

# Staff Report



Development Services Department

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**REPORT TO:** Committee of the Whole

**DATE OF MEETING:** March 3, 2025

**SUBMITTED BY:** Garett Stevenson, Director of Development and Housing Approvals,  
519-783-8922

**PREPARED BY:** Michelle Drake, Senior Heritage Planner, 51-783-8909

**WARD(S) INVOLVED:** Ward 9

**DATE OF REPORT:** February 26, 2025

**REPORT NO.:** DSD-2025-097

**SUBJECT:** Request to Extend Timeline to Pass Designating By-law for 53  
Church Street under Part IV of the Ontario Heritage Act

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## RECOMMENDATION:

That the 120-day period of time referred to in paragraph 1 of subsection 29(8) of the Ontario Heritage Act (being the period between the Notice of Intention to Designate and the passing of the Designating By-law), be extended to June 30, 2025 in accordance with paragraph 1 of subsection 2(1) of Ontario Regulation 385/21 for the property municipally addressed as 53 Church Street, Kitchener.

## REPORT HIGHLIGHTS:

- The purpose of this report is to request that Council extend the 120-day period between the Notice of Intention to Designate and the Designating By-law for the property municipally address 53 Church Street from March 21, 2025 to June 30, 2025.
- The key finding of this report is that Heritage Planning staff support the property owners request to extend the 120-day period to June 31, 2025.
- There are no financial implications.
- Community engagement included informing residents by posting this report with the agenda in advance of the Council meeting, and meeting with representatives of the property owner on February 5, 2025.
- This report supports the delivery of core services.

## BACKGROUND:

The Clerk published a Notice of Intention to Designate (NOID) the property municipally addressed as 53 Church Street on November 22, 2024. Under Section 29(8) of the Ontario Heritage Act, the Designating By-law for 53 Church Street must be passed within 120-days of the date of the publication of the NOID unless Council and the owner have agreed to

extend the 120-day period as permitted by Section 2.(1)1. O.Reg. 385/21 under Section 29(8) of the Ontario Heritage Act. The 120-day period ends on March 21, 2025.

## **REPORT:**

The City sent a letter dated May 23, 2023 to all owners of listed property to advise of Bill 23, the *More Homes Built Faster Act* and the City's approach to review the Municipal Heritage Register. Staff report DSD-2024-361 recommended that designation be pursued for 53 Church Street. The City sent a second letter to the owner of 53 Church Street on September 11, 2024 advising of the interest to designate and inviting the owner to contact Heritage Planning staff with comments, questions or concerns. The letter was accompanied by an updated Statement of Significance and a Guide to Heritage Designation for Property Owners. The owner did not contact Heritage Planning staff.

Staff report DSD-2024-466 recommended that pursuant to Section 29 of the Ontario Heritage Act, the Clerk be directed to publish a Notice of Intention to Designate (NOID) the property as being of cultural heritage value or interest. The Clerk published a NOID on November 22, 2024. A letter dated November 22, 2024 was served by registered mail to the owner and Ontario Heritage Trust. The owner did not object to the NOID.

The Designating By-law for 53 Church Street was scheduled to be considered by Council on January 20, 2025; however, the owner contacted Heritage Planning staff that day and requested a meeting. As a result, the Designating By-law was removed from the Council agenda to provide time for representatives of the owner to meet with Heritage Planning staff. On February 5, 2025, Heritage Planning staff met with representatives of the owner and during this meeting Heritage Planning staff were able to provide information about designation and respond to several questions. At the conclusion of the meeting, it was agreed by representatives of the owner and Heritage Planning staff that there would not be sufficient time for the owner to consider and respond before March 21, 2025. As a result, a representative of the owner sent an email requesting that the 120-day timeline be extended to June 30, 2025. Heritage Planning staff support this request.

## **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 – Heritage Planning staff have consulted with the Heritage Kitchener committee regarding designation under the *Ontario Heritage Act*. The owner of the

property was invited to consult via two separate letters dated May 23, 2023 and September 11, 2024. The Clerk published a Notice of Intention to Designate (NOID) the property on November 22, 2024. A letter dated November 22, 2024 was served by registered mail to the owner and Ontario Heritage Trust. The owner did not object to the NOID.

COLLABORATE – Heritage Planning staff met with representatives of the owner on February 5, 2025. During this meeting, Heritage Planning staff responded to questions regarding designation and offered to collaborate on a revised list of heritage attributes to be included in the Designating By-law. At the conclusion of the meeting, it was agreed by representatives of the owner and Heritage Planning staff that there would not be sufficient time for the owner to consider and respond before March 21, 2025.

#### **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)
- Notice of Intention to Designate – 53 Church Street (DSD-2024-466)

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

#### **ATTACHMENTS:**

Attachment A – Email from Owner of 53 Church Street Requesting to Extend the Timeline to Pass a Designating By-law from March 21, 2025 to June 30, 2025