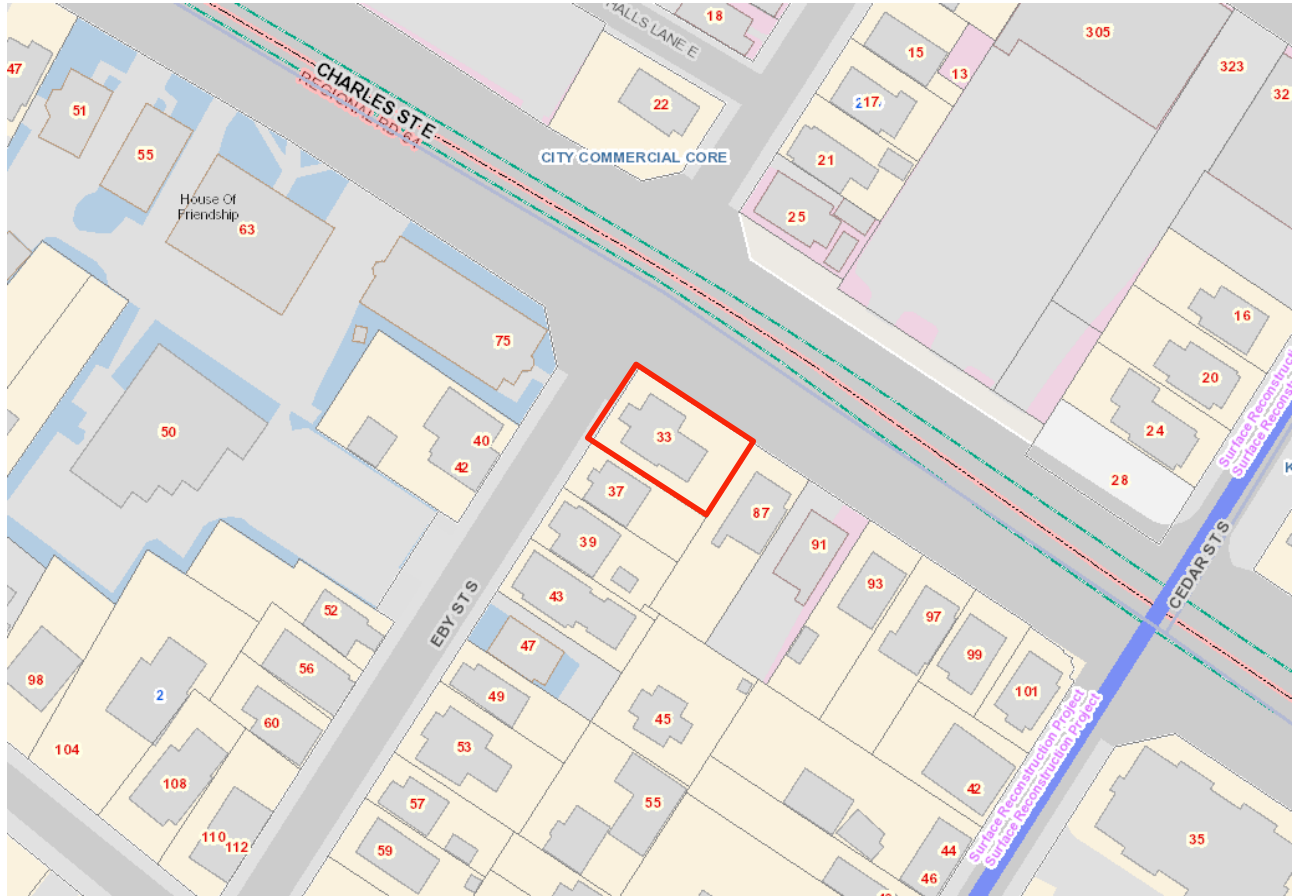
## REPORT HIGHLIGHTS:

- 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 33 Eby Street South 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 January 9, 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 33 Eby Street South be recognized and designation pursued.
- The key finding of this report is that the property municipally addressed as 33 Eby Street South 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 with this recommendation.
- 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:

33 Eby Street South is a one-and-one-half storey mid-19<sup>th</sup> century brick house built in the Ontario Gothic Revival cottage style. The house is situated on a 0.09 acre parcel of land located on the south east corner of Charles Street East and Eby Street South, within the City of Kitchener, Region of Waterloo. The principal resource that contributes to the heritage value is the house.



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

A full assessment of 33 Eby Street South 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 January 9, 2024. On this meeting date, the Committee recommended that pursuant to Section 29 of the *Ontario Heritage Act*, the cultural heritage value or interest of 33 Eby Street South 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 January 16, 2024, 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 Subject Property**

33 Eby Street South 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.

<b>Criteria</b>	<b>Criteria Met (Yes/No)</b>
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, 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>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 value relates to the house's architecture as an early and representative example of the Ontario Gothic Revival cottage style in Kitchener. The house is in good condition. It is one-and-a-half storeys in height and features a side gable roof with a centred gable with pointed arch door located above the front door; a symmetrical front façade with a central front door flanked by windows on either side; yellow brick construction; original window openings with brick soldier course headings; stone foundation; and, a sympathetic one-storey board and batten rear addition. The building is a typical late 19<sup>th</sup> Century example without the original embellishments typical of the style.

#### ***Front (West) Façade***

The front of the building is symmetrical in massing, with a pitched gable centered above the entrance. There is a single arched window within the gable and rectangular 12-pane windows are located to either side of the front door on the ground floor. A decorative transom window and sidelites surround the entrance, though the door appears to be a modern addition. The tops of the windows and the entrance opening are adorned with soldier course heading.

### *Side (North) Façade*

The original portion of the north side façade includes two second-storey windows and two first-storey windows, spaced equidistance apart. The windows are rectangular in shape and 12-pane with soldier course heading, matching the ground-floor windows on the front. A small portion of the foundation is visible. From the side façade the one-storey rear addition is also visible. The addition is clad in board and batten and includes one rectangular 12-pane window and one casement window as well as three skylights.

### *Side (South) Façade*

The second storey of the south side façade includes one window opening and one door opening that may have originally been another window. There are two more windows on the ground floor, and all openings are spaced symmetrically. The windows are rectangular in shape and 12-pane. The second storey door is 15-pane and leads to a wood fire-escape. There is soldier course headings above each opening in the façade.

### *Rear (East) Façade*

There is one original window opening with brick soldier course heading and a 12-pane window in the original portion of the rear façade. The rest of the rear façade is covered by the board and batten addition, the massing of which is off centered to the south. There is a dormer with a semi-circular window and board and batten cladding located above the rear addition on the original roof.

### *Modifications*

The original door has been replaced by a steel door with side windows. A modern porch hides much of the arched façade. A symmetrical front façade with a central front door is flanked by original window openings with modern windows with brick voussoirs; stone foundation. Additional decorative elements typical to the Ontario Gothic Revival Cottage style may have been present, such as barge boards and scalloping under the eaves. The current portico is not a sympathetic design. A West elevation fire escape is a recent addition.

### ***Historical / Associative Value***

Henry Eby, born on January 25, 1820, was the son of Bishop Benjamin Eby. His foray into journalism commenced in December 1837 when he assumed an active role at the Canada Museum und Allgemeine Zeitung. Alongside Thomas Enslin, he undertook the acquisition of a subscription list, laying the foundation for the establishment of Der Deutsche Canadier und Neuigkeitsbote in September 1841. Distinguished as the sole German-language newspaper in British North America from 1841 to 1848, the Deutsche Canadier was very successful. The printing office was located on King Street East at Eby Street South, a block away from Eby's home. The first grammar and common school opened in the printing office before Suddaby School was built on Frederick Street. Henry was also one of the first school trustees. Henry built the house at 33 Eby Street in 1850 (Waterloo Region Generations, 2013).

The historical and associative values relate to the original owner of the property Henry Eby as well as the Eby family. Having a broadly read German newspaper and various books

and pamphlets set the German speaking people of Kitchener apart from the largely rural and Mennonite community in surrounding areas. Berlin was a vibrant and economically progressive community unlike any other in Ontario. According to various directories the house remained in the Eby family from 1820 to 1946, including Louisa Eby, Menno Eby, and Ilda Eby. The Eby family was a prominent pioneering family that played a key role in shaping what Kitchener looks like today.

### ***Contextual Values***

The contextual value relates to the buildings functional, physical, and visual link to the surrounding area as well as the contribution that the house makes to the continuity and character of the Eby Street streetscape. The building is located in-situ along the intersection of Charles Street East and Eby Street South. It is within the Cedar Hill Neighbourhood Cultural Heritage Landscape (CHL), which is home to a wide variety of some of the earlier homes of Kitchener. The CHL is further characterized by the elevated topography, narrow street widths, and dramatically long views.

### ***Heritage Attributes***

The heritage value of 33 Eby Street South resides in the following Ontario Gothic Revival cottage style, including:

- One-and-one-half storey height of the house;
- Side gable roof with a centred gable with pointed arch door located above the front door;
- Symmetrical front façade with central front door flanked by windows on either side;
- Yellow brick construction;
- Original window openings with brick voussoirs;
- Stone foundation; and
- Sympathetic one-storey board and batten rear addition.

### **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 January 16, 2024.

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*
- Municipal Heritage Register Review Project – January 2024 Update (DSD-2024-022)

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

**ATTACHMENTS:**

Attachment A – Statement of Significance for 33 Eby Street South