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Office of the City Clerk

May 19, 2010

Ontario Heritage Trust
c/o Catherine Axford
10 Adelaide Street East, Suite 302
Toronto ON M5C 1J3



Dear Ms. Axford:

Re: Notice of Passing - 501-545 Morrison Road and 10 Sims Estate Place (formerly 787-811 Morrison Road and commonly referred to as the Sims Estate, Chicopee)

This is to advise that the Council of the Corporation of the City of Kitchener, at its regular meeting held on Monday, April 19, 2010, passed the following by-laws:

- By-law 2010-076, being a by-law designating part of the property municipally known as 501-545 Morrison Road as being of historic and cultural heritage value or interest, was registered on title April 30, 2010 at the Land Registry Office as Instrument No WR534497.
- By-law 2010-077, being a by-law designating the property municipally known as 10 Sims Estate Place as being of historic and cultural heritage value or interest, was registered on title April 30, 2010 at the Land Registry Office as Instrument No WR534476.
- By-law 2010-078, being a by-law designating part of the property municipally known as 501-545 Morrison Road as being of historic and cultural heritage value or interest, was registered on title April 30, 2010 at the Land Registry Office as Instrument No WR534488.

Copies of the designating by-laws are attached hereto for your records, along with a copy of the Notice of Passing; which was published in The Waterloo Region Record, a paper of general circulation in the municipality, on Friday, May 21, 2010.

Yours truly,

Colin Goodeve, M. A.
Committee Administrator

cc: J. Sheryer

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

TAKE NOTICE that the Council of the Corporation of the City of Kitchener passed By-law No. 2010-076 and By-law No. 2010-078 designating parts of the properties municipally known as 501-545 Morison Road (formerly known as 787-811 Morrison Road and commonly referred to as the Sims Estate, Chicopee) as being of historic cultural heritage value or interest under the Ontario Heritage Act, R.S.O. 1990, Chapter O.18, as amended; and further,

TAKE NOTICE that the Council of the Corporation of the City of Kitchener passed By-law No. 2010-077 designating the property municipally known as 10 Sims Estate Place (formerly known as 787-811 Morrison Road and commonly referred to as the Sims Estate, Chicopee) as being of historic cultural heritage value or interest under the Ontario Heritage Act, R.S.O. 1990, Chapter O.18, as amended.

Dated at Kitchener the 21st day of May, 2010

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

Two Column display ad,
May 21, 2010

The Record Insert: Section A (Front); or,
Section B (Local); or,
Section D (Life).

BY-LAW NUMBER

2010-076

of THE CORPORATION

OF THE CITY OF KITCHENER

(Being a by-law to designate part of the property municipally known as 501-545 Morrison Road (formerly known as 787-811 Morrison Road and commonly referred to as the Sims Estate, Chicopee) 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. O.18., authorizes the Council of a Municipality to enact by-laws to designate real property, including all buildings and structures thereon, to be of cultural heritage value or interest.

AND WHEREAS the Council of the Corporation of the City of Kitchener has received and considered the recommendations of its municipal heritage committee pertaining to this by-law, arising from Heritage Kitchener's meeting held on May 1, 2007;

AND WHEREAS the Council of The Corporation of the City of Kitchener resolved at its Council Meeting held the 10th day of December, 2007 to publish a Notice of Intention to designate the lands now legally described as Part of Lots 118 and 124, German Company Tract, municipally known as 501-545 Morrison Road (formerly known as 787-811 Morrison Road and commonly referred to as the Sims Estate, Chicopee), and which resolution was confirmed by By-law No. 2007-227 passed by the Council of The Corporation of the City of Kitchener at its Council Meeting held the 10th day of December, 2007;

AND WHEREAS the Council of The Corporation of the City of Kitchener has caused to be served on the owner of the land and premises known municipally as 501-545 Morrison Road in the City of Kitchener, and upon the Ontario Heritage Trust, a Notice of Intention to designate as being of cultural heritage value or interest that part of the aforesaid real property more particularly hereinafter described, and has caused such Notice of Intention to be published in a newspaper having general circulation in the municipality with a copy of such advertisement attached hereto as Schedule "A";

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

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

1. There is designated as being of cultural heritage value or interest that part of the aforesaid real property known municipally as 501-545 Morrison Road, which includes the following specific features:

Built Heritage Features

- All features of the Guest Cottage ruins including stone chimney and fireplace bearing the name "RIVERGLEN".
- The framed view and vista to the Sims Estate Residence from the private road off Morrison Road.

Cultural Heritage Landscape Features

Formal Cultural Heritage Landscape Features

- The lily pool and fountain.
- The square flagged walkway to the former cut flower garden with central circular stone monument and circular kettle shaped water pool.
- The fieldstone wall separating the vegetable garden from the orchard.
- The main entrance gate to the allée including the curved brick wall with concrete sill and brick pillars.
- Concrete bridge.
- Herb garden and fire pit.
- Pump House
- The allée (including its alignment) and decorative electric lamp posts.
- The stone gate entrance with curved wall and pillars at the rear entrance east of the Gardener's House
- The spatial order of the terraces and gardens around the Sims Estate Residence.

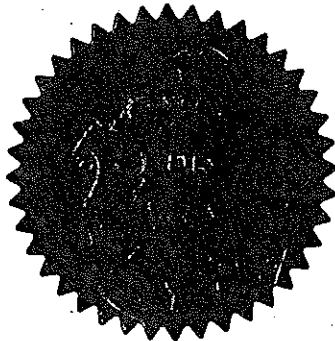
Natural Cultural Heritage Landscape Features

- Wooded valley of Chicopee Creek, treed banks of the Grand River, upland forest and the wetland.

A statement of the Property's cultural heritage value or interest is attached hereto as Schedule "B". The location of the built heritage and cultural heritage landscape features is shown as items 7 through 15 on maps attached as Schedule "C"

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" attached hereto in the proper land registry office.
3. The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Foundation and to cause notice of the passing of this by-law to be published in a newspaper having general circulation in the municipality.

PASSED at the Council Chambers in the city of Kitchener this 19th day of April 2010.



Paul J. Zee
MAYOR

[Signature]
CLERK

SCHEDULE "A"
501-545 Morrison Road
Common Elements

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 address 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.

501-545 MORRISON RD, 224-226 SIMS ESTATE DR & 2-10 SIMS ESTATE PL

**(Formerly known as 787-811 Morrison Rd and
commonly referred to as the Sims Estate, Chicopee)**

The former Sims Estate features a number of built and natural heritage attributes including cultivated formal gardens and terraces immediately surrounding a private estate residence built in 1929; a natural landscape setting, featuring the steep slopes of the Grand River, woods, ravines, and wetland; a winding private allée leading from former Old Chicopee Road over a private concrete and steel bridge to the estate house; and a circa 1860s Mennonite Georgian stone farmhouse with smoke house. The property is associated with a number of individuals who have made significant and varied contributions locally, provincially and nationally including George Schlee, Harvey J. Sims, and more indirectly Prime Minister William Lyon Mackenzie King. Further, it exhibits excellent examples of mid to late 19th century Mennonite Georgian architecture and a 1930s country estate residence in the Tudor style. The former Sims Estate represents the end of an era and a rare survivor locally of the social tradition of wealthy property owners transforming their property into an integrated landscape composition.

The full particulars of the Reasons for Designation are available in the Clerk's Office, 2nd Floor, Kitchener City Hall during normal business hours.

Any person may send by Registered Mail or deliver to the Clerk of the City of Kitchener, Notice of his or her objections to the proposed designation, together with a statement of the reasons for the objection and all relevant facts, to be received by the Clerk not later than the 13th day of January, 2008. When a Notice of Objection has been received, the Council of the Corporation of the City of Kitchener will refer the matter to the Conservation Review Board.

Dated at Kitchener the 14th day of December, 2007.

Randy Gosse
Director of Legislative Services
& City Clerk

SCHEDULE "B"
501-545 Morrison Road
Common Elements

Statement of Cultural Heritage Value or Interest

The former Sims Estate which form part of the Riverglen Estates vacant land condominium development, is located on the east side of Morrison Road just south of Sims Estate Drive. The property is legally described as Part of Lots 118 and 124 of the German Company Tract, and is municipally addressed 501-545 Morrison Road. The vacant land condominium development plan for the property (30CDM-03204) features Common Elements lands located on Part 5 and Parts 7 through 20 of Reference Plan 58R-16395, including attributes of built and natural cultural heritage significance associated with the previous use of the property as the private residential estate of Harvey J. Sims.

Statement of Cultural Heritage Value or Interest

The cultural heritage significance of the features located on the Common Element lands within the Riverglen Estates vacant land condominium development, relates to the historic association with Harvey J. Sims and the landscape architecture firm of Carl Borgstrom and H.M.S. Carver; the physical design and style of the built features; and the contribution the Common Element lands make to the cultural heritage landscape.

Historic / Associative Value

Harvey J. Sims (1871-1945)

In 1920, Harvey J. Sims purchased the property on which the Common Element lands of the Riverglen Estates property are located, and transformed 45 acres of land into his private family estate he called "Chicopee".

Harvey "Peter" J. Sims, K.C. was important to the community life of Berlin/Kitchener. He was a graduate of the University of Toronto and completed his law degree at Osgoode Hall. In 1921 he was made King's Counsel and acted as Kitchener's City Solicitor for many years. His professional career was distinguished with his association with the firms Millar and Sims; Sims and Bray; and the Mutual Life Assurance Co. of Canada, for which he served as general counsel. He was known throughout the Dominion as one of the leading authorities on insurance law.

Sims was also known as a keen sportsman. He was a member of the Kitchener rink which represented Canada at the 1932 Winter Olympics; past president of the Ontario Bowling Association and the Ontario Curling Association; and was one of the founders of the KW Granite Club. Sims also took interest in the work of the Rotary Club and was a charter member. He was also a member of the Twin City Lodge; honorary colonel of the Scots Fusiliers; and served as director for a number of companies and boards including the Waterloo Trust and Savings Co., the Economical Fire Insurance Company, and the Blue Top Brewing Company.

SCHEDULE "B"
501-545 Morrison Road
Common Elements

Canadian Prime Minister MacKenzie King was a lifelong friend and associate of Sims. Sims served as Mackenzie King's campaign manager in the future Prime Minister's first parliamentary election campaign in Waterloo North in 1908. The two men shared a passion for landscaping their country homes in the British tradition. In fact, as Prime Minister, Mackenzie King was a frequent visitor to "Chicopee" and it is said got ideas for his "Kingsmere" estate in Ottawa from his visits to Chicopee. Harvey J. Sims was inducted into the Waterloo County Hall of Fame in 1992.

Carl Borgstrom and H.M.S. Carver (Landscape Architects)

In the early 1930s, Harvey J. Sims who established his private estate named "Chicopee" on land on which the Common Elements of the Riverglen Estates condominium development are located; commissioned the firm of Carl Borgstrom and H.M.S. Carver to prepare a landscape plan for his estate.

Carl Borgstrom, who was trained in Europe, established himself as a leading landscape architect in Ontario with winning the Northwest Entrance competition in Hamilton. As part of this commission, Borgstrom designed the Rock Garden in 1928, the first component of the Royal Botanical Gardens in Hamilton, Canada's largest botanical garden.

In 1934, both Borgstrom and Humphrey Carver were founders of the Canadian Society of Landscape Architects and Town Planners. Borgstrom's designs were influenced from his European experience with formal and informal landscapes and his following the lead of noted North American landscape architect Frederick Law Olmstead, which is evident in his understanding and appreciation of Chicopee's natural scenic setting. His plan for Chicopee was featured in the August 1933 publication of *Canadian Homes and Gardens*. Borgstrom's influence on landscape architecture in Ontario is considered significant and he is rated among the most outstanding landscape designers of the early twentieth century in Ontario.

Design / Physical Value

The land on which the Common Elements of the Riverglen Estates Condominium Plan are located, retains many of the original design and physical elements featured in the 1933 Borgstrom and Carver landscape plan. Part of the significance of that plan relates to how it integrates the natural landscape with a formally designed landscape.

Borgstrom's original design laid out a series of features in a spatial order around the estate property, including formal garden rooms defined by stone walls, dry laid stone sunken fences, steps, fountains and terraces. Many of the underlying structures which supported these formal gardens are located within the Common Elements lands, including a lily pool with fountain; a cut flower (or cutting) garden with flagstone walkways and kettle shaped water pool; an herb garden with geometric pattern

SCHEDULE "B"
501-545 Morrison Road
Common Elements

flagstone walkways and central circular stone monument; and a long field stone wall separating a former vegetable garden and orchard.

The Common Elements lands also feature other structures and design elements consistent with the aesthetic values of its era, its designers and its owner. These include a main entrance feature located off of what is now Sims Estate Place, defined by a curved brick wall with concrete sill and brick pillars; a curvilinear drive or allée leading from the entrance to the estate house; and a private concrete bridge with decorative concrete baluster. The allée was illuminated by electric lights on existing decorative lamp posts arranged alternating side to side along the entire length of the allée from the bridge to the estate house. The land also includes a second set of stone gate pillars located at the end of Sims Estate Place, east of a stone farmhouse known as the Gardener's House; and the ruins of a guest cottage located at the top of the bank of the Chicopee Creek ravine, consisting of an ornate stone wood fireplace and chimney bearing the name RIVERGLEN. All these features contribute to the significance and interpretation of the property as a large private estate.

Contextual Value

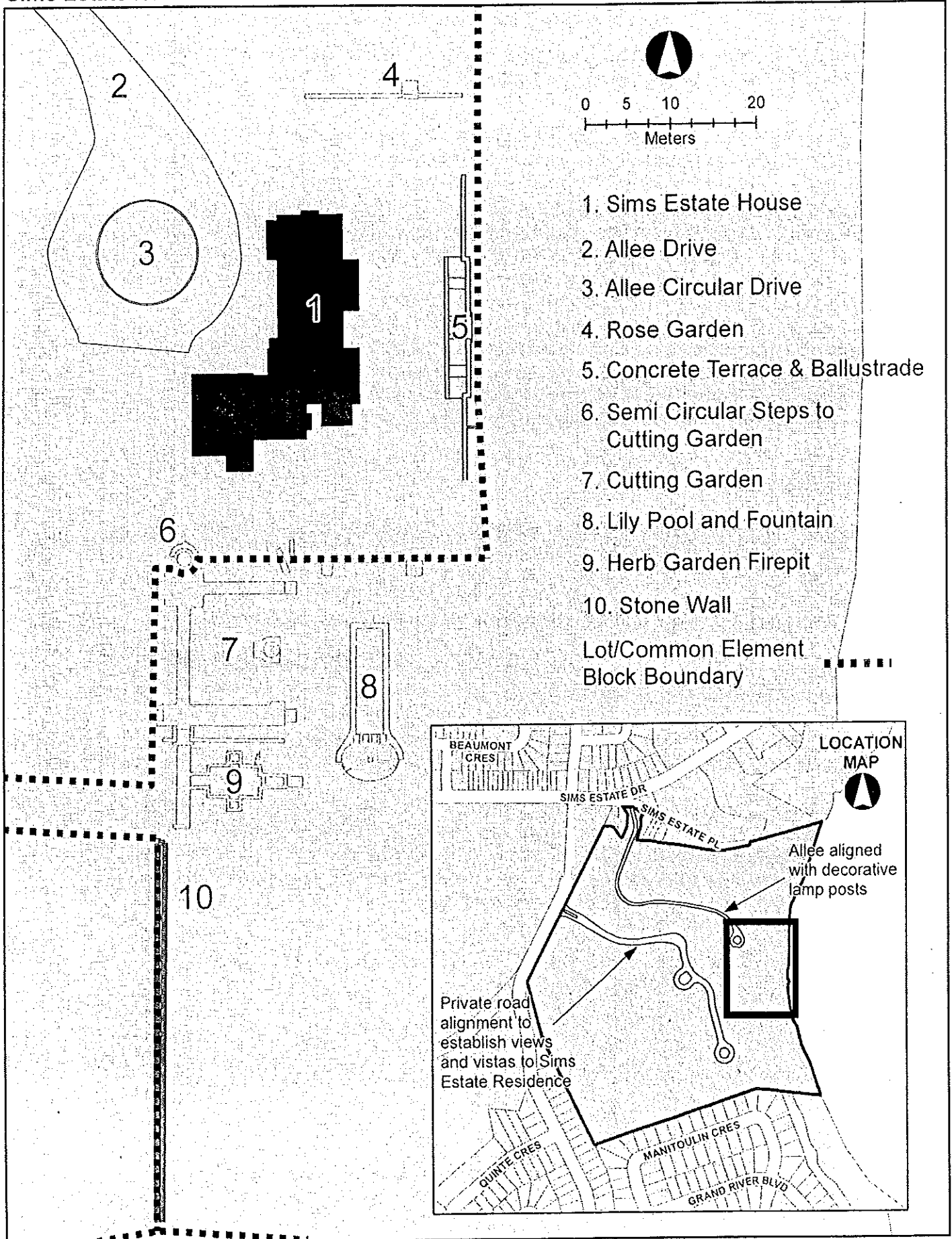
The Common Elements lands feature characteristics that are of contextual value and contribute to defining the subject property as a cultural heritage landscape that integrates a formal landscape design within a natural setting. Most notable are the features which continue to illustrate the landscape ethic and visual impact of the 1933 Borgstrom and Carver plan, and the spatial order which formed the heart of the estate.

The contextual value is characterized by the spatial order of the stone walls, terraces, fountains and other garden structures around the former estate house; the meandering alignment of the former main driveway or allée through wooded areas and over the concrete bridge to the estate house; and the retention of the wooded areas along the treed valley of Chicopee Creek, the ravine bank and the perimeter of a meadow.

Also of interest and significance is the new internal streetscape into the development from Morrison Road. The private road has been designed to have an alignment that will direct and enhance views to the former Sims estate house. Much like the historic allée, the internal road meanders into the development and provides a view that will widen as one drives easterly, to the former Sims estate house.

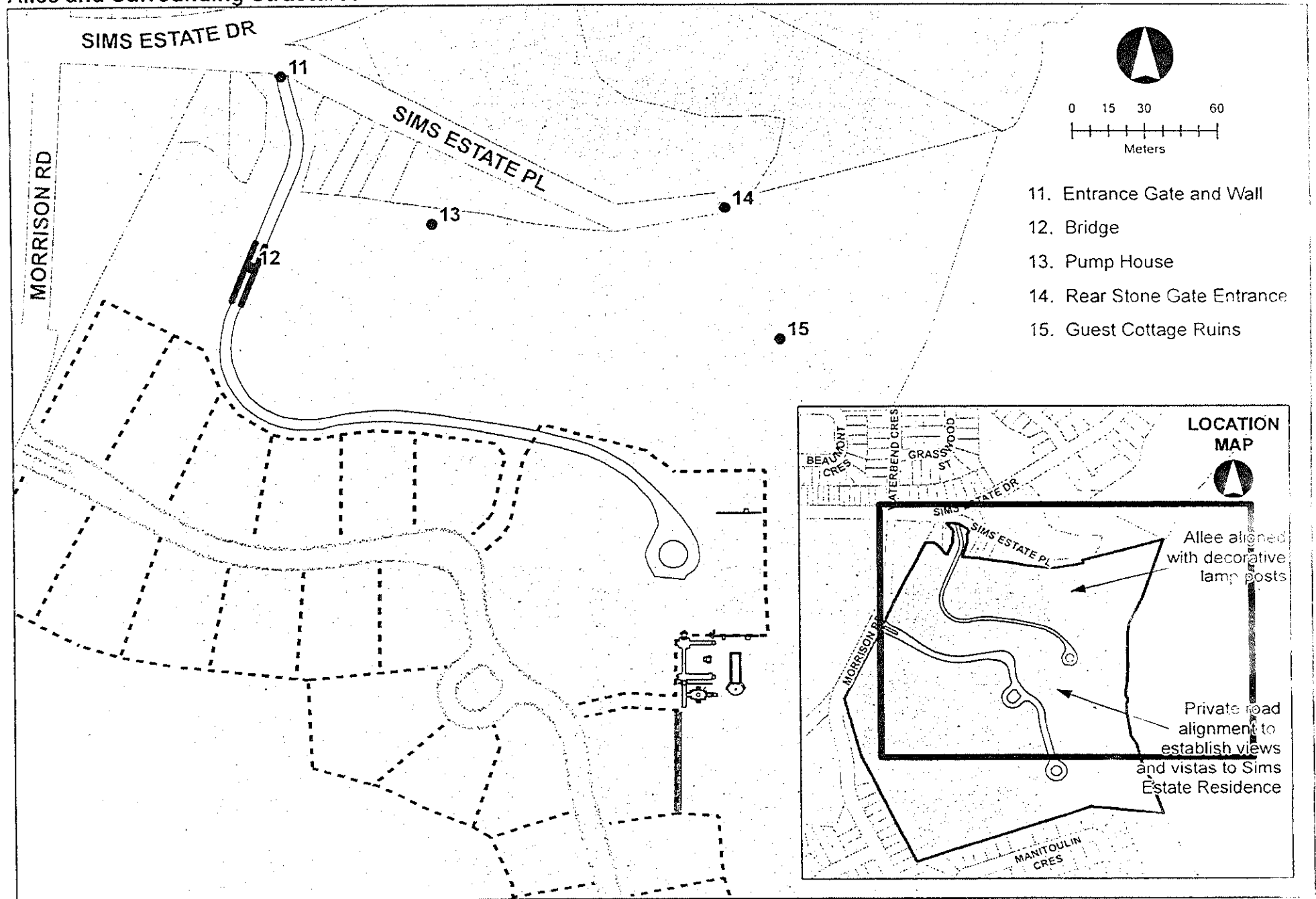
SCHEDULE 'C' - 501-545 Morrison Rd

Sims Estate House and Garden Structures



SCHEDULE 'C' - 501-545 Morrison Rd

Allee and Surrounding Structures



SCHEDULE "D"

Legal Description

Part Lot 124, German Company Tract in the City of Kitchener, Regional Municipality of Waterloo, being Parts 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 19, and 20 on Reference Plan 58R-16395.

Being part of PIN 22713-4633 (LT).

Part Lots 118 and 124, German Company Tract in the City of Kitchener, Regional Municipality of Waterloo, being Parts 17 and 18 on Reference Plan 58R-16395.

Being part of PIN 22713-4633 (LT).