

# Staff Report



Development Services Department

www.kitchener.ca

**REPORT TO:** Heritage Kitchener

**DATE OF MEETING:** August 6, 2024

**SUBMITTED BY:** Garett 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 9

**DATE OF REPORT:** July 2, 2024

**REPORT NO.:** DSD-2024-336

**SUBJECT:** Notice of Intention to Designate 83-85 King Street West 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 83-85 King Street West as being of cultural heritage value or interest.

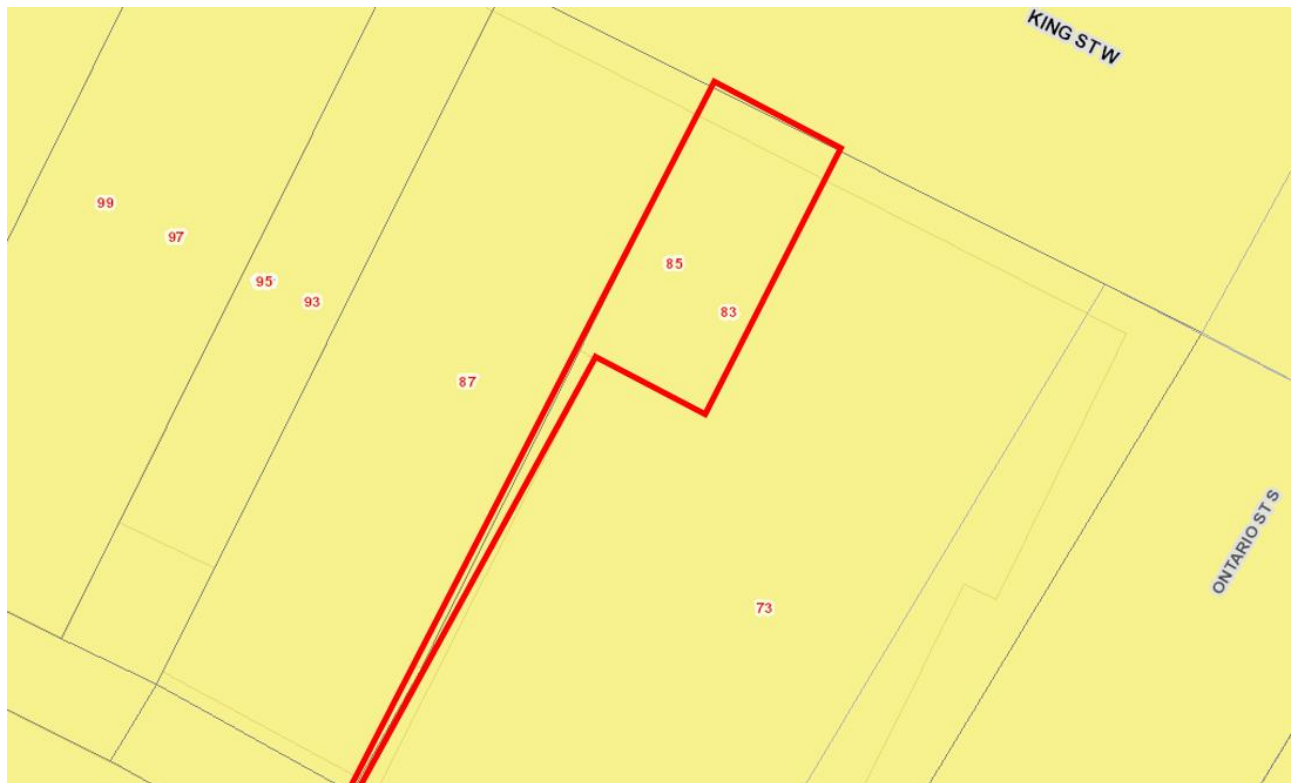
## REPORT HIGHLIGHTS:

- The purpose of this report is to request that Council publish a Notice of Intention to Designate 83-85 King Street West Under Part IV of the *Ontario Heritage Act*.
- An updated Statement of Significance describing the cultural heritage value or interest of 83-85 King Street West has been drafted by Heritage Planning staff.
- The key finding of this report is that 83-85 King Street West meets five (5) of nine (9) criteria for designation under *Ontario Heritage Act Regulation 9/06* (amended by *Ontario Regulation 569/22*) and has been confirmed to be a significant cultural heritage resource recognized for its design/physical, historical/associative, and contextual values.
- 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 at their August 6, 2024 committee meeting. Should Council choose to give Notice of Intention to Designate, such notice shall be served to the property owner and the Ontario Heritage Trust.
- This report supports the delivery of core services.

## BACKGROUND:

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

83-85 King Street West is a three-storey early 20<sup>th</sup>-century brick building. The building is constructed in the Vernacular Classic Revival architectural style. The building is situated on a 0.02-acre parcel of land located on the south side of King Street West between Gaukel Street and Ontario Street South in the City Commercial Core planning area of the City of Kitchener within the Region of Waterloo. The principal resource that contributes to the heritage value is the façade of the building.



**Figure 1.0: Location Map of Subject Property (83-85 King Street West)**

A full assessment of 83-85 King Street West has been completed, including: field evaluation and archival research. The findings concluded that the subject property meets five (5) of nine (9) criteria for designation under *Ontario Heritage Act Regulation 9/06* (amended by *Ontario Regulation 569/22*). An updated Statement of Significance describing the property's cultural heritage value or interest was presented to the Heritage Kitchener Committee on May 7, 2024. The Committee recommended that pursuant to Section 29 of the *Ontario Heritage Act*, the cultural heritage value or interest of 83-85 King Street West should be confirmed by pursuing designation of the subject property under Part IV of the *Ontario Heritage Act*. This work was undertaken as part of the City's 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*. Bill 200, the *Homeowner Protect Act, 2024*, extended the time municipalities have to designate properties listed on their municipal heritage registers until January 1, 2027. 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. The property owner for 83-85 King Street West was contacted via second letter sent by mail dated May 24, 2024. This letter was accompanied by the updated Statement of Significance and a "Guide to Heritage Designation for

*Property Owners*” prepared in June 2023. The letter invited property owners to contact the City’s Senior Heritage Planner with any comments, questions, or concerns.

Per standard procedure, should Council support the Notice of Intention to Designate (NOID), the property owner will be contacted a third time through a letter advising of the City’s NOID. An ad for the NOID will be published in a newspaper. Once the letter is served on the property owner and the Ontario Heritage Trust, and the newspaper ad is posted, there will be a 30-day appeal period in which the property owner may object to the designation.



**Figure 2.0: Front (North Façade) Elevation**

**REPORT:**

Identifying and protecting cultural heritage resources within our City 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 conservation 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 or interest; 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 or interest.

83-85 King Street West is recognized for its design/physical, historical/associative, and contextual values. It satisfies five (5) of nine (9) criteria for designation under the *Ontario Heritage Act Regulation 9/06* (amended by *Ontario Regulation 569/22*). A summary of the criteria that is or is 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>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>Unknown</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>Unknown</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>

**Table 1: Criteria for Designation under *Ontario Regulation 9/06* (Amended by *Ontario Regulation 569/22*)**

### ***Design/Physical Value***

The property municipally addressed as 83-85 King Street West demonstrates design or physical value as an early and rare example of 20<sup>th</sup>-century, commercial brick building built in the Vernacular Classic Revival architectural style. The building has many intact heritage attributes on the second and third floor and is in fair condition. Features which represent the Vernacular Classic Revival architectural style include: nearly flat, low sloping roof; symmetrical façade; single bay red brick façade; highly decorative brick cornice, brick frieze, and stone and brick architrave; ornamental brick moulding along with red brick corbelling; brick pilasters; semi-circular window openings; semi-circular transom design; 1/1 hung window design and openings with decorative brick hood moulds with keystones and continuous stone sills; flat head window design and openings; rectangular transoms; and, 1/1 hung window design and openings with brick voussoirs and continuous stone sills.



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

The property municipally addressed as 83-85 King Street West has historical/associative value given its direct association with early development of King Street West in what is now referred to as Downtown Kitchener. According to the 1898 Fire Insurance Plan, the subject property originally contained a barn/shed associated with a livery. The December 20, 1900 edition of the Berliner Journal indicates that improvements were made to the livery stable for a cost of \$400. The December 24, 1903 edition of the Berliner Journal suggests that the subject property, as it exists today, may have been built by Frank Heiman. The description indicates that Frank Heiman built a 3-storey block with livery, stable and store for \$8,000.

### ***Contextual Value***

The contextual value of the property relates to its location and proximity to adjacent commercial buildings that share the same Vernacular Classic Revival architectural style and almost identical heritage attributes. It is likely that these buildings were constructed around the same time, and designed by the same person, and constructed by the same person. Collectively, the properties municipally addressed as 83-85 King Street West, 87-91 King Street West and 97-99 King Street West contribute to the character of the City's Downtown and the King Street West streetscape.

### ***Heritage Attributes***

The heritage value of 83-85 King Street West resides in the following heritage attributes:

- All elements related to the construction and Classic Revival architectural style of the building (excluding the first storey), including:
  - nearly flat, low sloping roof;
  - symmetrical façade;
  - single bay red brick façade;
  - highly decorative brick cornice, brick frieze, and stone and brick architrave;
  - ornamental brick moulding along with red brick corbelling;
  - brick pilasters;
  - semi-circular window openings;
  - semi-circular transom design;
  - 1/1 hung window design and openings with decorative brick hood moulds with keystones and continuous stone sills;
  - flat head window design and openings;
  - rectangular transoms; and,
  - 1/1 hung window design and openings with brick voussoirs and continuous stone sills.

### **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 May 24, 2024.

Section 29(2) of the *Ontario Heritage Act* requires Council to consult with the Municipal Heritage Committee (Heritage Kitchener) before giving *Notice of Intention to Designate* (NOID) 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. Should Council choose to proceed with a NOID, such notice will be served on the property owner, the Ontario Heritage Trust, and published in the local newspaper (The Record). Once notice has been served, the property owner has the right of appeal to the Ontario Land Tribunal (OLT). Should Council decide not to proceed with a NOID then the building will remain on the City’s Municipal Heritage Register (MHR) until January 1, 2027, after which it will be removed in accordance with the legislative changes enacted by Bill 200. Once removed from the MHR, it cannot be re-listed on the MHR for five (5) years (i.e., January 1, 2032).

## **PREVIOUS REPORTS/AUTHORITIES:**

- *Ontario Heritage Act, 2022*
- *Ontario Regulation 9/06 (Amended by Ontario Regulation 569/22)*
- Bill 23 – Municipal Heritage Register Review (DSD-2023-225)
- Municipal Heritage Register Review – August 2023 Update (DSD-2023-309)
- Municipal Heritage Register Review – January 2024 Update (DSD-2024-022)
- Municipal Heritage Register Review – February 2024 Update (DSD-2024-056)
- Municipal Heritage Register Review – March 2024 Update (DSD-2024-093)
- Municipal Heritage Register Review – April 2024 Update (DSD-2024-131)
- Municipal Heritage Register Review – May 2024 Update (DSD-2024-194)
- *Bill 200, Homeowners Protection Act, 2024*
- Municipal Heritage Register Review – June 2024 Update (DSD-2024-250)

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

## **ATTACHMENTS:**

Attachment A – Statement of Significance for 83-85 King Street West