

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 10

DATE OF REPORT: July 4, 2024

REPORT NO.: DSD-2024-339

SUBJECT: Notice of Intention to Designate 171-173 Victoria Street North 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 171-173 Victoria Street North 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 171-173 Victoria Street North Under Part IV of the *Ontario Heritage Act*.
- An updated Statement of Significance describing the cultural heritage value or interest of 171-173 Victoria Street North has been drafted by Heritage Planning staff.
- The key finding of this report is that 171-173 Victoria Street North West meets three (3) 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:

171-173 Victoria Street North is a two-storey late 19th century brick building built circa 1887 in the Italianate architectural style. The building is situated on a 0.23-acre parcel of land located on the south side of Victoria Street North between Ahrens Street West and

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

Margaret Avenue in the Civic Centre planning community of the City of Kitchener within the Region of Waterloo. The subject property is also located adjacent to the Civic Centre Neighbourhood Heritage Conservation District, which is designated under Part V of the Ontario Heritage Act. The principal resource that contributes to the heritage value is the building.

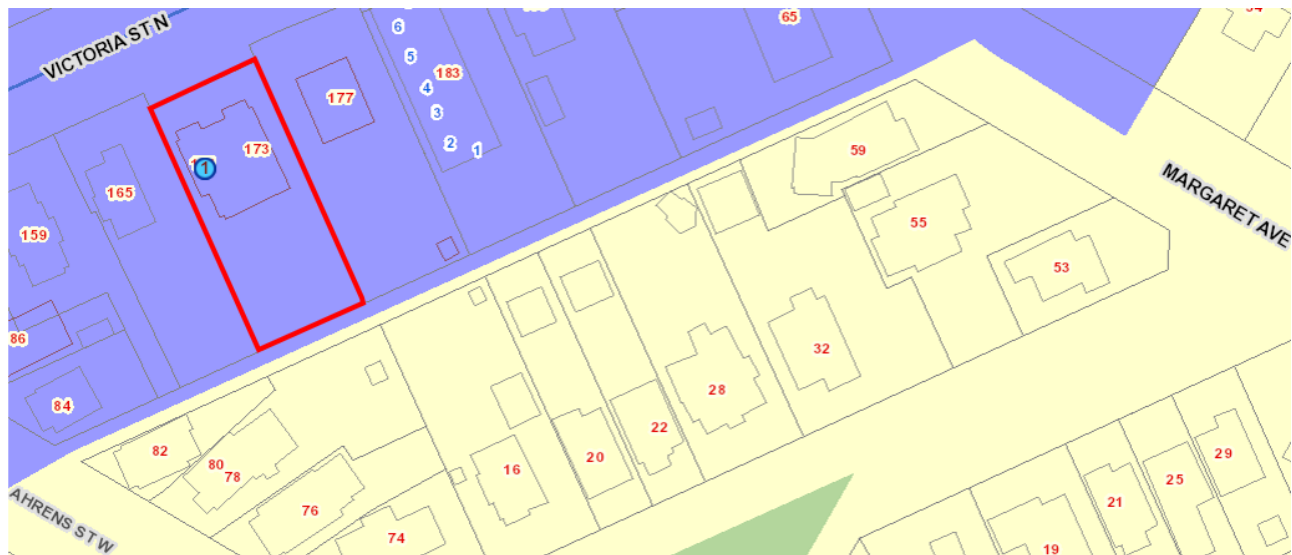


Figure 1.0: Location Map of Subject Property (171-173 Victoria Street North)

A full assessment of 171-173 Victoria Street North has been completed, including: field evaluation and archival research. The findings concluded that the subject property meets three (3) 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 171-173 Victoria Street North 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 171-173 Victoria Street North 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 Elevation (North Façade)

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.

171-173 Victoria Street North is recognized for its design/physical, historical/associative, and contextual values. It satisfies three (3) 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.

Design/Physical Value

The property demonstrates design/physical value as rare example of a late 19th century prestigious semi-detached dwelling built in the Italianate architectural style. The building has many intact heritage attributes in good condition.

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.	No
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.	No
7. The property has contextual value because it is important in defining, maintaining or supporting the character of an area.	No
8. The property has contextual value because it is physically, functionally, visually, or historically linked to its surroundings.	No
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)*

Front (North) Façade

The front façade of the building faces Victoria Street North and is comprised of four bays (two bays for each half of the semi-detached dwelling). Each half of the semi-detached dwelling features: a projecting bay with a front gable; roofline displaying plain fascia, soffits and decorative frieze board along with highly decorative paired brackets; buff (yellow) and red brick; a semi-circular window opening in the front gable end with a red brick voussoirs and stone sill; a pair of segmentally arched window openings on both the first- and second-storey with red brick voussoirs and stone sills; the design of the double hung 1/1 wood windows on the first- and second-storey; and, a rusticated stone foundation. Between the projecting bays are the entrances to the building. Each half of the semi-detached dwelling features: a hip roof; roofline displaying plain fascia, soffits and decorative frieze board along with highly decorative paired brackets; buff (yellow) and red brick; a segmentally arched door opening with red brick voussoirs on the second-storey; a verandah on both the first- and second-storey; the verandah on the second-storey displays a top and bottom rail with turned balusters; the verandah on the first-storey displays a half turned post on each end with highly decorative brackets and scroll work along with a full central turned post in the middle with highly decorative brackets and scroll work; and, the first-storey has two entrances and both display a front door opening with a segmentally arched transom with red brick voussoirs and simple side lites.

Side (West & East) Façades

The side façades of the building are virtually identical. They face the side lot lines and adjacent buildings. The side facades are comprised of the side of the projecting bays, two bays divided by a chimney and a rear addition. In general, the second-storey side façades feature: a hip roof displaying plain fascia, soffits and decorative frieze board along with highly decorative paired brackets; buff (yellow) and red brick; segmentally arched window openings with red brick voussoirs and stone sills at both the first- and second-storey; double hung 1/1 window design; chimneys that project above the roofline and divide the façade into two bays; two basement windows with red brick voussoirs and stone sills; and, a field stone foundation. The rear addition is one-and-one-half-storeys with a gable roofline; covered verandah; segmentally arched door opening with red brick voussoirs; a segmentally arched window opening with red brick voussoirs; and, a circular window with a red brick border located above the verandah. The first-storey covered verandah features: a top and bottom rail with turned balusters; turned posts with highly decorative brackets and scroll work; and, vertical skirting.

Rear (South) Façade

The rear façade faces a laneway in the Civic Centre Neighbourhood Heritage Conservation District. This façade features portions of the two-storey building and the one-and-one-half-storey addition. The portions of the two-storey building feature: a hip roof displaying plain fascia, soffits and decorative frieze board along with highly decorative paired brackets; buff (yellow) and red brick; segmentally arched window openings with red brick voussoirs and stone sills at both the first- and second-storey; and, double hung 1/1 window design. The one-and-a-half-storey addition features: gable roofline; two bays separated by a chimney; buff (yellow) and red brick; plain fascia, soffits and frieze; segmentally arched window openings of varying sizes on both the first- and second-storey with red brick voussoirs and stone sills; double hung 1/1 window design; and, rusticated stone foundation.

Historical/Associative Value

The property municipally addressed as 171-173 Victoria Street North has historical/associative value due to its history and association the late Ian MacNaughton and his planning firm MHBC – MacNaughton Hermsen Britton Clarkson Planning Limited.

Ian Mac Naughton graduated from the University of Waterloo's Urban and Regional Planning program in 1968 and went on to pursue his MA in Regional Planning and Resource Development in 1971. He founded MHBC in 1973 with a vision to create a planning firm built on innovation, integrity, strategic thinking, problem solving and excellent service (MHBC Planning Urban Design & Landscape Architecture, 2024). He was honoured as a "Fellow" by the Canadian Institute of Planners, which is the highest recognition a land use planner can achieve. Sadly, Ian passed away on Saturday, October 7, 2023. MHBC's website (2024) contains an "In Memory" page that further describes Ian and his contributions to the planning field and community:

"Ian was passionate about the betterment of Ontario through his vision, leadership and big picture thinking. Throughout his life, Ian demonstrated qualities that set him apart as a leader, mentor and innovator and he had a unique ability to inspire and motivate those around him. Based on his knowledge and expertise he was appointed as a member of numerous Provincial, Regional and Local task forces including the Provincial Smart Growth Central Ontario Strategy Sub-Panel, the Greenbelt Task Force and the Province of

Ontario Advisory Group on Energy and Economic Development. Ian was also selected as a special advisor to the Ontario Stone, Sand and Gravel Association and assisted numerous municipalities with restructuring, governance, waste management and housing strategies.

Beyond Ian's professional achievements, Ian championed causes close to his heart, giving back to the community and making a positive impact on countless lives. This included the University of Waterloo, Canadian Technology Triangle, Rotary, Homewood, Breslau Park and Recreation Association and the Grand River Conservation Foundation."

The subject property was MHBC's Kitchener office from 1986 to 2009. Over the past 50 years, what began as a local planning firm, MHBC has grown to be a large company with over 100 staff located at five regional offices (Barrie, Kitchener, London, Woodbridge and Burlington) providing planning services across Ontario. Today, the firm provides a full range of services, including: urban and rural planning; urban design; landscape architecture; cultural heritage; and, resource management.

Heritage Attributes

The heritage value of 171-173 Victoria Street North resides in the following heritage attributes:

- All elements related to the design and physical value of the semi-detached dwelling built in the Italianate architectural style, including:
 - two-storey height;
 - square plan with rear addition;
 - hipped roofline;
 - the front façade:
 - four bays (two for each half of the dwelling);
 - projecting bays with front gables (one for each half of the dwelling);
 - roofline displaying plain fascia, soffits and decorative frieze board along with highly decorative paired brackets;
 - buff (yellow) and red brick;
 - semi-circular window opening in the front gable ends with a red brick voussoirs and stone sills;
 - segmentally arched window openings with red brick voussoirs and stone sills;
 - the design of the double hung 1/1 wood windows;
 - segmentally arched door opening with red brick voussoirs on the second-storey;
 - second-storey verandah displaying a top and bottom rail with turned balusters;
 - first-storey verandah displaying a top and bottom rail with turned balusters and turned posts with highly decorative brackets and scroll work;
 - segmentally arched transom with red brick voussoirs and simple side lites on the first-storey;
 - front door openings; and,
 - rusticated stone foundation.

- the side facades:
 - hip roof displaying plain fascia, soffits and decorative frieze board along with highly decorative paired brackets;
 - buff (yellow) and red brick;
 - segmentally arched window openings with red brick voussoirs and stone sills;
 - double hung 1/1 window design;
 - chimneys that project above the roofline and divide the façade into two bays;
 - two basement windows with red brick voussoirs and stone sills; and,
 - field stone foundation.
- the rear addition features:
 - one-and-one-half-storey height;
 - gable roofline;
 - covered verandah;
 - segmentally arched door opening with red brick voussoirs;
 - segmentally arched window openings with red brick voussoirs;
 - circular window with a red brick border located above the verandah; and,
 - covered verandah displaying a top and bottom rail with turned balusters, turned posts with highly decorative brackets and scroll work, and vertical skirting.
- the rear façade:
 - this façade features portions of the two-storey building and the one-and-one-half-storey addition;
 - the portions of the two-storey building feature:
 - a hip roof displaying plain fascia, soffits and decorative frieze board along with highly decorative paired brackets;
 - buff (yellow) and red brick;
 - segmentally arched window openings with red brick voussoirs and stone sills; and,
 - double hung 1/1 window design.
 - the one-and-a-half-storey addition features:
 - gable roofline;
 - two bays separated by a chimney;
 - buff (yellow) and red brick;
 - plain fascia, soffits and frieze;
 - segmentally arched window openings of varying sizes with red brick voussoirs and stone sills;
 - double hung 1/1 window design; and,
 - rusticated stone foundation.

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.

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. 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 171-173 Victoria Street North