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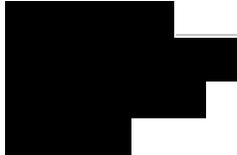
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MARILYN MILLS
Committee Coordinator, Legislated Services
Corporate Services Department
Kitchener City Hall, 2nd Floor
200 King Street West, P.O. Box 1118
Kitchener, ON N2G 4G7
Phone: 519-741-2200 ext. 7275
marilyn.mills@kitchener.ca

REGISTERED MAIL

June 28, 2024



RECEIVED
2024/06/28
(YYYY/MM/DD)
Ontario Heritage Trust

Re: Designating By-law – 33 Eby Street South

Dear Property Owner:

This is to advise that the Council of the Corporation of the City of Kitchener, at its regular meeting held on June 24, 2024, passed By-law 2024-117, pursuant to Part IV of the *Ontario Heritage Act*, designating the property municipally known as 33 Eby Street South as being of historic and cultural heritage value or interest.

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 July 28, 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 black ink, appearing to read 'M. Mills'.

Marilyn Mills
Committee Coordinator

cc: Registrar, Ontario Heritage Trust
K. Hughes, Assistant City Solicitor
J. Vieira, Heritage Planner
(cc'd parties by email only)

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

(Being a by-law to designate the property
municipally addressed as 33 Eby Street South,
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 33 Eby Street South, Kitchener (the "Property");

AND WHEREAS the Council of The Corporation of the City of Kitchener resolved at its Council Meeting held on March 18, 2024, 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. 2024-070;

AND WHEREAS a copy of the Notice of Intent to Designate was served upon the registered owners of the Property 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 March 22, 2024, 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 33 Eby Street South, Kitchener, as more particularly described in Schedules "B", "C", and "D" 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 24th day of June, 2024.

Mayor

Clerk

SCHEDULE A
NOTICE OF INTENTION TO DESIGNATE
33 Eby Street South, 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.

60 Victoria Street North

The original 1913 factory on the property municipally addressed as 60 Victoria Street North demonstrates design/physical, historical/associative and contextual value.

The 1913 factory is a representative example of the vernacular industrial architectural style and is characteristic of early twentieth-century industrial complexes in Berlin/Kitchener.

The historical and associative value of the subject property lies in its connection to the felt manufacturing industry and several important members of the community, as well as the ties it displays to regionally significant themes such as transportation, the manufacturing industry, and urban development. Rumble Felt Co. Limited, then known as the Berlin Felt & Boot Company, was originally established by George Rumble on the adjacent property municipally addressed as 50 Victoria Street North in 1875. The existing 1913 factory at 60 Victoria Street North was built by Walter Rumble, who succeeded his father George as manager of the company in 1916. Like many of the industrial factories of the time, 60 Victoria Street was intentionally constructed in proximity to the rail corridor. As a significant built heritage resource, the Rumble Felt building contributes to the understanding of the twentieth-century industrial cultural and urban and economic development of what was then Berlin.

60 Victoria Street North supports the character of the surrounding area, being located within the Warehouse District Cultural Heritage Landscape (CHL). The Warehouse District CHL is located in the west end of downtown Kitchener and encompasses a number of remaining factories along King Street and Victoria Street. These buildings were the sites for the manufacturing, storage, and exportation of raw materials and other products across Canada and were one of the prominent reasons for Kitchener developing into an urban industrial centre. The contextual value of the building also relates to its physical, historical, and functional link to its surroundings, specifically the railway tracks and train station. Finally, the building can also be classified as a historic industrial landmark and a touchstone to the City's industrial heritage, made easily recognizable by the building's location on a corner property, main entrance fronting immediately onto a main street, and sheer massing.

72 Victoria Street South

The property municipally addressed as 72 Victoria Street South demonstrates design/physical, historical/associative and contextual value.

The design and physical value of the property relates to the Berlin Industrial Vernacular architectural style of the building. It displays artistic merit through the presence of detailed design elements including the cut-off corner main entrance, Doric columned portico with cornice, and semi-elliptical main entrance door opening with red brick voussoirs.

The historic and associative values relate to the original owner and use of the property and buildings and the contribution they made to the economic development of Berlin. The property was the former location of The Berlin Interior Hardwood Company, Ltd. The Berlin Interior Hardwood Company initially made furniture for banks, offices, and similar institutions including the Canadian House of Commons. It also manufactured wooden seats for arenas, theatres and auditoriums including the Kitchener-Waterloo Auditorium.

The original owner of 72 Victoria Street South was William T. Sass, an active member of the community. Mr. Sass served on Kitchener City Council in 1917-1919, and for four years was a member of the K.-W. Collegiate Board. From 1922 to 1924, he was chairman of the Kitchener Board of Trade, and he served as president of the Kitchener-Waterloo Manufacturers' Association.

The contextual value relates to the building's physical, historical, functional and visual link to its surroundings. The building is representative of the ties among industrial entrepreneurs in the early 1900s and it illustrates the connections between industry and the railroad as well as between industry and workers housing. It also maintains and supports the character of the area, being located within the Warehouse District Cultural Heritage Landscape (CHL). Supported by the convergence of the rail lines in the area, the Warehouse District contains a number of large, historic warehouse and factory buildings formerly used for the manufacturing, storage, and exportation of raw material and products across Canada.

33 Eby Street South

The property municipally addressed as 33 Eby Street South demonstrates design/physical, and historical/associative, and contextual values.

The design and physical value relate to the house's architecture as an early and representative example of the Ontario Gothic Revival cottage style in Kitchener.

The historical and associative value of the property relates to the original owner, Henry Eby. Part of the prominent Eby family, Henry Eby was the founder of the popular German newspaper *Der Deutsche Canadianer und Neuigkeitsbote*. Having a broadly read German newspaper and various books and pamphlets set the German speaking people of Kitchener apart from the largely rural and Mennonite community in surrounding areas.

The contextual value relates to the buildings functional, physical, and visual link to the surrounding area as well as the contribution that the house makes to the continuity and character of the Eby Street streetscape. The building is located in-situ along the intersection of Charles Street East and Eby Street South. It is within the Cedar Hill Neighbourhood Cultural Heritage Landscape (CHL), which is home to a wide variety of some of the earlier homes of Kitchener. The CHL is further characterized by the elevated topography, narrow street widths, and dramatically long views.

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 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 21st day of April, 2024. If a Notice of Objection is received, the Council of the Corporation of the City of Kitchener will refer the matter to the Ontario Land Tribunal (<https://olt.gov.on.ca/>) for a hearing and report.

Dated at Kitchener the 22nd day of March, 2024.

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

33 Eby Street South, KITCHENER

Description of Cultural Heritage Resource

33 Eby Street South is a one-and-one-half storey mid-19th century brick house built in the Ontario Gothic Revival cottage style. The house is situated on a 0.09 acre parcel of land located on the south east corner of Charles Street East and Eby Street South, within the City of Kitchener, Region of Waterloo. The principal resource that contributes to the heritage value is the single-detached dwelling.

Heritage Value

33 Eby Street South is recognized for its significant design/physical, historical/associative, and contextual values.

Design/Physical Value

The design value relates to the house's architecture as an early and representative example of the Ontario Gothic Revival cottage style in Kitchener. The house is in good condition. It is one-and-a-half storeys in height and features a side gable roof with a centred gable with pointed arch door located above the front door; a symmetrical front façade with a central front door flanked by windows on either side; yellow brick construction; original window openings with brick soldier course headings; stone foundation; and, a sympathetic one-storey board and batten rear addition. The building is a typical late 19th Century example without the original embellishments typical of the style.

Front (West) Façade

The front of the building is symmetrical in massing, with a pitched gable centered above the entrance. There is a single arched window within the gable and rectangular 12-pane windows are located to either side of the front door on the ground floor. A decorative transom window and sidelites surround the entrance, though the door appears to be a modern addition. The tops of the windows and the entrance opening are adorned with soldier course heading.

Side (North) Façade

The original portion of the north side façade includes two second-storey windows and two first-storey windows, spaced equidistance apart. The windows are rectangular in shape and 12-pane with soldier course heading, matching the ground-floor windows on the front. A small portion of the foundation is visible. From the side façade the one-storey rear addition is also visible. The addition is clad in board and batten and includes one rectangular 12-pane window and one casement window as well as three skylights.

Side (South) Façade

The second storey of the south side façade includes one window opening and one door opening that may have originally been another window. There are two more windows on the ground floor, and all openings are spaced symmetrically. The windows are rectangular in shape and 12-pane. The second storey door is 15-pane and leads to a wood fire-escape. There is soldier course headings above each opening in the façade.

Rear (East) Façade

There is one original window opening with brick soldier course heading and a 12-pane window in the original portion of the rear façade. The rest of the rear façade is covered by the board and batten addition, the massing of which is off centered to the south. There is a dormer with a semi-circular window and board and batten cladding located above the rear addition on the original roof.

Modifications

The original door has been replaced by a steel door with side windows. A modern porch hides much of the arched façade. A symmetrical front façade with a central front door is flanked by original window openings with modern windows with brick voussoirs; stone foundation. Additional decorative elements typical to the Ontario Gothic Revival Cottage style may have been present, such as barge boards and scalloping under the eaves. The current portico is not a sympathetic design. A West elevation fire escape is a recent addition.

Historical/Associative Value

Henry Eby, born on January 25, 1820, was the son of Bishop Benjamin Eby. His foray into journalism commenced in December 1837 when he assumed an active role at the Canada Museum und Allgemeine Zeitung. Alongside Thomas Enslin, he undertook the acquisition of a subscription list, laying the foundation for the establishment of Der Deutsche Canadier und Neuigkeitsbote in September 1841. Distinguished as the sole German-language newspaper in British North America from 1841 to 1848, the Deutsche Canadier was very successful. The printing office was located on King Street East at Eby Street South, a block away from Eby's home. The first grammar and common school opened in the printing office before Suddaby School was built on Frederick Street. Henry was also one of the first school trustees. Henry built the house at 33 Eby Street in 1850 (Waterloo Region Generations, 2013).

The historical and associative values relate to the original owner of the property Henry Eby as well as the Eby family. Having a broadly read German newspaper and various books and pamphlets set the German speaking people of Kitchener apart from the largely rural and Mennonite community in surrounding areas. Berlin was a vibrant and economically progressive community unlike any other in Ontario. According to various directories the house remained in the Eby family from 1820 to 1946, including Louisa Eby, Menno Eby, and Ilda Eby. The Eby family was a prominent pioneering family that played a key role in shaping what Kitchener looks like today.

Contextual Value

The contextual value relates to the buildings functional, physical, and visual link to the surrounding area as well as the contribution that the house makes to the continuity and character of the Eby Street streetscape. The building is located in-situ along the intersection of Charles Street East and Eby Street South. It is within the Cedar Hill Neighbourhood Cultural Heritage Landscape (CHL), which is home to a wide variety of some of the earlier homes of Kitchener. The CHL is further characterized by the elevated topography, narrow street widths, and dramatically long views.

SCHEDULE C

DESCRIPTION OF HERITAGE ATTRIBUTES

33 Eby Street South, KITCHENER

Description of the Heritage Attributes

The heritage attributes supporting the cultural heritage value or interest of 33 Eby Street South are represented in the elements related to the Ontario Gothic Revival cottage style of the building, including:

- One-and-one-half storey height of the house;
- Side gable roof with a centred gable with pointed arch door located above the front door;
- Symmetrical front façade with central front door flanked by windows on either side;
- Yellow brick construction;
- Original window openings with brick voussoirs;
- Stone foundation; and
- Sympathetic one-storey board and batten rear addition.

SCHEDULE D

LEGAL DESCRIPTION

LT 1 SUBDIVISION OF LT 2 GERMAN COMPANY TRACT KITCHENER; PT LT 10 PL 367
KITCHENER AS IN 1075314; KITCHENER

Being all of PIN 22502-0039 (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 2024-117 33 Eby Street South
- By-law 2024-118 72 Victoria Street South
- By-law 2024-139 91 Madison Avenue 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 July 28, 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 28th day of June, 2024

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