

Staff Report



Development Services Department

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REPORT TO: Heritage Kitchener

DATE OF MEETING: October 1, 2024

SUBMITTED BY: Garrett 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: September 10, 2024

REPORT NO.: DSD-2024-426

SUBJECT: Notice of Intention to Designate 107 Courtland Avenue East
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 107 Courtland Avenue East 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 107 Courtland Avenue East Under Part IV of the *Ontario Heritage Act*.
- An updated Statement of Significance describing the cultural heritage value or interest of 107 Courtland Avenue East has been drafted by Heritage Planning staff.
- The key finding of this report is that 107 Courtland Avenue East 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.

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

BACKGROUND:

107 Courtland Avenue East is a two-storey 20th century brick school built as a Vernacular example of the Beaux Arts Classicism architectural style. The school is situated on a 3.96-acre parcel of land located on the south side of Courtland Avenue East between Peter Street and Cedar Street in the Cedar Hill and Schneider Creek Secondary Plan of the City of Kitchener within the Region of Waterloo. The principal resource that contributes to the heritage value is the school.

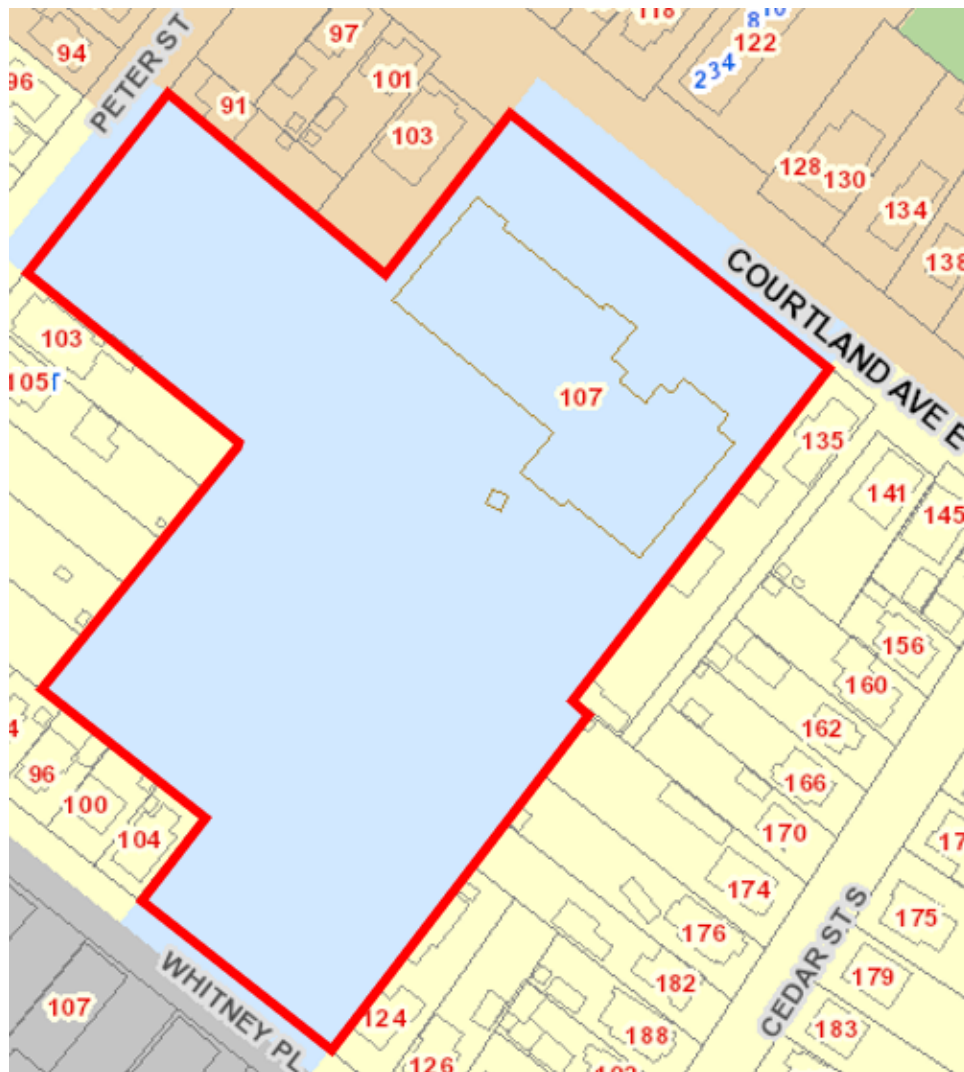


Figure 1.0: Location Map of Subject Property (107 Courtland Avenue East)

A full assessment of 107 Courtland Avenue East 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 August 6, 2024. The Committee recommended that pursuant to Section 29 of the *Ontario Heritage Act*, the cultural heritage value or interest of 107 Courtland Avenue East 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 107 Courtland Avenue East was contacted via second letter sent by mail dated August 9, 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 (West Façade) Elevation

REPORT:

Identifying and protecting cultural heritage resources within the City of Kitchener 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 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.

107 Courtland Avenue East 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.	No
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.	Yes
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.	Yes
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.	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 107 Courtland Avenue East demonstrates design/physical value as a rare example of a two-storey 20th century brick school built as a Vernacular example of the Beaux Arts Classicism architectural style. In Ontario, the Beaux-Arts Classicism architectural style was present between 1900 and 1945, and primarily used for public and semipublic buildings, such as post offices, banks and libraries. Ontario architects generally preferred a Classical interpretation of the Roman or Greek architecture but on a smaller scale. This preference can be seen in the scale, symmetry, and simplicity of the Courtland Avenue Public School building design. The design also pays tribute to the semi-circular arches of the main entrance, bell tower, and second floor windows of an earlier school on the site through the use of blind semi-circular stone arches.

Historical/Associative Value

The property municipally addressed as 107 Courtland Avenue East has historical/associative value due to its direct association with public education and because

it demonstrates the work of an architect and builder who were significant to Berlin (now Kitchener).

The subject property was the third site for a public school in the Berlin. The original building was constructed in 1890 as a four-room school at a cost of \$5500. In 1903, four new classrooms were added to the school at a cost of \$3000

The current building was designed by Bernal A. Jones and constructed by the Dunker Brothers (William and Albert) in 1928 at a cost of \$94,297. B.A. Jones moved to Kitchener in 1922 and worked with W.H.E. Schmalz until opening his own office in 1926. During that time, B.A. Jones assisted W.H.E. Schmalz design the 1922-23 Kitchener City Hall. B.A. Jones is also responsible for the design of several other important buildings in Kitchener such as the 1927 KW Granite Club, the 1932 Public Utilities Building and the 1936-37 Church of the Good Shepherd. The Dunker Brothers were a well-known and respected local building company that operated between 1887 and 1974. They were responsible for the construction of several other important buildings in Kitchener such as the 1927 KW Granite Club and the 1938-39 Registry Theatre.

Contextual Value

The contextual value relates to how the property is physically, functionally, and historically linked to its surroundings. The building is physically and historically linked to its original site and continues to function as a senior public school.

Heritage Attributes

The heritage value of 107 Courtland Avenue East resides in the following heritage attributes:

All elements related to the design/physical value of the brick school built as a Vernacular example of the Beaux Arts Classicism architectural style, including:

- Front (North) Façade
 - a symmetrical façade with five bays;
 - a flat roof;
 - a central bay with:
 - yellow brick and stone;
 - concrete classical main entrance door surround with pilasters and entablature;
 - the entablature features a plain architrave, a frieze with round reliefs,
 - a moulded cornice with dentils;
 - a stone sign that reads “*COURTLAND*”;
 - copper flashing is used above the entablature, the stone sign, the second-floor stone belt course, and the roof;
 - a stone belt course below the first floor windows;
 - a stone belt course above the second floor windows;
 - a pair of window openings with a stone surround; and,
 - a bronze plaque that reads “*Courtland Senior Public School 1890 – 1990 to Commemorate One Hundred Years in Education.*”
 - the two bays on either side of the central bay feature:

- four flatheaded basement windows;
 - yellow brick;
 - a stone belt course below the first floor windows;
 - a window pattern on both the first and second floor that features a single window opening with a stone sill, a ribbon of three window openings with a stone sill, and another single window opening with a stone sill;
 - a second stone belt course above the second floor windows;
 - the belt course features decorative concrete embellishments;
 - copper flashing; and,
 - copper flashing on the roof.
- the two end bays feature:
 - yellow brick and concrete;
 - three flatheaded basement windows;
 - a concrete belt course below the first-floor windows;
 - blind stone semi-circular arches with decorative central keystones (agraffe) supported by fluted pilasters with plain bases and crown caps;
 - stone cartouches above the blind concrete arches; and,
 - stone medallions with brick surrounds.
- Side (East) Façade
 - portion of the circa 1928 façade, which is visible;
 - yellow brick and stone materials;
 - two flathead enclosed basement windows;
 - a stone belt course below the first-floor windows and above the second floor windows;
 - a single flatheaded 1/1 window with an enclosed transom and a stone sill on both the first- and second-storey;
 - a ribbon of three flatheaded 1/1 windows with enclosed transoms and a stone sill on both the first- and second-storey; and,
 - copper flashing on the roof.
- Side (West) Façade
 - yellow brick and stone;
 - four flathead basement windows with stone sills;
 - a stone belt course below the first-floor windows and above the second-floor windows;
 - a ribbon of three 1/1 flatheaded windows with enclosed transom and stone sills bookended by a single 1/1 window with an enclosed transom and stone sills on both the first- and second-storey; and,
 - copper flashing on the roof.

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)
- Municipal Heritage Register Review – August 2024 Update (DSD-2024-333)
- Municipal Heritage Register Review – September 2024 Update (DSD-2024-413)

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

ATTACHMENTS:

Attachment A – Statement of Significance for 107 Courtland Avenue East