

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 5

DATE OF REPORT: July 8, 2024

REPORT NO.: DSD-2024-343

SUBJECT: Notice of Intention to Demolish
Demolition of Smoke House Building
Log House & Smoke house
1478 Trussler Road

RECOMMENDATION:

That, in accordance with Section 27(3) of the *Ontario Heritage Act*, the Notice of Intention to Demolish received on June 28, 2024, regarding the intent to demolish the smoke house located on the property municipally addressed as 1478 Trussler Road, 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 the smoke house municipally addressed as 1478 Trussler Road (subject property).
- The key finding of this report is that smoke house on the subject property is in poor condition. As a result, Heritage Planning staff recommend that the Notice of Intention to Demolish the smoke 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.

BACKGROUND:

The Development Services Department is in receipt of a *Notice of Intention to Demolish* (Attachment A) the smoke house located at the property municipally addressed as 1478 Trussler Road (Figure 1.0). The Notice was received on June 28, 2024.

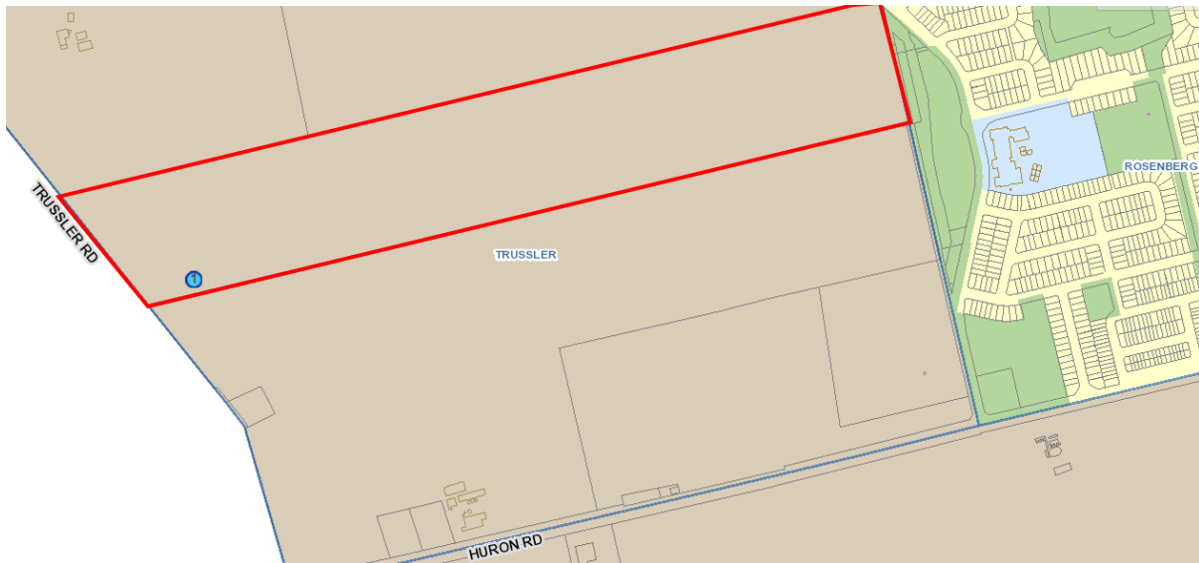


Figure 1.0: Location Map of 1478 Trussler Road

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.

Council formally "listed" the subject property on the Municipal Heritage Register (MHR), 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 B).

Heritage Planning staff re-evaluated the subject property as part of the City's MHR Review process in May 2024. A revised draft SOS (Attachment C) was presented to Heritage Kitchener on June 11, 2024 and the committee recommended that designation under Part IV of the *Ontario Heritage Act* be pursued. In accordance with the MHR Review process, a letter along with the revised SOS and Kitchener's "*Guide to Heritage Designation for Property Owners*" was sent to the owner on June 12, 2024. The letter sought feedback from the owner.

The owner connected with Heritage Planning staff via phone and email and met with Heritage Planning staff at the subject property on June 25, 2024. The owner expressed objections to the proposed designation, raised concerns with the condition of the smoke house and advised that she would commence the process to obtain permission to demolish the smoke house. Heritage Planning staff agreed to revise the draft SOS (Attachment C) based on discussions with the owner, information obtained onsite, and additional research. Heritage Planning staff committed to sharing a revised DRAFT SOS with the owner in September 2024.

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 June 28, 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 demolition. With respect to the proposed demolition of the smoke house at 1478 Trussler Road, the Notice is sufficient for Heritage Planning staff to make a recommendation to Heritage Kitchener and Council.

REPORT:

The property municipally addressed as 1478 Trussler Road (Figure 1.0) is located on the east side of Trussler Road between Bleams Road and Huron Road in the Trussler planning community and contains a circa 1861 log house and a smoke house.

The subject property 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 (Attachment B) include: *“All elements related to the construction and Georgian architectural style of the house, including: log construction; roof and roofline; stone foundation; original door and window openings; and, Interior features, including: original fireplace and ovens in the wall; original floorboards; original doors; original baseboards, casings and wainscoting; and, original joists supporting the first floor. All elements related to the construction and style of the smoke house, including: brick construction; roof and roofline; door and door opening; and, interior features, including: interior slats of the ceiling and attached hooks.”*

The focus of this report is the proposed demolition of the smoke house (Figure 2.0).

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.



Figure 2.0: Front Elevation of Smoke House (South Elevation)

Heritage Planning staff met the owner at the subject property on June 25, 2024. During this meeting the owner raised concerns with the condition of the smoke house and advised that she would commence the process to obtain permission to demolish the smoke house. A visual inspection of the exterior and interior of the smoke house revealed building deficiencies with the most concerning being major cracks through the parging and mortar where you can see through the building. Exterior deficiencies include missing bricks, step cracks in the mortar, missing mortar, inappropriate mortar/parging repairs, spalling bricks, deteriorated/missing asphalt shingles, shifted foundation, and deteriorated wood (door,

fascia, soffits, etc.). Interior deficiencies include missing parging, cracks in parging, missing mortar, and inappropriate mortar repairs. Figure 3.0 through 7.0 provide examples of the deficiencies.



Figure 3.0: Photograph showing major cracks through the parging and mortar where you can see through the smoke house



Figure 4.0: Photograph showing step crack and spalling bricks



Figure 5.0: Photograph showing missing bricks, step cracks and inappropriate mortar repairs



Figure 6.0: Photograph showing deteriorated/missing asphalt shingles

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 object to Council's decision.

Heritage Planning Staff Comments

Following the onsite meeting with the owner, Heritage Planning staff considered the owners concerns, the condition of the smoke house and re-evaluated the contextual value of the property. With respect to the condition of the smoke house, Heritage Planning staff

agree with the owners concerns about the poor condition of the building and understand that costs to repair the smoke house would be substantial. With respect to the contextual value, the revised Statement of Significance drafted in June 2024 described the contextual value as follows:

“The contextual values relate to physical, functional, visual and historic links between the log house, the smoke house and surrounding farmland. Although the barn and most outbuildings connected with the farming operations are gone, the log house is still situated in its original location. The log house faces south and is setback from Trussler Road on a slight incline. The surrounding lands were traditionally used for mixed farmland and two apple orchards. The original smoke house is located adjacent to the east façade of the house and was once used to smoke ham and sausages.”

A review of aerial photography provides insight around the historic layout of the farm buildings and surrounding rural landscape. A barn was present on the property in 1997 but it is unlikely that this barn was original given its location close to Trussler Road and its distance from both the log house and the smoke house. This barn was demolished sometime between 1997 and 2000. The property also used to contain two apple orchards. The two apple orchards along with hedgerows that bordered the log house and apple orchards were removed sometime between 2012 and 2016. There are no other original or historic structures, such as barns, silos, or drivesheds on the property. Trees that once framed the laneway entrance at Trussler Road have been removed likely as part of Regional road improvements. Based on the onsite meeting with the owner, the condition of the smoke house and the alterations to the context, Heritage Planning staff support the demolition of the smoke house subject to photographic documentation (Attachment D).



Figure 7.0: Photograph showing shifted 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 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
- DSD-2024-250 Municipal Heritage Register Review June 2024 Update

APPROVED BY: Justin Readman, General Manager, Development Services

ATTACHMENTS:

- Attachment A – *Notice of Intention to Demolish*
- Attachment B – 1478 Trussler Road Statement of Significance (August 2011)
- Attachment C – 1478 Trussler Road Draft Statement of Significance (June 2024)
- Attachment D – 1478 Trussler Road – Photographic Documentation of Smoke House (June 2024)