
REPORT TO: Council Meeting

DATE OF MEETING: August 25, 2025

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

PREPARED BY: Jessica Vieira, Heritage Planner, 519-783-8924

WARD(S) INVOLVED: Ward 9

DATE OF REPORT: August 14, 2025

REPORT NO.: DSD-2025-363

SUBJECT: Notice of Intention to Designate 69 Agnes Street and Notice of Intention to Designate 80-86 Union Boulevard/571 York 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 69 Agnes Street as being of cultural heritage value or interest; and further,

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 80-86 Union Boulevard/571 York Street 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 properties municipally addressed as 69 Agnes Street and 80-86 Union Boulevard/571 York Street under Part IV of the *Ontario Heritage Act*.
- The key finding of this report is that the built structures on the two subject properties meet the criteria for designation under *Ontario Regulation 9/06* (amended by *Ontario Regulation 569/22*) and have been confirmed to be a significant cultural heritage resource. Both possess design/physical, historical/associative, and contextual value. A Notice of Intention to Designate was published on January 24, 2025, and the mandated 120-day period in which the designating by-law is to be passed has elapsed. The Notice of Intention to Designate is to be re-issued. There have been no changes to the property from the time of review and approval at the beginning of the year.
- There are no financial implications associated with this report.
- Community engagement included informing residents by posting this report with the agenda in advance of the Council meeting and, previously, providing written correspondence to the property owners dated May 23, 2023, October 7, 2024 (for 80-86 Union Boulevard / 571 York Street), November 6, 2024 (for 69 Agnes Street), and in January 2025. In addition, should Council choose to give notice of its intention to designate, such notice will be served to the Owner and Ontario Heritage Trust again.
- This report supports the delivery of core services.

REPORT:

Notice of Intention to Designate for the properties municipally addressed as 69 Agnes Street and 80-86 Union Boulevard/571 York Street under Part IV of the *Ontario Heritage Act* were brought forward to Heritage Kitchener on January 7, 2025, and Council on January 20, 2025. On this date, Council passed the following motions:

"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 69 Agnes Street, as outlined in Development Services Department report DSD-2025-013, as being of cultural heritage value or interest."

and

"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 80-86 Union Boulevard / 571 York Street, as outlined in Development Services Department report DSD-2025-014, as being of cultural heritage value or interest."

The Notice of Intention to Designate for the properties was published in the Waterloo Regional Record, being a newspaper having general circulation in the City of Kitchener, on January 24, 2025. Under Section 29(8) of the *Ontario Heritage Act*, the designating by-law must be passed within 120 days after this date of publication. The 120-day timeline has lapsed without a designating by-law being presented to be passed by Council due to a technical error. As such the process is now being re-initiated and a new Notice of Intention to Designate must be issued. During the first process when contacted, the Owners of 69 Agnes Street indicated that they had no concerns with the proposed designation. No response was received by the City from the Owners of 80-86 Union Boulevard / 571 York Street.

Copies of the previous staff reports as well as copies of the Statement of Significance for each property has been attached to this report.

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*. As part of the initial Municipal Heritage Register Review Project process, property owners were invited to consult via two separate letters dated May 23, 2023, and October 7th, 2024 (80-86 Union Boulevard/571 York Street) and November 6th, 2024 (69 Agnes Street). Further letters were sent in January 2025, as part of the formal Notice of Intention to Designate process. As discussed in the Background section of this report, a response

was received from the Owner of 69 Agnes Street who indicated no objections with the proposed designation, and no response from the Owner of 80-86 Union Boulevard / 571 York Street.

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. Once removed, it cannot be re-listed on the Register again for five (5) years, i.e. January 1, 2032.

PREVIOUS REPORTS/AUTHORITIES:

- *Ontario Heritage Act*
- DSD-2025-013 Notice of Intention to Designate 69 Agnes Street
- DSD-2025-014 Notice of Intention to Designate 80-86 Union Boulevard/571 York Street

APPROVED BY: Justin Readman, General Manager, Development Services

ATTACHMENTS:

Attachment A – DSD-2025-013 Notice of Intention to Designate 69 Agnes Street

Attachment B – Statement of Significance for 69 Agnes Street

Attachment C – DSD-2025-014 Notice of Intention to Designate 80-86 Union Boulevard/571 York Street

Attachment D – Statement of Significance for 80-86 Union Boulevard / 571 York Street