

# Staff Report



Development Services Department

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**REPORT TO:** Heritage Kitchener

**DATE OF MEETING:** October 1, 2024

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

**PREPARED BY:** Deeksha Choudhry, Heritage Planner, 519-741-2200 ext. 7602

**DATE OF REPORT:** September 5, 2024

**REPORT NO.:** DSD-2024-413

**SUBJECT:** Municipal Heritage Register Review – October 2024 Update

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## RECOMMENDATION:

The pursuant to Section 29 of the Ontario Heritage Act, the cultural heritage value or interest be recognized, and designation be pursued for the following properties:

- 80-86 Union Boulevard / 571 York Street
- 160 Margaret Avenue

## REPORT HIGHLIGHTS:

- The purpose of this report is to recommend pursuing designation under Part IV of the Ontario Heritage Act for three properties that are currently listed as non-designated properties of cultural heritage value or interest on the Municipal Heritage Register.
- The key finding of this report is that the properties possess design/physical, historical/associative, and contextual value and meet the criteria for designation under Ontario Regulation 9/06 (amended through Ontario Regulation 569/22).
- There are no financial implications.
- Community engagement included consultation with the Heritage Kitchener Committee.
- This report supports the delivery of core services.

## BACKGROUND:

On January 1<sup>st</sup>, 2023, amendments to the Ontario Heritage Act (OHA) came into effect through Bill 23, the *More Homes Build Faster Act*. One of the primary changes introduced was the imposition of a new timeline which requires “listed” properties on the Municipal Heritage Register to be evaluated to determine if they meet the criteria for heritage designation before January 1<sup>st</sup>, 2025. Bill 200, the *Homeowners Protection Act, 2024*, extended the time municipalities have to designate properties listed on their municipal heritage registers until January 1, 2027. Listed properties are properties that have not been designated, but that the municipal Council believes to be of cultural heritage value or interest. The criteria for designation is established by the Provincial Government (Ontario

Regulation 9/06, which has now been amended through Ontario Regulation 569/22) and a minimum of two must be met for a property to be eligible for designation.

A work plan to address these changes has been developed by Heritage Planning Staff with consultation from the Heritage Kitchener Committee on February 7<sup>th</sup>, 2023. Implementation of the work plan has now commenced. This report contains a summary of the findings for the properties recently reviewed, and recommendations for next steps.

### **Progress on Work Plan Implementation**

As part of the work plan proposed in February 2023, Heritage Planning Staff committed to the review of 80 properties listed on the Municipal Heritage Register prior to January 1, 2025. As of the date of this report, a review has been completed for 79 properties. 2 properties are before the Committee as of the date of this report to be considered for designation. 27 properties have fully undergone the designation process. 37 properties are currently undergoing the designation process and are at various stages of completion. 14 properties have been reviewed and determined that no action should be taken at this time, and NOID has been withdrawn by Council (Attachment C).

Bill 200, *the Homeowners Protection Act, 2024*, extended the time municipalities have to designate properties listed on their municipal heritage registers until January 1, 2027. Staff are working on an updated Work Plan and will bring it forward to Heritage Kitchener later this year.

### **REPORT:**

#### **Ontario Regulation 569/22 (Amended from Ontario Regulation 9/06)**

Among the changes that were implemented through Bill 23, the Ontario Regulation 9/06 – which is a regulation used to determine the cultural heritage value or interest of a property, was amended through Ontario Regulation 569/22 (O. Reg. 569/22). Where the original regulation had three main categories – design/physical, historical/associative and contextual - with three (3) sub-categories for determining cultural heritage value, the amended regulation now lists all nine (9) criteria independently.

The new regulation has been amended to the following:

1. The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.
2. The property has design value or physical value because it displays a high degree of craftsmanship or artistic merit.
3. The property has design value or physical value because it demonstrates a high degree of technical or scientific achievement.
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.
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.

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.
7. The property has contextual value because it is important in defining, maintaining or supporting the character of an area.
8. The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings.
9. The property has contextual value because it is a landmark.

Also, among the changes brought about by Bill 23 are how properties can now be listed or designated under Part IV of the Ontario Heritage Act. They include:

- Properties would warrant being listed on the City's Municipal Heritage Register if they met **one or more criteria** of O. Reg 9/06 (amended through O. Reg. 569/22).
- Properties could be designated under Part IV of the Ontario Heritage Act if they meet **two or more criteria** of O. Reg 9/06 (amended through O. Reg. 569/22).

The following three properties were reviewed and meet the following criteria:

### **80-86 Union Boulevard / 571 York Street**

The subject property municipally addressed as 80-86 Union Boulevard / 571 York Street meets five (5) of the nine (9) criteria of O. Reg. 9/06 (amended through O. Reg. 569/22):

- The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.
- The property has design value or physical value because it displays a high degree of craftsmanship or artistic merit.
- 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.
- The property has contextual value because it is important in defining, maintaining or supporting the character of an area.
- The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings.

### **160 Margaret Avenue**

The subject property municipally addressed as 160 Margaret Avenue meets five (5) of the nine (9) criteria of O. Reg. 9/06 (amended through O. Reg. 569/22):

- The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.
- The property has historical or associative value because it has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community.
- 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.
- The property has contextual value because it is important in defining, maintaining or supporting the character of an area.

- The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings.

## **Heritage Kitchener Committee Options**

### **Option 1 – Pursuing Designation for this property**

Should Heritage Kitchener committee vote to start pursuing designation for these properties, staff will then contact the respective property owners to inform them and to start working with them towards designation. Staff will then bring a Notice of Intention to Designate back to the Committee to initiate the designation process. Should a property owner object to their property being designated, they can submit an appeal to the Ontario Land Tribunal (OLT) to rule on the decision. If the OLT determines that the property should not be designated but remain listed, it will be removed from the Municipal Heritage Register on January 1, 2027.

### **Option 2 – Deferring the Designation Process**

Should Heritage Kitchener vote to defer the designation process for these properties, they will remain listed on the City's Municipal Heritage Register until January 1, 2027, after which it will have to be removed. The process of designating these properties can be started at any time until January 1, 2027.

### **Option 3 – Not Pursuing Designation for these properties**

Should Heritage Kitchener vote not to pursue the designation of these properties, they will remain listed on the City's Municipal Heritage Register until January 1, 2027, after which it will be removed. Once removed, these properties will not be able to be re-listed for the next five (5) years i.e. – January 1, 2032.

It should be noted that, per the endorsed work plan, staff are currently undertaking evaluations for high priority properties that are in located in areas of the City that are experiencing significant redevelopment.

## **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 council / committee meeting.

CONSULT AND COLLABORATE – The Municipal Heritage Committee (Heritage Kitchener) have been consulted at previous meetings regarding the proposed strategy to review the Municipal Heritage Register of Non-designated Properties and participated in the assessment of the properties subject to this report.

**PREVIOUS REPORTS/AUTHORITIES:**

- Heritage Kitchener Committee Work Plan 2022-2024 – DSD-2023-053
- Bill 23 – Municipal Heritage Register Review – DSD-2023-225
- Kitchener Municipal Heritage Register Review – August Update 2023– DSD-2023-309
- Municipal Heritage Register Review – January 2024 Update – DSD-2024-022
- 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
- Municipal Heritage Register Review – June 2024 Update – DSD-2024-250
- Municipal Heritage Register Review – August 2024 Update – DSD-2024-333
- Municipal Heritage Register Review – September 2024 Update – DSD-2024-361
- *Ontario Heritage Act, 2022*

**REVIEWED BY:** Garrett Stevenson, Director of Development and Housing Approvals

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

**ATTACHMENTS:**

- Attachment A- Updated Statement of Significance – 80-86 Union Boulevard/  
571 York Street
- Attachment B- Updated Statement of Significance – 160 Margaret Avenue
- Attachment C- Municipal Heritage Register Review Progress