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Office of the City Clerk

April 6, 2011

[REDACTED]
[REDACTED]

Dear [REDACTED]:

TAKE NOTICE
APR 21 2011
RECEIVED

**RE: KINGSTON MUNICIPAL HERITAGE COMMITTEE- DESIGNATION BY-LAW FOR
91 EARL STREET**

This will confirm that Kingston City Council, at the regular meeting held on March 22, 2011, approved the following resolution, being Clause 2., Report No. 31:

2. **WHEREAS** Section 29 of the Ontario Heritage Act, R.S.O. 1990, Chapter 0.18 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 Ontario Heritage Act requires the Council of a municipality to serve Notice of Intention to Designate a property as having cultural heritage value and interest; and,
WHEREAS when the Council of a Municipality has appointed a Municipal Heritage Committee, the Council shall, before giving notice of its intention to designate a property, consult with its Municipal Heritage Committee; and,
WHEREAS the Kingston Municipal Heritage Committee recommended to Council to serve Notice of Intention to Designate under the Ontario Heritage Act on December 6, 2010; and,
WHEREAS the Council of the Corporation of the City of Kingston approved serving Notice of Intention to Designate under the Ontario Heritage Act on January 11, 2011; Notice was published in the Kingston Whig Standard on January 18, 2011; and Notice was served on the property owner and the Ontario Heritage Trust on January 12, 2011; and,
WHEREAS no notices of objection were received;
THEREFORE BE IT RESOLVED THAT Council designate the property located at 91 Earl Street (PLAN OS W PT LOT 237 RP; 13R5418 PARTS 1 AND 2) under Section 29 of the Ontario Heritage Act;
- and further -
THAT the draft by-law attached to Report KMHC-11-006 as Exhibit 'A' be adopted;
- and further -
THAT the entry for the property located at 91 Earl Street (PLAN OS W PT LOT 237 RP; 13R5418 PARTS 1 AND 2) be amended on the City of Kingston Heritage Properties Register;
- and further -
THAT as required under the Ontario Heritage Act, the Clerk of the Municipality shall ensure a copy of the by-law, together with a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property shall be served in accordance with the requirements of Section 67 of the Ontario Heritage Act on the owner of the property and on the Ontario Heritage Trust, and to be registered against the property affected in the proper Land Registry Office;
- and further -

..continued on Page 2

The Corporation of the City of Kingston
216 Ontario Street, Kingston, ON K7L 2Z3

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jbolognone@cityofkingston.ca

THAT as required under the Ontario Heritage Act, the Clerk of the Municipality shall ensure that Notice of the passing of the Designation By-Law be published in a newspaper having general circulation in the municipality and that this Notice shall include: an adequate description of the property so that it may be readily ascertained; a statement explaining the cultural heritage value or interest of the property; and a statement that further information respecting the Designation By-Law is available from the municipality.

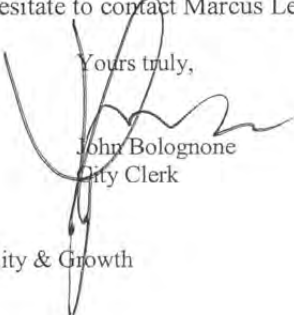
CARRIED

By-Law 2011-37 received First and Second Readings on March 22, 2011 and Third Reading on April 5, 2011.

Pursuant to the Ontario Heritage Act, the enclosed Notice of Passing will be published in the Kingston Whig Standard on Tuesday, April 12, 2011. I am also enclosing a copy of By-Law 2011-37, which includes the description of the property, a statement explaining the cultural heritage value or interest of the property, for your information. Following registration of this by-law on the title to the property, a copy will be provided to you as well.

If you have any questions please do not hesitate to contact Marcus Letourneau, Heritage Planner.

Yours truly,


John Bolognone
City Clerk

/ki

Enclosures

Cc: C. Beach, Commissioner, Sustainability & Growth
Ontario Heritage Trust

File No.

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**NOTICE OF DESIGNATION 91 EARL STREET
TO BE OF CULTURAL HERITAGE VALUE AND INTEREST
PURSUANT TO THE PROVISIONS OF
THE ONTARIO HERITAGE ACT (R.S.O. 1990, Chapter O.18)**

TAKE NOTICE that the Council of The Corporation of the City of Kingston passed By-law 201137 under Section 29 of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18, to designate the lands described as PLAN OS W PT LOT 237 RP; 13R5418 PARTS 1 AND 2, City of Kingston (91 Earl Street) to be of cultural heritage value and interest.

91 Earl Street (PLAN OS W PT LOT 237 RP; 13R5418 PARTS 1 AND 2) is located on the east side of Earl Street between Bagot Street and Wellington Street. 91 Earl Street is valued because of its physical/design attributes. The c. 1841-1843 main house is a representative example of 1840s vernacular architecture built in Kingston limestone, which is reflected by such elements as its scale and massing on Earl Street, asymmetrical facade, its limestone construction, its window openings, the double-hung sash windows located on the front facade, its stone chimney and the large quoins located at the buildings west corner. The property is of historical/associative value because of its direct association with Bishop Alexander Macdonell and the Catholic Church of Kingston. The property's contextual value stems from its contribution to the area's streetscape.

Additional information, including a full description of the reasons for designation is available upon request from the Planning and Development Department 613-546-4291, Ext 3180, during regular business hours.

DATED at the City of Kingston
this 12 day of April, 2011

John Bolognone, City Clerk
City of Kingston

BY-LAW NO. 2011-37

**A BY-LAW TO DESIGNATE 91 EARL TO BE OF CULTURAL HERITAGE VALUE AND INTEREST
PURSUANT TO THE PROVISIONS OF THE ONTARIO HERITAGE ACT (R.S.O. 1990, Chapter 0.18)**

PASSED: April 5, 2011

WHEREAS Section 29 of the *Ontario Heritage Act*, R.S.O. 1990, Chapter 0.18 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 Council has consulted with its Municipal Heritage Committee and has approved the designation of a property located at 91 Earl Street, on March 7, 2011;

AND WHEREAS Notice of the Designating By-law was published in the Kingston Whig Standard, which is a newspaper having general circulation in the municipality on January 18, 2011;

AND WHEREAS no notice of the objection to the proposed designation was served to the Clerk of the Corporation of the City of Kingston;

THEREFORE, the Council of The Corporation of the City of Kingston hereby enacts as follows:

1. To designate as being of cultural heritage value and interest the following property in the City of Kingston:
 - (a) **91 Earl Street**
2. The above mentioned property is more particularly described in Schedule "A" and Schedule 'B' attached hereto.
3. A copy of the Designating By-law shall be registered against the property affected in the proper land registry office. The City Clerk is hereby authorized to cause a copy of this By-law to be served on the owner of the land described in Schedule "A" hereto and on The Ontario Heritage Trust and to cause notice of the passing of this By-law to be published in the Kingston Whig Standard.
4. For the purpose of interpretation, 'Maintenance' on this property will include the following works:

Maintenance is considered routine, cyclical, non-destructive actions, necessary to slow the deterioration of a historic place. It entails the following actions: periodical inspection; general property cleanup; and lawncare activities.

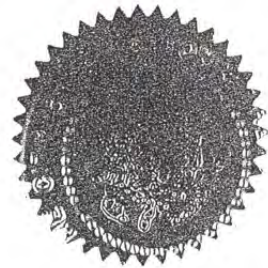
5. The City reserves the right to install a designated property plaque or interpretive panel.
6. This By-Law shall come into force and take effect on the date of its passing.

GIVEN FIRST AND SECOND READINGS March 22, 2011

GIVEN THIRD READING AND PASSED April 5, 2011


CITY CLERK


MAYOR



Schedule "A"
Description and Reasons for Designation
91 Earl Street

Legal Description

Civic Address: 91 Earl Street
Lot/Concession: PLAN OS W PT LOT 237 RP;13R5418 PARTS 1 AND 2
Teranet Roll Number: 101101001005900

Description of Property

91 Earl Street (PLAN OS W PT LOT 237 RP;13R5418 PARTS 1 AND 2) is located on east side of Earl Street between Bagot Street and Wellington Street. 91 Earl Street is valued because of its physical/design attributes. The c. 1841-43 main house is a representative example of 1840s vernacular architecture built in Kingston limestone, which is reflected by such elements as its scale and massing on Earl Street, asymmetrical façade, its limestone construction, its window openings, the double-hung sash windows located on the front façade, its stone chimney, and the large quoins located at the building's west corner. The property is of historical/associative value because of its direct association with Bishop Alexander Macdonell and the Catholic Church in Kingston. The property's contextual value stems from its contribution to the area's streetscape.

Statement of Cultural Heritage Value/Statement of Significance

The cultural heritage value of 91 Earl Street lies in its physical/design attributes, its historical associations, and its contextual value.

Physical/Design Values

91 Earl Street is valued because of its physical/design attributes. The main structure at 91 Earl Street is a c 1841-1843 limestone house built of local materials. The main house on the property is a representative example of 1840s vernacular architecture built in Kingston limestone. Elements that reflect this value include its scale and massing on Earl Street, its asymmetrical façade, its limestone construction, its window openings, the double-hung sash windows located on the front façade, its stone chimney, and the large quoins located at the building's west corner.

Historical/Associative Values

91 Earl Street has strong historical/associative values because of its direct association with Bishop Alexander Macdonell and the Catholic Church in Kingston.

In 1806, lot 237, 66 x 132 feet, was granted by the Crown to the Reverend Alexander Macdonell (1762 - 1840) who became the Vicar General for Upper Canada in 1807, Bishop of Upper Canada in 1820 and Bishop of the Kingston Diocese in 1826. Centered initially in Glengarry County, where he raised troops during the War of 1812, he kept track of his numerous properties in Kingston by visits and correspondence, much of which has survived in the archives of St Mary's Cathedral. His holdings in the blocks between Gore, Wellington, Clarence and Bagot Streets, as well as 18 acres in Selma Park, helped define an area that attracted many Roman Catholics, including French Canadians, Irish and Scottish immigrants. Within this area was a Catholic school, church, parish house and seminary. He realized income through mortgages, sales and rentals of his personal holdings, which included lot 237. In 1815, he sold the southeast half of this lot (now the site of 89 Earl St) to Pierre Jacques de la Mothe who, six years later, sold it to a priest. In 1826, the Bishop entered into a lease agreement with Henry Lavery (Lavery), a Roman Catholic Irish emigrant and carter for the northwest half (site of 91 Earl). In an 1840 agreement between the estate of Bishop Macdonell and Lavery, it was specified that the latter was to pay the former £7.10.0 yearly for the northeast part of lot 237 for 21 years commencing on 1 November 1839. In 1847, the executors (including Bishop Gaulin) of Bishop Macdonell's will sold the subject property to the Roman Catholic Corporation of the Diocese of Kingston, which

became Laverty's new landlord. It would own the property until 1879, when the church sold the property to Jeremiah Millan, a labourer whose family held the property until 1926. Around 1950, the Millan family sold the house to [REDACTED] and [REDACTED]

Contextual Values

The property's contextual value stems from its contribution to the area's streetscape. The current streetscape features buildings from a variety of styles and ages which has resulted in an evolved cultural landscape. This property reflects a particular period in the streetscape's evolution.

Character Defining Elements/Heritage Attributes

Physical/Design Attributes

- Existing scale and massing on Earl Street
- Asymmetrical façade
- Kingston limestone construction
- Window openings
- The double-hung sash windows located on the front façade
- Its stone chimney
- The large quoins located at the building's west corner

Historical/Associative Attributes

- Association with Bishop Alexander Macdonell
- Association with the Catholic Church in Kingston

Contextual Attributes

- Important part of the Earl Street streetscape between Bagot Street and Wellington Street.