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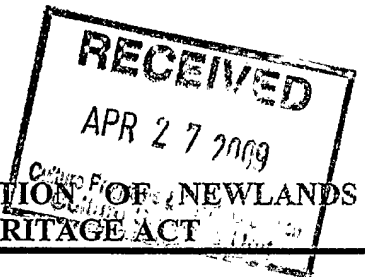
Clerk's Department
MEMORANDUM

TO: Cynthia Beach, Commissioner, Sustainability & Growth Group

FROM: Carolyn Downs, City Clerk

DATE: 2009-04-06

**SUBJECT: AMENDMENT TO DESCRIPTION - DESIGNATION OF NEWLANDS
PAVILION IN MACDONALD PARK - ONTARIO HERITAGE ACT**



Pursuant to Section 29(6) of the Ontario Heritage Act, attached please find a copy of By-Law No. 2007-67, "A By-Law to Amend By-Law No. 80-100, 'A By-Law to Designate The Newlands Pavilion in Macdonald Park as Being of Architectural Value or Interest Under the Provisions of the Ontario Heritage Act", to reflect its cultural heritage value (See Clause (12), Report No. 16, 2007)", which By-Law was registered on title on March 31, 2009, as Instrument No. FC72348.

If you require any further information, please do not hesitate to contact Lindsay Lambert or Marcus Letourneau, Heritage Planners.

Yours truly,

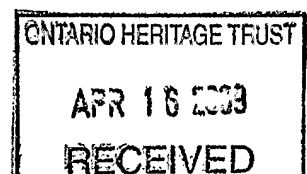
Carolyn Downs
City Clerk

/ki

Enclosure

Cc: L. Lambert, Heritage Planner
M. Letourneau, Heritage Planner, Culture & Heritage Division (with copy of By-Law)
S. Powley, Committee Clerk (KMHC)
Ontario Heritage Trust (with copy of By-Law)
J. Moran, Records Clerk (By-Laws & Agreements) (with original By-Law)

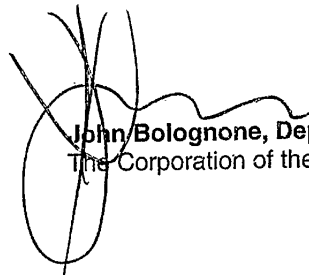
Our File No. P18





I, John Bolognone, hereby certify this to be a true and correct copy of **By-Law No. 2007-67 "A By-law To Amend By-Law No. 80-100, "A By-Law To Designate The Newlands Pavillion In Macdonald Park As Being Of Architectural Value Or Interest Under The Provisions Of The Ontario Heritage Act, 1974", (See Clause (12), Report No. 16)"** which By-Law was passed by the Council of the Corporation of the City of Kingston on March 6, 2007.

DATED at Kingston, Ontario
this 9th day of February, 2009


John Bolognone, Deputy City Clerk
The Corporation of the City of Kingston

BY-LAW NO. 2007-67

A BY-LAW TO AMEND BY-LAW NO. 80-100, "A BY-LAW TO DESIGNATE THE NEWLANDS PAVILION IN MACDONALD PART AS BEING OF ARCHITECTURAL VALUE OR INTEREST UNDER THE PROVISIONS OF THE ONTARIO HERITAGE ACT"

PASSED: March 6, 2007

WHEREAS Section 30.1 of the *Ontario Heritage Act* provides for the updating of existing designation by-laws; and

WHEREAS Macdonald Park is a property owned by the City of Kingston; and

WHEREAS the Council of the Corporation of the City of Kingston approved on September 19, 2006 as Clause 7 of Report 108 the updating of designation by-laws for City of Kingston property; and

WHEREAS the cultural heritage values of Newlands Pavillion and Richardson Bath House identified within the Building Conservation Master Plan, which was accepted by Council on October 19, 2004, are not reflected within the existing designation by-law; and

WHEREAS the existing by-law is not at the current provincial standard for designation by-laws

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

1. By-Law No. 80-100 of the Corporation of the City of Kingston entitled "A By-Law To Designate The Newlands Pavilion In MacDonald Park As Being Of Architectural Value Or Interest Under The Provisions Of The Ontario Heritage Act, 1974" is hereby amended as follows:

1.1. Clause 1 is hereby deleted in its entirety and replaced with the following, so Clause 1 shall now read as follows:


"1. To designate as being of cultural heritage value and significance the following property in the City of Kingston:


a) Macdonald Park, King Street East

- 1.2. Schedule "A" is hereby deleted in its entirety and replaced with the following attached Schedule "A".
2. This by-law shall come into force and take effect on the date of its passing.

GIVEN FIRST AND SECOND READINGS February 27, 2007

GIVEN THIRD READING AND FINALLY PASSED March 6, 2007


CITY CLERK


MAYOR

Box 7(b) – Schedule for other

ALL AND SINGULAR, in the province of Ontario, in the county of Frontenac, in the township of Kingston (now the City of Kingston), in lots twenty-four and twenty-five, concession one.

The whole of lot MT two according to plan fifty-two thousand eight hundred and seventy-five in the Canada Land Surveys Records at Ottawa, a copy of which has been filed in the Registry Office for said county at Kingston under number thirteen hundred and twenty Plans, said lot MT two being more particularly described as follows:

COMMENCING at a stone monument marking the intersection of the southeasterly boundary of King Street and the southwesterly boundary of Emily Street;

THENCE two hundred and thirty-four degrees and twenty-four minutes, along said boundary of King Street two hundred and ninety-six feet, more or less, to a standard post set in concrete;

THENCE one hundred and ninety-two degrees and forty-three minutes, ninety-five feet and two tenths of a foot, more or less, to an iron post;

THENCE seventy-eight degrees and fifteen minutes, twenty-four feet and five tenths of a foot, more or less, to a standard post;

THENCE one hundred and sixty-eight degrees and fifteen minutes, one hundred and twenty-two feet, more or less, to a standard post;

THENCE two hundred and fifty-eight degrees and fifteen minutes, one hundred and twenty-five feet, more or less, to a standard post set in concrete;

THENCE three hundred and forty-eight degrees and fifteen minutes, one hundred and twenty-two feet, more or less, to a standard post set in concrete;

THENCE seventy-eight degrees and fifteen minutes, sixty-seven feet and five tenths of a foot, more or less, to an iron post;

THENCE twelve degrees and forth-three minutes, eighty-seven feet and four tenths of a foot, more or less, to a standard post on the southerly boundary of King Street;

THENCE two hundred and sixty-five degrees and twenty-seven minutes, along said southerly boundary, six hundred and twenty-nine feet and one tenth of a foot, more or less, to a stone monument;

THENCE one hundred and seventy-three degrees and thirty-one minutes, five feet, more or less, to an original high water mark of Lake Ontario;

THENCE southeasterly along said high water mark and easterly along the present high water mark of Lake Ontario to said southwesterly boundary of Emily Street;

THENCE three hundred and twenty-four degrees and fifty-six minutes, along the last aforesaid boundary, about twenty-two feet to a standard post set in concrete;

THENCE continuing three hundred and twenty-four degrees and fifty-six minutes, along the last aforesaid boundary, three hundred and ninety-four feet and three tenths of a foot, more or less, to the point of commencement; said monuments, posts and high water marks being shown on said plan; said lot MT two containing about six acres and seven tenths of an acre; subject to a sewer and water main easement according to an instrument filed in the Registry Office for the County of Frontenac at Kingston under number 92685.

Schedule "A"
Descriptions and Reasons for Designation
Macdonald Park

Legal Description

CON 1 PT LOT F 25 B27

Civic Address: Macdonald Park, King Street East

Property Number: 101101004002400

Description of Property:

The property which comprises Macdonald Park is dominated by three buildings of cultural heritage value and significance: Newlands Pavillion, Richardson Bath House, and Murney Tower. Additional monuments such as the Cenotaph, the Iron Lion, military canons, and the Frances Willard Memorial Fountain also contribute to the cultural heritage landscape of the property. Indeed, Macdonald Park is of cultural heritage value not only because of the property's individual elements, but also as a coherent whole property; as a place of open space and leisure with views of Lake Ontario; its association with Kingston's military and First Nations history; as a key element in the streetscape of King Street East and the Old Sydenham Heritage area; and because of its association with a number of nationally and locally important figures.

Statement of Cultural Heritage Value/Statement of Significance:

The cultural heritage value of the property at Macdonald Park lies within the design value or character-defining architectural elements of Newlands Pavillion and Richardson Bath House as well as in the overall cultural heritage landscape of the property and its contextual and historic associations.

There are many design and physical values associated with Macdonald Park, most of which are associated with the two main structures located within the Park. The Newlands Pavillion, constructed in 1896, was designed by Kingston architect William Newlands and is a fine example of the bandstand pavilions erected in urban parks across North America during this period. The character defining elements of the Pavillion including overall form and the use of complex woodwork exemplify the objectives of the 'City Beautiful' movement of the turn of the 20th century. Defining architectural features of the Newlands Pavillion include combed wooden cresting of the buildings ridges, cross-gabled roof form with truncated side gables, patterned wood shingle roofing, finials and flagpoles, lattice, scroll and spindlework at the gables and between columns, chamfered wooden columns, wooden balustrade with turned balusters, the bandstand projection and the shingled skirt. This building, which is devoted to use by the general public, is also important as a landmark and as an integral part of the cultural heritage landscape of Macdonald Park.

Designed by the Toronto Architectural firm of B.H. Prack, the Richardson Bath House is a fine example of the architecture of public amenities in a building constructed during the early 1900s. In association with the Newlands Pavillion and Murney Tower, the Richardson Bath House is an important component of the cultural landscape of Macdonald Park. Important character defining elements of the Richardson Bath House include front and rear entrances with bracketed hoods,

random coursed ashlar stonework including corner chimney, inscription stone at the front elevation, and steel sash set in the pointed arch openings at the 2nd storey of the centre block. In addition to exemplifying the masonry of public amenity buildings of the time, the Richardson Bath House is representative of the public desire for increased leisure opportunities within the City of Kingston at the time of its construction.

The Macdonald Park Property's historical or associative value lies in its rich military and leisure history. Although Murney Tower is not located on the City-owned property of Macdonald Park, it is an integral component of the Park's visual and cultural heritage landscapes. As a part of the Kingston Fortifications, Murney Tower is currently designated as a National Historic Site and is nominated as part of Parks Canada's submission to UNESCO as recognition as a World Heritage Site. While Murney Tower saw little formal military use during its occupation as a military station, its unique architecture and masonry make it one of the most sophisticated Martello Towers built in British North America. In addition, the Tower is representative of Kingston's important role as a military base during the 19th century. The known military occupation at Macdonald Park during the War of 1812 and the latter part of the 19th century contribute greatly to the historical and cultural significance of the property.

Macdonald Park's role as a place for leisure and recreation began in the late 19th century with the erection of the Newlands Pavillion. Prior to the construction of the Richardson Bath House in 1919, the Macdonald Park Property was used informally as a place for bathing and swimming. Archaeological assessment conducted by the Cataraqui Archaeological Research Foundation in 1989 revealed evidence to suggest that the Property was also a popular place for picnicking over the past 100 years. The construction of the Richardson Bath House reflects the goals of the "City Beautiful" movement of the early 20th century and the increased public desire for outdoor leisure opportunities within city limits.

In addition to known military and leisure occupation, Macdonald Park was the location of Kingston's first hospital prior to the construction of the Kingston General Hospital in the late 1830s. The Macdonald Park Property was also the location of an annual exchange between the British Government and the Mississauga First Nations that was negotiated in the Crawford Purchase of 1783. There is record of up to 100 First Nations Canoes arriving at Macdonald Park for this exchange of goods such as clothing and blankets as late as 1830.

Numerous monuments located within Macdonald Park also contribute to the historical and associative value to the property's cultural historic landscape. The Cross of Sacrifice or Cenotaph located on the south side of Macdonald Park was unveiled in 1925 in order to commemorate the lives of Kingston residents who gave their lives in the First World War. Today the inscription recognizes the men and women who gave their lives in WWII and the Korean War as well. A saluting battery located west of Murney Tower was placed in the park in 1908. The Cast Iron, Golden Bronze Plated, Lion which now resides in Macdonald Park was donated by R.J. Gaskin, son of Mayor and Alderman John Gaskin, in 1909. The 600lb gold bronze plated statue is located to the west of Murney Tower and stands facing the Newlands Pavillion and the water. In 1939 a water fountain was erected by the Kingston Chapter of the Women's Christian Temperance Union in memory of Frances F. Willard who was a leader in the temperance crusade and an organizer of the women's Christian Temperance Union in 1874.

The historical value of the Macdonald Park Property also lies within its association with nationally and locally prominent individuals. This list includes British Loyalist Captain Michael Grass who received the original crown grant of Lot No. 25 on which half of the Park is now situated. Other individuals who claimed title to this land included the Murney Family and Kingston City Council Members Thomas Kirkpatrick, John Counter, Henry Gildersleeve and John S. Cassady. And additional association is with the Richardson family, which contributed to the construction of the Bathhouse.

The contextual value of the Macdonald Park Property lies in the Park's importance in maintaining the streetscape and cultural landscape of the Old Sydenham Historic area. The Old Sydenham Historic area is distinguished by the pre-eminence of designated buildings of architectural or historic significance which contribute to the unique character of the area. The area is also distinguished by the extensive public open spaces consisting of City Park and Richardson Beach which constitute significant reserves of the urban forest and link the area to the recreational opportunities of the waterfront. The presence of Macdonald Park as a place of open space and leisure with views of Lake Ontario is an important element of the Old Sydenham Historic area and its role as the residential complement to the historic and traditional central business district Harbour Area, and Market Square Heritage Conservation District. The construction of the Newlands Pavillion and Richardson Bath House within Macdonald Park was undertaken in order to complement the character of the area and to meet the leisure needs of the local residents at the time. The Newlands Pavillion and the Richardson Bath House respond to the quality of their location within the Old Sydenham Historic area in terms of the overall landscape in Macdonald Park and as well in terms of the surrounding architecture including the domestic architecture of the houses of Emily Street and the Military Architecture of Murney Tower which is located on a separate parcel of property within the boundaries of the Park.

Character Defining Features/Heritage Attributes

The property at Macdonald Park includes the following attributes.

Newlands Pavillion, the attributes of which include:

- being designed by Kingston architect William Newlands;
- existing as a fine example of the bandstand pavilions erected in urban parks across North America during this period;
- its complex woodwork exemplifying the objectives of the 'City Beautiful' movement of the turn of the 20th century;
- its combed wooden cresting of the ridges;
- its cross-gabled roofing form with truncated side gables;
- its patterned wood shingle roofing;
- its finials and flagpole;
- its lattice;
- its scroll and spindlework at the gables and between columns;
- its chamfered wooden columns;
- its wooden balustrade with turned balusters;
- its original design with bandstand projection and the shingled skirt

Richardson Bath House, the attributes of which include:

- existing as a fine example of the architecture of public amenities in a building which response to the quality of the site in terms of the overall landscape in Macdonald Park and as well in terms of the surrounding architecture including the domestic architecture of the houses of Emily Street and the Military Architecture of Murney Tower;
- its front and rear entrances with bracketed hoods;
- its random coursed ashlar stonework including corner chimney;
- its inscription stone at the front elevation; and
- its steel sash set in the pointed arch openings at the 2nd storey of the centre block.

Its numerous monuments, which include:

- the Cross of Sacrifice/ Cenotaph;
- the Cast Iron, Golden Bronze Plated, Lion;
- the Saluting Battery; and
- the Frances F. Willard Memorial Fountain.

Historical Value is based on:

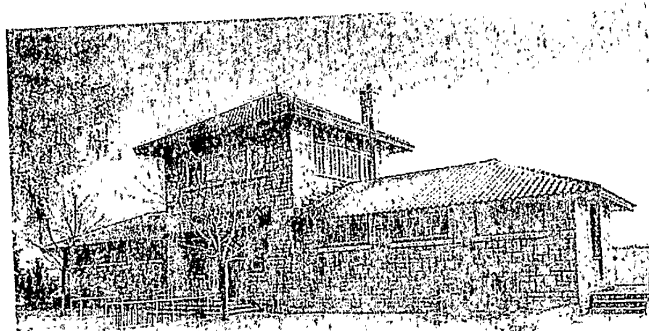
- its role as an important place in Kingston's rich military history and as a longtime place of and leisure within the City of Kingston;
- being the location of Kingston's first hospital prior to the construction of the Kingston General Hospital in the late 1830s;
- being the location of an annual exchange between the British Government and the Mississauga First Nations that was negotiated in the Crawford Purchase of 1783; and
- its association with British Loyalist Captain Michael Grass, the Murney Family, Thomas Kirkpatrick, John Counter, Henry Gildersleeve and John S. Cassady.

Contextual Value:

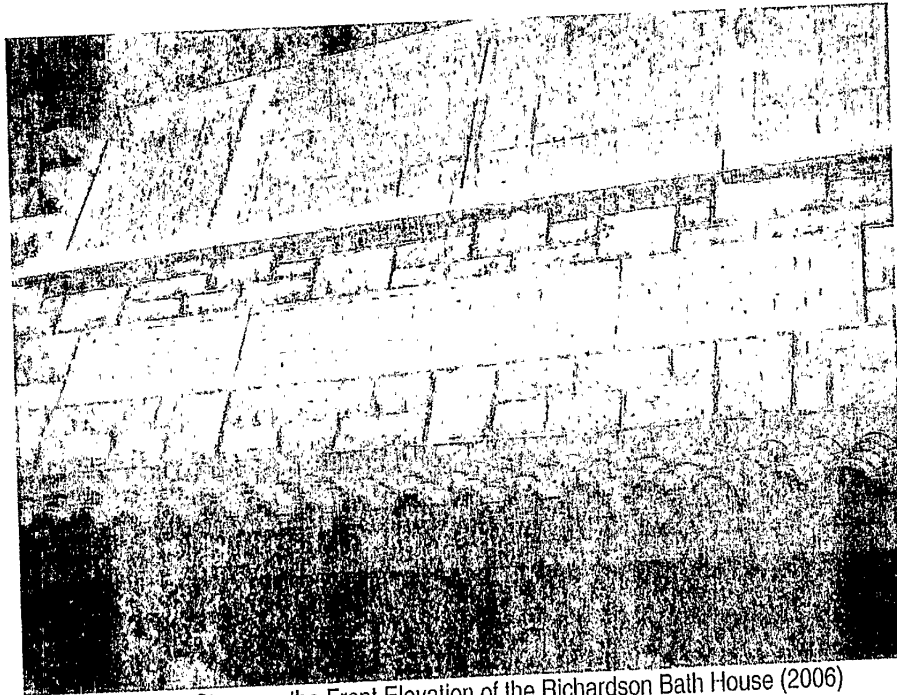
- its contextual value is as a place of open space and leisure with important views of Lake Ontario, as an important element of the Old Sydenham Historic area, and its role as the residential complement to the historic and traditional central, business district Harbour Area, and Market Square Heritage Conservation District;
- it is also defined by the extensive public open spaces consisting of City Park and Richardson Beach which constitute significant reserves of the urban forest and link the area to the recreational opportunities of the waterfront; and
- It is also important as the landscape which surrounds Murney Tower National Historic Site.



South-Facing side of the Richardson Bath House (2006)



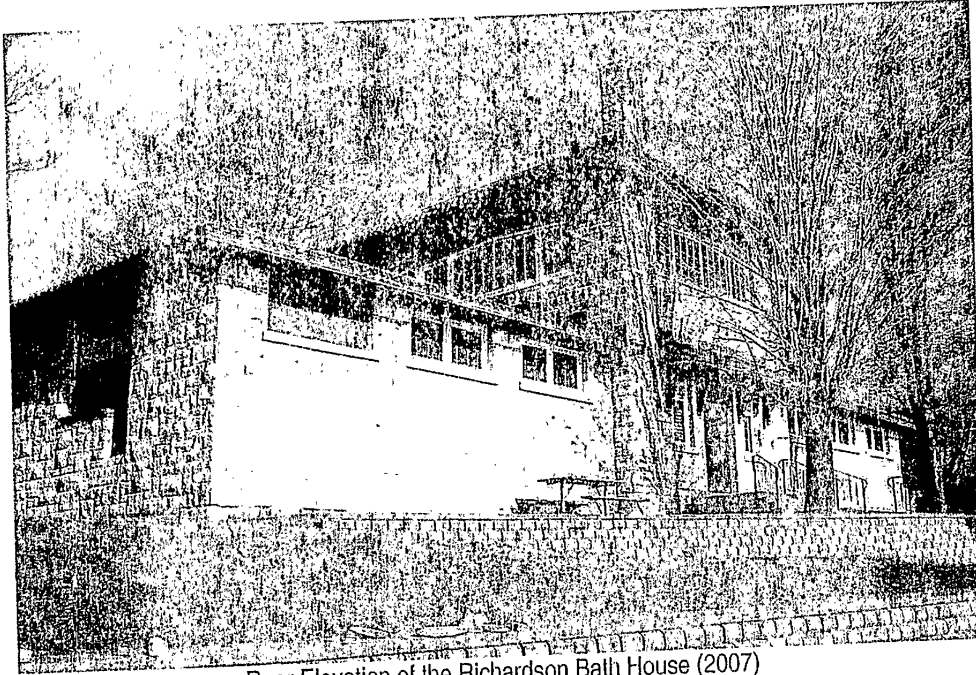
Richardson Bathhouse (c. 1980)



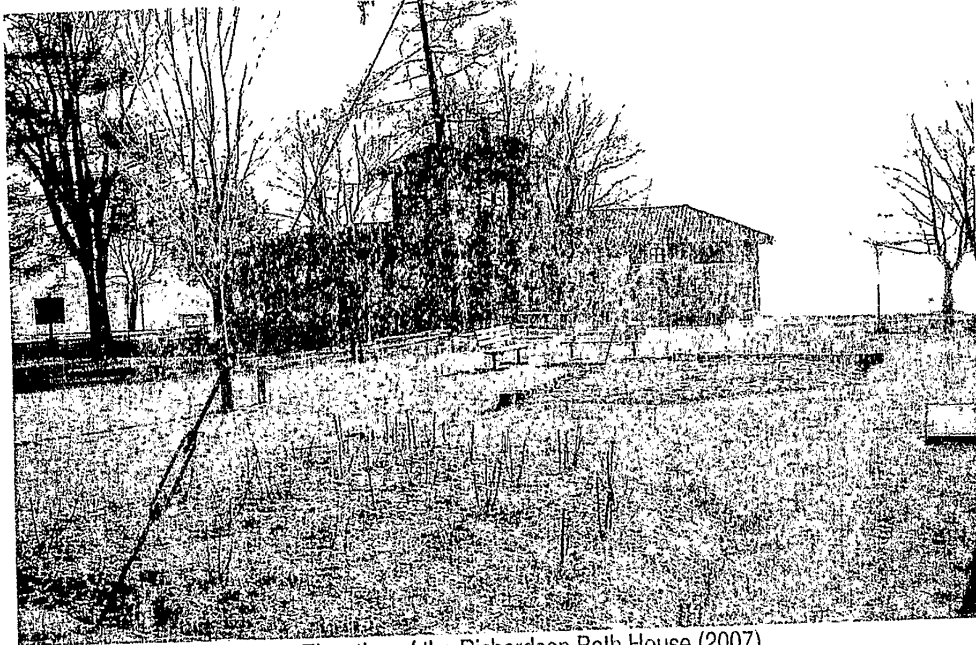
Inscription Stone on the Front Elevation of the Richardson Bath House (2006)



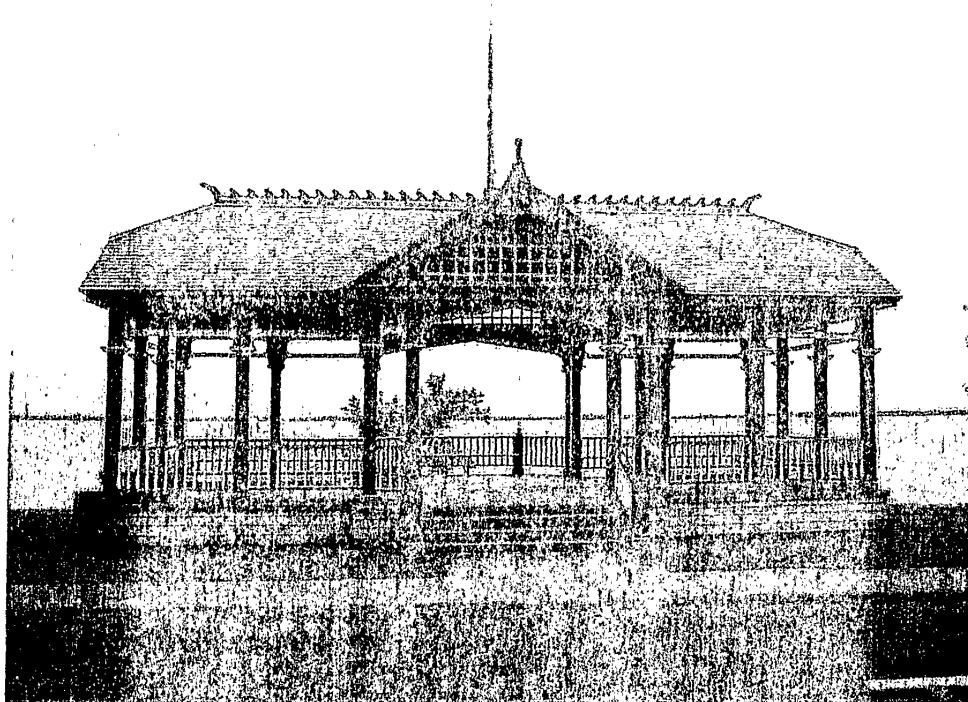
Front Entrance of the Richardson Bath House (2006)



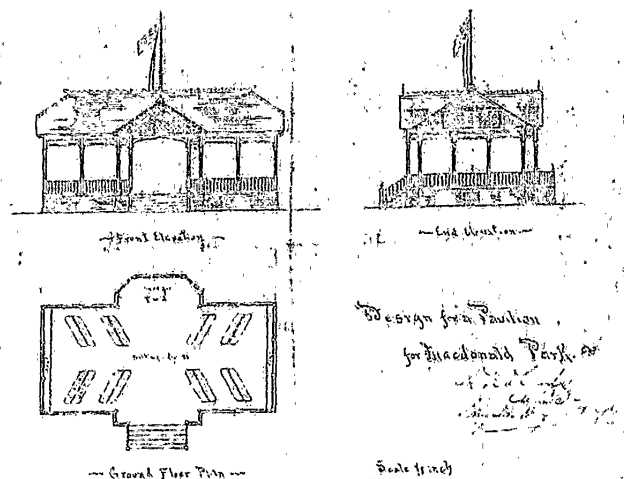
Rear Elevation of the Richardson Bath House (2007)



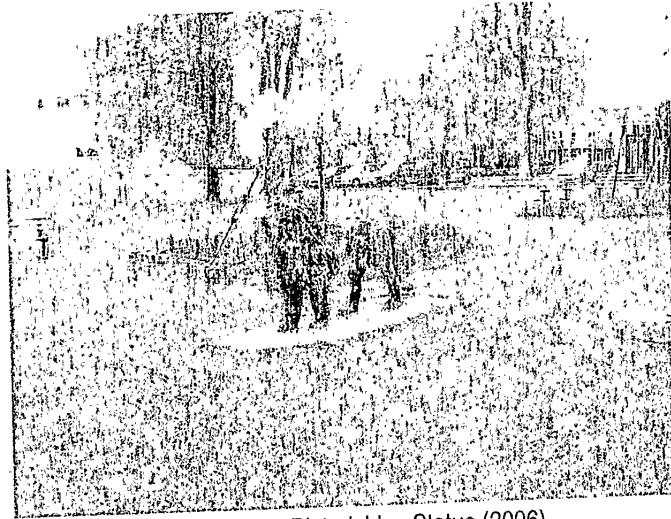
Front Elevation of the Richardson Bath House (2007)



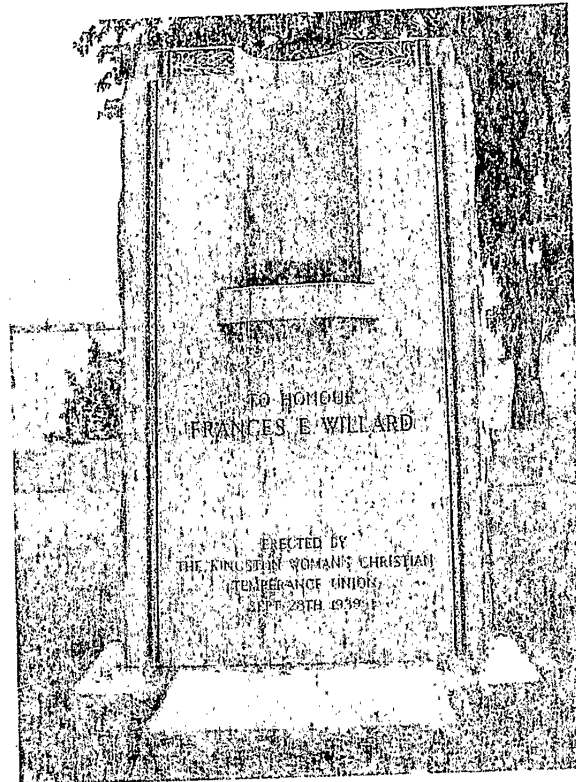
Newlands Pavillion (2006)



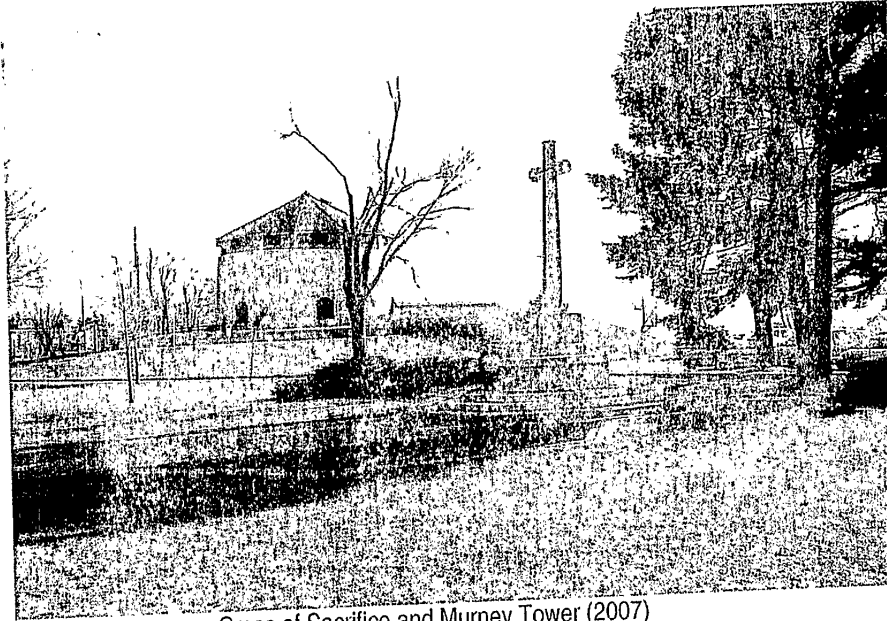
Plans of the Newlands Pavillion as prepared by William Newlands, 1896. (Queen's University Archives)



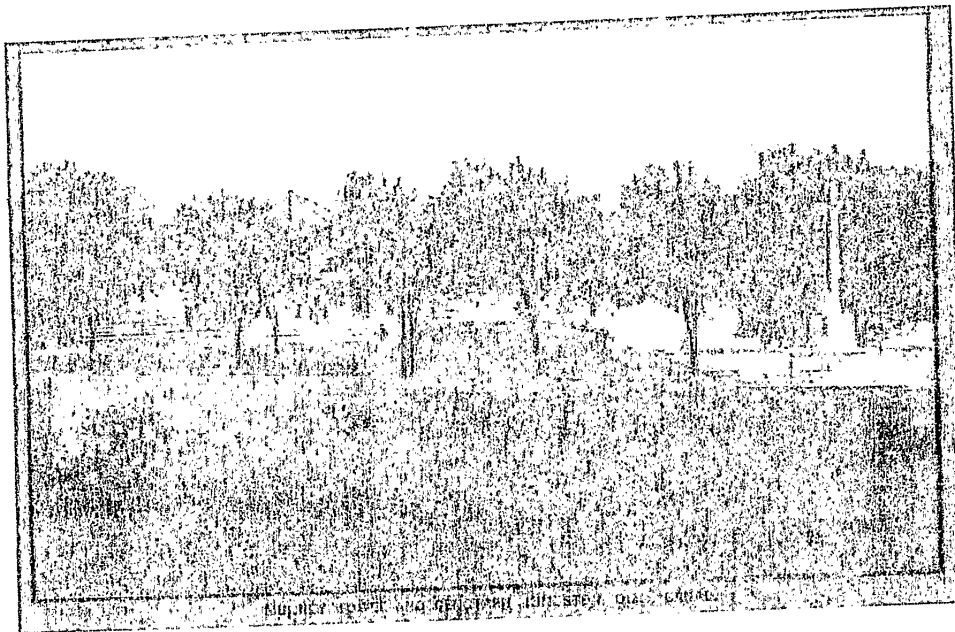
Cast Iron, Golden Bronze Plated, Lion Statue (2006)



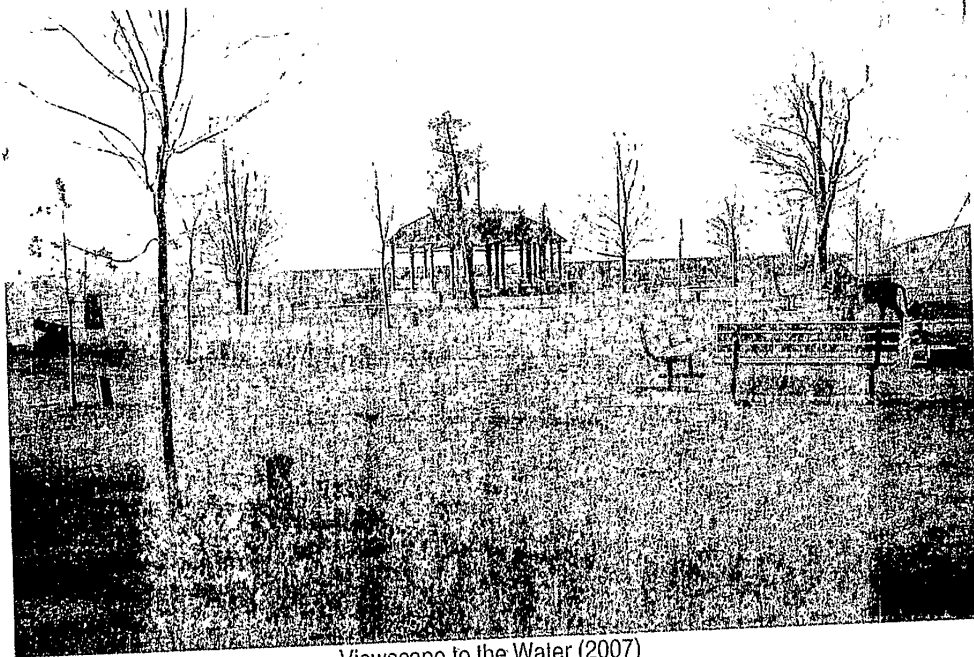
Francis E. Willard Monument (2006)



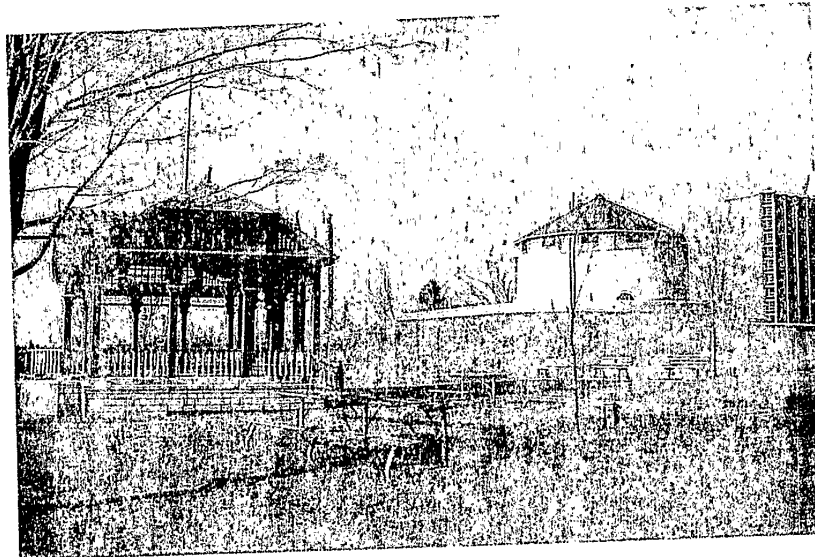
Cross of Sacrifice and Murney Tower (2007)



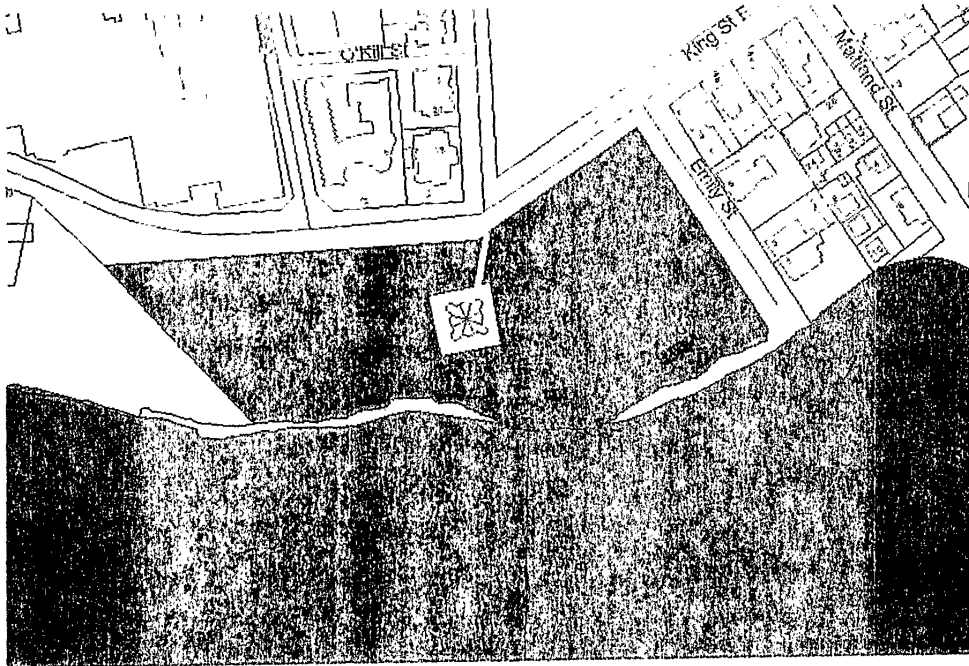
Early Image of Cross of Sacrifice and Murney Tower



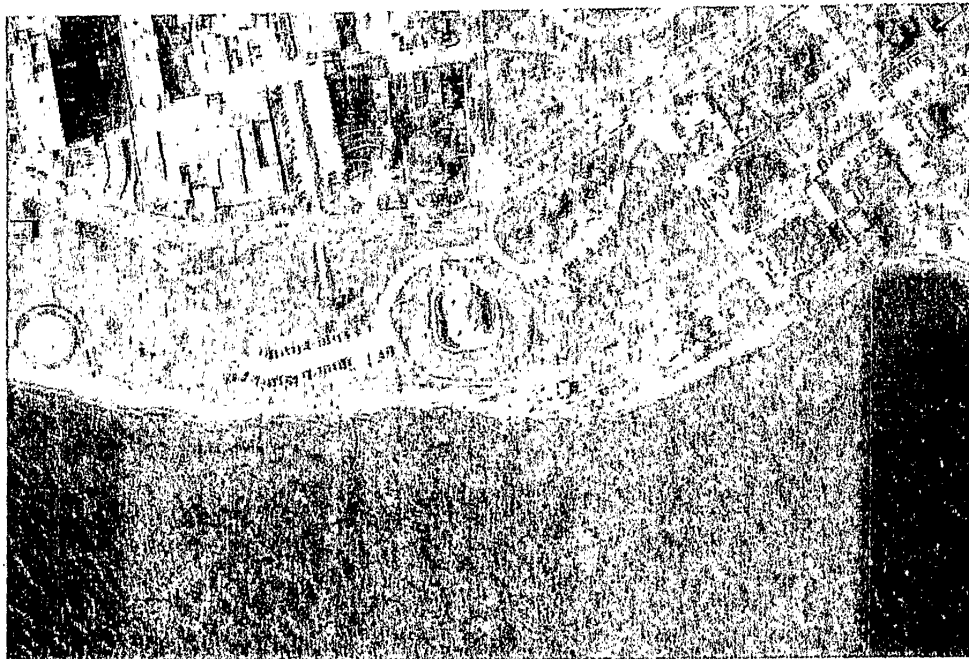
Viewscape to the Water (2007)



Viewscape to the Murney Tower (2007)



Location of Property



Ortho Image of Property (2004)
