

BY-LAW NUMBER  
OF THE  
CORPORATION OF THE CITY OF KITCHENER

Being a by-law to designate the property  
municipally addressed as 70 Francis Street  
North, in the City of Kitchener as being of  
historic and cultural heritage value or interest.

WHEREAS section 29 of the *Ontario Heritage Act*, R.S.O. 1990, C. 0.18, authorizes the Council of a Municipality to enact by-laws to designate real property, including all of the buildings and structures thereon, or portions thereof, to be of cultural heritage value or interest;

AND WHEREAS the Council of The Corporation of the City of Kitchener has received and considered the recommendations of its municipal heritage committee (Heritage Kitchener) regarding the designation of a property located at 70 Francis Street North, Kitchener (the "Property");

AND WHEREAS the Council of The Corporation of the City of Kitchener resolved at its Council Meeting held on December 11, 2023, to publish a Notice of Intention to designate the Property as being of cultural heritage value or interest pursuant to section 29 of the *Ontario Heritage Act*, R.S.O. 1990, C. O.18, and which resolution was confirmed by By-law No. 2023-183;

AND WHEREAS a copy of the Notice of Intent to Designate was served upon the registered owners of the Property and upon the Ontario Heritage Trust;

AND WHEREAS a copy of the Notice of Intent to Designate was published in the Waterloo Region Record, which is a newspaper having general circulation in the City of Kitchener on December 15, 2023, a copy of which is attached to this by-law as "Schedule A";

AND WHEREAS a Notice of Objection to the Notice of Intention to Designate was served on the Clerk of the City of Kitchener by the owner of the Property within the timeline set out in the Ontario Heritage Act;

AND WHEREAS City Council considered said Notice of Objection at their meeting of March 18, 2024, and resolved not to withdraw the Notice of Intention to Designate for the Property within the timeline set out in the Ontario Heritage Act;

NOW THEREFORE the Council of The Corporation of the City of Kitchener enacts as follows:

1. The building and property known as 70 Francis Street North, Kitchener, as more particularly described in Schedules "B" and "C" to this by-law are hereby designated as being of cultural value or interest under Part IV, section 29 of the *Ontario Heritage Act*, R.S.O. 1990, C. 0.18;
2. The City Solicitor is hereby authorized to cause a copy of this by-law to be registered against the whole of the property described in Schedule "D" to this by-law with the Land Registry Office;
3. The City Clerk is hereby authorized to cause a copy of this by-law to be served upon the registered owners of the property described in Schedule "D" to this by-law and on the Ontario Heritage Trust; and,
4. The City Clerk is hereby authorized to publish a notice of this by-law in a newspaper having general circulation in the City of Kitchener.

PASSED at the Council Chambers in the City of Kitchener this      day of March, 2024.

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Mayor

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Clerk

## SCHEDULE A

### NOTICE OF INTENTION TO DESIGNATE

70 FRANCIS STREET NORTH, KITCHENER



IN THE MATTER OF THE ONTARIO HERITAGE ACT, R.S.O. 1990, CHAPTER O.18, AS AMENDED, AND IN THE MATTER OF THE LANDS AND PREMISES AT THE FOLLOWING MUNICIPAL ADDRESSES IN THE PROVINCE OF ONTARIO

#### NOTICE OF INTENTION

**TAKE NOTICE** that the Council of the Corporation of the City of Kitchener intends to designate the following municipal addresses as being of cultural heritage value or interest under Part IV of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18, as amended.

##### **24 Courtland Avenue East**

The property municipally addressed as 24 Courtland Avenue East demonstrates design/physical, historical/associative and contextual value. The design and physical value of the property relates to the unique Vernacular Victorian Gothic architectural style. Walk-up row housing is rare in the context of Kitchener, as there are not many examples of this housing typology within the City.

The historical and associative value of the property 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 19<sup>th</sup> and early 20<sup>th</sup> 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).

The contextual value of the property 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.

##### **26 Courtland Avenue East**

The property municipally addressed as 26 Courtland Avenue East demonstrates design/physical, historical/associative and contextual value. The design and physical value of the property relates to the unique Vernacular Victorian Gothic architectural style. Walk-up row housing is rare in the context of Kitchener, with not many examples of this housing typology within the City.

The historical and associative value of the property 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 19<sup>th</sup> and early 20<sup>th</sup> 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).

The contextual value of the property 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.

##### **58 Queen Street South**

The property municipally addressed as 58 Queen Street South demonstrates design/physical, and historical/associative, and contextual values. The design and physical value of the property relates to the building being a representative example of the Renaissance Revival architectural style that is in good condition with many in-tact original elements.

The historical and associative value of the property relates to the original owner and use of the property, as well as the contribution made to the history of Kitchener's development.

The contextual value of the property relates to its contribution to a collection of buildings constructed during the industrial and commercial development of Kitchener. The building on the subject property is in its original location and maintains historical and visual links to its surroundings.

##### **66 Queen Street South**

The property municipally addressed as 66 Queen Street South demonstrates design/physical, and historical/associative, and contextual values. The design and physical value of the property relates to the building being a representative example of the Renaissance Revival architectural style that is in good condition with many in-tact original elements.

The historical and associative value of the property relates to the original owner and use of the property, as well as the contribution made to the history of Kitchener's development.

The contextual value of the property relates to its contribution to a collection of buildings constructed during the industrial and commercial development of Kitchener. The building on the subject property is in its original location and maintains historical and visual links to its surroundings.

##### **73 Young Street**

The property municipally addressed as 73 Young Street demonstrates design/physical, and historical/associative, and contextual values. The design and physical value of the property relates to its Gothic architectural style, laid out in the shape of a Latin Cross with extensive use of decorative brick and stone moulding, buttresses, and circular brick tiles, and overall symmetry of the church with similar façade and fenestration patterns throughout.

The historical and associative value of the property relates to the original owner and use of the property and building, and the contributions made to Kitchener's history. The land has always been used as a church and contains one of the oldest churches in Kitchener. The subject property has direct associations with Arthur William Holmes, a prominent architect who devoted most of their career to designing buildings for the Roman Catholic Church in Southern Ontario.

The contextual value of the property relates to physical, historical, functional, and visual links to the building's surroundings. The church building has a strong visual presence, including important views, on Duke Street and Young Street as the building occupies a large site slightly elevated on a hill. The church building has also been recognized as a landmark within the City of Kitchener.

##### **4 King Street East/1 Queen Street South**

The property municipally addressed as 4 King Street East/1 Queen Street South demonstrates design/physical, historical/associative, contextual, and economic values.

The design and physical values relate to the Italianate architectural style that is in good condition with many intact original elements.

The historical and associative values relate to the original owner and use of the building. The original owner of the building was Louis Breithaupt while the original use of the building was a hotel, titled the American Hotel. The building is the oldest commercial building in the City. Louis Breithaupt was a prominent business in Berlin as well as a former mayor, and his contributions to the development of Berlin form an integral chapter in Berlin's commercial and industrial development.

This building has contextual value, being built in the downtown commercial core of then-Berlin and part of a group of buildings that were built at the onset of industrial and commercial development in the City. Today, these buildings are in the downtown commercial core of Kitchener and greatly contribute to the character of the area. The building is in its original location and maintains historical and visual links to its surroundings. Furthermore, the building is located at a prominent intersection in the downtown city core.

##### **2-22 Duke Street West**

The property municipally addressed as 2-22 Duke Street West demonstrates design/physical, historical/associative, and contextual values.

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 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.

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.



#### 40 Chapel Hill Drive

The property municipally addressed as 40 Chapel Hill Drive demonstrates design/physical, historical/associative, and contextual values.

The design and physical value of 40 Chapel Hill Drive resides in its Modern architectural style, laid out in an irregular floor plan and utilizing a mix of natural building materials including stone, vertical wood siding and wood shingles. The chosen design is symbolic in nature, and relates to the theology of the Carmel Church of New Jerusalem.

The historical and associative value of 40 Chapel Hill relates to the original owners and use of the property and building. The building was constructed by the Carmel Church of New Jerusalem, who remain the owners to date. The Carmel Church of the New Jerusalem is a society of the New Church, which is a Christian denomination that follows the theological writings and interpretations of famous 18<sup>th</sup> century Swedish scientist, philosopher, and theologian Emanuel Swedenborg. Such sects can be referred to as Swedenborgians. The Pennsylvania groups of Swedenborgian were one of the principal sources of immigration to Waterloo County, and later enabled the emergency of the Berlin Association in the middle of the nineteenth century. The property also provides some insight into patterns of growth and development within the area, being formally the centre of an independent and self-sufficient church community known as Caryndale. Urbanization and a growing population led to the community's eventual annexation into Kitchener in the 1970's. Finally, the associative value of the church relates to its designer, prolific local architect John Lingwood.

The contextual value of 40 Chapel Hill Drive relates to its importance in maintaining the character of the church-centred community formerly known as Caryndale. Though the area's title has changed from community to neighbourhood and it has grown significantly through the construction of new subdivisions as well as infill development, the predominant residential use of the area remains. The subject property and the surrounding area have been identified as being a Cultural Heritage Landscape.

#### 54-68 King Street West

The property municipally addressed as 54-68 King Street West demonstrates design/physical, historical/associative, and contextual values.

The design and physical value of 54-68 King Street West resides in its architecture and physical construction. The building is a unique expression of Modernist architecture that also utilizes classical and neo-classical motifs. It is this sophisticated blending of different styles from varying eras that make the subject property a significant piece of architecture within the community. Through its material use and other detailing it also displays a high degree of craftsmanship.

The historical and associative value of the property lay in its significant association with banking institutions. Prior to becoming the Bank of Nova Scotia in 1926, the property held a building formerly known as the Merner Block, which was occupied by the Union Bank. The Merner Block was demolished in 1962 and replaced with the existing one-storey building. This building also has significance due to its association with programs and initiatives undertaken by the bank that reflected how such institutions and their processes changed and developed over time. It reflects the economic climate of both the area and, to some degree, the country at the time of its construction. The building was designed by Carl Albert Rieder, a prominent local architect who made significant contributions to the field during the span of his career.

The contextual value of 54-68 King Street West 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. It is within the Downtown Cultural Heritage Landscape, which is within the City Centre District and is an area that has historically been recognized as the heart of the downtown and a focal point of the Region. In addition, the distinct architectural style of 54-68 King Street West and its location on a corner lot along a primary road makes the building prominently visible and easily recognizable.

#### 70 Francis Street North

The property municipally addressed as 70 Francis Street North demonstrates design/physical, historical/associative, and contextual values.

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.

The property has historical and associative value due to its 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. Its establishment was instrumental to the growth and development of the City and its economy, being reputed to be the largest furniture plant in the British Empire in the early 1900's. 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. The Ruby family still has direct and significant ties with the company, with Lan Ruby being its president in 2023.

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. 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.

#### 144-150 King Street West

The front façade of the property municipally addressed as 144-150 King Street West demonstrates design/physical, historical/associative, and contextual values.

The design and physical value of the building resides in its architecture and physical construction, as the building is a representative example of the Classical Revival architectural style. A high degree of technical and scientific achievement is demonstrated, as the front façade is likely the first in the City to be built with precast concrete. In addition, it is believed that this building was the first within the City to install an elevator.

The property has historical and associative value due to its connection to the theme of economic development in the downtown area. In 1840 David Weber sold a one-acre parcel of land north of King Street and east of Young Street, all within Lot 16 and part of the 3-acre trade made by his father-in-law in 1833 to Frederick Gaukel. This parcel became the site of the Mayfair Hotel and the Weber Chambers, which is the inscription seen on the parapet of 144-150 King Street West. The Weber Chambers building originally housed storefronts on the ground floor and office spaces above, and was home to a number of notable tenants.

The contextual value of the building 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 surrounding area is occupied by a mix of uses, with hotels, banks, and other commercial enterprises being the original anchors of the commercial core. Though the upper storeys are now residential units, the ground floor maintains its original commercial use and continues to support the commercial character of the area.

#### 149-151 Ontario Street North

The property municipally addressed as 149-151 Ontario Street North demonstrates design/physical, and historical/associative values. The building is an early example of a late 19<sup>th</sup> century, semi-detached, vernacular brick building with both Italianate and modest Georgian influences.

The property has historical and associative value because it is the last remaining example of a residential building in this section of Ontario Street North and is an example of a working-class residence.

#### 628 New Dundee Road

The property municipally addressed as 628 New Dundee Road demonstrates design/physical, historical/associative, and contextual values.

The dwelling on the lot is a representative and early example of a dwelling constructed in the Gothic Revival Cottage architectural style. Common features characteristic of this specific style are displayed, and the building was constructed prior to Confederation in 1867.

Historical/associative values are displayed as the property was once a working 19<sup>th</sup> century agricultural farm complex and is therefore associated with themes of agriculture and mid-19<sup>th</sup> century agricultural practices. Further, it is associated with the theme of early settlement in the Beasley's Old Survey area of Waterloo Township. The structure also demonstrates local materials available to settlers and common construction methods utilized during the late nineteenth century and, when compared to similar style buildings within the area, reveals some architectural trends.

The dwelling on the lot has contextual value as the surroundings largely retain their rural character. The farmhouse also maintains a relationship to and remains oriented towards New Dundee Road, which is the original settlement road that once bisected the lot. As such, the dwelling has a physical link to its surroundings.

#### 67 King Street East

The property municipally addressed as 67 King Street East demonstrates design/physical, historical/associative, and contextual values.

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 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. At the time that 67 King Street East was constructed, Canada Permanent was the oldest trust company in Canada. 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 firm of prominent local architect Carl Reiker.

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, in an area commonly recognized as the heart of the downtown and the historically focal point of early development in what was then Berlin. Further it is located in-situ within a notable setting, as the building provides a frame for the adjacent Speakers Corner Park space.

The full Statements of Significance, containing a list of the heritage attributes, is available in the Office of the City Clerk by contacting [clerks@kitchener.ca](mailto:clerks@kitchener.ca) during normal business hours. Any person may send by Registered Mail, or deliver to the Clerk of the City of Kitchener, notice of their objections to the proposed designation, together with a statement of the reasons for objection and all relevant facts, to be received by the Clerk no later than the 14<sup>th</sup> day of January, 2024. If a Notice of Objection is received, the Council of the Corporation of the City of Kitchener will refer the matter to the Ontario Land Tribunal (<https://olt.gov.on.ca/>) for a hearing and report.

Dated at Kitchener the 15<sup>th</sup> day of December, 2023.

Amanda Fusco  
Director of Legislated Services & City Clerk  
City Hall, P.O. Box 1118  
200 King Street West  
Kitchener, Ontario N2G 4G7

## SCHEDULE B

### STATEMENT OF CULTURAL HERITAGE VALUE OR INTEREST

70 FRANCIS STREET NORTH, KITCHENER

#### **Description of Cultural Heritage Resource**

70 Francis Street North is a two-and-one-half storey late 19<sup>th</sup> century brick house built in the Queen Anne architectural style. The residence is situated on a 0.24 acre parcel of land located on the north side of Francis Street North between Duke Street West and Water Street North in the City Commercial Core Planning Community of the City of Kitchener within the Region of Waterloo. The principal resource that contributes to the heritage value is the house.

#### **Heritage Value**

70 Francis Street North is recognized for its design/physical, historical/associative, and contextual value.

#### ***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.

#### **Front South Façade**

The building is asymmetrical in its massing, with projecting bay windows to the left and an octagonal turret with an eight-sided conical roof to the right. The projecting bay has a gambrel roofline, and the rest of the roof is steeply pitched. Frieze board decorated with a foliated scroll wraps around the turret, while frieze board with a simpler dentil pattern is present along the rest of the second-storey roofline. Fan brackets with ornamental pendants are also present at the corners of the projecting bays.

A porch spans the full width of the front, and its roof is supported by six square posts. The main entrance is in the centre of the front façade. The door has a large centre window and 12 raised panel detailing. There is a transom and sidelights surrounding the door. The windows on the front are mostly rectangular in shape and are a mix of casement, single-hung, and double-hung. The windows located on either the turret or the gables have soldier course heading and either concrete or stone sills. There are two windows on the first floor that have semi-circular stained and leaded glass transoms with radiating voussoirs and molded brick trim.

### West Side Façade

The west side façade maintains the asymmetrical massing. There is a two-storey bay with three windows on each storey to the left, and a brick chimney flute and chimney to the right. The windows are single hung with soldier course heading and stone or concrete sills. A portion of the rock-faced stone foundation is visible on this side of the structure. Modern additions including cables and gas-metres are also visible.

### East Side Façade

The east side façade possesses an asymmetrical massing. The octagonal turret which forms part of the front façade also forms the left side of the east façade. To the right, there is a two-storey protruding section with gabled roof, clad in wood siding. The windows on this section are casement. There is also a semi-circular window with a radiating voussoir and brick sill on the ground floor.

### Historical Value

The property has associative value due to the original ownership of the home and historical value in relation to 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. The property itself was obtained by Nelson Ruby, Albert Ruby's father, in 1881, with the house constructed by Albert Ruby in 1898. It remained in the Ruby family until 1966.

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 of 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.

### 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.

## SCHEDULE C

### DESCRIPTION OF HERITAGE ATTRIBUTES

70 FRANCIS STREET NORTH, KITCHENER

#### *Description of the Heritage Attributes*

- All elements related to the construction and Queen Anne architectural style of the building, including:
  - Building massing and 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;
  - window openings;
  - main entrance door opening with single light, sidelights and transom with beveled glass; and,
  - verandah.

**SCHEDULE D**

**LEGAL DESCRIPTION**

PT LT 125-126 PL 374 KITCHENER AS IN 928437; KITCHENER

Being all of PIN 22317-0030 (LT)