

Staff Report



Development Services Department

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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-2024-337

SUBJECT: Notice of Intention to Designate 87-91 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 87-91 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 87-91 King Street West Under Part IV of the *Ontario Heritage Act*.
- An updated Statement of Significance describing the cultural heritage value or interest of 87-91 King Street West has been drafted by Heritage Planning staff.
- The key finding of this report is that 87-91 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.

87-91 King Street West is a three-storey early 20th-century brick building. The building is constructed in the Vernacular Classic Revival architectural style. The building is situated on a 0.08-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 (87-91 King Street West)

A full assessment of 87-91 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 87-91 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 87-91 King Street West was contacted via second letter sent by mail dated May 17, 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.

87-91 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.

Criteria	Criteria Met (Yes/No)
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.	Yes
2. The property has design value or physical value because it displays a high degree of craftsmanship or artistic merit.	Yes
3. The property has design or physical value because it demonstrates a high degree of technical or scientific achievement.	No
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.	Yes
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.	Unknown
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.	Unknown
7. The property has contextual value because it is important in defining, maintaining or supporting the character of an area.	Yes
8. The property has contextual value because it is physically, functionally, visually, or historically linked to its surroundings.	Yes
9. The property has contextual value because it is a landmark.	No

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

Design/Physical Value

The property municipally addressed as 87-91 King Street West demonstrates design or physical value as an early and rare example of 20th-century, commercial brick building built in the Vernacular Classic Revival architectural style. The building has many intact heritage attributes and is in good condition. Features which represent the Classic Revival architectural style include: nearly flat, low sloping roof; two-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 featuring decorative brick hood moulds with keystones and continuous stone sills; ribbon of three flat headed window design and opening; flat head window design and openings; rectangular transoms; and, 1/1 hung window design with brick voussoirs and continuous stone sills.

Historical/Associative Value

The property municipally addressed as 87-91 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 (revised 1904) Fire Insurance Plan, the subject property was to be a 3-storey brick building for Pearl Steam Laundry. However, by 1901 Pearl Steam Laundry advertised their business as being located at 9 Queen Street South, and later at 90 Queen Street South (Vernon's Berlin and Waterloo, 1901-1903). The 1908 (revised 1925) Fire Insurance Plan identifies the subject property as a 3-storey brick building housing the Express Office. The Express Office is associated with early (1865) railway companies (Express Company Operations, date unknown). Various Vernon's directories reference either the Canadian Express Company or the Canadian National Express Company between 1908 and c. 1932.

Contextual Value

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

Heritage Attributes

The heritage value of 87-91 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;
 - two-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 featuring decorative brick hood moulds with keystones and continuous stone sills;
 - ribbon of three flat headed window design and opening;
 - 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 17, 2024. Heritage Planning staff corresponded by email with the owner of the property and met virtually on June 21, 2024 to discuss the proposed designation. During this meeting, the owner advised that they do not object to the proposed designation of 87-91 King Street West.

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 87-91 King Street West