

Staff Report



Development Services Department

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REPORT TO: Heritage Kitchener

DATE OF MEETING: November 5, 2024

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

PREPARED BY: Jessica Vieira, Heritage Planner, 519-741-2200 ext. 7291

WARD(S) INVOLVED: Ward 10

DATE OF REPORT: October 4, 2024

REPORT NO.: DSD-2024-458

SUBJECT: Notice of Intention to Designate 148 Margaret Avenue 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 148 Margaret Avenue as being of cultural heritage value or interest.

REPORT HIGHLIGHTS:

- The purpose of this report is to request that Council direct the Clerk to publish a Notice of Intention to Designate the property municipally addressed as 148 Margaret Avenue under Part IV of the *Ontario Heritage Act*.
- An updated Statement of Significance on the property's cultural heritage value was taken to the Heritage Kitchener Committee on August 6, 2024. On this meeting date, the Committee recommended that pursuant to Section 29 of the *Ontario Heritage Act*, the cultural heritage value or interest of 148 Margaret Avenue be recognized, and designation pursued.
- The key finding of this report is that the property municipally addressed as 148 Margaret Avenue meets the criteria for designation under Ontario Regulation 9/06 (amended by Ontario Regulation 569/22) and has been confirmed to be a significant cultural heritage resource. The property is recognized for its design/physical, historical/associative, and contextual value.
- There are no financial implications with this recommendation.
- 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. In addition, should Council choose to give notice of its intention to designate, such notice will be served to the Owner and the Ontario Heritage Trust. Heritage Planning Staff had correspondence with the Owner on August 30th, September 4th, and September 16th of this year. The Owner had some questions related to the implication of designation but expressed no objections or concerns.

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

- This report supports the delivery of core services.

BACKGROUND:

148 Margaret Avenue is a two storey mid-20th century house built in the Tudor Revival architectural style. The house is situated on a 0.30 acre parcel of land located on the east side of Margaret Avenue between Louisa Street and Adam Street in the Mt. Hope Huron Park Planning Community of the City of Kitchener within the Region of Waterloo. The principal resource that contributes to the heritage value is the house.

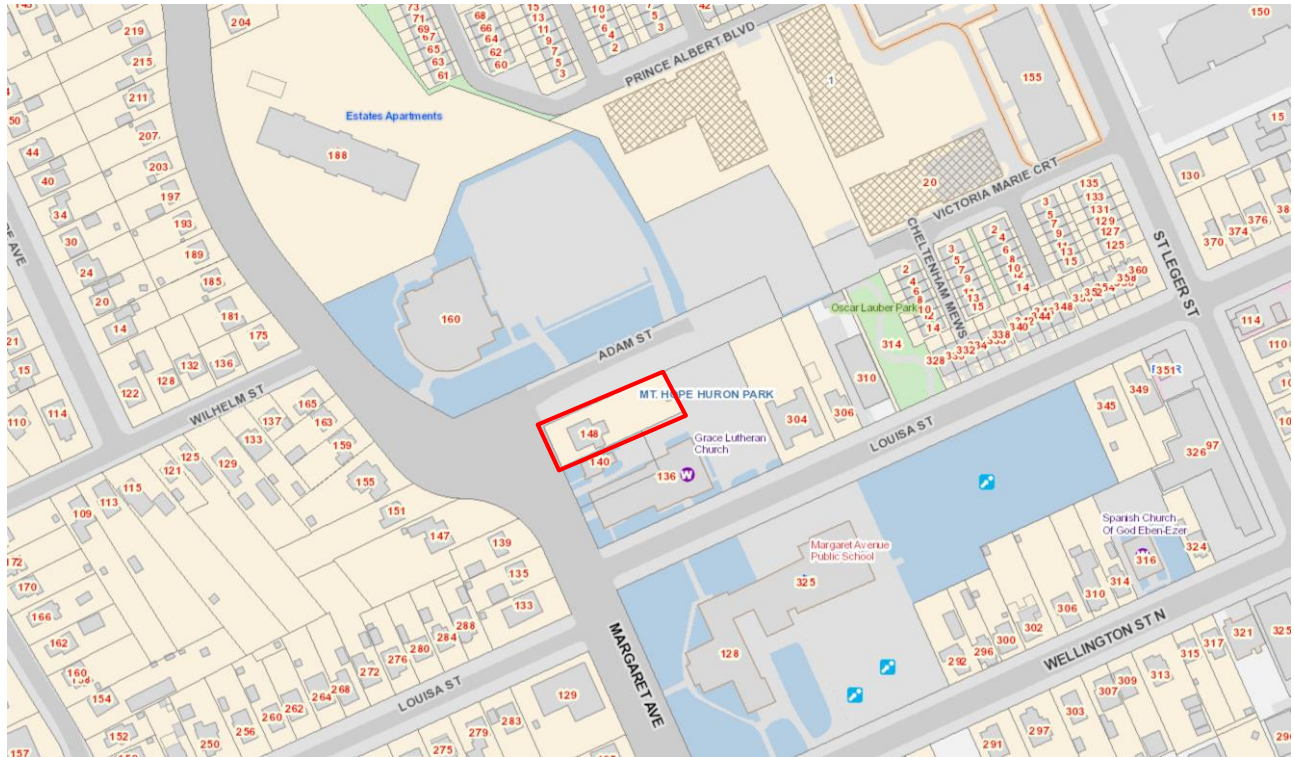


Figure 1: Location Map of Subject Property

A full assessment of 148 Margaret Avenue has been completed and included a field evaluation and detailed archival research. The findings concluded that the subject property meets the criteria for designation. An updated Statement of Significance on the property's cultural heritage value was taken to the Heritage Kitchener Committee on August 6th, 2024. On this meeting date, the Committee recommended that pursuant to Section 29 of the *Ontario Heritage Act*, the cultural heritage value or interest of 148 Margaret Avenue be recognized and designation pursued. This work was undertaken as part of the City of Kitchener 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 *Homeowners Protection 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 in August 2024 were contacted via a second letter dated August 7th, 2024, and invited to contact the City's Heritage Planner with any comments, questions, or concerns.

An email response from the Owner was received on August 30th inquiring about implications of heritage designation, including whether severance would still be possible, what limitations would be imposed, and if there were perks or incentives related to designation. Staff corresponded with the Owner on August 30th, had further correspondence on September 4th, and followed up again on September 16th. The Owner indicated satisfaction with the responses to his questions and expressed no objection or concerns to the proposed designation.

Per standard procedure, should Council support the Notice of Intention to Designate, Owners will be contacted a third time through a Notice of Intention to Designate (NOID) Letter. An ad for the NOID will also be published in a newspaper. Once the letter is served and the ad posted, there will be a 30-day appeal period in which Owners may object to the designation.

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 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 protection 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; 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 and interest.



Figure 2: Front Facade of Subject Property

148 Margaret Avenue is recognized for its design/physical, historical/associative, and contextual values. It satisfies five of the nine criteria for designation under Ontario Regulation 9/06 (amended by Ontario Regulation 569/22). A summary of the criteria that is met or 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.	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.	Yes
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

Design / Physical Value

The design value relates to the architecture of the dwelling. It is a unique and rare example of the Tudor Revival architectural style, being only one of five houses built in this style within the Region of Waterloo. The dwelling is in excellent condition and features; irregular plan; hipped roof with front gable; central tower with conical roof; stained glass windows; half-timber detailing; stone and brick cladding; bay window; rectangular windows; wood door with glazing and transom; wood garage door with wood man door; and concrete foundation. The Tudor Revival architectural style can be seen in features such as but not limited to the asymmetrical floor plan, steeply pitched roof, superficial forms of half-timbering, patterned stonework, and grouped windows.

Modifications

Modifications to the building since its original construction include the introduction of a new turret entrance and bay window on the ground floor, as well as a metal roof. These features are appropriate for the architectural style of the building and not considered to negatively impact the heritage integrity. Bay windows are a common characteristic of the Tudor Revival style, and the turret contributes to the asymmetrical floorplan and contains other appropriate features such as the decorative half-timbering, decorative front door with Tudor arch, and patterned stonework.

Historic and Associative Value

The historic and associative value of the building relates to the original owner and builder, Michael Kraus. He was a prominent member of the New Apostolic Church, first joining in 1932 and then being ordained into the ministry one year later. In 1955 he was ordained as an apostle and three years later, in 1958, was appointed District Apostle for Canada. His impact on the global growth of the New Apostolic Church was so significant that, at his funeral, Chief Apostle Richard Fehr compared it to the missionary work of Paul the Apostle of biblical times. In addition to his minister work, Michael Kraus was an entrepreneur. He founded Kraus Carpet Mills in 1959, and Strudex Fibres in 1971. At the time of his death in 2003, Kraus Carpet Mills was the largest Canadian-owned carpet manufacture. According to his obituary “his tireless work and inspiring leadership had an enduring impact on the business and church communities that he served with distinction” (Floor Daily, 2014).

Michael Kraus also contributed directly to the development of the built environment along Margaret Avenue, having financed and built several buildings along the street including the New Apostolic Church at 160 Margaret, a single-detached residential dwelling constructed in the tudor revival style at 148 Margaret Avenue, and three apartment buildings constructed in the vernacular architectural style located at 100-112 Margaret Avenue.

Contextual Value

The contextual values relate to the contribution that the residency makes to the continuity and character of the Margaret Avenue streetscape and the surrounding residential neighbourhood. The property is located within the Mt Hope/Breithaupt Neighbourhood Cultural Heritage Landscape, a stable residential neighbourhood which contains all amenities or services an integrated community might require. It is characterized by features such as roads set at angles or parallel to the Grand Trunk Rail Line, gentle topography, an inventory of mature trees, and small to medium sized residential dwellings that demonstrate a variety of different detailing but are consistent in their scale and spacing, yielding an overall cohesive and complimentary composition. The setbacks, scale, orientation, and materials used for 148 Margaret Avenue is consistent with that seen in adjacent or surrounding residential properties, and the presence of mature trees in both the side and front yard further contribute to maintaining the character of the streetscape.

The building is also physically, visually, historically, and functionally linked to its surroundings as it remains in-situ and maintains its original residential use.

Heritage Attributes

The heritage value of 148 Margaret Avenue resides in the following attributes:

- All elements related to the Tudor Revival architectural style of the house, including:
 - irregular plan;
 - hipped roof with front gable;
 - central tower with conical roof;
 - windows and window openings, including:
 - stained glass windows;
 - bay window;
 - rectangular windows;
 - half-timber detailing;
 - stone and brick cladding;

- wood door with glazing and transom;
 - wood garage door with wood man door; and,
 - concrete foundation.
- All elements related to the contextual value, including:
 - Location of the house and contribution that it makes to the continuity and character of the Margaret Avenue streetscape.

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 August 7, 2024. As discussed in the Background section of this report, a response from the Owner was received on August 30th 2024, with further correspondence on September 4th and 16th. City Heritage Staff were able to answer the questions of the Owner and no objection or concern with the proposed designation was expressed.

Section 29(2) of the *Ontario Heritage Act* requires Council to consult with the Municipal Heritage Committee (Heritage Kitchener) before giving notice of its intention to designate 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. In addition, should Council choose to give notice of its intention to designate, such notice will be served on the property owner and the Ontario Heritage Trust, and published in the local newspaper (The Record). Once notice has been served, the owner has the right of appeal to the Ontario Land Tribunal. It should be noted that should Council decide not to proceed with a Notice of Intention to Designate, that the building will remain on the City’s Municipal Heritage Register until January 1, 2027, after which it will be removed according to the changes enacted by Bill 23 and Bill 200. Once removed, it cannot re-listed on the Register again for five (5) years, i.e. January 1, 2032.

PREVIOUS REPORTS/AUTHORITIES:

- *Ontario Heritage Act, 2022*
- Municipal Heritage Register Review – August 2024 Update (DSD-2024-333)

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

ATTACHMENTS:

Attachment A – Statement of Significance for 148 Margaret Avenue.