

Staff Report



Development Services Department

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REPORT TO: Heritage Kitchener

DATE OF MEETING: June 11, 2024

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

PREPARED BY: Michelle Drake, Senior Heritage Planner, 519-741-2200 ext. 7839

WARD(S) INVOLVED: Ward 5

DATE OF REPORT: May 22, 2024

REPORT NO.: DSD-2024-243

SUBJECT: Notice of Intention to Demolish (Partial)
Demolition of Building Additions
c. 1860 Log House with c. 1920-1930 Addition & c. 1960 Additions
236 Gehl Place

RECOMMENDATION:

That, in accordance with Section 27(3) of the *Ontario Heritage Act*, the Notice of Intention to Demolish (Partial) received on April 26, 2024, regarding the circa 1920-1930 addition and the two circa 1960 additions located on the property municipally addressed as 236 Gehl Place, be received for information and that the notice period run its course.

REPORT HIGHLIGHTS:

- The purpose of this report is to present the proposed demolition of three additions attached to the original circa 1860 log house municipally addressed as 236 Gehl Place (subject property).
- The key finding of this report is that the three additions to the log house on the subject property do not meet *Ontario Regulation 9/06* (Criteria for Determining Cultural Heritage Value or Interest) under the *Ontario Heritage Act*. As a result, Heritage Planning staff recommend that the Notice of Intention to Designate (Partial) the three additions to the log house on the subject property be received and that the notice period run its course.
- There are no financial implications associated with this report.
- Community engagement included consultation with Heritage Kitchener.
- This report supports the delivery of core services.

EXECUTIVE SUMMARY:

A Notice of Intention to Demolish (Partial) along with a Heritage Impact Assessment (HIA) have been submitted for three additions attached to the original circa 1860 log house municipally addressed as 236 Gehl Place (subject property). The subject property is listed as a non-designated property of cultural heritage value or interest on the City's Municipal

*** This information is available in accessible formats upon request. ***
Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.

Heritage Register. A Site Alteration Permit has been submitted to facilitate the movement of fill from the subject property to 1873 Bleams Road. The log house and its additions are in an area of high topography where the fill will be cut and removed. As a result, the applicant is proposing to demolish three additions to the log house and, as part of future processes, relocate the log house. The HIA concluded that all three additions do not meet *Ontario Regulation 9/06* (Criteria for Determining Cultural Heritage Value or Interest) under the *Ontario Heritage Act*. However, prior to demolition of the building additions, the HIA indicates that a Demolition, Stabilization and Temporary Protection Plan including a structural assessment, risk management plan, a hoarding and construction plan, and a vibration monitoring plan, will be submitted to the City. Heritage Planning staff recommend that the Notice of Intention to Demolish (Partial) the three additions be received for information and that the notice period run its course.

BACKGROUND:

The Development Services Department is in receipt of a *Notice of Intention to Demolish (Partial)* the one (1) circa 1920-1930 addition and the two (2) circa 1960 additions to a log house (Attachment A) municipally addressed as 236 Gehl Place (Figure 1.0) (subject property). The Notice was received along with a scoped Heritage Impact Assessment (HIA) on April 26, 2024. A revised scoped HIA was received on May 14, 2024 (Attachment B). The purpose of the Notice and revised scoped HIA is to facilitate the proposed demolition of three building additions to the log house on the subject property in order to thoroughly document, evaluate and provide conservation recommendations for the original log house in a future HIA.

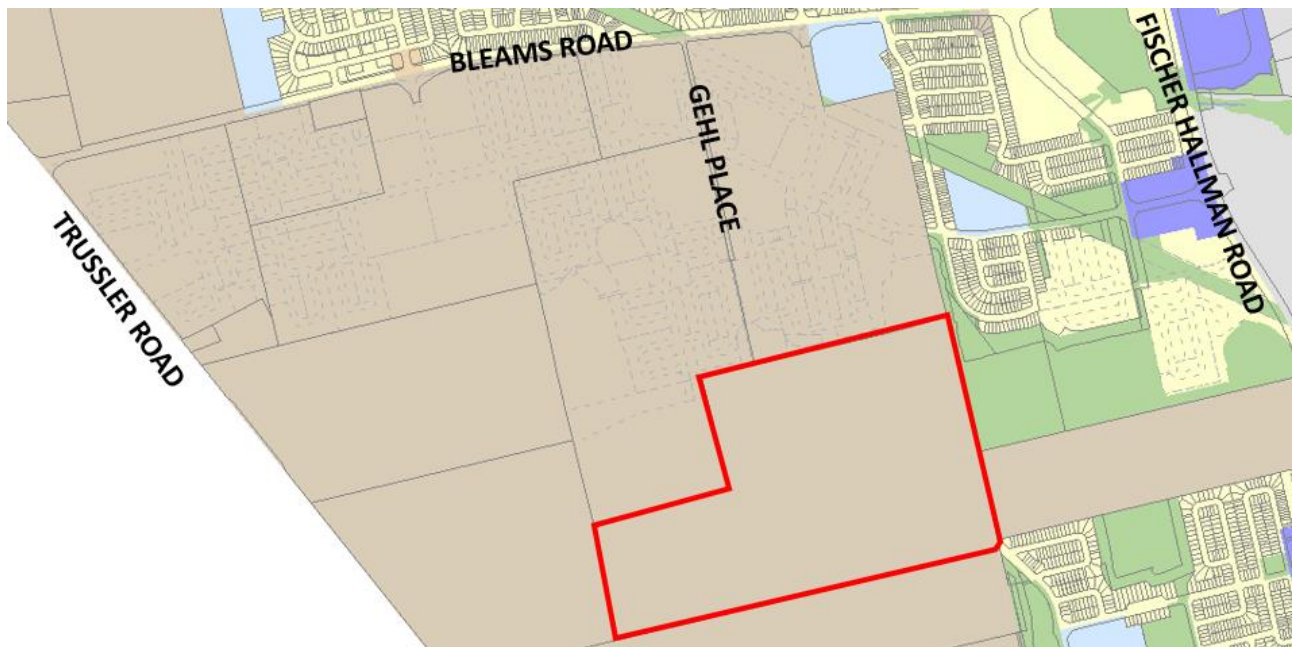


Figure 1.0: Location Map of 236 Gehl Place

The subject property was evaluated as part of the City's Southwest Kitchener Urban Areas Study Community Master Planning process. As part of this process, a heritage consultant was retained to identify, evaluate, and provide recommendations for cultural heritage resources within the study area. "*The Cultural Heritage Background Study: Built Heritage and Cultural Landscapes*" prepared by Nancy Z. Tausky, Heritage Consultant, and dated August 2010 concluded that the subject property is worthy of designation under Part IV of

the *Ontario Heritage Act*, and conservation as it is defined in the Provincial Policy Statement. The study provided a preliminary list of heritage attributes. This list did not include the building additions.

Council formally “listed” the subject property on the Municipal Heritage Register, as a non-designated property of cultural heritage value or interest, on August 29, 2011, based on the City’s 4-Step Listing Process and the evaluation conducted by Nancy Tausky. The listing included a Statement of Significance (SOS) describing the preliminary cultural heritage value or interest and a preliminary list of heritage attributes (Attachment C). The SOS did not include the building additions.

The applicant submitted a Site Alteration Permit (SAP) on April 11, 2024. The purpose of the SAP is to facilitate the movement of approximately 300,000 m³ of native fill from the subject property to the lands to the north located at 1873 Bleams Road to raise previously extracted gravel pit lands to improve grading in a new residential subdivision. The log house and its additions are in an area of high topography, whereby the topography is proposed to be cut and moved to the lands to the north. The applicant is proposing to relocate the log house (to be addressed in a future HIA) to allow the fill to be moved.

Ontario Heritage Act

Part IV, Section 27(3), of the *Ontario Heritage Act* provides a minimum level of conservation to properties listed as non-designated properties of cultural heritage value or interest on the City’s Municipal Heritage Register:

Restriction on demolition, etc.

*(9) If a property that has not been designated under this Part has been included in the register under subsection (3), the owner of the property **shall not demolish or remove a building or structure on the property** or permit the demolition or removal of the building or structure unless the owner gives the council of the municipality **at least 60 days notice in writing of the owner’s intention to demolish** or remove the building or structure or to permit the demolition or removal of the building or structure. 2019, c. 9, Sched. 11, s. 6.*

(11) The notice required by subsection (9) shall be accompanied by such plans and shall set out such information as the council may require. 2019, c. 9, Sched. 11, s. 6.

In accordance with the Act, Council has 60 days as of and including April 26, 2024 (date of receipt of the plans and information required for Heritage Planning staff to make a recommendation to Heritage Kitchener and Council), to act, if it so chooses, on the *Notice of Intention to Demolish*. The 60 days provides Council with the time it requires to issue a *Notice of Intention to Designate* as a means of preventing the demolition. As noted earlier in this report, the *Notice of Intention to Demolish* was received along with a scoped Heritage Impact Assessment (HIA). The revised scoped HIA is a draft and has not been approved by the Director of Development and Housing Approvals; however, the Notice combined with the revised scoped HIA is sufficient for Heritage Planning staff to make a recommendation to Heritage Kitchener and Council.

REPORT:

The property municipally addressed as 236 Gehl Place (Figure 1.0) is located on the south side of Bleams Road between Fischer Hallman Road and Trussler Road and contains a circa 1860 log house (Figure 2.0) with three (3) additions. It is recognized for design/physical, historical/associative, and contextual values as identified in the Statement of Significance (SOS) associated with its listing as a non-designated property of cultural heritage value or interest on the City's Municipal Heritage Register (MHR). The preliminary list of heritage attributes identified in the SOS include: "All elements related to the construction and Georgian architectural style of the house, including: log construction; side gable roof and roofline; fieldstone foundation; symmetrical window placement; window openings; off-centre front door placement; original exterior door and door opening; original interior doors; original baseboards; original door and window surrounds; original floor joists; and, original floor boards." Additions to the building were not identified as heritage attributes. The focus of this report is the proposed demolition of the circa 1920-1930 addition and the circa 1960s additions, the potential negative impact of these demolitions on the original log house, and the recommended measures to mitigate negative impacts to the log house (Figure 3.0).



Figure 2.0: Front Elevation of Log House (South Elevation) with one-storey building addition on the left

Section 29 of the *Ontario Heritage Act* (OHA) enables municipalities to pass designating by-laws for individual properties that have cultural heritage value or interest. Heritage designation is one tool to conserve cultural heritage resources as it provides a mechanism to manage change, such as alterations and demolitions, to ensure that the cultural heritage value and interest along with the heritage attributes of a property are not negatively impacted by proposed changes. Ontario Regulation 9/06 of the *Ontario Heritage Act*, now amended by Ontario Regulation 569/22, prescribes the criteria for determining cultural heritage value or interest. Designation requires a property to meet two (2) or more of nine (9) criteria relating to design/physical, historical/associative, and/or contextual values.

Heritage Impact Assessment

A scoped Heritage Impact Assessment (HIA) entitled "236 Gehl Place – Scoped HIA For Demolition of Additions to the Original Log Home" was prepared by Anderson Wellsman Architects Incorporated dated April 25, 2024. A revised scoped HIA was received on May

14, 2024. The revised scoped HIA was submitted as supporting information with the *Notice of Intention to Demolish (Partial)* the three building additions to the log house on the subject property. The purpose of the HIA was to evaluate the three building additions to the log house on the subject property under Ontario Regulation 9/06 to determine (1) if the three building additions have cultural heritage value or interest, and (2) mitigate any potential negative impacts resulting from the proposed demolition of the additions.



Figure 3.0: Building Additions (North Elevation) with 2-storey and two 1-storey buildings additions

The revised scoped HIA evaluated the cultural heritage value or interest of the additions to the log house (not the log house itself) on the subject property using *Ontario Regulation 9/06*. A summary of the evaluation is provided in Table 1.0.

Ontario Regulation 9/06	236 Gehl Place (Additions Only) (Comments copied from Revised Scoped HIA)
<p>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.</p>	<p>Criteria not met. After the 1960 renovation by Edward Henhoeffler and his son William (Bill), the additions, including the first addition, are of common construction materials and style. The first addition was once completely clad in stucco on tar paper. This detail helped the author to date the first addition to 1920-1930. As such, it may have been an early example of the use of stucco cladding material; however, the remnant of stucco is a small area in one corner of the east addition. It does not warrant conservation of the complete 1½ storey addition. A representative sample of the stucco wall assembly can be carefully removed and kept if a suitable heritage material archive is available to store it and make it available to the public.</p>

<p>The property has design value or physical value because it displays a high degree of craftsmanship or artistic merit.</p>	<p>Criteria not met. The additions are of competent craftsmanship, though the roof of the 2-storey addition sags and is not. There are no details or materials of inherent value or artistic merit.</p>
<p>The property has design or physical value because it demonstrates a high degree of technical or scientific achievement.</p>	<p>Criteria are not met. The additions framing and finish are technically vernacular and have no scientific intent.</p>
<p>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.</p>	<p>Criteria not met. The additions were not the site of a unique cultural heritage activity. The Log structure and the land will be evaluated separately in the full HIA.</p>
<p>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.</p>	<p>Criteria not met. The generic form, technique and use of the additions contributes nothing new or unique to this understanding. The Log structure and the land will be evaluated separately in the full HIA.</p>
<p>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.</p>	<p>Criteria not met. The 2-storey addition builder is anonymous, and the recent past owner and his father built the 1-storey addition. There is no significant individual's body of work involved.</p>
<p>The property has contextual value because it is important in defining, maintaining or supporting the character of an area.</p>	<p>Criteria not met. The additions are isolated from any other built context and the original surrounding farmland forms are changing to suit the proposed new residential use. The Log structure and the land will be evaluated separately in the full HIA.</p>
<p>The property has contextual value because it is physically, functionally, visually, or historically linked to its surroundings.</p>	<p>Criteria not met. The additions have a historic link to their surroundings; However, the surroundings lands are proposed to change from a farm to a residential subdivision. The context is expected to change substantially. The log structure and the land contextual value will be evaluated separately in the full HIA.</p>
<p>The property has contextual value because it is a landmark.</p>	<p>Criteria not met.</p>

Table 1.0: Evaluation under Ontario Regulation 9/06 of the Building Additions to the Log House at 236 Gehl Drive

In summary, the revised scoped HIA concludes that the building additions to the log house on the subject property do not meet the criteria outlined in *Ontario Regulation 9/06* and therefore do not warrant designation under Part IV of the *Ontario Heritage Act*.

Although the building additions do not meet the criteria for designation, their proposed demolition may negatively impact the structural integrity and/or the heritage attributes of the original log house on the subject property. The revised scoped HIA provides a basic overview of the measures that should be undertaken to protect the original log house while the building additions are being demolished. These measures include:

- temporarily fill openings in the north wall of the log structure with wood frame and sheathing to provide protection to the log structure and to the adjacent cut logs;
- retaining a demolition team with a minimum of 5 years of experience with work that involves partial demolition that allows the original structure to remain intact;
- demolition by hand of any elements directly in contact with the log structure and its roof to ensure that the forces generated by the removal of these elements do not harm the original structure;
- once the additions are detached from the original structure, the removal of the bulk material may continue aided by backhoe machines suited for the purpose;
- ground vibration will be monitored during demolition and any vibrations exceeding the maximum permitted vibration will stop the work to notify the owner and heritage consultant;
- allow the portion of the gable roof that extends over the log structure to remain in place; and,
- enclose the exposed gable with sheathing materials to block the elements and to discourage animal access.

Once the building additions have been demolished, the revised scoped HIA provides an overview of basic measures that should be undertaken to protect the original log house on the subject property until such time as the final approved conservation option is implemented. These measures include temporarily blocking all exterior openings and wrapping the house in a vapour permeable membrane, such as Tyvek, to seal the house from rain and snow without trapping humidity in the logs and interior of the house.

Prior to demolition of the building additions, the scoped HIA indicates that additional studies will be submitted to the City. These additional studies include: a Demolition, Stabilization and Temporary Protection Plan including a structural assessment, risk management plan, a hoarding and construction plan, and a vibration monitoring plan. Heritage Planning staff will provide a Terms of Reference for these studies and strongly encourage the applicant to submit these studies for review by Heritage Planning staff by Monday, June 3, 2024. This will allow Heritage Planning staff to provide a verbal update to Heritage Kitchener and Council that addresses any outstanding concerns regarding the potential negative impacts of the demolition of the additions to the structural integrity and/or heritage attributes of the original log house.

The proposed demolition of the building additions will help facilitate a detailed evaluation of the entire log house to provide conservation options (to be addressed in a future HIA) for the Site Alteration Permit process and any future Planning Act applications. A future HIA will be required to identify conservation options and recommend a preferred

conservation option based on Federal, Provincial, and Municipal policies, guidelines, and best practices.

Site Alteration Permit

As noted earlier in this report, a Site Alteration Permit (SAP) was submitted on April 11, 2024, to facilitate the movement of fill from the 236 Gehl Place to the lands to the north located at 1873 Bleams Road. The need to move fill is required to raise previously extracted gravel pit lands to improve grading in a new residential subdivision. As part of the SAP process, Heritage Planning staff have requested the following:

1. A Stage 1-4 Archaeological Assessment (AA) approved by the Ministry;
2. A full Heritage Impact Assessment (HIA) related to the conservation of the original log house;
3. A Conservation Plan (CP) to:
 - a. To address the demolition of the building additions;
 - b. To address the short-, medium-, and long-term conservation of the original log house;
 - c. To provide a relocation plan with a footings and foundations plan;
4. Additional studies, including:
 - a. Demolition, Stabilization and Temporary Protection Plan, including:
 - i. A Structural Assessment;
 - ii. A Hoarding and Construction Plan;
 - iii. A Vibration Monitoring Plan;
 - iv. A Risk Management Plan;
 - b. Documentation Plan, including:
 - i. Building Elevations;
 - ii. Photographs;
 - c. Cost Estimate(s) and a Letter of Credit for all work identified in the approved HIA, approved CP and approved additional studies; and,
5. That the applicant enters into a Heritage Covenant Agreement under the *Ontario Heritage Act* to address all matters relating to the approved HIA, the approved CP, the approved Heritage Permit Application (HPA) (if required), and the approved additional studies. These matters may include, but are not limited to, implementation of recommendations, receipt of cost estimate(s) and a letter of credit, certifications from relevant consultants, etc.

Council's Options

Under the *Ontario Heritage Act*, Council does not have the authority to approve or refuse an owner's Notice of Intention to Demolish. Rather, Council's options include:

1. Receive the *Notice of Intention to Demolish*, allowing the notice period to run its course, at the end of which the Building Division may issue a demolition permit. And/Or,
2. Council may issue a *Notice of Intention to Designate*, at which point Council would have the authority to deny demolition; however, the owner could appeal Council's decision.

Heritage Planning Staff Comments

A scoped Heritage Impact Assessment (HIA) entitled "236 Gehl Place – Scoped HIA For Demolition of Additions to the Original Log Home" was prepared by Anderson Wellsman Architects Incorporated dated April 25, 2024. A revised scoped HIA was received on May 14, 2024.

Heritage Planning staff have reviewed the revised scoped HIA entitled “236 Gehl Place – Scoped HIA For Demolition of Additions to the Original Log Home” prepared by Anderson Wellsman Architects Incorporated dated May 14, 2024, and, generally, agree with its conclusions and recommendations. Heritage Planning staff agree that the additions to the log house do not meet *Ontario Regulation 9/06* (Criteria for Determining Cultural Heritage Value or Interest) under the *Ontario Heritage Act*. As such, Heritage Planning staff support the demolition of these additions subject to confirmation, via additional studies, that the demolition/removal of these additions will not negatively impact the structural integrity and/or heritage attributes of the original log house. In this regard, Heritage Planning staff agree with the recommendations in the revised scoped HIA that prior to the demolition of the additions to the log house, a “Demolition, Stabilization and Temporary Protection Plan including a structural assessment, risk management plan, a hoarding and construction plan, and a vibration monitoring plan” is required.

With respect to Council’s options, Heritage Planning staff offer the following comments:

1. Receive the *Notice of Intention to Demolish*, allowing the notice period to run its course, at the end of which the Building Division may issue a demolition permit: Heritage Planning staff are concerned that allowing the notice period to run its course without an approved “*Demolition, Stabilization and Temporary Protection Plan including a structural assessment, risk management plan, a hoarding and construction plan, and a vibration monitoring plan*” may result in negative impacts to the structural integrity and/or the heritage attributes of the original log house on the subject property. In this regard, Heritage Planning staff will provide a Terms of Reference for the above-noted study and strongly encourage the applicant to submit the study for review by Heritage Planning staff by Monday, June 3, 2024 at 8:00 am. This will allow Heritage Planning staff to provide a verbal update to Heritage Kitchener and Council that addresses any outstanding concerns regarding the potential negative impacts of the demolition of the additions to the structural integrity and/or heritage attributes of the original log house. Assuming Heritage Planning staff have no outstanding concerns upon review of the above-noted study, Heritage Planning staff recommend that the Notice of Intention to Demolish (Partial) the additions to the original log house on the subject property be received for information and that the notice period run its course.
2. Council may issue a *Notice of Intention to Designate*, at which point Council would have the authority to deny demolition; however, the owner could appeal Council’s decision: Heritage Planning staff outlined concerns in item 1 above. Heritage Planning staff are of the opinion that demolition of the three additions to the log house may proceed prior to designation of 236 Gehl Place subject to the submission and approval of the study noted in item 1 above. However, Heritage Planning staff understand that the applicant will need to relocate the original log house to another location on the subject property to facilitate the Site Alteration Permit (SAP), and address the short-, medium- and long-term conservation as part of the SAP and future applications made under the *Ontario Planning Act*. A recommendation for Council to proceed with a Notice of Intention to Designate under Part IV of the *Ontario Heritage Act* will be addressed in a separate report to Heritage Kitchener and Council.

Lastly, Heritage Planning staff believe it is important for Heritage Kitchener and Council to understand where there is a difference of opinion between Heritage Planning staff and the revised scoped HIA.

Revised Scoped HIA	Heritage Planning Comments/Opinions
Indicates that the subject property is part of the expanded urban boundary.	The lands are not currently within the City Urban Area (CUA). A Bill is under consideration by the Province to bring these lands into the CUA but this decision is not confirmed at this time.
Indicates that a full HIA for the original log house is underway.	Heritage Planning staff have not yet provided the Terms of Reference for the full HIA.
Indicates that the first addition was clad in stucco and may have been an early example of the use of stucco; however, the remanent stucco is a small area in one corner of the east addition.	Heritage Planning staff recommend that the building floor plans and elevations along with photographs document this early use of stucco.
Indicates that the additions are isolated from any other built context and the original surrounding farmland forms are changing to suit the proposed new residential use, and that the surrounding lands are proposed to change from a farm to a residential subdivision, and that the context is expected to change substantially.	The contextual value of 236 Gehl Place was evaluated and described in <i>The Built Heritage and Cultural Landscape Background Study</i> prepared as part of the <i>Southwest Kitchener Urban Areas Study</i> . Further, the scoped HIA is required to evaluate the current cultural heritage resources (both built and landscape), not the post development cultural heritage resources. This rural property is not isolated from other rural and active farming properties (e.g., lands to the south that are outside of the urban area boundary).
Indicates that the demolition team will have a minimum of 5 years of experience in work where demolition involves parts of the original structure to remain intact and undamaged, and that preference will be given to experience with log structures.	Heritage Planning staff are concerned that a minimum of 5 years of experience is not sufficient given the type of construction (rare) and, potentially, the lack of experience that individuals completing the partial demolitions may have with log structures. Heritage Planning staff recommend that the demolition team must have experience with partial demolitions (where additions are removed and a main building is conserved), and that the demolition team must have at least one member with experience with log structures.
Indicates that relocation is necessary to save the heritage building.	Heritage Planning staff are familiar with other examples in the City where a built heritage

	<p>resource was relocated on the same property as part of a draft plan of subdivision. Heritage Planning staff are also familiar with other examples in the Province where a built heritage resource was temporarily relocated to permit site grading and then moved back to its original location post site grading. Heritage Planning staff support relocating the building either temporarily or permanently on the subject property to facilitate site grading.</p>
<p>Indicates that the Owner's conservation plan to save the log house by relocating it away from the proposed site grading activities to a safe permanent location.</p>	<p>Heritage Planning staff note that the HIA should address a conservation approach based on policies, guidelines, and best practices.</p>
<p>Indicates that the author is not a member of the Canadian Association of Heritage Professionals (CAHP).</p>	<p>The City's standard Terms of Reference for a HIA requires that the assessment be completed by, or in conjunction with, a member of the CAHP. Heritage Planning staff would strongly prefer to see the revised scoped HIA prepared by, or in conjunction with, a member of CAHP. For the purposes of the partial demolition only, Heritage Planning staff will accept the qualifications of the revised scoped HIAs author. Heritage Planning staff note that the full HIA to assess the property and log house must be completed by, or in conjunction with, a member of CAHP.</p>
<p>Indicates that the log structure is in fair condition but then further describes the condition in a way that suggests the log structure is in good condition.</p>	<p>Heritage Planning staff have experience with 5 log houses in Kitchener. Based on our experience, the log house on the subject property is in good condition. Comments in the Appendix D (Structural Assessment) appear to align with the log house being in good condition. For example, the structural assessment indicates that:</p> <ul style="list-style-type: none"> • The end grain at corners show minimal signs of rotting or checking. • The chinking around the entire perimeter with few locations showing minor cracking. • Minor re-chinking being the only remedial action required. • The heavy timber elements (beam and column) show no major signs of deterioration or checking.

	<ul style="list-style-type: none">• Minor repairs to the ground floor are required.• No major concerns or comments with the second-floor framing.• The exterior timber walls have been well preserved over time.• Etc.
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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 Kitchener will be consulted regarding the subject Notice of Intention of Demolish.

PREVIOUS REPORTS/AUTHORITIES:

- *Ontario Heritage Act*
- *Ontario Planning Act*
- CSD-11-080 Listing of Non-Designated Property of Cultural Heritage Value or Interest on the Municipal Heritage Register

APPROVED BY: Justin Readman, General Manager, Development Services

ATTACHMENTS:

- Attachment A – *Notice of Intention to Demolish (Partial)*
- Attachment B – Revised Scoped Heritage Impact Assessment
- Attachment C – 236 Gehl Place Statement of Significance (2011)