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Development Services Department  
Planning Services

ONTARIO HERITAGE TRUST

May 5, 2022

File 12-04-0449-2020

Jeff Davis  
Director of Communications  
Biltmore Theatre Corp  
39 King Street East  
Oshawa, ON L1H 1B2

MAY 13 2022

RECEIVED

**Re: Designation of 39 King Street East, Oshawa, Ontario under Section 29, Part IV of the Ontario Heritage Act**

I confirm that the Council of The Corporation of the City of Oshawa passed By-law 40-2022 on April 25, 2022 designating the property legally described as:

PIN 16352-0031 (LT); PT LT C6 SHEET 19 PL 335; PT LT C7 SHEET 19 PL 335 AS IN D282637; TW D282637; CITY OF OSHAWA; REGIONAL MUNICIPALITY OF DURHAM

as being of cultural heritage value or interest. Schedule "A" to By-law 40-2022 is a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property.

Please find served upon you pursuant to subsection 29(8) of the *Ontario Heritage Act* a copy of By-law 40-2022, including Schedule "A".

Any person may, on or before the 6<sup>th</sup> day of June, 2022, send by registered mail or deliver to the City Clerk, a notice of appeal setting out the objection to By-law 40-2022 and the reasons in support of the objection and the associated fee charged by the Ontario Land Tribunal. If a Notice of Objection is received, the Council of the City of Oshawa will, within 15 days of receipt of the objection, refer the objection to the Ontario Land Tribunal for a hearing and a decision.

If you require further information or clarification, please contact me at the address shown or by telephone at (905) 436-3311, extension 2402 or by email to [cleherbauer@oshawa.ca](mailto:cleherbauer@oshawa.ca).

*Connor Leherbauer*

Connor Leherbauer, Planner B  
Policy, Planning Services

CL/k

Attachments

- c. Sam Yoon, City Solicitor  
Ontario Heritage Trust  
10 Adelaide Street West  
Toronto, ON M5C 1J3



**By-law 40-2022  
of The Corporation of the City of Oshawa**

being a by-law to designate the property located at 39 King Street East, specifically PIN 16352-0031 (LT); PT LT C6 SHEET 19 PL 335; PT LT C7 SHEET 19 PL 335 AS IN D282637; T/W D282637; CITY OF OSHAWA; REGIONAL MUNICIPALITY OF DURHAM, as being of cultural heritage value or interest pursuant to Part IV of the *Ontario Heritage Act*, R.S.O. 1990, Chapter O.18.

**Recitals:**


1. Section 29, Part IV of the *Ontario Heritage Act*, R.S.O. 1990, Chapter O.18 (the "Act") authorizes the Council of a municipality to enact by-laws to designate a property to be of cultural heritage value or interest.
2. 1334943 Ontario Ltd. is the registered owner of the property located at 39 King Street East in the City of Oshawa. As per City Council's decision on January 24, 2022, the City of Oshawa has consented to Heritage Oshawa's request that the property, legally described as PIN 16352-0031 (LT); PT LT C6 SHEET 19 PL 335; PT LT C7 SHEET 19 PL 335 AS IN D282637; T/W D282637; CITY OF OSHAWA; REGIONAL MUNICIPALITY OF DURHAM (the "Property"), be designated under Section 29, Part IV of the Act. The property to be designated contains a commercial building operating as a live music and entertainment venue known as the Biltmore Theatre. 39 King Street East has design/physical value as the commercial building thereon, the Biltmore Theatre, is representative of the Art Deco style, including a street-facing façade featuring a smooth cut stone finish. Within the upper portion of the front façade are narrow recessed window openings, two circular recessed markings adjacent to the center and right window openings, and an original octagonal thermometer on the column between the centre and left window openings. The front dual entranceway is in its original location at the west-most point of the street-facing façade. 39 King Street East has a direct association with the affluent Okun Brothers, who owned the Biltmore Chain Theatres in Ontario. Oshawa's Biltmore Theatre was the first of five theatres constructed in Ontario by the Okun Brothers. 39 King Street East is a landmark in Downtown Oshawa. 39 King Street East is and was the Biltmore Theatre, one of four entertainment venues located along King Street East in Downtown Oshawa in the mid-20th century. The other theatres consisted of the Marks, Regent and the Plaza (also known as the Hyland). Only the Regent Theatre and the Biltmore Theatre remain, and the Regent Theatre was designated under Part IV of the Ontario Heritage Act in 2001. The commercial building at 39 King Street East has served as a theatre or an entertainment venue for over 70 years in Downtown Oshawa. On the basis of the cultural heritage value or interest outlined above, the property at 39 King Street East meets the criteria for designation under Part IV of the Ontario Heritage Act, R.S.O. 1990, Chapter O. 18, in accordance with Ontario Regulation 9/06, specifically criteria 1(i), 2(ii), and 3(i).
3. On February 17, 2022 the City forwarded to the Ontario Heritage Trust and the registered owner of the Property a Notice of Intention to Designate the Property.
4. Notice of Intention to Designate the Property was published on February 17, 2022 in the *Oshawa This Week* newspaper having general circulation in the City of Oshawa.
5. The last day for serving a Notice of Objection to the Notice of Intention to Designate the Property was March 21, 2022. No Notice of Objection to the proposed designation was served on the City Clerk.

**NOW THEREFORE BE IT ENACTED AND IT IS HEREBY ENACTED** as a by-law of The Corporation of the City of Oshawa, by its Council, as follows:

1. The Property, including its features which are described in Schedule "A" to this By-law, located at 39 King Street East, and legally described as PIN 16352-0031 (LT); PT LT C6 SHEET 19 PL 335; PT LT C7 SHEET 19 PL 335 AS IN D282637; T/W D282637; CITY OF OSHAWA; REGIONAL MUNICIPALITY OF DURHAM is hereby designated as being of cultural heritage value or interest.

2. In accordance with the Act, an adequate description of the Property, a statement explaining the cultural heritage value or interest of the Property, and a description of the heritage attributes of the Property are set out in Schedule "A" to this by-law. Schedule "A" forms an integral part of this by-law.
3. A copy of this by-law shall be registered against the Property in the Land Registry and Land Titles Offices for the Land Registry Division of Durham (No. 40).
4. The City Clerk is hereby authorized to serve a copy of this by-law on the Ontario Heritage Trust and the registered owner of the Property, and to publish notice of the passing of this by-law in the *Oshawa This Week* newspaper.

By-law passed this twenty-fifth day of April, 2022.

  
\_\_\_\_\_  
Mayor  
\_\_\_\_\_  
City Clerk

## **Schedule "A" to By-Law Number 40-2022**

**Passed This 25<sup>th</sup> Day of April, 2022**

### **Designation Statement and Description of Property**

#### **Location and Description of Property:**

The property municipally known as 39 King Street East is 0.05 hectares (0.13 ac.) in size, containing a commercial building operating as a live music and entertainment venue known as the Biltmore Theatre. The property is situated on the south side of King Street East between Celina Street and Albert Street. The property at 39 King Street East is bounded to the north by King Street East, beyond which are commercial and mixed-use properties fronting onto King Street East, to the east by a commercial building at 45 King Street East, to the south by an apartment building at 28 Albert Street, and to the west by a mixed-use building at 35 King Street East.

#### **Legal Description:**

The property at 39 King Street East to be designated under Part IV of the Ontario Heritage Act, R.S.O. 1990, Chapter O. 18 is legally described as:

PIN 16352-0031 (LT); PT LT C6 SHEET 19 PL 335; PT LT C7 SHEET 19 PL 335 AS IN D282637; T/W D282637; CITY OF OSHAWA; REGIONAL MUNICIPALITY OF DURHAM.

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

The property at 39 King Street East has design/physical value as the commercial building thereon, the Biltmore Theatre, is representative of the Art Deco style, including a street-facing façade featuring a smooth cut stone finish. Within the upper portion of the front façade are narrow recessed window openings, two circular recessed markings adjacent to the center and right window openings, and an original octagonal thermometer on the column between the centre and left window openings. The front dual entranceway is in its original location at the west-most point of the street-facing façade.

The property at 39 King Street East has a direct association with the affluent Okun Brothers, who owned the Biltmore Chain Theatres in Ontario. Oshawa's Biltmore Theatre was the first of five theatres constructed in Ontario by the Okun Brothers.

The property at 39 King Street East is a landmark in Downtown Oshawa. 39 King Street East is and was the Biltmore Theatre, one of four entertainment venues located along King Street East in Downtown Oshawa in the mid-20<sup>th</sup> century. The other theatres consisted of the Marks, Regent and the Plaza (also known as the Hyland). Only the Regent Theatre and the Biltmore Theatre remain, and the Regent Theatre was designated under Part IV of the Ontario Heritage Act in 2001. The commercial building at 39 King Street East has served as a theatre or an entertainment venue for over 70 years in Downtown Oshawa.

On the basis of the cultural heritage value or interest outlined above, the property at 39 King Street East meets the criteria for designation under Part IV of the Ontario Heritage Act, R.S.O. 1990, Chapter O. 18, in accordance with Ontario Regulation 9/06, specifically criteria 1(i), 2(ii), and 3(i).

#### **4. Heritage Attributes:**

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

The following design/physical heritage attributes of the commercial building at 39 King Street East are representative of the Art Deco style:

- The street-facing façade features a smooth cut stone finish, with brick on the three other facades.
- Within the upper portion of the street-facing façade are:
  - Narrow recessed window openings;

- Two circular recessed markings adjacent to the center and right window openings; and,
  - An original octagonal thermometer on the column between the centre and left window openings.
- The front dual entranceway, in its original location at the west-most point of the King Street East facing façade.

#### **Contextual Value**

The following contextual heritage attributes at 39 King Street East contribute to the commercial building being a landmark in Downtown Oshawa:

- 39 King Street East is and was the Biltmore Theatre, one of four entertainment venues located along King Street East in Downtown Oshawa in the middle of the 20<sup>th</sup> century. The other theatres included the Marks, Regent and the Plaza (also known as the Hyland).
- Only the Regent Theatre and the Biltmore Theatre remain, and the Regent Theatre was designated under Part IV of the Ontario Heritage Act in 2001.
- The commercial building at 39 King Street East has served as a theatre or an entertainment venue for over 70 years in Downtown Oshawa.