

FINAL REPORT:

Heritage Impact Assessment

**130 – 142 Victoria Street South,
Kitchener, Ontario**



December 2021

Project # LHC0247

**LHC | Heritage
Planning and
Archaeology**

837 Princess Street, Suite 400
Kingston, ON
K7L 1G8

Phone: 613-507-7817
Toll Free: 1-833-210-7817
E-mail: info@lhcheritage.com

LHC

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Report prepared for: Nusrat Govindji (Owner)
1232119 Ontario Inc.
564 Strathmere Crescent
Waterloo ON
N2T 2K2

Report prepared by: Hayley Devitt Nabuurs, MPI
Lisa Coles, BA (Hons)
Colin Yu, MA
Jordan Greene, BA

Reviewed by: Christienne Uchiyama, MA, CAHP

RIGHT OF USE

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REPORT LIMITATIONS

The qualifications of the heritage consultants who authored this report are provided in Appendix A: Project Personnel. This report reflects the professional opinion of the authors and the requirements of their membership in various professional and licensing bodies. All comments regarding the condition of any buildings on the Property are based on a superficial visual inspection and are not a structural engineering assessment of the buildings unless directly quoted from an engineering report. The findings of this report do not address any structural or physical condition related issues associated with any buildings on the property or the condition of any heritage attributes.

The review of policy and legislation was limited to that information directly related to cultural heritage management and is not a comprehensive planning review. Additionally, soundscapes, cultural identity, and sense of place analyses were not integrated into this report.

Due to the ongoing COVID-19 pandemic, access to archives were limited.

Archaeological potential has not been assessed as part of this HIA.

EXECUTIVE SUMMARY

The Executive Summary only provides key points from the report. The reader should examine the complete report including background, results as well as limitations.

LHC was retained 11 February 2021 by Nusrat Govindji (the “**Property Owner**”) to undertake a Heritage Impact Assessment (**HIA**) for 130, 138, and 142 Victoria Street South (the “**Properties**”) in the City of Kitchener (the “**City**”), in the Regional Municipality of Waterloo (the “**Region**”).

The Property Owner is proposing to build a 25-storey residential building with two-storeys of underground parking, retail on the ground floor, and live/work units and shared offices on the second floor.

This HIA is being prepared to evaluate the cultural heritage value of the Properties, outline heritage planning constraints, assess potential adverse impacts on the cultural heritage value and heritage attributes of the properties and surrounding area, and identify mitigation measures and alternatives to avoid or lessen impacts. This HIA was undertaken in accordance with the recommended methodology outlined within the Ministry of Heritage, Sport, Tourism, and Culture Industries’ (**MHSTCI**) *Ontario Heritage Toolkit* and the City of Kitchener’s *Heritage Impact Assessment Terms of Reference*.

The HIA resulted in the following findings and recommendations:

- In LHC’s professional opinion, the property municipally known as 130 Victoria Street South meets criteria 1.i. of *O. Reg. 9/06* for its design and physical value, the property municipally known as 138 Victoria Street South does not meet the criteria of *O. Reg. 9/06*, and the property municipally known as 142 Victoria Street South meets criteria 1.i. of *O. Reg. 9/06* for its design and physical value.
- Potential project-related adverse impacts were identified for all heritage attributes of 130 and 142 Victoria Street South if the buildings are removed for the proposed development. Alternatives and mitigation measures to lessen or avoid these potential impacts were explored and found to not be feasible within the context of the project.
- A combination of Partial Demolition/Selective Deconstruction and Integration into Proposed Development (Option 4) and Panelization (Option 5) is the preferred option. This alternative helps partially mitigate the loss of the Properties’ heritage attributes. The reuse of salvaged materials and retention of key elements as architectural inspiration in a distinctive corner component of the podium, reflects the heritage attributes within the new development. This option also sees the extensive reuse of salvaged buff bricks from both 130 and 142 Victoria Street South and the incorporation of heritage attributes from both properties as design features in communal spaces. This includes use of the drive-thru canopy in an exterior amenity space above the podium.
- It is recommended that as design progresses and is refined, additional elements from the Properties, such as the Victoria Apartments front entrance and the date stone, be incorporated to the fullest extent possible. Should the date stone be incorporated into the development, it is recommended that it be accompanied by interpretive plaquing or signage to avoid the creation of “fake heritage”.

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1.0 INTRODUCTION TO THE PROPERTIES

LHC was retained 11 February 2021 by Nusrat Govindji (**the “Property Owner”**) to undertake a Heritage Impact Assessment (**HIA**) for the three properties located at 130, 138, and 142 Victoria Street South (**the “Properties”**) in the City of Kitchener (**the “City”**), in the Regional Municipality of Waterloo (**the “Region”**).

The Property Owner is proposing to build a 25-storey residential tower with two storeys of underground parking, retail on the ground floor, and live/work units and shared offices on the second floor. This HIA is being prepared to evaluate the cultural heritage value or interest of the Properties and to outline heritage planning constraints affected by the proposed development. This HIA was undertaken in accordance with the recommended methodology outlined within the Ministry of Heritage, Sport, Tourism, and Culture Industries’ (**MHSTCI**) Ontario Heritage Toolkit and the City of Kitchener’s 2018 *Heritage Impact Assessment Terms of Reference (HIA ToR)*.

1.1 Properties Owner

The Property is owned by Nusrat Govindji (1232119 Ontario Inc.) of 564 Strathmere Crescent, Waterloo, Ontario.

1.2 Properties Location

The Properties are located on the north side of Victoria Street South at the corner of Bramm Street and Michael Street in the Victoria Park area of the City of Kitchener, Ontario (Figure 1).

1.3 Properties Description

The lot is rectangular, measuring approximately 55 m long by 35 m wide (Figure 2). There are three buildings each associated with a municipal address: a one-and-a-half-storey pharmacy at 130 Victoria Street South, a two-and-a-half-storey house at 138 Victoria Street South, and a three-storey apartment building at 142 Victoria Street South. A parking lot extends along the north end of the lots.

1.4 Properties Heritage Status

The property located at 130 Victoria Street South was considered for listing on the City of Kitchener Municipal Heritage Register in 2010 but was not pursued due to opposition from the owner at the time.¹ A Statement of Significance was prepared by the City for the property and reads:

Heritage Value

130 Victoria Street South is recognized for its design, physical, contextual, historical and associative values.

The design and physical values relate to the Art Deco architectural style that is in good condition with many intact original elements. The building features: brick

¹ City of Kitchener Council, “City of Kitchener Council Minutes February 1, 2010,” Laserfiche Web Link, <https://lf.kitchener.ca/WebLinkExt/PDF/5u4na5nyecp0ospgk14gjl1m/14/Council%20-%202010-02-01.pdf>, 27.

construction; yellow, black and green vitrolite; and triangular metal drive-in overhang.

The contextual value relates to the building's location and design. The building is located at the corner of Victoria Street South and Bramm Street. The building was designed for the corner location so that clients could drive in off of one street and exit on to the opposite street.

Heritage Attributes

The heritage value of 130 Victoria Street South resides in the following heritage attributes:

- All elements related to the construction and Art Deco architectural style of the building, including:
 - brick construction;
 - yellow, black and green vitrolite; and,
 - triangular metal drive-in overhang²

The property located at 132 Victoria Street South does not have heritage recognition and has not previously been considered for listing on the Municipal Register.

The property located at 142 Victoria Street South was listed on the City of Kitchener Municipal Heritage Register by Council resolution on 1 February 2010.³ A Statement of Significance was prepared by the City for the property and reads:

Heritage Value

142 Victoria Street South is recognized for its design, physical, values.

The design and physical values relate to the Art Deco architectural style that is in good condition with many intact original elements. The building features: yellow rugged and smooth brick construction; decorative stone details, including door surround, lintels, sills and date stone that reads "1931 "; and hung windows.

Heritage Attributes

The heritage value of 142 Victoria Street South resides in the following heritage attributes:

- All elements related to the construction and Art Deco architectural style of the building, including:
 - yellow rugged and smooth brick construction;

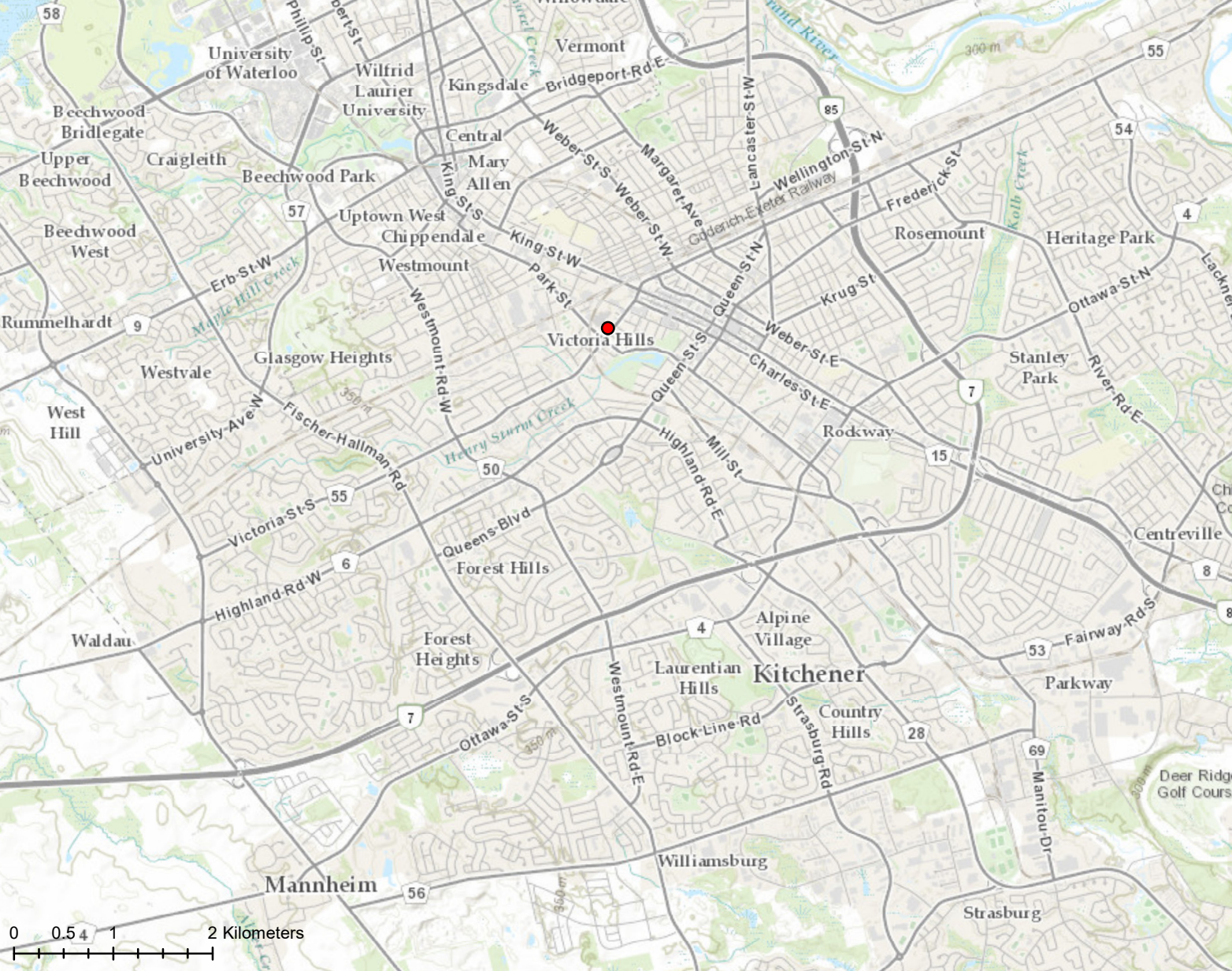
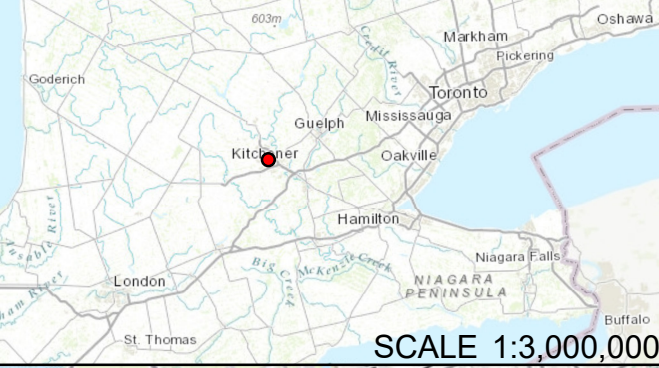
² Michelle Wade, "DTS- 00510 Listing of Non-Designated Property of Cultural Heritage Value of Interest on the Municipal Heritage Register, "Heritage Kitchener Committee, December 16, 2009, Laserfiche Web Link, <https://f.kitchener.ca/WebLinkExt/PDF/5u4na5nyecp0ospgk14gjlm/15/DTS-10-005%20-%20Listing%20of%20Non-Designated%20Property%20of%20Cultural%20Heritage%20Value%20.pdf>.

³ City of Kitchener Council, "City of Kitchener Council Minutes February 1, 2010," 27.

- roof and roofline;
- decorative stone details, including door surround, lintels, sills and date stone that reads "1931 "; and,
- window openings with hung windows⁴

⁴ Wade, "DTS- 00510 Listing of Non-Designated Property," December 16, 2009.

KEY MAP



Legend

● Properties

NOTE(S)
1. All locations are approximate.

REFERENCE(S)
1. Service Layer Credits: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community
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TITLE
Location Plan

CLIENT
Nusrat Govindji

PROJECT PROJECT NO. LHC0247
Heritage Impact Assessment
130-142 Victoria Street South, City of Kitchener, Regional Municipality of Waterloo

CONSULTANT YYYY-MM-DD 2021-05-10



PREPARED	LHC
DESIGNED	JG
FIGURE #	1



Legend

 Properties

NOTE(S)
1. All locations are approximate.

REFERENCE(S)
1. Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
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TITLE
Site Plan

CLIENT
Nusrat Govindji

PROJECT PROJECT NO. LHC0247
Heritage Impact Assessment
130-142 Victoria Street South, City of Kitchener, Regional Municipality of Waterloo

CONSULTANT YYYY-MM-DD 2021-05-10



PREPARED LHC

DESIGNED JG

FIGURE # **2**

2.0 STUDY APPROACH

LHC follows a three-step approach to understanding and planning for cultural heritage resources based on the understanding, planning and intervening guidance from the Canada's Historic Places *Standards and Guidelines for the Conservation of Historic Places in Canada* and MHSTCI *Ontario Heritage Tool Kit*.⁵ Understanding the cultural heritage resource involves:

- 1) Understanding the significance of the cultural heritage resource (known and potential) through research, consultation, and evaluation—when necessary.
- 2) Understanding the setting, context, and condition of the cultural heritage resource through research, site visit and analysis.
- 3) Understanding the heritage planning regulatory framework around the cultural heritage resource.

The impact assessment is guided by the Ontario Heritage Tool Kit, Heritage Resources in the Land Use Planning Process, Information Sheet #5, Heritage Impact Assessments and Conservation Plans. A description of the proposed development or site alteration, measurement of development or site impact and consideration of alternatives, mitigation and conservation methods are included as part of planning for the cultural heritage resource.⁶ The HIA includes recommendations for design and heritage conservation to guide interventions to the Properties.

2.1 City of Kitchener Heritage Impact Assessment Terms of Reference (2018)

The City's HIA ToR require an assessment to determine potential impacts to cultural heritage resources by proposed development. An HIA prepared for the City:

...shall include an inventory of all cultural heritage resources within the planning application area. The study results in a report which identifies all known cultural heritage resources, evaluates the significance of the resources, and makes recommendations toward mitigative measures that would minimize negative impacts to those resources.

Requirements of an HIA submitted to the City include the following:

Table 1: City of Kitchener's Heritage Impact Assessment Terms of Reference Requirements

Requirement	Location
Present owner contact information for properties proposed for development and/or site alteration.	Found in Section 1.1 of this HIA.
A detailed site history to include a listing of owners from the Land Registry Office, and a history of the site use(s).	Found in Section 4.0 of this HIA.
A written description of the buildings, structures and landscape features on the subject properties including:	Found in Section 5.0 of this HIA.

⁵ Canada's Historic Places, "Standards and Guidelines for the Conservation of Historic Places in Canada", 2010, 3; MHSTCI, "Heritage Property Evaluation" Ontario Heritage Tool Kit, 2006, 18.

⁶ MHSTCI, "Heritage Resources in the Land Use Planning Process" Ontario Heritage Tool Kit, 2006

Requirement	Location
building elements, building materials, architectural and interior finishes, natural heritage elements, and landscaping. The description will also include a chronological history of the buildings' development, such as additions and demolitions.	
The report shall include a clear statement of the conclusions regarding the cultural heritage value and interest of the subject property as well as a bullet point list of heritage attributes. If applicable, the statement shall also address the value and significance of adjacent protected heritage property.	Found in Section 6.0 of this HIA
Documentation of the subject properties to include: current photographs of each elevation of the buildings, photographs of identified heritage attributes and a site plan drawn at an appropriate scale to understand the context of the buildings and site details. Documentation shall also include where available, current floor plans, and historical photos, drawings or other available and relevant archival material.	Found in Section 5.0 of this HIA.
<p>An outline of the proposed development, its context, and how it will impact the properties (subject property and if applicable adjacent protected heritage properties) including buildings, structures, and site details including landscaping. In particular, the potential visual and physical impact of the proposed development on the identified heritage attributes of the properties, shall be assessed.</p> <p>The Heritage Impact Assessment must consider potential negative impacts as identified in the Ministry of Tourism, Culture and Sport's Ontario Heritage Tool Kit. Negative impacts may include but are not limited to: alterations that are not sympathetic or compatible with the cultural heritage resource; demolition of all or part of a cultural heritage resource; etc. The outline should also address the influence and potential impact of the development on the setting and character of the subject properties and adjacent protected heritage property.</p>	Found in Section 7.0 of this HIA.
Options shall be provided that explain how the significant cultural heritage resources may be conserved. Methods of mitigation may include, but are not limited to, preservation/conservation in situ, adaptive re-use, integration of all or part of the heritage resource,	Found in Section 9.0 of this HIA.

Requirement	Location
relocation. Each mitigative measure should create a sympathetic context for the heritage resource.	
A summary of applicable heritage conservation principles and how they will be used must be included. Conservation principles may be found in online publications such as: the Standards and Guidelines for the Conservation of Historic Places in Canada (Parks Canada); Eight Guiding Principles in the Conservation of Built Heritage Properties (Ontario Ministry of Tourism, Culture and Sport); and, the Ontario Heritage Tool Kit (Ontario Ministry of Tourism, Culture and Sport).	Found in Section 9.0 of this HIA.
Proposed repairs, alterations and demolitions must be justified and explained as to any loss of cultural heritage value and impact on the streetscape/neighbourhood context.	Found in Section 9.0 of this HIA.
Recommendations shall be as specific as possible, describing and illustrating locations, elevations, materials, landscaping, etc.	Found in Section 9.0 of this HIA.
The qualifications and background of the person(s) completing the Heritage Impact Assessment shall be included in the report. The author(s) must demonstrate a level of professional understanding and competence in the heritage conservation field of study.	Found in Appendix A of this HIA.
The report will also include a reference for any literature cited, and a list of people contacted during the study and referenced in the report.	Found in Section 11.0 of this HIA
<p>The summary statement should provide a full description of:</p> <ul style="list-style-type: none"> • The significance and heritage attributes of the subject properties. • The identification of any impact the proposed development will have on the heritage attributes of the subject properties, including adjacent protected heritage property. • An explanation of what conservation or mitigative measures, or alternative development, or site alteration approaches are recommended. 	Found in Section 10.0 of this HIA.

Requirement	Location
<ul style="list-style-type: none"> Clarification as to why specific conservation or mitigative measures, or alternative development or site alteration approaches are not appropriate. 	
<p>The consultant must write a recommendation as to whether the subject properties are worthy of listing or designation under the Ontario Heritage Act. Should the consultant not support heritage designation then it must be clearly stated as to why the subject property does not meet the criteria as stated in Regulation 9/06.</p> <p>The following questions must be answered in the mandatory recommendation of the report:</p> <ol style="list-style-type: none"> Do the properties meet the criteria for listing on the Municipal Heritage Register as a Non-Designated Property of Cultural Heritage Value or Interest? Do the properties meet the criteria for heritage designation under Ontario Regulation 9/06 of the Ontario Heritage Act? Why or why not? If the subject properties do not meet the criteria for heritage listing or designation then it must be clearly stated as to why they do not. Regardless of the failure to meet criteria for heritage listing or designation, do the properties warrant conservation as per the definition in the Provincial Policy Statement? Why or why not? 	<p>Found in Section 6.0 of this HIA.</p>

2.2 Legislative/Policy Review

The HIA includes a review of provincial legislation, plans and cultural heritage guidance, and relevant municipal policy and plans. This review outlines the cultural heritage legislative and policy framework that applies to the Property. The impact assessment considers the proposed project against this framework.

2.3 Historic Research

Historical research was undertaken to outline the history and development of the Property and its broader community context. Primary historic material, including air photos and mapping, were obtained from:

- Library and Archives Canada;
- Department of National Defence;

- Ancestry;
- Waterloo Open Data;
- University of Waterloo's Geospatial Centre's Historical Map Collection;
- University of Toronto; and,
- Kitchener Public Library.

Secondary research was compiled from sources such as: historical atlases, local histories, architectural reference texts, available online sources, and previous assessments. All sources and persons contacted in the preparation of this report are listed as footnotes and in the report's reference list.

2.4 Site Visit

A site visit was undertaken by Colin Yu on 26 April 2021. The primary objective of the site visit was to document and gain an understanding of the Properties and their surrounding context. The site visit included a documentation of the surrounding area, and exterior views of the structures. Interiors were not accessed due to health and safety considerations related to COVID restrictions at the time. A second site visit was undertaken on 11 November 2021 by Christienne Uchiyama. The second site visit included documentation of the surrounding area and exteriors of the three properties. Portions of the interior of 142 Victoria Street South were accessed during the November site visit.

2.5 Impact Assessment

The MHSTCI's *Information Sheet #5: Heritage Impact Assessments and Conservation Plans*⁷ outlines seven potential negative impacts to be considered with any proposed development or property alteration. The impacts include, but are not limited to:

- 1) **Destruction** of any part of any significant heritage attribute or features;
- 2) **Alteration** that is not sympathetic or is incompatible, with the historic fabric and appearance;
- 3) **Shadows** created that alter the appearance of a heritage attribute or change the viability of a natural feature or planting, such as a garden;
- 4) **Isolation** of a heritage attribute from its surrounding environment, context, or a significant relationship;
- 5) **Direct or indirect obstruction** of significant views or vistas within, from, or built and natural features;
- 6) **A change in land use** such as rezoning a battlefield from open space to residential use, allowing new development or site alteration to fill in the formerly open spaces; and

⁷ MHSTCI "Heritage Impact Assessments and Conservation Plans, Info Sheet #5" in *Heritage Resources in the Land Use Planning Process: Cultural Heritage and Archaeology Policies of the Ontario Provincial Policy Statement, 2005* (Queen's Printer for Ontario, 2006)

- 7) **Land disturbances** such as a change in grade that alters soils, drainage patterns that adversely affect an archaeological resource.

The HIA includes a consideration of direct and indirect adverse impacts on adjacent properties with known or potential cultural heritage value or interest in Section 8.0.

3.0 POLICY FRAMEWORK

3.1 Provincial Planning Context

In Ontario, cultural heritage is considered a matter of provincial interest and cultural heritage resources are managed under Provincial legislation, policy, regulations, and guidelines. Cultural heritage is established as a key provincial interest directly through the provisions of the *Planning Act*, the *OHA*, and the *PPS*. Other provincial legislation deals with cultural heritage indirectly or in specific cases. These various acts and the policies under these acts indicate broad support for the protection of cultural heritage by the Province. They also provide a legal framework through which minimum standards for heritage evaluation are established. What follows is an analysis of the applicable legislation and policy regarding the identification and evaluation of cultural heritage.

3.1.1 The Planning Act, R.S.O. 1990, c.P.13

The Planning Act is the primary document for municipal and provincial land use planning in Ontario. This Act sets the context for provincial interest in heritage. It states under Part I (2, d):

The Minister, the council of a municipality, a local board, a planning board and the Municipal Board, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as...the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest.⁸

Under Section 1 of *The Planning Act*:

A decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Tribunal, in respect of the exercise of any authority that affects a planning matter...shall be consistent with [the *PPS*].⁹

Details about provincial interest as it relates to land use planning and development in the province are outlined in the *PPS* which makes the consideration of cultural heritage equal to all other considerations concerning planning and development within the province.

3.1.2 Provincial Policy Statement (2020)

The *PPS* provides further direction for municipalities regarding provincial requirements and sets the policy foundation for regulating the development and use of land in Ontario. Land use planning decisions made by municipalities, planning boards, the Province, or a commission or agency of the government must be consistent with the *PPS*. The Province deems cultural heritage and archaeological resources to provide important environmental, economic, and social benefits, and *PPS* directly addresses cultural heritage in Section 1.7.1e and Section 2.6.

⁸ Province of Ontario, "Planning Act, R.S.O. 1990, c. P.13," December 8, 2020, <https://www.ontario.ca/laws/statute/90p13>, Part I (2, d).

⁹ Province of Ontario, "Planning Act," Part I S.5.

Section 1.7 of the *PPS* regards long-term economic prosperity and promotes cultural heritage as a tool for economic prosperity. The relevant subsection states that long-term economic prosperity should be supported by:

1.7.1e encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes.

Section 2.6 of the *PPS* articulates provincial policy regarding cultural heritage and archaeology. Subsection's state:

2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

2.6.4 Planning authorities should consider and promote archaeological management plans and cultural plans in conserving cultural heritage and archaeological resources.

2.6.5 Planning authorities shall engage with Indigenous communities and consider their interests when identifying, protecting and managing cultural heritage and archaeological resources.¹⁰

The definition of significance in the *PPS* states that criteria for determining significance for cultural heritage resources are determined by the Province under the authority of the *OHA*.¹¹ The *PPS* makes the consideration of cultural heritage equal to all other considerations and recognizes that there are complex interrelationships among environmental, economic and social factors in land use planning. It is intended to be read in its entirety and relevant policies applied in each situation.

A HIA may be required by a municipality in response to Section 2.6.1 and 2.6.3 to conserve built heritage resources, cultural heritage landscapes, and the heritage attributes of a protected heritage property.

3.1.3 Ontario Heritage Act, R.S.O. 1990, c.O.18

The *OHA* and associated regulations establish the protection of cultural heritage resources as a key consideration in the land-use planning process, set minimum standards for the evaluation of

¹⁰ Province of Ontario, "Provincial Policy Statement," 2020, 29.

¹¹ Province of Ontario, "Provincial Policy Statement," 2020, 51.

heritage resources in the province, and give municipalities power to identify and conserve individual properties, districts, or landscapes of cultural heritage value or interest.¹²

Part I (2) of the *OHA* enables the Minister to determine policies, priorities, and programs for the conservation, protection, and preservation of the heritage of Ontario. The *OHA* and associated regulations establish the protection of cultural heritage resources as a key consideration in the land-use planning process, set minimum standards for the evaluation of heritage resources in the province, and give municipalities power to identify and conserve individual properties, districts, or landscapes of cultural heritage value or interest.¹³ *O. Reg. 9/06* and *Ontario Regulation 10/06 (O. Reg. 10/06)* outline criteria for determining cultural heritage value or interest and criteria for determining cultural heritage value or interest of provincial significance.

Individual heritage properties are designated by municipalities under Section 29, Part IV of the *OHA*. A municipality may list a property on a municipal heritage register under Section 27, Part IV of the *OHA*. A municipality may designate heritage conservation districts under Section 41, Part V of the *OHA*. An *OHA* designation applies to real property rather than individual structures.

Amendments to the *OHA* were announced by the Province under Bill 108: *More Homes, More Choices Act* and came into effect on July 1, 2021. Previously, municipal council's decision to protect a property determined to be significant under the *OHA* was final with appeals being taken to the Conservation Review Board, who played an advisory role. With Bill 108 proclaimed, decisions are appealable to the Ontario Land Tribunal for adjudication.

Sections 33 and 34 Part IV and Section 42 Part V of the *OHA* require owners of designated heritage properties to obtain a permit or approval in writing from a municipality/municipal council to alter, demolish or remove a structure from a designated heritage property. These sections also enable a municipality to require an applicant to provide information or material that council considers it may need to decide which may include a CHIA.

Under Section 27(3), a property owner must not demolish or remove a building or structure unless they give council at least 60 days notice in writing. Under Section 27(5) council may require plans and other information to be submitted with this notice which may include a CHIA.

3.1.4 Places to Grow Act, 2005, S.O. 2005

The *Places to Grow Act* guides growth in the province and was consolidated 1 June 2021. It is intended:

- a) to enable decisions about growth to be made in ways that sustain a robust economy, build strong communities and promote a healthy environment and a culture of conservation;

¹² Province of Ontario, "Ontario Heritage Act, R.S.O. 1990, c. O.18," last modified April 19, 2021, <https://www.ontario.ca/laws/statute/90o18>

¹³ Province of Ontario, "Ontario Heritage Act," 2021

- b) to promote a rational and balanced approach to decisions about growth that builds on community priorities, strengths and opportunities and makes efficient use of infrastructure;
- c) to enable planning for growth in a manner that reflects a broad geographical perspective and is integrated across natural and municipal boundaries;
- d) to ensure that a long-term vision and long-term goals guide decision-making about growth and provide for the co-ordination of growth policies among all levels of government.¹⁴

This act is administered by the Ministry of Infrastructure and enables decision making across municipal and regional boundaries for more efficient governance in the Greater Golden Horseshoe area.

3.1.5 A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

The Properties are located within the area regulated by *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (the Growth Plan)* which came into effect on 16 May 2019 and was consolidated on 28 August 2020.

In Section 1.2.1, the *Growth Plan* states that its policies are based on key principles, which includes:

Conserve and promote cultural heritage resources to support the social, economic, and cultural well-being of all communities, including First Nations and Métis communities.¹⁵

Section 4.1 Context, in the *Growth Plan* describes the area it covers as containing:

...a broad array of important hydrologic and natural heritage features and areas, a vibrant and diverse agricultural land base, irreplaceable cultural heritage resources, and valuable renewable and non-renewable resources.¹⁶

It describes cultural heritage resources as:

The *GGH* also contains important cultural heritage resources that contribute to a sense of identity, support a vibrant tourism industry, and attract investment based on cultural amenities. Accommodating growth can put pressure on these resources through development and site alteration. It is necessary to plan in a way that protects and maximizes the benefits of these resources that make our communities unique and attractive places to live.¹⁷

Policies specific to cultural heritage resources are outlined in Section 4.2.7, as follows:

¹⁴ Province of Ontario, "Places to Grow Act, 2005, S.O. 2005, c. 13," last modified April 19, 2021, <https://www.ontario.ca/laws/statute/05p13>, 1.

¹⁵ Province of Ontario, "A Place to Grow: Growth Plan for the Greater Golden Horseshoe," last modified 2020, <https://files.ontario.ca/mmah-place-to-grow-office-consolidation-en-2020-08-28.pdf>, 6.

¹⁶ Province of Ontario, "A Place to Grow: Growth Plan for the Greater Golden Horseshoe," 2020, 39.

¹⁷ Province of Ontario, "A Place to Grow: Growth Plan for the Greater Golden Horseshoe," 2020, 39.

1. Cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas;
2. Municipalities will work with stakeholders, as well as First Nations and Métis communities, in developing and implementing official plan policies and strategies for the identification, wise use and management of cultural heritage resources; and,
3. Municipalities are encouraged to prepare archaeological management plans and municipal cultural plans and consider them in their decision-making.¹⁸

Amendment 1 to *A Place to Grow* aligns the definitions of *A Place to Grow* with PPS 2020.

3.1.6 Municipal Act, 2001, S.O. 2001, c.25

The *Municipal Act* was consolidated on 19 April 2021 and enables municipalities to be responsible and accountable governments with their jurisdiction.¹⁹ The *Municipal Act* authorizes powers and duties for providing good government and is administered by the Ministry of Municipal Affairs and Housing.

Amongst the many powers enabled by the *Municipal Act* is the power to create By-laws within the municipalities sphere of jurisdiction.²⁰ Under Section 11 (3) lower and upper tier municipalities are given the power to pass by-laws on matters including culture and heritage.²¹ Enabling municipalities to adopt a by-law or a resolution by Council to protect heritage, which may include requirements for an HIA.

3.1.7 Provincial Planning Context Summary

In summary, cultural heritage resources are considered an essential part of the land use planning process with their own unique considerations. As the province, these policies and guidelines must be considered by the local planning context. In general, the province requires significant cultural heritage resources to be conserved.

Multiple layers of municipal legislation enable a municipality to require a CHIA for alterations, demolition or removal of a building or structure from a listed or designated heritage property. These requirements support the conservation of cultural heritage resources in Ontario following provincial policy direction.

3.2 Regional Planning Context

3.2.1 Regional Municipality of Waterloo Official Plan (2015)

The *Regional Municipality of Waterloo Official Plan (ROP)* was approved with modifications by the Ontario Municipal Board on 18 June 2015 and is currently under review.²² The *ROP* sets out policies to guide growth and land use within the Region in keeping with provincial policy.

¹⁸ Province of Ontario, "A Place to Grow: Growth Plan for the Greater Golden Horseshoe," 2020, 47.

¹⁹ Province of Ontario, "Municipal Act, 2001, S.O. 2001, c.25," last modified April 19, 2021, <https://www.ontario.ca/laws/statute/01m25>.

²⁰ Province of Ontario, "Municipal Act," 2021, 11.

²¹ Province of Ontario, "Municipal Act," 2021, 11(3).

²² Regional Municipality of Waterloo, "Regional Municipality of Waterloo Official Plan," last modified June 18, 2015, <https://www.regionofwaterloo.ca/en/regional-government/land-use-planning.aspx> cover.

Chapter 3 addresses cultural heritage policies, writing that:

These resources provide an important means of defining and confirming a regional identity, enhancing the quality of life of the community, supporting social development and promoting economic prosperity. The Region is committed to the conservation of its cultural heritage. This responsibility is shared with the Federal and Provincial governments, Area Municipalities, other government agencies, the private sector, property owners and the community.²³

Policies related to the Identification of Cultural Heritage Resources, Cultural Heritage Landscapes, Archaeology, Heritage Planning Advisory Committees, Cultural Heritage Impact Assessment, Conservation, Promotion and Research, and Scenic Roads are outlined by the *ROP*. Policies most relevant to the Properties and proposed development have been included below in Table 2.

Table 2: Regional Municipality of Waterloo Relevant Official Plan Policies

Policy	Policy Text
	Identification of Cultural Heritage Resources
3.G.1	The Region and Area Municipalities will ensure that <i>cultural heritage resources</i> are <i>conserved</i> using the provisions of the <u>Heritage Act</u> , the <u>Planning Act</u> , the <u>Environmental Assessment Act</u> , the <u>Cemeteries Act</u> and the <u>Municipal Act</u> .
3.G.3	Area Municipalities will identify cultural heritage resources by establishing and maintaining a register of properties that are of cultural heritage value or interest. Area Municipalities will include on their register properties designated under Part IV, V or VI of the Heritage Act, and will consider including, but not be limited to, the following additional cultural heritage resources of cultural heritage value or interest: <ul style="list-style-type: none"> a) properties that have heritage conservation easements or covenants registered against title; b) cultural heritage resources of Regional interest; and c) cultural heritage resources identified by the Grand River Conservation Authority and the Federal or Provincial governments.
	Cultural Heritage Landscapes
3.G.5	The Region will prepare and update a Regional Implementation Guideline for Cultural Heritage Landscape Conservation. This guideline will outline the framework for identifying Cultural Heritage Landscapes, including Cultural Heritage Landscapes of Regional interest, and for documenting each individual landscape through a Cultural Heritage Conservation Landscape Plan that includes:

²³ Regional Municipality of Waterloo, "Regional Municipality of Waterloo Official Plan," 2015, 48.

Policy	Policy Text
	<p>(a) a statement of significance;</p> <p>(b) a listing of the cultural heritage resources and attributes being conserved within the Cultural Heritage Landscape through the use of existing planning tools, such as Heritage Act designations, listings on the Municipal Register, official plan policies, secondary plans and zoning bylaws; and</p> <p>(c) recommendations for additional conservation measures.</p>
3.G.6	Area Municipalities will designate Cultural Heritage Landscapes in their official plans and establish associated policies to conserve these areas. The purpose of this designation is to conserve groupings of cultural heritage resources that together have greater heritage significance than their constituent elements or parts.
3.G.7	The Region will assist Area Municipalities with the preparation of Cultural Heritage Landscape Conservation Plans for Cultural Heritage Landscapes of Regional interest.
Archaeology	
3.G.8	The Region will prepare and update a Regional Archaeological Master Plan, an associated Regional Archaeological Implementation Guideline, and maps identifying <i>archaeological resources</i> and <i>areas of archaeological potential</i> . The Master Plan will provide detailed information on the variables used to determine areas of <i>archaeological potential</i> and define the archaeological review process.
3.G.9	During the review of <i>development applications</i> and/or <i>site plans</i> , the Region and/or Area Municipalities will require the owner/applicant to submit an archaeological assessment conducted by a licensed archaeologist in accordance with the provisions of the Regional Archaeological Implementation Guideline following the Ministry of Tourism and Culture's Standards and Guidelines, to the satisfaction of the Province, where <i>archaeological resources</i> and/or <i>areas of archaeological potential</i> have been identified in the Archaeological Master Plan.
3.G.10	<p>Where an <i>archaeological assessment</i> identifies a <i>significant archaeological resource</i>, the Region or Area Municipality will require the owner/applicant to conserve the <i>significant archaeological resource</i> by:</p> <p>a) ensuring the site remains undeveloped and, wherever appropriate, designated as open space by the Area Municipality; or</p> <p>b) removing the <i>significant archaeological resource</i> from the site by a licensed archaeologist, prior to site grading or construction.</p>
Cultural Heritage Impact Assessment	
3.G.13	Area Municipalities will establish policies in their official plans to require the submission of a <i>Cultural Heritage Impact Assessment</i> in support of a proposed <i>development</i> that includes or is adjacent to a designated property, or includes a non-

Policy	Policy Text
	designated resource of cultural heritage value or interest listed on the Municipal Heritage Register.
3.G.14	Where a <i>Cultural Heritage Impact Assessment</i> required under Policy 3.G.13 relates to a <i>cultural heritage resource</i> of Regional interest, the Area Municipality will ensure that a copy of the assessment is circulated to the Region for review. In this situation, the <i>Cultural Heritage Impact Assessment</i> submitted by the owner/applicant will be completed to the satisfaction of both the Region and the Area Municipality.
3.G.15	Where a <i>development application</i> includes, or is adjacent to, a <i>cultural heritage resource</i> of Regional interest which is not listed on a Municipal Heritage Register, the owner/applicant will be required to submit a <i>Cultural Heritage Impact Assessment</i> to the satisfaction of the Region.
3.G.16	The Region will undertake a <i>Cultural Heritage Impact Assessment</i> and consult with the affected Area Municipality and the Regional Heritage Planning Advisory Committee prior to planning, designing or altering Regional buildings or <i>infrastructure</i> that may affect a <i>cultural heritage resource</i> listed on the region-wide inventory described in Policy 3.G.4. The <i>Cultural Heritage Impact Assessment</i> will be reviewed and approved in accordance with the policies in this Plan.
3.G.17	Cultural Heritage Impact Assessment will include, but not be limited to the following: <ul style="list-style-type: none"> a) historical research, site analysis and evaluation; b) identification of the significance and heritage attributes of the cultural heritage resource; c) description of the proposed development or site alteration; d) assessment of development or site alteration impacts; e) consideration of alternatives, mitigation and conservation methods; f) schedule and reporting structure for implementation and monitoring; and g) a summary statement and conservation recommendations.
3.G.18	Where a <i>Cultural Heritage Impact Assessment</i> required in this Plan relates to a <i>cultural heritage resource</i> of Regional interest, the conservation recommendations will, wherever feasible, aim to <i>conserve cultural heritage resources</i> intact by: <ul style="list-style-type: none"> a) recognizing and incorporating heritage resources and their surrounding context into the proposed development in a manner that does not compromise or destroy the heritage resource; b) protecting and stabilizing built heritage resources that may be underutilized, derelict, or vacant; and c) designing development to be physically and visually compatible with, and distinguishable from, the heritage resource.

Policy	Policy Text
3.G.19	Where it is not feasible to conserve a <i>cultural heritage resource</i> intact in accordance with Policy 3.G.18, the conservation recommendations will: <ul style="list-style-type: none"> a) promote the reuse or adaptive reuse of the resource, building, or building elements to preserve the resource and the handiwork of past artisans; and b) require the owner/applicant to provide measured drawings, a land use history, photographs and other available documentation of the cultural heritage resource in its surrounding context.
3.G.20	Cultural Heritage Impact Assessments may be scoped or waived by the Region or the Area Municipality as applicable.

3.2.2 Region of Waterloo Arts, Culture, and Heritage Master Plan (2002)

The *Region of Waterloo Arts, Culture, and Heritage Master Plan (Master Plan)* includes recommendations and implementation strategies for identification, protection, promotion, and investment cultural resources in the region. The *Master Plan* was created as:

Arts, culture, and heritage initiatives make a significant contribution to the well-being and quality of life of the residents of Waterloo Region. They reflect and enhance the community's unique identity and diversity, contribute to economic vitality, and shape future growth. Accordingly, the Region of Waterloo, alone or in partnership, will identify, protect, promote, and invest in existing resources; implement strategies to support existing and additional arts, culture, and heritage initiatives; and ensure their long-term prosperity and sustainability.²⁴

The goals of the *Master Plan* are to achieve the following:²⁵

1. Community Identity and Character

Develop a stronger cultural heritage identity for the region, one that celebrates its diversity, the character of its multiple towns and cities and the differing traditions of their founders; its natural features; and the richness of its arts, culture and heritage assets.

2. Education and Awareness

Build a stronger foundation for arts, culture, and heritage within the community.

3. Coordination and Partnership Formation

Encourage a greater degree of collaboration across all sectors and disciplines.

4. Resources

²⁴ Region of Waterloo, "Arts, Culture and Heritage Master Plan," last modified October 2002, <https://www.regionofwaterloo.ca/en/exploring-the-region/resources/Documents/artsmasterplan.pdf>, I.

²⁵ Region of Waterloo, "Arts, Culture and Heritage Master Plan," last modified October 2002, IV.

Support opportunities for the development and sustainability of existing arts, culture, and heritage organizations.

5. Accessibility

Maximize accessibility to arts, culture, and heritage opportunities and information.

The *Master Plan* provides guidance and direction for the region for protecting, identifying, and enhancing cultural heritage aspects for communities, and in serving as a primary document to help develop new policies and implementation strategies.

3.2.3 Regional Planning Context Summary

The Region has acknowledged the identification and conservation of cultural heritage resources is an important element of the land use planning process. Cultural heritage resources are viewed as important drivers for the Region's cultural and economic growth. The Region requires the completion of an HIA for proposed work on a listed property and assessment of archaeological potential. If the property is of Regional interest, a copy of the HIA must be submitted to the Region for review.

3.3 Local Planning Context

3.3.1 City of Kitchener Official Plan (2014)

The *City of Kitchener Official Plan (OP)* was approved with modifications by the Region on 19 November 2014 and was consolidated to 2019.²⁶ The *OP* guides growth, land use, and environmental protection for the City to 2031.²⁷

Section 12 addresses cultural heritage policies which are of historical, cultural, social, economic, environmental, and educational value to the City.²⁸ Policies relevant to the Property and proposed development have been included below in Table 3.

²⁶ City of Kitchener, "City of Kitchener Official Plan," last modified October 29, 2019, https://www.kitchener.ca/en/resourcesGeneral/Documents/DSD_PLAN_City_of_Kitchener_Official_Plan_2014.pdf, cover.

²⁷ City of Kitchener, "City of Kitchener Official Plan," 2019, 1-1.

²⁸ City of Kitchener, "City of Kitchener Official Plan," 2019, 12-1.

Table 3: City of Kitchener Relevant Official Plan Policies

Policy	Policy Text
	Objectives
12.1.1.	To <i>conserve</i> the <i>city's cultural heritage resources</i> through their identification, protection, use and/or management in such a way that their heritage values, attributes and integrity are retained.
12.1.2.	To ensure that all <i>development</i> or <i>redevelopment</i> and <i>site alteration</i> is sensitive to and respects <i>cultural heritage resources</i> and that <i>cultural heritage resources</i> are <i>conserved</i> .
12.1.3.	To increase public awareness and appreciation for <i>cultural heritage resources</i> through educational, promotional and incentive programs.
12.1.4.	To lead the community by example with the identification, protection, use and/or management of <i>cultural heritage resources</i> owned and/or leased by the <i>City</i> .
	Policies
12.C.1.1.	The <i>City</i> will ensure that <i>cultural heritage resources</i> are <i>conserved</i> using the provisions of the <u>Ontario Heritage Act</u> , the <u>Planning Act</u> , the <u>Environmental Assessment Act</u> , the <u>Funeral, Burial and Cremation Services Act</u> and the <u>Municipal Act</u> .
12.C.1.3.	The <i>City</i> will develop, prioritize and maintain a list of <i>cultural heritage resources</i> which will include the following: <ul style="list-style-type: none"> a) properties listed as non-designated properties of cultural heritage value or interest on the <i>Municipal Heritage Register</i>; b) properties designated under Part IV and V of the <u>Ontario Heritage Act</u>; c) <i>cultural heritage landscapes</i>; and, d) <i>heritage corridors</i>. <p>The list may also include <i>cultural heritage resources</i> identified in <i>Federal</i>, <i>Provincial</i> and <i>Regional</i> inventories and properties listed on the Heritage Kitchener Inventory of Historic Buildings until such time as these properties are re-evaluated and considered for listing on the <i>Municipal Heritage Register</i>.</p>
12.C.1.4.	The <i>City</i> acknowledges that not all of the <i>city's cultural heritage resources</i> have been identified as a <i>cultural heritage resource</i> as in Policy 12.C.1.3. Accordingly, a property does not have to be listed or designated to be considered as having cultural heritage value or interest.
12.C.1.5.	Through the processing of applications submitted under the <u>Planning Act</u> , resources of potential cultural heritage value or interest will be identified, evaluated and considered for listing as a non-designated property of cultural

	heritage value or interest on the <i>Municipal Heritage Register</i> and/or designation under the <u>Ontario Heritage Act</u> .
12.C.1.7.	Properties that are of cultural heritage value or interest will be considered for designation under the <u>Ontario Heritage Act</u> . The cultural heritage value or interest associated with the <i>cultural heritage resource</i> will be evaluated based on the regulation in the <u>Ontario Heritage Act</u> which provides criteria for determining cultural heritage value or interest.
Archaeology	
12.C.1.17.	During the review of <i>development applications</i> or applications for <i>site alteration</i> , The <i>City</i> and/or the <i>Region</i> will require an owner/applicant to submit an archaeological assessment conducted by a licensed archaeologist in accordance with any applicable Regional or Provincial Standards and Guidelines, to the satisfaction of the <i>Province</i> , where <i>archaeological resources</i> and/or areas of archaeological potential have been identified in the Regional Archaeological Master Plan.
12.C.1.18.	Where an archaeological assessment identifies a <i>significant archaeological resource</i> , the <i>City</i> and/or the <i>Region</i> and the <i>Province</i> will require the owner/applicant to <i>conserve</i> the <i>significant archaeological resource</i> in accordance with Ministry approvals by: <ul style="list-style-type: none"> a) ensuring the site remains undeveloped and, wherever appropriate, designated as open space by the <i>City</i>; or, b) removing the <i>significant archaeological resource</i> from the site by a licensed archaeologist, prior to site grading or construction.
Conservation Measures	
12.C.1.19.	In addition to listing and designating properties under the <u>Ontario Heritage Act</u> , the <i>City</i> may use and adopt further measures to encourage the protection, maintenance and conservation of the <i>city's cultural heritage resources</i> including built heritage and significant <i>cultural heritage landscapes</i> and implement Cultural Heritage Resource Conservation Measures Policies in this Plan. These may include, but are not limited to covenants and easements pursuant to the <u>Ontario Heritage Act</u> ; by-laws and agreements pursuant to the <u>Planning Act</u> (<i>Zoning By-law</i> , demolition control, site plan control, <i>community improvement</i> provisions, provisions in a subdivision agreement); and by-laws and agreements pursuant to the <u>Municipal Act</u> (<i>Property Standards By-law</i> , tree by-law, sign by-law).
12.C.1.20.	The <i>City</i> will make decisions with respect to <i>cultural heritage resources</i> that are consistent with the policies of the Provincial Policy Statement, which require the <i>conservation</i> of <i>significant cultural heritage resources</i> . In addition, such decisions will be consistent with the <u>Parks Canada Standards and Guidelines for the Conservation of Historic Places in Canada</u> .

12.C.1.21.	All <i>development, redevelopment</i> and <i>site alteration</i> permitted by the land use designations and other policies of this Plan will <i>conserve</i> Kitchener's <i>significant cultural heritage resources</i> . The <i>conservation</i> of <i>significant cultural heritage resources</i> will be a requirement and/or condition in the processing and approval of applications submitted under the <u>Planning Act</u> .
12.C.1.22.	The <i>City</i> may require financial securities from the owner/applicant of an application submitted under the Planning Act, including applications for consent, site plan, draft plan of vacant land condominium and draft plan of subdivision, to ensure the <i>conservation</i> of the <i>city's cultural heritage resources</i> both during and after the <i>development</i> process.
Heritage Impact Assessments and Heritage Conservation Plans	
12.C.1.23.	The <i>City</i> will require the submission of a <i>Heritage Impact Assessment</i> and/or a <i>Heritage Conservation Plan</i> for <i>development, redevelopment</i> and <i>site alteration</i> that has the potential to impact a <i>cultural heritage resource</i> and is proposed: <ul style="list-style-type: none"> a) on or <i>adjacent</i> to a <i>protected heritage property</i>; b) on or <i>adjacent</i> to a <i>heritage corridor</i> in accordance with Policies 13.C.4.6 through 13.C.4.18 inclusive; c) on properties listed as non-designated properties of cultural heritage value or interest on the <i>Municipal Heritage Register</i>; d) on properties listed on the Heritage Kitchener Inventory of Historic Buildings; and/or, e) on or <i>adjacent</i> to an identified <i>cultural heritage landscape</i>.
12.C.1.24.	Where a <i>Heritage Impact Assessment</i> required under Policy 12.C.1.23 relates to a <i>cultural heritage resource</i> of Regional interest, the <i>City</i> will ensure that a copy of the assessment is circulated to the <i>Region</i> for review prior to final consideration by the <i>City</i> .
12.C.1.25.	A <i>Heritage Impact Assessment</i> and <i>Heritage Conservation Plan</i> required by the <i>City</i> must be prepared by a <i>qualified person</i> in accordance with the minimum requirements as outlined in the City of Kitchener's Terms of Reference for <i>Heritage Impact Assessments</i> and <i>Heritage Conservation Plans</i> .
12.C.1.26.	The contents of a <i>Heritage Impact Assessment</i> will be outlined in a Terms of Reference. In general, the contents of a <i>Heritage Impact Assessment</i> will include, but not be limited to, the following: <ul style="list-style-type: none"> a) historical research, site analysis and evaluation; b) identification of the significance and <i>heritage attributes</i> of the <i>cultural heritage resource</i>; c) description of the proposed development or <i>site alteration</i>;

	<p>d) assessment of development or <i>site alteration</i> impact or potential <i>adverse impacts</i>;</p> <p>e) consideration of alternatives, mitigation and conservation methods;</p> <p>f) implementation and monitoring; and,</p> <p>g) summary statement and conservation recommendations.</p>
12.C.1.27.	Any conclusions and recommendations of the <i>Heritage Impact Assessment</i> and <i>Heritage Conservation Plan</i> approved by the <i>City</i> will be incorporated as mitigative and/or <i>conservation</i> measures into the plans for <i>development</i> or <i>redevelopment</i> and into the requirements and conditions of approval of any application submitted under the Planning Act.
12.C.1.28.	<i>Heritage Impact Assessments</i> and <i>Heritage Conservation Plans</i> required by the <i>City</i> may be scoped or waived by the <i>City</i> , as deemed appropriate.
Demolition/Damage of Cultural Heritage Resources	
12.C.1.32.	Where a <i>cultural heritage resource</i> is proposed to be demolished, the <i>City</i> may require all or any part of the demolished <i>cultural heritage resource</i> to be given to the <i>City</i> for re-use, archival, display or commemorative purposes, at no cost to the <i>City</i> .
12.C.1.33.	In the event that demolition, salvage, dismantling, relocation or irrevocable damage to a <i>significant cultural heritage resource</i> is proposed and permitted, the owner/applicant will be required to prepare and submit a thorough archival documentation, to the satisfaction of the <i>City</i> , prior to the issuance of an approval and/or permit.
12.C.1.34.	<p>Where archival documentation is required to support the demolition, salvage, dismantling, relocation or irrevocable damage to a <i>significant cultural heritage resource</i>, such documentation must be prepared by a <i>qualified person</i> and must include the following:</p> <p>a) architectural measured drawings;</p> <p>b) a land use history; and,</p> <p>c) photographs, maps and other available material about the <i>cultural heritage resource</i> in its surrounding context.</p> <p>Archival documentation may be scoped or waived by the <i>City</i>, as deemed appropriate.</p>
12.C.1.35.	In the event that demolition is proposed to a non-designated property of cultural heritage value or interest listed on the <i>Municipal Heritage Register</i> , the owner/applicant will be required to provide written notice to the <i>City</i> of the intent to demolish, 60 days prior to the date demolition is proposed. The significance of the <i>cultural heritage resource</i> will be evaluated and Council may use the 60 days

	to pursue designation of the <i>cultural heritage resource</i> under the <u>Ontario Heritage Act</u> .
12.C.1.36.	The <i>City</i> may give due consideration to designate under the <u>Ontario Heritage Act</u> any <i>cultural heritage resource</i> if that resource is threatened with demolition, significant alterations or other potentially <i>adverse impacts</i> .
Design/Integration	
12.C.1.46.	The <i>City</i> will prepare guidelines as part of the <i>Urban Design Manual</i> to address the <i>conservation of cultural heritage resources</i> in the <i>city</i> and to recognize the importance of the context in which the <i>cultural heritage resources</i> are located.
12.C.1.47.	The <i>City</i> may require architectural design guidelines to guide <i>development, redevelopment</i> and <i>site alteration</i> on, <i>adjacent</i> to, or in close proximity to properties designated under the <u>Ontario Heritage Act</u> or other <i>cultural heritage resources</i> .
12.C.1.48.	Signage on <i>protected heritage properties</i> will be <i>compatible</i> and complementary to the <i>heritage attributes</i> of the <i>protected heritage property</i> and in accordance with and consistent with good <i>conservation practice</i> .

3.3.2 City of Kitchener Zoning By-law 85-1 and 2019-051 (2019)

The City currently reviewing its zoning and has two zoning by-laws *Zoning By-law 85-1* and *Zoning By-law 2019-051*. *Zoning By-law 85-1* is consolidated to 29 March 2004 and applies to all properties in the City.²⁹ *Zoning By-law 2019-051* was approved by City Council on 29 April 2019 and is currently under appeal.³⁰ It is stage 1 of the City's zoning review and includes the

...framework of the document, definitions, general regulations, parking requirements and every zoning section with the exception of residential and urban growth centre (downtown).³¹

The Properties are not yet subject to *Zoning By-law 2019-051* and are currently subject to *Zoning By-law 85-1*. They are currently zoned MU-1 Low Intensity Mixed Use Corridor Zone which supports the following uses and regulations as shown in Table 4 and Table 5.³² This zoning does not have accompanying cultural heritage regulations.

²⁹ City of Kitchener, "City of Kitchener Zoning By-law 85-1," last modified March 29, 2004, <https://app2.kitchener.ca/appdocs/Zonebylaw/PublishedCurrentText/Sections//Section%201%20-%20General%20Scope.pdf>, 1.

³⁰ City of Kitchener, "City of Kitchener Zoning By-law 2019-051," last modified April 29, 2019, https://www.kitchener.ca/en/resourcesGeneral/Documents/DSD_PLAN_CROZBY_Consolidated_Zoning_Bylaw_Council_Approved.pdf.

³¹ City of Kitchener, "Zoning bylaw," Development and construction, last modified 2021, accessed May 4, 2021, <https://www.kitchener.ca/en/development-and-construction/zoning-bylaw.aspx>.

³² City of Kitchener, "Schedule 73," Zoning By-law 85-1, last modified August 27, 2018, https://app2.kitchener.ca/appdocs/Zonebylaw/PublishedCurrentText/Appendix%20A%20-%20Zoning%20Grid%20Schedules//SCHEDULE_73.pdf.

Table 4: Zoning By-law 2019-051 MU-1 Permitted Uses³³

Permitted Use	Permitted Use	Permitted Use
Artisan's Establishment	Canine or Feline Grooming	Commercial Recreation
Community Centre	Craftsman Shop	Day Care Facility
Duplex Dwelling	Dwelling Unit	Educational Establishment
Financial Establishment	Health Clinic	Health Office
Home Business	Hospice	Lodging House
Medical Laboratory	Multiple Dwelling	Museum
Office	Personal Services	Printing Establishment
Private Club or Lodge	Religious Institution	Repair Service
Residential Care Facility	Restaurant	Retail
Security or Janitorial Services	Scientific Establishment	Technological Establishment
Communications Establishment	Single Detached Dwelling	Street Townhouse Dwelling
Studio	Tourist Home	Veterinary Services

Table 5: Zoning By-law 2019-051 MU-1 Regulations³⁴

Regulation	Requirements
Minimum Lot Width	15 metres
Minimum Front Yard Abutting a Street	1.5 meters
Minimum Side Yard Abutting a Street	4.5 metres
Maximum Front Yard and Maximum Side Yard Abutting a Street	7.5 metres
Minimum Width of Primary Ground Floor Façade for Buildings constructed after the date that the MU-1 Zone was applied to the land	50% of the length of abutting street lines
Minimum Rear Yard	7.5 metres

³³ City of Kitchener, "Section 53," Zoning By-law 85-1, last modified October 7, 2013, [https://app2.kitchener.ca/appdocs/Zonebylaw/PublishedCurrentText/Sections//Section%2053%20-%20Low%20Intensity%20Mixed%20Use%20Corridor%20Zone%20\(MU-1\).pdf](https://app2.kitchener.ca/appdocs/Zonebylaw/PublishedCurrentText/Sections//Section%2053%20-%20Low%20Intensity%20Mixed%20Use%20Corridor%20Zone%20(MU-1).pdf), 1-2.

³⁴ City of Kitchener, "Section 53," Zoning By-law 85-1, last modified October 7, 2013, 2-3.

Regulation	Requirements
Minimum yard abutting any Residentially zoned property	7.5 metres
Minimum Façade Height for Buildings constructed after the date that the MU-1 Zone was applied to the land	6.0 metres
Maximum Building Height	13.5 metres
Minimum Floor Space Ratio for Buildings constructed after the date that the MU-1 Zone was applied to the land	0.6
Maximum Floor Space Ratio for Buildings constructed after the date that the MU-1 Zone was applied to the land.	2.0
Minimum Landscaped Area	10% of the lot area.
Location of Dwelling Unit	Shall not be located on the ground floor unless located within a building used only as a multiple dwelling
Façade Openings for Buildings constructed after the date that the MU-1 Zone was applied to the land.	For non-residential uses, not less than 40 percent of the area of a primary ground floor façade shall MU-1 Zone was applied to the land be devoted to display windows or entrances to the building; the horizontal distance between display windows or entrances shall not exceed 4.0 metres.
Outdoor Storage	No outdoor storage of goods, materials or equipment shall be permitted in any front yard or in a side yard abutting a street. This shall not, however, prevent the display of goods or materials for retail purposes.
Off-street Parking	In accordance with Section 6.1 of this By-law, including 6.1.2 d).
Off-street Loading	In accordance with Section 6.2 of this By-law.

3.3.3 Local Planning Context Summary

The City considers cultural heritage resources to be of value to the community and values them in the land use planning process. Through its *OP* policies, the City has committed to identifying and conserving cultural heritage resources including archaeological resources. An HIA is required when a proposed development is on or adjacent to a recognized heritage property. The

City has adopted *Standards and Guidelines for the Conservation of Historic Places in Canada* and will reference them when assessing proposed developments.

4.0 RESEARCH AND ANALYSIS

4.1 Early Indigenous History

4.1.1 Paleo Period (9500-8000 BCE)

The cultural history of southern Ontario began around 11,000 years ago following the retreat of the Wisconsin glacier.³⁵ During this archaeological period, known as the Paleo period (9500-8000 BCE), the climate was like the present-day sub-arctic and vegetation was dominated by spruce and pine forests.³⁶ The initial occupants of the province had distinctive stone tools. They were nomadic big-game hunters (i.e., caribou, mastodon, and mammoth) who lived in small groups and travelled over vast areas, possibly migrating hundreds of kilometres in a single year.³⁷

4.1.2 Archaic Period (8000-1000 BCE)

During the Archaic archaeological period (8000-1000 BCE), the occupants of southern Ontario continued their migratory lifestyles, although living in larger groups and transitioning towards a preference for smaller territories of land – possibly remaining within specific watersheds. People refined their stone tools during this period and developed polished or ground stone tool technologies. Evidence of long-distance trade has been found on archaeological sites from the Middle and Later Archaic times including items such as copper from Lake Superior, and marine shells from the Gulf of Mexico.³⁸

4.1.3 Woodland Period (1000 BCE – CE 1650)

The Woodland period in southern Ontario (1000 BCE – CE 1650) represents a marked change in subsistence patterns, burial customs, and tool technologies, as well as the introduction of pottery making. The Woodland period is sub-divided into the Early Woodland (1000–400 BCE), Middle Woodland (400 BCE – CE 500) and Late Woodland (CE 500 - 1650).³⁹ The Early Woodland is defined by the introduction of clay pots which allowed for preservation and easier cooking.⁴⁰ During the Early and Middle Woodland, communities grew and were organized at a band level. Peoples continued to follow subsistence patterns focused on foraging and hunting.

Woodland populations transitioned from a foraging subsistence strategy towards a preference for agricultural village-based communities around during the Late Woodland. During this period people began cultivating maize in southern Ontario. The Late Woodland period is divided into three distinct stages: Early (CE 1000–1300); Middle (CE 1300–1400); and Late (CE 1400–1650).⁴¹ The Late Woodland is generally characterised by an increased reliance on cultivation

³⁵ Christopher Ellis and D. Brian Deller, “Paleo-Indians,” in *The Archaeology of Southern Ontario to A.D. 1650*, ed. Christopher Ellis and Neal Ferris (London, ON: Ontario Archaeological Society, London Chapter, 1990), 37.

³⁶ EMCWTF, “Chapter 3: The First Nations,” in *Greening Our Watersheds: Revitalization Strategies for Etobicoke and Mimico Creeks* (Toronto: TRCA, 2002). <http://www.trca.on.ca/dotAsset/37523.pdf>.

³⁷ EMCWTF, “Chapter 3: The First Nations,” (Toronto: TRCA, 2002).

³⁸ EMCWTF, “Chapter 3: The First Nations,” (Toronto: TRCA, 2002).

³⁹ EMCWTF, “Chapter 3: The First Nations,” (Toronto: TRCA, 2002).

⁴⁰ EMCWTF, “Chapter 3: The First Nations,” (Toronto: TRCA, 2002).

⁴¹ EMCWTF, “Chapter 3: The First Nations,” (Toronto: TRCA, 2002).

of domesticated crop plants, such as corn, squash, and beans, and a development of palisaded village sites which included more and larger longhouses. By the 1500s, Iroquoian communities in southern Ontario – and more widely across northeastern North America –organized themselves politically into tribal confederacies. Communities south of Lake Ontario at this time included the Haudenosaunee Confederacy, made up of the Mohawks, Oneidas, Cayugas, Senecas, Onondagas, and Tuscarora, and groups including the Anishinaabe and Neutral (Attiwandaron).⁴²

4.2 Seventeenth- and Eighteenth-Century Historic Context

French explorers and missionaries began arriving in southern Ontario during the first half of the 17th century, bringing with them diseases for which the Indigenous peoples had no immunity. Also contributing to the collapse and eventual dispersal of the Huron, Petun, and Attiwandaron, was the movement of the Haudenosaunee Confederacy from south of Lake Ontario. Between 1649 and 1655, the Haudenosaunee Confederacy waged military warfare on the Huron, Petun, and Attiwandaron, pushing them out of their villages and the general area.⁴³

As the Haudenosaunee Confederacy moved across a large hunting territory in southern Ontario, they began to threaten communities further from Lake Ontario, specifically the Anishinaabe. The Anishinaabe had occasionally engaged in military conflict with the Haudenosaunee Confederacy over territories rich in resources and furs, as well as access to fur trade routes; but in the early 1690s, the Ojibway, Odawa and Patawatomí, allied as the Three Fires, initiated a series of offensive attacks on the Haudenosaunee Confederacy, eventually forcing them back to the south of Lake Ontario.⁴⁴

Most of the Haudenosaunee Confederacy allied with the British during the American Revolution (1765 – 1783) with the promise that their land would be protected.⁴⁵ This promise was not kept, and Haudenosaunee Confederacy territory was ceded to the United States through the Treaty of Paris in 1783.⁴⁶ In compensation, Captain General Fedrick Haldimand granted the Haudenosaunee Confederacy 950,000 acres through the Haldimand Proclamation dated 25 October 1784 (Figure 3 and Figure 4).⁴⁷ The land grant has been in debate ever since and has been steadily reduced to 46,000 acres today.⁴⁸

⁴² Six Nations Elected Council, “Community Profile,” Six Nations of the Grand River, last modified 2013, accessed May 7, 2021, <http://www.sixnations.ca/CommunityProfile.htm>; University of Waterloo, “Land acknowledgment,” Faculty Association, accessed May 7, 2021, <https://uwaterloo.ca/faculty-association/about/land-acknowledgement>; Six Nations Tourism, “History,” accessed May 7, 2021, <https://www.sixnationstourism.ca/history/>.

⁴³ Mississaugas of the Credit First Nation, “The History of the Mississaugas of the New Credit First Nation,” Mississaugas of the New Credit First Nation, last modified 2018, <http://mncfn.ca/wp-content/uploads/2018/04/The-History-of-MNCFN-FINAL.pdf>.

⁴⁴ Mississaugas of the Credit First Nation, “History”, 3-4.

⁴⁵ Cody Groat, “Six Nations of the Grand River,” The Canadian Encyclopedia, accessed May 7, 2021, <https://www.thecanadianencyclopedia.ca/en/article/six-nations-of-the-grand-river>.

⁴⁶ Cody Groat, “Six Nations of the Grand River,” The Canadian Encyclopedia, accessed May 7, 2021.

⁴⁷ Six Nations of the Grand River Development Corporation, “History of Six Nations,” accessed May 7, 2021, <https://sndevcorp.ca/history-of-six-nations/>.

⁴⁸ Six Nations Elected Council, “Community Profile,” Six Nations of the Grand River, last modified 2013.



Figure 3: Surveyor Thomas Ridout's map of the Haldimand Proclamation in 1821⁴⁹

⁴⁹ Library and Archives Canada, "Plan shewing the Lands granted to the Six Nation Indians, situated on each side of the Grand River, or Ouse, commencing on LAKE ERIE - Containing about 674,910 Acres. Thos. Ridout Surveyor General, survey Gen. Office York 2nd February 1821. [cartographic material]," 1821, Item ID Number 4129506. Library and Archives Canada: Ottawa, Ontario.

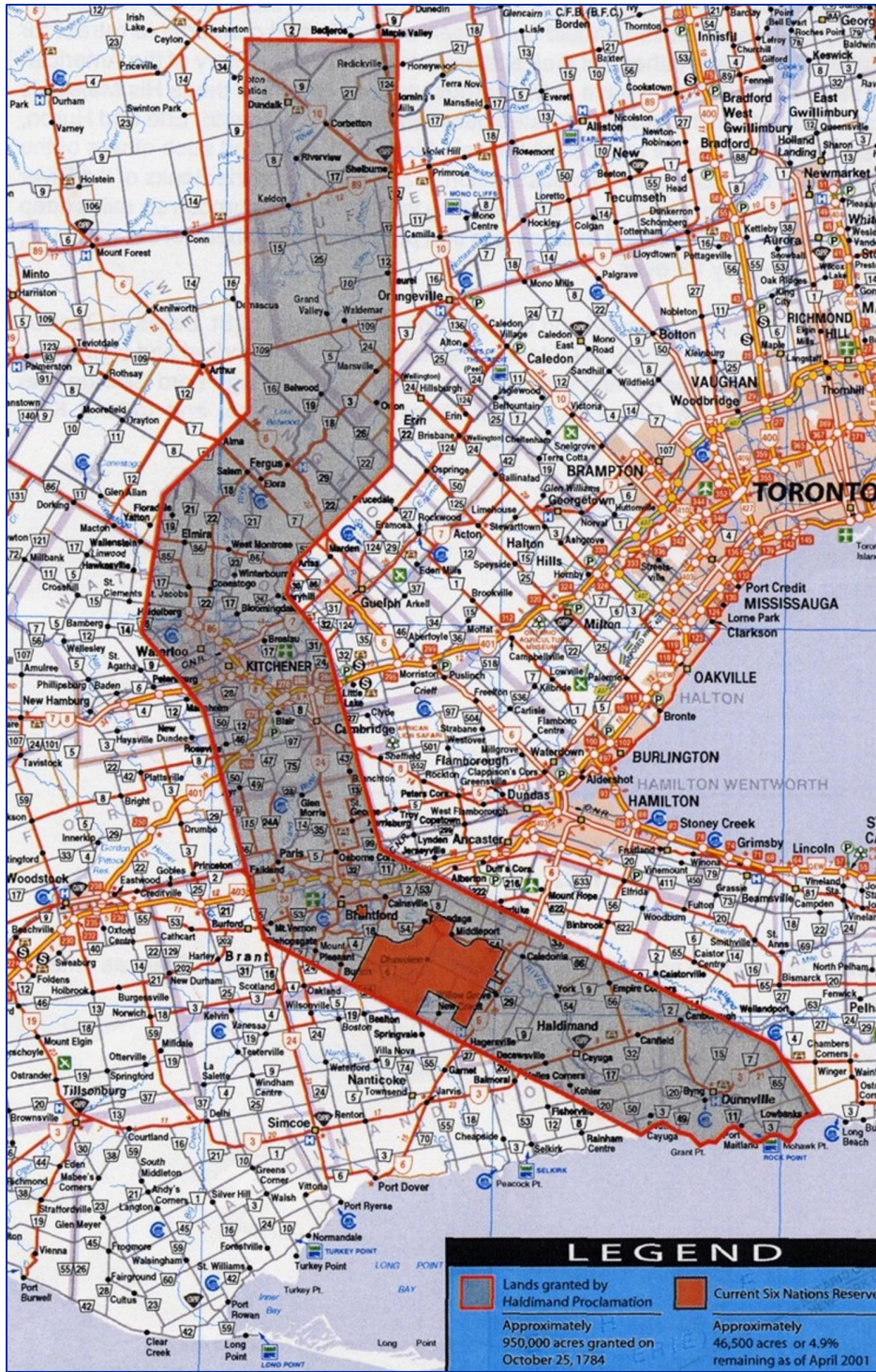


Figure 4: Haldimand Tract⁵⁰

⁵⁰ Six Nations, “The Haldimand Treaty of 1784,” Lands and Resources, last modified 2008, accessed May 7, 2021, <http://www.sixnations.ca/LandsResources/HaldProc.htm>.

4.3 Region of Waterloo

The Haldimand Proclamation was divided into six blocks by the Government of Upper Canada and sold to fund an annuity to the Six Nations people.⁵¹ Block Two was sold to land speculator Colonel Richard Beasley in 1796 covering an area of 94,012 acres.⁵² Beasley began to subdivide the land and sell plots to Pennsylvania Mennonites fleeing after the American Revolution, this portion numbering 63,000 acres and called the German Company Tract.⁵³ The German Company Tract was surveyed by government surveyor Augustus Jones in 1805.⁵⁴ The survey resulted in a closed Pennsylvania Mennonite community that did not include clergy, Crown, or Loyalist reserves and which was divided into equal 448-acre lots without lot and concession numbers.⁵⁵

The German Company Tract was incorporated into Wellington District in 1816 and renamed Waterloo Township.⁵⁶ The Township grew quickly as it began a centre of German settlement in Upper Canada.⁵⁷ Boundaries were redrawn following the *Baldwin Municipal Act* of 1849 and the *Hinks Act* of 1852 creating the United Counties of Wellington, Waterloo, and Grey in 1849.⁵⁸ Waterloo County became independent in 1853 with Berlin as its seat.⁵⁹ The Region of Waterloo was established in 1973.⁶⁰

4.4 City of Kitchener

A community began to form in the German Company Tract at what would become Kitchener, then known as Berlin, beginning with the settlement of a group of Pennsylvania Mennonites in 1807 including early families like the Schneiders and Ebys.⁶¹ The Village of Berlin was established in the 1850s with most of its population of 700 working in agriculture.⁶² A station on the Grand Trunk Railway was established at Berlin in 1856, linking the village to the rest of North America.⁶³ This coupled with access to inexpensive power from Niagara Falls led to Berlin's industrial growth and nickname of "Busy Berlin" with a population of nearly 4,000 by

⁵¹ Kenneth McLaughlin, "Kitchener-Waterloo," The Canadian Encyclopedia, last modified February 24, 2017, accessed May 7, 2021, <https://www.thecanadianencyclopedia.ca/en/article/kitchener-waterloo>.

⁵² Waterloo Region Museum, "History of Waterloo Township," accessed May 7, 2021, <https://www.waterlooregionmuseum.ca/en/collections-and-research/waterloo-township.aspx#note1>.

⁵³ Ezra Elby, *A biographical history of Waterloo township and other townships of the county*, Volume 1, (Berlin, ON: Ezra Elby, 1895), 1 and 26.

⁵⁴ John English and Kenneth McLaughlin, *Kitchener: An Illustrated History*, (Toronto: Robin Bross Studio, 1996), 19-20.

⁵⁵ English and McLaughlin, 19.

⁵⁶ McLaughlin, "Kitchener-Waterloo," The Canadian Encyclopedia, last modified February 24, 2017.

⁵⁷ McLaughlin, "Kitchener-Waterloo," The Canadian Encyclopedia, last modified February 24, 2017.

⁵⁸ McLaughlin, "Kitchener-Waterloo," The Canadian Encyclopedia, last modified February 24, 2017.

⁵⁹ McLaughlin, "Kitchener-Waterloo," The Canadian Encyclopedia, last modified February 24, 2017.

⁶⁰ McLaughlin, "Kitchener-Waterloo," The Canadian Encyclopedia, last modified February 24, 2017.

⁶¹ Bill Moyer, *Kitchener: Yesterday Revisited An Illustrated History*, (Burlington, ON: Windsor Publications Canada Ltd., 1979), 1.

⁶² McLaughlin, "Kitchener-Waterloo," The Canadian Encyclopedia, last modified February 24, 2017; Rych Mills, *Kitchener (Berlin) 1880 – 1960*, (Charleston, SC: Arcadia Publishing, 2002), 7.

⁶³ Mills, 7.

1890.⁶⁴ Berlin received city status in 1912 and operated as a multi-lingual city, mixing German and English.⁶⁵

World War One brought change to Berlin with the city facing prejudice as Canada fought Germany.⁶⁶ Berlin voted to change its name to Kitchener in 1916 in response.⁶⁷ Despite slowed growth during the war years, Kitchener grew from 20,000 in 1920 to 30,000 in 1930 leading to a housing and industry boom following the Great Depression.⁶⁸ The city continued to grow through the 1900s, becoming Canada's fastest growing city in 1965.⁶⁹ Kitchener experienced economic turmoil in the 1990s as the recession closed many long standing industries and lead to a restricting of the city's economy and workforce.⁷⁰ Into the 2000s, the City has pushed for the reconstruction of Kitchener with increased post-secondary education and reuse of heritage properties.⁷¹

4.5 Property History

Land records and city directory records from 1931 to 1940 for the Properties were transcribed and can be found in their entirety in Appendix C and D. The following history presents this information in a narrative form.

Maps from the 1800s do not show development on the lots with the surrounding area largely composed of fields with some houses (Figure 8 and Figure 9). All three lots (Lot 8, 9, and 10) first appear in the Ontario Land Registry in March 1922 when they were sold by John Jr., George, and Caroline Bramm to Alford Boehmer for \$2,100.00.⁷² Brothers John Jr. and George Bramm operated a brickyard on the Properties and ran a mill on Queen Street South with their father John Bramm Sr., Kitchener's first brickmaker.⁷³

Boehmer then sold the three lots to different owners in the 1930s with no development on the lot at this time (Figure 10 to Figure 12). The street would be called Wilmont Avenue until it was renamed Victoria Street South in 1939.⁷⁴

4.5.1 130 Victoria Street South

The property municipally known as 130 Victoria Street South was used as a municipal yard until 1937 when it was sold by Boehmer to MacIntosh Cleaners Ltd.⁷⁵ MacIntosh Cleaners Ltd. was

⁶⁴ McLaughlin "Kitchener-Waterloo" The Canadian Encyclopedia, last modified February 24, 2017; Mills, 7

⁶⁵ McLaughlin "Kitchener-Waterloo" The Canadian Encyclopedia, last modified February 24, 2017; Mills, 7

⁶⁶ Mills, 7.

⁶⁷ Moyer, 56.

⁶⁸ Mills, 8.

⁶⁹ Moyer, 83.

⁷⁰ City of Kitchener, *Century Celebration: Kitchener marks 100 years as a city*, (Kitchener, ON: City of Kitchener, 2012), 97.

⁷¹ City of Kitchener, *Century Celebration: Kitchener marks 100 years as a city*, 108-109

⁷² Ontario Land Registry, "WATERLOO (58), KITCHENER PLAN 143," Historical Books, <https://www.onland.ca/ui/58/books/82987/viewer/445262592?page=1>, Instrument 46200.

⁷³ Waterloo Region Museum, "John Bramm 1817-1893," List of Hall of Fame Inductees, <https://www.waterlooregionmuseum.ca/en/exhibits/past-and-present-inductees.aspx#>.

⁷⁴ Vernon Directories Limited, *Vernon's City of Kitchener and Town of Waterloo Directory 1939*, (Hamilton, ON: Griffin & Richmond Co. Ltd., 1939).

⁷⁵ Ontario Land Registry, "WATERLOO (58), KITCHENER PLAN 143," Instrument 74529.

opened at this location in 1939 by the MacIntosh family (Figure 5).⁷⁶ The triangular canopy acted as a drive-thru overhang. It is unclear if this canopy was original to the building – as it is not clearly visible on aerial imagery or the 1945 Fire Insurance Plan – however, a drive-thru canopy would be in keeping with the style and time of construction.

MacIntosh Cleaners Ltd. continued to be operated by the family until it was sold in 2015 (Figure 6).⁷⁷ It was purchased by Nusrat Govindji and is currently a pharmacy called Victoria Wellness & Pharmacy.⁷⁸

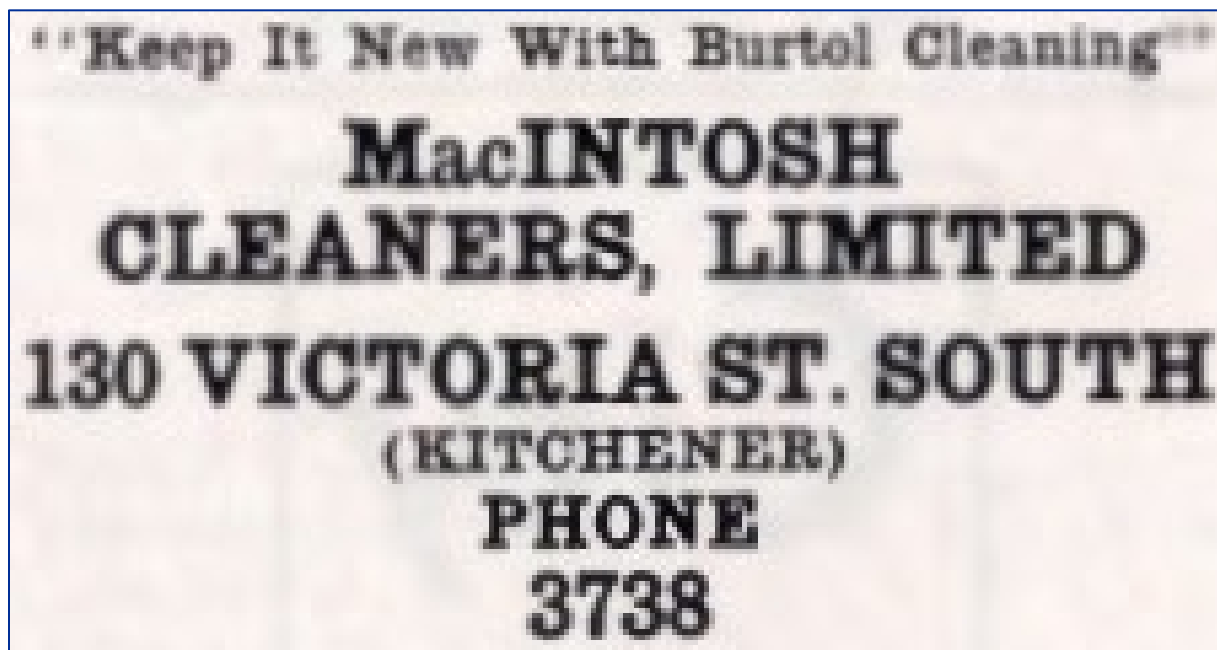


Figure 5: Advertisement for MacIntosh Cleaners Ltd. in the 1940 city directory⁷⁹

⁷⁶ Vernon Directories Limited, *Vernon's City of Kitchener and Town of Waterloo Directory 1939*, 446.

⁷⁷ L. D'Amato, "An owner bids farewell to his business: 'All my life has been here'," *Waterloo Region Record*, March 20, 2015, <https://www.toronto.com/opinion-story/5516487-d-amato-an-owner-bids-farewell-to-his-business-all-my-life-has-been-here/>.

⁷⁸ Terry Pender, "Former dry cleaning building in Kitchener has high-tech future," *The Record*, March 29, 2016, <https://www.therecord.com/business/2016/03/29/former-dry-cleaning-building-in-kitchener-has-high-tech-future.html>.

⁷⁹ Vernon Directories Limited, *Vernon's City of Kitchener and Town of Waterloo Directory 1940*, (Hamilton, ON: Griffin & Richmond Co. Ltd., 1940), 290.



Figure 6: MacIntosh Cleaners in 2016 after closing⁸⁰

4.5.2 138 Victoria Street South

The property municipally known as 138 Victoria Street South was sold by Boehmer to Louis Paleczny for \$850.00 in 1931.⁸¹ Paleczny then built the house currently found on the property with the 1931 city directory listing “New house” (Figure 7).⁸²

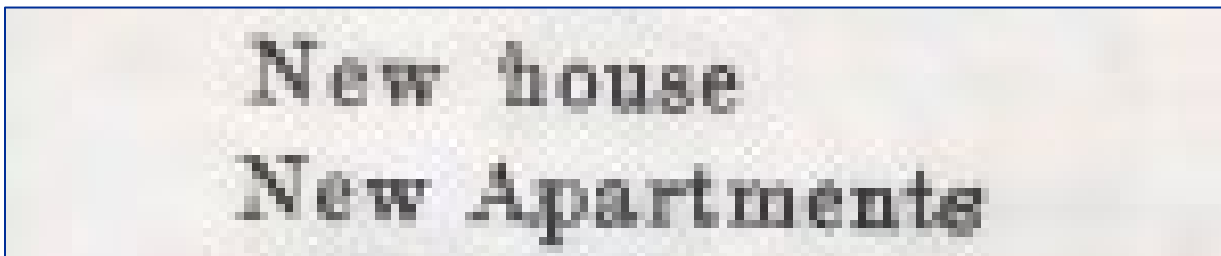


Figure 7: 1931 city directory entry listing new house and new apartments⁸³

John and Frances Swiech and Frances’ uncle, Frank Targos, are listed as residents in the 1932 city directory.⁸⁴ The Sweich’s were Polish immigrants: Frances Elzbieciak arrived in 1922 and

⁸⁰ Google, “130 Victoria Street South, Kitchener, Waterloo, Ontario, Canada,” Google Maps, June 2016, accessed May 12, 2021.

⁸¹ Ontario Land Registry, “WATERLOO (58), KITCHENER PLAN 143,” Instrument 66458.

⁸² Vernon Directories Limited, *Vernon’s City of Kitchener and Town of Waterloo Directory 1931*, (Hamilton, ON: Griffin & Richmond Co. Ltd., 1931), 374.

⁸³ Vernon Directories Limited, *Vernon’s City of Kitchener and Town of Waterloo Directory 1931*, 374.

⁸⁴ Vernon Directories Limited, *Vernon’s City of Kitchener and Town of Waterloo Directory 1932*, (Hamilton, ON: Griffin & Richmond Co. Ltd., 1932), 356.

John Sweich arrived in 1924.⁸⁵ They met in Kitchener and married on 5 January 1925.⁸⁶ John Sweich worked as a labourer at the Lang Tannery Company.⁸⁷ Paleczny sold the property to the Swiechs for \$40,000.00 in 1935.⁸⁸ The Swiechs lived at the property until they sold it to Caroline Cheng for \$68,000.00 in 1987.⁸⁹ Cheng sold the property to 100 Park Street Development Inc. for \$108,000.00 in 1988.⁹⁰ It has since passed through various corporations and been rented out to tenants. It is currently owned by Nusrat Govindji.

4.5.3 142 Victoria Street South

The property municipally known as 142 Victoria Street South was sold by Boehmer to August and Wilhelmina Hoffman (sometimes spelt Hofman or Hoffmann) for \$770.00 in 1929.⁹¹ The Hoffman's were leather goods dealers who immigrated from Germany and first appeared in the 1929 city directory living at 163 Joseph Street.⁹²

The Hoffman's hired the Ott Brick and Tile Manufacturing Company, owned by prominent Kitchener contractor Casper Braun, and a B. Neumann to build the apartments.⁹³ Victoria Apartments were completed in 1931 with "New Apartments" listed in the 1931 city directory (Figure 7).⁹⁴ Residents begin to appear in the 1932 city directory with the Hoffmans living in one of the twelve units. A complete list of residents until 1940 has been included in Appendix C and is defined by short term rentals.

The early 1930s were a time of apartment building in Kitchener with Casper Braun's company simultaneously working on the luxury York Apartments at 214 Queen Street South.⁹⁵ By 1932,

⁸⁵ *New York, U.S., Arriving Passenger and Crew Lists (including Castle Garden and Ellis Island), 1820-1957* [database on-line]. Year: 1922; Arrival: New York, New York, USA; Microfilm: T715, 1897-1957; Line: 2; Page Number: 158, Provo, UT, USA: Ancestry.com Operations, Inc., 2010; *UK and Ireland, Outward Passenger Lists, 1890-1960* [database on-line], Provo, UT, USA: Ancestry.com Operations, Inc., 2012. Board of Trade: Commercial and Statistical Department and successors: Outwards Passenger Lists. BT27. Records of the Commercial, Companies, Labour, Railways and Statistics Departments. Records of the Board of Trade and of successor and related bodies. The National Archives, Kew, Richmond, Surrey, England.

⁸⁶ *Ontario, Canada, Marriages, 1826-1938* [database on-line]. Provo, UT, USA: Ancestry.com Operations, Inc., 2010 and Genealogical Research Library (Brampton, Ontario, Canada); *Registrations of Marriages, 1869-1928*; Microfilm: 734, Archives of Ontario: Toronto

⁸⁷ Vernon Directories Limited, *Vernon's City of Kitchener and Town of Waterloo Directory 1935*, (Hamilton, ON: Griffin & Richmond Co. Ltd., 1935), 273.

⁸⁸ Ontario Land Registry, "WATERLOO (58), KITCHENER PLAN 143," Instrument 70872.

⁸⁹ Ontario Land Registry, "WATERLOO (58), KITCHENER PLAN 143," Instrument 904069.

⁹⁰ Ontario Land Registry, "WATERLOO (58), KITCHENER PLAN 143," Instrument 941146.

⁹¹ Ontario Land Registry, "WATERLOO (58), KITCHENER PLAN 143," Instrument 66452.

⁹² Vernon Directories Limited, *Vernon's City of Kitchener and Town of Waterloo Directory 1929*, (Hamilton, ON: Griffin & Richmond Co. Ltd., 1929), 111.

⁹³ Ontario Land Registry, "WATERLOO (58), KITCHENER PLAN 143," Instrument 66922 and 66950.

⁹⁴ Ontario Land Registry, "WATERLOO (58), KITCHENER PLAN 143," Instruments 66922, 66930, 66950, 66955, 66958, 67056, 69319, 67482. Vernon Directories Limited, *Vernon's City of Kitchener and Town of Waterloo Directory 1931*, 374.

⁹⁵ City of Kitchener, "By-law 2021-084 Designate the property municipally known as 214 Queen Street South," Ontario Heritage Trust, last modified June 11, 2012, accessed May 12, 2021, <https://www.heritagetrust.on.ca/fr/oha/details/file?id=5012>.

Kitchener and Waterloo had forty-one apartment buildings including the Victoria Apartments.⁹⁶ The 1947 Fire Insurance shows a rectangular structure behind the apartments (Figure 10).

The property passed to the Hoffman's son, Albert J. Hoffman, in 1965⁹⁷ who then sold it to Joseph and Ruth Szewczyk in 1966.⁹⁸ It passed through various owners including Lucien Potirn in 1974⁹⁹, Wesley S. and Brynhild R. Johnson in 1975¹⁰⁰, Melinda Knipfel in 1975¹⁰¹, Sue H. Cheng in 1987¹⁰², and Gordon Royce Koziol in 1989.¹⁰³ It continued to be operated as the Victoria Apartments and is currently owned by Nusrat Govindji.

⁹⁶ Vernon Directories Limited, *Vernon's City of Kitchener and Town of Waterloo Directory 1932*, 445.

⁹⁷ Ontario Land Registry, "WATERLOO (58), KITCHENER PLAN 143," Instruments 312987.

⁹⁸ Ontario Land Registry, "WATERLOO (58), KITCHENER PLAN 143," Instruments 324842.

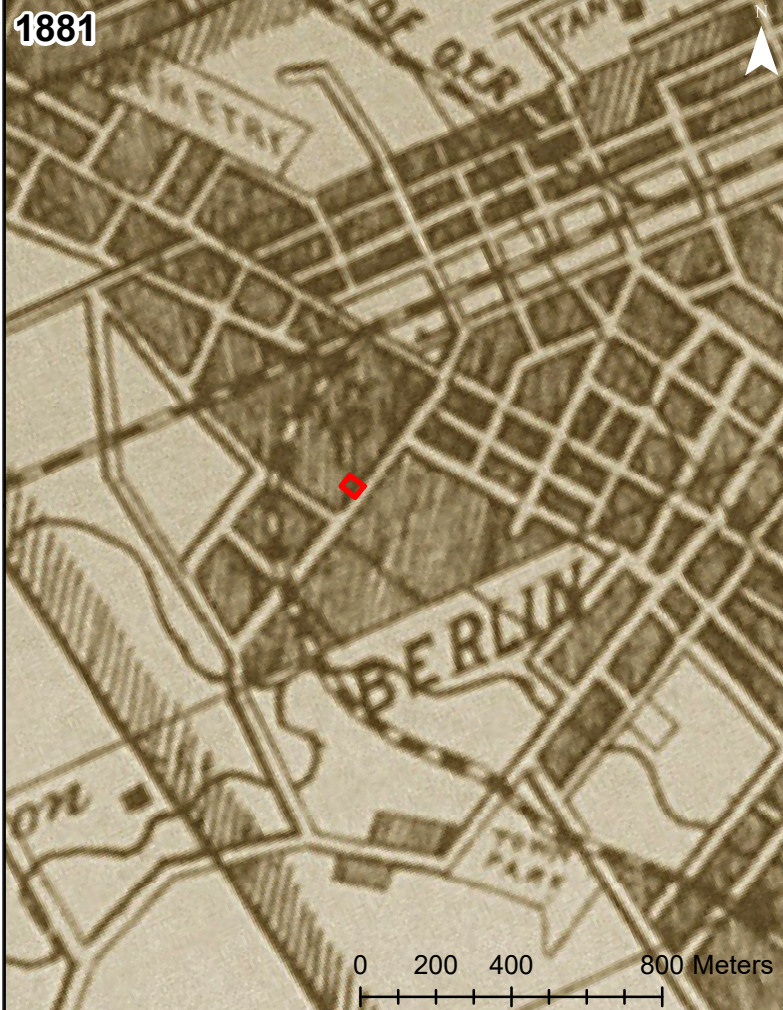
⁹⁹ Ontario Land Registry, "WATERLOO (58), KITCHENER PLAN 143," Instruments 537095.

¹⁰⁰ Ontario Land Registry, "WATERLOO (58), KITCHENER PLAN 143," Instruments 543870.

¹⁰¹ Ontario Land Registry, "WATERLOO (58), KITCHENER PLAN 143," Instruments 543871.

¹⁰² Ontario Land Registry, "WATERLOO (58), KITCHENER PLAN 143," Instruments 883865.

¹⁰³ Ontario Land Registry, "WATERLOO (58), KITCHENER PLAN 143," Instruments 1020213.



Legend

Properties

TITLE
1815, 1861, and 1881 historic maps showing the Properties

CLIENT
Nusrat Govindji

PROJECT
Heritage Impact Assessment
130-142 Victoria Street South, City of Kitchener, Regional Municipality of Waterloo

PROJECT NO. LHC0247

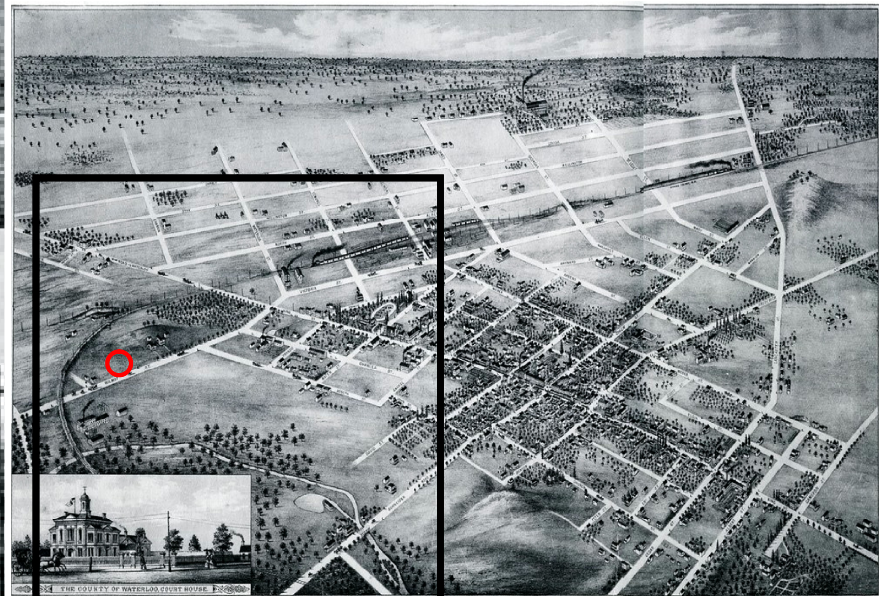
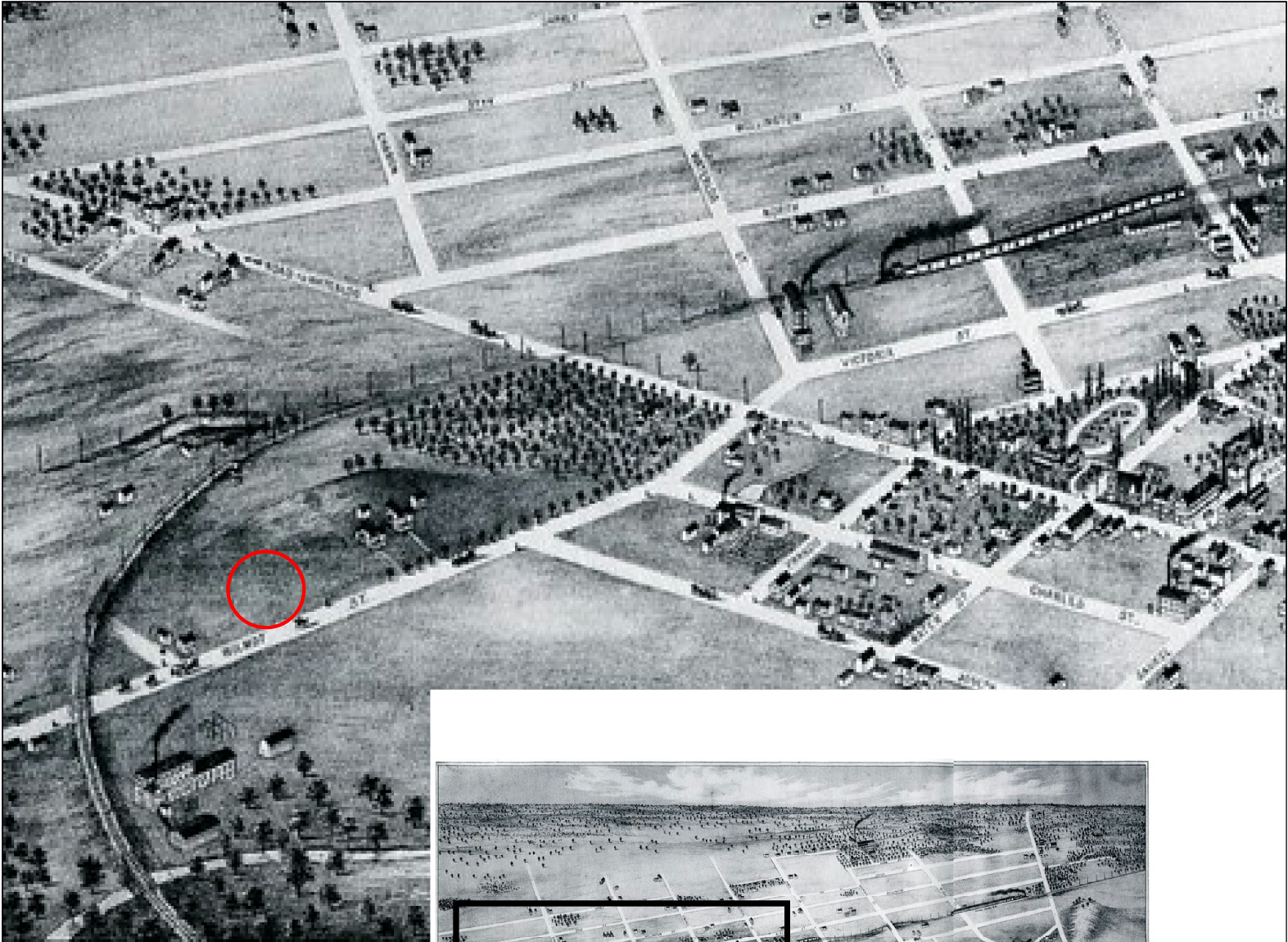
NOTE(S)
1. All locations are approximate.

REFERENCE(S)

1. Author Unknown. *Map of the Township of Waterloo and Woolwich*. University of Waterloo's Geospatial Centre's Historical Map Collection. Accessed May 10, 2021.
2. Geo. R. and G. M. Tremaine. *Tremaine's Map of the County of Waterloo, Canada West*. Scale 1:39,600. Toronto: Geo. R. and G. M. Tremaine, 1861.
3. Author Unknown. *Map of Waterloo Township*. Scale 1:63,360. In: H. Parsell and Co. *Illustrated Atlas of the County of Waterloo*. Toronto: H. Parsell and Co., 1881.

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CONSULTANT	YYYY-MM-DD	2021-05-11
	PREPARED	LHC
	DESIGNED	JG
	FIGURE #	8



BERLIN, ONTARIO
 PROVINCE OF ONTARIO
 CANADA
 1875
 THE COUNTY OF WATERLOO COURTHOUSE

Legend

Properties

NOTE(S)
 1. All locations are approximate.

REFERENCE(S)
 1. Herman Brosius. *Berlin, Province, Ontario, Canada*. University of Waterloo's Geospatial Centre's Historical Map Collection. Accessed May 10, 2021.
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TITLE
 1875 Birds-Eye View showing approximate location of the Properties

CLIENT
 Nusrat Govindji

PROJECT PROJECT NO. LHC0247
 Heritage Impact Assessment
 130-142 Victoria Street South, City of Kitchener, Regional Municipality of Waterloo

CONSULTANT YYYY-MM-DD 2021-05-11

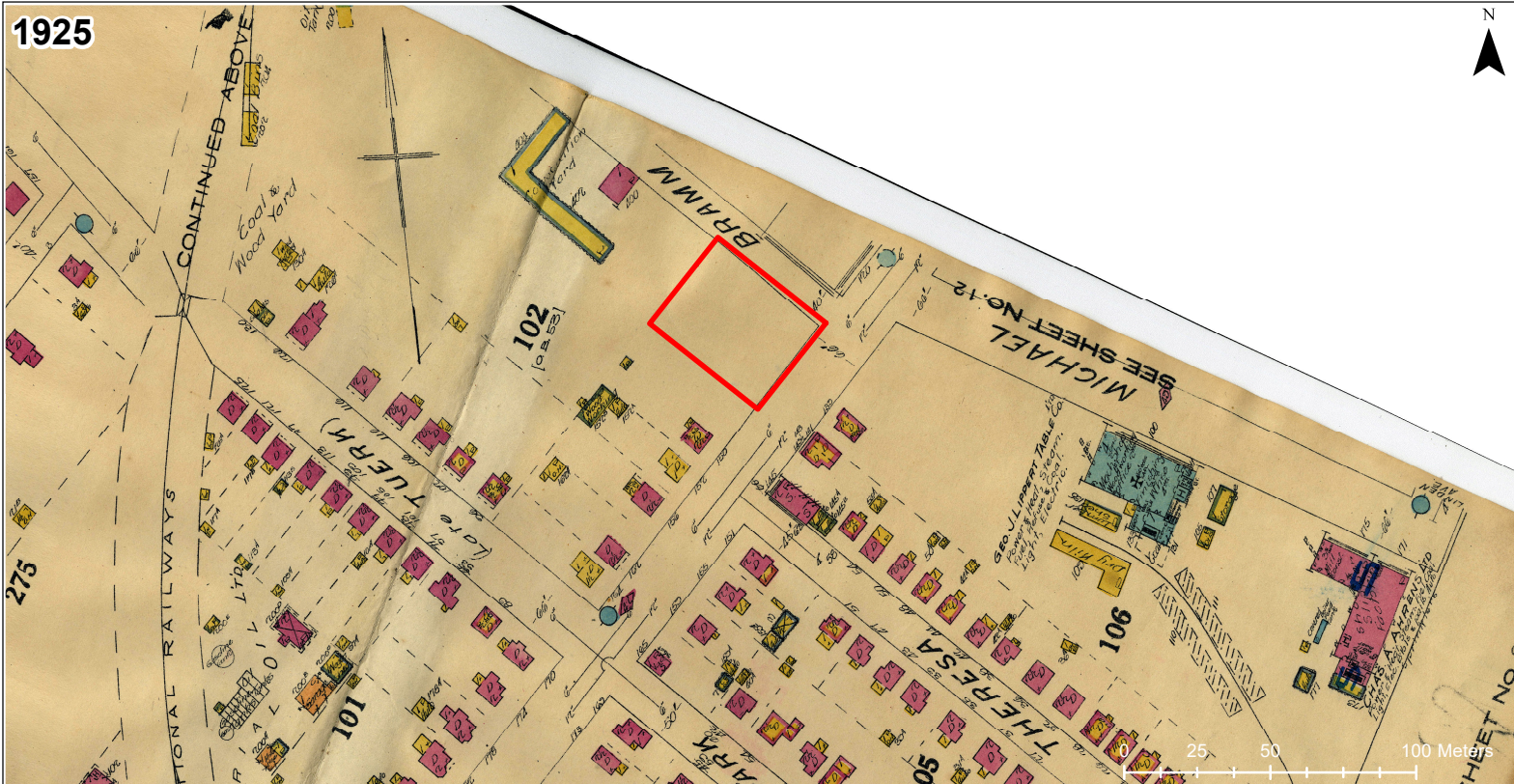


PREPARED LHC

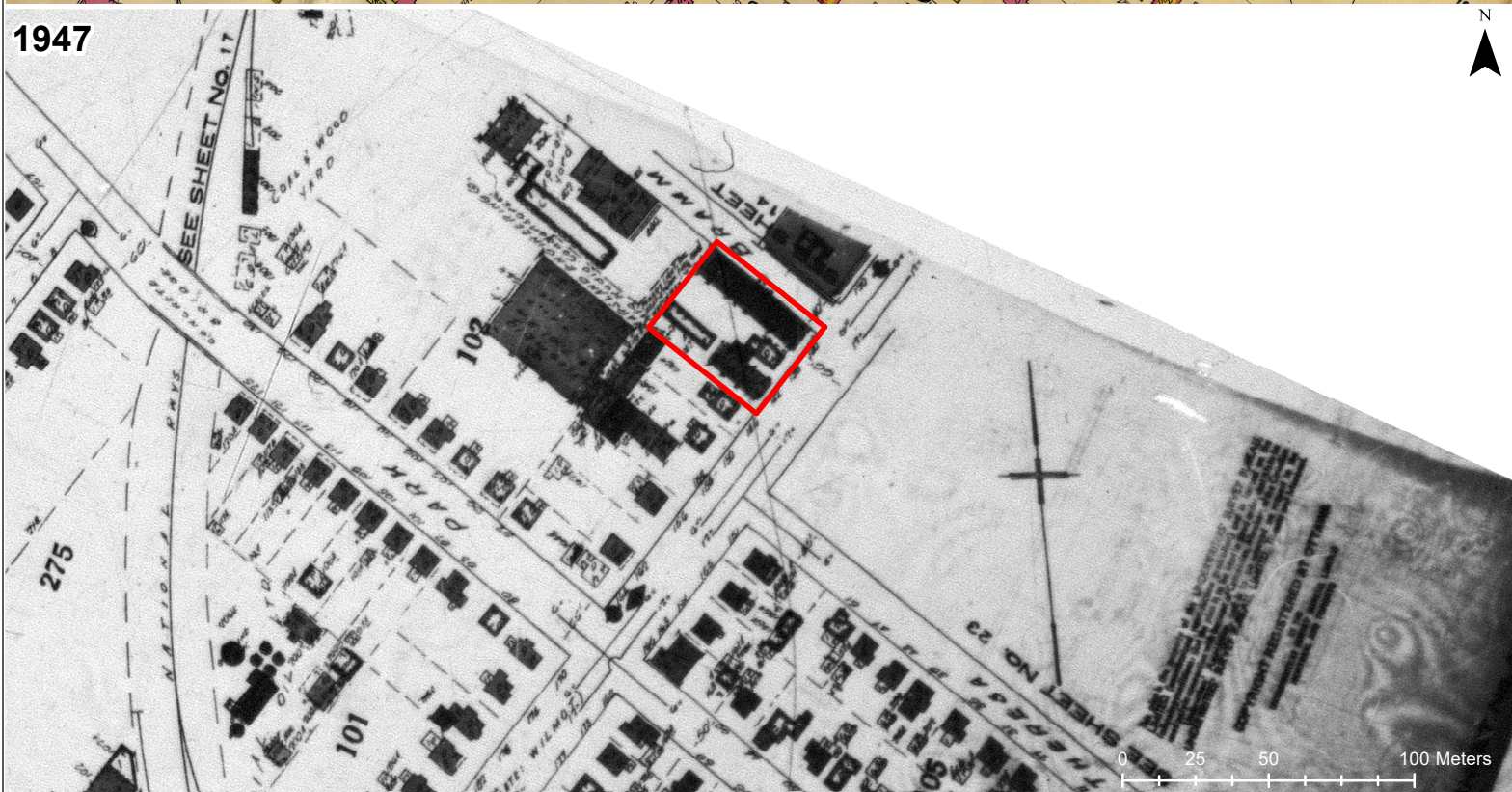
DESIGNED JG

FIGURE # 9

1925



1947



Legend

 Properties

TITLE
1925 and 1947 Fire Insurance Plans showing the Properties

CLIENT
 Nusrat Govindji

PROJECT PROJECT NO. LHC0247
 Heritage Impact Assessment
 130-142 Victoria Street South, City of Kitchener, Regional Municipality of Waterloo

NOTE(S)
 1. All locations are approximate.

REFERENCE(S)
 1. Underwriters' Survey Bureau Ltd. *Insurance Plan of the city of Kitchener, Ontario*. Scale 1:1,200. Toronto: Underwriters' Survey Bureau Ltd., 1908 rev. 1925.
 2. Underwriters' Survey Bureau Ltd. *Insurance Plan of the city of Kitchener, Ontario*. Scale 1,200. Toronto: Underwriters' Survey Bureau Ltd., 1908 rev. 1947
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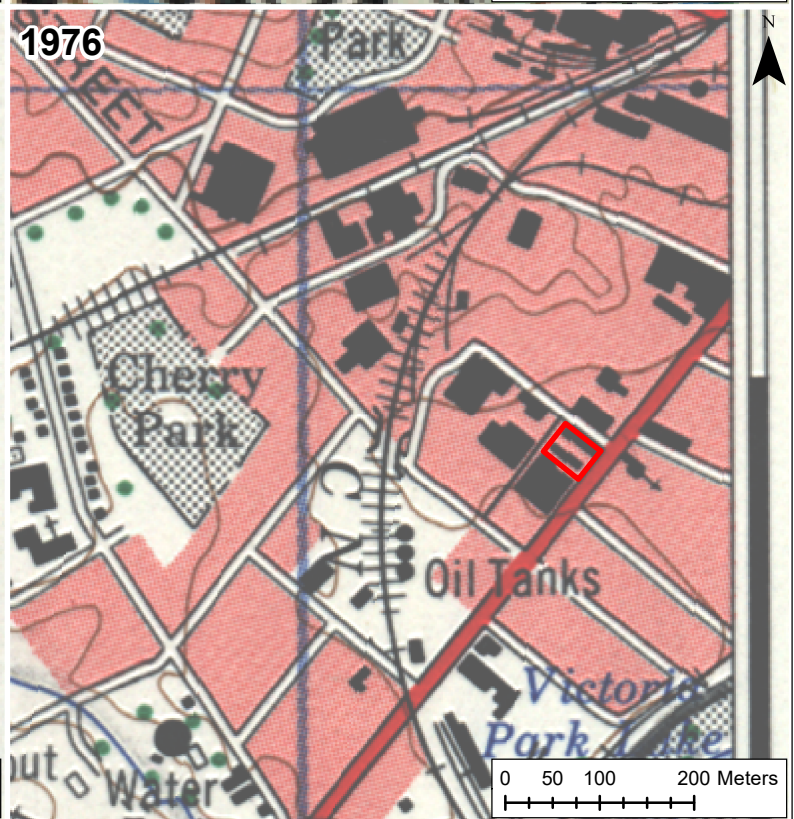
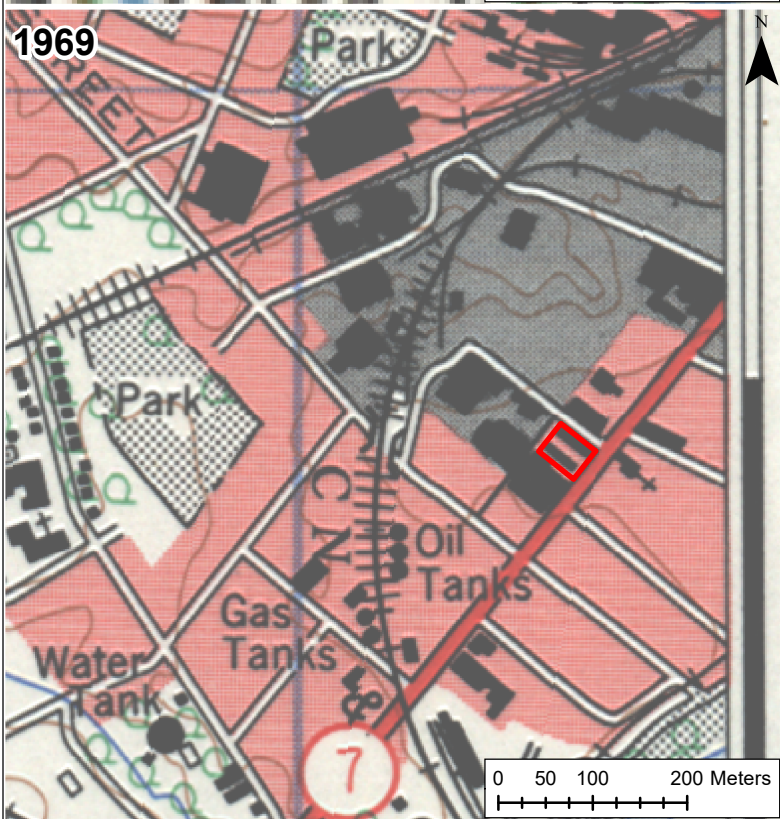
CONSULTANT YYY-MM-DD 2021-05-10



PREPARED LHC

DESIGNED JG

FIGURE # 10



Legend

 Properties

NOTE(S)
1. All locations are approximate.

REFERENCE(S)
1. Geographical Section, General Staff. *Topographic Map, Ontario, Stratford Sheet*. Scale 1:63,360. Stratford Sheet No. 97. n.p.: Department of National Defence, 1927.
2. Geographical Section, General Staff. *Topographic Map, Ontario, Stratford Sheet*. Scale 1:63,360. Sheet No. 40 P/7. n.p.: Department of National Defence, 1927 rev. 1933.
3. Surveys and Mapping Branch, Department of Energy Mines and Resources. *Waterloo-Kitchener West, Waterloo County, Ontario*. Scale 1:25,000. Edition 1. Sheet 40 P/7h. Ottawa: Map Distribution Office, Department of Energy, Mines, and Resources, 1965 rev. 1969.
4. Surveys and Mapping Branch, Department of Energy Mines and Resources. *Waterloo-Kitchener, Waterloo Regional Municipality, Ontario*. Scale 1:25,000. Edition 2. Sheet 40 P/7h. Ottawa: CanadaMap Office, Department of Energy, Mines, and Resources, 1976.
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TITLE
1927, 1933, 1969, and 1976 topographic maps showing the Properties

CLIENT
Nusrat Govindji

PROJECT
Heritage Impact Assessment
130-142 Victoria Street South, City of Kitchener, Regional Municipality of Waterloo

PROJECT NO. LHC0247

CONSULTANT
YYYY-MM-DD 2021-05-10



PREPARED LHC

DESIGNED JG

FIGURE # 11

1930



0 25 50 100 Meters

1945



0 25 50 100 Meters

1954



0 25 50 100 Meters

Legend

 Properties

TITLE
1930, 1945, and 1954 aerial photos showing the Properties

CLIENT
Nusrat Govindji


PROJECT
Heritage Impact Assessment
130-142 Victoria Street South, City of Kitchener, Regional Municipality of Waterloo

PROJECT NO. LHC0247

NOTE(S)
1. All locations are approximate.

REFERENCE(S)
1. University of Waterloo Geospatial Centre. *Digital Historical Air Photos of Kitchener-Waterloo*. Photo IM30. 1930. Accessed May 26, 2021 at <https://lib.uwaterloo.ca/locations/umd/project/IM30.html>
2. University of Waterloo Geospatial Centre. *Digital Historical Air Photos of Kitchener-Waterloo*. Photo IM30. 1945. Accessed May 26, 2021 at <https://lib.uwaterloo.ca/locations/umd/project/IM30.html>
3. University of Toronto. *1954 Air Photos of Southern Ontario*. Photo 434.803. Accessed May 10, 2021 at <https://mdl.library.utoronto.ca/collections/air-photos/1954-air-photos-southern-ontario/index>. Portions of this document include intellectual property of Esri and its licensors and are used under license. Copyright (c) Esri and its licensors. All rights reserved.



CONSULTANT
YYYY-MM-DD 2021-05-28

 PREPARED LHC

DESIGNED JG

FIGURE # 12



<p>Legend</p> <p> Properties</p>		
<p>TITLE 1975, 1990, and 2003 aerial photos showing the Properties</p>		
<p>CLIENT Nusrat Govindji</p>		
<p>PROJECT Heritage Impact Assessment 130-142 Victoria Street South, City of Kitchener, Regional Municipality of Waterloo</p>		<p>PROJECT NO. LHC0247</p>
<p>NOTE(S) 1. All locations are approximate.</p>		
<p>REFERENCE(S) 1. The Regional Municipality of Waterloo, Department of Planning and Development. <i>Photo No. 752</i>. Scale 1:4,800. Kitchener: Kitchener Public Library, April 1975. 2. The Regional Municipality of Waterloo, Department of Planning and Development. <i>1990 Aerial Photography</i>. Photo No 11N. Scale 1:5,000. Waterloo: Kitchener Public Library, 1990. 3. Waterloo Open Data. <i>Aerial Imagery (2003)</i>. Accessed May 13, 2021 at https://data.waterloo.ca/search?q=2003. Portions of this document include intellectual property of Esri and its licensors and are used under license. Copyright (c) Esri and its licensors. All rights reserved.</p>		
<p>CONSULTANT</p> 	<p>YYYY-MM-DD</p> <p>PREPARED</p> <p>DESIGNED</p> <p>FIGURE #</p>	<p>2021-05-28</p> <p>LHC</p> <p>JG</p> <p>13</p>

5.0 ASSESSMENT OF EXISTING CONDITIONS

5.1 130 Victoria Street South

The property municipally known as 130 Victoria Street is a one-storey rectangular medical building on a concrete foundation with three two-storey sections extending at the front left, middle left, and along the rear of the building (Figure 14). The building is approximately 46 m long from the tip of the canopy to the rear and 11 m wide. Interiors were not accessed in consideration of COVID-19 restrictions; however, photos were taken from the exterior and show interior renovations (Figure 16). The property is accessed from Victoria Street South on its southwest side with parking along the side and rear of the building and at the southeast façade (Figure 15).

The building has a flat roof and is constructed of stretcher bond brick of varying colours with red brick on the northeast elevation and one-storey rear section (Figure 17 and Figure 18), yellow bricks on the northwest and southwest elevations with grey bricks on the one-storey rear section (Figure 22), and re clad burgundy and grey bricks on the southeast façade. Red dichromatic brick is found on the rear northeast corner (Figure 21) and two patches of white paint have been applied to the southwest elevation (Figure 23). Grey metal siding and glass half-walls have been installed along the roof of the main building. The front left one-storey section has been constructed of yellow, green, and clear glass windows (Figure 14). An Art Deco inspired triangular sign and entrance canopy extends from the southeast façade supported by triangular metal poles. A metal grate and four brackets are found on the northeast elevation (Figure 19 and Figure 20).

The building is accessed through a main glass door on the southeast façade, a staff glass door on the northeast elevation, and a metal service door on the northwest elevation. Windows are found on all elevations.

The southeast façade has rectangular glass windows along its front trimmed in black metal with green and yellow glass sections. The northeast elevation has eight windows along the first floor and two windows in the rear second floor. Five of the first-floor windows and the two second floor windows have six panes, trimmed in black metal, with a concrete sill. Three of the first-floor windows are two paned with a rectangular section along the top trimmed in black metal and an 11 by 5 block section with a concrete sill. The northwest elevation has two first floor windows on the left side in an 11 by 8 block pattern with a concrete sill. The southwest elevation has nine windows, four in an 11 by 11 block pattern, two in a 12 by 8 block pattern, one in an 11 by 4 block pattern, and two in an 11 by 8 block pattern.

The Property has undergone extensive renovations affecting the façade, wall materials, windows, entrance, and triangular canopy. The Property retains few features common of Art Deco commercial architecture, popular from 1920 to 1940 such as its distinctive yellow, black

and green vitrolite.¹⁰⁴ However, the triangular canopy, although itself altered with an external cladding, is reflective of the style and remains a distinctive streetscape component.¹⁰⁵



Figure 14: View northwest of southeast façade

¹⁰⁴ Ontario Architecture, "Art Deco," accessed May 12, 2021, <http://www.ontarioarchitecture.com/artdeco.htm>; Sarah Parks, "From Arches to Turrets: architectural styles in Kitchener," ACO North Waterloo Region, June 6, 2018, <https://www.aconwr.ca/blog/wp-content/uploads/2018/06/From-Arches-to-Turrets-Jun-6-18-2.pdf>, 74.

¹⁰⁵ Ontario Architecture, "Art Deco," accessed May 12, 2021.



Figure 15: View southwest of parking lot



Figure 16: View of interior entrance from main door



Figure 17: View northwest of northeast elevation



Figure 18: View southeast of northeast elevation



Figure 19: View of rusted metal brackets on northeast elevation



Figure 20: View of rusted metal grate on northeast elevation



Figure 21: View southeast of northwest and southwest elevations



Figure 22: Panoramic view northeast of southwest elevation



Figure 23: View northeast of southwest and southeast elevation

5.2 138 Victoria Street South

The property known municipally as 138 Victoria Street South is a two-and-a-half-storey rectangular red brick house on a rusticated stone foundation with a one-storey rear red brick addition (Figure 24). The building is approximately 14 m long and 7 m wide. Interiors were not accessed due to COVID-19 restrictions. The property is accessed from Victoria Street South on its northwest side with parking along the side and rear of the building. A grass covered yard extends from the building façade to the sidewalk.

The building is constructed of stretcher bond red brick. It is topped with a gabled roof of black asphalt with moulded wooden eaves and white painted verges and red painted eavestroughs. A gabled pediment style dormer is found on the northeast elevation and a single chimney extends from the centre rear.

The building's main entrance is through a moulded wooden door with moulded wooden trim and a concrete lintel at the southeast façade. A mail slot marked "Letters" is to the right of the door. Two doorways are found on the northeast elevation: one at ground level and one accessed by concrete steps at the one-storey rear addition (Figure 25). Both doors are moulded wooden doors with moulded wooden canopies (one triangular and one flat) with decorative brackets. A small doored opening, possibly for milk delivery, is to the right of the door. A wooden door with peeling white paint is found on the northwest elevation leads from the second floor to the roof of the one-storey rear addition.

Windows are found on each elevation. The windows on the first two floors are all constructed of wood with concrete lintels and sills and upper storey windows with wooden trims.

The southeast façade has five windows including one rectangular and one square 2/2 pane windows with storm shutters on the ground floor, matching 2/2 pane windows on the second floor, and a three-pane window set into the roof. The northeast elevation has three windows including a rectangular 2/2 pane window with storm shutters on the ground floor, a one pane pivoted window on the second floor, and a three-pane window set into the dormer. Three basement windows with concrete lintels are found along the foundation (Figure 29). The northwest elevation has two windows: one 2/2 vinyl window with a concrete sill on the one-storey rear addition, and one vinyl 4/4 window with a concrete lintel and sill (Figure 26). The southwest elevation has two windows: one rectangular and one square 2/2 pane windows with storm shutters constructed of wood with concrete lintels and sills on the ground floor (Figure 27 and Figure 28). Three basement windows with concrete lintels are below these.

A porch on the southeast façade has a gabled roof with black asphalt shingles and is supported by brick columns with concrete lintels. The porch is accessed by concrete steps and is built of red brick with wooden floors and ceiling, and a concrete lintel across its length (Figure 30). Two concrete brackets and an opening with concrete lintel and sill is found on the centre front of the porch (Figure 31).



Figure 24: View southwest of façade



Figure 25: Panoramic view of northeast elevation



Figure 26: View southwest of northwest elevation



Figure 27: View northwest of northwest elevation and southwest elevations



Figure 28: View northwest of southwest elevation



Figure 29: View of northeast basement window



Figure 30: View southwest of porch



Figure 31: View northeast of porch brackets and opening

5.3 142 Victoria Street South

The property municipally known as 142 Victoria Street South is a three-storey rectangular yellow brick apartment building on a rusticated stone foundation (Figure 32 and Figure 33). The building is approximately 20 m long and 9 m wide. Interiors were not accessed due to COVID-19 restrictions. The property is accessed from Victoria Street South on its northwest side with parking along the side and rear of the building.

The building is constructed of stretcher bond yellow brick with the rear first floor painted white. It is topped by a low gabled roof with thin green eaves. A symmetrical stepped parapet roofline design with projecting lintels, and brick quoins at either side of the façade with sandstone inlays at the centre of their flared capital columns at the corners and centre define the building's façade roofline. The building is accessed from the southeast façade by concrete steps with metal railings through a metal door in a carved stone frame with a brick and concrete lintel topped surround in a stepped parapet design matching the roofline (Figure 34).

Lantern style sidelights are on either side of the door and "Victoria Apts" is carved above the entrance. A date stone reading "1931" is placed above the main entrance. A metal access door accessed from a concrete step is found at the rear of the building and is topped with a green fabric canopy. A former door painted green is found on the southeast corner but no longer has stairs.

All windows on the building are rectangular 2/2 pane with concrete sills. The windows on the southeast façade also have concrete lintels. Windows are either alone or in groups of two or three depending on their location on the building. One narrow window is found on the façade and two on the rear. The southeast façade has seven windows, the northeast elevation has thirty-one windows (Figure 35), the northwest elevation has two windows (Figure 36), and the southwest elevation has thirty windows (Figure 37).

The Property is a vernacular example of Art Deco style popular from 1920 to 1940.¹⁰⁶ Elements including its symmetry, stepped roofline, geometric shape, and brick construction reflect this style.¹⁰⁷ Victoria Apartments is one of the oldest surviving apartment buildings in Kitchener with the oldest, York Apartments at 214 Queen Street South, built in 1928 and opened in 1931.¹⁰⁸

Due to the ongoing Covid pandemic, only limited areas of the interior of the residential apartment building were accessed on 11 November, 2021. This includes common areas such as the front and rear stair cases, first floor hallway and laundry room, and one of the first-floor units understood to be representative of the level of intervention throughout the building. In general, although the interior of the building does not appear to have been subject to extensive alteration over time, upgrades to meet security, fire and safety requirements were noted throughout. No notable, representative, or distinctive features of note were documented which might contribute to the cultural heritage value or interest of the property or which might be identified as heritage attributes. Exterior casings and the front and rear balustrades appear

¹⁰⁶ Ontario Architecture, "Art Deco," accessed May 12, 2021; Sarah Parks, "From Arches to Turrets: architectural styles in Kitchener," ACO North Waterloo Region, June 6, 2018, 74.

¹⁰⁷ Ontario Architecture, "Art Deco," accessed May 12, 2021.

¹⁰⁸ City of Kitchener, "By-law 2021-084 214 Queen Street South," 2012.

contemporary to the construction of the building, as do some of the radiator units. See Figure #####.



Figure 32: View southwest of southeast façade



Figure 33: View northwest of southwest corner



Figure 34: View of main entrance



Figure 35: View southwest of northeast elevation



Figure 36: View southwest of northwest elevation



Figure 37: View southeast of southwest elevation



Figure 38: Interior of first floor unit, general conditions



Figure 39: Interior, front stairs



Figure 40: Laundry room



Figure 41: First floor hallway



Figure 42: Rear stairs



Figure 43: Window in rear stair well

5.4 Surrounding Context

The Properties are located within the boundaries of Downtown Kitchener, the Properties are approximately 800 metres (m) from the CN Rail tracks and 400 metres from Victoria Park.

The topography of the surrounding area is relatively flat with a slight slope towards Victoria Park. Vegetation in the area is sparse with few trees lining Victoria Street South and small landscaped grass yards fronting nearby residential and commercial properties.

Observed land use in the surrounding area is a mixture of residential, industrial, and commercial properties. Victoria Street South is an area of development, with a combination of building heights, ranging from one to twenty storeys. Victoria Street South is a two-way street with four-lanes of traffic, sidewalks, and streetlights on the south side of the street (Figure 44 and Figure 45). Brahm Street is a two-way street with no sidewalks. Multi-storey apartment development is currently occurring on the northwest side of Brahm Street adjacent to the Properties (Figure 46).

The development immediately adjacent to the Properties is being constructed around a heritage building at 120 Victoria Street South (Figure 47). Surface parking lots extend northwest of the Properties (Figure 47).

Recognized as a Regionally Significant Cultural Heritage Resource, the Warehouse District Cultural Heritage Landscape (L-COM-1) extends along the CN Rail line and is bounded by Glasgow, Dominion, Breithaupt, Francis, Victoria, and Belmont Streets.^{109 110} The Properties are located within the Warehouse District including the north side of Victoria Street South. The Warehouse District is contextually important to the development history of Kitchener as an industrial manufacturing centre during the late 19th and early 20th centuries. Supporting facilities including factories, warehouses for department stores, commercial enterprises, and residences for workers were established. Within the Warehouse District, factory complexes, including the Kaufman Rubber Company building designed in 1908 by Albert Kahn (1869-1942), still stand. Residential neighbourhoods, constructed of mostly brick, in the immediate vicinity housed the workers of this industrial and commercial area. Within the Warehouse District, five properties are designated under Part IV of the Ontario Heritage Act while 16 have been listed on the Municipal Heritage Register.¹¹¹

The Victoria Park Heritage Conservation District extends south one block approximately 40 m from the Properties along with Victoria Park and residential land use to the north, west, and south (Figure 48).

¹⁰⁹ Region of Waterloo. "Regional Implementation Guideline Conserving Regionally Significant Cultural Heritage Resources". 2018, 4. Accessed 17 September 2021.

¹¹⁰ City of Kitchener. "Cultural Heritage Landscapes Data Sheets". 2014 December, 24. Accessed 17 September 2021.

¹¹¹ City of Kitchener. "Cultural Heritage Landscapes Data Sheets". Accessed 17 September 2021.



Figure 44: View southwest along Victoria Street South



Figure 45: View northeast along Victoria Street South



Figure 46: View of adjacent development



Figure 47: View north of parking lots behind Properties



Figure 48: View northwest of residential land use

5.5 Adjacent Heritage Properties

The City defines adjacent as:

...lands, buildings and/or structures that are contiguous or that are directly opposite to other lands, buildings and/or structures, separated only by a laneway, municipal road or other right-of-way.

Using this definition, the Properties are adjacent to a listed property at 131 Victoria Street South (Figure 49).¹¹² This property was listed for its design, physical, historical, and associative values including:

Heritage Value

The design and physical values relate to the vernacular building with influences from the Ukrainian Baroque architectural style. The building is in good condition with many intact original elements. The building features: hipped gable roof; red brick construction; date stone that reads "1926"; large semi-circular windows with brick voussoirs; round window with stained glass; semi-circular door with concrete surround; and, pear-shaped dome.

¹¹² City of Kitchener, "Index of Non-Designated Properties of Heritage Value or Interest," 2017.

The historic and associative values relate to the building's association with the Ukrainian Catholic Church of the Transfiguration.

Heritage Attributes

The heritage value of 131 Victoria Street South resides in the following heritage attributes:

All elements related to the construction and Vernacular/Ukrainian Baroque architectural style of the building, including:

- roof and roofline;
- doors and door openings, including:
 - semi-circular door with concrete surround;
- windows and window openings, including:
 - large semi-circular windows with brick voussoirs;
 - round window with stained glass;
- hipped gable roof;
- red brick construction;
- date stone that reads "1926"; and,
- pear-shaped dome steeple.¹¹³



Figure 49: Listed property at 131 Victoria Street South looking southeast across from Properties

¹¹³ Wade, "DTS- 00510 Listing of Non-Designated Property," December 16, 2009.

Using the above definition, the Properties are also adjacent to the property located at 120 Victoria Street South, which will be designated as part of the development approvals for the site (Figure 50). According to the property's HIA:

Heritage Value

120 Victoria Street South is recognized for its design, physical, historical and associative values.

The design and physical values relate to the Industrial Vernacular architectural style that is in good condition with many intact original elements. The building features: rectangular plan; yellow brick construction; four bays on the Victoria Street elevation separated by shallow buttressing; segmentally arched window openings with brick voussoirs; and stone sills. Until 2009, the front and side elevation of the building featured sign banding that read "The Huck Glove Co. Ltd."

The historic and associative value relate to the original owner, the Hagen Shirt and Collar Co.; a previous owner, the Lang Shirt Co.; and, the present owner, The Huck Glove Co. Ltd. The building was built by Henry A. Hagen who was the founder of the Hagen Shirt and Collar Co. The company was incorporated in 1906 and manufactured the Hagen brand of shirts, collars, and cuffs. The 1924-25 Fire Insurance Map indicates that the building was owned by the Lang Shirt Co. Limited and the building was used as follows: basement – washing and storage; first floor – office and laundry; second floor – shipping and warehousing; and, third floor – cutting and operating. The Huck Glove Company traces its origins to 1880, when Menno Erb went into partnership with C.F. Brown. They operated a tannery and manufactured mattresses. In 1889, they built a factory on King Street to make buckskin, calf and kid gloves and fur mitts. In 1906, after Mr. Erb's death, a forman [sic], Joseph Huck bought the glove business and established the Huck Glove Co. Ltd. The company moved to the building at 120 Victoria Street South around 1937. Today the company is known as Huck Glove Groopco Ltd. And two third generation family members are involved with the business: Robert Huck, President and Bob Huck, Controller. The company continues to operate out of the building at 120 Victoria Street South.

Description of Recommended Heritage Attributes – Exterior

The heritage value of 120 Victoria Street South resides in the following heritage attributes:

All elements related to the construction and Industrial Vernacular architectural style of the building, including:

1. Roofline;
2. Rectangular Plan;
3. Yellow Brick Construction;

4. Bays separated by shallow buttressing;
5. Segmentally arched window openings with brick voussoirs; and,
6. Stone sills.¹¹⁴



Figure 50: View northeast of the northwest and southwest elevations of 120 Victoria Street

¹¹⁴ mcCallumSather, "Heritage Impact Assessment: 17069 | 114-120 Victoria Street S," last updated October 2017, accessed 20 October 2021 from <https://lf.kitchener.ca/WebLinkExt/DocView.aspx?dbid=0&id=1555748&page=24&cr=1>.

6.0 EVALUATION

6.1 130 Victoria Street South

6.1.1 Ontario Regulation 9/06 Evaluation

The property at 130 Victoria Street South was evaluated against *O. Reg. 9/06* under the *OHA* using research and analysis presented in Section 4.0 and 5.0 of this HIA.

Table 6: *Ontario Regulation 9/06* Evaluation for 130 Victoria Street South

Criteria	Criteria Met	Justification
1. The property has design value or physical value because it,		
i. is a rare, unique, representative, or early example of a style, type, expression, material, or construction method,	No	The Property is not a unique, representative, and early example of a commercial establishment with Art Deco influences. The Property has undergone extensive renovations affecting the façade, wall materials, windows, and triangular canopy.
ii. displays a high degree of craftsmanship or artistic merit, or	No	The Property does not display a high degree of craftsmanship or artistic merit. Despite showing influences of the Art Deco style, the building exhibits vernacular and simple building methods common at the time of construction.
iii. demonstrates a high degree of technical or scientific achievement.	No	The Property does not demonstrate a high degree of technical or scientific achievement. It was constructed using common building methods at the time of construction.
2. The property has historical or associative value because it,		
i. has direct associations with a theme, event, belief, person, activity, organization, or institution that is significant to a community,	No	The Property does not have direct associations with a theme, event, belief, person, activity, organization, or institution that is significant to a community. MacIntosh Cleaners Ltd. operated a drive through dry cleaners out of the building from 1939 to 2015 and the building maintains a triangular canopy reflective of this former

Criteria	Criteria Met	Justification
		use. However, MacIntosh Cleaners does not satisfy this criterion.
ii. yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or	No	The Property does not yield, or have the potential to yield, information that contributes to an understanding of a community or culture.
iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.	No	The Property does not demonstrate or reflect the work or ideas of an architect, artist, builder, designer, or theorist who is significant to a community. The building was built using common materials and methods at the time of construction. It is unknown who constructed the building.
3. The property has contextual value because it,		
i. is important in defining, maintaining, or supporting the character of an area,	No	<p>The Property is not important in defining, maintaining, or supporting the character of an area.</p> <p>The area is in a point of transition with a mixture of land uses with high-rise development to the north and residential land use to the south and west. The Property's location on Victoria Street South is defined by high-rise development and surface parking lots.</p>
ii. is physical, functionally, visually, or historically linked to its surroundings, or	No	<p>The Property is not physically, functionally, visually, or historically linked to its surroundings.</p> <p>The area is in a point of transition with a mixture of land uses with high-rise development to the north and residential land use to the south and west. The Property's location on Victoria Street South is defined by high-rise development and surface parking lots.</p>
iii. is a landmark.	No	The Property is not a landmark. The MHSTCI defines landmark

Criteria	Criteria Met	Justification
		<p>...as a recognizable natural or human-made feature used for a point of reference that helps orienting in a familiar or unfamiliar environment; it may mark an event or development; it may be conspicuous...¹¹⁵</p> <p>The building does not meet this criterion.</p>

6.1.2 Summary

In LHC's professional opinion, the property municipally known as 130 Victoria Street South does not meet *O. Reg. 9/06* criteria.

6.2 138 Victoria Street South

6.2.1 Ontario Regulation 9/06 Evaluation

The property at 138 Victoria Street South was evaluated against *O. Reg. 9/06* under the *OHA* using research and analysis presented in Section 4.0 and 5.0 of this HIA.

Table 7: *Ontario Regulation 9/06* Evaluation for 138 Victoria Street South

Criteria	Criteria Met	Justification
1. The property has design value or physical value because it,		
i. is a rare, unique, representative, or early example of a style, type, expression, material, or construction method,	No	The Property is not a rare, unique, representative, or early example of a style, type, expression, material, or construction method. The two-and-a-half-storey house is a common residential structure.
ii. displays a high degree of craftsmanship or artistic merit, or	No	The Property does not display a high degree of craftsmanship or artistic merit. The building exhibits vernacular and simple building methods common at the time of construction.

¹¹⁵ MHSTCI, *Standards & Guidelines for Conservation of Provincial Heritage Properties: Heritage Identification & Evaluation Process*, 2014, http://www.mtc.gov.on.ca/en/heritage/MTCS_Heritage_IE_Process.pdf, 17.

Criteria	Criteria Met	Justification
iii. demonstrates a high degree of technical or scientific achievement.	No	The Property does not demonstrate a high degree of technical or scientific achievement. The building exhibits vernacular and simple building methods common at the time of construction.
2. The property has historical or associative value because it,		
i. has direct associations with a theme, event, belief, person, activity, organization, or institution that is significant to a community,	No	The Property does not have direct associations with a theme, event, belief, person, activity, organization, or institution that is significant to a community.
ii. yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or	No	The Property does not yield, or have the potential to yield, information that contributes to an understanding of a community or culture.
iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer, or theorist who is significant to a community.	No	The Property does not demonstrate or reflect the work or ideas of an architect, artist, builder, designer, or theorist who is significant to a community. The house was built using common materials and methods at the time of construction. It is unknown who built the house.
3. The property has contextual value because it,		
i. is important in defining, maintaining, or supporting the character of an area,	No	The Property is not important in defining, maintaining, or supporting the character of an area. The area is in a point of transition with a mixture of land uses with high-rise development to the north and residential land use to the south and west. The Property's location on Victoria Street South is defined by high-rise development and surface parking lots.

Criteria	Criteria Met	Justification
ii. is physical, functionally, visually, or historically linked to its surroundings, or	No	The Property is not physically, functionally, visually, or historically linked to its surroundings. The area is in a point of transition with a mixture of land uses with high-rise development to the north and residential land use to the south and west. The Property's location on Victoria Street South is defined by high-rise development and surface parking lots.
iii. is a landmark.	No	The Property is not a landmark. The MHSTCI defines landmark ...as a recognizable natural or human-made feature used for a point of reference that helps orienting in a familiar or unfamiliar environment; it may mark an event or development; it may be conspicuous... ¹¹⁶ The house does not meet this criterion.

6.2.2 Summary

In LHC's professional opinion, the property municipally known as 138 Victoria Street South does not meet the criteria of *O. Reg. 9/06*.

6.3 142 Victoria Street South

6.3.1 Ontario Regulation 9/06 Evaluation

The property at 142 Victoria Street South was evaluated against *O. Reg. 9/06* under the *OHA* using research and analysis presented in Section 4.0 and 5.0 of this HIA.

Table 8: *Ontario Regulation 9/06* Evaluation for 142 Victoria Street South

Criteria	Criteria Met	Justification
1. The property has design value or physical value because it,		

¹¹⁶ MHSTCI, *Standards & Guidelines for Conservation of Provincial Heritage Properties: Heritage Identification & Evaluation Process*, 17.

Criteria	Criteria Met	Justification
i. is a rare, unique, representative, or early example of a style, type, expression, material, or construction method,	Yes	<p>The Property is a unique, representative, and early example of an apartment building with Art Deco influence.</p> <p>Victoria Apartments was built in 1931 and has continued to operate as an apartment building for 90 years. Victoria Apartments is one of the oldest surviving apartment buildings in Kitchener, with the oldest, York Apartments at 214 Queen Street South, built in 1928 and opened in 1931.</p> <p>The Property is a vernacular example of Art Deco style popular from 1920 – 1940. Elements including its symmetry, stepped roofline with a parapet wall, brick quoins at either side of the façade with sandstone inlays at the centre of their flared capital columns, geometric shape, and brick construction reflect this style. However, the Art Deco influences are limited to the building's façade and are not present on its other elevations.</p>
ii. displays a high degree of craftsmanship or artistic merit, or	No	The Property does not display a high degree of craftsmanship or artistic merit. Despite showing influences of the Art Deco style, the building exhibits vernacular and simple building methods common at the time of construction.
iii. demonstrates a high degree of technical or scientific achievement.	No	The Property does not demonstrate a high degree of technical or scientific achievement. It was constructed using common building methods at the time of construction.
2. The property has historical or associative value because it,		
i. has direct associations with a theme, event, belief, person, activity, organization, or	No	The Property does not have direct associations with a theme, event, belief, person, activity, organization, or institution that is significant to a community. Victoria

Criteria	Criteria Met	Justification
institution that is significant to a community,		Apartment's tenancy is defined by short term rentals.
ii. yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or	No	The Property does not yield, or have the potential to yield, information that contributes to an understanding of a community or culture.
iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.	No	The Property does not demonstrate or reflect the work or ideas of an architect, artist, builder, designer, or theorist who is significant to a community. The vernacular apartments were built using common materials and methods at the time of construction. It is unknown who built the apartments.
3. The property has contextual value because it,		
i. is important in defining, maintaining, or supporting the character of an area,	No	<p>The Property is not important in defining, maintaining, or supporting the character of an area.</p> <p>The area is in a point of transition with a mixture of land uses with high-rise development to the north and residential land use to the south and west. The Property's location on Victoria Street South is defined by high-rise development and surface parking lots.</p>
ii. is physical, functionally, visually, or historically linked to its surroundings, or	No	<p>The Property is not physically, functionally, visually, or historically linked to its surroundings.</p> <p>The area is in a point of transition with a mixture of land uses with high-rise development to the north and residential land use to the south and west. The Property's location on Victoria Street South is defined by high-rise development and surface parking lots.</p>

Criteria	Criteria Met	Justification
iii. is a landmark.	No	<p>The Property is not a landmark. The MHSTCI defines landmark</p> <p>...as a recognizable natural or human-made feature used for a point of reference that helps orienting in a familiar or unfamiliar environment; it may mark an event or development; it may be conspicuous...¹¹⁷</p> <p>Victoria Apartments does not meet this criterion.</p>

6.3.2 Summary

In LHC's professional opinion, the property municipally known as 142 Victoria Street South meets criteria 1.i. of *O. Reg. 9/06* for its design and physical value.

6.3.3 Proposed Statement of Cultural Heritage Value or Interest

- 142 Victoria Street South, City of Kitchener, Regional Municipality of Waterloo
- Plan 143 Lot 8 Part Lot 11

The property municipally known as 142 Victoria Street South has design and physical value because it is a unique, representative, and early example of an apartment building with Art Deco influence.

Victoria Apartments was built in 1931 and has continued to operate as an apartment building for 90 years. Victoria Apartments is one of the oldest surviving apartment buildings in Kitchener. The Property is a vernacular example of Art Deco style popular from 1920 – 1940. Elements including its symmetry, stepped roofline with a parapet wall, brick corner pilasters at either side of the façade with flared tops and sandstone inlays at their centres, geometric shape, and brick construction reflect this style. However, the Art Deco influences are limited to the building's façade and are not present on its other elevations.

6.3.4 Heritage Attributes

The Property's heritage value resides in attributes of the Victoria Apartments including its:

- Stepped roofline with a parapet wall on the façade;
- Engaged brick pilasters at either side of the façade that flare out at the top with sandstone inlays at their centres;
- Entrance façade door case with stepped brick surround;

¹¹⁷ MHSTCI, *Standards & Guidelines for Conservation of Provincial Heritage Properties: Heritage Identification & Evaluation Process*, 17.

- Date stone reading “1931”;
- Symmetrical façade windows; and,
- Brick construction.

7.0 DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed new building comprises a twenty-five-storey residential building with two-storeys of underground parking, retail on the ground floor, and live/work units and shared offices on the second floor (Figure 51). The proposed building will front onto Victoria Street South and parking will be accessed off Victoria Street South. It is proposed to be approximately 85 m above grade with an estimated ground floor area of 247,230 square feet. The building's podium is six-storeys and 20.6 m tall with a façade of five bays with a two-storey parking entrance running across the left side of the building.

The ground floor will include the entrance foyer and retail use and will be 5 m tall. Cladding will be an orange brick running up between the three right bays with grey material along the base. Each ground floor bay will have 3 to 4 full-length windows divided into panes on all elevations. The left two bays will be inspired by 142 Victoria Street South in light yellow brick with a central entrance door and the parking entrance on the far-left bay (Figure 55).

The second to sixth floors will be clad in orange brick running between each bay and continue around the building's podium (Figure 53 and Figure 54). Full-length windows divided into multiple panes continue these bays for the length of the podium and will be topped with a wide corbelled cornice with squared cornices. The two left bays will continue for two-storeys in light yellow brick with a stepped parapet roofline and columns topped by a wide, squared, corbelled cornices. Full length windows continue from the two left bays to the end of the podium.

Floor seven has an outdoor amenity space on the southwest elevation that integrates the design of the existing Art Deco canopy found at 130 Victoria Street South (Figure 52 and Figure 54).

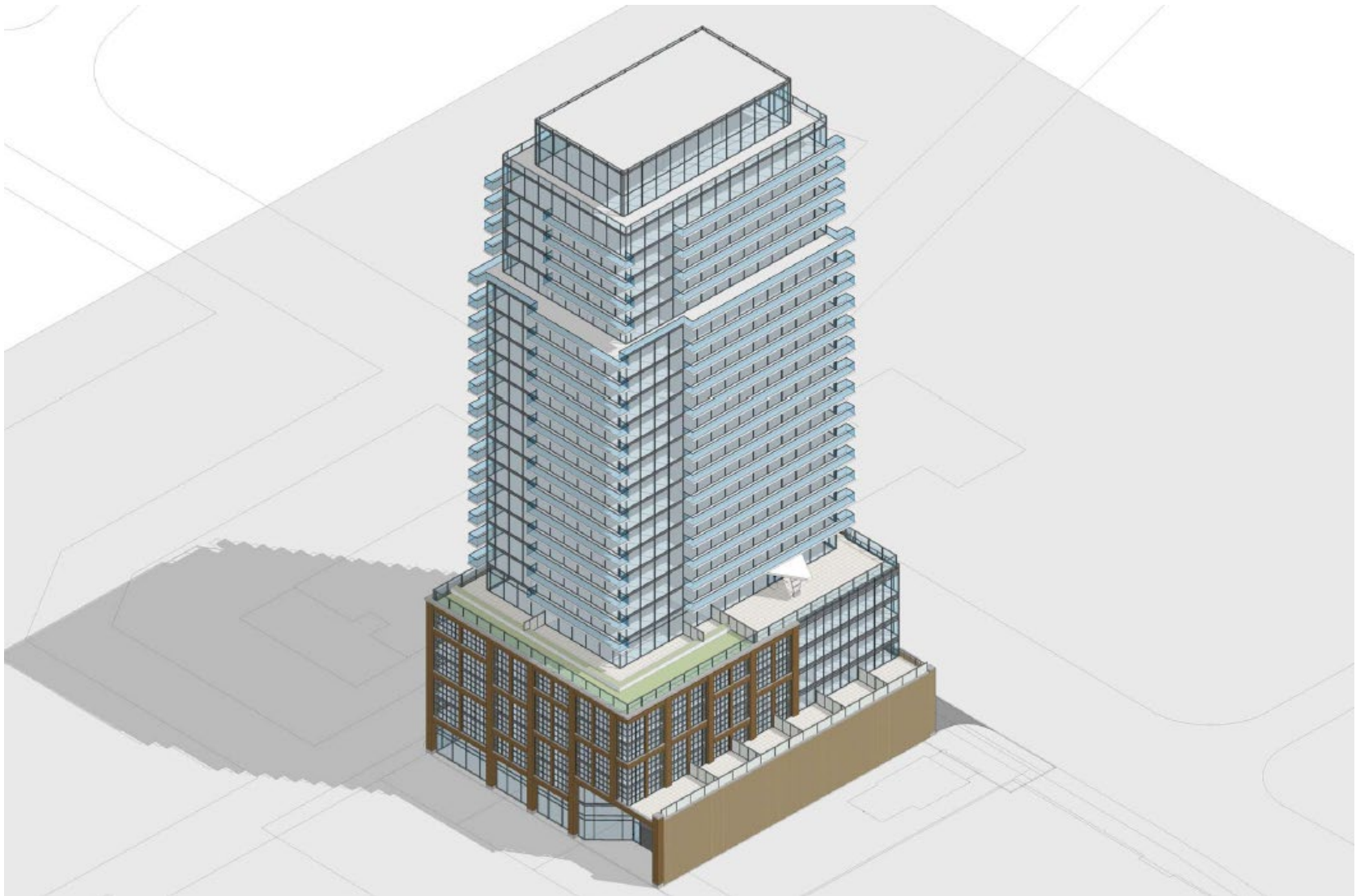
Floors seven to 21 are residential and stepped back from the podium that will be constructed of glass and metal. They will include full-length windows at each elevation and a balcony at each unit running across the windows.

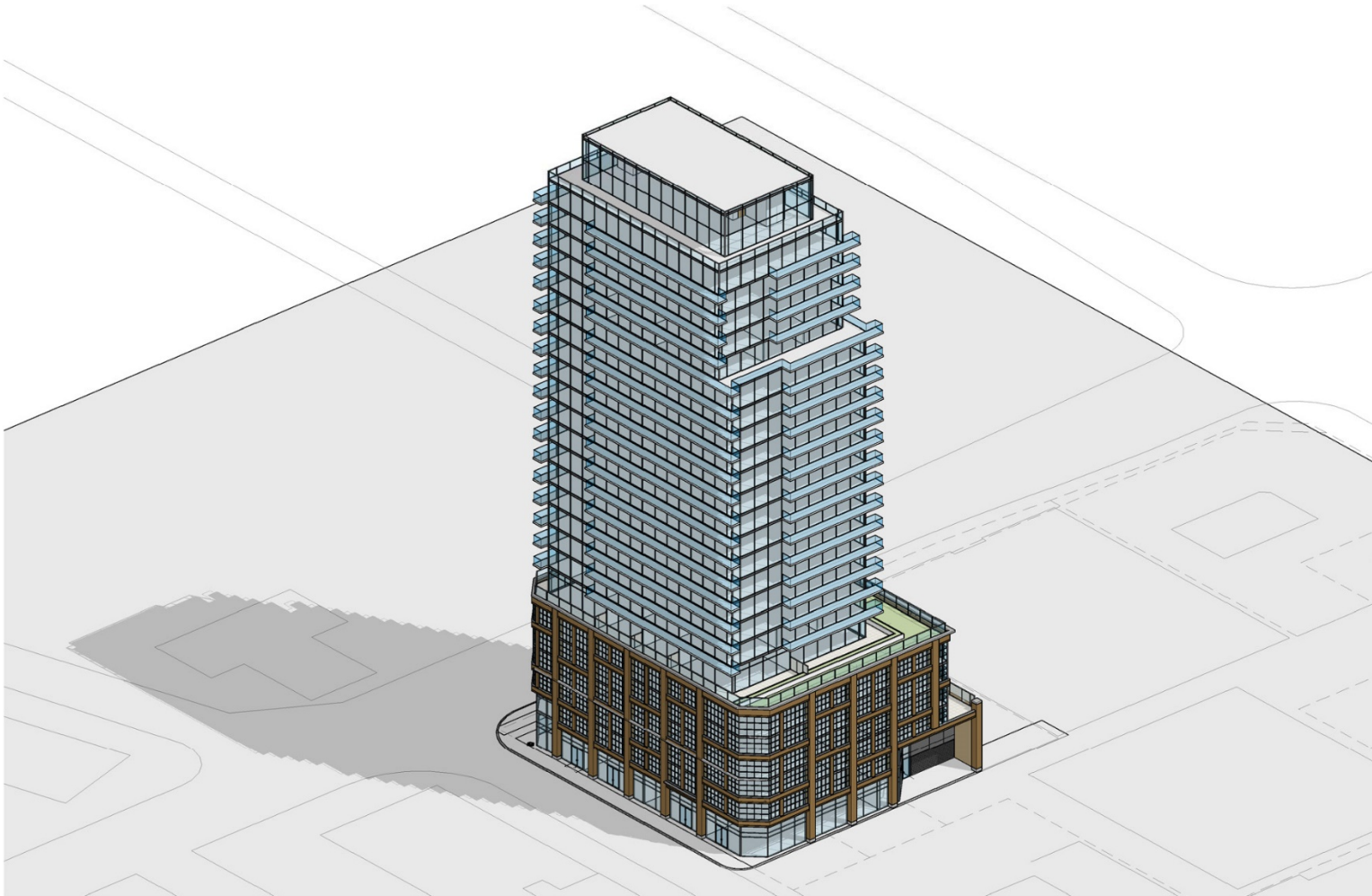
Floors 22 to 25 are further stepped back and will be built of glass and metal. They will include full-length windows at each elevation and a balcony at each unit running across windows.

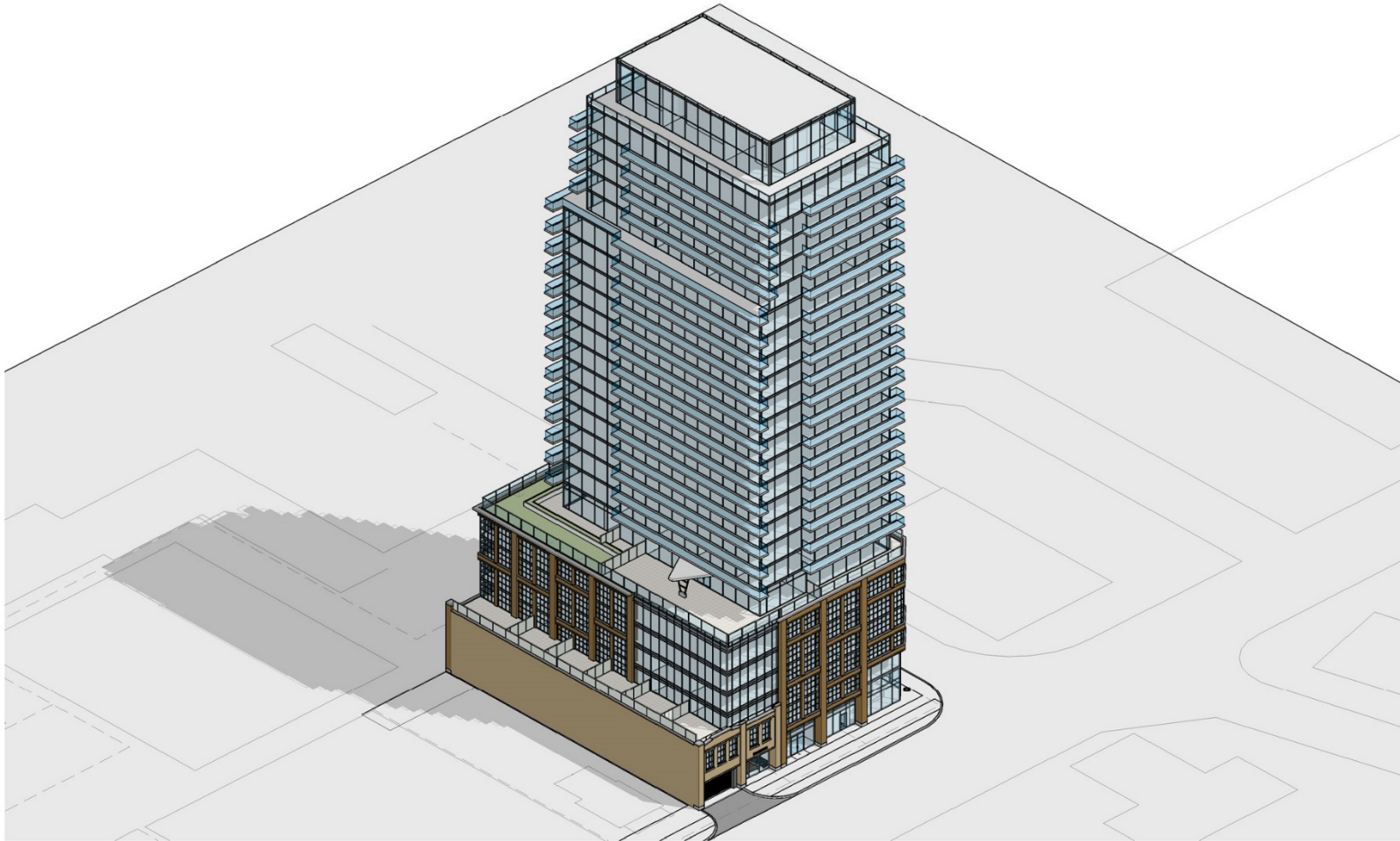
The building will be topped by a stepped back glass and metal mechanical penthouse clad in full-length windows.

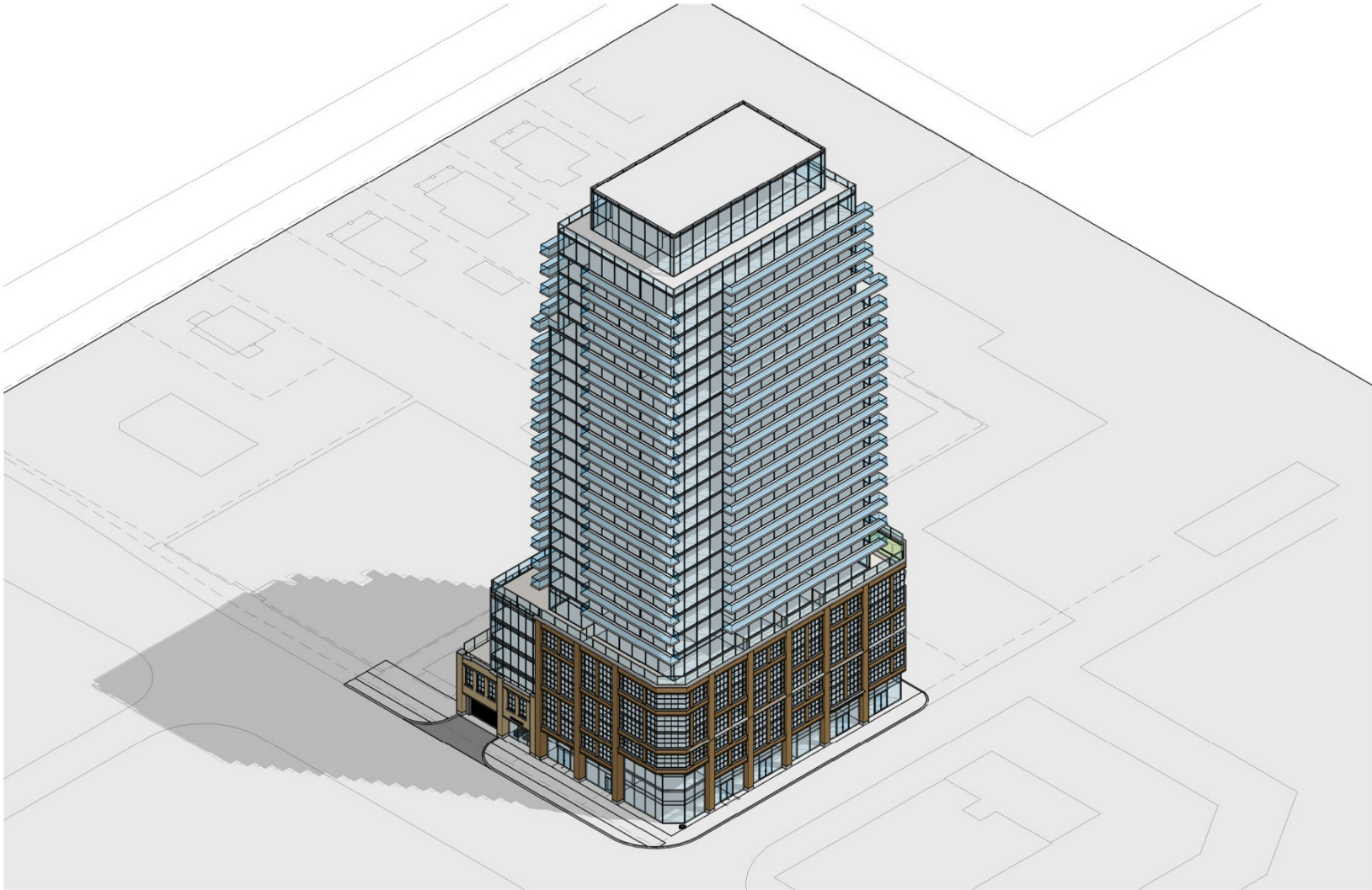


Perspective view









8.0 IMPACT OF DEVELOPMENT ON HERITAGE ATTRIBUTES

The MHSTCI's *Info Sheet #5 Heritage Impact Assessments and Conservation Plans* outlines seven potential negative impacts to be considered with any proposed development or site alteration. The impacts include:

1. **Destruction** of any part of any significant heritage attribute or features;
2. **Alteration** that is not sympathetic or is incompatible, with the historic fabric and appearance;
3. **Shadows** created that alter the appearance of a heritage attribute or change the viability of a natural feature or planting, such as a garden;
4. **Isolation** of a heritage attribute from its surrounding environment, context, or a significant relationship;
5. **Direct or indirect obstruction** of significant views or vistas within, from, or built and natural features;
6. **A change in land use** such as rezoning a battlefield from open space to residential use, allowing new development or site alteration to fill in the formerly open spaces; and
7. **Land disturbances** such as a change in grade that alters soils, drainage patterns that adversely affect an archaeological resource.

As 130 and 138 Victoria Street South were not found to meet *O. Reg. 9/06*, they will not be assessed for potential impacts. The property located at 142 Victoria Street South was found to meet *O. Reg. 9/06* and a list of heritage attributes was prepared for this property. The following table will consider potential negative impacts identified by the MHSTCI in relation to the identified heritage attributes.

8.1 Potential Impacts to 142 Victoria Street South

Table 9: Impact assessment of the heritage attributes of 142 Victoria Street South

Heritage Attributes	Potential Impact	Type of Impact	Discussion
Stepped roofline with a parapet wall on the façade	Yes	Destruction, alteration, and change in land use.	The proposed development proposes the removal of the building which will lead to the loss of this attribute. However, the proposed development draws design inspiration for the proposed bay where 142 Victoria Street South currently exists. A stepped roofline with a parapet wall is proposed for this bay and will be constructed from the original building's salvaged materials.

Heritage Attributes	Potential Impact	Type of Impact	Discussion
Engaged brick pilasters at either side of the façade that flare out at the top with sandstone inlays at their centres;	Yes	Destruction, alteration, and change in land use.	<p>The proposed development proposes the removal of the building which will lead to the loss of this attribute.</p> <p>However, the proposed development draws design inspiration for the proposed bay where 142 Victoria Street South currently exists. Columns on either side of the façade with stone tops are proposed and will be constructed from the original building's salvaged materials.</p>
Entrance façade door case with stepped brick surround	Yes	Destruction, alteration, and change in land use.	The proposed development proposes the removal of the building which will lead to the loss of this attribute.
Date stone reading "1931"	Yes	Destruction, alteration, and change in land use.	The proposed development proposes the removal of the building which will lead to the loss of this attribute.
Symmetrical façade windows	Yes	Destruction, alteration, and change in land use.	<p>The proposed development proposes the removal of the building which will lead to the loss of this attribute.</p> <p>However, the proposed development draws design inspiration for the proposed bay where 142 Victoria Street South currently exists. Symmetrical windows are proposed for both floors of this bay.</p>
Brick construction	Yes	Destruction, alteration, and change in land use.	<p>The proposed development proposes the removal of the building which will lead to the loss of this attribute.</p> <p>However, the proposed development draws design inspiration for the proposed bay where 142 Victoria Street South currently exists. The bay is to be constructed of buff brick salvaged from the original structure.</p>

8.2 Summary of Potential Impacts

Potential impacts related to the proposed development were explored in Table 9. Potential adverse impacts were identified for all heritage attributes of 142 Victoria Street South. If the building is removed, all heritage attributes will be lost. Alternatives and mitigation measures to lessen or avoid these potential impacts are outlined in the following sections.

9.0 CONSIDERED MITIGATION AND CONSERVATION STRATEGIES

9.1 Considered Options

The following range of possible development alternatives was explored. All options have been considered in relation to the applicable planning framework outlined in Section 3.0. As noted in Section 6.0, LHC found 142 Victoria Street South to meet *O. Reg. 9/06* and have heritage attributes but did not find 130 and 138 Victoria Street South to meet the criteria outlined in *O. Reg. 9/06*. The options have considered existing conditions. The preferred option is identified.

9.1.1 Option 1: On-site Retention in Current Use

This option would leave the Properties as is and the existing buildings would remain *in situ*. As the Properties are currently being used for commercial and residential purposes, another commercial or residential enterprise would retain the current use of the buildings.

The 'do nothing' option would not result in any direct impacts on the heritage attributes of the Properties or adjacent heritage properties as there would be no changes to the Properties. However, in the context of proposed redevelopment of this site, retention *in situ* is not a viable option.

9.1.2 Option 2: On-site Retention in Alternate Use

This option would leave the existing buildings *in situ*; however, the buildings would be used in a different way. Based on the observed existing conditions, the condition of the buildings would support a variety of uses. This option would not result in any direct impacts on the heritage attributes of the Properties or adjacent heritage properties as there would be no changes to the Properties.

An alternate use could result in direct impacts to the Properties as renovations are undertaken to allow for the reuse. The property located at 130 Victoria Street South has already undergone renovations related to a change in use. The heritage attributes of 142 Victoria Street South could be impacted depending on the reuse, but this is unlikely as its attributes are limited to the façade.

In the context of proposed redevelopment of this site, retention *in situ* is not a viable option.

9.1.3 Option 3: Relocation Within the Parcel

This option would see the relocation of the existing buildings within the parcel. This option would result in an alteration of the building's context but would otherwise mitigate any direct impacts on the heritage attributes of the Properties. However, in the context of the proposed development which will comprise the entirety of the parcel, relocation is not a viable option.

9.1.4 Option 4: Retention of 142 Victoria Street South and Integration into Proposed Development

This option would see the removal of the structures at 130 and 138 Victoria Street South and the integration of the building at 142 Victoria Street South into the proposed new 25-storey tower. Although preferred from a strictly heritage perspective, this alternative is not feasible within the

context of the overall project due to site constraints which include requirements for the entrance to the parking garage to be constructed at the location of 142 Victoria Street South.

9.1.5 Option 5: Partial Demolition/Selective Deconstruction and Integration into Proposed Development

This option would see the deconstruction of the structures on the Properties with careful salvage or panelization of heritage attributes to allow for full demolition and removal of non-contributing elements. Salvaged materials would be integrated into the proposed development. Based on LHC's *O. Reg. 9/06* evaluation, heritage attributes were identified for 142 Victoria Street South. This is limited to the facade, which have been partially integrated into the design of the distinctive corner element of the podium through the reuse of buff bricks from 142 Victoria Street and the incorporation of heritage attributes and distinctive features from the properties as architectural elements across the building's façade and internal elements of communal spaces. This includes the use of the drive-thru canopy in an exterior amenity space above the podium. It is recommended that, as design progresses and is refined, additional elements from the Properties, such as the Victoria Apartments front entrance and the date stone, be incorporated to the fullest extent possible.

This option would remove the Properties from their context but would partially conserve heritage attributes while allowing for redevelopment.

The adjacent development at 120 Victoria Street South has designed the development around the existing heritage building at the corner of the lot.

This option would remove the Properties from their context but would partially conserve heritage attributes while allowing for redevelopment.

9.1.6 Option 6: Demolish Existing Structure and Redevelop

This option would seek to demolish the existing buildings while being designed to avoid impacts on the adjacent heritage properties.

Based on the foregoing research and analysis, 142 Victoria Street South meets *O. Reg. 9/06* criteria. Its removal would result in an adverse impact on the cultural heritage value or interest or heritage attributes of the Properties.

Removal of the structure is not expected to result in direct adverse impacts on adjacent heritage properties.

9.2 Preferred Option

Given that Options 1, 2, 3, and 4 are not viable within the context of redevelopment, Option 5: Partial Demolition/Selective Deconstruction and Integration into Proposed Development is the preferred option because it partially conserves the Properties' heritage attributes and avoids the potential for negative impacts on the Property and adjacent heritage properties. Some heritage attributes will require selective deconstruction while others, like the stepped parapet, may be integrated into the development more effectively through panelization.

This option is consistent with current redevelopment along Victoria Street South and would allow for reuse of salvaged materials integrated into a design of the podium of the new structure

that draws architectural inspiration from Victoria Apartments for its distinctive corner element. In addition to the distinctive corner element, the podium incorporates a more industrial design that is consistent with the surrounding area as well as key features such as the grey stone inlays at the tops of pilasters.

This option also sees the extensive reuse of salvaged buff bricks from both 130 and 142 Victoria Street South and the incorporation of heritage attributes from the properties as design features in communal spaces. This includes use of the drive-thru canopy in an exterior amenity space above the podium.

It is recommended that as design progresses and is refined, additional elements from the Properties, such as the Victoria Apartments front entrance and the date stone, be incorporated to the fullest extent possible. In the case of the date stone, it is important to pair its incorporation with interpretive signage or plaquing to avoid misinterpretation of the new building.

10.0 CONCLUSION AND RECOMMENDATIONS

LHC was retained 11 February 2021 by Nusrat Govindji to undertake an HIA for 130, 138, and 142 Victoria Street South in the City of Kitchener.

The Property Owner is proposing to build a 25-storey residential building with two-storeys of underground parking, retail on the ground floor, and live/work units and shared offices on the second floor. This HIA is being prepared to evaluate the Properties and to outline heritage planning constraints affected by the proposed development. This HIA was undertaken in accordance with the recommended methodology outlined within the MHSTCI's Ontario Heritage Toolkit and the City of Kitchener's Heritage Impact Assessment Terms of Reference.

In LHC's professional opinion:

- the property municipally known as 130 Victoria Street South **does not meet** the criteria of *O. Reg. 9/06*;
- the property municipally known as 138 Victoria Street South **does not meet** the criteria of *O. Reg. 9/06*; and,
- the property municipally known as 142 Victoria Street South **does not meet** the criteria of *O. Reg. 9/06*.

Potential adverse impacts were identified for all heritage attributes of 142 Victoria Street South if the building is removed for the proposed development. Alternatives and mitigation measures to lessen or avoid these potential impacts were explored.

Given that Options 1, 2, 3, and 4 are not viable in the context of the project, Option 5: Partial Demolition/Selective Deconstruction and Integration into Proposed Development is the preferred option as it partially conserves the heritage attributes of the Properties through careful salvage or panelization of brick and stone materials and heritage attributes for reuse in the podium. The Victoria Apartments building provides architectural inspiration for the design of the new development in the form of the distinctive buff brick corner element that serves as the entrance to the underground parking and carries through characteristic features of the Victoria Apartments building.

Incorporation of heritage attributes, such as the drive-thru canopy, are also proposed for communal spaces. It is recommended that, as design progresses and is refined, additional elements from the Properties, such as the Victoria Apartments front entrance and the date stone, be incorporated to the fullest extent possible. Should the date stone be incorporated into the development, it is recommended that it be accompanied by interpretive plaquing or signage to avoid misinterpretation of the new structure.

SIGNATURES

Please contact the undersigned should you require any clarification or if additional information is identified that might have an influence on the findings of this report.



Christienne Uchiyama, MA, CAHP
Principal, Manager Heritage Consulting Services
LHC

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APPENDIX A: PROJECT PERSONNEL

Christienne Uchiyama, MA CAHP – Principal, LHC

Christienne Uchiyama MA CAHP is Principal and Manager - Heritage Consulting Services with LHC. She is a Heritage Consultant and Professional Archaeologist (P376) with two decades of experience working on heritage aspects of planning and development projects. She is currently President of the Board of Directors of the Canadian Association of Heritage Professionals and received her MA in Heritage Conservation from Carleton University School of Canadian Studies. Her thesis examined the identification and assessment of impacts on cultural heritage resources in the context of Environmental Assessment.

Since 2003 Chris has provided archaeological and heritage conservation advice, support, and expertise as a member of numerous multi-disciplinary project teams for projects across Ontario and New Brunswick, including such major projects as: all phases of archaeological assessment at the Canadian War Museum site at LeBreton Flats, Ottawa; renewable energy projects; natural gas pipeline routes; railway lines; hydro powerline corridors; and highway/road realignments. She has completed more than 100 cultural heritage technical reports for development proposals at all levels of government, including cultural heritage evaluation reports, heritage impact assessments, and archaeological licence reports. Her specialties include the development of Cultural Heritage Evaluation Reports, under both O. Reg. 9/06 and 10/06, and Heritage Impact Assessments.

Colin Yu, MA – Cultural Heritage Specialist and Archaeologist

Colin Yu is a Cultural Heritage Specialist and Archaeologist with LHC. He holds a BSc with a specialist in Anthropology from the University of Toronto and a M.A. in Heritage and Archaeology from the University of Leicester. He has a special interest in identifying socioeconomic factors of 19th century Euro-Canadian settlers through quantitative and qualitative ceramic analysis.

Colin has worked in the heritage industry for over eight years, starting out as an archaeological field technician in 2013. He currently holds an active research license (R1104) with the Ministry of Heritage, Sport, Tourism, and Culture Industries (MHSTCI). He is an intern member of the Canadian Association of Heritage Professionals (CAHP).

At LHC Colin has worked on numerous projects dealing with all aspects of Ontario's cultural heritage. He has completed over thirty cultural heritage technical reports for development proposals and include Cultural Heritage Evaluation Reports, Heritage Impact Statements, Environmental Assessments, and Archaeological Assessments. Colin has worked on a wide range of cultural heritage resources including; cultural landscapes, institutions, commercial and residential sites as well as infrastructure such as bridges, dams, and highways.

He specializes in built heritage, historic research, and identifying cultural heritage value and/or interest through O. Reg. 9/06 under the *Ontario Heritage Act*.

Lisa Coles, B.A. – Junior Heritage Planner

Lisa Coles is a Junior Heritage Planner with LHC. She holds a B.A. (Hons) in History and French from the University of Windsor and a Graduate Certificate in Museum Management & Curatorship from Fleming College. Lisa is currently a Master of Arts in Planning candidate at the University of Waterloo and has over five years of heritage sector experience through various positions in

museums and public sector heritage planning. She is excited to have the opportunity to work in all aspects of the heritage field and to build on her previous experience as part of the LHC team.

Hayley Devitt Nabuurs, MPI – Heritage Planner *no longer with LHC

Hayley Devitt Nabuurs holds a Bachelor of Arts in Anthropology from Trent University and a Master's of Urban and Regional Planning from Queen's University. Hayley's master's report research concerned the reconciliation of heritage and accessibility in community centres.

Hayley has over a decade of experience in the heritage field through her work in both the public and private planning sector and the museum sector. She has previously worked as a Heritage Planning Research Assistant with the City of Guelph. Hayley is currently a committee member with the Canadian Association of Heritage Professionals and the Ontario Business Improvement Area Association. She is a Candidate Member of the Ontario Professional Planners Institute, a Candidate Member of the Canadian Institute of Planners, and an Intern Member of the Canadian Association of Heritage Professionals.

Hayley has worked on over fifty cultural heritage reports at LHC for a wide range of clients across Ontario. These include official plan policy creation for a regional municipality, cultural heritage evaluation reports for property owners, planning strategy reports for hearing preparation, heritage impact assessments for new developments, and peer reviews for municipalities. These reports required the analysis of a wide range of policies along with heritage best practice guidelines, resulting in creative and effective solutions for clients.

Jordan Greene, BA – Mapping Technician

Jordan Greene is a mapping technician with LHC. She holds a Bachelor of Arts in Geography with a Certificate in Geographic Information Science and a Certificate in Urban Planning Studies from Queen's University. The experience gained through the completion of the Certificate in Geographic Information Science allowed Jordan to volunteer as a research assistant contributing to the study of the extent of the suburban population in America with Dr. David Gordon. Prior to her work at LHC, Jordan spent the final two years of her undergraduate degree working in managerial positions at the student-run Printing and Copy Centre as an Assistant and Head Manager. Jordan has had an interest in heritage throughout her life and is excited to build on her existing professional and GIS experience as a part of the LHC team.

APPENDIX B: GLOSSARY

Definitions are based on the *Ontario Heritage Act*, (**OHA**), the *Provincial Policy Statement* (**PPS**), *Regional Municipality of Waterloo Official Plan* (**ROP**), and the *City of Kitchener Official Plan* (**OP**).

Adjacent Lands means those lands contiguous to a protected heritage property or as otherwise defined in the municipal official plan. (**PPS**).

Adjacent means lands, buildings and/or structures that are contiguous or that are directly opposite to other lands, buildings and/or structures, separated only by a laneway, municipal road or other right-of-way. (**OP**).

Alter means to change in any manner and includes to restore, renovate, repair, or disturb and “alteration” has a corresponding meaning (“transformer”, “transformation”) (**OHA**).

Archaeological assessment means the combined background research and field study of a property evaluated as moderate to high on Archaeological Potential Maps approved by the *Province* that identify the presence of and interpretation of the *archaeological resources* on the property, and make recommendations for the mitigation of the impacts on the resources. Archaeological assessments must be undertaken by a Provincially–licensed archaeologist, in accordance with reporting guidelines established by the Provincial Government, and must address the entire area of the *development application*. (**ROP**).

Archaeological potential means the likelihood to contain *archaeological resources*. Criteria for determining archaeological potential are established by the *Province*, but municipal approaches which achieve the same objectives may also be used. Archaeological potential is confirmed through archaeological fieldwork undertaken in accordance with the Ontario Heritage Act. (**ROP**).

Archaeological resources includes artifacts, archaeological sites and marine archaeological sites. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the Ontario Heritage Act. (**ROP**).

Archaeological Resources includes artifacts, archaeological sites and marine archaeological sites, as defined under the Ontario Heritage Act. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the Ontario Heritage Act. (**OP**).

Built heritage resources means one or more *significant* buildings, structures, monuments, installations or remains associated with architectural, cultural, social, political, economic or military history and identified as being important to the community. These resources may be identified through designation or *heritage conservation* easement under the Ontario Heritage Act, or listed by local, regional, provincial or federal jurisdictions. (**ROP**).

Built Heritage Resource means a building, structure, monument, installation or any manufactured remnant that contributes to a property’s cultural heritage value or interest as identified by a community. Built heritage resources are generally located on property that has been designated under Parts IV or V of the Ontario Heritage Act, or listed by included on local, *Regional, Provincial and/or Federal* registers. (**OP**).

Community Character refers to identifiable pockets of the urban fabric with distinctive physical attributes. These attributes include but are not limited to development patterns, scale of the built environment, architectural vernacular of existing buildings and structures, *cultural heritage resources* and *community infrastructure*. Community character is a reflection of community image, identity and *sense of place* and may also reflect cultural and social values. Cultivating community character is intended to foster community pride. (OP).

Conserve/conserved means the identification, protection, use and/or management of cultural heritage and *archaeological resources* in such a way that their heritage values, attributes and integrity are retained. This may be addressed through a conservation plan or heritage impact assessment. (ROP).

Conserve/Conserved/Conservation means the identification, protection, management and use of *built heritage resources*, *cultural heritage landscapes* and *archaeological resources* in a manner that ensures their cultural heritage value or interest is retained under Ontario Heritage Act. This may be achieved by the implementation of recommendations set out in a *heritage conservation plan*, archeological assessment, and/or *heritage impact assessment*. Mitigative measures and/or alternative development approaches can be included in these plans and assessments. (OP).

Compatibility/Compatible means land uses and building forms that are mutually tolerant and capable of existing together in harmony within an area without causing unacceptable *adverse effects*, *adverse environmental impacts* or *adverse impacts*. Compatibility or compatible should not be narrowly interpreted to mean “the same as” or even as “being similar to”. (OP).

Contiguous means lands that are situated in sufficiently close proximity such that *development* or *site alteration* could reasonably be expected to produce one or more of the following impacts: alterations to existing hydrological or hydrogeological regimes; clearing of existing vegetation; erosion and sedimentation; or producing a substantial disruption of existing natural *linkages* or the habitat of a significant species. (ROP).

Culture/Cultural is the whole complex of distinctive spiritual, material, intellectual and emotional features that characterize a society or social group. It includes not only *arts* and letters, but also modes of life, the fundamental rights of the human being, value systems, traditions and beliefs. (OP).

Cultural Heritage Impact Assessment means a study to determine if *cultural heritage resources* will be negatively impacted by a proposed *development* or *site alteration*. It can also demonstrate how the *cultural heritage resource* will be *conserved* in the context of redevelopment or *site alteration*. Mitigative or avoidance measures or alternative *development* approaches may also be recommended. (ROP).

Cultural heritage landscape means a defined geographical area of heritage significance which has been modified by human activities and is valued by a community. It involves a grouping(s) of individual heritage features such as structures, spaces, archaeological sites and natural elements, which together form a *significant* type of heritage form, distinctive from that of its constituent elements or parts. (ROP).

Cultural Heritage Landscape means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community. The area may involve features such as structures, spaces, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Examples may include, but are not limited to, *heritage conservation districts* designated under the Ontario Heritage Act; villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trailways, viewsheds, natural areas and industrial complexes of heritage significance; and areas recognized by federal or international designation authorities. (OP).

Cultural heritage resources are the physical remains and the intangible cultural traditions of past human activities. These include, but are not limited to:

- buildings (residential, commercial, institutional, industrial and agricultural);
- cultural heritage landscapes (designed, organic/evolved);
- structures (water tower; bridge, fence and dam);
- monuments (cenotaph, statue and cairn);
- archaeological resources;
- cemeteries;
- scenic roads;
- vistas/viewsheds;
- culturally significant natural features (tree and landform);
- movable objects (archival records and artifacts); and
- cultural traditions (language, stories, music, dance, food, celebrations, art and crafts). (ROP).

Cultural Heritage Resources means includes buildings, structures and properties designated under the Ontario Heritage Act or listed on the *Municipal Heritage Register*, properties on the Heritage Kitchener Inventory of Historic Buildings, *built heritage resources* and *cultural heritage landscapes* as defined in the Provincial Policy Statement. (OP).

Development means the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the Planning Act. (ROP).

Development means the creation of a new lot, a change in land use, the construction of buildings and structures or an addition or alteration to a building or structure that substantially increases the size or usability of the site, requiring approval under the Planning Act, but does not include:

- a) activities that create or maintain *infrastructure* authorized under an *environmental assessment* process; and,
- b) works subject to the Drainage Act. (OP).

Heritage Attributes means the principal features or elements that contribute to a protected heritage property's cultural heritage value or interest, and may include the property's built,

constructed, or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (e.g. significant views or vistas to or from a protected heritage property). (PPS).

Heritage Corridors means streets or *multi-use pathways* which because of their unique structural, topographic and visual characteristics, as well as abutting vegetation, built environment and cultural landscape, historical significance or location within a *Heritage Conservation District* are recognized as a *cultural heritage resource* and are intended to be *conserved*. (OP).

Heritage Attributes means the principle features or elements that contribute to a *cultural heritage resource's* cultural heritage value or interest, and may include the property's built or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (including significant *views or vistas* to or from a *cultural heritage resource*. (OP).

Heritage Conservation District means a geographic area primarily made up of a group of buildings, streets and open spaces which collectively contribute to the cultural heritage value or interest of the area. (OP).

Heritage Conservation District Plan means a document that provides policies and guidelines to assist in the protection and enhancement of the cultural heritage values of the district. The document includes a statement of objectives, a statement of the district's cultural heritage value or interest, a description of the district's *heritage attributes*, policies, guidelines and procedures for achieving stated objectives and managing future change, and a description of external alterations or classes of external alterations that are of minor nature that an owner can carry out without obtaining a permit. (OP).

Heritage Conservation Plan means a document that details how a *cultural heritage resource* can be conserved. The conservation plan may be supplemental to a *heritage impact assessment*, but is typically a separate document. The recommendations of the plan should include descriptions of repairs, stabilization and preservation activities as well as long term conservation, monitoring and maintenance measures. (OP).

Heritage Impact Assessment means a document comprising text and graphic material including plans, drawings, photographs that contains the results of historical research, field work, survey, analysis, and description(s) of *cultural heritage resources* together with a description of the process and procedures in deriving potential effects and mitigation measures as required by official plan policies and any other applicable or pertinent guidelines. A heritage impact assessment may include an archaeological assessment where appropriate. (OP).

Identify/Identified (in regard to cultural heritage landscapes) means designate for the purposes of the Regional Official Plan. (OP).

Municipal Heritage Register means a register maintained by the City of Kitchener, in accordance with the Ontario Heritage Act, which includes *protected heritage properties* and properties listed as a non-designated property of cultural heritage value or interest. (OP).

Property means real property and includes all buildings and structures thereon. (OHA).

Protected Heritage Property means property designated under Parts IV, V or VI of the Ontario Heritage Act; heritage conservation easement under Parts II or IV of the Ontario Heritage Act;.

property identified by *the Province* and prescribed public bodies as provincial heritage property under the Standards and Guidelines for Conservation of Provincial Heritage Properties; property protected under federal legislation, and UNESCO World Heritage Sites. (*OP*).

Qualified Person for the purposes of cultural heritage resources, means an individual including a professional engineer, architect, archaeologist, etc., having relevant, recent experience in the conservation of cultural heritage resources. (*OP*).

Significant means in regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the Ontario Heritage Act. (*PPS*).

APPENDIX C: CITY DIRECTORY RECORDS FOR THE PROPERTIES

Table 10: City Directory Records for the Properties

Address	People
1931 City Directory	
Between 122 and 146 Wilmont Avenue	New house New Apartments
1932 City Directory	
138 Wilmont Avenue	John Swiech Frank Targos
142 Wilmont Avenue Victoria Apts.	1. Mary Harvey 1.A. DA Buchanan 2. BB Buchholtz 2.A. August Hoffman 3. Bert Thornton 4. AM Acton 5. Vacant 6. HG Ocstreich 7. Robert Eisenbach 8. Frank Gofton 9. EH Miller 10. IA Oswald
1933 City Directory	
N/A	Municipal yard
138 Wilmont Avenue	John Swiech
142 Wilmont Avenue Victoria Apts.	1. Elvin Underwood 1.A. Hector Lacroix 2. LE Wynowsky 2.A. August Hoffman 3. Vacant 4. Burton Llyod 5. LA Winter 6. RN Eisenbach 7. Richard Schoone

Address	People
	8. Vacant 9. PE Wilson 10. S Cawker
1934 City Directory	
N/A	Municipal yard
138 Wilmont Avenue	John Swiech
142 Wilmont Avenue Victoria Apts.	1. Vacant 1.A. August Hoffman 2. RN Eisenbach 2.A. Richard Schoone 3. JM Levene 4. Adolph Sell 5. LA Winter 6. AW Miller 7. Vacant 8. Vacant 9. Emily P Smith 10. Vacant
1935 City Directory	
N/A	Municipal yard
138 Wilmont Avenue	John Swiech
142 Wilmont Avenue Victoria Apts.	1. Frances Cumming 1.A. August Hoffman 2. Adam Kummer 2.A. Marjorie Gordanier 3. Muriel MacMillan 4. Adolph G Sell 5. George H Box 6. WE Schilling 7. HH Naidus 8. Vacant 9. Ethel M Saife 10. George Waysluk

Address	People
1936 City Directory	
	Municipal yard
138 Wilmont Avenue	John Swiech Mrs. F McGruther
142 Wilmont Avenue Victoria Apts.	1. FJ Leinweber 1.A. August Hoffman 2. Adam Kummer 2.A. RV Lawrence 3. Vacant 4. Adolph G Sell 5. George H Box 6. Joseph Brown 7. Harold C Plantz 8. Leon J Corbeau 9. Ethel M Saife 10. George Waysluk
1938 City Directory	
N/A	Municipal yard
138 Wilmont Avenue	John Swiech
142 Wilmont Avenue Victoria Apts.	1. John A White 1.A. August Hoffman 2. Adam Kummer, junk 2.A. GE Dowdle 3. Thomas Conaway 4. Jack Zuber 5. George H Box 6. Joseph Brown 7. Walter Strouse 8. HW Main 9. Leonard Hopkins 10. George Waysluk
1939 City Directory	
130 Victoria Street South	MacIntosh Cleaners Ltd.

Address	People
	Burtol Cleaners
138 Victoria Street South	John Swiech
142 Victoria Street South Victoria Apts.	1. John A White 1.A. August Hoffman 2. Adam Kummer, junk 2.A. Pearl Russell 3. AC Dowsett 4. Jack H Zuber 5. Peter Baechler 6. Alex Kasman 7. Vacant 8. HW Main 9. Leonard Hopkins 10. George Waysluk
1940 City Directory	
130 Victoria Street South	MacIntosh Cleaners Ltd. Burtol Cleaners
138 Victoria Street South	John Swiech
142 Victoria Street South Victoria Apts.	1. Edna Esbaugh 1.A. WH Wrighton 2. George H Deorksen 2.A. Peter Russell 3. AC Dowsett 4. Jack H Zuber 5. Edith Hahn 6. Alex Kasman 7. GL Baker 8. Jason D Bishop 9. Sydney Ives 10. George Waysluk

APPENDIX D: LAND REGISTRY RECORDS FOR THE PROPERTIES

130 Victoria Street South Lot 10

Table 11: 130 Victoria Street South Lot 10 Ownership

No.	Inst.	ITS Date	Date of Registry	Grantor	Grantee	Consideration	Remarks
46200	Grant	13 March 1922	29 March 1922	John Bramm Jr. Ex. John Bramm, George Bramm Sr., Caroline Bramm	Alford Boehmer	2100.00	
74529	Grant	16 Nov 1937	9 Dec 1937	Alford Boehmer	MacIntosh Cleaners Ltd.	100	
75096	Mech Lien	26 May 1938	28 May 1938	D Ltd.	MacIntosh Cleaners Ltd.	8560.00	
75115		6 June 1938	7 June 1938	John N. H	MacIntosh Cleaners Ltd.	2850.24	
75363	Mortgage	1 July 1938	9 Aug 1938	MacIntosh Cleaners Ltd.	D Ltd.	19,900.00	
75371	D of Lien	12 Aug 1938	12 Aug 1938	D Ltd.	MacIntosh Cleaners Ltd.		Discharge 75076
78643	Discharge	7 Jan 1940	17 Oct 1940	Canadian Ltd.			See no 75115
82978	D of M	30 Jan 1943	9 Mar 1943	D Ltd.	MacIntosh Cleaners Ltd.		See no 95363
100614	Mortgage	22 Sep 1949	28 Sep 1949	MacIntosh Cleaners Ltd., Kenneth L., Kenneth E., Harold, Gerald A., C. Bertram MacIntosh guarantor	The Waterloo Trust and Savings Corp.	10,000.00	Lot et al.

No.	Inst.	ITS Date	Date of Registry	Grantor	Grantee	Consideration	Remarks
113824	Mortgage	30 Jan 1953	25 Feb 1953	MacIntosh Cleaners Ltd., Kenneth L., Kenneth E., Harold, Gerald A., C. Bertram MacIntosh guarantor	The Waterloo Trust and Savings Corp.	15,000.00	Lots etc.
113829	D of M	2 Feb 1953	25 Feb 1953	The Waterloo Trust and Savings Corp.	MacIntosh Cleaners Ltd.		See 100614
122300	Mortgage	25 Mar 1957	26 Mar 1957	MacIntosh Cleaners Ltd., Kenneth L., Kenneth E., Harold, Gerald A., C. Bertram MacIntosh guarantor	The Waterloo Trust and Savings Corp.	11,000.00	Lot etc.
152388	D of M	26 Mar 1957	29 Mar 1957	The Waterloo Trust and Savings Corp.	MacIntosh Cleaners Ltd.		See 113824
155025	Grant	4 June 1959	19 Nov 1959	MacIntosh Cleaners Ltd.	MacIntosh Cleaners Ltd.	100	Lot etc.
XXXX13	D of M	2 Feb 1921	5 Feb 1961	The Waterloo Trust and Savings Corp.	MacIntosh Cleaners Ltd.		See 152300
317276	Mortgage	26 Jan 1961	10 Mar 1961	MacIntosh Cleaners Ltd., Kenneth L., Kenneth E., Harold, Gerald A., C. Bertram MacIntosh guarantor	Industrial Development Bank	89,000.00	Lot etc. covenant
346775	D of M	8 May 1967	16 May 1967	Industrial Development Bank	MacIntosh Dry Cleaners Ltd.		See 117276

No.	Inst.	ITS Date	Date of Registry	Grantor	Grantee	Consideration	Remarks
787864	Mortgage		30 July 1984	MacIntosh Dry Cleaners Ltd.	G. Raymond MacIntosh, C. Bertram MacIntosh, Gerald A. MacIntosh, and Estate of Harold W. MacIntosh	96,000.00	Lot 10 and pt. lot 11
870266	Agreement		2 October 1986	MacIntosh Dry Cleaners Ltd.	G. Raymond MacIntosh, C. Bertram MacIntosh, Gerald A. MacIntosh, and Estate of Harold W. MacIntosh		Amends mortgage # 787864
1028920	Charge		21 Feb 1990	MacIntosh Dry Cleaners Ltd.	The Royal Bank of Canada		Lot 10 and pt. lot 11
1039111	Agreement amends charge		17 May 1990	MacIntosh Dry Cleaners Ltd.	The Royal Bank of Canada		Amends charge #1028920

138 Victoria Street South Lot 9

Table 12: 138 Victoria Street South Lot 9 Ownership

No.	Inst.	ITS Date	Date of Registry	Grantor	Grantee	Consideration	Remarks
46200	Grant	13 Mar 1922	29 Mar 1922	John Bramm Jr. Ex. John Bramm, George Bramm Sr., Caroline Bramm	Alford Boehmer	2100.00	
66458	Grant	21 Apr 1931	21 Apr 1931	Alford Boehmer	Louis Paleczny	850.00	
70872		1 Mar 1935	2 Mar 1935	Louis Paleczny	John with Frances Swiech joint tenants	40,000.00	
70893	Mortgage	1 Mar 1935	2 Mar 1935	John and Frances Swiech	Louis Paleczny	1700.00	
77498	D of M	28 Feb 1940	28 Feb 1940	Louis Paleczny	John and Frances Swiech		See no. 70893
90842	Mortgage	12 June 1946	14 June 1946	John and Frances Swiech	Edward Schafer	4000.00	Lot et al.
106924	D of M	5 June 1951	7 June 1951	Edward Schafer	John and Frances Swiech		See 90842
114891	Mortgage	5 May 1953	7 May 1953	XX	The Waterless Trust Sailing Co.	5000.00	Lot et al.
135710	Mortgage	15 Jan 1956	20 Jan 1956	John and Frances Swiech	The Faterlos Trust Co.		Lot et al.
135711	D of M	18 Jan 1956	20 Jan 1956	The Faterlos Trust Co.	John and Frances Swiech		See 114891
275896	D of M	6 Feb 1961	9 Feb 1961	The Waterless Trust Sailing Co.	John and Frances Swiech		See 135710

No.	Inst.	ITS Date	Date of Registry	Grantor	Grantee	Consideration	Remarks
465500	Ontario consent	21 Mar 1922	23 Mar 1922	Minister of Revenue	Jordan Swiech		Lot and pt. lot 11 on 70872
904069	Grant		2 July 1987	Frances Swiech by her attorney Louis Swiech	Caroline Cheng, in trust	68,000.00	Lot 9 and pt. lot 11, Plan 143, recital
904070	Mortgage		2 July 1987	Caroline Cheng, in trust	Scotia Mortgage Corp.	51,000.00	Lot 9 and pt. lot 11
941146	Grant		29 April 1988	Caroline Cheng, in trust	100 Park Street Development Inc.	108,000.00	Lot 9 and pt. lot 11
997023	Charge		26 June 1989	100 Park Street Development Inc.	Guardian Trust Co.	500,000.00	2 nd lot etc. see lot 3 see #1130570
997024	Assgnt	Rents	26 June 1989	100 Park Street Development Inc.	Guardian Trust Co.		2 nd lot etc. see lot 3
1130569	Deposit		31 July 1992				2 nd lot etc. see lot 3
1130570	Transfer (power of sale)		31 July 1992	Guardian Trust Co.	Audley End I Inc.		2 nd lot etc. see lot 3
1130571	Charge		31 July 1992	Audley End I Inc.	Laurentian Bank of Canada		2 nd lot etc. see lot 3 see # 1254244
1254243	Deposit		16 May 1995				(1) Lots 4,5 & 6 & Pt. Lots 3 & 11, Plan 143 & Pt. Lot 1, Plan 143, being Pts. 1 & 2 on 58-R-1020. (2) Lot 9 & Pt. Lot 11, Plan 423. Re: Charge # 1130571.
1254243	Transfer (under		16 May 1995	Laurentian Bank of Canada	1123778 Ontario Limited	490,000.00	(1) & (2) Land as in Inst. # 1254243. Power of sale, Re:

No.	Inst.	ITS Date	Date of Registry	Grantor	Grantee	Consideration	Remarks
	power of sale)						Charge # 1130571. Recitals.
1254245	Charge		16 May 1995	1123778 Ontario Limited	Laurentian Bank of Canada	416,250.00	(1) & (2) Land as in Inst. # 1254243.
1254246	Assignment of rents		16 May 1995	1123778 Ontario Limited	Laurentian Bank of Canada		(1) & (2) Land as in Inst. # 1254243. Power of sale, Re: Charge # 1254245.
1271928	Charge		18 October 1995	1123778 Ontario Limited	Giuseppe Sierchio	55,000.00	2ndly: lot etc. see lot 4
1289283	Charge		17 April 1996	1123778 Ontario Limited	Giuseppe Sierchio	20,000.00	2ndly: lot 9 & pt. lot 11 Plan 143 re: 1130570.

142 Victoria Street South Lot 8

Table 13: 142 Victoria Street South Lot 8 Ownership

No.	Inst.	ITS Date	Date of Registry	Grantor	Grantee	Consideration	Remarks
46200	Grant	13 Mar 1922	29 Mar 1922	John Bramm Jr. Ex. John Bramm, George Bramm Sr., Caroline Bramm	Alford Boehmer	2100.00	
66452	Grant	11 April 192X	20 April 192X	Alford Boehmer	Wilhelmina and August Hoffman	770.00	
66922	Mech Lein	15 July 1931	15 July 1931	The Ott Brick and Tile Manufacturing Company	Wilhelmina and August Hoffman	1122.74	
66930	Mortgage	18 July 1931	21 July 1931	August and Wilhelmina Hoffman	North American Life Assurance	10,500.00	Not reed in full
66950	Mech Lein	25 July 1931	25 July 1931	B. Newmarket	Wilhelmina Hoffman	6600	Lot
66955	D. of Lien	28 July 1931	29 July 1931	The Ott Brick and Tile Manufacturing Company	August Hoffman		See A7 in 66905
66958	D. of Lien	29 July 1931	29 July 1931	Bruno Newmarket	Rudolph Schezly		See A74 No. 66954
67056	Deed Lien	28 Aug 1931	28 Aug 1931	Rudolph and Erin Schezly	August and Wilhelmina Hoffman	#2810	Lot et. Al.
69319	Mortgage	22 Oct 1931	23 Oct 1931	August and Wilhelmina Hoffman	Alvin K. Creuman	2500.00	Subject to mortgage – not reed in full
67482	D. of Lien	20 Nov 1931	20 Nov 1931	Rudolph and Erin Schezly	August and Wilhelmina Hoffman		See A7 in 66905

No.	Inst.	ITS Date	Date of Registry	Grantor	Grantee	Consideration	Remarks
69610	Mech Lein	5 Jan 1932	6 Jan 1932	David Barstocn	August and Wilhelmina Hoffman	180.25	Lot et al.
73000	D of M	10 Nov 1936	10 Nov 1936	Alvin K. Creuman	August and Wilhelmina Hoffman		SEE a74 – No 67377
73001	Mortgage	10 Nov 1936	10 Nov 1936	Wilhelmina and August Hoffman	Sun Life Assurance Co. of a Canada	9500.00	Lot et al. Not no. XX
73002	Mortgage	10 Nov 1936	10 Nov 1936	Wilhelmina and August Hoffman	Alvin K Creuman	2091.63	
73011	D of M	10 Nov 1936	13 Nov 1936	North American Life Assurance	August and Wilhelmina Hoffman		See A74 No 66930
91608	Mortgage	16 Aug 1946	24 Sep 1946	August and Wilhelmina Hoffman	Amalia Lfert	4000.00	Lot et al.
92334	D of M	28 Nov 1946	18 Dec 1946	Alvin K Creuman trustee	August Hoffman		See 73002
97330	Mortgage	16 Sep 1948	18 Sep 1948	August Hoffman	Sun Life Assurance Co. of a Canada	7000.00	Lot et al
97583	Postpone mortgage	20 Sep 1948	16 Oct 1948	Amalia Lfert	Sun Life Assurance Co. of a Canada	100	Postpone
97659	D of M	21 Oct 1948	29 Oct 1948	Sun Life Assurance Co. of a Canada	Wilhelmina and August Hoffman		See 73001
196124	Treasure consent	9 Dec 1959	14 Dec 1959	Treasurer of Ontario	Amalia K. Hoffmann		Lot etc 91608

No.	Inst.	ITS Date	Date of Registry	Grantor	Grantee	Consideration	Remarks
198528	D of M	30 Jun 1960	11 Feb 1960	David Wibon and Albert J. Hoffman Exp of Amalia K Hoffman	August Hoffman		See 91608
202292	D of M	31 Jun 1960	22 July 1960	Sun Life Assurance Co. of a Canada	August Hoffman (Hofman)		See 97330
294925	Treasurer consent	2 Mar 1965	4 Mar 1965	Treasurer of Ontario	August Hofmann (Hofman)		Lot etc re 66452
312987	Grant	22 Nov 1965	29 Nov 1965	Margaret Wilson mw. and Albert J. Hoffman Ex. Of August Hofmann (August Hofman) and Margaret Wilson mw.	Albert J. Hoffmann to uses	100	Lot etc Treasurer consent Recitals
312988	Mortgage	22 Nov 1965	29 Nov 1965	Albert J. Hofmann	Elizabeth M. Dreger mw	19000.00	Lot etc/ Recitals
324842	Grant treas	19 Apr 1966	1 June 1966	Albert J. Hofmann	Joseph and Ruth M. Szewczyk joint tenants		Lot etc Subject to Mortgage
326618	Consent	10 June 1966	28 June 1966	Treasurer of Ontario	Wilhelmina Hofman (Hoffman)		Lot etc re 66452
522073	Grant	3 June 1974	6 June 1974	Joseph and Ruth Szewczyk	Lucien Potirn to uses	2.00	Lot 8 and pt. lot 11 subject to mortgage
522074	Mortgage	5 June 1974	6 June 1974	Lucian Potirn	Joseph and Ruth Szewczyk joint wit rt of survivorship	16,008	Lot 8 and pt. lot 11 limit and appoint
536891	D of M	1 Feb 1975	10 Feb 1975	Elizabeth M. Dreger	Albert J. Hoffmann		Re: 312988

No.	Inst.	ITS Date	Date of Registry	Grantor	Grantee	Consideration	Remarks
537095	D of M	14 Feb 1975	14 Feb 1975	Joseph and Ruth Szewczyk	Lucien Potoria		Mortgage 522074
537096	Mortgage	14 Feb 1975	14 Feb 1975	Lucien Potirn	Victoria and Greg Trust Co.	15,000.00	Lot 8 and pt. lot 11 limit and appoint
543870	Grant	6 May 1975	6 June 1975	Lucien Potirn	Wesley S and Brynhild R. Johnson (Jt. Ten.)	2.00	Lot and pt. lot 11 (41.1' Wilmont St Wily lein of Victoria St x 155'). Limit and appointment subject to last mortgage
543871	Mortgage	27 May 1975	6 June 1975	Wesley S and Brynhild R. Johnson	Melinda Knipfel	22,000.00	Lot and as in 543870
557897	Mortgage	27 Nov 1975	1 Dec 1975	Wesley S and Brynhild R. Johnson	Melinda Knipfel	7,000	Lot 8 and pt. lot
661673	CFOF	19 July 1979	23 July 1979	Wesley S and Brynhild R. Johnson – Defendants	Melinda Knipfel - Plaintiff		Debarro and Foredossa 557897
780542	QC		10 May 1984	Wesley S and Brynhild R. (formally Brynhild R. Johnson)	Melinda Knipfel		Pt lot 8 and 11
780543	Mortgage		10 May 1984	Melinda Knipfel	Canada Permanent Trust Company	72,000.00	Pt lot 8 and 11
799224	Notice of lease		17 Dec 1984	Melinda Knipfel	Corirametic Canada Inc.		Lot 9 and pt. lot 11 Plan 143 Re # 661673
883865	Grant		30 Jan 1987	Melinda Knipfel	Sue H. Cheng	140,000.00	PT LOT 8 AND PT LOT 11 Re # 661673

No.	Inst.	ITS Date	Date of Registry	Grantor	Grantee	Consideration	Remarks
904067	Mortgage		2 Sep 1987	Sue H. Cheng	The Toronto Dominion Bank	92,950.00	Lot 8 and pt. lot 11 re # 883865
904068	A of Mortgage		2 July 1987	Sue H. Cheng	The Toronto Dominion Bank		Lot 8 and pt. lot 11 re #883865
1006679	Charge		31 August 1989	Sue H. Cheng	The Toronto Dominion Bank	100,000.00	Lot 8 and pt. lot 11 re #883865
1020213	Transfer		7 December 1989	Sue H. Cheng	Gordon Royce Koziol	340,000.00	Lot 8 and pt. lot 11 re #883865 and 780542
1020214	Charge		7 December 1989	Gordon Royce Koziol	The Toronto Dominion Bank	190,000.00	Land as in 1020213
102025	Charge		7 December 1989	Gordon Royce Koziol	The Toronto Dominion Bank	155,000.00	Land as in 1020213
1040791	Transfer		31 May 1990	Gordon Royce Koziol	Kitchener Metropolitan Development Inc.	351,000.00	Lot 8 and pt. lot 11 re # 1020213