



City Council Meeting 11-2024

Tuesday, April 2, 2024 at 6:15 pm
in the Council Chamber at City Hall.

Council will resolve into the Committee of the Whole
“Closed Meeting” and will reconvene
as regular Council at 7:00 pm.

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City Council Meeting 11-2024

Agenda

Tuesday, April 2, 2024

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(Council Chamber)

Call Meeting to Order

Roll Call

The Committee of the Whole “Closed Meeting”

1. **That** Council resolve itself into the Committee of the Whole “Closed Meeting” to consider the following item:
 - a. A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board – Contract Negotiations Update.

Approval of Addeds

Disclosure of Potential Pecuniary Interest

Presentations

Delegations

1. Ric Peterson, Turtles Kingston, will appear before Council to speak to New Motion 2 with respect to speed limit reduction on Perth Road.

Briefings

1. Chief of Police Scott Fraser, Scarlet Eyles, Director of Finance, and Jarrod Stearns, Board Chair, Kingston Police Service Board will brief Council on Information Report Number 1 with respect to Kingston Police Services Board Quarterly Operating Budget Status Report as at December 31, 2023.

Petitions

Motions of Congratulations, Recognition, Sympathy, Condolences and Speedy Recovery

Motions of Congratulations, Recognition, Sympathy, Condolences and Speedy Recovery are presented in order of category as one group and voted on as one motion.

Deferred Motions

Reports

Report Number 38: Received from the Chief Administrative Officer (Consent)

Report Number 38

To the Mayor and Members of Council:

The Chief Administrative Officer reports and recommends as follows:

All items listed on the Consent Report shall be the subject of one motion. Any member may ask for any item(s) included in the Consent Report to be separated from that motion, whereupon the Consent Report without the separated item(s) shall be put and the separated item(s) shall be considered immediately thereafter.

That Council consent to the approval of the following routine items:

1. Francophone Working Group - Next Steps

That a By-Law to amend By-Law Number 2023-204, "Committee By-Law", attached as Exhibit A to Report Number 24-083, be approved.

(See By-Law Number (1), 2024-170 attached to the agenda as schedule pages 9-12)

(The Report of the Chief Administrative Officer (24-083) is attached to the agenda as schedule pages 1-12)

2. 2024 Pickleball Canada Central Regional Championship

That Council direct staff to set aside section 3.20.1 of the Sports Field Allocation Policy for the purpose of hosting the 2024 Pickleball Canada Central Regional Championship July 16-21, 2024; and

That Council direct staff to enter into a Facility Rental Agreement with Kingston Pickleball Club to authorize use of the Bayridge Outdoor Raquet Courts, to establish fees based on established outdoor space/field rental fees and to outline terms and conditions for use.

(The Report of the Commissioner, Community Services (24-120) is attached to the agenda as schedule pages 13-18)

3. Confederation Basin Flagpole Installation

That Council approve amendments to the Flag Display Policy, attached as Exhibit A to Report Number 24-126; and

That staff be directed to initiate discussions with the Francophone community to determine a new placement of the Franco-Ontarian flag within the broader Confederation Park redesign.

(The Report of the Commissioner, Community Services (24-126) is attached to the agenda as schedule pages 19-25)

4. Approval of Emergency Vehicle Pre-Emption Equipment

That Council approve the installation of emergency vehicle pre-emption equipment at the intersection of Gardiners Road and Centennial Drive/Creekford Road intersection.

(The Report of the Commissioner, Infrastructure, Transportation & Emergency Service (24-113) is attached to the agenda as schedule pages 26-28)

5. Amendment to Kingston Fire & Rescue 2024 Fees and Charges – Ministry of Transportation Rate

That a By-Law to Amend By-Law Number 2005-10 “A By-law to Establish Fees and Charges to be Collected by The Corporation of the City of Kingston”, as amended, attached as Exhibit A to Report Number 24-106, be presented to Council for all three readings.

(See By-Law Number (2), 2024-171 attached to the agenda as schedule pages 32-40)

(The Report of the Commissioner, Infrastructure, Transportation & Emergency Services (24-106) is attached to the agenda as schedule pages 29-40)

Report Number 39: Received from the Chief Administrative Officer (Recommend)

Report Number 39

To the Mayor and Members of Council:

The Chief Administrative Officer reports and recommends as follows:

1. Notice of Objection to Proposed Heritage Designation – 888 Montreal Street

That Council acknowledges receipt of the Notice of Objection and supplementary information letter from Irena and Lech Poklewska-Koziell, dated December 29, 2023 and January 11, 2024, respectfully, to the proposed designation of the property located at 888 Montreal Street as a property of cultural heritage value or interest pursuant to Section 29(5) of the *Ontario Heritage Act* and having considered the objections set out in the Notice of Objection and supplement information letter pursuant to Section 29(6) not withdraw the Notice to Intention to Designate the property; and

That Council accordingly reaffirms its approval of the Draft Designation By-Law for 888 Montreal Street; and

That Council gives all three readings to the Designation By-Law for 888 Montreal Street, attached as Exhibit C to Report Number 24-108, and directs the City Clerk to serve a Notice of Passing as prescribed under Section 29(8) of the Act.

(See By-Law Number (3), 2024-172 attached to the agenda as schedule pages 56-59)

(The Report of the Commissioner, Community Services (24-108) is attached to the agenda as schedule pages 41-61)

Report Number 40: Received from the Planning Committee

Report Number 40

To the Mayor and Members of Council:

The Planning Committee reports and recommends as follows:

All items listed on this Committee Report shall be the subject of one motion. Any member may ask for any item(s) included in the Committee Report to be separated from that motion, whereupon the Report of the Committee without the separated item(s) shall be put and the separated item(s) shall be considered immediately thereafter.

1. Zoning By-Law Amendment – 2103 McKendry Road

That the application for a zoning By-Law amendment (File Number D14-013-2023) submitted by The Boulevard Group, on behalf of the owner Peter Skebo, for the property municipally known as 2103 McKendry Road, be approved; and

That Kingston Zoning By-Law Number 2022-62, as amended, be further amended, as per Exhibit A (Draft By-Law and Schedule A to Amend Zoning By-Law Number 2022-62) to Report Number PC-24-003; and

That Council determines that in accordance with Section 34(17) of the Planning Act, no further notice is required prior to the passage of the By-Law; and

That the amending By-Law be presented to Council for all three readings.

(See By-Law Number (4), 2024-173 attached to the agenda as schedule pages 62-64)

(Exhibit A to Report Number PC-24-003 is attached to the agenda as schedule pages 62-64)

2. Zoning By-Law Amendment – 780 Gardiners Road

That the application for a zoning By-Law amendment (File Number D14-001-2024) submitted by The Boulevard Group, on behalf of 2832719 Ontario Inc, for the property municipally known as 780 Gardiners Road, be approved; and

That Kingston Zoning By-Law Number 2022-62, as amended, be further amended, as per Exhibit A (Draft By-Law and Schedule A to Amend Zoning By-Law Number 2022-62) to Report Number PC-24-021; and

That Council determines that in accordance with Section 34(17) of the Planning Act, no further notice is required prior to the passage of the By-Law; and

That the amending By-Law be presented to Council for all three readings.

(See By-Law Number (5), 2024-174 attached to the agenda as schedule pages 65-68)

(Exhibit A to Report Number PC-24-021 is attached to the agenda as schedule pages 65-68)

Report Number 41: Received from Kingston Heritage Properties Committee

Report Number 41

To the Mayor and Members of Council:

Kingston Heritage Properties Committee reports and recommends as follows:

All items listed on this Committee Report shall be the subject of one motion. Any member may ask for any item(s) included in the Committee Report to be separated from that motion, whereupon the Report of the Committee without the separated item(s) shall be put and the separated item(s) shall be considered immediately thereafter.

1. Updates to the Window Policy and Guidelines

That the City of Kingston Window Policy and Guidelines, attached as Exhibit B to Report Number HP-24-016, be approved.

(Exhibit B to Report Number HP-24-016 is attached to the agenda as schedule pages 69-78)

2. Notice of Intention to Designate under the Ontario Heritage Act

That Council direct staff to serve a Notice of Intention to Designate the property located at 1193 Front Road, known as the Grass House, as a property of cultural heritage value or interest pursuant to Section 29 of the *Ontario Heritage Act*, attached as Exhibit A to Report Number HP-24-014; and

That should no Notice of Objection be received by the Clerk of The Corporation of the City of Kingston within thirty (30) days of the publication of the Notice of Intention to Designate, the Designation By-Law for 1193 Front Road, attached as Exhibit B to Report Number HP-24-014, be presented to Council for all three readings, and that staff be directed to carry out the requirements as prescribed under Section 29(8) of the Act; and

That Council direct staff to serve a Notice of Intention to Designate the property located at 123-129 Princess Street, known as Foster Building, as a property of cultural heritage value or interest pursuant to Section 29 of the *Ontario Heritage Act*, attached as Exhibit A to Report Number HP-24-014; and

That should no Notice of Objection be received by the Clerk of The Corporation of the City of Kingston within thirty (30) days of the publication of the Notice of

Intention to Designate, the Designation By-Law for 123-129 Princess Street, attached as Exhibit C to Report Number HP-24-014, be presented to Council for all three readings, and that staff be directed to carry out the requirements as prescribed under Section 29(8) of the Act; and

That Council direct staff to serve a Notice of Intention to Designate the property located at 1359 Unity Road, known as the Hunter Farmhouse, as a property of cultural heritage value or interest pursuant to Section 29 of the *Ontario Heritage Act*, attached as Exhibit A to Report Number HP-24-014; and

That should no Notice of Objection be received by the Clerk of The Corporation of the City of Kingston within thirty (30) days of the publication of the Notice of Intention to Designate, the Designation By-Law for 1359 Unity Road, attached as Exhibit D to Report Number HP-24-014, be presented to Council for all three readings, and that staff be directed to carry out the requirements as prescribed under Section 29(8) of the Act; and

That Council direct staff to serve a Notice of Proposed Amendment/Notice of Intention to Designate the property located at 26-34 Barrie Street, pursuant to Sections 29 and 30.1 of the *Ontario Heritage Act*, attached as Exhibit A to Report Number HP-24-014; and

That should no Notice of Objection be received by the Clerk of The Corporation of the City of Kingston within thirty (30) days of the publication of the Notice, the Designation By-Law for 26-34 Barrie Street, attached as Exhibit E to Report Number HP-24-014, be presented to Council for all three readings, and that staff be directed to carry out the requirements as prescribed under Section 29(8) of the Act; and

That Council direct staff to serve a Notice of Intention to Designate the property located at 2638 Kepler Road, known as the Powley Farmhouse, as a property of cultural heritage value or interest pursuant to Section 29 of the *Ontario Heritage Act*, attached as Exhibit A to Report Number HP-24-014; and

That should no Notice of Objection be received by the Clerk of The Corporation of the City of Kingston within thirty (30) days of the publication of the Notice of Intention to Designate, the Designation By-Law for 2638 Kepler Road, attached as Exhibit F to Report Number HP-24-014, be presented to Council for all three readings, and that staff be directed to carry out the requirements as prescribed under Section 29(8) of the Act; and

That Council direct staff to serve a Notice of Intention to Designate the property located at 3578 Unity Road, known as the Raycroft Farmhouse, as a property of cultural heritage value or interest pursuant to Section 29 of the *Ontario Heritage Act*, attached as Exhibit A to Report Number HP-24-014; and

That should no Notice of Objection be received by the Clerk of The Corporation of the City of Kingston within thirty (30) days of the publication of the Notice of Intention to Designate, the Designation By-Law for 3578 Unity Road, attached as Exhibit G to Report Number HP-24-014, be presented to Council for all three readings, and that staff be directed to carry out the requirements as prescribed under Section 29(8) of the Act; and

That Council direct staff to serve a Notice of Proposed Amendment/Notice of Intention to Designate the property located at 62-74 Barrie Street, pursuant to Sections 29 and 30.1 of the *Ontario Heritage Act*, attached as Exhibit A to Report Number HP-24-014; and

That should no Notice of Objection be received by the Clerk of The Corporation of the City of Kingston within thirty (30) days of the publication of the Notice, the Designation By-Law for 62-74 Barrie Street, attached as Exhibit H to Report Number HP-24-014, be presented to Council for all three readings, and that staff be directed to carry out the requirements as prescribed under Section 29(8) of the Act; and

That Council direct staff to serve a Notice of Intention to Designate the property located at 9 Colborne Street, as a property of cultural heritage value or interest pursuant to Section 29 of the *Ontario Heritage Act*, attached as Exhibit A to Report Number HP-24-014; and

That should no Notice of Objection be received by the Clerk of The Corporation of the City of Kingston within thirty (30) days of the publication of the Notice of Intention to Designate, the Designation By-Law for 9 Colborne Street, attached as Exhibit I to Report Number HP-24-014, be presented to Council for all three readings, and that staff be directed to carry out the requirements as prescribed under Section 29(8) of the Act; and

That Council direct staff to serve a Notice of Intention to Designate the property located at 11 Colborne Street, as a property of cultural heritage value or interest pursuant to Section 29 of the *Ontario Heritage Act*, attached as Exhibit A to Report Number HP-24-014; and

That should no Notice of Objection be received by the Clerk of The Corporation of the City of Kingston within thirty (30) days of the publication of the Notice of Intention to Designate, the Designation By-Law for 11 Colborne Street, attached as Exhibit I to Report Number HP-24-014, be presented to Council for all three readings, and that staff be directed to carry out the requirements as prescribed under Section 29(8) of the Act; and

That Council direct staff to serve a Notice of Intention to Designate the property located at 22 Colborne Street, as a property of cultural heritage value or interest pursuant to Section 29 of the *Ontario Heritage Act*, attached as Exhibit A to Report Number HP-24-014; and

That should no Notice of Objection be received by the Clerk of The Corporation of the City of Kingston within thirty (30) days of the publication of the Notice of Intention to Designate, the Designation By-Law for 22 Colborne Street, attached as Exhibit J to Report Number HP-24-014, be presented to Council for all three readings, and that staff be directed to carry out the requirements as prescribed under Section 29(8) of the Act; and

That Council direct staff to serve a Notice of Intention to Designate the property located at 30 Colborne Street, known as the Queen Street Methodist Church Parsonage, as a property of cultural heritage value or interest pursuant to Section 29 of the *Ontario Heritage Act*, attached as Exhibit A to Report Number HP-24-014; and

That should no Notice of Objection be received by the Clerk of The Corporation of the City of Kingston within thirty (30) days of the publication of the Notice of Intention to Designate, the Designation By-Law for 30 Colborne Street, attached as Exhibit K to Report Number HP-24-014, be presented to Council for all three readings, and that staff be directed to carry out the requirements as prescribed under Section 29(8) of the Act; and

That Council direct staff to serve a Notice of Intention to Designate the property located at 37 Kennedy Street, known as Henley Camerson House, as a property of cultural heritage value or interest pursuant to Section 29 of the *Ontario Heritage Act*, attached as Exhibit A to Report Number HP-24-014; and

That should no Notice of Objection be received by the Clerk of The Corporation of the City of Kingston within thirty (30) days of the publication of the Notice of Intention to Designate, the Designation By-Law for 37 Kennedy Street, attached as

Exhibit L to Report Number HP-24-014, be presented to Council for all three readings, and that staff be directed to carry out the requirements as prescribed under Section 29(8) of the Act.

(Exhibits A – L to Report Number HP-24-014 is attached to the agenda as schedule pages 79-146)

3. Applications Supported for Approval by Kingston Heritage Properties Committee (Non-Statutory Consultation)

i. Application for Heritage Permit – 52 Clergy Street East

That the alterations on the property at 52 Clergy Street East, be approved in accordance with the details described in the applications (File Number P18-078-2023), which was deemed complete on January 16, 2024, with said alterations to include:

1. The partial demolition of the chimney;
2. The reconstruction of the chimney, to include:
 - a. Like-for-like dimensions, detailing, design and bond pattern;
 - b. The use of reproduction bricks that match the existing as closely as possible;
 - c. Step flashing, as well as a cricket, where necessary;
 - d. The use of appropriate 1:1:6 mortar;
 - e. The salvage and reuse of material, where possible;
 - f. The installation of a new chimney cap which meets Ontario Building Code; and

That the approval of the alterations be subject to the following conditions:

1. All masonry works shall be completed in accordance with the City's Policy on Masonry Restoration in Heritage Buildings;
2. The conditions of the current chimney, including dimensions and materials, shall be documented, and provided to Heritage Planning staff for documentation purposes;
3. An Encroachment Permit and/or Temporary Access Permit shall be obtained, where necessary;
4. A Building Permit shall be obtained;
5. Details, including materials, dimensions and colour(s) of the new chimney and new chimney cap shall be submitted to Heritage Planning staff, prior to construction, for final review and approval;

6. Any salvageable materials from the existing chimney shall be used in the rebuild; and
7. Any minor deviations from the submitted plans, which meet the intent of this approval and does not further impact the heritage attributes of the property, shall be delegated to the Director of Heritage Services for review and approval.

(Report Number HP-24-010 is attached to the agenda as schedule pages 147-167)

Committee of the Whole

Information Reports

1. Kingston Police Services Board Quarterly Operating Budget Status Report as at December 31, 2023

The purpose of this report is to provide Council with the requested Kingston Police Services Board financial status report as at December 31, 2023.

(The Report of the Chief Financial Officer & City Treasurer (24-092) is attached to the agenda as schedule pages 168-178)

2. 2024 Municipal Debt Limits

The purpose of this report is to provide Council with information regarding the City's existing levels of long-term debt, as well as the additional long-term borrowings that could be available as per the provincial guidelines.

(The Report of the Chief Financial Officer & City Treasurer is attached to the agenda as schedule pages 179-188)

3. Heritage Designation Project

The purpose of this report is to provide Council with an update on the progress of the designation project, and the results of the City of Kingston's Heritage Register update.

(The Report of the Commissioner, Community Services (24-119) is attached to the agenda as schedule pages 189-195)

Information Reports from Members of Council

Miscellaneous Business

Miscellaneous Business Items are voted on as one motion.

New Motions

1. Moved by Councillor Tozzo

Seconded by Councillor Cinanni

Whereas KFL&A Public Health Board of Health passed a motion at its meeting on Wednesday, February 28, 2024, to strongly oppose the closure of the local Public Health Ontario Laboratory in Kingston; and

Whereas the laboratory plays a vital role in detecting and responding to infectious diseases, monitoring health trends, and informing public health actions, such as during the COVID-19 pandemic; and

Whereas the closure of the laboratory would impact local access to timely diagnostic services and the timing and timeliness of decisions in both health care and in public health; and

Whereas the closure would result in loss of critical expertise and jobs in the area;

Therefore Be It Resolved That Kingston City Council support the KFL&A Public Health Board of Health's opposition to the closure of the local Public Health Ontario Laboratory in Kingston; and

That a copy of this motion be shared with Dr. Michael Sherar, President and Chief Executive Officer, Public Health Ontario, the Honourable Sylvia Jones, M.P.P. Deputy Premier and Minister of Health, Ted Hsu, MPP, Kingston and the Islands, Dr. Piotr Oglaza, KFL&A Medical Officer of Health, and Dr. Kieran Moore, Ontario Chief Medical Officer of Health.

2. Moved by Councillor Osanic

Seconded by Councillor Oosterhof

Whereas Perth Road runs across a wetland complex north of Glenburnie with a speed limit of 80km/hour; and

Whereas Turtles Kingston, from the time it was founded, receives reports of turtle mortality through this section of highway; and

Whereas on one night, September 14, 2023, there were five juvenile turtle road kills counted and a dead swan; and

Whereas it is acknowledged that this short section of road through the wetland is less than one kilometre long, a speed limit reduction is not warranted based on the engineering standards from the Transportation Association of Canada that City staff follow;

Whereas the engineering standards from the Transportation Association of Canada, however, do not consider the protection of turtles or other wildlife when warranting speed limit reductions; and

Whereas turtles are a keystone species, their populations are in critical decline, they need protection from human interference, and Council's 2023-2026 Strategic Plan includes a commitment to protecting the biodiversity in the city;

Therefore Be It Resolved That staff be directed to report to Council in Q2 2024, with the necessary By-Law amendments in order to extend the 60km/h speed limit presently in place on Perth Road (from 400 metres south of Unity Road northerly to 1000 metres north of Unity Road) by 850 metres such that the 60km/h speed limit would extend from 400 metres south of Unity Road northerly to 1850 metres north of Unity Road; and

That staff be directed to post No Passing signs at the ends of the wetland on Perth Road.

Notices of Motion

Minutes

That the Minutes of City Council Meeting Number 10-2024, held Tuesday, March 19, 2024 be confirmed.

(Distributed to all Members of Council on March 28, 2024)

Tabling of Documents

2024-16 Kingston Police Services Board Meeting Number 24-03 Agenda. The meeting is scheduled for March 21, 2024 at 12:00 pm at the Kingston Police Headquarters.

(Distributed to all members of Council on March 15, 2024)

2024-17 Kingston Police Services Board Minutes. The meeting was held February 15, 2024 at 12:30 pm at Kingston Police Headquarters.

(Distributed to all members of Council on March 15, 2024)

2024-18 Kingston Frontenac Public Library meeting 2024-01 Minutes. The meeting was held January 31, 2024 at 5:00 pm at the Isabel Turner Library.

(Distributed to all members of Council on March 18, 2024)

2024-19 Cataraqui Conservation Full Authority Board Meeting Agenda. The meeting is scheduled for March 27, 2024 at 6:45 pm in a hybrid format.

(Distributed to all members of Council on March 22, 2024)

Communications

That Council consent to the disposition of Communications in the following manner:

Filed

11-318 Notice of Technical Consent with respect to Consent to Sever New Lot at 769 King Street West. Comments are due April 9, 2024.

(Distributed to all members of Council on March 26, 2024)

Referred to All Members of Council

11-305 Correspondence received from Association of Municipalities Ontario with respect to AMO Watchfile, dated March 14, 2024.

(Distributed to all members of Council on March 14, 2024)

11-306 Correspondence received from Rob Christian with respect to "Block 4", dated March 13, 2024.

(Distributed to all members of Council on March 14, 2024)

11-307 Resolution received from the Township of Puslinch with respect to Enbridge Gas Follow Up, dated March 14, 2024.

(Distributed to all members of Council on March 15, 2024)

11-308 Resolution received from the Town of Bracebridge with respect to New Provincial-Municipal Fiscal Framework, dated March 14, 2024.

(Distributed to all members of Council on March 15, 2024)

11-309 Resolution received from Loyalist Township with respect to “Solutions to resolve significant financial and budgetary pressures relating to infrastructure development, maintenance and repairs”, dated March 18, 2024.

(Distributed to all members of Council on March 18, 2024)

11-310 Resolution received from Loyalist Township with respect to Amending Blue Box Regulation for ‘Ineligible’ Sources, dated March 18, 2024.

(Distributed to all members of Council on March 18, 2024)

11-311 Resolution received from the Township of South Glengarry with respect to Ontario’s Economic Prosperity and Quality of Life, dated March 18, 2024.

(Distributed to all members of Council on March 19, 2024)

11-313 Correspondence received from Natasha Mathieu, Source Protection Outreach Lead, Quinte Conservation, with respect to Upcoming Drinking Water Wise Webinar and Feedback Reminder, dated March 19, 2024.

(Distributed to all members of Council on March 20, 2024)

11-314 Proclamation Request Form received from Wiebke Wilkens, Kingston Partners for Safe Community, requesting April 27 be proclaimed “Supporting Families of Workplace Tragedy Day” in Kingston, dated March 19, 2024.

(Distributed to all members of Council on March 20, 2024)

11-315 Correspondence received from Matthew Gventer with respect to 309 Queen Mary Road, dated March 23, 2024.

(Distributed to all members of Council on March 25, 2024)

11-316 Resolution received from the Township of Adelaide Metcalfe with respect to Request to Increase Tile Drain Loan Limit, dated March 22, 2024.

(Distributed to all members of Council on March 25, 2024)

11-317 Correspondence received from Federation of Canadian Municipalities with respect to FCM Voice, dated March 25, 2024.

(Distributed to all members of Council on March 25, 2024)

11-319 Resolution received from the Municipality of Huron Shores with respect to Potential Equipment Operator Course, dated March 25, 2024.

(Distributed to all members of Council on March 26, 2024)

Other Business

By-Laws

a) **That** By-Laws (1) through (16) be given their first and second reading.

b) **That** By-Laws (2) through (16) be given their third reading.

1) A By-Law to Amend City of Kingston By-Law Number 2023-204, Committee By-Law

First and Second Reading

Proposed Number 2024-170

(Clause 1, Report Number 38)

2) A By-Law to Amend City of Kingston By-Law Number 2005-10, A By-Law to Establish the Fees and Charges to be Collected by the Corporation of the City of Kingston

Three Readings

Proposed Number 2024-171

(Clause 5, Report Number 38)

3) A By-Law to Designate the property at 888 Montreal Street to be of Cultural Heritage Value and Interest pursuant to the *Ontario Heritage Act*

Three Readings

Proposed Number 2024-172

(Clause 1, Report Number 39)

4) A By-Law to Amend By-Law Number 2022-62, "Kingston Zoning By-Law Number 2022-62" (Introduction of Exception Number E161 (2103 McKendry Road))

Three Readings

Proposed Number 2024-173

(Clause 1, Report Number 40)

- 5) A By-Law to Amend By-Law Number 2022-62, "Kingston Zoning By-Law Number 2022-62" (Transfer of Lands into Kingston Zoning By-Law and Introduction of Holding Overlay Number H235, (780 Gardiners Road))

Three Readings

Proposed Number 2024-174

(Clause 2, Report Number 40)

- 6) A By-Law to Amend By-Law Number 80-63 (A By-Law to Designate Certain Properties in Portsmouth Village as being of Historic or Architectural Value or Interest) pursuant to the provisions of the *Ontario Heritage Act* (R.S.O. 1990, 0.18)

Three Readings

Proposed Number 2024-175

(Clause 1, Report Number 21, February 6, 2024)

- 7) A By-Law to Designate the property at 1070 Old Mill Road to be of Cultural Heritage Value and Interest pursuant to the *Ontario Heritage Act*

Three Readings

Proposed Number 2024-176

(Clause 2, Report Number 21, February 6, 2024)

- 8) A By-Law to Designate the property at 156 Princess Street to be of Cultural Heritage Value and Interest pursuant to the *Ontario Heritage Act*

Three Readings

Proposed Number 2024-177

(Clause 2, Report Number 21, February 6, 2024)

- 9) A By-Law to Designate the property at 197-205 Wellington Street to be of Cultural Heritage Value and Interest pursuant to the *Ontario Heritage Act*

Three Readings

Proposed Number 2024-178

(Clause 2, Report Number 21, February 6, 2024)

- 10) A By-Law to Designate the property at 2432 4th Concession Road to be of Cultural Heritage Value and Interest pursuant to the *Ontario Heritage Act*

Three Readings

Proposed Number 2024-179

(Clause 2, Report Number 21, February 6, 2024)

11) A By-Law to Designate the property at 2555 Highway 38 to be of Cultural Heritage Value and Interest pursuant to the *Ontario Heritage Act*

Three Readings

Proposed Number 2024-180

(Clause 2, Report Number 21, February 6, 2024)

12) A By-Law to Designate the property at 490 Bagot Street to be of Cultural Heritage Value and Interest pursuant to the *Ontario Heritage Act*

Three Readings

Proposed Number 2024-181

(Clause 2, Report Number 21, February 6, 2024)

13) A By-Law to Designate the property at 711 King Street West to be of Cultural Heritage Value and Interest pursuant to the *Ontario Heritage Act*

Three Readings

Proposed Number 2024-182

(Clause 2, Report Number 21, February 6, 2024)

14) A By-Law to Designate the property at 991 Sydenham Road to be of Cultural Heritage Value and Interest pursuant to the *Ontario Heritage Act*

Three Readings

Proposed Number 2024-183

(Clause 2, Report Number 21, February 6, 2024)

15) A By-Law to Designate the property at 512 Frontenac Street to be of Cultural Heritage Value and Interest pursuant to the *Ontario Heritage Act*

Three Readings

Proposed Number 2024-184

(Clause 2, Report Number 21, February 6, 2024)

16) A By-Law to confirm the proceedings of Council at its meeting held on Tuesday, April 2, 2024

Three Readings

Proposed Number 2024-185

(City Council Meeting Number 11-2024)

Adjournment



**City of Kingston
Report to Council
Report Number 24-083**

To: Mayor and Members of Council
From: Lanie Hurdle, Chief Administrative Officer
Resource Staff: Derek Ochej, Deputy City Clerk
Date of Meeting: April 2, 2024
Subject: Francophone Working Group – Next Steps

Council Strategic Plan Alignment:

Theme: 4. Foster a Caring and Inclusive Community

Goal: 4.5 Promote and support diversity.

Executive Summary:

The purpose of this report is to provide an update on the next steps regarding the creation of a Francophone Working Group. Following additional engagement with the Francophone community, staff have created terms of reference, attached to this report as Exhibit A, to create a Francophone Working Group. The recommendation is for the Working Group to begin in Fall 2024, with a proposed end of term of November 14, 2026. Staff would bring a report regarding the Working Group's activities during the intervening time period for the 2026-2030 term of Council to determine next steps.

The goal of the Working Group is to improve engagement between the City and the Francophone community on matters of importance to the community. City staff will assist during the first two years of the Working Group to bring different groups within the Francophone community together, with the goal of allowing the Working Group to function as a self-forming community group, independent of City participation, beginning in 2027.

Recommendation:

That a by-law to amend By-Law Number 2023-204, "Committee By-Law", attached as Exhibit A to Report Number 24-083, be approved.

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Authorizing Signatures:

ORIGINAL SIGNED BY CITY CLERK

Janet Jaynes, City Clerk

ORIGINAL SIGNED BY CHIEF

ADMINISTRATIVE OFFICER

Lanie Hurdle, Chief
Administrative Officer

Consultation with the following Members of the Corporate Management Team:

Paige Agnew, Commissioner, Growth & Development Services	Not required
Jennifer Campbell, Commissioner, Community Services	
Neil Carbone, Commissioner, Corporate Services	Not required
David Fell, President & CEO, Utilities Kingston	Not required
Peter Huigenbos, Commissioner, Major Projects & Strategic Initiatives	Not required
Brad Joyce, Commissioner, Infrastructure, Transportation & Emergency Services	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required

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Options/Discussion:**Background**

On June 6, 2023, Council directed staff to investigate opportunities to improve engagement with the Francophone community, including the feasibility of creating a committee with a mandate focused on issues affecting the Francophone community. Staff reported back on November 7, 2023, on the results of engagement with the Francophone community (detailed in the Public Engagement section of this report) and received from Council, in principle, approval for the creation of a Francophone Working Group, with direction to continue engagement with the community. This report provides the results of that further engagement and recommends the creation of a Francophone Working Group in accordance with the proposed terms of reference detailed in Exhibit A to this report.

Staff are recommending that the Francophone Working Group begin in the Fall 2024 to allow for member recruitment to be conducted and for staff to prepare a draft work plan. It is also recommended that the term for Working Group expire on November 14, 2026, culminating in a staff report to Council during Q1 2027. This staff report would provide a summary of the activities of the Working Group for the incoming 2026 - 2030 term of Council.

The initial motion brought before Council requested staff to investigate opportunities to improve engagement with the Francophone community. It is staff's recommendation that a two-year initiative be undertaken during which time efforts will be made to bring together the various groups and members of the Francophone community with a goal of establishing the Working Group as a self-forming community group. Staff have identified limitations with establishing the Francophone Working Group as a continuous staff endeavour, further details of which can be found throughout this report.

Staff research found that three municipalities in Ontario have formal advisory committees based on the Francophone community: Toronto (Francophone Affairs Advisory Committee), Ottawa (French Language Services Advisory Committee) and Timmins (Francophone Liaison Committee). According to 2021 Census data, the Francophone populations in these communities, as well as Kingston, are as follows:

Municipality	Francophone population	Percentage of population that is Francophone
Ottawa	179,155	17.6%
Toronto	65,925	2.4%
Timmins	15,300	37.2%
Kingston	5,705	4.3%

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Analysis

Following the November 7, 2023, Council decision, staff developed a survey informed by the results of the first phase of the public engagement with the Francophone community. This survey sought feedback on the composition, mandate, functions, and format of a potential working group. The results of this survey, along with consideration for operations of the working group within the current City structure, were used to draft the terms of reference attached to this report as Exhibit A.

Proposed Terms of Reference

Membership of the Francophone Working Group consists of representatives of the public who are members of the Francophone community, French public and separate school board representatives, a variety of Francophone community organizations (detailed in Exhibit A), and a member of City Council. Staff will also work to ensure that a diverse representation of the Francophone community with intersectional identities is present on the Working Group. This will be accomplished through direct connection with a variety of groups during the recruitment process. Council will be responsible for selecting resident members appointments to the Working Group as described in the Public Appointment Policy.

During the engagement additional organizations were identified for potential inclusion, including representatives from French language childcare providers, representatives from public health organizations and from the Federation of Francophone Seniors of Canada. A representative from a French language childcare provider is being included in the terms of reference as the City, as the designated service system manager for the City of Kingston and County of Frontenac, plays an important role in planning and managing childcare and early years (EarlyON / ON y va) services. Francophone childcare and early years services in the region include three French language childcare providers and one French language service provider for ON y va, which is programming for caregivers with children between the ages of zero and six. To keep the Working Group membership to a reasonable number, organizations that were suggested through the engagement process, but which have limited to no municipal responsibilities, are not being considered for formal inclusion in the working group. However, representatives will be able to attend and participate in Working Group meetings as members of the community as meetings will be open for public attendance.

The mandate and functions of the Working Group have been focused on areas of concern within the community that are within municipal service delivery areas. The mandate can be summarized as examining the following areas:

- identifying contributions that the Francophone community can make to the social, economic and cultural vitality of the City;
- providing opportunities for the City to work with the Francophone community to promote existing French-language programming and events and increase the availability of dedicated programming; and

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- increasing access to City service in French for residents and visitors.

The functions of the working group can be summarized as follows:

- increasing collaboration between the City and community/public regarding existing French programming and events and producing City communications content in French;
- advising on the need for dedicated French language programming in City recreation, social services, and cultural programs and through partner organizations;
- examining City initiatives, events and policies through a Francophone lens; and
- inviting outside agencies to share information and receive feedback regarding the needs of the Francophone community.

When engaging with the community on the mandate and functions, staff were aware of the need to maintain an understanding of the scope of municipal jurisdiction. Comments were received regarding obligations under the *French Language Services Act* (the Act) and the importance of the availability of consistent and reliable health services in French. It is important to note that the Act guarantees an individual's rights to receive services in French from Government of Ontario ministries and other provincial government agencies in designated areas. While Kingston is a designated area, the Corporation of the City of Kingston does not qualify as a government agency as defined by the Act, meaning it has no obligations under the Act. The above mandate and functions are focused on areas in which the City provides services, or where a sufficient relationship exists with service providers, for example tourism, that the City may invite those service providers forward to receive feedback.

The City does have obligations, established under separate legislation, to provide French language services for housing programs, some social services programs (such as Ontario Works and child care) and for Provincial Offences Act Court proceedings.

Feedback was also obtained regarding the format for the working group. Options presented include an advisory committee, a working group, or a subcommittee of an existing committee, each of which is defined in the Committee By-Law. Although survey results show that an advisory committee was the preferred option staff are recommending a working group format be utilized and have provided rationale for same in this report.

The procedural rules required under an advisory committee would limit the effectiveness of a Francophone advisory committee. There would be less opportunity for open discussions, a requirement for formal reports from staff as agenda items, and less opportunity for informal participation from outside agencies and non-committee members. The preference for an advisory committee appears to stem from a concern that a working group would not have a connection with Council or the ability to have their concerns heard by Council.

Staff are recommending a working group as it will provide the necessary flexibility to ensure success and meet the desires of the Francophone community to build up networks within the

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community. Working groups allow for more informal participation as they do not require staff reports, quorum, have limitations in terms of discussion time or participants and provide space for intersectional Francophone equity-deserving groups to participate where they have been systemically excluded. To ensure that the working group has a connection to Council, a member of Council will be appointed to serve on the working group.

Next Steps

If approved, the next steps for the Working Group would be the recruitment of members. This will take place throughout spring and fall of 2024, to coincide with the general recruitment for City committees, boards and working groups. The goal will be for the Working Group to hold its first meeting in Q4 2024.

The additional time for recruitment will also allow for appropriate staff resourcing to be deployed. For a working group to be successful, it requires dedicated attention from City staff in the form of a working group liaison. A challenge with this Working Group is that there is no single City department that represents a best fit for a staff liaison position and there is not sufficient need to hire a dedicated resource for this position. As a result, the staff liaison position will be shared between the City Clerk's Department and the Community Development and Wellbeing Department. An additional City staff resource has been identified to assist the Working Group operations. This resource is bilingual and will be used to assist the Working Group in conducting its business in French. This will include the production of any agendas, notes or written components in both English and French, and the conduct of meetings/proceedings in French whenever feasible. It may be necessary for some meeting proceedings to occur in English if guest staff or outside agency participants do not have the necessary French language proficiency.

The Working Group is being provided with a mandate that expires on November 14, 2026. Following the expiration of the mandate, staff will provide a report to the 2026-2030 term of Council in Q1 2027 regarding the Working Group's activities. During the term of the Working Group the City will act as connector and capacity builder within the existing Francophone community and its organizations and residents. The end goal will be for the Working Group to continue to exist as its own community entity without City support, but with the capacity to advocate for and interact with different levels of government based on the needs of the Francophone community.

By building capacity, the Francophone community will be able to engage with the City, as well as other communities and governments, as a self-forming community group. Support for these kinds of self-formed groups is identified as a priority in the EDI work plan. It is important to note that concerns regarding equity have been raised by both staff, and at Council meetings, regarding the Working Group. Those concerns stem from the capacity of the City to provide similar working groups or organizational support for other demographic groups in Kingston.

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Public Engagement

There has been frequent and ongoing engagement with the Francophone community, both at large with Francophone residents, and with representatives of Francophone organizations. An in-person focus group was held to determine the scope of the community's needs from the City of Kingston. An online engagement open to the entire community was also utilized as part of this stage of engagement.

Information gathered at the above stage was used to inform a survey regarding the potential mandate for a working group. Select community representatives were invited to complete the survey, the results of which were used to inform the proposed functions for the working group, attached to this report as Exhibit A. Additionally, those community representatives were invited to provide comments on the terms of reference via email before the completion of this report. A few questions of clarification and one suggestion for inclusion of an additional representative on the Working Group were received.

A summary of the engagement can be found on the project page of the [Get Involved Kingston](#) website.

Indigenization, Inclusion, Diversity, Equity & Accessibility (IIDEA) Considerations

As discussed earlier in this report, staff have identified potential equity concerns regarding the extension of support and recognition to one demographic group via a working group and not others. There is not staff capacity to provide a working group or similar organization for other/all identified groups in Kingston. The City does have an Equity, Diversity and Inclusion Advisory Committee which is tasked with providing feedback to staff on IIDEA considerations for the City and its work.

In this case staff are recommending the formation of a Francophone Working Group as Council direction was provided in this manner.

Existing Policy/By-Law

[Committee By-Law](#)

Financial Considerations

None

Contacts:

Derek Ochej, Deputy City Clerk, 613-546-4291 extension 1252

Other City of Kingston Staff Consulted:

Vanessa Mensah, Manager, Equity, Diversity and Inclusion

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Ruth Noordegraaf, Director, Housing and Social Services

Andrew Reeson, Senior Legal Counsel

Exhibits Attached:

Exhibit A – By-Law to Amend By-Law Number 2023-205, Committee By-Law

City of Kingston By-Law Number 2024–...

By-Law to Amend City of Kingston By-Law Number 2023-204, Committee By-Law

Whereas:

The Corporation of the City of Kingston (the “**City**”) is a single-tier municipality incorporated pursuant to an order made under section 25.2 of the *Municipal Act*, R.S.O. 1990, c. M.45.

The powers of a municipality must be exercised by its council (*Municipal Act, 2001*, S.O. 2001, c. 25 (the “**Municipal Act, 2001**”), s. 5 (1)).

A municipal power must be exercised by by-law unless the municipality is specifically authorized to do otherwise (*Municipal Act, 2001*, s. 5 (3)).

A single tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public (*Municipal Act, 2001*, s. 10 (1)).

On November 21, 2023, council for the *City* (“**council**”) enacted *City of Kingston By-Law Number 2023–204, “Committee By-Law”*.

Council considers it necessary and desirable for the public to amend *City of Kingston By-Law Number 2023-204*:

Therefore, council enacts:

1. Amendment

1.1 *City of Kingston By-Law Number 2023-204* is amended as follows:

(a) the following is added in numerical order as a schedule to the by-law:

Schedule 27 – Francophone Working Group

Reporting To: *council*

Composition:

- one member of *council*;
- no less than two and no more than four *residents* who are members of the Francophone community, with consideration given to including at least one *resident* who is a representative of the newcomer Francophone community;
- a representative from the Association canadienne-français de l'Ontario Conseil regional des Mille-Iles (ACFOMI);
- a representative from the Conseil des écoles catholiques du Centre-Est;
- a representative from the Conseil des écoles publiques de l'Est de l'Ontario;
- a representative from the Centre culturel Frontenac;
- a representative from the Réseau de Soutien à l'Immigration Francophone de l'Est de l'Ontario;
- a representative from the Queen's University Club Francophone;
- a representative from the Kingston Military Family Resource Centre or the administration of the Canadian Forces Base Kingston; and
- a representative from a French-language childcare service provider located in Kingston.

Term of Appointment: remaining term of *council*, expiring November 14, 2026.

Assistance Requested: to represent the interest of the Francophone community in Kingston in general, and as they relate to the organizations represented on the *working group*.

The term of the *working group* will expire on November 14, 2026, with a final staff report brought to the 2026-2030 term of *Council* in Q1 2027. The goal for the term is for *city* staff to bring together the various communities that represent the Francophone community so that the community can represent and advocate independently for its concerns to the appropriate levels of government.

The *working group* must examine issues of interest or impact to the *City*, member organizations, and the community including:

- trends, policies, projects and initiatives within Kingston's Francophone communities that can contribute to the social, economic and cultural vitality of Kingston;
- opportunities for the *City* to work with Francophone communities to promote

By-Law to Amend By-Law 2023–204

existing French-language programming and events and increase the availability of dedicated French-language programming; and

- increasing access to *City* services in French for members of the local Francophone communities as well as Francophone visitors to Kingston.

The *working group* must give advice as required on issues of interest or impact to the *City*, member organizations, and the community including:

- increasing collaboration between the *City* and Francophone organizations to publicize existing French programming and events and produce *City* communications content in French, especially emergency services messaging;
- advising on the need for dedicated French language programming via *City* recreation, social services, and cultural programs and through partner organizations;
- examining *City* initiatives, events and policies through a Francophone lens; and
- inviting outside agencies and organizations to engage in discussion with the *working group* to share information and provide feedback regarding the needs of the Francophone community in service provision.

Staff from the City Clerk's Department and Community Development and Wellbeing Department will provide administrative support such as meeting coordination including circulating agendas and taking notes. The *working group* may request outside technical and advisory support as needed to fulfill its mandate, such requests for supplemental support will be facilitated by *City* staff.

Where possible, the *working group* will conduct its business in French, including but not limited to the production of meeting agendas, notes, and documents in both English and French. Meeting proceedings may occur in French, with recognition that some meeting participants may require proceedings in English.

Regular Meeting Frequency: no less than four times per year.

2. Coming into Force

- 2.1 This by-law will come into force and take effect on the day it is passed.

By-Law to Amend By-Law 2023–204

1 st Reading	date
2 nd Reading	date
3 rd Reading	date
Passed	date

Janet Jaynes
City Clerk

Bryan Paterson
Mayor



**City of Kingston
Report to Council
Report Number 24-120**

To: Mayor and Members of Council
From: Jennifer Campbell, Commissioner, Community Services
Resource Staff: Tony Gargaro, Manager, Recreation Services, Recreation & Leisure Services
Date of Meeting: April 2, 2024
Subject: 2024 Pickleball Canada Central Regional Championship

Council Strategic Plan Alignment:

Theme: 5. Drive Inclusive Economic Growth

Goal: 5.6 Consider opportunities to enhance sports tourism.

Executive Summary:

The 2024 Pickleball Canada Central Regional Championship (Regionals) were scheduled to be hosted by Quebec City July 18-21, 2024. For unforeseen circumstances, the host city is declining and Pickleball Canada is asking if the Kingston Pickleball Club and the City of Kingston would be interested in hosting the event again this year. Kingston was the host city in 2023.

Over the course of four days, more than 400 players of all ages from across Ontario and Quebec are expected to compete for the coveted title of the Central Region's best pickleball athletes. Competition categories include men's and women's singles, men's and women's doubles, and mixed doubles.

The Kingston Pickleball Club is requesting from the City of Kingston the use of the Bayridge Outdoor Raquet Courts from July 16-21, 2024. Staff are requesting direction from Council to set aside section 3.20.1 of the [Sports Field Allocation Policy](#) that identifies that outdoor pickleball courts are available for casual use only and that staff be directed to permit the use of the Bayridge Outdoor Raquet Courts as the host location of the 2024 Pickleball Canada Central Regional Championship. This use would displace local casual court uses from July 16-21, 2024,

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and staff would work to communicate this disruption to local court users and pickleball user groups.

Recommendation:

That Council direct staff to set aside section 3.20.1 of the Sports Field Allocation Policy for the purpose of hosting the 2024 Pickleball Canada Central Regional Championship July 16-21, 2024; and

That Council direct staff to enter into a Facility Rental Agreement with Kingston Pickleball Club to authorize use of the Bayridge Outdoor Raquet Courts, to establish fees based on established outdoor space/field rental fees and to outline terms and conditions for use.

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Options/Discussion:

The City of Kingston routinely supports special programs like tournaments and special events. These programs provide revenue generating and community engagement opportunities to both the program organizers and the City, as well as provide an economic spin-off to the community at large. Generally, tournaments and special events are competitions hosted by recognized City Partner Groups and Seasonal User Groups. They may include events of regional, provincial or national significance.

Kingston was the host city in 2023 for the Pickleball Canada Central Regional Championship (Regionals). Over the course of four days, more than 400 players of all ages from across Ontario and Quebec, attended to compete for the coveted title of the Central Region's best pickleball athletes.

The terms describing the use of outdoor courts maintained and operated by the City are defined in the [Sports Field Allocation Policy](#). Section 3.20.1 of the policy details that no permit is required to use outdoor courts and that only casual use is allowed. Through this report, staff are requesting direction from Council to set aside the provisions of section 3.20.1 of the [Sports Field Allocation Policy](#) and to permit the reservation and use of the Bayridge Outdoor Raquet Courts as the host location of the 2024 Pickleball Canada Central Regional Championship July 16-21. Staff would formalize this booking through a facility rental agreement with Kingston Pickleball Club and at rental rates drawn from the indoor court rates approved within City of Kingston By-Law Number 2024-146, A By-Law To Establish Fees and Charges. In all other matters related to the booking, the remaining conditions outlined in the [Sports Field Allocation Policy](#) would be adhered to.

It should be noted that staff did provide alternate options for hosting the tournament, including at the Kingston Raquet Club or at the INVISTA Centre. Tournament organizers felt strongly that the Bayridge Raquet Courts were the preferred location for a successful outdoor event. Staff are also aware that over the course of the tournament, the Grenadier Courts located at the Kingston East Community Centre will be under construction which will reduce the number of available outdoor courts available to the community for casual use. Should Council support the recommendations of this report, staff will work to communicate this disruption to local court users and pickleball user groups and ensure that they are aware of alternate opportunities for play over the duration of the tournament. Staff will also include consideration of the use of outdoor courts for tournaments/special events as part of the next scheduled review/update to the Sports Field Allocation Policy.

Analysis

Council direct staff to set aside section 3.20.1 of the [Sports Field Allocation Policy](#) for the purpose of hosting the 2024 Pickleball Canada Central Regional Championship July 16-21, 2024. This will permit the use of outdoor courts that only casual use is allowed.

Council direct staff to enter into a Facility Rental Agreement with Kingston Pickleball Club to authorize use of the Bayridge Outdoor Raquet Courts, and to establish fees as approved in City

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of Kingston By-Law Number 2024-146 'A By-Law To Establish Fees and Charges' and outline terms and conditions for use.

This will allow staff to fulfill goal 5.6 of the Council Strategic Priorities, consider opportunities to enhance sports tourism.

Staff will communicate and promote the available space at Kingston Raquet Centre as alternative space during the tournament.

Public Engagement

Should Council support the recommendations of this report, staff will work to communicate this disruption to local court users and pickleball user groups and ensure that they are aware of alternate opportunities for play over the duration of the tournament.

Information about the tournament has also been shared with the Board of Directors for Frontenac Condo Corp 39 otherwise known as Sexton Place, which backs onto the courts. Staff have asked that the board share the information with residents and that questions and feedback should be directed back to the Manager of Recreation Services both for consideration ahead of the tournament, as well as to inform any related updates to the Sports Field Allocation Policy as discussed earlier in this report.

Indigenization, Inclusion, Diversity, Equity & Accessibility (IIDEA) Considerations

A commitment of the City of Kingston Parks and Recreation Master Plan (updated January 2023) is to strive to eliminate physical, social, financial, cultural and other barriers to accessing recreational pursuits in Kingston, while additionally supporting a range of services, facilities and programs that reflect the diverse interests and cultures within the city. The hosting of the Regional Championship is inclusive of age, cultural background and gender and aligns with these intents.

Existing Policy/By-Law:

Parks and Recreation Master Plan (Updated January 2023)

Sports Field Allocation Policy (Updated December 2023)

City of Kingston By-Law Number 2024-146 'A By-Law To Establish Fees and Charges'

Financial Considerations

With direction from Council, staff will develop and enter into a Facility Rental Agreement with Kingston Pickleball Club to authorize use of the Bayridge Outdoor Raquet Courts for the 2024 Pickleball Canada Central Regional Championship. This agreement will establish rental fees based on the existing outdoor space/field rental fees approved by Council as part of City of Kingston By-Law Number 2024-146 'A By-Law To Establish Fees and Charges'. This revenue

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will contribute to the projected fee revenues included in the 2024 operating budget of the Recreation and Leisure Services Department, as previously approved by Council.

Contacts:

Tony Gargaro, Manager, Recreation Services, 613-546-4291 extension 1805



**City of Kingston
Report to Council
Report Number 24-126**

To: Mayor and Members of Council
From: Jennifer Campbell, Commissioner, Community Services
Resource Staff: Vanessa Mensah, Manager, Equity Diversity & Inclusion
Date of Meeting: April 2, 2024
Subject: Confederation Basin Flagpole Installation

Council Strategic Plan Alignment:

Theme: Policies & by-laws

Goal: 4.5 Promote and support diversity.

Executive Summary:

This report provides an update on [Report Number 22-162](#) where the City's Flag Display Policy was updated to reflect and acknowledge the land and traditional territories on which the City is situated and to also acknowledge Francophone residents. Following these updates and as part of advancing the direction on the new flag poles additional information and feedback was received from Indigenous community members. This report brings forward some further recommended updates to the City Flag Display Policy based on these new findings, as well as a recommendation to undertake specific consultation with the Francophone community to determine a new placement for the Franco-Ontarian flag within the broader Confederation Park redesign.

Recommendation:

That Council approve amendments to the Flag Display Policy, attached as Exhibit A to Report Number 24-126; and

That staff be directed to initiate discussions with the Francophone community to determine a new placement of the Franco-Ontarian flag within the broader Confederation Park redesign.

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Options/Discussion:**Background**

The flags that were previously approved by Council, [Report Number 22-162](#), to be added within Confederation Park are the Nation flags of the Anishinaabeg, the Haudenosaunee, the Huron-Wendat, and the Métis, as well as the Franco-Ontarians flag. The three First Nation flags correspond to the traditional caretakers of the lands in and around Kingston and the fourth recognizes the ongoing vibrancy of the Metis Nation of Ontario in this region as well. The Franco-Ontarians flag symbolizes a shared commitment toward the Francophone community of Kingston and serves to acknowledge the historic French roots of the City.

During discussions with affected groups regarding the City's intentions to install the suggested flags, staff learned of a preference to display the four Indigenous flags separately from other flags. This requires updating the existing Flag Display Policy, which currently directs that the Anishinaabeg, the Haudenosaunee, the Huron-Wendat and the Métis flags are to be displayed in Confederation Park alongside the National Flag of Canada, the Province of Ontario flag, the City of Kingston flag and the Franco-Ontarian flag. Based on an assessment of the space in Confederation Park and in Flora MacDonald Confederation Basin, staff recommend displaying the Anishinaabeg, the Haudenosaunee, the Huron-Wendat and the Métis flags as a group beside the waterfront pathway.

Staff acknowledges the feedback from the communities and recommends that the Franco-Ontarian flag not be included in the flags to be installed this spring. As part of an expanded approach to consultation staff will, with Council's direction, re-engage with the Francophone community to ensure a deliberate and respectful future placement of the Francophone flag within the broader Confederation Park redesign, which is a strategic priority identified by Council to "complete a redesign of Confederation Park and associated spaces to provide a more public activation for residents and tourists (2025)".

Indigenization, Inclusion, Diversity, Equity & Accessibility (IIDEA) Considerations

It is incumbent upon staff to ensure that efforts to recognize both Indigenous community members and Francophone community members are carried out with clear purpose, and respectful consultation, and due consideration.

Existing Policy/By-Law:

POL-20 Flag Display Policy

Financial Considerations:

Capital funding for the additional flagpole installation was approved as part of the 2023 Facilities Management & Construction Services capital budget. The flagpole will be installed in Q2 2024.

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Contacts:

Vanessa Mensah, Manager, Equity Diversity & Inclusion 613-546-4291 extension 1344

Other City of Kingston Staff Consulted:

Speros Kanellos, Director, Facilities Management & Construction Services

Jeff Rempel, Manager, Facilities Construction Services

Kevin Gibbs, Director, Heritage Services

Derek Ochej, Deputy City Clerk, Office of the City Clerk

Exhibits Attached:

Exhibit A – Amendments to Flag Display Policy

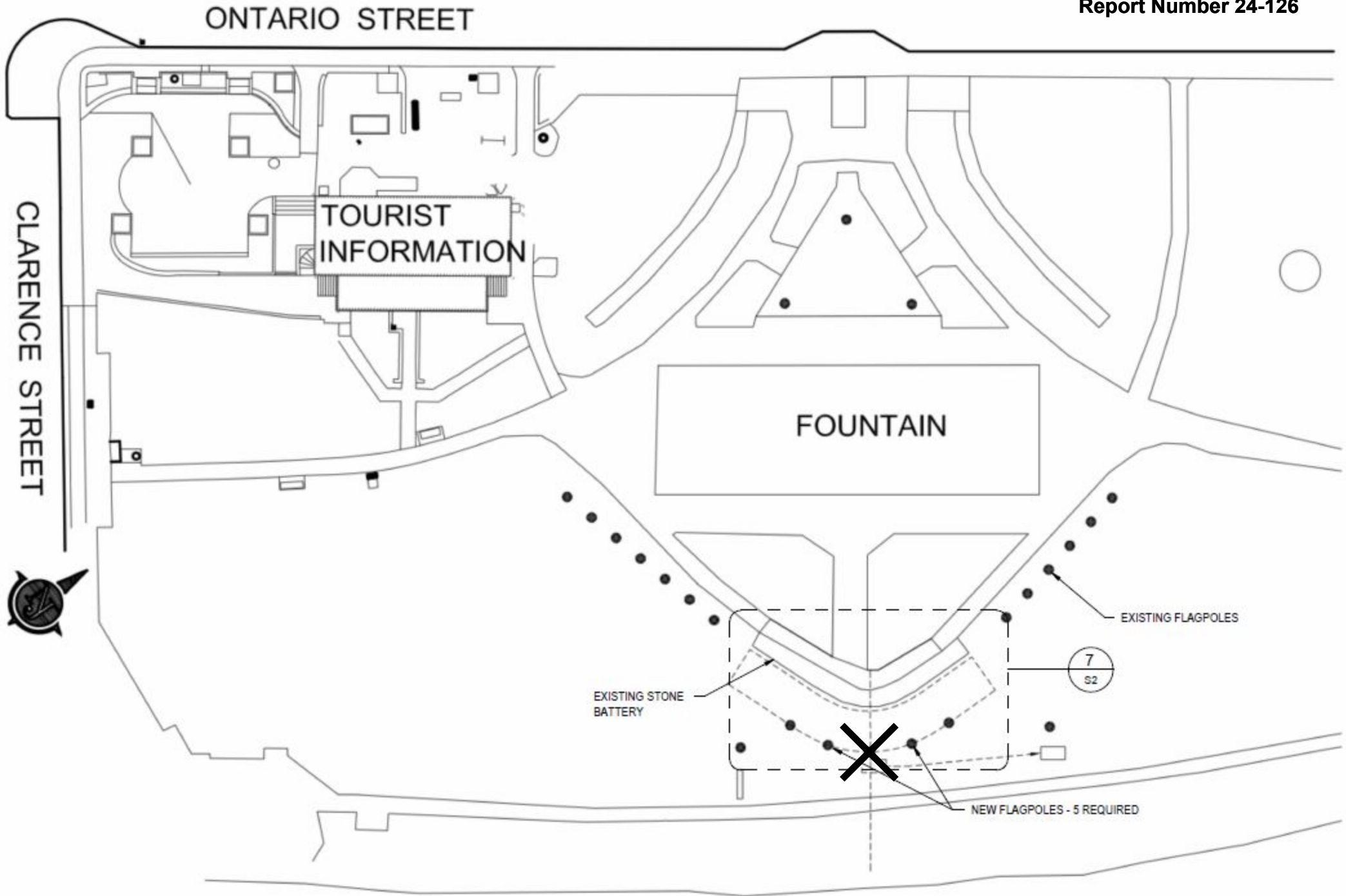
Exhibit B – Confederation Park Flagpole Layout

Amendments to Policy Number POL-84, Public Appointment Policy

The following amendments are recommended to Policy Number POL-20, Flag Display Policy, via Report Number 24-126:

- Replace section 3.1.5 in its entirety with the following: “the flags displayed in Confederation Park shall be the National Flag of Canada, and the flags of The Province of Ontario and the City of Kingston. The City flag, as prescribed by the Visual Identity Policy, may be replaced, upon request and as approved by the City Clerk, for a maximum of one day. All other flags shall be displayed permanently and shall not be replaced other than if necessitated due to damage or approved by Council. Council may approve requests to replace the City flag with flags that are recognized by the Federal Department of Foreign Affairs;”
- Replace section 3.1.6 in its entirety with the following: “The 18 flags displayed in Flora MacDonald Confederation Basin shall be the flags of Canadian provinces and territories: The Province of Ontario; The Province of Quebec; The Province of Nova Scotia; The Province of New Brunswick; The Province of Manitoba; The Province of British Columbia; The Province of Prince Edward Island; The Province of Saskatchewan; The Province of Alberta; The Province of Newfoundland and Labrador; The Northwest Territories; The Yukon Territory; and The Nunavut Territory; and the flags of the Anishinaabeg, the Haudenosaunee, the Huron-Wendat, the Métis, and the Franco-Ontarians.”
- Replace section 3.1.8 in its entirety with the following: the two flags displayed on the **roof of City Hall** shall be the National Flag of Canada and the flag of The Corporation of the City of Kingston;
- Replace section 3.1.9 in its entirety with the following: the two flags displayed in the **Council Room** shall be the National Flag of Canada and the flag of The Corporation of The City of Kingston;
- Replace section 3.1.10 in its entirety with the following: the three flags displayed year-round at Battery Park shall be the National Flag of Canada and the flags of The Province of Ontario, and The Corporation of The City of Kingston;
- Replace section 3.1.11 in its entirety with the following: the two flags displayed year-round at the Lion Civic Gardens shall be the National Flag of Canada;
- Replace 3.1.12 in its entirety with the following: flags displayed at all other City facilities or properties not identified in this policy shall be the flags of Canadian provinces or territories, the National Flag of Canada, the City, the Kingston Police, flags that are recognized by the Federal Department of Foreign Affairs, or as otherwise approved by Council;

- In section 3.1.13 and 3.1.15, replace the words ‘the flags of the Government of Canada’ with the words ‘the National Flag of Canada’;
- In section 4.1.3 replace the words ‘The Government of Canada flag’ with the words ‘the National Flag of Canada’;





**City of Kingston
Report to Council
Report Number 24-113**

To: Mayor and Members of Council
From: Brad Joyce, Commissioner, Infrastructure, Transportation & Emergency Services
Resource Staff: Ian Semple, Director, Transportation & Transit
Date of Meeting: April 2, 2024
Subject: Approval of Emergency Vehicle Pre-Emption Equipment

Council Strategic Plan Alignment:

Theme: Regulatory & compliance

Goal: See above

Executive Summary:

The City has initiated the design and reconstruction of the Gardiners Road and Centennial Drive/Creekford Road intersection, with construction expected to begin in Q2 2024. As part of this work, the City will install emergency vehicle pre-emption equipment which allows emergency vehicles to navigate intersections more effectively, ensuring faster and safer response times.

As the signals are owned and operated by the Ministry of Transportation (MTO), a Council resolution to approve the installation of this pre-emption equipment is required.

Recommendation:

That Council approve the installation of emergency vehicle pre-emption equipment at the intersection of Gardiners Road and Centennial Drive/Creekford Road intersection.

April 2, 2024

Page 2 of 3

Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

**Brad Joyce, Commissioner,
Infrastructure, Transportation &
Emergency Services**

ORIGINAL SIGNED BY CHIEF

ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Paige Agnew, Commissioner, Growth & Development Services	Not required
Jennifer Campbell, Commissioner, Community Services	Not required
Neil Carbone, Commissioner, Corporate Services	Not required
David Fell, President & CEO, Utilities Kingston	Not required
Peter Huigenbos, Commissioner, Major Projects & Strategic Initiatives	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required

April 2, 2024

Page 3 of 3

Options/Discussion:

Background

The City is undertaking the design and reconstruction of the Gardiners Road and Centennial Drive/Creekford Road intersection. The Ministry of Transportation (MTO) owns, operates, and maintains the assets located at the intersection.

The project includes installation of new traffic signals and the City has included emergency vehicle pre-emption equipment in the design to improve connectivity for priority service along Gardiners Road. Emergency vehicle pre-emption devices enable emergency response vehicles to navigate congested intersections effectively and safely, to get first responders on the scene faster and safer. Pre-emption interrupts the normal traffic signal operations to transfer right-of-way to the direction of an approaching emergency vehicle. This is standard equipment that is already in use at various intersection locations across the city.

Analysis

Design for the Gardiners Road and Centennial Drive/Creekford Road intersection and project area improvements are anticipated to start in Q2 of 2024. Most of the construction is anticipated to be completed by the end of 2024, with the possibility of carryover into 2025, and includes scope to install emergency pre-emption equipment at the location.

As the traffic signals are a Ministry-owned asset, MTO has requested Council approval of the installation of this equipment. The City will be responsible for the installation cost, operation, and maintenance of the equipment.

Financial Considerations

The cost to install the equipment at the intersection is estimated to be approximately \$6,000 and includes temporary and permanent installation of the equipment. The necessary funds are budgeted within the capital budget associated with construction of the intersection improvements. Maintenance costs would be similar to those already apportioned for maintaining similar devices throughout the city.

Contacts:

Ian Semple, Director, Transportation & Transit Services, 613-546-4291 extension 2306

Other City of Kingston Staff Consulted:

Mark Dickson, Project Manager, Transportation Services

Exhibits Attached:

None



**City of Kingston
Report to Council
Report Number 24-106**

To: Mayor and Members of Council
From: Brad Joyce, Commissioner, Infrastructure, Transportation & Emergency Services
Resource Staff: Monique Belair, Fire Chief
Date of Meeting: April 2, 2024
Subject: Amendment to Kingston Fire & Rescue 2024 Fees and Charges - Ministry of Transportation Rate

Council Strategic Plan Alignment:

Theme: Policies & by-laws

Goal: See above

Executive Summary:

The purpose of this report is to recommend that Council amend user fees and charges for Schedule T in City of Kingston By-Law Number 2005-10, "A By-Law to Establish Fees and Charges" to be collected by The Corporation of the City of Kingston. The proposed amendment will reflect the current Ministry of Transportation (MTO) rate for fire department responses. MTO rates are updated annually based on the Consumer Price Index (CPI) and aligned with the calendar year.

Recommendation:

That a By-Law to Amend By-Law Number 2005-10 "A By-law to Establish Fees and Charges to be Collected by The Corporation of the City of Kingston", as amended, attached as Exhibit A to Report Number 24-106, be presented to Council for all three readings.

April 2, 2024

Page 2 of 5

Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

**Brad Joyce, Commissioner,
Infrastructure, Transportation &
Emergency Services**

ORIGINAL SIGNED BY CHIEF
p.p. ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Paige Agnew, Commissioner, Growth & Development Services	Not required
Jennifer Campbell, Commissioner, Community Services	Not required
Neil Carbone, Commissioner, Corporate Services	Not required
David Fell, President & CEO, Utilities Kingston	Not required
Peter Huigenbos, Commissioner, Major Projects & Strategic Initiatives	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required

April 2, 2024

Page 3 of 5

Options/Discussion:

Background

The Fire Response Highway rate is reviewed annually by the Ministry of Transportation (MTO), and municipal fire services receive the adjusted rate late in the fourth quarter to be applied in the following calendar year. Submittals for amendments to By-law Number 2005-10 are required prior to Kingston Fire & Rescue receiving the adjusted rate. Therefore, the Fees and Charges By-law does not reflect the current calendar year for Fire Response Highway rates.

By amending By-law Number 2005-10 Schedule T to state that fire apparatus response fees are the Ministry of Transportation’s annually revised dependent rate, it will allow the current calendar year rates to be used for Kingston Fire & Rescue invoicing on a go forward basis.

Existing Policy/By-Law

City of Kingston By-Law Number 2005-10 “Fees and Charges”

Financial Considerations

The proposed amendment will increase Kingston Fire & Rescue recovery of costs to align with the annual MTO Fire Response Highway rate and annual CPI.

Contacts:

Monique Belair, Fire Chief, 613-546-4291 extension 5203

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

Exhibit A – A By-Law to Amend By-Law Number 2005-10, “A By-Law To Establish Fees and Charges to be Collected by The Corporation of the City of Kingston”, as amended.

City of Kingston By-Law Number 2024–...

By-Law to Amend City of Kingston By-Law Number 2005–10, A By-Law to Establish the Fees and Charges to be Collected by the Corporation of the City of Kingston, as amended

Whereas:

The Corporation of the City of Kingston (the “**City**”) is a single-tier municipality incorporated pursuant to an order made under section 25.2 of the *Municipal Act*, R.S.O. 1990, c. M.45.

The powers of a municipality must be exercised by its council (*Municipal Act, 2001*, S.O. 2001, c. 25 (the “**Municipal Act, 2001**”), s. 5 (1)).

A municipal power must be exercised by by-law unless the municipality is specifically authorized to do otherwise (*Municipal Act, 2001*, s. 5 (3)).

A single tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public (*Municipal Act, 2001*, s. 10 (1)).

On December 14, 2004, council for the *City* (“**council**”) enacted *City of Kingston By-Law Number 200510, “A By-Law to Establish Fees and Charges to be Collected by the Corporation of the City of Kingston”*.

Council considers it necessary and desirable for the public to amend *City of Kingston By-Law Number 2005–10*:

Therefore, council enacts:

1. Amendment

1.1 *City of Kingston By-Law Number 2005–10- Schedule T – Fire 2024 User Fees and Charges* is amended as follows:

Definition

“MTO Fire Response Highway Dependent Rate” means the rates issued in the fourth quarter of each year by the Ministry of Transportation (MTO) for use by municipal fire

By-Law to Amend By-Law Number 2005–10

services which rate shall be posted by 31st December of each year to be applied in the following calendar year.

Reports and Records

Fees listed in the table below do not include applicable taxes and are subject to HST (Harmonized Sales Tax) unless “HST exempt” is indicated. Applicable taxes will be added at time of purchase.

Fee Description	Unit	Fee
Request for fire report and/or investigation report (per address)	Report	\$200.35
Clearance letter	Letter	\$200.35 HST exempt
File search (per address)	File	\$200.35 HST exempt
Request for letters or reports within 48 hours	Letter	\$300.53 HST exempt
Fire Safety Plan review of revisions	Each	\$200.35
Smoke and CO alarm replacement	Each	cost
Copy of photograph - print or digital - \$20.00 minimum	Copy	\$3.23

Compliance Inspections

Fees apply only to requested inspections and are non-refundable.

Fees listed in the table below do not include applicable taxes and are subject to HST (Harmonized Sales Tax). Applicable taxes will be added at time of purchase.

Fee Description	Unit	Fee
Vulnerable occupancy compliance drill retest	Each	\$200.35
Fire Code - second re-inspection and subsequent inspection	Inspection	\$200.35

By-Law to Amend By-Law Number 2005–10

Paid Inspection – Commercial (Group A, D & E Occupancy)

Fees listed in the table below do not include applicable taxes and are subject to HST (Harmonized Sales Tax). Applicable taxes will be added at time of purchase.

Fee Description	Unit	Fee
Inspect base building	Inspection	\$280.49
Inspect each occupancy in addition to base building	Each	\$13.62

Paid Inspection – Industrial (Group F Occupancy)

Fees listed in the table below do not include applicable taxes and are subject to HST (Harmonized Sales Tax). Applicable taxes will be added at time of purchase.

Fee Description	Unit	Fee
Inspect base building	Inspection	\$420.74
Inspect each tenant/occupant in addition to base building	Each	\$13.62

Paid Inspection – Residential (Group C)

Fees listed in the table below do not include applicable taxes and are subject to HST (Harmonized Sales Tax). Applicable taxes will be added at time of purchase.

Fee Description	Unit	Fee
Daycare, Group Home, Single Family resident, PLASP, one to two floors	Inspection	\$200.35

By-Law to Amend By-Law Number 2005–10

Multi-Tenant Low Rise – three to six floors

Fees listed in the table below do not include applicable taxes and are subject to HST (Harmonized Sales Tax). Applicable taxes will be added at time of purchase.

Fee Description	Unit	Fee
Inspect base building	Inspection	\$560.98
Inspect each tenant/occupancy/apartment	Each	\$13.62

Multi-Tenant High Rise – over six floors:

Fees listed in the table below do not include applicable taxes and are subject to HST (Harmonized Sales Tax). Applicable taxes will be added at time of purchase.

Fee Description	Unit	Fee
Inspect base building	Inspection	\$1,121.96
Inspect each tenant/occupancy/apartment	Each	\$13.62

Special Request Inspection Services

Fees listed in the table below do not include applicable taxes and are HST (Harmonized Sales Tax) exempt.

Fee Description	Unit	Fee
Inspections performed outside of normal business hours - minimum three-hour fee	Hourly	\$120.21

False Alarms

False alarm fees will be invoiced as per the City of Kingston False Alarm By-Law.

Fees in the table below are HST exempt.

Fee Description	Unit	Fee
First offence in fiscal year	Property	\$0.00
Second offence in fiscal year	Property	MTO Fire Response Highway Dependent Rate
Third offence in fiscal year	Property	MTO Fire Response Highway Dependent Rate
Additional offences in fiscal year	Property	MTO Fire Response Highway Dependent Rate
Standby fee	Half hour	\$211.15
Non-notification of fire alarm work	Property	\$257.50

Hazardous Material

Fees listed in the table below do not include applicable taxes and are subject to HST (Harmonized Sales Tax) unless “HST exempt” is indicated. Applicable taxes will be added at time of purchase.

Fee Description	Unit	Fee
Physical resources and supplies	Each	Replacement cost
Hazardous material miscellaneous	Apparatus	MTO Fire Response Highway Dependent Rate

Unauthorized Burning

Fees in the table below are HST exempt.

Fee Description	Unit	Fee
Unauthorized burning	Response	MTO Fire Response Highway Dependent Rate

Non-Resident Response

Non-resident response fees apply to non-residents of the City of Kingston on provincially, federally, or municipally controlled lands or highways.

Fees in the table below are HST exempt.

Fee Description	Unit	Fee
First hour or part thereof	Apparatus	MTO Fire Response Highway Dependent Rate
Each additional half hour	Apparatus	MTO Fire Response Highway Dependent Rate

Fire Extinguisher Training

Fees are per requested date, per location, for a group of up to a maximum of 25 people per session.

Fees listed in the table below do not include applicable taxes and are subject to HST (Harmonized Sales Tax). Applicable taxes will be added at time of purchase.

Fee Description	Unit	Fee
Monday to Friday - between 09:00 – 17:00 hours	Half day session	\$320.56
Monday to Friday - between 09:00 – 17:00 hours	Full day session	\$641.12
Monday to Friday, weekends and statutory holidays - between 17:00 – 09:00 hours	Half day session	\$480.84
Monday to Friday, weekends and statutory holidays - between 17:00 – 09:00 hours	Full day session	\$961.68

Live Fire Training

Discounts to multi-day and weekly rentals may be applied at the discretion of the Fire Chief.

Fees listed in the table below do not include applicable taxes and are subject to HST (Harmonized Sales Tax). Applicable taxes will be added at time of purchase.

Fee Description	Unit	Fee
Burn tower rental	Full day	\$1,733.10
Burn tower rental	Half day	\$869.40
Car and quad prop rental	Full day	\$693.23
Car and quad prop rental	Half day	\$346.59

Non-live Fire Training

Discounts to multi-day and weekly rentals may be applied at the discretion of the Fire Chief.

Fees listed in the table below do not include applicable taxes and are subject to HST (Harmonized Sales Tax). Applicable taxes will be added at time of purchase.

Fee Description	Unit	Fee
Confined space rescue simulator rental	Each	\$404.38
Structural collapse simulator rental	Each	\$404.38
Trench rescue simulator rental	Each	\$404.38
Roof top prop rental	Each	\$404.38
Facility monitor	Person/hourly	\$86.64
Lead instructor	Person/hourly	\$101.68
Portable classroom	Full day	\$346.59
Portable classroom	Half day	\$173.27
Ontario Fire College course registration	Person	Call for quote

By-Law to Amend By-Law Number 2005–10

Fee Description	Unit	Fee
Kingston Fire and Rescue course fee - includes cost of Ontario Fire College course registration	Person	Call for quote

Miscellaneous

Fees listed in the table below do not include applicable taxes and are subject to HST (Harmonized Sales Tax). Applicable taxes will be added at time of purchase.

Fee Description	Unit	Fee
Incidentals and optional equipment (e.g. thermal imaging camera, portable radio, etc.)	Each	Call for quote
Scene security - contracted services	Each	Cost
Building security/boarding - contracted services	Each	Cost
Consumables (e.g. liquid smoke, wooden pallets, etc.)	Each	At market rate

2. Coming into Force

2.1 This by-law will come into force and take effect on the day it is passed.

Given all Three Readings and Passed: Meeting date, April 2, 2024.

Janet Jaynes
City Clerk

Bryan Paterson
Mayor



**City of Kingston
Report to Council
Report Number 24-108**

To: Mayor and Members of Council
From: Jennifer Campbell, Commissioner, Community Services
Resource Staff: Kevin Gibbs, Director, Heritage Services
Date of Meeting: April 2, 2024
Subject: Notice of Objection to Proposed Heritage Designation
Addresses: 888 Montreal Street
File Numbers: R01-044-2023

Council Strategic Plan Alignment:

Theme: Corporate business

Goal: See above

Executive Summary:

This report is to provide a Notice of Objection for Council's consideration, which was received as part of the heritage designation process currently underway for the subject property located at 888 Montreal Street.

A Notice of Intention to Designate the property was served on the owners and published in The Whig Standard on December 12, 2023. The owners of 888 Montreal Street provided a Notice of Objection on December 29, 2023, with supplementary information provided January 11, 2024. When a Notice of Objection is received by the City, Council has 90 days to decide if it wishes to withdraw its Notice of Intention to Designate or not. This timeline will expire on April 10, 2024.

The draft designation by-law was prepared and provided to the owners in accordance with *Ontario Heritage Act* requirements. The subject property exceeds the minimum required criteria for determining cultural heritage value or interest in Ontario. Staff have discussed the concerns with the property owners, though no changes to the draft designation by-law have been requested by the property owners. Heritage staff, the Heritage Properties Working Group and

April 2, 2024

Page 2 of 7

the Kingston Heritage Properties Committee support the designation of the subject property under Section 29 of the *Ontario Heritage Act* and staff recommend giving final readings to the by-law and serving a Notice of Passing.

Recommendation:

That Council acknowledges receipt of the Notice of Objection and supplementary information letter from Irena and Lech Poklewska-Koziell, dated December 29, 2023 and January 11, 2024, respectfully, to the proposed designation of the property located at 888 Montreal Street as a property of cultural heritage value or interest pursuant to Section 29(5) of the *Ontario Heritage Act* and having considered the objections set out in the Notice of Objection and supplementary information letter pursuant to Section 29(6) not withdraw the Notice to Intention to Designate the property; and

That Council accordingly reaffirms its approval of the Draft Designation By-Law for 888 Montreal Street; and

That Council gives all three readings to the Designation By-Law for 888 Montreal Street, attached as Exhibit C to Report Number 24-108, and directs the City Clerk to serve a Notice of Passing as prescribed under Section 29(8) of the Act.

April 2, 2024

Page 3 of 7

Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

Jennifer Campbell,
Commissioner, Community
Services

ORIGINAL SIGNED BY CHIEF

ADMINISTRATIVE OFFICER
Lanie Hurdle, Chief
Administrative Officer

Consultation with the following Members of the Corporate Management Team:

Paige Agnew, Commissioner, Growth & Development Services	Not required
Neil Carbone, Commissioner, Corporate Services	Not required
David Fell, President & CEO, Utilities Kingston	Not required
Peter Huigenbos, Commissioner, Major Projects & Strategic Initiatives	Not required
Brad Joyce, Commissioner, Infrastructure, Transportation & Emergency Services	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required

April 2, 2024

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Options/Discussion:

This report provides an update on the heritage designation process currently underway for the property at 888 Montreal Street and circulates the Notice of Objection that has been received (Exhibits A and B) for Council's consideration.

The property at 888 Montreal Street is situated on the west side of Montreal Street, just south of John Counter Boulevard. The irregularly shaped 4,500 square metre residential property contains a one-and-a-half storey Ontario vernacular frame farmhouse constructed between 1860 and 1878, with a series of non-contributing rear additions.

Background

Section 29 of the *Ontario Heritage Act* authorizes the Council of a Municipality to enact by-laws to designate real property, including all buildings and structures thereon, to be of cultural heritage value or interest. Council, on December 5, 2023, with respect to [Report Number HP-23-036](#), passed the following motion:

That Council direct staff to serve a Notice of Intention to Designate the property located at 888 Montreal Street as a property of cultural heritage value or interest pursuant to Section 29 of the *Ontario Heritage Act*, attached as Exhibit A to Report Number HP-23-036; and

That should no Notice of Objection be received by the Clerk of The Corporation of the City of Kingston within thirty (30) days of the publication of the Notice of Intention to Designate, the Designation By-Law for 888 Montreal Street, attached as Exhibit G to Report Number HP-23-036, be presented to Council for all three readings, and that staff be directed to carry out the requirements as prescribed under Section 29(8) of the Act.

As outlined in detail in [Report Number HK-21-004](#), the 2020 changes to the *Ontario Heritage Act* created a new two-tier appeal process for new designations. Following consultation with its heritage committee and the serving of a notice of its intention to designate a property, anyone, within 30 days of the publication of the notice in the newspaper, can object by providing a Notice of Objection to the City Clerk.

A Notice of Intention to Designate the property was served on the owners, published in the newspaper and posted on the City's website on December 12, 2023. The Notice of Objection was provided by the property owners to the City on December 29, 2023 (Exhibit A), within the 30-day objection period. Additional information was also provided by the owners on January 11, 2024 (Exhibit B).

When a Notice of Objection is received by the City, Council has 90 days to decide if it wishes to withdraw its Notice of Intention to Designate, following the completion of the 30-day objection period. This timeline will expire on April 10, 2024. Council's decision regarding the objection is required to be served on the owner(s) and be published in the newspaper in the form of either a Notice of Passing (after giving final reading to the by-law) or a Notice of Withdrawal.

April 2, 2024

Page 5 of 7

If Council chooses to publish a Notice of Passing, the public (including the owners) will be afforded an opportunity to appeal the designation to the Ontario Land Tribunal within 30 days of the publication of the Notice. The Tribunal would then review the appeal, hold a hearing, and render a binding decision on the fate and content of the designation.

Cultural Heritage Analysis

The purpose of the first tier of the two-tier objection/appeal process is to provide the municipality with an opportunity to consider the merits of the objection and reconsider their intention to designate the property, before relinquishing decision making authority on the outcome of the designation to the Ontario Land Tribunal, should the matter be appealed under tier two.

The Letter of Objection dated December 29, 2023 (Exhibit A) from the owners of 888 Montreal Street, requests deferral of the proposed heritage designation in order to allow the owners time to engage the services of a licensed property appraiser. While the owners are welcome to have their property appraised at any time, the estimated market value of the property and any perceived impacts from the proposed heritage designation, is not a criterion for determining cultural heritage value or interest through the *Ontario Heritage Act*. Further, a study conducted through the University of Waterloo has determined that a heritage designation “does not in itself have any demonstrable negative effect on the value of those properties” studied. It goes on to say that designated properties appear to increase in value more consistently when measured against the average market trend within a given community.

With respect to the owners’ request for a deferral, the *Ontario Heritage Act* is clear (Section 29(6)) that Council must respond to the Notice of Objection within 90 days following the completion of the 30-day objection period, by either advancing the designation or withdrawing its intention to designate; a deferral of this decision is not an option under this clause of the Act. If Council takes no action within the prescribed timeline, its intention to designate the property is deemed to be withdrawn.

Staff provided this information to the owners. The owners provided the supplementary letter (Exhibit B) on January 11, 2024 to Mayor Paterson and members of Council, requesting Council withdraw its intention to designate the property.

The majority of the supplementary letter appears to question the City’s legal ability to designate private property under the *Ontario Heritage Act*. The City’s Legal Services department has provided clarification and comments below on this matter. It should be noted that all regulatory and legislative requirements established under the *Ontario Heritage Act* have been met in the evaluation, review, preparation and processing of the proposed designation. The City of Kingston has been designating private property under the *Ontario Heritage Act* since 1975. The Kingston Heritage Properties Register includes over 1,000 properties designated under Part IV or Part V of the Act, most of which are privately owned.

The building at 888 Montreal Street has been featured in two separate publications by Dr. Jennifer McKendry, namely her Ontario Cottage brochure and her book ‘Woodwork in Historic Buildings of the Kingston Region’. The cultural heritage value of the subject property was initially

April 2, 2024

Page 6 of 7

evaluated by the consulting firm Archaeological Research Associates in 2016 and recommended for designation at that time. The subject property exceeds the Provincial requirements for determining cultural heritage value and interest by satisfying three of the nine criteria in Ontario Regulation 9/06.

Heritage staff have offered to meet with the owners to discuss their concerns. While the owners were thankful for the offer, they have declined the invitation. They continue to object to the proposed designation, but to-date the owners have not requested any specific edits to the draft designation by-law (Exhibit C). Photographs of the property are included as Exhibit D.

Legal Services Comments

The property owners have raised questions in their Notice of Objection and in earlier correspondence with the Heritage Properties Committee which are not relevant to the legal standards set out in the *Ontario Heritage Act*. These responses appear to be based on misunderstandings related to the application of the statute to privately owned properties as well as other legal processes. Staff of both Heritage Services and Legal Services have shared information related to these questions with the owners, in an effort to explain the purpose of a heritage designation and the property owners' rights to appeal.

Summary

The draft designation by-law was prepared in accordance with *Ontario Heritage Act* requirements. The subject property was evaluated against the 'Criteria for Determining Cultural Heritage Value or Interest' in Ontario Regulation 9/06, which requires the property to meet at least two (2) of the nine (9) criteria to be considered for designation under the Act. The subject property exceeds the minimum criteria requirement. Heritage staff, the Heritage Properties Working Group and the Kingston Heritage Properties Committee support the designation of the subject property at 888 Montreal Street under Section 29 of the *Ontario Heritage Act*. Staff recommend giving final readings to the by-law and serving a Notice of Passing.

Existing Policy/By-Law:

More Homes Built Faster Act, 2022 (Province of Ontario)

More Homes, More Choice Act, 2019 (Province of Ontario)

Ontario Heritage Act, R.S.O. 1990, C.O. 18 (Province of Ontario)

Ontario Regulation 9/06 – Criteria for Determining Cultural Heritage Value or Interest (Ontario)

Ontario Regulation 385/21 – General Regulations (Ontario)

City of Kingston Official Plan

April 2, 2024

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Notice Provisions:

Notice of Passing or Notice of Withdrawal must be served on the property owner(s) and the Ontario Heritage Trust and be published in a newspaper, having general circulation in the municipality, pursuant to Section 29 of the *Ontario Heritage Act*.

Contacts:

Kevin Gibbs, Director, Heritage Services, 613-546-4291 extension 1354

Joel Konrad, Manager, Heritage Planning, 613-546-4291 extension 3256

Ryan Leary, Senior Planner, Heritage, 613-546-4291 extension 3233

Other City of Kingston Staff Consulted:

Alan McLeod, Senior Legal Counsel & Deputy City Solicitor, Legal Services

Exhibits Attached:

Exhibit A Notice of Objection, dated December 29, 2023

Exhibit B Supplementary Information letter, dated January 11, 2024

Exhibit C Draft Designation By-Law – 888 Montreal Street

Exhibit D Photographs of Property

Kingston, Ontario, December 29, 2023

Delivered in person and by Registered Mail & Email

THE CORPORATION OF CITY OF KINGSTON
216 Ontario Street,
Kingston, ON N1H 3A1

Attention: Mayor Bryan Paterson, Councillors Gary Oosterhof, Paul Chaves, Lisa Osanic, Wendy Stephen, Don Amos, Jimmy Hassan, Brandon Tozzo, Jeff McLaren, Vincent Cinanni, Conny Glen, Gregory Ridge, Ryan Boehme
c/o Jennet Jayna, City Clerk

Dear Mayor and Council Members:

**Re: Kingston City Council Meeting, Dececeber 5, 2023 – Clause 1 of Report Number 04:
Received from Kingston Heritage Properties Committee with respect to Notice of
Intention to Designate under the Ontario Heritage Act. (File: R01-044-2023)**

NOTICE OF OBJECTION

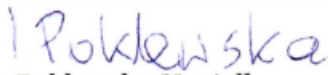
I, Irena Poklewska-Koziell and I, Lech Poklewski-Koziell are the owners of Lot 5 WGCR in Kingston, county Frontenac known municipally as 888 Montreal Street. We do not give permission to THE CITY OF KINGSTON to designate our property.

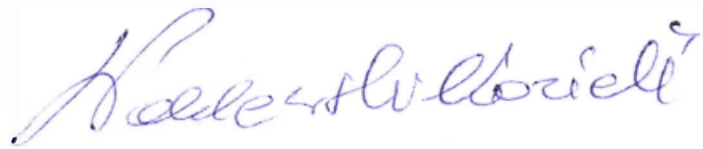
This letter serves as a formal Notice of Objection under subsection 29(5) of the Ontario Heritage Act, R.S.O. 1990, c. O.18.

We would like to examine the extent of the proposed designation and its impact on the utility and value of our property. We are of the opinion that a professional evaluation by a licensed appraiser is in our best interest.

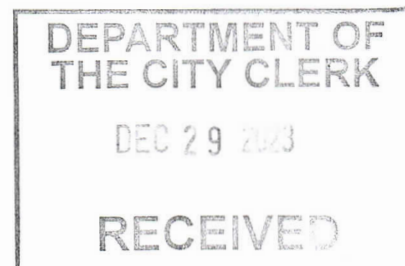
We ask for a deferral of any designation on our property as we conduct necessary analysis and consultations.

All documents to be maintained on property file.


Irena Poklewska-Koziell
888 Montreal St, Kingston, ON K7K 3J7


Lech Poklewski-Koziell

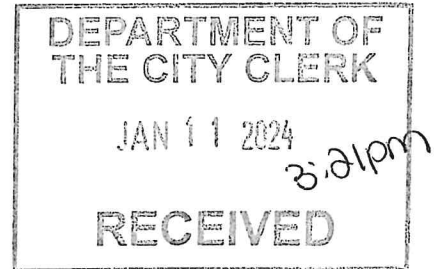
Lanie Hurdle, CAO
Kevin Gibbs, Acting Director Heritage Services
Joel Konrad Manager of Heritage Planning
Ryan Leary, Senior Planner, Heritage Services
c/c aa



Kingston, Ontario, January 11, 2024

Delivered in person, by Registered Mail and Email

THE CORPORATION OF CITY OF KINGSTON
216 Ontario Street,
Kingston, ON N1H 3A1



Attention: Mayor Bryan Paterson, Councillors Gary Oosterhof, Paul Chaves, Lisa Osanic, Wendy Stephen, Don Amos, Jimmy Hassan, Brandon Tozzo, Jeff McLaren, Vincent Cinanni, Conny Glen, Gregory Ridge, Ryan Boehme
c/o Jennet Jayna, City Clerk

Dear Mayor and Council Members:

**Re: Kingston City Council Meeting, December 5, 2023 – Clause 1 of Report Number 04:
Received from Kingston Heritage Properties Committee with respect to Notice of
Intention to Designate under the Ontario Heritage Act. (File: R01-044-2023)**

NOTICE OF OBJECTION

Furthermore, to our letter from December 29, 2023 in which we asked for your consideration in allowing time for professional valuation to assess the impacts on our property, we are submitting additional documentation to the Notice of Objection to any designation or bylaw of our property.

I, Irena Poklewska-Koziell and I, Lech Poklewski-Koziell are the lawful owners of Lot 5 WGR in Kingston, county Frontenac known municipally as 888 Montreal Street.

This property has been granted to David Brass on June 10, 1801 by a Crown Land Patent (MNR certified copy pending) *Canada Evidence Act* R.S.C. 1985, c. C-5, s 24.

Land Patent is an instrument by which the government conveys a grant of public land to a private person (Black's) and the Crown (federal/ provincial/ municipal) is alienated and gives up its right, title and interest in that land to an individual or a corporation.

Crown land in (Black's) definition is a demesne land of the Crown, land belonging to the sovereign personally, or to the government, as distinguished from the land held under private ownership.

This procedure follows *expressio unius est exclusio alterius*, a maxim of statutory interpretation meaning that - the expression of one thing is the exclusion of another and as such the CITY is excluded from our private property.

The granting of land is an acquired right that a person does not naturally enjoy, but that is instead procured, such as the right to own property and this acquired-rights doctrine is the principle that once a right has vested, it may not be reduced by later legislation (Black's law).

Our Deed clearly specifies what has been granted;

TO HAVE AND TO HOLD unto the said Grantees as joint tenants and not as tenants in common, their heirs, executors, administrators, successors and assigns, to and for their sole and only use forever;

SUBJECT NEVERTHELESS to the reservations, limitations, provisoes and conditions expressed in the original grant thereof from the Crown.

The said Grantor COVENANTS with the said Grantees that he has the right to convey the said lands to the said Grantees notwithstanding any act of the said Grantor.

AND that the said Grantees shall have quiet possession of the said lands free from all encumbrances.

AND the said Grantor COVENANTS with the said Grantees that he will execute such further assurances of the said lands as may be requisite.

AND the said Grantor COVENANTS with the said Grantees that he has done no act to encumber the said lands.

AND the said Grantor RELEASES to the said Grantees ALL his claims upon the said lands.

The Sovereign granted letter patents to the Province of Ontario, Ontario Heritage Trust and the City of Kingston which are corporations with their regulations and powers in respect of people's rights and people's private property rights and as the Crown's prerogative are bound to it.

Ontario Heritage Act (OHA) regulates both the municipality (CITY) and its heritage as well as the Ontario Heritage Trust (Trust) and its assets, which in both cases are public.

Black's definition of public, 1. Relating or belonging to an entire community, state, or nation. [Cases: Municipal Corporations] 2. Open or available for all to use, share, or enjoy. 3. (Of a company) having shares that are available on an open market. [Cases: Corporations].

Given the fact that our property is a fee simple freehold ownership, the maxim *expressio unius est exclusio alterius* has to be applied because if private than not public.

Private property can not be public property (CITY) with public access and can not be in a Trust (OHT) where the third party beneficiary is the public, therefore applying municipal bylaw to designate a private property as a public benefit frustrates the law.

A land survey by which a boundary is measured delineates the lawful ownership, and on that ground the listing of a private property on a public register *Ontario Heritage Act*, R.S.O. 1990, c. O.18, s. 27(3), has no force or effect and for this reason we object to any listing of our property.

Consequently, serving a designation on the Trust (OHT), *Ontario Heritage Act*, R.S.O. 1990, c. O.18, s. 29(19) which is a public body as prescribed in *O. Reg. 157/10: Public Bodies - Part III.1* of the OHA and in the *Crown Agency Act*, R.S.O. 1990, c. C.48, further frustrates the law.

Moreover this is explained in the Ontario Agencies and Appointments Directive that "sets out the rules and accountability framework for provincial agencies, short-term advisory bodies and special advisors, as well as the remuneration guidance for government appointments" and in Part 1, 1.5.1 the following is clarified,

Trust

Administers funds and/or other assets for beneficiaries named under statute. The funds and/or other assets are administered by a trust agency for named beneficiaries (that is, the funds and/or other assets do not belong to the government).

Is fully responsible for its operations.

Is not funded out of the Consolidated Revenue Fund.

If a public agency administers for a beneficiary that is the public, then it (Trust) can not administer the same for a private ownership plus an asset in Ontario Heritage Trust Fund can not be a private property in freehold.

THE CORPORATION OF CITY OF KINGSTON is bound by the *Municipal Act, 2001*, S.O. 2001, c. 25 and any designation by-law that frustrates the law has no force or effect, see below

Conflict between by-law and statutes, etc.

- 14 (1) A by-law is without effect to the extent of any conflict with,
- (a) a provincial or federal Act or a regulation made under such an Act; or
 - (b) an instrument of a legislative nature, including an order, licence or approval, made or issued under a provincial or federal Act or regulation. 2001, c. 25, s. 14.

The Municipal Act, 2001 in Part II under the General Municipal Powers gives the CITY inclusion of public property to “govern its affairs” there is no power given in governing of private property.

Scope of powers

- 8 (1) The powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues. 2006, c. 32, Sched. A, s. 8.

Powers of a natural person

- 9 A municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act. 2006, c. 32, Sched. A, s. 8.

THE CORPORATION OF CITY OF KINGSTON is bound by federal statutes that protect private property rights.

The British North America Act, 1867, now the *Constitution Act, 1867* states,

- 9 The Executive Government and Authority of and over Canada is hereby declared to continue and be vested in the Queen.

109 All Lands, Mines, Minerals, and Royalties belonging to the several Provinces of Canada, Nova Scotia, and New Brunswick at the Union, and all Sums then due or payable for such Lands, Mines, Minerals, or Royalties, shall belong to the several Provinces of Ontario, Quebec,

Nova Scotia, and New Brunswick in which the same are situate or arise, subject to any Trusts existing in respect thereof, and to any Interest other than that of the Province in the same.

Section 52(1) of the *Constitution Act, 1982* – **The supremacy clause** has to be upheld,
52.(1) The Constitution of Canada is the supreme law of Canada, and any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect.

THE CORPORATION OF CITY OF KINGSTON is bound by the Crown.

The Crown land patents which have force in Ontario can not be disregarded because it will be in a violation of the Provincial Statues protecting private property rights.

Legislation Act, 2006, SO 2006, c 21, Sch F

Crown not bound, exception

71 No Act or regulation binds Her Majesty or affects Her Majesty's rights or prerogatives unless it expressly states an intention to do so. 2006, c. 21, Sched. F, s. 71.

An Act respecting Certain Rights and Liberties of the People

Statutes published in Appendix A are Imperial Acts and Parts of Acts relating to Property and Civil Rights that were Consolidated in The Revised Statutes of Ontario, 1897, Volume III, pursuant to Chapter 13 of the Statutes of Ontario, 1902, that are not repealed by the Revised Statutes of Ontario, 1980 and are in force in Ontario subject thereto.

An Act respecting Real Property

Statutes published in Appendix A are Imperial Acts and Parts of Acts relating to Property and Civil Rights that were Consolidated in The Revised Statutes of Ontario, 1897, Volume III, pursuant to Chapter 13 of the Statutes of Ontario, 1902, that are not repealed by the Revised Statutes of Ontario, 1980 and are in force in Ontario subject thereto.

Property and Civil Rights Act, R.S.O. 1990, CHAPTER P.29

Rule of decision

1. In all matters of controversy relative to property and civil rights, resort shall be had to the laws of England as they stood on the 15th day of October, 1792, as the rule for the decision of the same, and all matters relative to testimony and legal proof in the investigation of fact and the forms thereof in the courts of Ontario shall be regulated by the rules of evidence established in England, as they existed on that day, except so far as such laws and rules have been since repealed, altered, varied, modified or affected by any Act of the Imperial Parliament, still having the force of law in Ontario, or by any Act of the late Province of Upper Canada, or of the Province of Canada, or of the Province of Ontario, still having the force of law in Ontario.

R.S.O. 1990, c. P.29, s. 1.

If any claims were to be made by the Crown, the 60 years have passed and since the Crown is bound so is THE CORPORATION OF CITY OF KINGSTON because the prerogative of the Crown is supreme to a municipal by law and no claim can be made, thereafter. See below,

Real Property Limitations Act, R.S.O. 1990, c. L.15

Limitation where the Crown interested

3 (1) No entry, distress, or action shall be made or brought on behalf of Her Majesty against any person for the recovery of or respecting any land or rent, or of land or for or concerning any revenues, rents, issues or profits, but within sixty years next after the right to make such entry or distress or to bring such action has first accrued to Her Majesty. R.S.O. 1990, c. L.15, s. 3 (1).

Conveyancing and Law of Property Act, R.S.O. 1990, c. C.34

Covenants to be implied

23 (1) In a conveyance made on or after the 1st day of July, 1886, there shall, in the cases in this section mentioned, be deemed to be included, and there shall in those cases be implied, covenants to the effect in this section stated, by the person or by each person who conveys, as far as regards the subject-matter or share thereof expressed to be conveyed by him, with the person, if one, to whom the conveyance is made, or with the persons jointly, if more than one, to whom the conveyance is made as joint tenants, or with each of the persons, if more than one, to whom the conveyance is made as tenants in common:

On conveyance for value by beneficial owner

1. In a conveyance for valuable consideration, other than a mortgage, the following covenants by the person who conveys, and is expressed to convey as beneficial owner, namely, covenants for,

- i. right to convey,
- ii. quiet enjoyment,
- iii. freedom from encumbrances, and
- iv. further assurance,

according to the forms of covenants for such purposes set forth in Schedule B to the Short Forms of Conveyances Act, being chapter 472 of the Revised Statutes of Ontario, 1980, and therein numbered 2, 3, 4 and 5, subject to that Act.

The Municipal Councillors Guide makes “helpful considerations”,

Helpful considerations: section 7

As a councillor, you are encouraged to familiarize yourself with the Constitution Act, 1982, the Canadian Charter of Rights and Freedoms and the Human Rights Code.

In addition, familiarize yourself with the Municipal Act, 2001. This Act is one of the most significant provincial statutes governing Ontario’s municipalities and gives your municipality flexibility to deal with local circumstances and to react quickly to local economic, environmental or social changes....

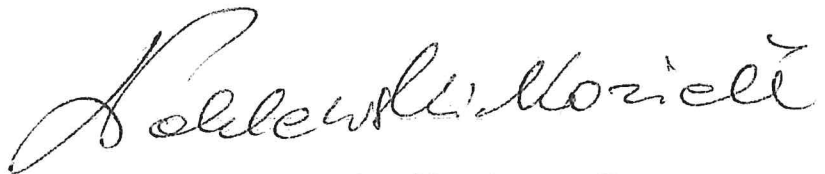
In our statement and previous submissions to the CITY staff and Council we have objected to any designations, bylaws or encumbrances on our private property without our written permission.

We ask that the Council withdraw the designation of our property.

All documents to be maintained on property file.



Irena Poklewska-Koziell



Lech Poklewski-Koziell

Address for contact 888 Montreal St, Kingston, ON K7K 3J7

c/c aa

Lanie Hurdle, CAO

Kevin Gibbs, Acting Director Heritage Services

Joel Konrad Manager of Heritage Planning

Ryan Leary, Senior Planner, Heritage Services

City of Kingston By-Law Number 2024-XX

A By-Law to Designate the property at 888 Montreal Street to be of Cultural Heritage Value and Interest Pursuant to the *Ontario Heritage Act*

Passed: [insert date]

Whereas:

Subsection 29(1) of the *Ontario Heritage Act*, R.S.O. 1990, Chapter 0.18 (the "*Ontario Heritage Act*") authorizes the council of a municipality to enact by-laws to designate property within the municipality, including buildings and structures on the property, to be of cultural heritage value or interest;

The *property* was listed on the register established pursuant to Section 27 of the *Ontario Heritage Act* in 2016;

On November 15, 2023, Council of the City of Kingston ("*Council*") consulted with its municipal heritage committee regarding the designation of the property at 888 Montreal Street (the "*property*") in accordance with subsection 29(2) of the *Ontario Heritage Act*;

On December 12, 2024, *Council* caused notice of its intention to designate the *property* to be given to the owner of the *property* and to the Ontario Heritage Trust (the "*Trust*"), and on December 12, 2024, notice of the intent to designate the *property* was published in The Kingston Whig-Standard, a newspaper having general circulation in the City of Kingston; and

A notice of objection to the proposed designation was served on the municipal Clerk (the "*Clerk*") of the Corporation of the City of Kingston (the "*City*") on December 29, 2023, within the time prescribed by subsection 29(5) of the *Ontario Heritage Act*.

Therefore, *Council* enacts:

1. The *property* is designated as being of cultural heritage value and interest, as more particularly described in Schedule "A" of this by-law.
2. A copy of this by-law will be registered against the *property* in the appropriate land registry office. The *Clerk* is authorized to serve a copy of this by-law on the owner of the *property* and the *Trust*, and to cause notice of the passing of this by-law to be published in The Kingston Whig-Standard.

3. The *City* reserves the right to install a designation recognition plaque on the *property*, in a location and style determined by the *City* in consultation with the owner.
4. This by-law will come into force and take effect on the date it is passed.

Given First and Second Readings XXX, 2024

Given Third Reading and Passed XXX, 2024

Janet Jaynes
City Clerk

Bryan Paterson
Mayor

Schedule “A”
Description and Criteria for Designation

Civic Address: 888 Montreal Street
Legal Description: Part Farm Lot 5 Con West Great Cataraqui River Kingston
as in FR372716; City of Kingston, County of Frontenac
Property Roll Number: 1011 040 110 18100 0000

Introduction and Description of Property

888 Montreal Street is located on the west side of the Montreal Street, just south of John Counter Boulevard in the City of Kingston. The irregularly shaped 4,500 square metre residential property contains a one-and-a-half storey Ontario vernacular frame farmhouse constructed between 1860 and 1878, with a series of non-contributing rear additions.

Statement of Cultural Heritage Value/Statement of Significance

The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.

888 Montreal Street is a rare example of a mid-19th century one-and-a-half storey wood frame Ontario vernacular farmhouse (also commonly referred to as an Ontario Cottage style) with Georgian and Gothic Revival influences. Typical of the Ontario Cottage style is the side gable roof with a central gable on the main front façade. The front façade is symmetrical, with a central entranceway flanked by window openings. Less common, but certainly typical of this style, is the hip roofed verandah that extends the length of the front façade. Where many have been lost to neglect and redevelopment, this building is a relatively rare example of a surviving wood framed Ontario vernacular farmhouse in Kingston, as opposed to brick or stone construction.

The property has design value or physical value because it displays a high degree of craftsmanship or artistic merit.

For a simple vernacular farmhouse, this property displays a high degree of craftsmanship and artistic merit, particularly expressed in its Gothic Revival or Medieval influences, as evident by the steeply pitched front gable with a tall gothic arched window opening and decorative vergeboard (or bargeboard) that travels along the eaves across the front façade and into the central gable and north and south gable ends. The details continue in the two corbelled red brick chimneys, one located at each end of the gable roof, as well as the window openings with triangular headed casings and the round columns supporting the verandah.

The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings.

While much of the rural character of Montreal Street has been lost, this frame 1870s house is historically linked to the area and its past agricultural roots and is a vestige of the former rural origins of the area.

Heritage Attributes

Key exterior elements that contribute to the property's cultural heritage value include its:

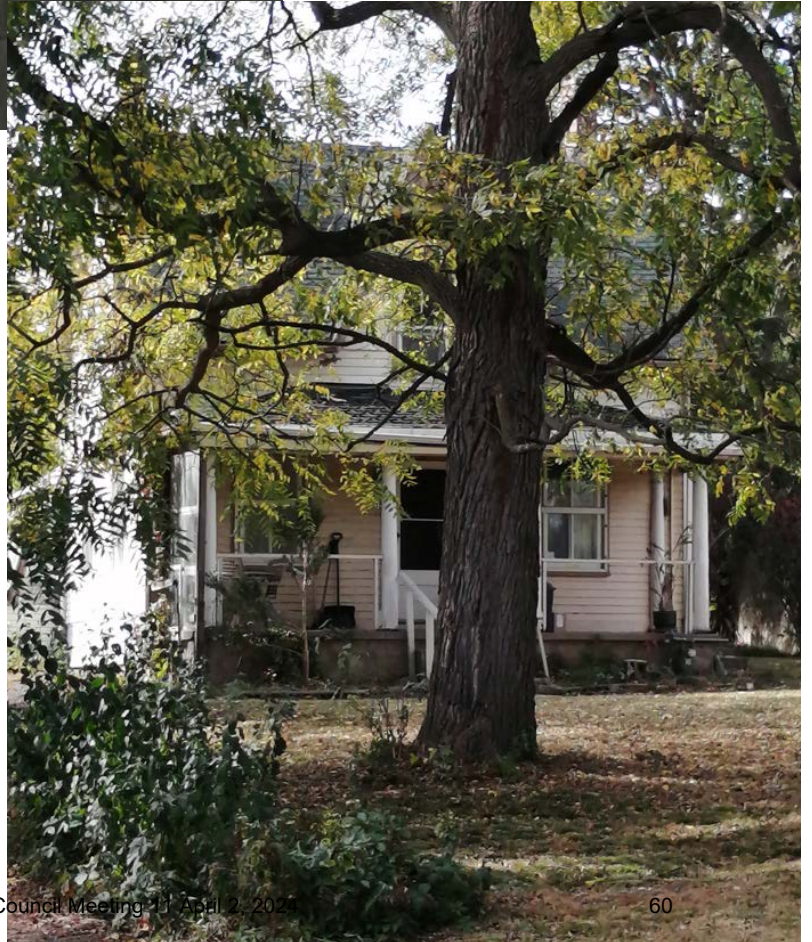
- One-and-a-half storey Ontario Cottage style dwelling of wood frame construction, clad in a clapboard exterior;
- Side gable roof with central steep-pitch gable and tall gothic arched window opening;
- Two red brick corbelled chimneys located at each gable end;
- Symmetrical front façade with central entranceway flanked by windows and covered by a verandah supported by round columns;
- Triangular headed window casings throughout; and
- Vergeboard on roofline, eaves and central gable.

Non-Heritage Attributes

Elements that are not included in the Statement of Cultural Heritage Value of the property include the:

- Series of rear additions to the original building

888 Montreal Street





Front view of the subject house looking north-westerly



Front view of the subject house looking south-westerly

Photos from M.W. Cotman & Assoc. Inc.

By-Law Number 2024-XX

A By-Law to Amend By-Law Number 2022-62, “Kingston Zoning By-Law Number 2022-62” (Introduction of Exception Number E161 (2103 McKendry Road))

Passed:

Whereas the Council of The Corporation of the City of Kingston enacted By-Law Number 2022-62, “Kingston Zoning By-Law Number 2022-62” (the “Kingston Zoning By-Law”);

Whereas the Council of The Corporation of the City of Kingston deems it advisable to amend the Kingston Zoning By-Law to introduce a new exception number;

Therefore be it resolved that the Council of The Corporation of the City of Kingston hereby enacts as follows:

1. By-Law Number 2022-62 of The Corporation of the City of Kingston, entitled “Kingston Zoning By-Law Number 2022-62”, is amended as follows:
 - 1.1. Schedule E – Exception Overlay is amended by adding Exception Number ‘E161’, as shown on Schedule “A” attached to and forming part of this By-Law;
 - 1.2. By adding the following Exception Number E161 in Section 21 – Exceptions, as follows:

“**E161.** Despite anything to the contrary in this By-law, the following provisions apply to the lands subject to this Exception:

 - (a) “The existing **accessory dwelling** is permitted on the lands.
 - (b) The expansion of, alteration to, or relocation of the existing **accessory dwelling** is permitted subject to and in accordance with the performance standards set out in Clause 8.2.1. of this By-law.
 - (c) No other **residential uses** are permitted after the date of passing of this by-law except as provided for in (a) and (b) above.”
2. This By-Law shall come into force in accordance with the provisions of the *Planning Act*.

Given all Three Readings and Passed: [Meeting Date]

Janet Jaynes
City Clerk


Bryan Paterson
Mayor



Schedule 'A' to By-Law Number

Kingston Zoning By-Law 2022-62 Schedule E - Exception Overlay

Address: 2103 McKendry Road
File Number: D14-013-2023

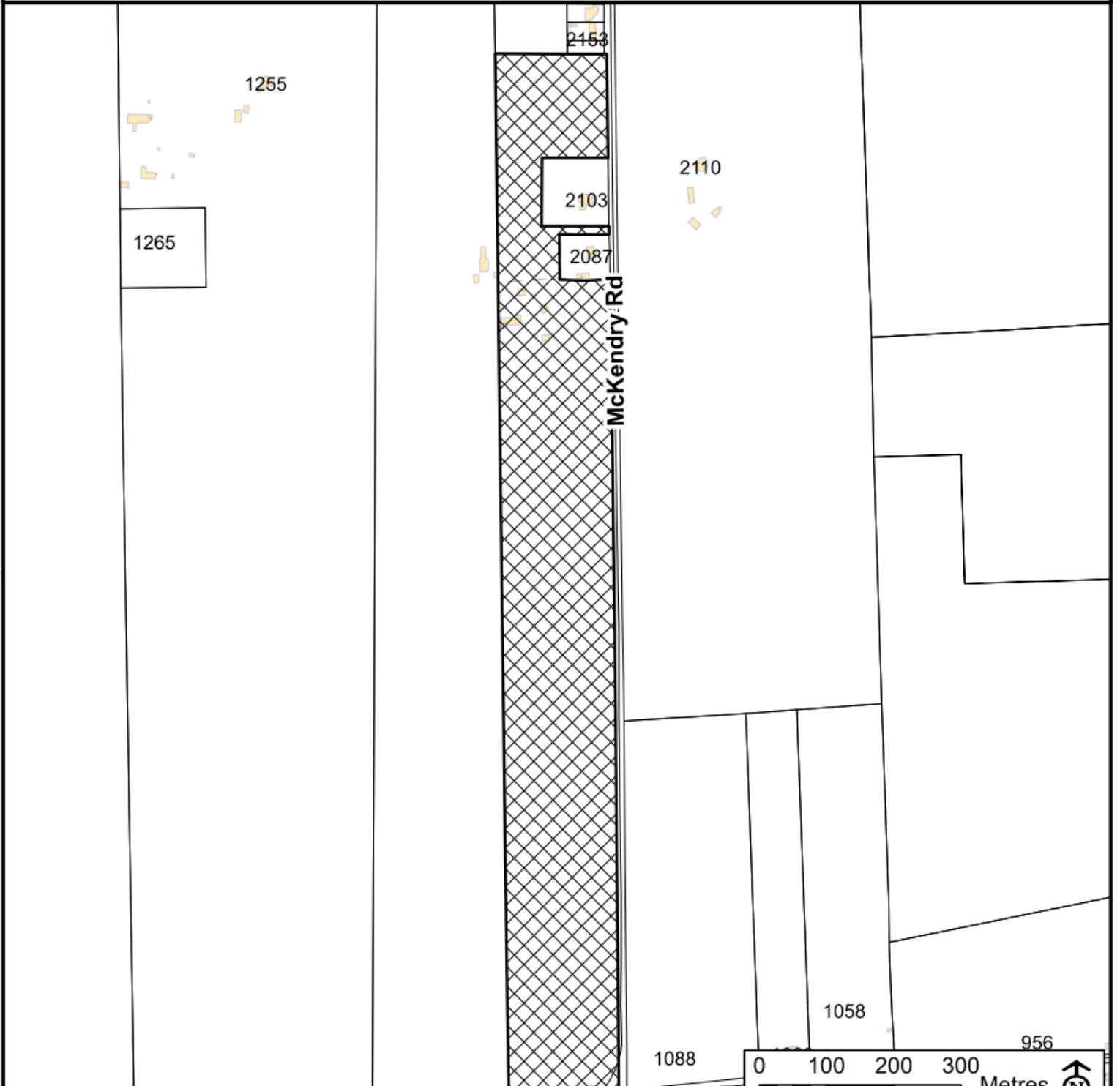
 Lands to be added as E139

Certificate of Authentication

This is Schedule 'A' to By-Law Number _____, passed this _____ day of _____ 202_.

Mayor

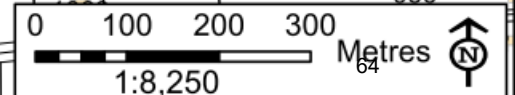
Clerk



Prepared By: rejones
Date: Nov-03-2023

Council Meeting 11 April 2, 2024

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By-Law Number 2024-XX

A By-Law to Amend By-Law Number 2022-62, “Kingston Zoning By-law Number 2022-62” (Transfer of Lands into Kingston Zoning By-law and Introduction of Holding Overlay Number H235, (780 Gardiners Road))

Passed: [Meeting Date]

Whereas the Council of The Corporation of the City of Kingston enacted By-Law Number 2022-62, “Kingston Zoning By-law Number 2022-62” (the “Kingston Zoning By-law”);

Whereas the subject lands are identified as “Not Subject to this By-Law” on Schedule 1 of the Kingston Zoning By-law; and

Whereas the Council of The Corporation of the City of Kingston deems it advisable to amend the Kingston Zoning By-law to incorporate the subject lands into the Kingston Zoning By-law and to introduce a new holding overlay;

Therefore be it resolved that the Council of The Corporation of the City of Kingston hereby enacts as follows:

1. By-Law Number 2022-62 of The Corporation of the City of Kingston, entitled “Kingston Zoning By-law Number 2022-62”, is amended as follows:
 - 1.1. Schedule 1 – Zoning Map is amended by removing reference to “Not Subject to this By-Law”, and by adding the zone symbol ‘CG’, as shown on Schedule “A” attached to and forming part of this By-Law.
 - 1.2. Schedule F – Holding Overlay is amended by adding Holding Overlay Number H235, as shown on Schedule “B” attached to and forming part of this By-Law.
 - 1.3. By adding the following Holding Overlay H235 in Section 22 – Holding Conditions, as follows:

“H235. The Holding Overlay only applies to the following: a **dwelling unit** within a **mixed use building**; a **day care centre**; an **institutional use**; a **library**; and a **special needs facility**. All other permitted **uses** are not subject to the Holding Overlay. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) The submission of a satisfactory noise impact study prepared by a qualified person as defined by the **City** and completed to the satisfaction of the **City** and which adheres to all applicable municipal and provincial requirements.”
2. The lands shown on Schedule “A” attached to and forming part of this By-Law are incorporated into the Kingston Zoning By-law and the provisions of City of Kingston By-Law Number 76-26, entitled "Township of Kingston Restricted Area By-Law", as amended, no longer apply to the lands.
3. This By-Law shall come into force in accordance with the provisions of the *Planning Act*.

Given all Three Readings and Passed: [Meeting Date]

Janet Jaynes
City Clerk

Bryan Paterson
Mayor



**Schedule 'A'
to By-Law Number**

Address: 780 Gardiners Rd.
File Number: D14-001-2024

**Kingston Zoning By-Law 2022-62
Schedule 1 - Zoning Map**

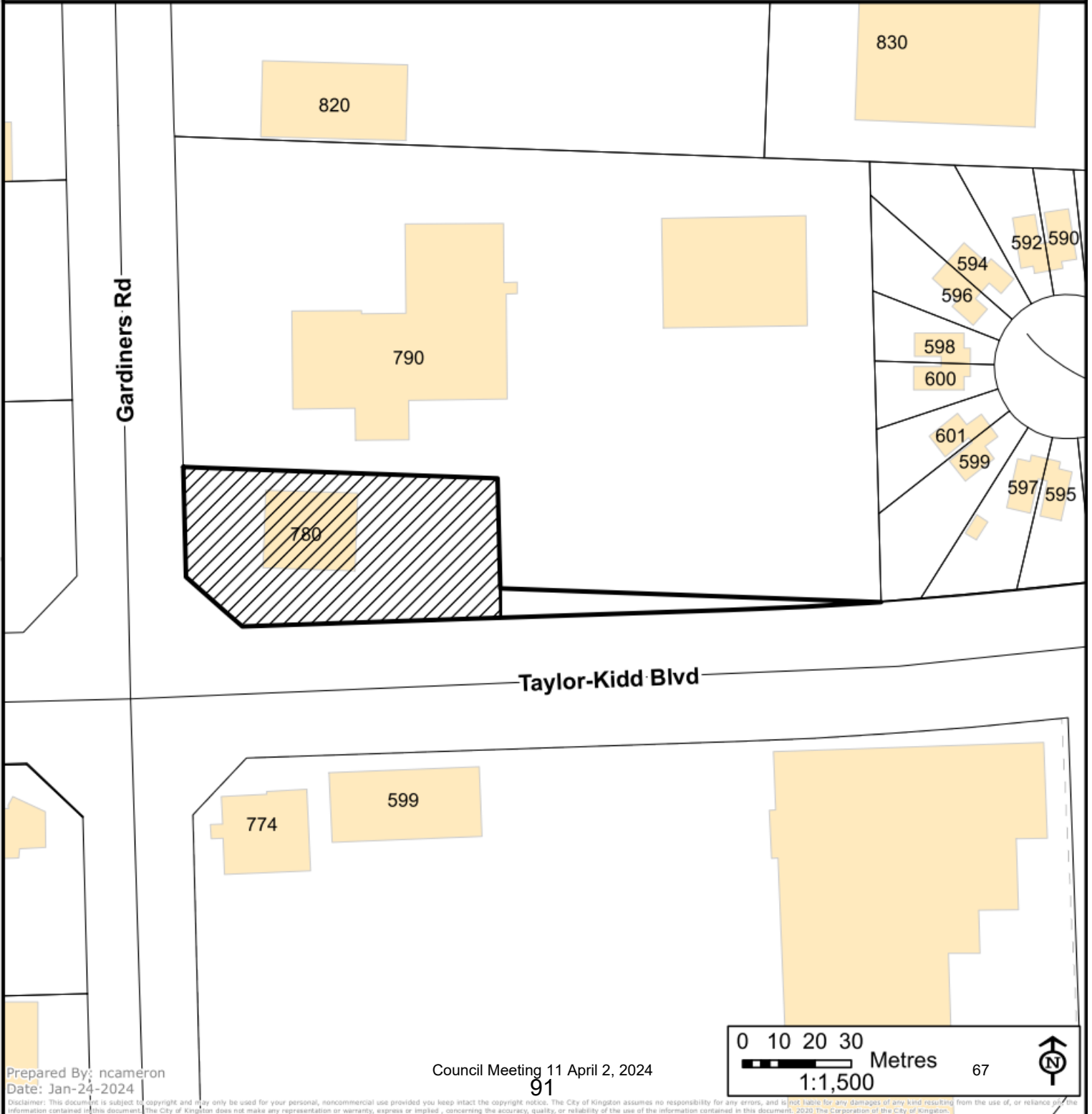
Lands to be Rezoned from NA to CG

Certificate of Authentication

This is Schedule 'A' to By-Law Number _____, passed this _____ day of _____ 2023.

Mayor


Clerk





**Schedule 'B'
to By-Law Number**
Address: 780 Gardiners Rd.
File Number: D14-001-2024

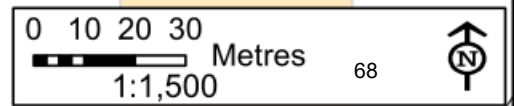
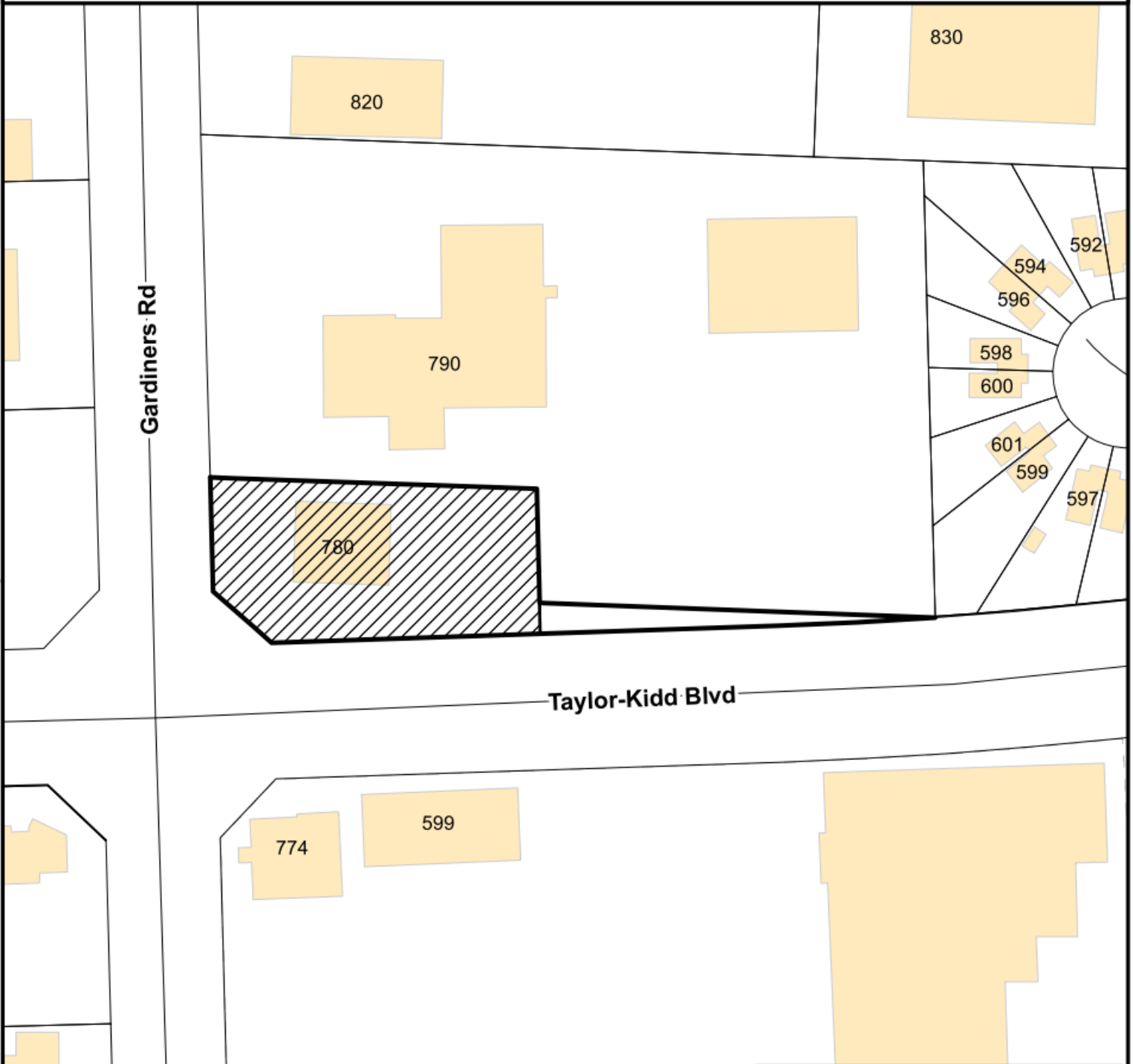
**Kingston Zoning By-Law 2022-62
Schedule F - Holding Overlay**

 Lands to be Zoned HXXX

Certificate of Authentication

This is Schedule 'B' to By-Law Number _____, passed this _____ day of _____ 2023.

Mayor Clerk



<POLICY #> - CITY OF KINGSTON WINDOW POLICY AND GUIDELINES

Policy #	assigned by the communications officer (web developer).
Effective Date	April 2, 2024
Status	Final Draft
Final Approver	Council

1.0 Interpretation

1.1 In this policy, unless the context requires otherwise:

“appropriately designed windows” refers to existing *windows*, or replacement *windows*, that are designed to be architecturally sympathetic and maintain the cultural heritage value of both the building and property. *Appropriately designed windows* are usually high-quality *windows* that use period appropriate construction materials to emulate the appearance/design of a *contributing window*. These *windows* are typically custom made or specifically chosen to suit the age and architecture of the building and property. While these *windows* maintain the value of the building and property, they cannot emulate the true essence of a *contributing window* due to changes in construction techniques, the lack of available appropriate materials, or their age as they are unable to reflect the physical changes resulting from decades or centuries of use (e.g. the glass has no waves, is made from commercially available instead of old growth wood, or has been appropriately retrofitted over multiple historic periods);

“conservation (or conserve/conserved/conserving)” refers to all actions or processes that are aimed at safeguarding the character defining elements of a cultural resource so as to retain its heritage value and extend its physical life. This may involve “Preservation,” “Rehabilitation,” “Restoration,” or a combination of these actions or processes (as defined in the Second Edition of the “Standards and Guidelines for the Conservation of Historic Places in Canada”);

“contributing windows” refer to original *windows* or replacement *windows* that are historically and architecturally sympathetic and contribute to the fundamental cultural value of the building and the property. *Contributing windows* are tangible examples of the craftsmanship of the era in which they were made. Generally, these are *windows* that existed at the time of construction and/or use period construction materials, such as wood, metal and glass, and techniques. A building may no longer have its original *windows*, or the *window(s)* may not have all their original components, but instead have older architecturally appropriate *windows* or have

complementary components that relate to that time. Original and suitable replacement *windows* (and their components/openings) that contribute to the heritage value of the property are considered *contributing windows* that merit retention and protection. This term is the successor to 'Period Windows' as noted in the 2012 window policy and other City policy documents;

"incompatible windows" refer to *windows* that are not architecturally sympathetic and detract from the heritage value of the subject building and property. *Incompatible windows* are usually *windows* that: appear to be of low quality; use an inappropriate material/design; are the incorrect size for the opening; are installed in an opening that has been significantly altered; are the incorrect *window* type for the opening; and may have an inappropriate colour/finish. Frequently, these *windows* are commercially available or are "off the shelf" models and are not chosen to suit the subject building and property. As *windows* are a significant component of the visual appreciation of the building and property, the installation of an *incompatible window* can negatively affect the appreciation of the building's and the property's cultural heritage attributes;

"protected heritage property" is real property, designated under Parts IV, V or VI of the *Ontario Heritage Act*; heritage conservation easement property under Parts II or IV of the *Ontario Heritage Act*; a National Historic Site; or a property that is the subject of a covenant or agreement between the owner of a property and a conservation body or level of government, registered on title and executed with the primary purpose of preserving, *conserving* and maintaining a cultural heritage feature or resource, or preventing its destruction, demolition or loss;

"qualified professional" includes those who are recognized in several practice areas as authorized persons or who have the necessary experience to perform specific related works. For works on heritage buildings it is recommended that these professionals be a member of the Canadian Association of Heritage Professionals (CAHP). To evaluate the condition of *windows*, the *qualified professional* will have experience/training on heritage buildings or older building styles and have an expertise in architecture, carpentry, joinery, glazing, and/or window fitting. *Qualified professionals* should be prepared to provide their curriculum vitae with associated project examples when providing their professional opinion; and

"window" includes any *window* on any storey/elevation, or portion of a storey/elevation, including transom *windows*, side lights, clerestory *windows*, basement *windows*, attic and dormer *windows*, and refers to not only the glass (stained/tinted or otherwise), glazing pattern, frame and sash but also includes, but is not limited to, the *window* openings and its existing proportions, (sills, lintels and shutters), all mouldings, casings, muntin bars, joinery, decorative features, shutters, rail, storm *windows* (where required), all hardware, and other components. This

definition also includes *windows* associated/embedded within or used as doors. Storm windows and screens are considered separately from typical *windows* unless they contribute to the fundamental cultural value of the building and the property.

- 1.2 In this policy, “include”, “includes” and “including” indicate that the subsequent list is not exhaustive.
- 1.3 A reference to any legislation, regulation, by-law, rule, policy or provision thereof includes a reference to any legislation, regulation, by-law, rule or provision thereof enacted in substitution thereof or amendment thereof.
- 1.4 A reference to legislation includes all of the regulations made thereunder.
- 1.5 A reference to the position or title of any *City employee* includes a reference to any position or title created in substitution thereof.

2.0 Purpose

- 2.1 The purpose of this policy is to support the preservation of *contributing windows*:
 - (a) Owners of *protected heritage properties* may be required to *conserve* or alter *contributing windows* during their stewardship of the property. The following policies and guidelines are intended to provide clarity on the property owner’s responsibility to the *Ontario Heritage Act* regarding the *conservation of contributing windows on protected heritage properties*.
 - (b) *Contributing windows* are *windows* that existed at the time of construction and/or contribute to the fundamental cultural heritage value of the property. A heritage permit is required prior to undertaking works that are likely to affect the heritage attributes, such as *contributing windows*, of a *protected heritage property*.
- 2.2 How to read and use this document:
 - (a) This document outlines the policies enacted by the City of Kingston to ensure *contributing windows* are *conserved*. Where replacement is required, the policies provide direction on appropriate change. Guidelines are also included to clarify the City of Kingston’s expectations regarding the preservation of a *protected heritage property’s* cultural heritage value and to detail best practice related to *windows*.
 - (b) The Interpretation section, located at the top of this document, includes definitions of italicized terms that appear throughout this document. These terms must be read in conjunction with this document.

- (c) Requirements for a heritage permit application to be deemed complete are also outlined in the Administrative section below for ease of submission. This policy is to be followed when preparing heritage permit application submissions as detailed in Parts IV, V, VII & VII of the By-Law Number 2023-38 "Procedural By-Law for Heritage" as well as when submitting heritage grant applications as detailed in section 5.2 in By-Law 2018-26 "Being a By-Law to Establish a Heritage Grant Program." Please note this is not an exhaustive list and may be amended based on changes to existing or proposed legislation.
- (d) The Qualified Professional Window Assessment Checklist is located in the Appendix, at the end of this document, and must be completed and submitted when a window assessment is required.
- (e) As of the date of approval of this policy (XYZ, 2024) it replaces the "Policy on Window Renovations in Heritage Buildings" and all related references in City policy documents, including, but not limited to, all Heritage Conservation District Plan documents.

3.0 Policies

3.1 *Contributing windows will be conserved:*

- (a) Where a *contributing window* is present on a *protected heritage property*, the City of Kingston requires *conservation* of the *contributing window(s)*.
- (b) Repairing a *contributing window*, in accordance with this policy, is always desirable over replacement.
- (c) Replacement of a *contributing window* will only be supported if the existing *window* is deteriorated to the extent that repair would leave little original material remaining, as determined by a *qualified professional* through a window assessment.
- (d) Where a *contributing window* is considered a rare, unique, representative or early example of a style, type, expression, material or construction method it will require repair regardless of its condition.
- (e) Permanently covering existing *window* elements with cladding is not permitted.
- (f) The location of a *contributing window* on a *protected heritage property* does not reduce its inherent value or level of protection.

3.2 Where *contributing windows* require *conservation*, the following policies apply:

- (a) All *window* elements that can be repaired shall be retained and restored to the greatest extent possible.
- (b) The design of all replacement components should, as closely as possible, replicate the *window*, as supported by evidence, so that character defining features and details are *conserved*.

3.3 Where *contributing window* repair is not feasible, replacement may be permitted under the following conditions:

- (a) A replacement *window* should, in most circumstances, replicate the existing *contributing window* as closely as possible, and/or be a historically appropriate design to the age, cultural heritage value and architectural style of the building.
- (b) A replacement *window* should, in most circumstances, be made to fit into historic openings without altering the size or shape of the opening or infilling the opening to fit the *window*.

3.4 When considering replacement or repair of *contributing windows* the following applies:

- (a) When replacement is being considered, the condition of a *contributing window(s)* and the potential for repair must be assessed by a *qualified professional* to determine the appropriate scope of work.
 - (i) The assessment must assess each *contributing window* separately.
 - (ii) The assessment must focus solely on the condition and repairability of the *contributing window(s)* while considering the heritage value of the property.
 - (iii) The assessment must include the completed "Qualified Professional Window Assessment Checklist", located in the Appendix of this policy document, as the cover page.
- (b) The repair of *contributing windows* does not require an assessment by a *qualified professional*:
 - (i) Due to the material, design and/or age of *contributing windows* it is highly recommended that *window conservation* be undertaken by a *qualified professional*.
 - (ii) *Conservation* activities that result in permanent alteration are subject to this policy and will require a heritage permit.

4.0 Guidelines

- 4.1 *Window replacement* – Where a *window* cannot be repaired and/or is an *incompatible window*:
- (a) Replacement of *incompatible windows*:
 - (i) Where an *incompatible window* exists on a *protected heritage property* and requires replacement, an *appropriately designed window* is highly recommended.
 - (ii) *Window* styles that historically had true divided lights, may be replaced with simulated divided lights provided that the muntin bars (grills) are affixed to the exterior of the glass and visually act as true divides.
 - (b) Replacement of *appropriately designed windows*:
 - (i) The replacement of *appropriately designed windows* on a *protected heritage property* is discouraged as an insufficient replacement can have a negative impact on the cultural heritage value of the property.
 - (ii) It is expected that a suitable *window* replacement (in terms of design, material, colour and function) will replace an *appropriately designed window* to maintain the heritage value of the *protected heritage property*.
 - (c) Appropriate materials and colours for replacement *windows*:
 - (i) Material:
 - 1. Decisions on *window* material should be based on historical research as well as the age and architectural style of the building.
 - (ii) Colour:
 - 1. *Window* colour should be based on historical research or be architecturally suitable to the property and/or relevant Heritage Conservation District.
 - 2. Colour extremes, like black or bright white, are discouraged unless related to the property's architectural style.
 - (d) Deviations from traditional *window* designs:

- (i) The replacement of one style of *window* with another (e.g. sash to casement) is discouraged without appropriate rationale.

4.2 Interior alterations to *contributing windows*:

- (a) Where the legal property entry for the *protected heritage property* is silent on interior features, internal modifications to *windows* that do not cause permanent damage or alteration to the historic fabric of the *contributing window* are permitted without prior approval under the *Ontario Heritage Act*.

4.3 Storm windows and screens:

- (a) In most cases, storm windows are considered seasonal fixtures that will protect the underlying *window* as well as the *protected heritage property* generally.
 - (i) Where storm windows and/or screens are permanently secured over *windows* this is considered an alteration requiring a heritage permit.
 1. Permanent storm windows and screens should have an appropriate design and should not obscure the underlying *window*.
 - (ii) Seasonal storm windows and screens should have an appropriate design and display the underlying *window*.
- (b) If storm windows are noted as having heritage value in the legal property entry, then they are considered *contributing windows* and will be subject to this policy.

4.4 Historic shutters and hardware:

- (a) Permanent installation or removal of shutters requires a heritage permit.
- (b) Existing historic wooden shutters and hardware should be repaired where possible.
- (c) Undersized shutters, and shutters made from modern materials (aluminum, vinyl, etc.) should be replaced where possible.
- (d) Where replacement is sought, wooden shutters, with sourced historic hardware, are strongly encouraged.

- (i) Replacement shutters should be designed to resemble fully functional shutters that appropriately fit over the associated *window*.

4.5 Missing/broken glazing for *contributing windows*:

- (a) Where the glass of a contributing window must be replaced, the use of glass of a similar period, quality or attributes is encouraged;

4.6 Potential for *contributing window* consolidation to *conserve* heritage value:

- (a) Some *protected heritage properties* have *contributing windows* along multiple elevations or storeys that co-exist with *non-contributing windows*. This discrepancy in *window* design/material/age can potentially draw unnecessary attention.
- (b) In limited circumstances (in consultation with a *qualified professional*) where some *contributing windows* along certain elevations or storeys require replacement while others can be repaired, the consolidation of all (or most) *contributing windows* along the most prominent elevation or storey can be considered.
 - (i) This consolidation strategy must result in the *conservation* of the *protected heritage property*.

5.0 Administration

5.1 How to apply for a heritage permit:

- (a) Most alterations to *windows* on a *protected heritage property*, including significant repairs or replacements, require prior approval under the *Ontario Heritage Act*. All such approvals (heritage permits) are submitted and processed through the City's online application system - DASH.
- (b) The requirements for a complete heritage permit application are governed by the [Ontario Heritage Act](#) and the [City of Kingston's Procedural By-law for Heritage \(2023-38\)](#) as amended from time to time. These documents should be referenced for a complete list of application requirements, which could include a written statement/assessment, drawings/plans of the proposed works and associated photographs.

5.2 For heritage permit applications regarding *windows*:

- (a) The submission must include an elevation drawing and/or picture(s) denoting which *window(s)* corresponds with the application, and an

applicable assessment for the *contributing window(s)*, if required in this Window Policy.

- (b) The submission must clearly identify the historic opening(s) in which each replacement *window* will be installed and must identify each new *window's*: material(s), size, light configuration/pattern, mullion/muntin bar locations, size and profile, glazing information, and colour prior to being deemed complete.

6.0 Application

6.1 This policy applies to all *protected heritage properties*.

7.0 Approval Authority

Role	Position	Date Approved
Quality Review	Phillip Prell, Intermediate Planner	2-12-24
Subject Matter Expert	Phillip Prell, Intermediate Planner	2-12-24
Legal Review	Alan McLeod, Deputy Director	2-13-24
Management Review	Kevin Gibbs, Acting Director	2-13-24
Final Approval	

8.0 Revision History

Effective Date	Revision	Description of Change
Date of the change		describe the sections that have been changed, added or deleted

9.0 Appendix

9.1 Qualified Professional Window Assessment Checklist.

Qualified Professional Window Assessment Checklist:

Connection to Policy & Guideline Document:

The City's Window Policy sets standards regarding the *conservation* of *contributing windows* on *protected heritage properties*. The City's Window Policy defines who is considered a *qualified professional* and assessment expectations. The City's Window Policy Guideline section details what heritage staff hope to receive when assessing *Ontario Heritage Act* applications for *windows* as well as general best practices. This checklist details City expectations for *qualified professionals* for submitted *window* assessments. This document must be read in conjunction with Interpretation section of the Window Policy.

Checklist:

Only those considerations that may impact the cultural heritage value of the *protected heritage property* will be considered. The checklist should be consulted when generating your professional opinion. Most elements, if not all, will need to be noted/described in the submitted *window* assessment. This completed checklist must be provided as a cover letter to the *qualified professional's* assessment to be considered a complete submission.

The submitted *window* assessment includes the following elements: (Please check all circles that pertain to your supplied professional opinion)

- Confirmation of *qualified professional* status as defined in the Window Policy
- Included a curriculum vitae to meet the definition of a *qualified professional*
- Confirmation of *contributing window* status for each *window*
- Confirmation that each *window* was assessed separately
- An interior review (specify for each *window* assessed)
- An exterior review (specify for each *window* assessed)
- A recent picture(s) showing the existing condition of each assessed *window*
- An estimated percentage of healthy repairable material for each *window*
- A short description, per *window*, noting its strengths/faults and conservation strategy
- An overall recommendation to repair or replace per *window*
- When necessary, a general style/form/type recommendation for each proposed replacement *window*, in alignment with the Window Policy
- Where applicable, a *window* consolidation strategy for *contributing windows* and justification (prior discussion with staff is necessary before proposing this strategy)

-- Website Version--

**Notice of Intention to Pass/Amend By-Laws to Designate
The following properties to be of Cultural Heritage Value and Interest Pursuant to
the Provisions of the *Ontario Heritage Act* (R.S.O. 1990, Chapter 0.18)**

Take Notice that the Council of The Corporation of the City of Kingston intends to pass by-laws under Section 29 of the *Ontario Heritage Act*, R.S.O. 1990, Chapter 0.18, to designate the following lands to be of cultural heritage value and interest:

1193 Front Road (Part Lot 2-3 Con Broken Front Kingston as in FR206281; City of Kingston, County of Frontenac), known as the Charles Grass House;

The Charles Grass House is situated on the south side of the road, in the former Township of Kingston, now the City of Kingston. The approximately 3.7-hectare waterfront parcel contains a two-storey residence with Italianate elements, constructed in the late 1860s. The Italianate style is rare in Kingston Township, making the Grass House a rare example of a two-storey 'L'-shaped house with Italianate influences in this part of Kingston. Typical of the Italianate style is the rectangular massing, hip roof with cornice brackets and the paired arched windows on the front façade. The Grass House is associated Charles Grass and family. The Grass family is associated with the settlement of United Empire Loyalists at Cataraqui and is understood to be one of the first settlers in the former Township of Kingston. Its heritage attributes include the two-storey limestone house with one storey addition, its hip roof, cornice brackets, three chimneys, hip-roofed porch and original fenestration pattern.

123-129 Princess Street (Part Lots 222 & 229 Original Survey, T/W Interest in FR91600; City of Kingston, County of Frontenac), known as the Foster Building;

The Foster Building is located on the north side of Princess Street on the block bound by Bagot, Queen and Wellington streets in downtown Kingston. The approximately 580 square metre property contains a three-storey Georgian commercial row, constructed in 1854 for local businessman, Abraham Foster. The Foster Building is a representative example of a mid 19th century Georgian commercial row in downtown Kingston. Its simple three-storey massing with 6 bays, restrained architectural detailing (i.e. coursed, squared and smooth ashlar dressed limestone masonry façade, stone windowsills, flat headed window openings with stone voussoirs, stone cornice with rolled molding and brackets), and the overall impression of balance and symmetry is typical of 19th century Georgian commercial rows on downtown main streets in Ontario. With its three-storey scale, limestone construction and setback close to the street, the Foster Building has contextual value for its role in supporting and maintaining the historic commercial character of Princess Street and downtown Kingston. The property also has contextual value for its continuity of roofline, window lines and Georgian commercial style, which link this property physically and visually to this block of Princess Street, including the flanking 19th century stone buildings. Its

heritage attributes include the three-storey limestone building with original window openings and stone cornice.

1359 Unity Road (Part Lot 27 Con 5 Kingston as in FR571998; City of Kingston, County of Frontenac), known as the Hunter Farmhouse:

The Hunter Farmhouse is situated on the south side of the road, east of Perth Road, in the former Township of Kingston, now part of the City of Kingston. This 0.2-hectare rural residential property contains a one-and-a-half storey Ontario vernacular brick farmhouse, built circa 1862 for the Hunter family. The Hunter Farmhouse is a representative example of a 19th century one-and-a-half storey Georgian influenced Ontario vernacular brick farmhouse. The symmetrical front façade characterized by a central entrance flanked by windows under a medium-pitched gable roof and single brick chimney is representative of the Georgian style dwelling. George and Sarah Hunter built the house and worked the land for over 40 years. The Hunter Farmhouse was the local post office with George Hunter as the Glenburnie Postmaster from 1867 until 1886. Its heritage attributes include the one-and-a-half storey brick building with its gable roof, central gable and original openings.

26-34 Barrie Street (Part Lots 1-3 Plan Sampson Subdivision Kingston City; Part Farm Lot 24 Block E Con 1 Kingston as in FR256272, FR183171, FR426331 Except Parts 6 & 7 13R16366; T/W FR624859; T/W FR256272; S/T FR728445; T/W FR728446; City of Kingston, County of Frontenac), known as the Cappon, Bibby and Strange Houses:

The property is located on the west side of Barrie Street, at the north-west intersection with Okill Street, adjacent to City Park, in the City of Kingston. This 1,400 square metre property contains two detached brick residences, namely the **Cappon House** at 26 Barrie built in 1897 and the **Bibby House** at 28 Barrie built in 1913, and one half of a semi-detached brick residence known as the **Strange House** at 34 Barrie constructed circa 1890.

The **Cappon House** (26 Barrie Street), built for James Cappon in 1897, has design value as an example of a late 19th century Victorian residence with a distinctive Queen Anne Style influence. The red brick masonry construction with limestone foundation and tall window openings with segmental arches and limestone sills are typical of its 1897 construction date, while a distinctive Queen Anne influence is expressed through its two-and-a-half storey asymmetrical massing, which includes a truncated hip roof with two large projecting bay windows with pedimented gables, as well as decorative wood detailing and the oval window on the Okill Street elevation. The two pedimented gables are clad in wooden shingles and supported by large, finely decorated wooden brackets. Each gable contains an original sliding sash window in the Queen Anne Style (i.e. divided lights in the upper sash over single light in the lower sash), which are framed by decorative columns and topped with a pediment. The Cappon House is association with the local architect Arthur Ellis. Ellis' commissions included such notable (now lost) Kingston buildings as the YMCA building at Princess and Barrie and the original 1896 Frontenac Public School. The

Cappon House is representative of the style of house and use of red brick that appears to be Ellis's preferred medium. Its heritage attributes include the asymmetrical two-and-a-half storey red brick building, with three chimneys, original openings with a number of original windows and doors, and several wooden architectural features.

The **Bibby House** (28 Barrie Street), built for H.D. Bibby in 1913, has design value as a rare and eclectic example of the Foursquare Style dwelling. The house's two-and-a-half storey cubic massing and hipped roof are defining features of this style, but its overall architectural expression is more elaborate than a typical Foursquare residence, owing to several design elements unusual for examples of the style. For example, the hip roof has exceptionally deep overhanging eaves with wooden soffit, and frieze board with architrave. Another unusual design feature of this Foursquare is the two-storey full-width side porch, which mirrors the front porch design on the ground floor but includes engaged wooden columns on the second floor. The wooden front door with leaded transom light, including the identification of the street number, is original. The Bibby House is associated with the well-known local architectural firm of Power and Son. The Power and Son firm designed many prominent Kingston landmarks such as McIntosh Castle, Fire Hall No.1 and the Frontenac County Registry Office. The Bibby House was built during the firm's later years under the leadership of Joseph Power. The hipped roof was a favourite of the Power firm to showcase their soaring decorative chimneys; however, the dark brown brick was not a common choice for the company. Heritage attributes include the two-and-a-half storey brown brick dwelling with hip roof, original openings, central and side porches, original front door, and various wooden and brick architectural details.

The **Strange House** (34 Barrie Street), built for the Strange family by 1890, has design value as an example of Victorian residence that incorporates design elements from a variety of architectural styles, including the Romanesque Revival and Queen Anne Revival Styles. The vertical emphases and proportions of the building's massing (i.e. windows, central projecting bay with gable roof, gabled dormer windows) are Victorian, but the application of the Romanesque Revival and Queen Anne Styles, gives a different architectural expression than is typical of Victorian residences. The front entrance is defined by a Romanesque Revival arch, springing from short piers and providing a covered entrance over both entrances of the semi-detached house. The Queen Anne Style influence is seen in the variety of decorative woodwork and masonry on the façade. The exposed wooden rafters under the eave are an unusual design feature for its construction date; being more typical of the later Arts and Crafts Style. Despite the implementation of a variety of design elements, the building's composition and architectural expression are balanced and harmonious. The Strange House displays a high degree of craftsmanship through the variety of finely executed decorative masonry and woodwork. Decorative masonry on the façade includes a basketweave pattern at the first and second floors of the central projecting bay, a dentilled string course connecting the three pairs of windows on the second floor, raised brick courses framing the paired windows in both rectilinear and curved shapes, and arcade pattern supporting the semi-circular window in the gable. Decorative woodwork is featured on the cornice above the

Romanesque Revival arch, which is supported by pairs of decorative brackets, the decorative brackets supporting the eave returns under the gable, the gable itself, which is richly decorated with a lattice pattern and spindles, the exposed wooden rafters and window surrounds. Its heritage attributes include the two-and-a-half storey red brick building with decorative wooden and masonry detailing, original openings and wooden porch.

The property at 28-34 Barrie Street has contextual value because it is important in maintaining and supporting the character of the block of Barrie Street between Okill and Stuart Streets, which displays a rich variety of late 19th/early 20th century architectural styles. The consistency in height, scale, building line and setbacks, as well as the generous front yards with mature landscaping give this block exceptional visual cohesion and integrity.

2638 Kepler Road (Part Lot 10 Con 7 Kingston Part 1, 13R6458; City of Kingston, County of Frontenac), known as the Powley Farmhouse:

The Powley Farmhouse is situated on the north side of the road, in the former Township of Kingston, now part of the City of Kingston. This 0.4 -hectare rural residential property contains a one-and-a-half storey limestone farmhouse built circa 1860 for farmers Jacob and Nancy Powley. The farmhouse is representative of the Ontario Gothic Revival Cottage, as demonstrated through the symmetrical façade, medium-pitched gable roof with twin chimneys at the roof peak, one on each end of the house, and a front elevation that includes a central gable, featuring an arched window opening. The building is well-crafted, with a demonstrable craftsmanship, visible in the attention to construction methods and materials. Particularly notable is the evenly coursed limestone construction and fine masonry work on the façade. The Powley Farmhouse also demonstrates several unusual elements, including its oversized main entrance, slightly recessed, with side lights and transom. The entrance and flanking window openings have flat heads embellished with tall stone voussoirs. The central window opening above the main entrance has a contrasting, dramatic half round arch with radiating stone voussoirs. The Powley's were a notable local family in the area, who donated portions of their lands for a school and a Methodist Episcopal Church. Jacob and Nancy Ann Powley constructed the limestone farmhouse around 1860, where they lived with their three daughters. The Powley Farmhouse supports the historic agricultural character of the area through its Ontario Gothic Revival style. The property also shares a visual and historical relationship with its surroundings and is an important part of the historical rural context of the area. Its heritage attributes include the one-and-a-half-storey limestone building with gable roof, twin chimneys and original symmetrical openings.

3578 Unity Road (Part Lot 4 Con 6 Western Addition Kingston as in FR615351 Except Part 6 EXPROP Plan RP1562; City of Kingston, County of Frontenac), known as the Raycroft Farmhouse:

The Raycroft Farmhouse is situated on the north side of the road, in the former Township of Kingston, now part of the City of Kingston. This 6.5-hectare rural

property contains a one-and-a-half storey limestone farmhouse built in the 1860s for farmers Willam and Mary Raycroft. The farmhouse is representative of the Ontario Gothic Revival Cottage, as demonstrated through the symmetrical façade, median-pitched gable roof with twin chimneys at the roof peak, one on each end of the house, and a front elevation that includes a central gable, featuring an arched window opening. The building is well-crafted, with a demonstrable attention to construction methods and materials. Particularly notable is the evenly coursed limestone construction and fine masonry work on the façade. The centrally located front entranceway is flanked by large window openings, which is typical of the Ontario Gothic Revival Cottage style. The Raycroft Farmhouse also demonstrates several unusual elements such as its oversized flat-headed main entrance, slightly recessed with side lights and transom. The entrance and flanking window openings have flat heads embellished with tall stone voussoirs. The central window opening above the main entrance; however, has a dramatic half round arch with radiating stone voussoirs. The Raycroft Farmhouse supports the agricultural character of the area through its Ontario Gothic Revival style. The property also shares a visual and historical relationship with its surroundings and is an important part of the historical rural context of the area. Its heritage attributes include the one-and-a-half-storey limestone building with gable roof, twin chimneys, and original symmetrical openings and the one storey limestone wing on the east elevation.

62-74 Barrie Street (Part Lot A Plan A20 Kingston City as in FR155972 Except the First Easement Therein, as in FR155571 Except the First Easement Therein, as in FR144588 Except the Second Easement Therein; Part Lot 6-9 Plan Sampson Subdivision Kingston City as in FR155570, FR155569, FR257949 & FR231725 Except Parts 2 & 3 13R16366 & FR294588; S/T Interest in FR144588; S/T Interest in FR155569; S/T Interest in FR155570; S/T Interest in FR155571; S/T Interest in FR155972; S/T & T/W FR155569; City of Kingston, County of Frontenac), known as the Chown, Doran, Robinson, Mooers and Walkem Houses:

The property is located on the west side of Barrie Street, midblock between Okill and Stuart Streets, adjacent to City Park, in the City of Kingston. This 2,400 square metre property contains five two-and-a-half storey brick residences, namely the **Chown House** at 62 Barrie Street built circa 1911, the **Doran and Robinson Houses** at 64 and 66 Barrie Street, built as part of a row in the 1850s, the **Mooers House** at 68-70 Barrie Street built circa 1905, and the **Walkem House** at 72-74 Barrie Street constructed circa 1879.

The **Chown House** (62 Barrie Street) is a rare example of an Edwardian Classical house in the City of Kingston. The detached brick house is characterized by its asymmetrical but balanced massing, which includes a shallow hipped roof with pedimented dormer, a two-storey bay window and front porch spanning two bays. The building's red brick walls are laid in stretcher bond with slender joints pointed with a red tinted mortar, giving the walls a uniform character. The property was purchased in 1927 by Percy and Myrtle Chown. Donations from the Chown family supported the construction of the Sydenham Methodist Church (later United) in 1852 as well as Chown Hall women's residence at Queen's University in 1960. Its heritage

attributes include the two-and-a-half storey red brick building with decorative wooden detailing, tall brick chimney, limestone foundation, original openings with two-storey bay window, tripartite window with leaded transom light and covered porch.

The **Doran House** (64 Barrie Street) is a rare example of the Second Empire style in the City of Kingston. Originally constructed as a larger row-house in the 1850s, the residence's two-and-a-half storey red brick massing is characterized by its bell curved mansard roof with dormer windows, which is the most distinctive element of the Second Empire architectural style and likely added after 1875 as a then trendy alteration. The house's architectural style is further characterized by its tall window openings with wooden sash windows with limestone sills supported by brick corbels and segmental arches and a coursed limestone foundation with evidence of original basement window openings with segmental arches. Its heritage attributes include the two-and-a-half storey red brick building with bell-curved mansard roof with arched dormer with wooden sash windows, decorative wooden detailing, limestone foundation and wood paneled door.

The **Robinson House** (66 Barrie Street) is a representative example of a mid-19th century Victorian residence. Sharing a party wall, it is likely that 64 and 66 Barrie Streets were constructed as a row under a common gable roof and are some of only a few surviving buildings on the west side of Barrie Street from the 1850s. Its Victorian architectural style is restrained and features red brick walls on a coursed limestone foundation, regularly placed tall window openings with wooden sash windows (some with six-over-six patterning) with limestone sills supported by brick corbels and segmental arches, gabled dormer windows and stone corbels at the southeast and northeast corners. The southern bay steps forward one brick width to feature the entrance, which includes a stepped brick, round-arched opening with an original or early door with wood paneling in the bottom half and glazing in the upper half with dentilled transom light. Its heritage attributes include the two-and-a-half storey red brick building with gabled roof, decorative wooden detailing, limestone foundation and wood paneled door.

The **Mooers House** (68-70 Barrie Street) is an unusual example of a large semi-detached residence with an Edwardian Classical influence. Constructed circa 1905 for H.F. Mooers, the building's two-and-a-half storey massing is defined by its mansard roof and monumental columns, which support second and third floor balconies; and the original wooden double leaf doors with transom light under Romanesque Revival style brick arches supported by Ionic columns. Typical of Edwardian Classical houses are the large windows with leaded transom lights and the application of simple classical detailing, including the widespread use of modillions and columns. The Mooers House demonstrates the work of well-known Kingston architect, William Newlands. Newlands opened his first Kingston office in 1882 and was a founding member of the Ontario Association of Architects in 1890. Some of Newlands' best-known works include the former Pittsburgh Town Hall in Barriefield Village, the former Victoria School on Union Street and the Newlands Pavilion along the waterfront in Macdonald Park. The Mooers House demonstrates Newlands' creativity and skill in the use of the Edwardian Classical style for a double

house. Heritage attributes include the two-and-a-half storey red brick building with mansard roof, large wooden columns, balconies, bay windows, pedimented dormers, decorative brick detailing, limestone foundation and double-leaf door with transom light.

The **Walkem House** (72-74 Barrie Street) is a rare example of a large Gothic Revival style house in the City of Kingston. Constructed in 1879 for barrister Richard Thomas Muir Walkem and his wife Emily (nee Henderson), its strong vertical massing, dichromatic brickwork and decorative detailing are characteristic of its architectural style. There is extensive decorative detailing, including hood moldings, pierced vergeboard on the gables, metal cresting and metal cornices on the bay windows, corbelled brickwork under the cornices at the first and second floors on the bay windows, colonettes framing the first-floor bay windows and central hipped dormer window, and decorative buttresses with stone steps framing the portico. The original cast-iron fence on stone base makes a meaningful contribution to the character of the property and surrounding streetscape. The Walkem House displays a high degree of craftsmanship through its extensive decorative detailing in a variety of materials such as wood, metal and stone. The dichromatic brickwork in red with yellow accents is rare in the City of Kingston, as is the painted decorative metal work for the cornices, colonettes and cresting. The Walkem House demonstrates the work of well-known Kingston architectural firm, Power & Son. The architectural work of John Power and his sons, Joseph and Thomas, in Kingston is well-documented and includes a variety of residential, commercial, industrial and religious buildings, including such prominent downtown landmarks as McIntosh Castle, Fire Hall No.1 and the Frontenac County Registry Office. The Walkem House shows the firm's enthusiasm and creativity in designing a private residence. With its dramatic Gothic peaks, multi-coloured bricks, hood moldings, pierced vergeboard on the gables, metal cresting and cornices, and corbelled brickwork with decorative buttresses, John Power took advantage of the visibility and prominence of this location, across from City Park, to showcase his skills and use of the dramatic yet organized Gothic style. Heritage attributes include the two-and-a-half storey red brick building with hipped roof, steeply pitched gables, two-storey bay windows, central portico entrance with glazed and arched double doors, extensive decorative detailing in brick, stone, wood and metal, original openings, limestone foundation, and decorative iron and stone fence.

The property at 62-74 Barrie Street has contextual value because it is important in maintaining and supporting the character of this block of Barrie Street between Okill and Stuart Streets, which displays a rich variety of late 19th/early 20th century architectural styles. The consistency in height, scale, building line and setbacks, as well as the generous front yards with mature landscaping give this block exceptional visual cohesion and integrity.

9 Colborne Street (Part Lot 382 Original Survey Kingston City as in FR691014; T/W FR691014, City of Kingston, County of Frontenac); and

11 Colborne Street (Part Lot 382 Original Survey Kingston City as in FR463215; T/W FR463215, City of Kingston, County of Frontenac):

The subject properties at 9 and 11 Colborne Street are located on the north side of Colborne Street, just west of Sydenham Street, in the City of Kingston. Spanning two separate properties with a combined area of approximately 300 square metres, this two-storey red-brick double house was constructed between 1875 and 1892. 9 and 11 Colborne Street is a representative example of a Georgian-style duplex from the late 19th century. Typical of this architectural style is the symmetrical façade, with side gable roof and twin chimneys. As is common with Georgian buildings, there are limited decorative architectural features. Notable are the window and door openings, which exhibit segmental arches with brick voussoirs. The side gable roof with parapet walls and twin brick chimneys add to the symmetry of the building, reflecting its Georgian influence. The property is significant in defining the character of the streetscape along the north side of Colborne Street, between Sydenham and Clergy Streets. The north side of Colborne Street displays an almost continuous row of red-brick, 19th century duplexes and row houses. With its shallow setback, symmetrical fenestration pattern, red-brick construction and location close to the lot lines, 9 and 11 Colborne Street shares a visual and historical relationship with its surroundings. As part of this group of buildings, the subject duplex helps maintain the historic and eclectic character of this portion of Colborne Street. Its heritage attributes include the two-storey red brick building, with symmetrical four-bay façade and twin brick chimneys, segmentally arched window openings and limestone foundation.

22 Colborne Street (Part Lot 340 Original Survey Kingston City Parts 1, 2 13R4728; S/T FR352314; City of Kingston, County of Frontenac):

22 Colborne Street is located on the south side of the street, mid-block between Clergy and Sydenham Streets in downtown Kingston. The approximately 286 square metre residential property includes a two-storey limestone house, constructed circa 1866. This property is a representative example of a classical limestone dwelling with a Georgian influenced simple rectangular side-gable plan. On the main façade the stones are smooth ashlar, laid in uniform courses, while the side and rear walls have hammer-dressed, uncoursed stonework. The off-set doorway is recessed with paneled reveals, with a semi-circular arched transom. The regular pattern of openings, with tall stone voussoirs and stone windowsills, reflect the Georgian style. The large shed dormers dominate the roof line, but the Georgian influence is still visible in the original roof profile with gable end parapets with ashlar corbels, and the stone chimney on the western roof ridgeline. 22 Colborne Street is significant in defining the character of the streetscape on Colborne Street, between Sydenham and Clergy Streets. This area of downtown Kingston exhibits a continual pattern of reuse and replacement of existing structures that has left examples of building from the mid-19th century to the present. The streetscapes' historic buildings vary in height from one-and-a-half to two-and-a-half storeys. The north side of Colborne Street includes an almost continuous row of exclusively red-brick 19th century duplexes and row houses; dotted by a few limestone buildings. The south side of Colborne Street is a mix of stone, frame and brick buildings, mostly single detached units. This variety in 19th century design and materiality creates a distinct character and a visually

appealing and diverse streetscape. With its shallow setback, symmetrical fenestration pattern, limestone construction and location close to the lot lines, 22 Colborne Street shares a visual and historical relationship with its surroundings. As part of this group of buildings, the subject building helps maintain the historic and eclectic character of this portion of Colborne Street. Its heritage attributes include the two storey limestone building with gable roof, parapet walls and stone chimney, central doorway with recessed paneled reveals, and regular pattern of openings.

30 Colborne Street (Part Lot 341, Original Survey, being Part 3, 13R19716; City of Kingston, County of Frontenac), known as the Queen Street Methodist Church Parsonage:

The former Queen Street Methodist Church Parsonage is located on the south side of the street, mid-block between Clergy and Sydenham Streets in downtown Kingston. The approximately 300 square metre property includes a two-and-a-half storey red brick house, with a one-and-a-half storey gable roofed rear addition. This property is a unique example of late Victorian residential architecture with religious architectural motifs. While the two-and-a-half storey scale, red brick construction with high limestone foundation, pitched roof, decorative off-set entranceway and grand embellishments at the cornice reflect the Victorian style, the former Parsonage has several unusual features for a Victorian residence. The brick detailing on the house adds to its grandeur and is indicative of its importance to the members of the Queen Street Methodist Church. The red bricks on the main façade are laid in a stretcher bond pattern, while the side elevations are common bond. Projecting brick key stones and voussoirs are present above all openings. The openings are Tudor arched on the main façade and flat headed on the side elevations. The front wall includes a giant pointed arch formed by a two-storey recessed panel with windows centrally placed within. The arch design is symbolic of the open arches often separating the nave from the sanctuary in a church and thus speaks to the religious connections to this building. One of the most distinguishing and unique features of the house is its cross-gable roof with hipped roof gables, deep dentilled cornice decorated in bas relief foliage and bracketed eaves.

The Parsonage yields information that contributes to an understanding of the development of the Methodist church in Kingston. The expansion of church operations over time led to the acquisition and construction of residential buildings. The Queen Street Methodist Church Parsonage was built to provide the residing minister a place to live where he would be in close proximity to the church and its parishioners at all times. The Reverend Joseph Hagan was the first occupant of the house. After 1958 it served as a meeting hall for members of Queen Street United Church congregation until it was sold in 1968.

The Parsonage is associated with the well-known local architectural firm of Power and Son. The Power and Son firm designed many prominent Kingston landmarks such as McIntosh Castle, Fire Hall No.1 and the Frontenac County Registry Office. They are also credited for designing several religious buildings in Kingston, such as the Cataraqui Methodist Church on Sydenham Road, St. Andrew's Church, St.

John's Church Hall and the enlargement of St. George's Cathedral. The Queen Street Methodist Church Parsonage is directly attributed to Joseph Power who showed his creativity with the decorative brick and wooden features and subtle religious symbology.

The former Queen Street Methodist Church Parsonage is significant in defining the character of the streetscape on Colborne Street, between Sydenham and Clergy Streets. This area of downtown Kingston exhibits a continual pattern of reuse and replacement of existing structures that has left examples of building from the mid-19th century to the present. The streetscapes' historic buildings vary in height from one-and-a-half to two-and-a-half storeys. The north side of Colborne Street includes an almost continuous row of exclusively red-brick 19th century duplexes and row houses; dotted by a few limestone buildings. The south side of Colborne Street is a mix of stone, frame and brick buildings, mostly single detached units. This variety in 19th century design and materiality creates a distinct character and a visually appealing and diverse streetscape. With its shallow setback, red brick construction and location close to the lot lines, the former Parsonage shares a visual and historical relationship with its surroundings. As part of this group of buildings, the subject building helps maintain the historic and eclectic character of this portion of Colborne Street.

The former Parsonage is also historically linked to the former Queen Street Methodist/United Church at 221 Queen Street and a cluster of buildings associated with the former Church operations, including the nearby church itself and Maple Cottage/Sexton house at 151 Clergy Street. Originally built on (or very near) the church property and under the direction of the church congregation, the former Parsonage is directly linked to the history and evolution of the Queen Street church. Its heritage attributes include the two-and-a-half storey red brick building with cross-gable roof, two-storey recessed pointed-arch brick panel, tall limestone foundation, wooden detailing, and original window and door openings.

37 Kennedy Street (Part Lot 1 S/S Union St & N/S Kennedy St Plan 54 Kingston City as in FR150913; City of Kingston, County of Frontenac), known as the Henley Cameron House:

The Henley Cameron House is located on the north side of the street, at the northwest corner with Yonge Street in the Village of Portsmouth, now City of Kingston. This approximately 358 square metre residential property contains a two-storey vernacular frame house constructed circa 1847 for Joseph Henley and altered in the 1850s by carpenter Alexander Cameron. The Henley Cameron House is a representative example of a mid-19th century one-and-a-half storey wood frame Georgian cottage. Typical of the Georgian style is the side gable roof and a central unadorned entranceway, flanked by symmetrically placed windows. While this building has been modified and restored several times, its profile, massing and fenestration pattern still retain a strong Georgian character. The vinyl siding, while a modern intervention, is reminiscent of the original wooden clapboard siding. The former Village of Portsmouth has a distinct heritage character, consisting of a historic village atmosphere, and a variety of built heritage resources including frame and

stone dwellings from the 19th century. With its distinct Georgian design and corner location with frontage onto Yonge Street (once called Main Street), the Henley Cameron House helps define and maintain the historic village character of Portsmouth. Its heritage attributes include the two-storey wood frame building with side gable roof with vergeboard, symmetrical front façade with central entranceway, and one storey bay window on east elevation.

Additional information, including a full description of the reasons for designation is available upon request from Ryan Leary, Senior Heritage Planner, Heritage Services at 613-546-4291, extension 3233, or at rlenary@cityofkingston.ca during regular business hours.

Any notice of objection to this notice of intention to designate the property, setting out the reason for objection and all relevant facts, must be served upon the City Clerk within 30 days of the first publication of this notice.

Dated at the City of Kingston

Janet Jaynes, City Clerk

This XXX day of XXXX, 2024

City of Kingston

--- Newspaper Version--

**Notice of Intention to Pass By-Laws to Designate
The following properties to be of Cultural Heritage Value and Interest Pursuant to
the Provisions of the *Ontario Heritage Act* (R.S.O. 1990, Chapter 0.18)**

Take Notice that the Council of The Corporation of the City of Kingston intends to pass by-laws under Section 29 of the *Ontario Heritage Act*, R.S.O. 1990, Chapter 0.18, to designate the following lands to be of cultural heritage value and interest:

1193 Front Road (Part Lot 2-3 Con Broken Front Kingston as in FR206281; City of Kingston, County of Frontenac), known as the Charles Grass House;

123-129 Princess Street (Part Lots 222 & 229 Original Survey, T/W Interest in FR91600; City of Kingston, County of Frontenac), known as the Foster Building;

1359 Unity Road (Part Lot 27 Con 5 Kingston as in FR571998; City of Kingston, County of Frontenac), known as the Hunter Farmhouse;

26-34 Barrie Street (Part Lots 1-3 Plan Sampson Subdivision Kingston City; Part Farm Lot 24 Block E Con 1 Kingston as in FR256272, FR183171, FR426331 Except Parts 6 & 7 13R16366; T/W FR624859; T/W FR256272; S/T FR728445; T/W FR728446; City of Kingston, County of Frontenac), known as the Cappon, Bibby and Strange Houses;

2638 Kepler Road (Part Lot 10 Con 7 Kingston Part 1, 13R6458; City of Kingston, County of Frontenac), known as the Powley Farmhouse;

3578 Unity Road (Part Lot 4 Con 6 Western Addition Kingston as in FR615351 Except Part 6 EXPROP Plan RP1562; City of Kingston, County of Frontenac), known as the Raycroft Farmhouse;

62-74 Barrie Street (Part Lot A Plan A20 Kingston City as in FR155972 Except the First Easement Therein, as in FR155571 Except the First Easement Therein, as in FR144588 Except the Second Easement Therein; Part Lot 6-9 Plan Sampson Subdivision Kingston City as in FR155570, FR155569, FR257949 & FR231725 Except Parts 2 & 3 13R16366 & FR294588; S/T Interest in FR144588; S/T Interest in FR155569; S/T Interest in FR155570; S/T Interest in FR155571; S/T Interest in FR155972; S/T & T/W FR155569; City of Kingston, County of Frontenac), known as the Chown, Doran, Robinson, Mooers and Walkem Houses;

9 Colborne Street (Part Lot 382 Original Survey Kingston City as in FR691014; T/W FR691014, City of Kingston, County of Frontenac); and

11 Colborne Street (Part Lot 382 Original Survey Kingston City as in FR463215; T/W FR463215, City of Kingston, County of Frontenac);

22 Colborne Street (Part Lot 340 Original Survey Kingston City Parts 1, 2 13R4728; S/T FR352314; City of Kingston, County of Frontenac);

30 Colborne Street (Part Lot 341, Original Survey, being Part 3, 13R19716; City of Kingston, County of Frontenac), known as the Queen Street Methodist Church Parsonage; and

37 Kennedy Street (Part Lot 1 S/S Union St & N/S Kennedy St Plan 54 Kingston City as in FR150913; City of Kingston, County of Frontenac), known as the Henely Cameron House.

Additional information, including a full description of the reasons for designation is available on the City of Kingston website at www.cityofkingston.ca/heritage and upon request from Ryan Leary, Senior Heritage Planner, Heritage Services at 613-546-4291, extension 3233, or at rleary@cityofkingston.ca during regular business hours.

Any notice of objection to this notice of intention to designate the property, setting out the reason for objection and all relevant facts, must be served upon the City Clerk within 30 days of the first publication of this notice.

Dated at the City of Kingston

Janet Jaynes, City Clerk

This XXX day of XXX, 2024

City of Kingston

City of Kingston By-Law Number 2024-XX

A By-Law to Designate the property at 1193 Front Road to be of Cultural Heritage Value and Interest Pursuant to the *Ontario Heritage Act*

Passed: [insert date]

Whereas:

Subsection 29(1) of the *Ontario Heritage Act*, R.S.O. 1990, Chapter 0.18 (the "*Ontario Heritage Act*") authorizes the council of a municipality to enact by-laws to designate property within the municipality, including buildings and structures on the property, to be of cultural heritage value or interest;

The *property* was listed on the register established pursuant to Section 27 of the *Ontario Heritage Act* in 2016;

On March 20, 2024, Council of the City of Kingston ("*Council*") consulted with its municipal heritage committee regarding the designation of the property at 1193 Front Road (the "*property*") in accordance with subsection 29(2) of the *Ontario Heritage Act*,

On [insert date], *Council* caused notice of its intention to designate the *property* to be given to the owner of the *property* and to the Ontario Heritage Trust (the "*Trust*"), and on [insert date], notice of the intent to designate the *property* was published in The Kingston Whig-Standard, a newspaper having general circulation in the City of Kingston; and

No notice of objection to the proposed designation was served on the municipal Clerk (the "*Clerk*") of the Corporation of the City of Kingston (the "*City*") within the time prescribed by subsection 29(5) of the *Ontario Heritage Act*.

Therefore, *Council* enacts:

1. The *property* is designated as being of cultural heritage value and interest, as more particularly described in Schedule "A" of this by-law.
2. A copy of this by-law will be registered against the *property* in the appropriate land registry office. The *Clerk* is authorized to serve a copy of this by-law on the owner of the *property* and the *Trust*, and to cause notice of the passing of this by-law to be published in The Kingston Whig-Standard.

City of Kingston By-Law Number 2024-XX

3. The *City* reserves the right to install a designation recognition plaque on the *property*, in a location and style determined by the *City* in consultation with the owner.
4. This by-law will come into force and take effect on the date it is passed.

Given First and Second Readings XXX, 2024

Given Third Reading and Passed XXX, 2024

Janet Jaynes
City Clerk

Bryan Paterson
Mayor

Schedule “A”
Description and Criteria for Designation
Charles Grass House

Civic Address: 1193 Front Road
Legal Description: Part Lot 2-3 Con Broken Front Kingston as in FR206281;
City of Kingston, County of Frontenac
Property Roll Number: 1011 080 030 09000

Introduction and Description of Property

The Charles Grass House at 1193 Front Road is situated on the south side of the road, in the former Township of Kingston, now the City of Kingston. The approximately 3.7-hectare waterfront parcel contains a two-storey residence with Italianate elements, constructed in the late 1860s.

Statement of Cultural Heritage Value/Statement of Significance

The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.

The Italianate style is rare in Kingston Township, making the Charles Grass House a rare example of a two-storey ‘L’-shaped house with Italianate influences in this part of Kingston. The main front entrance and façade of the house sits perpendicular to Front Road, facing east.

The house is constructed of limestone laid in even courses on the front/eastern façade and in uneven courses on the side elevations. Typical of the Italianate style is the rectangular massing and hip roof with cornice brackets. Also typical of the style is the parried arched windows on the front façade. The house has three chimneys, including a double-flue chimney on the west side. The front/east façade is asymmetrical, featuring an enclosed porch with a hip roof and balcony with spindles, posts and post finials. The window openings feature limestone voussoirs and stone sills. The north elevation is two-bay with rectangular window openings that have limestone voussoirs and stone sills.

A one-storey limestone wing features a hip roof, an entranceway with engaged columns and entablature, flanked by rectangular window openings that continue the stone voussoirs and stone sills from the main portion of the house. There are also stone gate posts flanking each of the two entrances to the property. The property also features several outbuildings, including a wooden barn with a gable roof and a rear addition, located immediately south of the stone dwelling, likely constructed prior to 1900.

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.

The Grass House is associated Charles Grass and family. Charles Grass was the son of Peter Grass, and grandson of Captain Michael Grass, a lieutenant in the volunteer militia that fought against the rebels in the American Revolution (and was then promoted to Captain). The Grass family is associated with the settlement of United Empire Loyalists at Cataraqui and is understood to be one of the first settlers in the former Township of Kingston. Charles Grass (1827-1896) married Isabella Ann Graham (1827-1876), circa 1852-1853, and they had four children, Ester Maria (1853-unknown), James (1855-unknown), William (1857-1919) and George (1859-unknown). The family lived in the stone house, which was constructed between 1861 and 1878. In 1876 Isabella Grass died. Charles Grass remarried in 1880 to Mary Stewart (1831-1914). Charles Grass died on September 28, 1896 of cancer.

Heritage Attributes

Key exterior elements that contribute to the property's cultural heritage value include its:

- Two storey limestone house in an 'L'-shaped plan, constructed of limestone laid in even courses on the front façade and uneven course on the side elevations;
- Hip roof with cornice brackets and three brick chimneys, including a double flue chimney;
- Asymmetrical front façade, with rectangular and arched window openings with limestone voussoirs and sills;
- Porch with a hip roof and balcony with spindles, posts and post finials;
- Symmetrical two-bay north elevation; and
- One-storey square limestone addition with a hip roof, entranceway and entablature, flanked by window openings.

Non-Heritage Attributes

Elements that are not included in the Statement of Cultural Heritage Value of the property include:

- Various detached outbuildings;
- Sunroom addition on south side;
- Southern addition with horizontal siding; and
- Pool and pool enclosure.

City of Kingston By-Law Number 2024-XX

A By-Law to Designate the property at 123-129 Princess Street to be of Cultural Heritage Value and Interest Pursuant to the *Ontario Heritage Act*

Passed: [insert date]

Whereas:

Subsection 29(1) of the *Ontario Heritage Act*, R.S.O. 1990, Chapter 0.18 (the "*Ontario Heritage Act*") authorizes the council of a municipality to enact by-laws to designate property within the municipality, including buildings and structures on the property, to be of cultural heritage value or interest;

The *property* was listed on the register established pursuant to Section 27 of the *Ontario Heritage Act* in 2010;

On March 20, 2024, Council of the City of Kingston ("*Council*") consulted with its municipal heritage committee regarding the designation of the properties at 123-129 Princess Street, known as the Foster building, (the "*property*") in accordance with subsection 29(2) of the *Ontario Heritage Act*;

On [insert date], *Council* caused notice of its intention to designate the *property* to be given to the owner of the *property* and to the Ontario Heritage Trust (the "*Trust*"), and on [insert date], notice of the intent to designate the *property* was published in The Kingston Whig-Standard, a newspaper having general circulation in the City of Kingston; and

No notice of objection to the proposed designation was served on the municipal Clerk (the "*Clerk*") of the Corporation of the City of Kingston (the "*City*") within the time prescribed by subsection 29(5) of the *Ontario Heritage Act*.

Therefore, *Council* enacts:

1. The *property* is designated as being of cultural heritage value and interest, as more particularly described in Schedule "A" of this by-law.
2. A copy of this by-law will be registered against the *property* in the appropriate land registry office. The *Clerk* is authorized to serve a copy of this by-law on the owner of the *property* and the *Trust*, and to cause notice of the passing of this by-law to be published in The Kingston Whig-Standard.

City of Kingston By-Law Number 2024-XX

3. The *City* reserves the right to install a designation recognition plaque on the *property*, in a location and style determined by the *City* in consultation with the owner.
4. This by-law will come into force and take effect on the date it is passed.

Given First and Second Readings XXX, 2024

Given Third Reading and Passed XXX, 2024

Janet Jaynes
City Clerk

Bryan Paterson
Mayor

**Schedule “A”
Description and Criteria for Designation
Foster Building**

Civic Address: 123-129 Princess Street
Legal Description: Part Lots 222 & 229 Original Survey, T/W Interest in
FR91600; City of Kingston, County of Frontenac.
Property Roll Number: 1011 030 090 02800

Introduction and Description of Property

The property at 123-129 Princess Street is located on the north side of Princess Street on the block bound by Bagot, Queen and Wellington Streets in downtown Kingston. The approximately 580 square metre property contains a three-storey Georgian-style commercial row, constructed in 1854 for local businessman, Abraham Foster as a rental.

Statement of Cultural Heritage Value/Statement of Significance

The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.

The Foster building is a representative example of a mid 19th century Georgian-style commercial row in downtown Kingston. Its simple three-storey massing with 6 bays, restrained architectural detailing (i.e. coursed, squared and smooth ashlar dressed limestone masonry façade, stone windowsills, flat headed window openings with stone voussoirs, stone cornice with rolled molding and brackets), and the overall impression of balance and symmetry is typical of 19th century Georgian commercial rows on downtown main streets in Ontario.

Although the original windows have been removed, and the oriel window is likely a later addition, the size and proportions of the original window openings reflect the vertical emphasis of the Georgian commercial architectural style, and the decrease in height from the second to third floors.

Despite the replacement of many of the historic storefronts along the row, their commercial use maintains the historic development pattern in downtown Kingston (i.e. commercial at grade with residential above).

The property has contextual value because it is important in defining, maintaining or supporting the character of an area.

The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings.

With its three-storey scale, limestone construction and setback close to the street, the Foster building has contextual value for its role in supporting and maintaining the historic commercial character of Princess Street and downtown Kingston. The property also has contextual value for its continuity of roofline, window lines and Georgian commercial style, which link this property physically and visually to this block of Princess Street, including the flanking 19th century stone buildings.

Heritage Attributes

Key exterior elements that contribute to the property's cultural heritage value include its:

- Three-storey row massing with gable roof with stone parapet walls;
- Coursed, squared and ashlar dressed limestone masonry façade;
- Original window openings on the façades with stone voussairs and stone windowsills; and
- Stone cornice above the third floor, punctuated by decorative stone brackets and rolled molding.

City of Kingston By-Law Number 2024-XX

A By-Law to Designate the property at 1359 Unity Road to be of Cultural Heritage Value and Interest Pursuant to the *Ontario Heritage Act*

Passed: [insert date]

Whereas:

Subsection 29(1) of the *Ontario Heritage Act*, R.S.O. 1990, Chapter 0.18 (the "*Ontario Heritage Act*") authorizes the council of a municipality to enact by-laws to designate property within the municipality, including buildings and structures on the property, to be of cultural heritage value or interest;

The *property* was listed on the register established pursuant to Section 27 of the *Ontario Heritage Act* in 2016;

On March 20, 2024, Council of the City of Kingston ("*Council*") consulted with its municipal heritage committee regarding the designation of the property municipally known as the Hunter Farmhouse at 1359 Unity Road (the "*property*") in accordance with subsection 29(2) of the *Ontario Heritage Act*;

On [insert date], *Council* caused notice of its intention to designate the *property* to be given to the owner of the *property* and to the Ontario Heritage Trust (the "*Trust*"), and on [insert date], notice of the intent to designate the *property* was published in The Kingston Whig-Standard, a newspaper having general circulation in the City of Kingston; and

No notice of objection to the proposed designation was served on the municipal Clerk (the "*Clerk*") of the Corporation of the City of Kingston (the "*City*") within the time prescribed by subsection 29(5) of the *Ontario Heritage Act*.

Therefore, *Council* enacts:

1. The *property* is designated as being of cultural heritage value and interest, as more particularly described in Schedule "A" of this by-law.
2. A copy of this by-law will be registered against the *property* in the appropriate land registry office. The *Clerk* is authorized to serve a copy of this by-law on the owner of the *property* and the *Trust*, and to cause notice of the passing of this by-law to be published in The Kingston Whig-Standard.

City of Kingston By-Law Number 2024-XX

3. The City reserves the right to install a designation recognition plaque on the property, in a location and style determined by the City in consultation with the owner.
4. This by-law will come into force and take effect on the date it is passed.

Given First and Second Readings XXX, 2024

Given Third Reading and Passed XXX, 2024

Janet Jaynes
City Clerk

Bryan Paterson
Mayor

Schedule “A”
Description and Criteria for Designation
Hunter Farmhouse

Civic Address: 1359 Unity Road
Legal Description: Part Lot 27 Con 5 Kingston as in FR571998; City of Kingston, County of Frontenac
Property Roll Number: 1011 080 260 05700

Introduction and Description of Property

The Hunter Farmhouse, located at 1359 Unity Road, is situated on the south side of the road, east of Perth Road, in the former Township of Kingston, now part of the City of Kingston. This 0.2-hectare rural residential property contains a one-and-a-half storey Ontario vernacular brick farmhouse, built circa 1862 for the Hunter family. Modern additions have been added to the rear and side of the main house.

Statement of Cultural Heritage Value/Statement of Significance

The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.

The Hunter Farmhouse is a representative example of a 19th century one-and-a-half storey Georgian influenced Ontario vernacular brick farmhouse. The symmetrical front façade characterized by a central entrance flanked by windows under a medium-pitched gable roof and single brick chimney is representative of the Georgian style dwelling.

The east elevation has two window openings in the upper storey and a central window opening in the first storey. The west elevation has two window openings in the upper storey separated by a brick chimney and a single window below. The window openings are highlighted by red brick voussoirs and stone sills.

While the building has been modified, including lengthening the central gable window to create a door and the addition of the covered front porch, its profile, massing and fenestration pattern still retain a strong Georgian character.

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.

The Hunter Farmhouse is associated with the Hunter family who built the house and worked the land for over 40 years. George Hunter (1815-1907) along with his wife

Sarah (1817-1888) and son Frederick (1856-1928) arrived in Canada in 1857 from England. They received the deed for the 100-acre property in 1862 and built the structure shortly thereafter. George Hunter is listed as a farmer in the Ontario Gazetteer. George died in 1888 and the property was passed to his son Frederick who lived on and farmed the land until 1908 when it was sold to Charles Cashman.

The property has historical value or associative value because it yields, or has the potential to yield, information that contributes to an understanding of a community or culture.

The Hunter Farmhouse is identified as a post office on the 1878 map of the Township of Kingston. Local post office depots were common in the rural area and acted as local gathering spots for the community. George Hunter was the Glenburnie Postmaster from 1867 until 1886. The Hunter Farmhouse was likely well known in the Glenburnie/Shannon's Corners community.

Heritage Attributes

Key exterior elements that contribute to the property's cultural heritage value include its:

- One-and-a-half storey red brick farmhouse with medium-pitch side gable roof with central medium-pitched gable;
- Symmetrical front façade with central entrance, flanked by large window openings;
- Window openings with red brick voussoirs and stone sills; and
- Two-bay side elevations, west elevation separated by a single brick chimney breast.

City of Kingston By-Law Number 2024-XX

**A By-Law to Amend By-Law Number 87-322 (A By-Law to Designate 20-24
Barrie Street; 34-36 Barrie Street; 72-74 Barrie Street of Historic and/or
Architectural Value or Interest) and to Designate the property at 26-34 Barrie
Street to be of Cultural Heritage Value and Interest Pursuant to the *Ontario
Heritage Act***

Passed: [insert date]

Whereas:

Pursuant to By-Law Number 87-322 (A By-Law to Designate 20-24 Barrie Street; 34-36 Barrie Street; 72-74 Barrie Street of Historic and/or Architectural Value or Interest Pursuant to the Provisions of the Ontario Heritage Act), the subject property was designated as a property of cultural heritage value and interest in accordance with the provisions of the Ontario Heritage Act in 1987;

A portion of the *property* was listed on the register established pursuant to Section 27 of the *Ontario Heritage Act* in 2010;

Section 30.1 of the Act authorizes the Council of a municipality to amend a by-law designating a property to be of cultural heritage value or interest following the provisions of Section 29 of the Act, with prescribed modifications;

Subsection 29(1) of the *Ontario Heritage Act*, R.S.O. 1990, Chapter 0.18 (the "*Ontario Heritage Act*") authorizes the council of a municipality to enact by-laws to designate property within the municipality, including buildings and structures on the property, to be of cultural heritage value or interest;

On March 20, 2024, Council of the City of Kingston ("*Council*") consulted with its municipal heritage committee regarding the designation of the property at 26-34 Barrie Street (the "*property*") in accordance with subsection 29(2) of the *Ontario Heritage Act*;

On [insert date], *Council* caused notice of its intention to designate the *property* to be given to the owner of the *property* and to the Ontario Heritage Trust (the "*Trust*"), and on [insert date], notice of the intent to designate the *property* was published in The Kingston Whig-Standard, a newspaper having general circulation in the City of Kingston; and

No notice of objection to the proposed designation was served on the municipal Clerk (the "*Clerk*") of the Corporation of the City of Kingston (the "*City*") within the time prescribed by subsection 29(5) of the *Ontario Heritage Act*.

Therefore, Council enacts:

1. Schedule "A" of By-law 87-322, as it relates to 34 Barrie Street only, is deleted and replaced with Schedule "A" attached to and forming part of this By-Law.
2. The *property* is designated as being of cultural heritage value and interest, as more particularly described in Schedule "A" of this by-law.
3. A copy of this by-law will be registered against the *property* in the appropriate land registry office. The *Clerk* is authorized to serve a copy of this by-law on the owner of the *property* and the *Trust*, and to cause notice of the passing of this by-law to be published in The Kingston Whig-Standard.
4. The *City* reserves the right to install a designation recognition plaque on the *property*, in a location and style determined by the *City* in consultation with the owner.
5. This by-law will come into force and take effect on the date it is passed.

Given First and Second Readings XXX, 2024

Given Third Reading and Passed XXX, 2024

Janet Jaynes
City Clerk

Bryan Paterson
Mayor

City of Kingston By-Law Number 2024-XX

Schedule “A”
Description and Criteria for Designation
Cappon House, Bibby House & Strange House

Civic Address: 26-34 Barrie Street
Legal Description: Part Lots 1-3 Plan Sampson Subdivision Kingston City; Part Farm Lot 24 Block E Con 1 Kingston as in FR256272, FR183171, FR426331 Except Parts 6 & 7 13R16366; T/W FR624859; T/W FR256272; S/T FR728445; T/W FR728446; City of Kingston, County of Frontenac
Property Roll Number: 1011 010 040 10900

Introduction and Description of Property

The property at 26-34 Barrie Street is located on the west side of Barrie Street, at the north-west intersection with Okill Street, adjacent to City Park, in the City of Kingston. This 1,400 square metre property contains two detached brick residences, namely the Cappon House at 26 Barrie built in 1897 and the Bibby House at 28 Barrie built in 1913, and one half of a semi-detached brick residence known as the Strange House at 34 Barrie constructed circa 1890.

Statement of Cultural Heritage Value/Statement of Significance

The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.

The **Cappon House** (26 Barrie Street), built for James Cappon in 1897, has design value as an example of a late 19th century Victorian residence with a distinctive Queen Anne Style influence. The red brick masonry construction with limestone foundation and tall window openings with segmental arches and limestone sills are typical of its 1897 construction date, while a distinctive Queen Anne influence is expressed through its two-and-a-half storey asymmetrical massing, which includes a truncated hip roof with two large projecting bay windows with pedimented gables, as well as decorative wood detailing and the oval window on the Okill Street elevation. The two pedimented gables are clad in wooden shingles and supported by large, finely decorated wooden brackets. Each gable contains an original sliding sash window in the Queen Anne Style (i.e. divided lights in the upper sash over single light in the lower sash), which are framed by decorative columns and topped with a pediment. This window design is largely replicated on the pedimented gable dormer on the façade (east elevation). A dentilled cornice supports the wooden eaves.

Although somewhat obscured by a modern awning, the front entrance features original double leaf wooden doors with transom light, which reflect the decorative detailing and motifs found in the upper story woodwork.

The house successfully addresses both corner elevations with the south elevation featuring an elliptical window with decorative brick trim on the ground floor and a decorative raised brick apron beneath the original window opening above, as well as the use of stone steps to maintain asymmetry on the tall brick chimney. The red brick masonry walls and segmental arches over windows are finely executed with slender joints. The three shed roof dormers are not in-keeping with the quality of the original building's design and detailing, but do not distract from, or diminish, its overall architectural expression.

The **Bibby House** (28 Barrie Street), built for H.D. Bibby in 1913, has design value as a rare and eclectic example of the Foursquare Style dwelling. The house's two-and-a-half storey cubic massing and hipped roof are defining features of this style, but its overall architectural expression is more elaborate than a typical Foursquare residence, owing to several design elements unusual for examples of the style. For example, the hip roof has exceptionally deep overhanging eaves with wooden soffit, and frieze board with architrave. The depth of the eave accommodates an unusual two-storey bay window in the left bay of the façade, which features wooden casement windows divided by mullions with leaded lights above a transom with cornice. Another unusual design feature of this Foursquare is the two-storey full-width side porch, which mirrors the front porch design on the ground floor but includes engaged wooden columns on the second floor. The windows on the second floor of the porch thoughtfully reflect the proportions of windows on the house.

The brown brick masonry walls in stretcher/running bond rest upon a coursed rock-faced limestone foundation with an ashlar base course. The façade features a symmetrical layout of original openings, which include wooden casement and/or sash windows with leaded transom lights, stone sills and brick segmental arches. The ground floor window in the right (north) bay includes a raised segmental brick arch featuring a keystone. The central entrance features a gabled porch with pediment resting on circular stone columns atop brick piers and square columns against the main walls. The wooden front door with leaded transom light, including the identification of the street number, is original. The dormers on the south, east and north elevations are likely later additions owing to their size, design and detailing, but are compatible with the house's architectural character.

The **Strange House** (34 Barrie Street), built for the Strange family in 1890, has design value as an example of Victorian residence that incorporates design elements from a variety of architectural styles, including the Romanesque Revival and Queen Anne Revival Styles. Its two-and-a-half storey massing is symmetrical with a central projecting bay flanked by one-storey porches with bay windows, dormer windows and brick chimneys, resting upon a coursed rock-faced limestone foundation with ashlar base course.

The vertical emphases and proportions of the building's massing (i.e. windows, central projecting bay with gable roof, gabled dormer windows) are Victorian, but the application of the Romanesque Revival and Queen Anne Styles, gives a different architectural expression than is typical of Victorian residences. The front entrance is

defined by a Romanesque Revival arch, springing from short piers and providing a covered entrance over both entrances of the semi-detached house. The Queen Anne Style influence is seen in the variety of decorative woodwork and masonry on the façade. The exposed wooden rafters under the eave are an unusual design feature for its construction date; being more typical of the later Arts and Crafts Style. Despite the implementation of a variety of design elements, the building's composition and architectural expression are balanced and harmonious.

The property has design value or physical value because it displays a high degree of craftsmanship or artistic merit.

The **Strange House** (34 Barrie Street) displays a high degree of craftsmanship through the variety of finely executed decorative masonry and woodwork. Decorative masonry on the façade includes a basketweave pattern at the first and second floors of the central projecting bay, a dentilled string course connecting the three pairs of windows on the second floor, raised brick courses framing the paired windows in both rectilinear and curved shapes, and arcade pattern supporting the semi-circular window in the gable. Decorative woodwork is featured on the cornice above the Romanesque Revival arch, which is supported by pairs of decorative brackets, the decorative brackets supporting the eave returns under the gable, the gable itself, which is richly decorated with a lattice pattern and spindles, the exposed wooden rafters and window surrounds. The dormer window features a pediment with a sunburst motif. The front porch also features finely decorated posts, which largely mirror the design of decorative columns framing the dormer window.

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.

The **Cappon House** (26 Barrie) has historical/associative value through its association with the local architect Arthur Ellis. Ellis was born and educated in England before moving to Canada in 1891. He worked in Kingston from 1891 to 1910 and his commissions included such notable (now lost) Kingston buildings as the YMCA building at Princess and Barrie (demolished in the 1960s) and the original 1896 Frontenac Public School (replaced in the 1940s). Ellis is also credited for a number of residences such as at 162, 168, 181 and 183 University Avenue and 109-111 Wellington Street. The Cappon House is representative of the style of house and use of red brick that appears to be Ellis's preferred medium.

The **Bibby House** (28 Barrie) has historical/associative value through its association with the well-known local architectural firm of Power and Son. The Power and Son firm designed many prominent Kingston landmarks such as McIntosh Castle, Fire Hall No. 1 and the Frontenac County Registry Office. The Bibby House was built during the firm's later years under the leadership of Joseph Power (his father John having died in 1882) and before partnering with Colin Drever in 1919. The hipped roof was a favourite of the Power firm to showcase their soaring decorative chimneys; however, the dark brown brick was not a common choice for the company.

The property has contextual value because it is important in defining, maintaining or supporting the character of an area.

The property at 28-34 Barrie Street has contextual value because it is important in maintaining and supporting the character of the block of Barrie Street between Okill and Stuart Streets, which displays a rich variety of late 19th/early 20th century architectural styles. The consistency in height, scale, building line, and setbacks, as well as the generous front yards with mature landscaping give this block exceptional visual cohesion and integrity.

Heritage Attributes (26 Barrie Street)

Key exterior elements that contribute to the property's cultural heritage value include its:

- Asymmetrical two-and-a-half storey massing with truncated hip roof;
- Red brick masonry walls in stretcher/running bond with slender joints;
- Three tall brick chimneys;
- Wooden eaves including frieze board and dentilled cornice;
- Projecting bay windows with pedimented gables clad in 'full cove' wooden shingles, and supported by large decorative brackets, on the east and south elevations;
- Original vertically sliding wooden sash windows in gable ends (east and south elevations) and gabled dormer (east elevation) with decorative pediments and columns framing openings;
- Original window openings with segmental arches and limestone sills;
- Elliptical window with decorative brick trim;
- Raised brick apron under second storey window opening on the south elevation;
- Original double leaf wooden doors with decorative trim and transom light on façade; and
- Rock-faced randomly coursed limestone foundation with ashlar base course.

Heritage Attributes (28 Barrie Street)

Key exterior elements that contribute to the property's cultural heritage value include its:

- Two-and-a-half storey massing with hipped roof;
- Brown brick masonry walls in stretcher/running bond; tall, symmetrically placed brick chimneys on the south and north elevations;
- Deep overhanging eaves with wooden soffits, frieze board and architrave;
- Two-storey bay window with casement windows and leaded transom lights;
- Original window openings with wooden casement or sash windows with leaded transom lights, brick segmental arches, and stone sills;
- Segmental arch with raised courses forming a keystone over the ground floor tripartite window;
- Central front porch with pedimented gable, brick piers, stone columns and wooden railings;
- Original wooden front door with transom light;

- Two-storey full-width porch on the south elevation with brick piers, stone columns and wooden railings, and wooden columns and wooden windows on the second floor; and
- Coursed rock-faced stone foundation with ashlar base course.

Heritage Attributes (34 Barrie Street)

Key exterior elements that contribute to the property's cultural heritage value include its:

- Two-and-a-half storey massing with side gable roof with central gabled projecting bay;
- Red brick masonry walls in stretcher/running bond with slender joints;
- Wooden eaves with exposed rafter ends;
- Tall decorative brick chimney on the south gable end;
- Romanesque Revival arch with recessed entry featuring original wooden front door with transom light;
- One-storey wooden porch with truncated hipped roof (aligning with flat roof over central entrance) with turned wooden posts and plain wooden balustrade;
- Original door opening on south elevation of central entrance providing access to porch;
- Bay window with wooden mullions separating three sash windows with wooden paneling below;
- Original window openings with stone sills and brick segmental arches in the recessed bay and with elliptical arches in the central projecting bay;
- Semi-circular window divided by wooden mullion with stone sill in central gable;
- Gabled dormer windows with two-over-two vertically sliding sash windows;
- Decorative brickwork including Romanesque Revival arch, basketweave/checkerboard pattern, dentilled string course, raised courses and arcade pattern;
- Decorative woodwork on the gable, dormer window, cornice and porch; and
- Coursed rock-faced limestone foundation with ashlar base course.

City of Kingston By-Law Number 2024-XX

A By-Law to Designate the property at 2638 Kepler Road to be of Cultural Heritage Value and Interest Pursuant to the *Ontario Heritage Act*

Passed: [insert date]

Whereas:

Subsection 29(1) of the *Ontario Heritage Act*, R.S.O. 1990, Chapter 0.18 (the "*Ontario Heritage Act*") authorizes the council of a municipality to enact by-laws to designate property within the municipality, including buildings and structures on the property, to be of cultural heritage value or interest;

The *property* was listed on the register established pursuant to Section 27 of the *Ontario Heritage Act* in 2016;

On March 20, 2024, Council of the City of Kingston ("*Council*") consulted with its municipal heritage committee regarding the designation of the property municipally known as the Powley Farmhouse at 2638 Kepler Road (the "*property*") in accordance with subsection 29(2) of the *Ontario Heritage Act*;

On [insert date], *Council* caused notice of its intention to designate the *property* to be given to the owner of the *property* and to the Ontario Heritage Trust (the "*Trust*"), and on [insert date], notice of the intent to designate the *property* was published in The Kingston Whig-Standard, a newspaper having general circulation in the City of Kingston; and

No notice of objection to the proposed designation was served on the municipal Clerk (the "*Clerk*") of the Corporation of the City of Kingston (the "*City*") within the time prescribed by subsection 29(5) of the *Ontario Heritage Act*.

Therefore, *Council* enacts:

1. The *property* is designated as being of cultural heritage value and interest, as more particularly described in Schedule "A" of this by-law
2. A copy of this by-law will be registered against the *property* in the appropriate land registry office. The *Clerk* is authorized to serve a copy of this by-law on the owner of the *property* and the *Trust*, and to cause notice of the passing of this by-law to be published in The Kingston Whig-Standard.

City of Kingston By-Law Number 2024-XX

3. The *City* reserves the right to install a designation recognition plaque on the *property*, in a location and style determined by the *City* in consultation with the owner.
4. This by-law will come into force and take effect on the date it is passed.

Given First and Second Readings XXX, 2024

Given Third Reading and Passed XXX, 2024

Janet Jaynes
City Clerk

Bryan Paterson
Mayor

City of Kingston By-Law Number 2024-XX

Schedule “A”
Description and Criteria for Designation
Powley Farmhouse

Civic Address: 2638 Kepler Road
Legal Description: Part Lot 10 Con 7 Kingston Part 1, 13R6458; City of Kingston, County of Frontenac
Property Roll Number: 1011 080 240 18910

Introduction and Description of Property

The Powley Farmhouse, located at 2638 Kepler Road, is situated on the north side of the road, in the former Township of Kingston, now part of the City of Kingston. This 0.4 - hectare rural residential property contains a one-and-a-half storey limestone Ontario Gothic Revival Cottage style farmhouse built circa 1860 for farmers Jacob and Nancy Powley.

Statement of Cultural Heritage Value/Statement of Significance

The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.

The property has design value or physical value because it displays a high degree of craftsmanship or artistic merit.

The farmhouse is representative of the Ontario Gothic Revival Cottage, as demonstrated through the symmetrical façade, medium-pitched gable roof with twin chimneys at the roof peak, one on each end of the house, and a front elevation that includes a central gable, featuring an arched window opening. The building is well-crafted, with a demonstrable craftsmanship, visible in the attention to construction methods and materials. Particularly notable is the evenly coursed limestone construction and fine masonry work on the façade.

The centrally located front entranceway is flanked by large window openings, which is typical of the Ontario Gothic Revival Cottage style. All window and door openings have tall stone voussoirs and stone sills. The west elevation includes two bays each featuring large window openings.

A sympathetic one storey wing, clad in board and batten siding, extends from the east elevation and features a medium-pitch cross gable roof with three large windows facing the road and a side entrance with porch. The wing also has a limestone chimney at the gable end and a stone-clad foundation.

Despite displaying architectural elements common to the style, the Powley Farmhouse also demonstrates several unusual elements. For example, its oversized main entrance is slightly recessed with side lights and transom. The entrance and flanking window openings have flat heads embellished with tall stone voussoirs. The central window opening above the main entrance has a contrasting, dramatic half round arch with radiating stone voussoirs.

The property also includes a large detached garage, which is not identified as supporting the heritage value of the property.

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.

The Powley family were descendants of J. Jacob Powley, a United Empire Loyalist and early settler to Kingston Township. The Powleys were a notable local family in the area, who donated portions of their lands for a school and a Methodist Episcopal Church. Jacob Powley constructed a log farmhouse on the subject property where he lived with his wife Nancy Ann and their three daughters. The farmhouse was rebuilt with the current limestone one around 1860, at about the same time as the first log school on the Powley property was replaced with a stone structure. The Powley Farmhouse remained under the ownership of the Powleys into the 20th century, when Jacob sold the property to his eldest daughter Catherine and her husband Joseph Lawson.

The property has contextual value because it is important in defining, maintaining or supporting the character of an area.

The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings.

The Powley Farmhouse supports the agricultural character of the area through its Ontario Gothic Revival style, which was a common design in Ontario farmhouse construction during the second half of the 19th century. In addition, the modest setback of the residence reflects similar residential sitings along Kepler Road between Sydenham Road and Babcock Road. The property also shares a visual and historical relationship with its surroundings and is an important part of the historical rural context of the area.

Heritage Attributes

Key exterior elements that contribute to the property's cultural heritage value include its:

- One-and-a-half storey limestone construction with medium-pitch side gable roof with a central medium-pitch front gable;
- Semi-circular arched window opening and a stone sill located in the central gable;
- Symmetrical front façade with a central entranceway flanked by window openings;

City of Kingston By-Law Number 2024-XX

- Large entranceway, slightly recessed, with sidelights, a transom and radiating limestone voussoirs; and
- Two chimneys, one at each gable end.

Non-Heritage Attributes

Elements that are not included in the Statement of Cultural Heritage Value of the property include:

- Various detached outbuildings and structures.

City of Kingston By-Law Number 2024-XX

A By-Law to Designate the property at 3578 Unity Road to be of Cultural Heritage Value and Interest Pursuant to the *Ontario Heritage Act*

Passed: [insert date]

Whereas:

Subsection 29(1) of the *Ontario Heritage Act*, R.S.O. 1990, Chapter 0.18 (the "*Ontario Heritage Act*") authorizes the council of a municipality to enact by-laws to designate property within the municipality, including buildings and structures on the property, to be of cultural heritage value or interest;

The *property* was listed on the register established pursuant to Section 27 of the *Ontario Heritage Act* in 2016;

On March 20, 2024, Council of the City of Kingston ("*Council*") consulted with its municipal heritage committee regarding the designation of the property municipally known as the Raycroft Farmhouse at 3578 Unity Road (the "*property*") in accordance with subsection 29(2) of the *Ontario Heritage Act*;

On [insert date], *Council* caused notice of its intention to designate the *property* to be given to the owner of the *property* and to the Ontario Heritage Trust (the "*Trust*"), and on [insert date], notice of the intent to designate the *property* was published in The Kingston Whig-Standard, a newspaper having general circulation in the City of Kingston; and

No notice of objection to the proposed designation was served on the municipal Clerk (the "*Clerk*") of the Corporation of the City of Kingston (the "*City*") within the time prescribed by subsection 29(5) of the *Ontario Heritage Act*.

Therefore, *Council* enacts:

1. The *property* is designated as being of cultural heritage value and interest, as more particularly described in Schedule "A" of this by-law.
2. A copy of this by-law will be registered against the *property* in the appropriate land registry office. The *Clerk* is authorized to serve a copy of this by-law on the owner of the *property* and the *Trust*, and to cause notice of the passing of this by-law to be published in The Kingston Whig-Standard.

City of Kingston By-Law Number 2024-XX

3. The City reserves the right to install a designation recognition plaque on the property, in a location and style determined by the City in consultation with the owner.
4. This by-law will come into force and take effect on the date it is passed.

Given First and Second Readings XXX, 2024

Given Third Reading and Passed XXX, 2024

Janet Jaynes
City Clerk

Bryan Paterson
Mayor

City of Kingston By-Law Number 2024-XX

Schedule “A”
Description and Criteria for Designation
Raycroft Farmhouse

Civic Address: 3578 Unity Road
Legal Description: Part Lot 4 Con 6 Western Addition Kingston as in FR615351
Except Part 6 EXPROP Plan RP1562; City of Kingston,
County of Frontenac
Property Roll Number: 1011 080 230 04700

Introduction and Description of Property

The Raycroft Farmhouse, located at 3578 Unity Road, is situated on the north side of the road, in the former Township of Kingston, now part of the City of Kingston. This 6.5-hectare rural property contains a one-and-a-half storey limestone Ontario Gothic Revival Cottage style farmhouse built in the 1860s for farmers Willam and Mary Raycroft.

Statement of Cultural Heritage Value/Statement of Significance

The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.

The property has design value or physical value because it displays a high degree of craftsmanship or artistic merit.

William Raycroft and his wife Mary Burnside were born in Ireland and immigrated to Canada in the early 1800s. They obtained a Crown Patent for the property in 1864; however, they appear to have been living on the property as early as 1851. William and Mary Raycroft operated a successful farm, employing labourers, and raised their eight children in the stone dwelling. William died in 1885, but his family continued to live on and farm the property until 1900 when it was sold.

The farmhouse is representative of the Ontario Gothic Revival Cottage, as demonstrated through the symmetrical façade, median-pitched gable roof with twin chimneys at the roof peak, one on each end of the house, and a front elevation that includes a central gable, featuring an arched window opening. The building is well-crafted, with a demonstrable attention to construction methods and materials. Particularly notable is the evenly coursed limestone construction and fine masonry work on the façade.

The centrally located front entranceway is flanked by large window openings, which is typical of the Ontario Gothic Revival Cottage style. All window and door openings have

tall stone voussoirs and stone sills. The west elevation includes two bays each featuring large window openings. A one storey wing extends from the east elevation and features a medium-pitch side gable roof and a verandah with a shed roof that runs the length of the wing's façade, covering a central entrance flanked by windows. The wing also has a limestone chimney at the gable end.

Despite displaying architectural elements common to the style, the Raycroft Farmhouse also demonstrates several unusual elements. For example, its oversized flat-headed main entrance, slightly recessed with side lights and transom. The entrance and flanking window openings have flat heads embellished with tall stone voussoirs. The central window opening above the main entrance however has a dramatic half round arch with radiating stone voussoirs.

The main dwelling also includes a large rear (north side) addition and several detached farm outbuildings, which are not identified as supporting the heritage value of the property.

The property has contextual value because it is important in defining, maintaining or supporting the character of an area.

The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings.

The Raycroft Farmhouse supports the agricultural character of the area through its Ontario Gothic Revival style, which was a common design in Ontario farmhouse construction during the second half of the 19th century. In addition, the generous setback of the residence reflects similar residential sitings along Unity Road between Quabbin Road and Rock Road. The property also shares a visual and historical relationship with its surroundings and is an important part of the historical rural context of the area.

Heritage Attributes

Key exterior elements that contribute to the property's cultural heritage value include its:

- One-and-a-half storey limestone construction with medium-pitch side gable roof with a central medium-pitch front gable;
- Semi-circular arched window opening and a stone sill located in the central gable;
- Symmetrical front façade with a central entranceway flanked by window openings;
- Large entranceway, slightly recessed, with sidelights, a transom and radiating limestone voussoirs;
- Two chimneys, one at each gable end; and
- One storey wing on the east elevation with medium-pitch side gable roof with stone chimney, a verandah with a shed roof that runs the length of the front façade over symmetrical openings.

Non-Heritage Attributes

Elements that are not included in the Statement of Cultural Heritage Value of the property include:

- Various detached outbuildings and structures.

City of Kingston By-Law Number 2024-XX

**A By-Law to Amend By-Law Number 87-322 (A By-Law to Designate 20-24
Barrie Street; 34-36 Barrie Street; 72-74 Barrie Street of Historic and/or
Architectural Value or Interest) and to Designate the property at 62-74 Barrie
Street to be of Cultural Heritage Value and Interest Pursuant to the *Ontario
Heritage Act***

Passed: [insert date]

Whereas:

Pursuant to By-Law Number 87-322 (A By-Law to Designate 20-24 Barrie Street; 34-36 Barrie Street; 72-74 Barrie Street of Historic and/or Architectural Value or Interest Pursuant to the Provisions of the Ontario Heritage Act), the subject property was designated as a property of cultural heritage value and interest in accordance with the provisions of the Ontario Heritage Act in 1987;

A portion of the *property* was listed on the register established pursuant to Section 27 of the *Ontario Heritage Act* in 2010;

Section 30.1 of the Act authorizes the Council of a municipality to amend a by-law designating a property to be of cultural heritage value or interest following the provisions of Section 29 of the Act, with prescribed modifications;

Subsection 29(1) of the *Ontario Heritage Act*, R.S.O. 1990, Chapter 0.18 (the "*Ontario Heritage Act*") authorizes the council of a municipality to enact by-laws to designate property within the municipality, including buildings and structures on the property, to be of cultural heritage value or interest;

On March 20, 2024, Council of the City of Kingston ("*Council*") consulted with its municipal heritage committee regarding the designation of the property municipally known as 62-74 Barrie Street (the "*property*") in accordance with subsection 29(2) of the *Ontario Heritage Act*;

On [insert date], *Council* caused notice of its intention to designate the *property* to be given to the owner of the *property* and to the Ontario Heritage Trust (the "*Trust*"), and on [insert date], notice of the intent to designate the *property* was published in The Kingston Whig-Standard, a newspaper having general circulation in the City of Kingston; and

City of Kingston By-Law Number 2024-XX

No notice of objection to the proposed designation was served on the municipal Clerk (the "*Clerk*") of the Corporation of the City of Kingston (the "*City*") within the time prescribed by subsection 29(5) of the *Ontario Heritage Act*.

Therefore, Council enacts:

1. Schedule "A" of By-Law 87-322, as it relates to 72-74 Barrie Street only, is deleted and replaced with Schedule "A" attached to and forming part of this by-law;
2. The *property* is designated as being of cultural heritage value and interest, as more particularly described in Schedule "A" of this by-law.
3. A copy of this by-law will be registered against the *property* in the appropriate land registry office. The *Clerk* is authorized to serve a copy of this by-law on the owner of the *property* and the *Trust*, and to cause notice of the passing of this by-law to be published in The Kingston Whig-Standard.
4. The City reserves the right to install a designation recognition plaque on the property, in a location and style determined by the City in consultation with the owner.
5. This by-law will come into force and take effect on the date it is passed.

Given First and Second Readings XXX, 2024

Given Third Reading and Passed XXX, 2024

Janet Jaynes
City Clerk

Bryan Paterson
Mayor

City of Kingston By-Law Number 2024-XX

Schedule “A”
Description and Criteria for Designation
Chown House, Doran House, Robinson House,
Mooers House and Walkem House

Civic Address: 62-74 Barrie Street

Legal Description: Part Lot A Plan A20 Kingston City as in FR155972 Except the First Easement Therein, as in FR155571 Except the First Easement Therein, as in FR144588 Except the Second Easement Therein; Part Lot 6-9 Plan Sampson Subdivision Kingston City as in FR155570, FR155569, FR257949 & FR231725 Except Parts 2 & 3 13R16366 & FR294588; S/T Interest in FR144588; S/T Interest in FR155569; S/T Interest in FR155570; S/T Interest in FR155571; S/T Interest in FR155972; S/T & T/W FR155569; City of Kingston, County of Frontenac

Property Roll Number: 1011 010 040 08800

Introduction and Description of Property

The property at 62-74 Barrie Street is located on the west side of Barrie Street, midblock between Okill and Stuart Streets, adjacent to City Park, in the City of Kingston. This approximately 2,400 square metre property contains a collection of two-and-a-half storey brick buildings of varying residential architectural styles, constructed between the mid-19th and early 20th centuries.

Statement of Cultural Heritage Value/Statement of Significance

The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.

The **Chown House** (62 Barrie Street) has design value as a rare example of an Edwardian Classical house in the City of Kingston. Constructed circa 1911 and purchased by Percy and Myrtle Chown in 1927, this large, detached brick house is characterized by its asymmetrical but balanced massing, which includes a shallow hipped roof with pedimented dormer, a two-storey bay window, and front porch spanning two bays. The deep overhanging eaves and two-storey bay window mirror those on 28 Barrie Street, indicating the possibility of a common architect. The application of simple yet prolific classical detailing includes a dentilled cornice, large modillions, pediments and columns. The building’s red brick walls are laid in stretcher bond with slender joints pointed with a red tinted mortar, giving the walls a uniform character. The original window openings with wooden sash windows, casements in the dormer window, and leaded transom lights on the bay window, have limestone sills and finely executed segmental arches. The tripartite window on the first-floor features

wooden mullions and a dentilled transom light. The pedimented porch rests on brick piers and includes paired and tripled Ionic columns and a wooden balustrade.

The **Doran House** (64 Barrie Street) has design value as a rare example of the Second Empire style in the City of Kingston. Originally constructed as a double-house in the 1850s, the residence's two-and-a-half storey red brick massing is characterized by its bell curved mansard roof with dormer windows, which is the most distinctive element of the Second Empire architectural style and likely added after 1875 as a then trendy alteration. The façade is divided into three bays with the southern bay stepping forward one brick width and featuring the entrance, which includes a stepped brick, round-arched opening with paneled wood door, dentilled transom light (with etched glazing). The house's architectural style is further characterized by its tall window openings with wooden sash windows (some with six-over-six patterning) with limestone sills supported by brick corbels and segmental arches (in a different tone of red brick on the second floor), and a coursed limestone foundation with evidence of original basement window openings with segmental arches. The mansard roof is supported by a bracketed wooden eave with stone corbel at the southeast corner and is capped with a dentilled cornice. The dormers are elegantly detailed, and their arched roofs mirror the brick arch surrounding the front entrance. The front porch is a later addition but does not detract from the architectural quality of the building.

The **Robinson House** (66 Barrie Street) has design value as a representative example of a mid-19th century Victorian residence. Constructed in the 1850s, its two-and-a-half storey red brick massing and detailing closely mirror 64 Barrie Street; the main difference being its original shallow gable roof form. Sharing a party wall, it is likely that 64 and 66 Barrie Streets were constructed as a double-house under a common gable roof and are some of only a few surviving early buildings on the west side of Barrie Street. Its Victorian architectural style is restrained and features red brick walls on a coursed limestone foundation, regularly placed tall window openings with wooden sash windows (some with six-over-six patterning) with limestone sills supported by brick corbels and segmental arches, gabled dormer windows and stone corbels at the southeast and northeast corners. The southern bay steps forward one brick width to feature the entrance, which includes a stepped brick, round-arched opening with an original or early door with wood paneling in the bottom half and glazing in the upper half with dentilled transom light. The northeast corner of the façade terminates with a 'column' of brickwork stepping forward one brick width. The gable roof porch is a later addition and does complement the quality of the architecture.

The **Mooers House** (68-70 Barrie Street) has design value as an unusual example of a large semi-detached residence with an Edwardian Classical influence. Constructed circa 1905 for H.F. Mooers, the building's two-and-a-half storey massing is defined by its mansard roof, and monumental columns, which support second and third floor balconies. The columns frame the north bay of each semi-detached unit, which include a balcony on the second and third floors with a pedimented gable supported by colonettes above the third-floor balcony. On the first floor, the original wooden double leaf doors with transom light (No. 68 with leaded transom light) are recessed within Romanesque Revival style brick arches supported by Ionic columns. The south bays of

each unit feature two storey bay windows with flat roofs and pedimented dormer windows in the mansard roof.

Typical of Edwardian Classical houses are the large windows with leaded transom lights and the application of simple classical detailing, including the widespread use of modillions (under the main eave, on the cornice above the bay windows, on the cornice above the second-floor balconies and under the pedimented gable roofs), and columns (i.e. the two monumental columns, colonettes on the third-floor balconies and Ionic columns framing the entrances). The red brick walls with red tinted mortar joints, continuous stone sills and lintels, recessed brick panels on the bay windows and dressed limestone foundation give the building a sense of robustness and exemplify a departure from the ornate tendencies of the Victorian era. The square capitals on the monumental columns replace earlier Ionic capitals like those supporting the Romanesque Revival style arch over the entrance. Given the large setback between this house and No. 72-74 to the north, the side (north) elevation is unusually prominent along the streetscape and includes an elliptical window with decorative brick trim and sash windows with segmental arches and limestone sills.

The **Walkem House** (72-74 Barrie Street) has design value as a rare example of a large Gothic Revival style house in the City of Kingston. Constructed in 1879 for barrister Richard Thomas Muir Walkem and his wife Emily (nee Henderson), its strong vertical massing, dichromatic brickwork and decorative detailing are characteristic of its architectural style. The building's symmetrical massing is defined by two steeply pitched gables, each with a two-storey bay window. The central bay is recessed with a pair of double wooden doors on the second floor with pointed segmental arch and hood moulding and hipped dormer above. A projecting flat roof portico with double leaf wooden doors and stained-glass transom light is centrally located on the first floor. The original window openings are tall and narrow with segmental arches with key stones on the ground floor and flat arches with hood moldings on the second floor. There is extensive decorative detailing, including dichromatic brickwork, hood moldings, pierced vergeboard on the gables, metal cresting and metal cornices on the bay windows, corbelled brickwork under the cornices at the first and second floors on the bay windows, colonettes framing the first-floor bay windows and central hipped dormer window, and decorative buttresses with stone steps framing the portico. The side (north) addition with gable roof was constructed circa 1938 and while attempting to mirror the architectural style, detracts from the symmetry of the original design. Three original door openings remain on the south elevation that opened onto a full-width side porch (since demolished). The original cast-iron fence on stone base makes a meaningful contribution to the character of the property and surrounding streetscape.

The property has design value or physical value because it displays a high degree of craftsmanship or artistic merit.

72-74 Barrie Street (Walkem House) has design value because it displays a high degree of craftsmanship. The extensive decorative detailing is well-executed and includes a variety of materials such as wood, metal and stone. The dichromatic

brickwork in red with yellow accents is rare in the City of Kingston, as is the painted decorative metal work including cornices, colonettes and cresting.

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.

62 Barrie Street (Chown House) has associative value for its connection to the Chown family. The property was purchased in 1927 by Percy and Myrtle Chown, members of a prominent Kingston family known for their philanthropy. Donations from the Chown family supported the construction of the Sydenham Methodist Church (later United) in 1852 as well as Chown Hall women's residence at Queen's University in 1960.

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.

68-70 Barrie Street (Mooers House) has associative value because it demonstrates the work of well-known Kingston architect, William Newlands. Newlands opened his first Kingston office in 1882. He was a founding member of the Ontario Association of Architects in 1890. William's son, John Creighton Newlands, joined his father as his draftsman in 1903, later becoming a partner in 1910 resulting in a name change to "Newlands & Son". Some of Newlands' best-known works include 169 King Street East, the former Pittsburgh Town Hall on Regent Street in Barriefield Village, the Victoria School (now Queen's School of Business) on Union Street and the Newlands Pavilion along the waterfront in Macdonald Park.

The Mooers House demonstrates Newlands' creativity and skill in the use of the Edwardian Classical style for a double house. Notable features of Newlands' design are the dramatic three-storey columns framing the main entrances with Romanesque arches held up by matching engaged columns.

72-74 Barrie Street (Walkem House) has associative value because it demonstrates the work of well-known Kingston architectural firm, Power & Son. Power & Son originated with John Power's immigration to Canada West (now Ontario) in 1846. John Power quickly established himself as a local architect and in 1872 took into partnership his son, Joseph Power, the firm being called Power & Son. The architectural work of John Power and his sons, Joseph and Thomas, in Kingston is well-documented and includes a variety of residential, commercial, industrial and religious buildings, including such prominent downtown landmarks such as McIntosh Castle, Fire Hall No.1 and the Frontenac County Registry Office.

The Walkem House shows the firm's enthusiasm and creativity in designing a private residence. With its dramatic Gothic peaks, multi-coloured bricks, hood moldings, pierced vergeboard on the gables, metal cresting and cornices, and corbelled brickwork with decorative buttresses, John Power took advantage of the visibility and prominence of this

location, across from City Park, to showcase his skills and use of the dramatic yet organized Gothic style.

The property has contextual value because it is important in defining, maintaining or supporting the character of an area.

The property at 62-74 Barrie Street has contextual value because it is important in maintaining and supporting the character of this block of Barrie Street between Okill and Stuart Streets, which displays a rich variety of late 19th/early 20th century architectural styles. The consistency in height, scale, building line and setbacks, as well as the generous front yards with mature landscaping give this block exceptional visual cohesion and integrity.

Heritage Attributes (62 Barrie Street)

Key exterior elements that contribute to the property's cultural heritage value include its:

- Two-and-a-half storey massing with shallow hipped roof and deep overhanging eaves;
- Red brick walls in stretcher/running bond with slender joints and red tinted mortar;
- Two-storey bay window;
- Covered porch with hipped roof supported by ionic columns on brick piers with wooden balustrade and a pedimented entrance;
- Pedimented gable dormer;
- Original window openings featuring leaded transom lights on the bay window with continuous limestone sills and segmental arches;
- Tripartite window on the first floor with sash windows and leaded transom light;
- Decorative wood detailing including dentilled cornice, large modillions, ionic capitals, and fine tracery in pediments;
- Tall brick chimney on south roof face; and
- Rock-faced limestone foundation.

Heritage Attributes (64 Barrie Street)

Key exterior elements that contribute to the property's cultural heritage value include its:

- Two-and-a-half storey massing with bell-curved mansard roof with arched dormers;
- Red brick masonry walls;
- Original window openings with segmental arches and limestone sills;
- Two-over-two wooden sash windows in the dormer windows and six-over-six wooden sash windows at the second floor;
- Decorative wood detailing, including the dentilled cornice, wood brackets, and window surrounds on the dormer windows;
- Stepped brick round-arch entrance opening with wood paneled door with dentilled transom light;

- Front porch, supported by stone and brick piers, square wood columns, with decorative frieze with modillion;
- Stone corbel at southeast corner of wooden eave; and
- Coursed limestone foundation with evidence of original basement windows with segmental arches.

Heritage Attributes (66 Barrie Street)

Key exterior elements that contribute to the property's cultural heritage value include its:

- Two-and-a-half storey massing with shallow gable roof with gabled dormer;
- Red brick masonry walls;
- Wooden eaves supported by decorative wooden brackets;
- Six-over-six wooden sash windows with limestone sills and segmental arches;
- Stepped brick round arch entrance opening with door featuring wood paneling in the bottom half and glazing in the upper half with dentilled transom light; and
- Coursed limestone foundation with evidence of original basement windows with segmental arches.

Heritage Attributes (68-70 Barrie Street)

Key exterior elements that contribute to the property's cultural heritage value include its:

- Two-and-a-half storey massing with mansard roof featuring two identical semi-detached units;
- Red brick walls in stretcher/running bond with tinted red mortar joints;
- Large wooden columns framing the entrance bays and supporting balconies at the second floor;
- Balconies at the second and third floors with wooden balustrades, original door openings with transom light, and pedimented gable roofs supported by colonettes at the third floor;
- Two-storey bay-windows with flat roofs and wooden sash windows with leaded transom lights and continuous stone sills and lintels;
- Pedimented dormers on the mansard roof;
- Window openings with segmental arches on the north elevation;
- Elliptical window with decorative brick trim on the north elevation;
- Decorative brickwork including Romanesque Revival style arches over the entrances and recessed panels between the first and second floors of the bay-windows;
- Decorative classical detailing including pediments, columns, colonettes and modillions;
- Original wooden double leaf entrance doors with transom light (No. 68 with leaded transom light); and
- Evenly coursed bush hammered limestone foundation with ashlar base course and original basement window openings on the façade.

Heritage Attributes (72-74 Barrie Street)

Key exterior elements that contribute to the property's cultural heritage value include its:

- Two-and-a-half storey massing with hipped roof, steeply pitched gables, two-storey bay-windows and central portico entrance with glazed and arched double door;
- Large decorative brick chimney (partially concealed by 1938 addition);
- Red brick walls in stretcher/running bond;
- Decorative detailing, including dichromatic brickwork (yellow brick quoining, corbels, and arches), pierced vergeboards, hood moldings, key stones, and metal cresting, cornices and colonettes;
- Original window openings with segmental and flat arches;
- Original door openings with segmental arches on the south elevation;
- Original wooden double leaf doors with pointed segmental arch stained glass transom;
- Evenly coursed bush hammered limestone foundation with ashlar base course; and
- Decorative cast-iron fence with stone base.

City of Kingston By-Law Number 2024-XX

A By-Law to Designate the properties at 9 and 11 Colborne Street to be of Cultural Heritage Value and Interest Pursuant to the *Ontario Heritage Act*

Passed: [insert date]

Whereas:

Subsection 29(1) of the *Ontario Heritage Act*, R.S.O. 1990, Chapter 0.18 (the "*Ontario Heritage Act*") authorizes the council of a municipality to enact by-laws to designate property within the municipality, including buildings and structures on the property, to be of cultural heritage value or interest;

The *property* was listed on the register established pursuant to Section 27 of the *Ontario Heritage Act* in 2016;

On March 20, 2024, Council of the City of Kingston ("*Council*") consulted with its municipal heritage committee regarding the designation of the property municipally known as the Crowley House at 9 and 11 Colborne Street (the "*property*") in accordance with subsection 29(2) of the *Ontario Heritage Act*;

On [insert date], *Council* caused notice of its intention to designate the *property* to be given to the owner of the *property* and to the Ontario Heritage Trust (the "*Trust*"), and on [insert date], notice of the intent to designate the *property* was published in The Kingston Whig-Standard, a newspaper having general circulation in the City of Kingston; and

No notice of objection to the proposed designation was served on the municipal Clerk (the "*Clerk*") of the Corporation of the City of Kingston (the "*City*") within the time prescribed by subsection 29(5) of the *Ontario Heritage Act*.

Therefore, *Council* enacts:

1. The *property* is designated as being of cultural heritage value and interest, as more particularly described in Schedule "A" of this by-law.
2. A copy of this by-law will be registered against the *property* in the appropriate land registry office. The *Clerk* is authorized to serve a copy of this by-law on the owner of the *property* and the *Trust*, and to cause notice of the passing of this by-law to be published in The Kingston Whig-Standard.

City of Kingston By-Law Number 2024-XX

3. The *City* reserves the right to install a designation recognition plaque on the *property*, in a location and style determined by the *City* in consultation with the owner.
4. This by-law will come into force and take effect on the date it is passed.

Given First and Second Readings XXX, 2024

Given Third Reading and Passed XXX, 2024

Janet Jaynes
City Clerk

Bryan Paterson
Mayor

Schedule “A”
Description and Criteria for Designation

Civic Address:	9 Colborne Street
Legal Description:	Part Lot 382 Original Survey Kingston City as in FR691014; T/W FR691014; City of Kingston, County of Frontenac
Property Roll Number:	1011 030 070 04600
Civic Address:	11 Colborne Street
Legal Description:	Part Lot 382 Original Survey Kingston City as in FR463215; T/W FR463215; City of Kingston, County of Frontenac
Property Roll Number:	1011 030 070 04500

Introduction and Description of Property

The subject properties at 9 and 11 Colborne Street are located on the north side of Colborne Street, just west of Sydenham Street, in the City of Kingston. Spanning two separate properties with a combined area of approximately 300 square metres, this two-storey red-brick double house was constructed between 1875 and 1892, likely as a rental property.

Statement of Cultural Heritage Value/Statement of Significance

The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.

9 and 11 Colborne Street is a representative example of a Georgian-style duplex from the late 19th century. Typical of this architectural style is the symmetrical façade, with side gable roof and twin chimneys. This building features a four-bay façade (two for each unit) with offset front doors. As is common with Georgian buildings, there are limited decorative architectural features. Notable are the window and door openings, which exhibit segmental arches with brick voussoirs. The fenestration on the first and second stories have wood surrounds, stone sills, and what appear to be period two-over-two sash windows. The side gable roof with parapet walls and twin brick chimneys add to the symmetry of the building, reflecting its Georgian influence.

The property has contextual value because it is important in defining, maintaining or supporting the character of an area.

The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings.

The property located at 9 and 11 Colborne Street is significant in defining the character of the streetscape along the north side of Colborne Street, between Sydenham and Clergy Streets. While the south side of the street demonstrates a continual pattern of highly altered and replaced residential buildings, the north side of Colborne Street displays an almost continuous row of red-brick, 19th century duplexes and row houses.

With its shallow setback, symmetrical fenestration pattern, red-brick construction, and location close to the lot lines, 9 and 11 Colborne Street shares a visual and historical relationship with its surroundings, particularly the brick houses at 2-4, 13-17, 25 and 30 Colborne Street, as well as the stone buildings at 7 and 22 Colborne Street. As part of this group of buildings, the subject duplex helps maintain the historic and eclectic character of this portion of Colborne Street.

Heritage Attributes

Key exterior elements that contribute to the property's cultural heritage value include its:

- Two-storey, red-brick duplex building, with symmetrical four-bay façade (two for each unit) and side gable roof with parapet walls and twin brick chimneys;
- Offset front doors with segmentally arched openings topped by brick voussoirs and feature segmentally arched transoms;
- Segmentally arched window openings with brick voussoirs and sills; and
- Limestone foundation.

City of Kingston By-Law Number 2024-XX

A By-Law to Designate the properties at 22 Colborne Street to be of Cultural Heritage Value and Interest Pursuant to the *Ontario Heritage Act*

Passed: [insert date]

Whereas:

Subsection 29(1) of the *Ontario Heritage Act*, R.S.O. 1990, Chapter 0.18 (the "*Ontario Heritage Act*") authorizes the council of a municipality to enact by-laws to designate property within the municipality, including buildings and structures on the property, to be of cultural heritage value or interest;

The *property* was listed on the register established pursuant to Section 27 of the *Ontario Heritage Act* in 2010;

On March 20, 2024, Council of the City of Kingston ("*Council*") consulted with its municipal heritage committee regarding the designation of the property at 22 Colborne Street (the "*property*") in accordance with subsection 29(2) of the *Ontario Heritage Act*;

On [insert date], *Council* caused notice of its intention to designate the *property* to be given to the owner of the *property* and to the Ontario Heritage Trust (the "*Trust*"), and on [insert date], notice of the intent to designate the *property* was published in The Kingston Whig-Standard, a newspaper having general circulation in the City of Kingston; and

No notice of objection to the proposed designation was served on the municipal Clerk (the "*Clerk*") of the Corporation of the City of Kingston (the "*City*") within the time prescribed by subsection 29(5) of the *Ontario Heritage Act*.

Therefore, *Council* enacts:

1. The *property* is designated as being of cultural heritage value and interest, as more particularly described in Schedule "A" of this by-law.
2. A copy of this by-law will be registered against the *property* in the appropriate land registry office. The *Clerk* is authorized to serve a copy of this by-law on the owner of the *property* and the *Trust*, and to cause notice of the passing of this by-law to be published in The Kingston Whig-Standard.

City of Kingston By-Law Number 2024-XX

3. The *City* reserves the right to install a designation recognition plaque on the *property*, in a location and style determined by the *City* in consultation with the owner.
4. This by-law will come into force and take effect on the date it is passed.

Given First and Second Readings XXX, 2024

Given Third Reading and Passed XXX, 2024

Janet Jaynes
City Clerk

Bryan Paterson
Mayor

**Schedule “A”
Description and Criteria for Designation**

Civic Address: 22 Colborne Street
Legal Description: Part Lot 340 Original Survey Kingston City Parts 1, 2
13R4728; S/T FR352314; City of Kingston, County of
Frontenac
Property Roll Number: 1011 030 080 00900

Introduction and Description of Property

22 Colborne Street is located on the south side of the street, mid-block between Clergy and Sydenham Streets in downtown Kingston. The approximately 286 square metre residential property includes a two-storey limestone house, constructed circa 1866, with third storey shed dormers on both the front and rear roof pitches.

Statement of Cultural Heritage Value/Statement of Significance

The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.

This property has physical/design value as a representative example of a classical limestone dwelling with a Georgian influenced simple rectangular side-gable plan. On the main façade the stones are smooth ashlar, laid in uniform courses, while the side and rear walls have hammer-dressed, uncoursed stonework. The off-set doorway is recessed with paneled reveals, with a semi-circular arched transom. The gable hood was likely a later addition.

The regular pattern of openings, with tall stone voussoirs and stone windowsills, reflects the Georgian style. The large shed dormers dominate the roof line, but the Georgian influence is still visible in the original roof profile with gable end parapets with ashlar corbels, and the stone chimney on the western roof ridgeline.

The property has contextual value because it is important in defining, maintaining or supporting the character of an area.

The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings.

22 Colborne Street is significant in defining the character of the streetscape on Colborne Street, between Sydenham and Clergy Streets. This area of downtown Kingston exhibits a continual pattern of reuse and replacement of existing structures

that has left examples of building from the mid-19th century to the present. The streetscapes' historic buildings vary in height from one-and-a-half to two-and-a-half storeys. The north side of Colborne Street includes an almost continuous row of exclusively red-brick 19th century duplexes and row houses; dotted by a few limestone buildings. The south side of Colborne Street is a mix of stone, frame and brick buildings, mostly single detached units. This variety in 19th century design and materiality creates a distinct character and a visually appealing and diverse streetscape.

With its shallow setback, symmetrical fenestration pattern, limestone construction, and location close to the lot lines, 22 Colborne Street shares a visual and historical relationship with its surroundings, particularly the 19th century brick houses at 9-11, 13-17, 25 and 30 Colborne Street, as well as the limestone building at 7 Colborne Street and the former Queen Street Methodist Church at 221 Queen Street. As part of this group of buildings, the subject building helps maintain the historic and eclectic character of this portion of Colborne Street.

Heritage Attributes

Key exterior elements that contribute to the property's cultural heritage value include its:

- Two-storey massing with medium pitched side gable roof with end gable parapets and stone chimney;
- Limestone construction of coursed ashlar stone (on the front/north façade) and uncoursed hammer-dressed stone (on the side elevations) limestone construction;
- Tall coursed and hammer-dressed limestone foundation;
- Regular pattern of window and door openings on the north elevation with tall stone voussoirs and stone windowsills; and
- Central doorway with recessed paneled reveals, transom window, tall stone voussoirs and stone step.

City of Kingston By-Law Number 2024-XX

A By-Law to Designate the properties at 30 Colborne Street to be of Cultural Heritage Value and Interest Pursuant to the *Ontario Heritage Act*

Passed: [insert date]

Whereas:

Subsection 29(1) of the *Ontario Heritage Act*, R.S.O. 1990, Chapter 0.18 (the "*Ontario Heritage Act*") authorizes the council of a municipality to enact by-laws to designate property within the municipality, including buildings and structures on the property, to be of cultural heritage value or interest;

The *property* was listed on the register established pursuant to Section 27 of the *Ontario Heritage Act* in 2010;

On March 20, 2024, Council of the City of Kingston ("*Council*") consulted with its municipal heritage committee regarding the designation of the property at 30 Colborne Street, known as the Queen Street Methodist Church Parsonage (the "*property*") in accordance with subsection 29(2) of the *Ontario Heritage Act*;

On [insert date], *Council* caused notice of its intention to designate the *property* to be given to the owner of the *property* and to the Ontario Heritage Trust (the "*Trust*"), and on [insert date], notice of the intent to designate the *property* was published in The Kingston Whig-Standard, a newspaper having general circulation in the City of Kingston; and

No notice of objection to the proposed designation was served on the municipal Clerk (the "*Clerk*") of the Corporation of the City of Kingston (the "*City*") within the time prescribed by subsection 29(5) of the *Ontario Heritage Act*.

Therefore, *Council* enacts:

1. The *property* is designated as being of cultural heritage value and interest, as more particularly described in Schedule "A" of this by-law.
2. A copy of this by-law will be registered against the *property* in the appropriate land registry office. The *Clerk* is authorized to serve a copy of this by-law on the owner of the *property* and the *Trust*, and to cause notice of the passing of this by-law to be published in The Kingston Whig-Standard.

City of Kingston By-Law Number 2024-XX

3. The *City* reserves the right to install a designation recognition plaque on the *property*, in a location and style determined by the *City* in consultation with the owner.
4. This by-law will come into force and take effect on the date it is passed.

Given First and Second Readings XXX, 2024

Given Third Reading and Passed XXX, 2024

Janet Jaynes
City Clerk

Bryan Paterson
Mayor

Schedule “A”
Description and Criteria for Designation
Queen Street Methodist Church Parsonage

Civic Address: 30 Colborne Street
Legal Description: Part Lot 341, Original Survey, being Part 3, 13R19716; City of Kingston, County of Frontenac
Property Roll Number: 1011 030 080 01210

Introduction and Description of Property

The former Queen Street Methodist Church Parsonage at 30 Colborne Street is located on the south side of the street, mid-block between Clergy and Sydenham Streets in downtown Kingston. The approximately 300 square metre property includes a two-and-a-half storey red brick house, with a one-and-a-half storey gable roofed rear addition. The building was built to plans by Joseph Power of Power and Sons firm for the Queen Street Methodist Church in 1880.

Statement of Cultural Heritage Value/Statement of Significance

The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.

This property has physical/design value as the residence is a unique example of late Victorian residential architecture with religious architectural motifs. While the two-and-a-half storey scale, red brick construction with high limestone foundation, pitched roof, decorative off-set entranceway and grand embellishments at the cornice reflect the Victorian style, the former Parsonage has several unusual features for a Victorian residence.

The brick detailing on the house adds to its grandeur and is indicative of its importance to the members of the Queen Street Methodist Church. The red bricks on the main façade are laid in a stretcher bond pattern, while the side elevations are common bond. Projecting brick key stones and voussoirs are present above all openings. The openings are Tudor arched on the main façade and flat headed on the side elevations. The front wall includes a giant pointed arch formed by a two-storey recessed panel with windows centrally placed within. The arch design is symbolic of the open arches often separating the nave from the sanctuary in a church and thus speaks to the religious connections to this building.

One of the most distinguishing and unique features of the house is its cross-gable roof with hipped roof gables, deep dentilled cornice decorated in bas relief foliage and bracketed eaves. Beneath the modern porch is an entranceway with classical detailing above a wide wooden door with open iron grillwork. A tall French window is extant on the side elevation, indicating the possible presence of an original verandah. The

windows on the second floor are large single openings, while the partial third floor includes twin windows located centrally beneath the hipped gables.

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.

The Parsonage is of historical/associative value as it yields information that contributes to an understanding of the development of the Methodist church in Kingston. There have been successive churches built on the corner of Clergy and Queen Streets since the mid-1860s, each a response to fires that destroyed the earlier structure. The expansion of church operations over time led to the acquisition and construction of residential buildings. The Queen Street Methodist Church Parsonage was built to provide the residing minister a place to live where he would be in close proximity to the church and its parishioners at all times. The Reverend Joseph Hagan was the first occupant of the house. After 1958 it served as a meeting hall for members of Queen Street United Church congregation until it was sold in 1968.

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.

The Parsonage has historical/associative value through its association with the well-known local architectural firm of Power and Son. The Power and Son firm designed many prominent Kingston landmarks such as McIntosh Castle, Fire Hall No.1 and the Frontenac County Registry Office. They are also credited for designing several religious buildings in Kingston, such as the Cataraqui Methodist Church on Sydenham Road, St. Andrew's Church, St. John's Church Hall and the enlargement of St. George's Cathedral. The Queen Street Methodist Church Parsonage is directly attributed to Joseph Power who showed his creativity with the decorative brick and wooden features and subtle religious symbology.

The property has contextual value because it is important in defining, maintaining or supporting the character of an area.

The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings.

The former Queen Street Methodist Church Parsonage is significant in defining the character of the streetscape on Colborne Street, between Sydenham and Clergy Streets. This area of downtown Kingston exhibits a continual pattern of reuse and replacement of existing structures that has left examples of building from the mid-19th century to the present. The streetscapes' historic buildings vary in height from one-and-a-half to two-and-a-half storeys. The north side of Colborne Street includes an almost continuous row of exclusively red-brick 19th century duplexes and row houses; dotted by a few limestone buildings. The south side of Colborne Street is a mix of stone, frame

and brick buildings, mostly single detached units. This variety in 19th century design and materiality creates a visually appealing and diverse streetscape. With its shallow setback, red brick construction and location close to the lot lines, the former Parsonage shares a visual and historical relationship with its surroundings, particularly the 19th century brick houses at 9-11, 13-17 and 25 Colborne Street, as well as the limestone building at 7 and 22 Colborne Street. As part of this group of buildings, the subject building helps maintain the historic and eclectic character of this portion of Colborne Street.

The former Parsonage is also historically linked to the former Queen Street Methodist/United Church at 221 Queen Street (now a hotel and shared office space) and a cluster of buildings associated with the former Church operations, including the nearby church itself and Maple Cottage/Sexton house at 151 Clergy Street. Originally built on (or very near) the church property and under the direction of the church congregation, the former Parsonage is directly linked to the history and evolution of the Queen Street church.

Heritage Attributes

Key exterior elements that contribute to the property's cultural heritage value include its:

- Two-and-a-half storey massing with complex cross-gable roof with hipped gables;
- Red brick construction laid in stretcher bond (on the front/north façade) and common bond (on the side elevations);
- Two-storey recessed pointed-arch brick panel on the front wall;
- Tall coursed (front wall) and uncoursed (side walls) hammer-dressed limestone foundation with smooth ashlar sill course on the facade;
- Deep decorative wooden cornice, including dentilled frieze, large brackets decorated in bas relief foliage, bracketed eaves, wooden soffits and eaves returns;
- Tudor arched window and door openings on the north elevation with brick voussoirs and stone window sills;
- Flat headed window openings on side elevations, including a tall French window on the west side; and
- Wide central doorway with classical detailing above and a wooden door with open iron grillwork.

City of Kingston By-Law Number 2024-XX

A By-Law to Designate the property at 37 Kennedy Street to be of Cultural Heritage Value and Interest Pursuant to the *Ontario Heritage Act*

Passed: [insert date]

Whereas:

Subsection 29(1) of the *Ontario Heritage Act*, R.S.O. 1990, Chapter 0.18 (the "*Ontario Heritage Act*") authorizes the council of a municipality to enact by-laws to designate property within the municipality, including buildings and structures on the property, to be of cultural heritage value or interest;

The *property* was listed on the register established pursuant to Section 27 of the *Ontario Heritage Act* in 2010;

On March 20, 2024, Council of the City of Kingston ("*Council*") consulted with its municipal heritage committee regarding the designation of the property at 37 Kennedy Street (the "*property*") in accordance with subsection 29(2) of the *Ontario Heritage Act*;

On [insert date], *Council* caused notice of its intention to designate the *property* to be given to the owner of the *property* and to the Ontario Heritage Trust (the "*Trust*"), and on [insert date], notice of the intent to designate the *property* was published in The Kingston Whig-Standard, a newspaper having general circulation in the City of Kingston; and

No notice of objection to the proposed designation was served on the municipal Clerk (the "*Clerk*") of the Corporation of the City of Kingston (the "*City*") within the time prescribed by subsection 29(5) of the *Ontario Heritage Act*.

Therefore, *Council* enacts:

1. The *property* is designated as being of cultural heritage value and interest, as more particularly described in Schedule "A" of this by-law.
2. A copy of this by-law will be registered against the *property* in the appropriate land registry office. The *Clerk* is authorized to serve a copy of this by-law on the owner of the *property* and the *Trust*, and to cause notice of the passing of this by-law to be published in The Kingston Whig-Standard.

City of Kingston By-Law Number 2024-XX

3. The *City* reserves the right to install a designation recognition plaque on the *property*, in a location and style determined by the *City* in consultation with the owner.
4. This by-law will come into force and take effect on the date it is passed.

Given First and Second Readings XXX, 2024

Given Third Reading and Passed XXX, 2024

Janet Jaynes
City Clerk

Bryan Paterson
Mayor

City of Kingston By-Law Number 2024-XX

Schedule “A”
Description and Criteria for Designation
Henley Cameron House

Civic Address: 37 Kennedy Street
Legal Description: Part Lot 1 S/S Union St & N/S Kennedy St Plan 54 Kingston
City as in FR150913; City of Kingston, County of Frontenac
Property Roll Number: 1011 070 130 16600

Introduction and Description of Property

The Henley Cameron House at 37 Kennedy Street is located on the north side of the street, at the northwest corner with Yonge Street in the Village of Portsmouth, now City of Kingston. This approximately 358 square metre residential property contains a two-storey vernacular frame house constructed circa 1847 for Joseph Henley and altered in the 1850s by carpenter Alexander Cameron.

Statement of Cultural Heritage Value/Statement of Significance

The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.

The Henley Cameron House is a representative example of a mid-19th century one-and-a-half storey wood frame Georgian cottage. Typical of the Georgian style is the side gable roof and a central unadorned entranceway, flanked by symmetrically placed windows. While this building has been modified and restored several times, its profile, massing and fenestration pattern still retain a strong Georgian character. The vinyl siding, while a modern intervention, is reminiscent of the original wooden clapboard siding.

The house was built for Joseph Henley around 1847, who then sold it to Alexander Cameron in 1855. Cameron was a Scottish emigrant and carpenter. He added several embellishments to this restrained Georgian house, including the lacy gingerbread (vergeboard) on the east and west end gables and the one storey bay window on Yonge Street, in 1879. The bay window once included elaborate vertical molding as well as paneling below the windows, and a frieze of recessed ovals with applied flower ornaments above the windows. The decorative cornice with dentils is extant.

The property has contextual value because it is important in defining, maintaining or supporting the character of an area.

The former Village of Portsmouth has a distinct heritage character, consisting of a historic village atmosphere, and a variety of built heritage resources including frame and stone dwellings from the 19th century. With its distinct Georgian design and corner

location with frontage onto Yonge Street (once Main Street), the Henley Cameron House helps define and maintain the historic village character of Portsmouth.

Heritage Attributes

Key exterior elements that contribute to the property's cultural heritage value include its:

- Two-storey dwelling of wood frame construction with a limestone foundation;
- Side gable roof with decorative vergeboard at each gable end;
- Symmetrical front façade with central entranceway and rectangular window openings;
- One storey bay window on east elevation, with dentilled cornice; and
- Visibility and legibility of its heritage attributes from the road.



City of Kingston
Report to Kingston Heritage Properties Committee
Report Number HP-24-010

To: Chair and Members of the Kingston Heritage Properties Committee

From: Jennifer Campbell, Commissioner, Community Services

Resource Staff: Kevin Gibbs, Director, Heritage Services

Date of Meeting: March 20, 2024

Subject: Application for Ontario Heritage Act Approval

Address: 52 Clergy Street East (P18-1186)

File Number: P18-078-2023

Council Strategic Plan Alignment:

Theme: Corporate business

Goal: See above

Executive Summary:

The subject property at 52 Clergy Street East is located midblock on the east side of Clergy Street East, between Johnson Street and William Street. The property was designated under Part V of the *Ontario Heritage Act* as part of the Old Sydenham Heritage Conservation District.

An application for partial demolition and construction under Section 42 of the *Ontario Heritage Act* (P18-078-2023) has been submitted to request approval to remove the buildings existing chimney and rebuild it like-for-like.

This application was deemed complete on January 16, 2024. The *Ontario Heritage Act* provides a maximum of 90 days for Council to render a decision on an application to alter a heritage building under Section 42(4). This timeframe will expire on April 15, 2024.

Upon review of all the submitted materials, as well as applicable policies and legislation, staff recommend approval of the proposed scope of work, subject to the conditions outlined herein.

March 20, 2024

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Recommendation:

That the Heritage Properties Committee supports Council's approval of the following:

That the alterations on the property at 52 Clergy Street East, be approved in accordance with the details described in the applications (File Number P18-078-2023), which was deemed complete on January 16, 2024, with said alterations to include:

1. The partial demolition of the chimney;
2. The reconstruction of the chimney, to include:
 - a. Like-for-like dimensions, detailing, design and bond pattern;
 - b. The use of reproduction bricks that match the existing as closely as possible;
 - c. Step flashing, as well as a cricket, where necessary;
 - d. The use of appropriate 1:1:6 mortar;
 - e. The salvage and reuse of material, where possible;
 - f. The installation of a new chimney cap which meets *Ontario Building Code*; and

That the approval of the alterations be subject to the following conditions:

1. All masonry works shall be completed in accordance with the City's Policy on Masonry Restoration in Heritage Buildings;
2. The conditions of the current chimney, including dimensions and materials, shall be documented, and provided to Heritage Planning staff for documentation purposes;
3. An Encroachment Permit and/or Temporary Access Permit shall be obtained, where necessary;
4. A Building Permit shall be obtained;
5. Details, including materials, dimensions and colour(s) of the new chimney and new chimney cap shall be submitted to Heritage Planning staff, prior to construction, for final review and approval;
6. Any salvageable materials from the existing chimney shall be used in the rebuild; and
7. Any minor deviations from the submitted plans, which meet the intent of this approval and does not further impact the heritage attributes of the property, shall be delegated to the Director of Heritage Services for review and approval.

March 20, 2024

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

Jennifer Campbell,
Commissioner, Community
Services

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

Lanie Hurdle, Chief
Administrative Officer

Consultation with the following Members of the Corporate Management Team:

Paige Agnew, Commissioner, Growth & Development Services	Not required
Neil Carbone, Commissioner, Corporate Services	Not required
David Fell, President & CEO, Utilities Kingston	Not required
Peter Huigenbos, Commissioner, Major Projects & Strategic Initiatives	Not required
Brad Joyce, Commissioner, Commissioner, Infrastructure, Transportation & Emergency Services	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required

March 20, 2024

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Options/Discussion:**Description of Application/Background**

The subject property, with the municipal address of 52 Clergy Street East, is located midblock on the east side of Clergy Street East, between Johnson Street and William Street (Exhibit A – Context Map and Site Photos). The subject property is included in the Old Sydenham Heritage Conservation District (HCD) and contains a two-and-a-half storey, three bay, brick structure designated under Part V of the Ontario Heritage Act.

The existing chimney on the property is failing, and the applicant expressed to staff that water has started penetrating the building. An inspection was completed by Kington Masonry Service (KMS), and it was determined that maintenance could not be satisfied through repairs and that a complete tear down and rebuild was recommended (Exhibit B – KMS Letter).

An application for partial demolition and construction under Section 42 of the Ontario Heritage Act (File Number P18-078-2023) has been submitted to request approval to remove the current chimney, which is reaching its end-of-life, and to reconstruct the chimney like-for-like, while meeting *Ontario Building Code* (Exhibit C – Concept Plan).

The applicant has not been able to provide Heritage Planning staff with exact measurements and dimensions of the chimney; however, they assure that the proposed reconstruction of the chimney will be completed using like-for-like detailing and dimensions. As part of this application, a condition of approval has been included requiring the applicant to document the conditions of the existing chimney (including dimensions and measurements), prior to any works starting, and to provide Heritage Planning staff with the recorded findings for final review and approval.

Furthermore, the new chimney will be constructed with reproduction bricks that match the existing as closely as possible, and the mortar being used is of a 1:1:6 ratio, which is appropriate as per the City's Policy on Masonry Restoration in Heritage Buildings. As part of the chimney rebuild, a new chimney cap will be installed; the applicant has expressed to staff that the new chimney cap will have no noticeable changes from the existing. As part of this application staff have ensured to include, as a condition of approval, that any salvageable materials shall be used in the reconstruction.

This application was deemed complete on January 16, 2024. The Ontario Heritage Act provides a maximum of 90 days for Council to render a decision on an application to alter a heritage building under Section 42(4). This timeframe will expire on April 15, 2024.

All submission materials are available online through the Development and Services Hub (DASH) at the following link, [DASH](#), using "Look-up a Specific Address." If there are multiple addresses, search one address at a time. Submission materials may also be found by searching the file number.

March 20, 2024

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Reasons for Designation/Cultural Heritage Value

The subject property was designated under Part V of the Ontario Heritage Act through the Old Sydenham Heritage Area Heritage Conservation District Plan. The Property Inventory Form from the Old Sydenham Heritage Area Heritage Conservation District Plan states the following:

“This residence, along with 50 Clergy, was designed c 1888 (city directories) probably by Robert Gage, the noted late 19th century Kingston architect and son-in-law and brother-in-law to the owners of adjacent 44, 46 and 48 Clergy, respectively.”

Furthermore, the Property Inventory Form goes on to state that *“the architect has used a wide range of features and materials to create a prestigious residence at the centre of the streetscape and beside the lane”*.

The subject property has many features and materials, including but not limited to, the terra cotta panels above the first storey window openings, and a limestone stringcourse that is integrated with the voussoirs on the second storey window openings. Additionally, ‘fish scale’ shaped wood shingles have been incorporated into the buildings design, along with a sunburst motif and the use of brackets on parts of the eaves.

The subject property has many architectural details, all of which contribute to the heritage value of the property and the District as a whole. While the Property Inventory Form does not explicitly speak of the building’s chimney, the Old Sydenham Heritage Conservation District Plan clearly considers chimneys to be important features worth conserving, as discussed in Section 4.3 of the Old Sydenham Heritage Conservation District Plan.

The property is identified as Significant to the District in The Old Sydenham Heritage Area Heritage Conservation District Plan Property Inventory Form (Exhibit D).

Cultural Heritage Analysis

Staff visited the subject property on January 17, 2024.

The property at 52 Clergy Street East is a reasonably prominent building within Old Sydenham HCD, located midblock on the streetscape, with extending bays, and enhanced visibility from the northwest due to its position on a laneway that runs along the north property line. The chimney that is being considered in this application is located on the northern side of the building, adjacent to the laneway.

The assessment of this application is summarized below through references to the relevant sections of the Old Sydenham Heritage Area HCD Plan.

The subject property is located within the Beyond Bagot sub-area of the Old Sydenham HCD on the east side of Clergy Street East, midblock between Johnson Street and William Street – located adjacent to a laneway. Section 2.3.3 (Beyond Bagot) lists several heritage attributes of this sub-area, including “a wide range of building types, materials and ages”, “buildings

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associated with some of Kingston's best architects", and "rear lanes on some blocks". Within the sub-area of Beyond Bagot, there are many structures that were built by some of Kingston's best architects, ranging from grand manors to smaller detached dwellings and terraces/row housing. The Beyond Bagot sub-area is also notorious for having irregular shaped blocks with a mix of land uses and many important landmarks.

From the subject property, when looking north on Clergy Street East, towards Johnson Street, an individual can clearly view St. Mary's Cathedral, a known landmark in Kingston. Moreover, the subject property was likely designed by Robert Gage, a well-known Kingston architect who is recognized for designing several Kingston landmarks, such as the Mackenzie Building for the Royal Military College.

Section 4.3 of the HCD Plan - 'Conservation of Heritage Buildings':

Section 4.3.1 (Roofs) speaks to conservation guidelines related to chimneys and states that where a chimney requires work, the owner should "repair/replace deteriorated material with like materials and replicate original detailing and bond pattern." To prevent moisture penetration, the owner should "ensure that where the chimney meets the roof, matching step flashing and crickets are installed."

The proposed rebuild of the chimney will be completed by replicating the existing detailing, bond pattern and dimensions. Furthermore, the new chimney will be constructed with reproduction bricks that match the existing as closely as possible, and the mortar being used is a 1:1:6 ratio, which is appropriate as per the City's Policy on Masonry Restoration in Heritage Buildings. As part of the chimney rebuild, a new chimney cap will be installed as well. The applicant has expressed to staff that the new chimney cap will have no noticeable changes from the existing. The applicant has also expressed that there is moisture penetrating the building, therefore, as part of this application, step flashing will be installed, as well as a cricket, where necessary.

As part of this application staff have included a condition of approval, noting that the applicant shall reuse any salvageable material(s) in the chimney reconstruction.

Section 5.0 of the HCD Plan - 'Building Alterations and Additions':

Section 5.2.1 (Alterations) states that one should "model replacement features and building forms on the originals in style, size, proportions and materials, whenever possible," and that one should "record the alteration and retain samples of original materials that have been replaced."

This application proposes to rebuild the chimney located along the north side of the property, adjacent to the laneway. The reconstruction of the chimney will be modeled based on the chimney's original proportions, materials and design. The applicant has communicated that they were unable to provide Heritage Planning staff with the exact dimensions of the existing chimney prior to applying for this permit; however, through the use of scaffolding, these details, along with photographs and other documentation, will be provided to Heritage Planning staff, as a condition of approval, prior to any work starting.

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The applicant has also expressed to staff that the new chimney cap will have no noticeable changes from the existing. Furthermore, the new chimney will be constructed with reproduction bricks that match the existing as closely as possible, and the mortar being used is a 1:1:6 ratio, which is appropriate as per the City's Policy on Masonry Restoration in Heritage Buildings. In addition, any salvageable materials will be reused in the reconstruction of the chimney.

Staff supports the proposed removal and rebuild of the chimney, using like-for-like design, materials and proportions, to restore the chimney, address the water penetration issues, and ensure it continues to be in compliance with Ontario Building Code standards.

Policy Review

In addition to the above, the application has been reviewed alongside with the City of Kingston's Official Plan, Parks Canada's 'Standards and Guidelines for the Conservation of Historic Places in Canada,' as well as the Ministry of Citizenship and Multiculturalism's Eight Guiding Principles in the Conservation of Built Heritage Properties. Broadly, the application will achieve:

- The goal of Section 7.0 (City of Kingston Official Plan): Conserve and enhance built heritage resources within the city so that they may be accessed, experienced and appreciated by all residents and visitors, and retained in an appropriate manner and setting, as a valued public trust held for future generations.
- Standard 9 (Parks Canada's Standards and Guidelines for the Conservation of Historic Places in Canada): Make any intervention needed to preserve character-defining elements physically and visually compatible with the historic place and identifiable on close inspection. Document any intervention for future reference.
- Standard 10 (Parks Canada's Standards and Guidelines for the Conservation of Historic Places in Canada): Repair rather than replace character-defining elements. Where character-defining elements are too severely deteriorated to repair, and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements. Where there is insufficient physical evidence, make the form, material and detailing of the new elements compatible with the character of the historic place.
- Standard 13 (Parks Canada's Standards and Guidelines for the Conservation of Historic Places in Canada): Repair rather than replace character-defining elements from the restoration period. Where character-defining elements are too severely deteriorated to repair and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements.
- Principle 1 'Respect for documentary evidence' (Eight Guiding Principles in the Conservation of Built Heritage Properties, Ministry of Heritage, Sport, Tourism and Culture Industries): Do not base restoration on conjecture. Conservation work should be based on historic documentation such as historic photographs, drawings and physical evidence.

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Summary

Staff have reviewed the application and assessed it in consideration of the description of heritage value in the HCD Plan, Parks Canada’s Standards and Guidelines, and the Ministry of Citizenship and Multiculturalism’s Eight Guiding Principles in the Conservation of Built Heritage Properties. Overall, the application is supported by Heritage Planning staff. The rebuild of the chimney will be like-for-like, using the existing dimensions, design and bond pattern, while any salvageable materials will be reused in the new construction. Furthermore, the proposal adheres to Section 4.3.1 and 5.2.1 of the HCD Plan and, due to the like-for-like restoration, this proposal will have a neutral impact on the heritage value of the property and the Old Sydenham Heritage Conservation District.

Comments from Department and Agencies

The following internal departments have commented on this application and provided the following comments:

Building Services:

A building permit is required for the scope of work proposed. The homeowner can design the changes or a qualified designer.

Public Works:

If scaffolding or other equipment is required, and has to be placed on City property, an encroachment and or other permits may be required. No objections.

Utilities Kingston:

Utilities Kingston has no issues or concerns with this heritage application.

Engineering:

No Engineering concerns with this application. If during construction the site is accessed from any other location than the driveway a temporary access permit will be required. If the municipal property including the laneway adjacent to this property is being obstructed during the works, an encroachment permit will be required. Information on the required permits can be obtained by contacting transportation@cityofkingston.ca.

Storm Water Review:

Not required

Noise Review:

Not required

Traffic Review:

No comments

March 20, 2024

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Active Transportation:

No comments

Planning Services:

No objections to the proposed replacement chimney, provided that the replacement chimney is the same size and has the same location as the existing chimney.

Consultation with Heritage Properties Committee

The Heritage Properties Committee was consulted on this application through the [DASH](#) system. The Committee's comments have been compiled and attached as Exhibit E.

Conclusion

Staff recommends approval of the application File Number (P18-078-2023), subject to the conditions outlined herein, as there are no objections from a built heritage perspective, and no concerns have been raised by internal departments.

Existing Policy/By-Law:

Ontario Heritage Act, R.S.O. 1990, C.O. 18 (Province of Ontario)

Ontario Heritage Tool Kit (Ministry of Citizenship and Multiculturalism)

Standards and Guidelines for the Conservation of Historic Places in Canada (Parks Canada)

Ministry of Citizenship and Multiculturalism's Eight Guiding Principles in the Conservation of Built Heritage Properties

Old Sydenham Heritage Area Heritage Conservation District Plan

City of Kingston Official Plan

City of Kingston's Policy on Masonry Restoration in Heritage Buildings

Notice Provisions:

Pursuant to Section 42(3) of the *Ontario Heritage Act (OHA)*, notice of receipt of a complete application has been served on the applicant.

Contacts:

Kevin Gibbs, Director, Heritage Services, 613-546-4291 extension 1354

Joel Konrad, Manager, Heritage Planning, 613-546-4291 extension 3256

March 20, 2024

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Niki Kensit, Planner, Heritage Services, 613-546-4291 extension 3251

Exhibits Attached:

Exhibit A Context Map and Site Photos

Exhibit B KMS Letter

Exhibit C Concept Plan

Exhibit D Property Inventory Form




Exhibit E Correspondence Received from Heritage Properties Committee

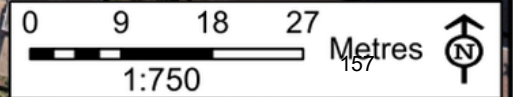
Exhibit F Final Comments from Kingston Heritage Properties Committee March 20, 2024



Kingston Heritage Properties Committee Neighbourhood Context

Address: 52 Clergy St E
File Number: P18-078-2023
Prepared On: Jan-17-2024

-  Subject Lands
-  Property Boundaries
-  Proposed Parcels



Site Photos of 52 Clergy Street East



Above: Looking southwest at 52 Clergy St. E from the sidewalk.

Below: Chimney seen from the adjacent laneway.





890 Grandour Court
Kingston, Ontario
K7M 7X5

613-217-7771

Heritage Chimney Tear Down and Rebuild

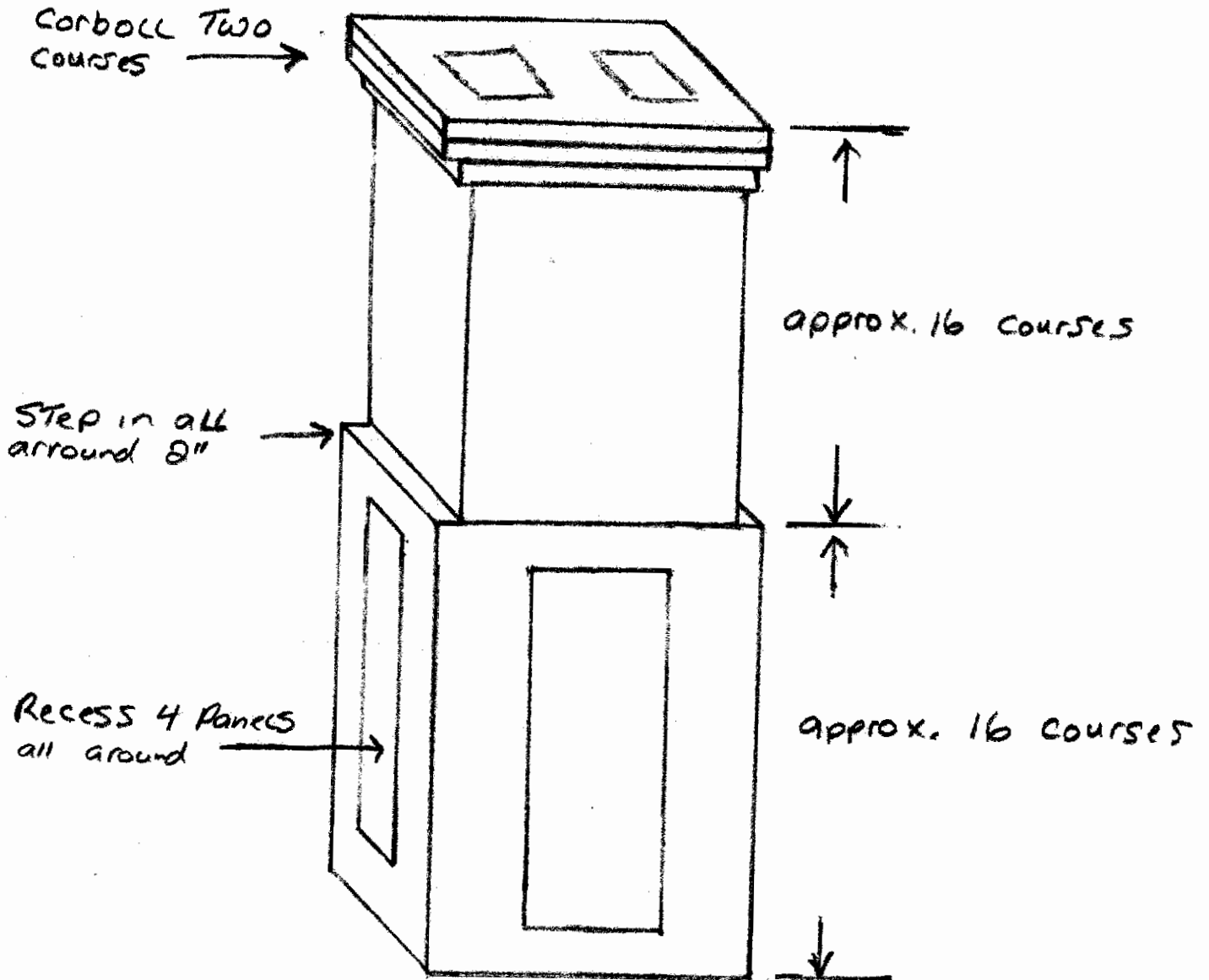
This letter is to address the chimney at 52 Clergy Street residence. The chimney was assessed and it was determined that the original structure could not be maintained with minor repairs. Therefore, a complete tear down and rebuild is recommended. The size of the chimney is approximately 26" x 40" x 8'.

A similar, reproduction heritage brick will be used in the new build, with a 1:1:6 mortar blend being used in the construction. Also, a small metal cap will be custom made to fit the top of the chimney, as a preventative maintenance. The chimney will be reconstructed to match the original chimney structure design.

Thank you

A handwritten signature in blue ink that reads "Paul Moniz". The signature is written in a cursive style.

Paul Moniz
Owner/Operator



- match existing height
- add a metal cap on top

52 CLERGY STREET EAST**Built: c. 1888****Architect: attrib. Robert Gage****Rating: S**

J. Mck.



This residence, along with 50 Clergy, was designed c 1888 (city directories) probably by Robert Gage, the noted late 19th century Kingston architect and son-in-law and brother-in-law to the owners of adjacent 44, 46 and 48 Clergy, respectively. Architectural drawings for 50-52 Clergy are at the Queen's University Archives.* William Irving Sr. (44-46) and Jr. (48) were partners in an important contracting firm with which Robert Gage originally apprenticed as a carpenter. Gage, who arrived in Canada from Ireland in 1852, went on to design such Kingston area landmarks as the Education Building (now Mackenzie Building) for the Royal Military College (1877). He was the architect as well for the 'palatial' Allison House, Adolphustown, of that same year. His residential work is well represented on this block with 50 Clergy and 290-292 Johnson. His career is another example of a 19th century architect deeply rooted in the building trades.

The building appears on the 1892 fire insurance plan.

At 52 Clergy Street, the architect has used a wide range of features and materials to create a prestigious residence at the centre of the streetscape and beside the lane. Its centred entrance inset between two full height projecting bays is unique on the street. However, there is actually asymmetry between these

* Christine O'Malley, Nicola Spasoff & Lorna Spencer. *Clugston Collection of Architectural Drawings* (Kingston: Queen's University Archives, 1992. : 19-20.

bays, with the angled north bay larger than the rectangular 'standing proud' section of brick wall which constitutes the south bay. While most elements are repeated at both bays, a number are distinct to one or the other. Both share a cut stone foundation and water table; both have 'whorled' terra cotta panels above the 1st storey window openings and a rock-faced limestone stringcourse integrated with the rock-faced voussoirs (center windows) and lintels span the 2nd floor window openings. The windows of the south bay and the center of the north bay are paired while the other units at the north are narrow individual units; the arch over the south bay ground storey window is brick while that at the north is rock faced ashlar integrated into a string course as above. In similar fashion, though the faces of the cross gables are each clad in 'fish scale' shaped wood shingle, the peak of the pedimented treatment of the north bay is extended outward as a gabled hood over the window with a sunburst motif at the face of the gable. Paired brackets are used at the eave of the south and center inset bay while corbels 'carry' the deep eave of the north bay. The center dormer brings yet other features into play with a particularly heavily moulded pediment and round colonettes flanking the window. The porch too is quite decorative with paired paneled columns and a centre-gabled dentillated roof. The main entrance is through double leaved glazed and paneled doors with a distinctive pointed transom.

While the facade treatment is interesting with its conscious tension between both major elements and details the total composition is somewhat less integrated and detailing less subtle than many of Gage's works.

52 Clergy Street is a prominent structure at the center of the streetscape. Its profile is enhanced by its position adjacent to the lane, particularly as viewed from the northwest and by its architecture featuring extended bays surmounted by large cross gables.*

* Text from Bray et al., *Old Sydenham Heritage Area Conservation Study: Cultural Heritage Resource Inventory and Evaluation Report*, 2009. Research by Jennifer McKendry; description by André Scheinman.

Kingston Heritage Properties Committee

Summary of Input from Technical Review Process

P18-078-2023

Committee Members	Comments Enclosed	No Comments Provided	No Response Received
Councillor Glenn			X
Councillor Oosterhof			X
Jennifer Demitor			X
Gunnar Heissler			X
Alexander Legnini			X
Jane McFarlane	X		
Ann Stevens	X		
Peter Gower	X		



City of Kingston
216 Ontario Street
Kingston, Ontario
Canada, K7L 2Z3

Website: www.cityofkingston.ca
TTY: Dial 613-546-4889

where history and innovation thrive

Date:	January 15, 2024
Form:	Heritage Properties Committee Reviewer Form
Reviewer Name:	Peter Gower
Application Type:	Heritage Permit
File Number:	P18-078-2023
Property Address:	52 CLERGY ST

Description of Proposal:

The subject property is designated under Part V of the Ontario Heritage Act, located in the Old Sydenham HCD. The applicant has expressed to staff that the subject property's existing chimney is missing mortar, water has begun to penetrate into the building, and that the chimney is at its end-of-life and is now failing. Kingston Masonry Services (KMS) was obtained by the applicant to assess the existing chimney and determined that the chimney can not be maintained nor can it be repaired. It has been recommended that the chimney should be removed and rebuilt. This application is seeking Heritage Act approval to remove the existing chimney and rebuild it like-for-like (same dimensions, and design details). It has been noted that reproduction heritage brick will be used in the rebuild, with a 1:1:6 mortar blend being used in the construction. The applicant has also indicated to staff that there should be no noticeable changes to the appearance of the existing chimney cap when replaced. The applicant has submitted plans and supporting documentation which can be found on DASH.

Comments for Consideration on the Application:

I have no concerns with this application, so long as the end result duplicates the original as closely as possible.

Recommended Conditions for the Application:

Staff to ensure that brick and mortar are the most appropriate in this situation.



City of Kingston
216 Ontario Street
Kingston, Ontario
Canada, K7L 2Z3

Website: www.cityofkingston.ca
TTY: Dial 613-546-4889

where history and innovation thrive

Date:	January 16, 2024
Form:	Heritage Properties Committee Reviewer Form
Reviewer Name:	Ann Stevens
Application Type:	Heritage Permit
File Number:	P18-078-2023
Property Address:	52 CLERGY ST

Description of Proposal:

The subject property is designated under Part V of the Ontario Heritage Act, located in the Old Sydenham HCD. The applicant has expressed to staff that the subject property's existing chimney is missing mortar, water has begun to penetrate into the building, and that the chimney is at its end-of-life and is now failing. Kingston Masonry Services (KMS) was obtained by the applicant to assess the existing chimney and determined that the chimney can not be maintained nor can it be repaired. It has been recommended that the chimney should be removed and rebuilt. This application is seeking Heritage Act approval to remove the existing chimney and rebuild it like-for-like (same dimensions, and design details). It has been noted that reproduction heritage brick will be used in the rebuild, with a 1:1:6 mortar blend being used in the construction. The applicant has also indicated to staff that there should be no noticeable changes to the appearance of the existing chimney cap when replaced. The applicant has submitted plans and supporting documentation which can be found on DASH.

Comments for Consideration on the Application:

There is no doubt that chimney is in bad condition. I am pleased to see the effort being made to replicate the original.

Recommended Conditions for the Application:

All necessary planning and engineering is in place.



City of Kingston
216 Ontario Street
Kingston, Ontario
Canada, K7L 2Z3

Website: www.cityofkingston.ca
TTY: Dial 613-546-4889

Date:	January 29, 2024
Form:	Heritage Properties Committee Reviewer Form
Reviewer Name:	Jane McFarlane
Application Type:	Heritage Permit
File Number:	P18-078-2023
Property Address:	52 CLERGY ST

Description of Proposal:

The subject property is designated under Part V of the Ontario Heritage Act, located in the Old Sydenham HCD. The applicant has expressed to staff that the subject property's existing chimney is missing mortar, water has begun to penetrate into the building, and that the chimney is at its end-of-life and is now failing. Kingston Masonry Services (KMS) was obtained by the applicant to assess the existing chimney and determined that the chimney can not be maintained nor can it be repaired. It has been recommended that the chimney should be removed and rebuilt. This application is seeking Heritage Act approval to remove the existing chimney and rebuild it like-for-like (same dimensions, and design details). It has been noted that reproduction heritage brick will be used in the rebuild, with a 1:1:6 mortar blend being used in the construction. The applicant has also indicated to staff that there should be no noticeable changes to the appearance of the existing chimney cap when replaced. The applicant has submitted plans and supporting documentation which can be found on DASH.

Comments for Consideration on the Application:

The rebuilt chimney should replicate the original as described and the chimney cap reflect the lowest profile necessary to meet code requirements.

Recommended Conditions for the Application:

None.

**Summary of Final Comments at March 20, 2024 Kingston Heritage Properties
Committee Meeting**

The Committee did not provide comment.



**City of Kingston
Report to Council
Report Number 24-092**

To: Mayor and Members of Council
From: Desirée Kennedy, Chief Financial Officer & City Treasurer
Resource Staff: None
Date of Meeting: April 2, 2024
Subject: Kingston Police Services Board Quarterly Operating Budget
Status Report as at December 31, 2023

Council Strategic Plan Alignment:

Theme: Council requests

Goal: See above

Executive Summary:

The purpose of this report is to provide Council with the requested Kingston Police Services Board financial status report as at December 31, 2023, which is attached as Exhibit A to Report Number 24-092.

Recommendation:

This report is for information only.

April 2, 2024

Page 2 of 3

Authorizing Signatures:

ORIGINAL SIGNED BY CHIEF

FINANCIAL OFFICER & CITY TREASURER

Desiree Kennedy, Chief
Financial Officer & City
Treasurer

ORIGINAL SIGNED BY CHIEF

ADMINISTRATIVE OFFICER

Lanie Hurdle, Chief
Administrative Officer

Consultation with the following Members of the Corporate Management Team:

Paige Agnew, Commissioner, Growth & Development Services	Not required
Jennifer Campbell, Commissioner, Community Services	Not required
Neil Carbone, Commissioner, Corporate Services	Not required
David Fell, President & CEO, Utilities Kingston	Not required
Peter Huigenbos, Commissioner, Major Projects & Strategic Initiatives	Not required
Brad Joyce, Commissioner, Infrastructure, Transportation & Emergency Services	Not required

April 2, 2024

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Options/Discussion:

Background

As part of the 2023 budget deliberations, the Kingston Police Services Board was requested to submit a quarterly operating budget financial status report to Council, with variance explanations, and to accompany the report with a briefing.

Analysis

Exhibit A to Report Number 24-092 provides an operating budget status update for Kingston Police Services, including detailed budget to actual information, as at December 31, 2023.

Existing Policy/By-Law

None

Notice Provisions

None

Financial Considerations

None

Contacts:

Scarlet Eyles, Director of Finance, Kingston Police Services, 613-549-4660 extension 228

Exhibits Attached:

Exhibit A - Kingston Police Public Agenda Information Report - Operating Budget Status Update as of December 31, 2023 (Q4)



Kingston Police

Public Agenda Information Report

To: Mayor and Members of Council

From: Scott Fraser, Chief of Police
Scarlet Eyles, Director of Finance

Subject: Operating Budget Status Update as of December 31, 2023 (Q4)

Date: March 14, 2024

Recommendation:

That the Operating Budget Status Update as of December 31, 2023, Report Number 24-12 is for information only.

Summary:

This information report provides a financial status update of the general operating budget for the Kingston Police as at December 31, 2023. Exhibits to the report provide detailed budget and actual information and resulting variances by revenue and expense with an overall net operating position which reflects 100.59% of the total budget at December 31, 2023. To ensure that net spending remains within the approved budget parameters, staff regularly monitor and review budget variance information. This allows for unanticipated variances to be identified on a timely basis and any necessary corrective action to be taken in response to changing circumstances and conditions.

With respect to the financial results, most of the revenues and expenditures are within budget. However, as reported last quarter and years' prior, the unbudgeted costs incurred to police post-secondary student mass gatherings put significant pressure on the Kingston Police fiscal circumstances, making it difficult to manage expenditures and remain within the budget.

As at the end of December, total costs to police these gatherings are \$581K as compared to approximately \$1.2M in 2022. While expenditures are significantly lower compared to the prior year, year-end results include \$147K of costs to police the St. Patrick's Day events within the University District, \$61K incurred during the month of September (move-in weekend and weekends leading up to Homecoming), and \$373K of expenditures incurred during the Homecoming weekend. Without these unbudgeted costs, staff would have achieved a year-end surplus position, staying within the approved budget.

Staff implemented a number of measures to reduce expenses and manage discretionary spending where possible and were able to utilize additional grants and other funding opportunities to limit the overall impact to the budget. It should be noted that a large portion of these costs are unavoidable to ensure public safety and follow recommended guidelines and regulations. While the 2024 approved budget incorporates estimated expenditures associated with policing unsanctioned gatherings, staff will continue to monitor budget and financial impacts, with the intent to continuously look at measures that will reduce these costs.

The discussion below provides further information on the general operating revenue and expenditure results to December 31, 2023. For additional details, quarterly budget status reports are provided to the Kingston Police Services Board and presented during the regular public meetings. Past reports are available on the website and can be accessed through the following link - **[PSB Meetings - Kingston Police](#)**

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Operating Revenue and Expenditure Results:

With respect to the overall results, the total net cost for the twelve months ending December 31, 2023, of \$44.6M, compares to a budget of \$44.4M. Gross revenues and expenditures, as reported, show actual revenues of approximately \$5.8M in comparison to a budget of \$5.3M and expenditures of \$50.4M in comparison to a budget of \$49.7M. The table below reflects the net operating information (revenues less expenditures).

	Annual 2023 Budget	Actuals Year to Date	Variance \$	YTD=100.00% Actual to Budget %
Revenues & Recoveries				
Fees, Charges & Other Revenue	(3,110,714)	(3,296,249)	(185,535)	105.96%
Provincial Subsidies	(2,183,501)	(2,507,279)	(323,778)	114.83%
Total Revenue & Recoveries	(5,294,215)	(5,803,528)	(509,313)	109.62%
Expenditures				
Salaries, Wages & Benefits	42,332,835	43,028,392	695,557	101.64%
Materials, Supplies & Fees	3,151,442	3,244,350	92,908	102.95%
Contracted Services	3,902,619	3,833,236	(69,383)	98.22%
Transfers to Reserves & Reserve Funds	274,108	327,762	53,654	119.57%
Total Expenditures	49,661,004	50,433,739	772,735	101.56%
Net	44,366,789	44,630,211	263,422	100.59%

Revenues

The majority of revenues exceeded budget projections. The following information provides further detail of the year-end results by revenue category:

- Provincial grant revenues are \$2.5M or 115% of the annual budget, resulting in a year-to-date surplus of \$324K. Results include \$313K of unbudgeted provincial funding to support automated license plate recognition (ALPR) technology. The additional ALPR grant revenues offset corresponding costs in expenditure recovery. The remaining favourable balance in expenditure recovery primarily reflects additional recoveries for officers seconded to the Provincial Repeat Offender Parole Enforcement (ROPE) unit, which has increased to full funding of two officers.
- Revenues also include unbudgeted payroll benefit rebates of \$40K resulting from a reduction in the projected cost of claims. Benefit costs are budgeted annually based on estimated plan premiums.
- Pay duty revenues are higher than budget reflecting additional requests for paid duty officers. These revenues are offset with corresponding paid duty officer salaries.

- Background check revenues are lower than budget reflecting actual experience realized over the past few years.
- Auction proceeds are higher than budgeted, reflecting higher than anticipated proceeds received at the police auctions. In accordance with policy, net proceeds generated from the sale of capital items are transferred to the police capital reserve fund.

Expenditures

Total net expenditures for the year were \$50.4M or 101.56% of the approved expenditure budget. Most of the expenditure categories are within budgeted projections; however, increased staffing costs are impacting fiscal year-end results. While inflationary increases are impacting a number of expenditures, efforts were made to manage the level of discretionary spending in order to offset inflationary pressures where possible. The following information provides further detail of the variances by expenditure category.

Salaries and wages are \$43.0M or 101.64% of the annual budget, resulting in a year-to-date unfavourable variance of approximately \$696K. Budget pressures were experienced in absentee costs related to WSIB, other leaves, and accommodations as well as additional overtime costs incurred to police mass gatherings. Significant variances are noted below:

- Full-time wages are under budget, primarily due to staff vacancies, turnover, and the timing of new hires. Similar to other Police services, Kingston Police continue to experience challenges in recruiting for vacant positions.
- Part-time wages are unfavourable, reflecting backfill requirements due to staff vacancies, primarily in the communications center.
- Capital-allocated salaries & benefits of \$150K reflect the recovery of staffing costs from NG-911 capital grant funding.
- Overtime costs are exceeding budgeted projections at the end of December. Overtime costs are highly dependent on the occurrence of major incidents.
 - \$355K of unbudgeted costs were incurred for policing post-secondary mass gatherings.
 - \$78K attributed to the Collins Bay shooting incident.
 - \$19K of overtime costs were incurred responding to local rallies and protests that emerged with groups supporting each side of the ongoing conflict in Gaza.
 - The unfavourable variance is offset with overtime savings across departments.

- WSIB premiums were primarily budgeted within the full-time wages account and thus the overage in this account should be offset against the full-time wages account variance.
- As the four collective agreements expired December 31, 2022, the year-end budget results include an estimated labour contract settlement amount.

Supplies and services are \$7.1M or 100.33% of the annual budget, reflecting an unfavourable variance of \$24K. This category includes costs such as uniforms and protective clothing, utilities, gasoline and diesel fuel, insurance, fleet parts and tires, telecommunications, education, and training. Contracted services and contracted maintenance include asset maintenance and support contracts and other service contracts including cleaning services, winter control, and city building maintenance charges. Professional services include legal and consulting services. Notable variances are discussed below.

- Uniforms & protective clothing were higher than projected and reflect increased costs related to supply chain issues, inflation, upgrades to safety elements, and new regulations. This budget can be impacted by a higher or lower than anticipated number of retirements, new hires, or existing officers finding that their gear is no longer fitting properly.
- Software is overbudget due to increased costs for information technology (IT) software.
- Education and training is favourable, reflecting the elimination of the police college tuition. Effective January 1, 2023, the Ontario government announced the elimination of tuition for the Basic Constable Training (BCT) program.
- Utilities are 64% spent or \$150K lower than budget, due to lower than anticipated electricity rates combined with less consumption.
- Investigative services include \$238K of unbudgeted costs to support policing the University District events. These costs primarily reflect bringing reinforcements from other police agencies to provide additional staffing resources. Additional grants from Criminal Intelligence Service Ontario (CISO) have assisted with financing investigations, which has helped to offset the costs.

Departments work with finance staff to review variances on a regular basis and look for opportunities to offset cost pressures. Unforeseen circumstances, situations, or activities always present budgetary risk to a police budget such as spikes in crime rates or activities, protests, and unsanctioned gatherings.

Contacts:

Jarrold Stearns, Chair, Kingston Police Services Board	613-549-4660 ext. 2291
Scott Fraser, Chief of Police	613-549-4660 ext. 2213
Scarlet Eyles, Director of Finance	613-549-4660 ext. 2285

Appendices:

Appendix A – Kingston Police – Actual to Budget as at December 31, 2023

Appendix A

	Actuals Year to Date	Annual Budget \$	Variance \$	YTD=100.00% Actual to Budget %
Revenues & Recoveries				
Provincial grants	(2,507,279)	(2,183,501)	323,778	114.83%
Alarm licence	(156,328)	(133,600)	22,728	117.01%
Payroll experience recovery	(39,846)	-	39,846	0.00%
Pay duty revenue	(175,089)	(150,000)	25,089	116.73%
Expenditure recovery	(1,675,504)	(1,592,114)	83,390	105.24%
Sale of photos, maps & reports	(778,250)	(800,000)	(21,750)	97.28%
Auction proceeds	(71,231)	(35,000)	36,231	203.52%
Contribution from Police Sick Leave Reserve Fund	(400,000)	(400,000)	(0)	100.00%
Total Revenue & Recoveries	(5,803,528)	(5,294,215)	509,313	109.62%
Operating Expenditures				
Salaries, Wages & Benefits				
Capital-allocated salaries & benefits	(150,000)	-	150,000	0.00%
Full-time wages-permanent	29,991,685	31,114,317	1,122,632	96.39%
Part-time wages	1,444,416	1,067,257	(377,159)	135.34%
Overtime-regular	1,520,509	1,129,891	(390,618)	134.57%
Shift premiums & standby	115,392	92,689	(22,703)	124.49%
Paid duty	128,086	120,000	(8,086)	106.74%
Honorariums	12,507	11,750	(757)	106.44%
Payroll allowances	96,612	98,700	2,088	97.88%
Payroll benefits	8,382,722	8,524,305	141,583	98.34%
WSIB Premiums	1,486,463	173,926	(1,312,537)	854.65%
Total Salaries, Wages & Benefits	43,028,392	42,332,835	(695,557)	101.64%
Supplies and Services				
Uniforms & protective clothing	408,913	185,570	(223,343)	220.36%
Food & nutrition supplies	43,487	29,700	(13,787)	146.42%
Supplies	304,068	398,322	94,254	76.34%
Fuels & lubricants	440,423	441,764	1,341	99.70%
Software	197,164	81,400	(115,764)	242.22%
Telecommunications	259,928	288,000	28,072	90.25%
Education & training	325,441	345,250	19,809	94.26%
Travel	118,008	118,050	42	99.96%
Insurance services	454,881	396,377	(58,504)	114.76%
Utilities	271,581	421,320	149,739	64.46%
Professional services	394,259	295,000	(99,259)	133.65%
Investigative services	572,363	408,500	(163,863)	140.11%
Contracted services	1,843,755	2,043,750	199,995	90.21%
Contracted maintenance	1,280,502	1,403,844	123,342	91.21%
Equipment rentals	41,377	65,351	23,974	63.31%
Other	121,391	131,863	10,472	92.06%
Total Supplies & Services	7,077,585	7,054,061	(23,524)	100.33%

Contribution to Reserve Funds				
Transfer to Police Equipment Reserve Fund	327,762	274,108	(53,654)	119.57%
Total Contribution to Reserve Funds	327,762	274,108	(53,654)	119.57%
Net	44,630,211	44,366,789	(263,422)	100.59%



**City of Kingston
Report to Council
Report Number 24-091**

To: Mayor and Members of Council
From: Desirée Kennedy, Chief Financial Officer & City Treasurer
Resource Staff: Lana Foulds, Director, Financial Services
Christa Walsh, Manager, Financial Planning
Date of Meeting: April 2, 2024
Subject: 2024 Municipal Debt Limits

Council Strategic Plan Alignment:

Theme: Financial measures/budget

Goal: See above

Executive Summary:

The Ministry of Municipal Affairs and Housing (MMAH) provides municipalities with an Annual Repayment Limit (ARL) under [Ontario Regulation 403/02](#): Debt and Financial Obligation Limits, made pursuant to the [Municipal Act, 2001](#), that is used to determine the maximum amount that the municipality has available to commit to additional payments relating to long-term debt and other financial obligations. Municipalities in Ontario are responsible for ensuring that they do not exceed their ARL.

This report provides Council with information regarding the City's existing levels of long-term debt, as well as the additional long-term borrowings that could be available as per the provincial guidelines. The ARL provides for annual debt charges that are no more than 25% of net revenue fund revenues. The City's 2024 annual debt service costs, as a proportion of net revenue fund revenues, are currently 8.4%.

The City's ARL, as well as the City's ability to repay debt, are carefully considered when staff present recommendations on debt financing to Council. The City continues to utilize strategies that plan and prioritize capital expenditure requirements, that utilize debt funding for appropriate

April 2, 2024

Page 2 of 8

capital investment and that coordinate the timing of approved debt issuance with debt repayments in order to maintain desired debt levels through cash flow management.

Recommendation:

This report is for information only.

April 2, 2024

Page 3 of 8

Authorizing Signatures:

ORIGINAL SIGNED BY CHIEF

FINANCIAL OFFICER & CITY TREASURER

**Desiree Kennedy, Chief
Financial Officer & City
Treasurer**

ORIGINAL SIGNED BY CHIEF
p.p.

ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Paige Agnew, Commissioner, Growth & Development Services	Not required
Jennifer Campbell, Commissioner, Community Services	Not required
Neil Carbone, Commissioner, Corporate Services	Not required
David Fell, President & CEO, Utilities Kingston	Not required
Peter Huigenbos, Commissioner, Major Projects & Strategic Initiatives	Not required
Brad Joyce, Commissioner, Infrastructure, Transportation & Emergency Services	Not required

April 2, 2024

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Options/Discussion:

Background

Municipal Debt Limit Calculation

As outlined by regulation, a municipality’s Annual Repayment Limit (ARL), as provided by the Ministry of Municipal Affairs and Housing (MMAH), represents the maximum amount that a municipality has available to commit to additional payments relating to debt and financial obligations. The limit is based on a 25% calculation of annual operating fund revenues excluding certain revenues such as government grants, capital revenues and transfers from reserves and reserve funds. In accordance with [Ontario Regulation 403/02](#), made pursuant to the [Municipal Act, 2001](#), the MMAH determines the City’s ARL based on the second previous year’s Financial Information Return, as prepared by the City and submitted annually to MMAH.

A copy of the 2024 ARL, received from the MMAH in March 2024, is attached to this report as Exhibit A. The 2024 ARL is based on information from the 2022 Financial Information Return. The City Treasurer adjusts the ARL to reflect debt commitments and transactions that have occurred after December 31, 2022, which ultimately impact the adjusted ARL as of January 1, 2024.

The calculation for the City of Kingston’s 2024 ARL effective January 1, 2024, as provided by the MMAH, is as follows:

**A) January 1, 2024 Annual Repayment Limit as provided by the MMAH
(Based on 2022 Financial Information Return)**

2022 Net Revenue Fund Revenues	<u>\$ 465,913,955</u>
25% of Net Revenue Fund Revenues	116,478,489
Less 2022 Debt Charges (Principal and Interest)	<u>(31,531,022)</u>
Unadjusted Annual Repayment Limit	<u>\$ 84,947,467</u>

The following calculations reflect the City Treasurer’s adjustments for debt commitments and transactions that have occurred subsequent to December 31, 2022. The calculations reflect adjustments for annual debt payments (new and expired) that are not included in the MMAH unadjusted ARL calculation.

Assumptions have been made, where required, in calculating adjustments using an effective interest rate of 5% and loan periods of 15 to 25 years. While the City’s current borrowing rates are currently in the range of 4.5% to 4.8%, the rate of interest and debt terms used for calculating the adjustments reflect the assumptions utilized within the ARL and are provided for illustration purposes only. The actual rate of interest will fluctuate depending on market conditions and the length of the debenture related to the life expectancy of the corresponding assets.

April 2, 2024

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B) City Treasurer’s Adjustments

Unadjusted Annual Repayment Limit (MMAH) – January 1, 2024	\$ 84,947,467
Annual debt payments resulting from 2022 debt issue of \$134.9M	(8,798,806)
Annual debt payments on debt approved but not yet issued as of January 1, 2024 (\$3.5 million @ 5% for 25 years)	(248,334)
Debt payments expiring in 2023	<u>1,151,941</u>
Adjusted Annual Repayment Limit – January 1, 2024	<u>\$ 77,052,268</u>

The adjusted ARL as at January 1, 2024 would allow the municipality to undertake additional long-term borrowings, as outlined in the table below, based on an assumption of 5% interest over varying terms. These amounts reflect the maximum amount of additional debentures that could be issued according to provincial guidelines only and do not take into account other.

C) Maximum Long-Term Borrowings Available based on Adjusted ARL

Annual Debt Charges	Interest Rate	Term	Additional Debt Capacity
\$77,052,268	5.0%	15 years	\$801 million
\$77,052,268	5.0%	25 years	\$1.1 billion

Maximum Debt Capacity at December 31, 2023

At December 31, 2023, the City had an outstanding long term debt balance of \$462.1 million. After taking into consideration debt that has been approved but not yet issued of \$3.5 million, additional debt capacity available to the City, based on the adjusted annual debt repayment limit above, is approximately \$801 million to \$1.1 billion (based on a 5% interest rate). This results in a maximum debt capacity available to the City based on provincial guidelines of approximately \$1.2 billion to \$1.5 billion.

Projected Debt Balances

The graph below, provided during the 2024 budget deliberations, illustrates projected debt balances by year. The graph reflects assumptions for the expected timing of future planned debt financing for the capital expenditure requirements over the 15-year projection period, as well as estimated annual principal repayments.

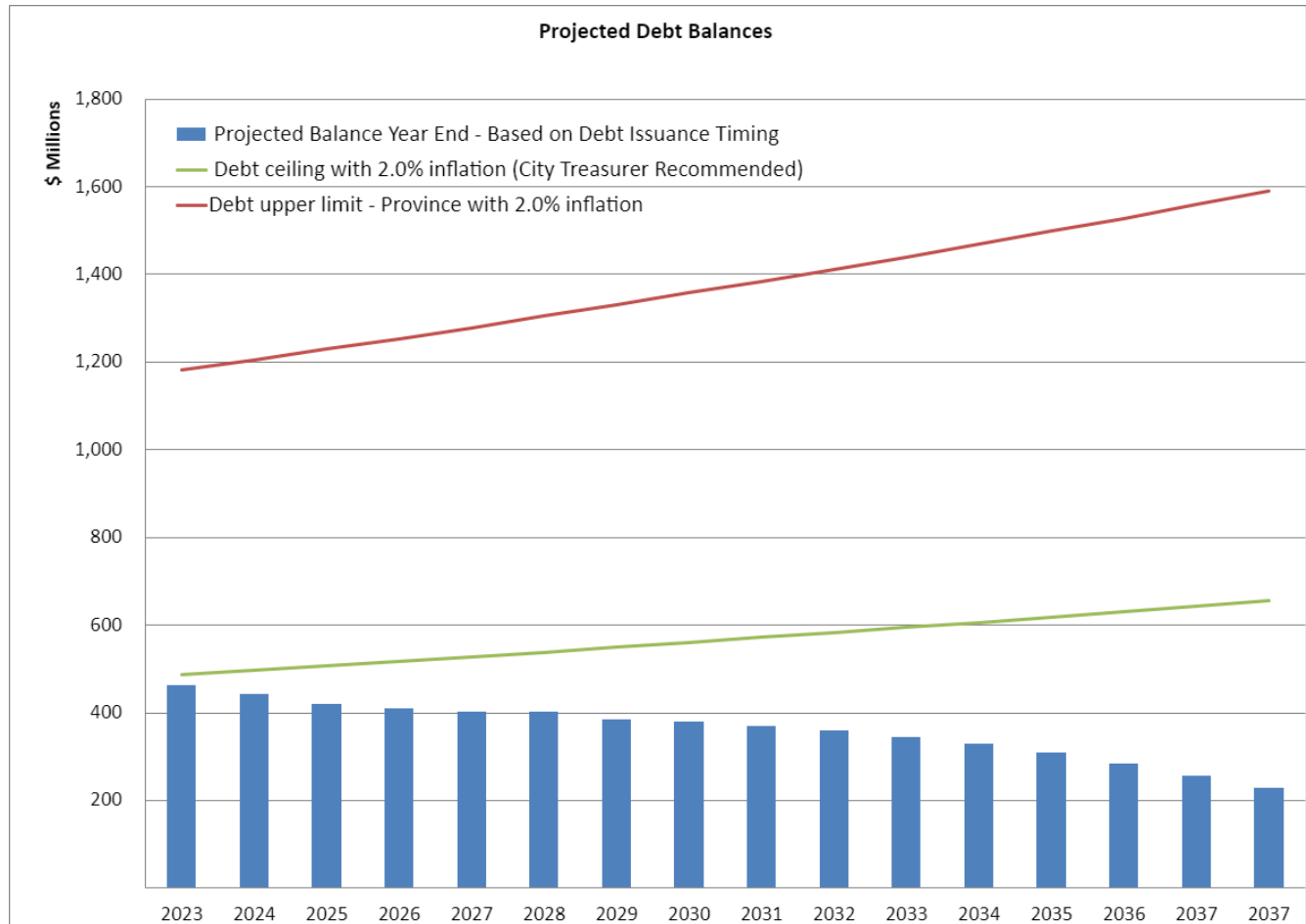
The vertical bars in the following table depict the level of debt over time. The graph includes a line that reflects the provincial ceiling of approximately \$1.2 billion to \$1.5 billion, based on the adjusted ARL discussed above. This ceiling is indexed in future years at the rate of 2% and represents the maximum that the City could borrow and still be within its debt capacity level as

April 2, 2024

Page 6 of 8

prescribed by the Province. Council has previously endorsed a debt strategy that provides for the balance of outstanding debt to remain substantially below the provincial ceiling with a maximum capacity level of approximately \$500 million, escalated at 2% annually in line with projected inflation.

The graph illustrates that the level of debt does not exceed recommended parameters. Conservative assumptions have been used in projecting future debt and it is likely that the actual timing of projects will provide further opportunity to reduce debt levels.



Projected Balance of Approved Debt Repayment by Source

The table below provides summary information on the total long-term debt issued and outstanding (\$462.1M), as well as total long-term debt approved by Council but not yet issued (\$3.5M) at December 31, 2023, categorized by the nature of the repayment obligations.

The table also reflects an additional \$15.0M of debt recently approved by Council in 2024 for the Culligan Waterpark enclosure, as per [Report Number 24-002](#), Aquatic Facilities Options.

April 2, 2024

Page 7 of 8

Long-Term Debt Issued	Tax Supported (\$M)	User Charges (\$M)	Utility Rates (\$M)	Total (\$M)
Debt issued at December 31, 2023	166.2	108.7	187.2	462.1
Debt to be issued at December 31, 2023	0.0	0.0	3.5	3.5
Total Debt at December 31, 2023	166.2	108.7	190.7	465.6
New debt approved in 2024	15.0	0.0	0.0	15.0
2024 principal repayments	(9.4)	(4.2)	(7.7)	(21.3)
Projected Debt – December 31, 2024	171.8	104.5	183.0	459.3
Percentage by source	37.4%	22.8%	39.8%	100%

Debt Management Strategies

The last debenture issue was approved by Council in August 2022, and included all previously approved debt. No debt funding was recommended as part of the approved 2023 or 2024 municipal capital budgets. Approved debt funding of \$3.5M was recommended as part of the multi-year capital budgets for municipal utilities for 2024 and is incorporated into the analysis above as debt to be issued at December 31, 2023.

Council recently endorsed the concept of a future aquatic facility at the INVISTA Centre, which is expected to include a debt funding component as part of the final project funding strategy. The debt funding related to this is not considered in the 15-year projection period above.

The graph above reflects a net decline in the debt balance over the 15-year projection period. In order to support the declining debt level, and remain well below the threshold over time, a future strategy that considers new debt issuance that is equal to or less than the level of principal repayments, as well as the continuance of the one percent incremental capital levy, will be necessary to ensure that we continue to show this downward trend.

Other Financial Commitments and Contractual Obligations

[Ontario Regulation 403/02](#) under [Municipal Act, 2001](#), S.O. 2001, c. 25 requires consideration for other financial commitments and contractual obligations. This includes financial commitments to hospitals and lease financing agreements that could materially impact the City's borrowing capacity. On November 16, 2021, Council directed staff to include a separate hospital

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levy on the annual property tax billing, beginning in the 2022 taxation year, to provide \$25.0M over ten years to the University Hospitals Kingston Foundation.

[Ontario Regulation 653/05](#), under [Municipal Act, 2001](#), S.O. 2001, c. 25, and the City's Capital Lease Financing Policy, require the City Treasurer to report annually on material capital lease financing agreements. As at December 31, 2023, for the purpose of this report, the City has entered into lease financing agreements in accordance with the Capital Lease Financing Policy as approved by Council in [Report Number 22-093](#). This pilot project authorized the Director, Corporate Asset Management & Fleet, to enter into capital financing agreements for up to 25 light duty vehicles for terms of up to 60 months. The financing obligation at December 31, 2023 under these lease financing agreements is \$977K.

The commitments noted above do not materially impact the City's borrowing capacity or the ability to meet servicing requirements.

Existing Policy/By-Law

City of Kingston annual budget by-laws

[Capital Lease Financing Policy and Agreements](#)

[Municipal Act, 2001](#), S.O. 2001, c. 25

[Ontario Regulation 403/02: Debt and Financial Obligation Limits](#)

[Ontario Regulation 653/05: Debt-Related Financial Instruments and Financial Agreements](#)

Financial Considerations

Any staff recommendation with respect to debt funding is presented to Council with consideration for the Annual Repayment Limit, as well as other indicators, including the City's ability to repay debt and capital reserve fund balances.

Contacts:

Lana Foulds, Director, Financial Services, 613-546-4291 extension 2209

Christa Walsh, Manager, Financial Planning, 613-546-4291 extension 2262

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

Exhibit A - Ministry of Municipal Affairs and Housing 2024 Annual Repayment Limit (Under Ontario Regulation 403 / 02)

2024 ANNUAL REPAYMENT LIMIT

(UNDER ONTARIO REGULATION 403 / 02)

MMAH CODE:	46102		
MUNID:	10005		
MUNICIPALITY:	Kingston C		
UPPER TIER:			
REPAYMENT LIMIT:		\$	84,947,467

FOR ILLUSTRATION PURPOSES ONLY,

The additional long-term borrowing which a municipality could undertake over a 5-year, a 10-year, a 15-year and a 20-year period is shown.

If the municipalities could borrow at 5% or 7% annually, the annual repayment limits shown above would allow it to undertake additional long-term borrowing as follows:

5% Interest Rate			
	(a)	20 years @ 5% p.a.	\$ 1,058,633,199
	(a)	15 years @ 5% p.a.	\$ 881,725,656
	(a)	10 years @ 5% p.a.	\$ 655,941,821
	(a)	05 years @ 5% p.a.	\$ 367,778,076
7% Interest Rate			
	(a)	20 years @ 7% p.a.	\$ 899,934,673
	(a)	15 years @ 7% p.a.	\$ 773,694,222
	(a)	10 years @ 7% p.a.	\$ 596,635,459
	(a)	05 years @ 7% p.a.	\$ 348,301,385

DETERMINATION OF ANNUAL DEBT REPAYMENT LIMIT

(UNDER ONTARIO REGULATION 403/02)

MUNICIPALITY:

Kingston C

MMAH CODE:

46102

		1
		\$
Debt Charges for the Current Year		
0210	Principal (SLC 74 3099 01)	17,286,789
0220	Interest (SLC 74 3099 02)	14,251,611
0299	Subtotal	31,538,400
0610	Payments for Long Term Commitments and Liabilities financed from the consolidated statement of operations (SLC 42 6010 01)	0
9910	Total Debt Charges	31,538,400

		1
		\$
Amounts Recovered from Unconsolidated Entities		
1010	Electricity - Principal (SLC 74 3030 01)	0
1020	Electricity - Interest (SLC 74 3030 02)	0
1030	Gas - Principal (SLC 74 3040 01)	0
1040	Gas - Interest (SLC 74 3040 02)	0
1050	Telephone - Principal (SLC 74 3050 01)	0
1060	Telephone - Interest (SLC 74 3050 02)	0
1099	Subtotal	0
1410	Debt Charges for Tile Drainage/Shoreline Assistance (SLC 74 3015 01 + SLC 74 3015 02)	7,378
1411	Provincial Grant funding for repayment of long term debt (SLC 74 3120 01 + SLC 74 3120 02)	0
1412	Lump sum (balloon) repayments of long term debt (SLC 74 3110 01 + SLC 74 3110 02)	0
1420	Total Debt Charges to be Excluded	7,378
9920	Net Debt Charges	31,531,022

		1
		\$
1610	Total Revenue (SLC 10 9910 01)	628,686,459
Excluded Revenue Amounts		
2010	Fees for Tile Drainage / Shoreline Assistance (SLC 12 1850 04)	0
2210	Ontario Grants, including Grants for Tangible Capital Assets (SLC 10 0699 01 + SLC 10 0810 01 + SLC10 0815 01)	107,280,375
2220	Canada Grants, including Grants for Tangible Capital Assets (SLC 10 0820 01 + SLC 10 0825 01)	26,385,930
2225	Deferred revenue earned (Provincial Gas Tax) (SLC 10 830 01)	1,847,700
2226	Deferred revenue earned (Canada Gas Tax) (SLC 10 831 01)	7,164,850
2230	Revenue from other municipalities including revenue for Tangible Capital Assets (SLC 10 1098 01 + SLC 10 1099 01)	4,783,496
2240	Gain/Loss on sale of land & capital assets (SLC 10 1811 01)	-8,236,028
2250	Deferred revenue earned (Development Charges) (SLC 10 1812 01)	17,500,449
2251	Deferred revenue earned (Recreation Land (The Planning Act)) (SLC 10 1813 01)	0
2256	Deferred revenue earned (Community Benefits) (SLC 10 1815 01)	0
2252	Donated Tangible Capital Assets (SLC 53 0610 01)	3,359,044
2253	Other Deferred revenue earned (SLC 10 1814 01)	0
2254	Increase / Decrease in Government Business Enterprise equity (SLC 10 1905 01)	2,386,563
2255	Other Revenue (SLC 10 1890 01 + SLC 10 1891 01 + SLC 10 1892 01 + SLC 10 1893 01 + SLC 10 1894 01 + SLC 10 1895 01 + SLC 10 1896 01 + SLC 10 1897 01 + SLC 10 1898 01)	300,125
2299	Subtotal	162,772,504
2410	Fees and Revenue for Joint Local Boards for Homes for the Aged	0
2610	Net Revenues	465,913,955
2620	25% of Net Revenues	116,478,489
9930	ESTIMATED ANNUAL REPAYMENT LIMIT	84,947,467
		(25% of Net Revenues less Net Debt Charges)

* SLC denotes Schedule, Line Column.



**City of Kingston
Report to Council
Report Number 24-119**

To: Mayor and Members of Council
From: Jennifer Campbell, Commissioner, Community Services
Resource Staff: Kevin Gibbs Director Heritage Services
Date of Meeting: April 2, 2024
Subject: Heritage Designation Project

Council Strategic Plan Alignment:

Theme: Corporate business

Goal: 5.7 Foster culture, history, education, arts and recreation (CHEAR)

Executive Summary:

On May 17, 2023, staff provided a report to the Heritage Properties Committee which addressed recent changes to several pieces of provincial legislation, including the *Ontario Heritage Act* (OHA), as a result of Bill 23, the *More Homes Built Faster Act*, 2022. That report ([HP-23-018](#)) outlined details on changes to the OHA as a result of the *More Homes Built Faster Act* and provided a workplan to designate or de-list the 312 non-designated properties then listed on the City of Kingston's Heritage Register.

This report provides an update on the progress of this designation project and the results of the City of Kingston's Heritage Register update. This report is for information purposes only and does not recommend alternative or additional activities or approaches.

Recommendation:

This report is for information only.

April 2, 2024

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

Jennifer Campbell,
Commissioner, Community
Services

ORIGINAL SIGNED BY CHIEF

p.p. ADMINISTRATIVE OFFICER

Lanie Hurdle, Chief
Administrative Officer

Consultation with the following Members of the Corporate Management Team:

Paige Agnew, Commissioner, Growth & Development Services	Not required
Neil Carbone, Commissioner, Corporate Services	Not required
David Fell, President & CEO, Utilities Kingston	Not required
Peter Huigenbos, Commissioner, Major Projects & Strategic Initiatives	Not required
Brad Joyce, Commissioner, Infrastructure, Transportation & Emergency Services	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required

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Options/Discussion:

The City of Kingston has played a significant role in heritage conservation in the province for over 50 years and is a leader in heritage conservation within the province and nationally. As noted in Section 7 of the City's *Official Plan*, cultural heritage resources "play a key role in the City's identity, and contribute to its economic prosperity as well as the cultural enrichment of its residents and visitors." The OHA ensures that municipalities like the City of Kingston can protect heritage resources that are valuable to the community.

Background

Section 29 of the OHA authorizes the Council of a Municipality to enact by-laws to designate real property of cultural heritage value or interest. Known as Part IV designations, these protections ensure that the heritage value of a single property, expressed through its physical heritage attributes, are conserved.

Several recent legislative changes have been made to the process through which municipalities in Ontario enact Part IV designations. In 2020, changes to the OHA created a two-tier appeal process for new designations. In 2022, additional changes were made to the OHA that require properties evaluated for Part IV designation to meet two 'Criteria for Determining Cultural Heritage Value or Interest' of Ontario Regulation (O. Reg.) 9/06, where previously these properties were only required to meet one.

On January 1, 2023, the *More Homes Built Faster Act* resulted in further changes to the OHA. These included an update to the position of non-designated properties identified on the City of Kingston's Municipal Heritage Register (the Register). Prior to this change, municipalities could place properties on the Register if those properties were believed to have potential cultural heritage value or interest. Non-designated properties placed on the Register could remain in perpetuity, offering some protection through lengthened review periods for demolition proposals and impact considerations in response to a prescribed event (such as an Official Plan Amendment, Zoning By-Law Amendment or Subdivision Application). The recent changes now require a term limit of two years for Listed (non-designated) properties on the Register. Once this two-year period has elapsed, non-designated properties cannot be included on the Register for a period of five years. As such, any non-designated properties remaining on the Register as of December 31, 2024 cannot be relisted until January 1, 2030.

New requirements were also enacted regarding the information presented in Municipal Heritage Registers. Under section 27(2) of the OHA, a Register now "shall contain, with respect to each [municipally designated] property (a) a legal description of the property; (b) the name and address of the owner; and (c) a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property." These updates to the Register were required by July 1, 2023.

In response to these recent changes in provincial policy, the City of Kingston's Heritage Planning staff have commenced a program ('Designation Project') to designate properties currently listed on the Register that meet the requirements for designation under Part IV of the

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OHA and to update the Register with the required information. This report provides an update on the status of the Designation Project and Municipal Heritage Register updates.

Designation Project

City of Kingston Heritage Planning staff continue to advance the work plan set out in [Report Number HP-23-018](#). Examples of work associated with the Designation Project include reviewing all non-designated properties currently listed on the City's Heritage Register; evaluating properties using O. Reg. 9/06; writing designation by-laws as applicable; communicating with homeowners (through mailings of information and draft by-laws, holding open house meetings, and answering queries and addressing concerns via in-person, telephone and email communication) to provide information on the designation process and its implications; and preparing and presenting batch designation reports to the Heritage Properties Committee and Council. Some tasks, including property evaluations and preparing by-laws, have benefited from the additional support of the private consulting firm Heritage Studio.

Advancement of the heritage designation project has been possible through the organization of properties into discrete 'blocks' using several criteria such as heritage value, available data and risk of loss or alteration. Generally, the block organization noted in [Report Number HP-23-018](#) has been carried forward to include the following broad categories:

Block 1: Properties in this group have been assessed and found to meet the O. Reg. 9/06 criteria for designation.

Block 2: Properties in this group have some research completed but have not been evaluated using O. Reg. 9/06 and, therefore, require additional work to determine if they meet the current criteria for designation.

Block 3: Properties in this group have limited research completed but have a high degree of public interest due to their perceived heritage value. Properties in this block may also be located in an area where development or intensification is anticipated.

Block 4: Properties in this group have been determined not to meet two criteria outlined in O. Reg. 9/06. As such, these properties will not be brought forward for designation, though they will remain on the Register until January 1, 2025.

Of the 311 non-designated properties listed on the City of Kingston's Heritage Register in May 2023, 35 are either designated/owned by the federal or provincial governments or are owned by the City of Kingston or Queens University. As a result of this existing protection, these properties were not prioritized for designation as part of this project. Of the 276 non-designated properties remaining on the City of Kingston's Heritage Register, 103 properties are classified within Blocks 1, 2 and 3 have now been either designated under Part IV of the OHA or are currently in the process of designation; the 55 properties in Block 4 do not meet the criteria outlined in O. Reg. 9/06; 37 properties remain in Block 1; and 81 properties remain in Block 2 requiring further evaluation to determine if they meet the criteria for designation.

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As further research and evaluations are advanced, it is possible for a property to move from one Block to another depending on its priority level and value established through meeting or exceeding the O. Reg. 9/06 criteria. It is anticipated that all properties in Block 1 will be brought to the Heritage Properties Committee by the end of 2024. Block 2 properties will be evaluated using O. Reg. 9/06 and, if they meet the minimum threshold for designation, these properties will be moved forward to the Heritage Properties Committee as soon as possible. It is possible that some properties in Block 2 will not meet the minimum threshold and will be moved to Block 4. Heritage Planning staff have also been working with members of the community to research and evaluate those properties within the City that should be included in Block 3, and it is anticipated that those properties that meet the provincial criteria will be brought to committee for designation by the end of 2024. Properties in Batch 4 will not be designated as they either do not meet the minimum threshold for designation under the OHA or they have not been prioritized as part of the Designation Project.

The table below outlines the status of the 276 properties in Blocks 1 - 4 as of February 15, 2024:

Block	Total Properties	Properties Designated/ In the Process of Designation	Remaining Properties to be Designated or Evaluated Using O. Reg. 9/06
Block 1	83	46	37
Block 2	129	48	81
Block 3	9	9	0
Block 4	55	NA	NA
Total	276	103	118

Objections

An objection and appeal process for the designation of properties with heritage value is outlined in Section 29 of the *Ontario Heritage Act*. If a Notice of Objection is received by the City Clerk within 30 days of the publication of the Notice of Intention to Designate, it will be presented to Council for consideration. Council then has 90 days to decide if it wishes to withdraw its Notice of Intention to Designate. Council’s decision is required to be served on the owner(s) and be published in the newspaper in the form of either a Notice of Passing (after giving final reading to the by-law) or a Notice of Withdrawal. Regardless of whether an objection is received or not, the public is afforded a second opportunity to appeal the designation to the Ontario Land Tribunal

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within 30 days of the publication of the Notice of Passing. The Tribunal will review the appeal, hold a hearing and render a binding decision on the designation.

As of March 15, 2024, the City Clerks Office has received six formal objections. Through consultation with City staff, two of these objections have resulted in amended Designation by-laws, which have been recirculated to Council and approved. A third objection is going to Council at the April 2nd Council Meeting (888 Montreal Street) while the fourth and fifth objections (114 Ordnance and 112 Ordnance Street) will be brought to the May 7th Council Meeting. Finally, an objection has been received from 995 Sydenham Road that will be brought to Council before June 4th. It is anticipated that further objections may occur as the project continues.

Changes to the Municipal Heritage Register

Changes to the OHA through the *More Homes Built Faster Act* required several alterations to the City of Kingston's Heritage Properties Register. New stipulations regarding public accessibility requires all municipalities to provide a legal description, name and address of owner, and statement of cultural heritage value or interest with a list of attributes for each municipally designated property.

The Heritage Planning team, with the support of Legal Services and the Planning Services department's Geographic Information Systems (GIS) team, completed a comprehensive update of the Register to ensure it was compliant with updated requirements. This work included:

- Update of existing register to include all listed and designated properties;
- Inclusion of Statement of Cultural Heritage Value or Interest for each property designated under Part IV of the OHA;
- Inclusion of List of Attributes for each property designated under Part IV of the OHA;
- Inclusion of updated legal description of each property;
- Inclusion of name and address of owner; and
- Change of format used for Municipal Heritage Register from PDF document to interactive GIS Mapping.

The updated Register GIS map is available to the public on the City of Kingston's website: <https://www.cityofkingston.ca/residents/heritage-conservation/properties-register>

Committee Comments

At the March 20, 2024 Heritage Properties Committee meeting, several Committee members provided supportive comments on the continued designation work undertaken by staff, with the ongoing help of the Heritage Working Group, Heritage Studio and members of the Committee. One question was posed to staff regarding the feasibility of completing the project by the end of 2024. Staff confirmed that the project is currently on track for completion within the proposed timeframe, though assessing the heritage value of the remaining properties may take additional time and effort.

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Existing Policy/By-Law:

More Homes Built Faster Act, 2022 (Province of Ontario)

More Homes, More Choice Act, 2019 (Province of Ontario)

Ontario Heritage Act, R.S.O. 1990, C.O. 18 (Province of Ontario)

Ontario Regulation 9/06 – Criteria for Determining Cultural Heritage Value or Interest (Ontario)

Contacts:

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