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MARILYN MILLS  
Committee Coordinator, Legislated Services  
Corporate Services Department  
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marilyn.mills@kitchener.ca

**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 – 35 & 43 Sheldon 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 2024-012, pursuant to Part IV of the Ontario Heritage Act, designating the property municipally known as 35 & 43 Sheldon 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.

If you have any questions or concerns, please contact Jessica Vieira, Heritage Planner at 519-741-2200 ext. 7291.

Yours truly,

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

Marilyn Mills  
Committee Coordinator

cc: Jessica Vieira, Heritage Planner

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

Being a by-law to designate the property  
municipally addressed as 35 and 43 Sheldon  
Avenue North, 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 35 and 43 Sheldon Avenue North, Kitchener (the "Property");

AND WHEREAS the Council of The Corporation of the City of Kitchener resolved at its Council Meeting held on September 25, 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, Kitchener 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 6, 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 35 & 43 Sheldon Avenue North, 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 22<sup>nd</sup> day of January, 2024.

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Mayor

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Clerk

## SCHEDULE A

### NOTICE OF INTENTION TO DESIGNATE

35 & 43 SHELDON AVENUE NORTH, 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 ADDRESS(ES) 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.

##### **64 Water Street North**

The property municipally addressed as 64 Water Street North demonstrates design/physical, historical/associative and contextual values. The existing church building is a rare and unique example of a blending of architectural styles including the Arts and Craft style, Tudor Revival style, and the Gothic style. The church building is in excellent condition.

This building has significant historical and associative value. This church was the first Christian Scientist church built outside of the United States of America, in what was then known as the British Empire.

The church has significant contextual value because of its location. The church still exists in its original location, on a triangular plot of land located at the intersection of two streets at a sharp angle. This plot of land was purposely chosen to mimic the Mother Church in Boston. Furthermore, because of its prominent but unique form and architecture, this building has been recognized as a landmark in the community.

##### **35 & 43 Sheldon Avenue North**

The properties municipally addressed as 35 & 43 Sheldon Avenue North demonstrate design/physical, historical/associative and contextual values. The buildings possess design value, being representative examples of the Tudor Revival Style in good condition with many intact elements. They also display a high degree of craftsmanship and artistic merit, with the symmetrical design of the properties being a unique characteristic.

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. 35 & 43 Sheldon Avenue North were constructed by Barney Joseph and Irving Somer, uncle and nephew. Both were prominent merchants within the community. Other notable owners include Edith Macintosh and Egbert Seegmiller.

The contextual value of the subject property relates to the contributions the buildings make to the continuity and character of the Sheldon Avenue North streetscape. The buildings are located in-situ and as such are historically linked to their surroundings and each other.

##### **90-92 Queen Street South**

The properties municipally addressed as 90-92 Queen Street South demonstrate design/physical, historical/associative and contextual values. The existing buildings are a unique example of the Art Deco architectural style and is the only example of Art Deco architecture in the area.

The historic and associative values relate to the early use of the building for the local business known as 'Pearl Laundry Cleaners and Dryers'. Pearl Laundry Cleaners and Dryers was founded by David Knipfel in 1897.

The building has contextual value because it is important in maintaining the commercial/industrial character of the Queen Street South streetscape. This building represents the industrial development that was taking place in Kitchener in the early 20th century.

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](mailto: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 5th 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 Conservation Review Board (<https://www.pas.gov.on.ca/Home/Agency/434>) for a hearing and report.

Dated at Kitchener the 6<sup>th</sup> 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**

35 & 43 SHELDON AVENUE NORTH, KITCHENER

#### **Description of the Property**

The subject property is municipally addressed as 35 & 43 Sheldon Avenue North in the City of Kitchener within the Region of Waterloo and the Province of Ontario. It is located on the south side of Sheldon Avenue North, within the area known as the Eastwood Neighbourhood.

The subject property includes two two-storey single detached dwellings, originally used for residential purposes. The lot is approximately 1.09 acres in size and possesses extensive landscaping, including mature trees, hedges, and other vegetation. The principal resources that contribute to the heritage value of the property are the two single detached dwellings and the mature landscaping.

#### **Statement of Cultural Heritage Value or Interest**

35 & 43 Sheldon Avenue North demonstrate design/physical, historical/associative, and contextual values.

##### **Design/Physical Value**

The existing buildings demonstrate design and physical value as they are representative examples of the Tudor Revival Style, which was a style popular in the 1920's and 1930's. The buildings are in good condition with many intact original elements. They have an irregular but geometric floorplan and feature the following:

- Steeply pitched roofs with cross gables;
- Large brick chimneys;
- Overhanging second floors with eave returns and finial details;
- Stone lower floors and lintels and timber and stucco upper floors;
- Multi-paned, leaded glass sashes and bay windows; and
- Front doors with side and top lights.

The symmetrical and complimentary design of both the landscaping and the structures themselves are also a unique characteristic of the subject property. Further, the buildings display a high degree of craftsmanship and artistic merit in their stonework, leaded-glass windows, and landscaping.

##### **Historical/Associative Values**

The property demonstrates significant historical and associative value due to the historical ownership of the two homes. Further significance is also found in the architect who designed the buildings.

35 & 43 Sheldon Avenue North were constructed by Barney Joseph and Irving Somer,

uncle and nephew. Both were prominent merchants within the community. In 1910 Joseph founded Joseph & Company Inc., a scrap business that is still in operation. The current generation of leadership are relations to Barney Joseph. Irving Somer established a clothing store in downtown Kitchener. Originally named the Ref Front Department Store Ltd., its name was later changed to Somer's.

Other notable owners of the two properties include Edith Macintosh, who purchased 35 Sheldon in 1970, and Egbert Seegmiller, who purchased 43 Sheldon in 1951. Edith Macintosh was Kitchener's second female councillor, the City's first and to date only female mayor, and was the first female member of the University of Waterloo's Board of Governors. Between 1972-1974 she also held the title of Regional Councillor. She gained the title "Crusader for Day Care" by organizing a committee to lobby for working mothers and sole-support parents in need of childcare and can be credited for the establishment of four of the current regional children's centre. Egbert Seegmiller was co-founder of E&E Seegmiller Contractors. E&E remains a privately held company, employing between 200 and 500 workers depending on the construction season.

Local architect Charles Knechtel was retained in 1936 by the original owners of 35 & 43 Sheldon Avenue North to design the mirror-image houses on the two lots. Knechtel established his office within the City in 1895 and practiced until 1930. Notable work of his includes the original comfort station and pavilion in Victoria Park, Berlin's Carnegie Library, as well as work to Victoria Public School (25 Joseph Street).

### Contextual Values

The contextual value of the subject property relates to the contributions the buildings make to the continuity and character of the Sheldon Avenue North streetscape. The buildings are located in-situ and as such are historically linked to their surroundings. Further, with consideration to the history of the buildings construction – being developed as one by an uncle and nephew and hence possessing symmetry in their design – 35 & 43 Sheldon Avenue North also have contextual value in relation to one another.

## **SCHEDULE C**

### **DESCRIPTION OF HERITAGE ATTRIBUTES**

35 & 43 SHELDON AVENUE NORTH, KITCHENER

#### ***Description of the Heritage Attributes***

The heritage attributes supporting the cultural heritage value or interest of 35 & 43 Sheldon Avenue North are represented in the dwellings on the lot, built c. 1936 in the Tudor Revival architectural style as well as the symmetrical landscaping. The following are the identified heritage attributes:

- “Tudor Revival” style cottages with
  - cross gables
  - steeply pitched roofs
  - overhanging upper floors with eave returns and finial details
  - random-coursed “Credit Valley” stone lower floors and lintels
  - half-timbered with stucco infill upper floors
  - multi-paned windows, 8/12 wood sashes
  - bay windows, leaded-glass sashes
  - gable windows, leaded glass sashes
  - panelled front doors and doorcases with side and top lights
  - massive brick chimneys
- Symmetrical front yard landscapes with
  - Common circular drive
  - Bordering Privet hedges
  - Cast concrete walkways leading from the street to the front doors of both houses
  - Mature deciduous trees
  - Cast concrete fountain with floral motif impressions

**SCHEDULE D**

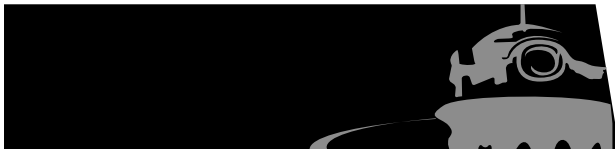
**LEGAL DESCRIPTION**

**35 & 43 Sheldon Avenue North**

PT PARKLT 25 PL 404 KITCHENER AS IN 433783; KITCHENER

Being All of PIN: 22576-0013 (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 30<sup>th</sup> 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