

Staff Report



Development Services Department

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REPORT TO: Heritage Kitchener

DATE OF MEETING: May 7, 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 10

DATE OF REPORT: April 24, 2024

REPORT NO.: DSD-2024-210

SUBJECT: DSD-2023-416 - Notice of Intention to Designate 87 Scott Street and
82 Weber 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 79-87 Scott Street/66-82 Weber 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 79-87 Scott Street and 66-82 Weber Street East under Part IV of the *Ontario Heritage Act*.
- The key finding of this report is that two buildings on the subject property, addressed as 87 Scott Street and 82 Weber Street East, meet the criteria for designation under *Ontario Regulation 9/06* (amended by *Ontario Regulation 569/22*) and have been confirmed to be a significant cultural heritage resource. 87 Scott Street possesses design/physical and contextual value, while 82 Weber Street East possesses design/physical and historical/associative value. A Notice of Intention to Designate was published on October 27, 2023 and the mandated 120-day period in which the designating by-law is to be passed has elapsed. The Notice of Intention to Designate is to be re-issued. There have been no changes to the property from the time of review and approval in October.
- There are no financial implications.
- Community engagement included informing residents by posting this report with the agenda in advance of the Heritage Kitchener meeting, consulting, and collaborating with the owner regarding the recommendations of the Heritage Impact Assessment (HIA), and consultation with Heritage Kitchener. In addition, should Council choose to

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Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.

give notice of its intention to designate, such notice will be served to the Owner and Ontario

- This report supports the delivery of core services.

REPORT:

A Notice of Intention to Designate the property municipally addressed as 79-87 Scott Street and 66-82 Weber Street East under Part IV of the *Ontario Heritage Act* was brought forward to Heritage Kitchener on October 3, 2023 and Council on October 16, 2023. On this date, Council passed the following motion:

"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 79-87 Scott Street/66-82 Weber Street East as being of cultural heritage value or interest, as outlined in Development Services Department report DSD-2023-416."

The Notice of Intention to Designate was published in the Waterloo Regional Record, being a newspaper having general circulation in the City of Kitchener, on October 27, 2023. Under Section 29(8) of the *Ontario Heritage Act*, the designating by-law must be passed within 120 days after this date of publication. The 120-day timeline has lapsed, and a designating by-law was not presented to be passed by Council, and the process is now re-initiated. The Owner remains in support of designation. Therefore, a new Notice of Intention to Designate must be issued.

79-87 Scott Street and 66-82 Weber Street East was subject to a Site Plan Application that was submitted to the City of Kitchener in 2018 (SP18/108/S/BB). Designation of the property under Part IV of the *Ontario Heritage Act* was a condition of Site Plan Approval. No changes have been made to the subject property or the Notice of Intention to Designate that was brought forward in October of 2023. A copy of the previous staff report has been attached as Attachment A to this report.

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 and COLLABORATE – Heritage Planning staff have consulted and collaborated with the applicant and owner regarding designation under the *Ontario*

Heritage Act. Designation was made a condition of site plan approval, subject to consideration by the Municipal Heritage Committee and Council.

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*
- Notice of Intention to Designate 87 Scott Street and 82 Weber Street East (DSD-2023-416)

APPROVED BY: Justin Readman, General Manager, Development Services

ATTACHMENTS:

Attachment A – Notice of Intention to Designate 87 Scott Street and 82 Weber Street East (DSD-2023-416)