

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: Michelle Drake, Senior Heritage Planner, 519-741-2200 ext. 7839

WARD(S) INVOLVED: Ward 9

DATE OF REPORT: September 26, 2024

REPORT NO.: DSD-2024-466

SUBJECT: Notice of Intention to Designate 53 Church Street
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 53 Church Street 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 53 Church Street Under Part IV of the *Ontario Heritage Act*.
- An updated Statement of Significance describing the cultural heritage value or interest of 53 Church Street has been drafted by Heritage Planning staff.
- The key finding of this report is that 53 Church Street 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, historic/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 September 3, 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 and published in a newspaper.
- This report supports the delivery of core services.

BACKGROUND:

53 Church Street is a two-storey late 19th century brick church built in the Vernacular architectural style with Romanesque influences. The church is situated on a 0.49-acre parcel of land located on the south side of Church Street between Benton Street and Peter Street in the City of Kitchener within the Region of Waterloo. The principal resource that contributes to the heritage value is the church.

A full assessment of 53 Church Street 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 September 3, 2024. The Committee recommended that pursuant to Section 29 of the *Ontario Heritage Act*, the cultural heritage value or interest of 53 Church Street 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 53 Church Street was contacted via second letter sent by mail dated September 11, 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.

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.

53 Church Street 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.	Yes
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*)

Design/Physical Value

The property municipally addressed as 53 Church Street demonstrates design/physical value as a rare example of a late 19th century, religious building, displaying Vernacular architecture with influences from the Romanesque Revival architectural style. The Romanesque Revival architectural style originates in 19th century romanticism and is distinguished by its use of round arches. These round arches were considered primitive, not widely accepted, and often the primary distinction between the Romanesque Revival and the Gothic Revival architectural style. The design/physical values relate to the design, composition, craftsmanship and details of the church with many intact heritage attributes in good condition.

Historic/Associative Value

The property municipally addressed as 53 Church Street has historic/associative value given the use of the land, the various congregations that have occupied the land and building over time, and the architect and builder of the 1952 annex. The congregations that used the land and building, include the Wesleyan Methodist Church (1842- c. 1880); the United Brethren in Christ Church (c. 1880-1907); the Congregational Church (1907-1921); the Grace Tabernacle Church (1921-1935); the Mennonite Brethren Church(1935-1953); the Bethel Evangelical Lutheran Church (1953-1966); and, the Martin Luther Evangelical Church (1966-present). The 1952 annex was designed by W.H.E. Schmalz, a local architect who was born in Berlin (now Kitchener) and designed various buildings and structures. The 1952 annex was built by Oscar Wiles and Sons Ltd., a local contractor known for building houses, churches, schools and factories in Kitchener.

Contextual Value

The contextual values relate to the contribution that the church makes to the continuity and character of the Church Street streetscape. The placement and massing blend with adjacent buildings and much of the building stock on both sides of Church Street, particularly in terms of setback and height.

Heritage Attributes

The heritage value of 53 Church Street resides in the following heritage attributes:

- All elements related to the design/physical value of the church built in the Vernacular architectural style with influences from the Romanesque architectural style, including:
 - Orientation towards and setback from Church Street, two-storey height, rectangular plan, buff (yellow) brick, buttresses or pilasters between each bay and steeply pitched front-gabled roof;
 - All elements of the three-bay front (east) elevation, including:
 - The central bay features: buff (yellow) brick construction; buttresses with caps; front-gabled roof with brick corbels; round window opening with brick hoodmould, including keystone and dripstones; paired semi-circular 1/1 windows and window openings with brick hoodmould, including keystones and dripstones, and angled sills; front-gabled entrance with semi-circular door opening; and, wood doors with square panels, elongated lites and wood paneled transom.
 - The left bay features: buff (yellow) brick construction; buttresses with caps; continuation of the front-gabled roof with brick corbels; semi-circular 1/1 window and window opening with brick hoodmould, including keystone and dripstones, and angled sill; and, paired semi-circular windows and window openings with brick voussoirs and angled sills.
 - The right bay features: buff (yellow) brick construction; buttresses with caps; continuation of the front-gabled roof with brick corbels; and,

semi-circular 1/1 window and window opening with brick hoodmould, including keystone and dripstones, and angled sill.

- All elements of the side elevations, including:
 - Width of seven bays; buff (yellow) brick construction on the second storey; primarily concrete ashlar parging on the first storey; brick pilasters; semi-circular 1/1 windows and window openings, with brick hoodmoulds, including keystones and dripstones, and angled sills; and, segmentally arched window openings.

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 September 11, 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 (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-2024-361)
- Municipal Heritage Register Review – October 2024 Update (DSD-2024-413)

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

ATTACHMENTS:

Attachment A – Statement of Significance for 53 Church Street