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RECEIVED
2024/01/30
(YYYY/MM/DD)
Ontario Heritage Trust

January 30, 2024

Registrar
A/Provincial Heritage Registrar, Ontario Heritage Act
Ontario Heritage Trust
10 Adelaide Street East
Toronto ON M5C 1J3

Re: Designating By-law - 28 Burgetz Avenue

This is to advise that the Council of the Corporation of the City of Kitchener, at its regular meeting held on Monday, January 22, 2024, passed By-law 2024-008, pursuant to Part IV of the Ontario Heritage Act, designating the property municipally known as 28 Burgetz Avenue as being of historic and cultural heritage value or interest. A copy of the designating By-law is attached for your information, along with a copy of the Notice of Passing.

Any person who objects to this By-law may appeal to the Ontario Land Tribunal by notifying the Ontario Land Tribunal and the Clerk of the Corporation of the City of Kitchener in writing within 30 days after the publication of this notice. The last day to appeal is February 29, 2024. A notice of appeal must set out the objections to the By-law and the reasons in support of the objection, accompanied by the fee charged by the Ontario Land Tribunal.

Yours truly,

A handwritten signature in dark ink, appearing to read "M. Mills".

Marilyn Mills
Committee Coordinator

cc: Deeksha Choudhry, Heritage Planner

BY-LAW NUMBER
OF THE
CORPORATION OF THE CITY OF KITCHENER

(Being a by-law to designate the property
municipally addressed as 28 Burgetz Avenue,
in the City of Kitchener as being of historic and
cultural heritage value or interest)

WHEREAS section 29 of the *Ontario Heritage Act*, R.S.O. 1990, C. 0.18, authorizes the Council of a Municipality to enact by-laws to designate real property, including all of the buildings and structures thereon, or portions thereof, to be of cultural heritage value or interest;

AND WHEREAS the Council of The Corporation of the City of Kitchener has received and considered the recommendations of its municipal heritage committee (Heritage Kitchener) regarding the designation of a property located at 28 Burgetz Avenue, Kitchener (the "Property");

AND WHEREAS the Council of The Corporation of the City of Kitchener resolved at its Council Meeting held on October 16, 2023, to publish a Notice of Intention to designate the Property as being of cultural heritage value or interest pursuant to section 29 of the *Ontario Heritage Act*, R.S.O. 1990, C. O.18, and which resolution was confirmed by By-law No. 2023-133;

AND WHEREAS a copy of the Notice of Intent to Designate was served upon the registered owners of the Property and upon the Ontario Heritage Trust;

AND WHEREAS a copy of the Notice of Intent to Designate was published in the Waterloo Region Record, which is a newspaper having general circulation in the City of Kitchener on October 27, 2023, a copy of which is attached to this by-law as "Schedule A";

AND WHEREAS no Notice of Objection to the proposed designation has been served upon the Clerk of the City of Kitchener;

NOW THEREFORE the Council of The Corporation of the City of Kitchener enacts as follows:

1. The building and property known as 28 Burgetz Avenue, Kitchener, as more particularly described in Schedule "B" and "C" to this by-law are hereby designated as being of cultural value or interest under Part IV, section 29 of the *Ontario Heritage Act*, R.S.O. 1990, C. 0.18;
2. The City Solicitor is hereby authorized to cause a copy of this by-law to be registered against the whole of the property described in Schedule "D" to this by-law with the Land Registry Office;
3. The City Clerk is hereby authorized to cause a copy of this by-law to be served upon the registered owners of the property described in Schedule "D" to this by-law and on the Ontario Heritage Trust; and,
4. The City Clerk is hereby authorized to publish a notice of this by-law in a newspaper having general circulation in the City of Kitchener.

PASSED at the Council Chambers in the City of Kitchener this 22nd day of January, 2024.

Mayor

Clerk

SCHEDULE A

NOTICE OF INTENTION TO DESIGNATE

28 BURGETZ AVENUE, KITCHENER



IN THE MATTER OF THE ONTARIO HERITAGE ACT, R.S.O. 1990, CHAPTER O.18, AS AMENDED, AND IN THE MATTER OF THE LANDS AND PREMISES AT THE FOLLOWING MUNICIPAL ADDRESSES IN THE PROVINCE OF ONTARIO

NOTICE OF INTENTION

TAKE NOTICE that the Council of the Corporation of the City of Kitchener intends to designate the following municipal addresses as being of cultural heritage value or interest under Part IV of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18, as amended.

87 Scott Street and 82 Weber Street

The property municipally addressed as 87 Scott Street demonstrates design/physical and contextual value and 82 Weber Street East demonstrates design/physical and historical/associative value.

87 Scott Street is a representative example of the Italianate architectural style. This style of architecture was popular in then-Berlin until the early 1890's, particularly for domestic buildings due to its relation to the earlier regency style and its complement Gothic and Queen Anne architecture. The contextual value of 87 Scott Street relates to the contributions the building makes to the continuity and character of the Scott Street streetscape. The contextual value of 87 Scott Street also relates to its relationship to 91 Scott Street, the building located across Pearl Place to the northeast. The two buildings together provide a distinctive and balanced frame to the entrance of Pearl Place, and the visual impact of the totality is significant.

82 Weber Street East is an excellent example of modern or modernist architecture within the Waterloo Region. The historic and associative value of the building relates to its association with Horton & Ball Architects, the firm hired to design the building. The building also has historical value as it contributes to the understanding of the modernist movement in southwestern Ontario and yields information on the transition in architectural styles that occurred after the Cold War.

120 Victoria Street South

The property municipally addressed as 120 Victoria Street South demonstrates design/physical, historical/associative and contextual values. The design and physical values relate to the Industrial Vernacular architectural style that is in good condition with many intact original elements. The interiors are also fashioned in the industrial vernacular with post and beam construction and wood floors and ceilings.

The historic and associative value of the subject property relates to the ownership of the home as well as the architect who designed the buildings. The building was constructed by Henry A. Hagen who was the founder of the Hagen Shirt and Collar Co. 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 1906, after Mr. Erb's death, a foreman, 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.

The contextual values relate to the contribution that the building makes to the Warehouse District Cultural Heritage Landscape (CHL) as it shares many of the physical and contextual relationships of buildings constructed in this era and for this use.

28 Burgetz Avenue

The property municipally addressed as 28 Burgetz Avenue demonstrates design/physical, and historical/associative values. The construction of this building is a rare, representative, and early example of early 19th century log construction in Waterloo County.

The historic and associative values relate to the theme of early agricultural settlement of Waterloo Township. The subject lands are associated with members of the Burgetz family, having held ownership of part of Lot 54 of the German Company Tract for 119 years (since land was first purchased by Allen Burgetz in 1899). The property includes an early 19th century log house which may aid in understanding the early history of the community.

The full Statements of Significance, containing a list of the heritage attributes, is available in the Office of the City Clerk by contacting clerks@kitchener.ca during normal business hours. Any person may send by Registered Mail, or deliver to the Clerk of the City of Kitchener, notice of their objections to the proposed designation, together with a statement of the reasons for objection and all relevant facts, to be received by the Clerk no later than the 26th day of November, 2023. If a Notice of Objection is received, the Council of the Corporation of the City of Kitchener will refer the matter to the Ontario Land Tribunal (<https://olt.gov.on.ca/>) for a hearing and report.

Dated at Kitchener the 27th day of October, 2023.

Amanda Fusco
Director of Legislated Services & City Clerk
City Hall, P.O. Box 1118
200 King Street West, Kitchener, Ontario N2G 4G7

SCHEDULE B
STATEMENT OF CULTURAL HERITAGE VALUE OR INTEREST

28 BURGETZ AVENUE, KITCHENER

Description of Cultural Heritage Resource

The property municipally addressed as 28 Burgetz Avenue contains an early 19th century log house. The building is situated on the north side of Burgetz Avenue between Thaler Avenue and Kinzie Avenue in the Centreville-Chicopee neighbourhood of the City of Kitchener within the Region of Waterloo. The principal resource that contributes to the heritage value is the early 19th century log house.

Heritage Value

28 Burgetz Avenue is recognized for its design/physical and historical/associative.

Design/Physical Value

The property has significant design/physical value as it is a rare, representative, and early example of early 19th century log construction in Waterloo County. The original log house was constructed using hand hewn square logs on top of each other horizontally with mortar and horsehair chinking.

Historical/Associative Value

The property has significant historical/associative value related to the theme of early agricultural settlement in Waterloo Township. The subject lands are associated with members of the Burgetz family, having held ownership of part of Lot 54 of the German Company Tract for 119 years (since land was first purchased by Allen Burgetz in 1899).

SCHEDULE C

DESCRIPTION OF HERITAGE ATTRIBUTES

28 BURGETZ AVENUE, KITCHENER

Description of the Heritage Attributes

The heritage attributes supporting the cultural heritage value or interest of 28 Burgetz Avenue is represented in the building on the lot, built c. early 19th century, in the Log House architectural style. The following are the identified heritage attributes of this building:

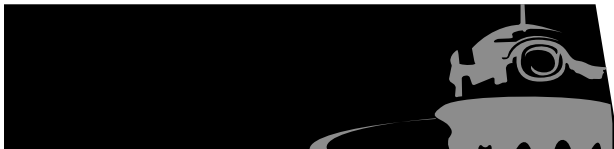
- Overall 2-storey massing;
- Squared-log construction with horsehair and mortar chinking; and
- Original door and window openings.

SCHEDULE D

LEGAL DESCRIPTION

PART LOT 4 EASTERLY RANGE PLAN 589, PART 1 PLAN 58R20842; CITY OF KITCHENER

Being all of PIN: 22565-0720 (LT)



IN THE MATTER OF THE ONTARIO HERITAGE ACT, R.S.O. 1990, CHAPTER O.18, AS AMENDED, AND IN THE MATTER OF THE LANDS AND PREMISES AT THE FOLLOWING MUNICIPAL ADDRESS(ES) IN THE PROVINCE OF ONTARIO

NOTICE OF PASSING HERITAGE DESIGNATION BY-LAW

TAKE NOTICE that the Council of the Corporation of the City of Kitchener passed the following By-laws designating the following properties as being of cultural heritage value or interest under the Ontario Heritage Act, R.S.O. 1990, Chapter O.18, as amended:

- By-law 2024-008 28 Burgetz Avenue
- By-law 2024-009 120 Victoria Street South
- By-law 2024-010 628 New Dundee Road
- By-law 2024-011 64 Water Street North
- By-law 2024-012 35 and 43 Sheldon Avenue North
- By-law 2024-013 90-92 Queen Street South

AND TAKE FURTHER NOTICE that any person who objects to this By-law may appeal to the Ontario Land Tribunal by notifying the Ontario Land Tribunal and the Clerk of the Corporation of the City of Kitchener in writing within 30 days after the publication of this notice. The last day to appeal is February 29, 2024. A notice of appeal must set out the objections to the By-law and the reasons in support of the objection, accompanied by the fee charged by the Ontario Land Tribunal.

Dated at Kitchener the 30th day of January, 2024

Amanda Fusco

Director of Legislated Services & City Clerk

City Hall, P.O. Box 1118

200 King Street West, Kitchener, Ontario N2G 4G7