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Office of the City Clerk

November 27, 2024

Via email: [REDACTED]

RECEIVED  
2024/11/28  
(YYYY/MM/DD)  
Ontario Heritage Trust

Dear [REDACTED]

**Re: Kingston City Council Meeting, November 19, 2024 – By-Law Number 2024-399; A By-Law to Designate the Property at 3867 Smith Road to be of Cultural Heritage Value and Interest pursuant to the *Ontario Heritage Act***

At the regular meeting on November 19, 2024, Council gave three readings to By-Law Number 2024-399; A By-Law to Designate the Property at 3867 Smith Road to be of Cultural Heritage Value and Interest pursuant to the *Ontario Heritage Act*.

Attached please find By-Law Number 2024-399, and the Notice of Passing.

Yours sincerely,

Janet Jaynes  
City Clerk  
/nb

Encl. By-Law Number 2024-399  
Notice of Passing

C.C. Ontario Heritage Trust  
Ryan Leary, Heritage Planner

**Notice of Passing By-Laws to Designate  
The following properties to be of Cultural Heritage Value and Interest Pursuant to  
the Provisions of the *Ontario Heritage Act* (R.S.O. 1990, Chapter 0.18)**

**Take Notice** that Section 29 of the Ontario Heritage Act, R.S.O. 1990, Chapter 0.18, By-Law Numbers 2024-397, 2024-398, 2024-399, 2024-400, 2024-401, 2024-402, and 2024-403 were passed by the Council of The Corporation of the City of Kingston and approved by Mayoral Decision Number 2024-27 on November 19, 2024 to designate the following lands to be of cultural heritage value and interest:

**294 Elliott Avenue** (Part Farm Lot 5, Con West Great Cataraqui River, Kingston, Part 1, 13R18838; City of Kingston, County of Frontenac), known as the Elliott Farmhouse;

**3751 Smith Road** (Part Lot 6, Con 4, Western Addition, Kingston, as in FR329337, Lying E of Part 2, 13R344 & S of Part 3, 13R4158; City of Kingston, County of Frontenac), known as the Bell Farmstead;

**3867 Smith Road** (Part Lots 7-8, Con 4, Western Addition, Kingston, Part 1 on 13R21029; City of Kingston, County of Frontenac), known as the Smtih Farmstead;

**722-766 John Counter Boulevard** (Part Farm Lot 5, Con West Great Cataraqui River, Kingston, as in FR442219, Except Parts 5 & 7 13R8629 & Part 1, 13R17330; City of Kingston, County of Frontenac), known as the John Elliott Farmhouse;

**1901 Jackson Mills Road** (Part Lot 13, Con 4, Kingston, Part 2, 13R18877; S/T & T/W FR762129, Except the Easement Therein Thirdly Described; City of Kingston, County of Frontenac), known as the Jackson Mill;

**617-619 Union Street** (Part Lot 4, N/S Union St, Plan 54, Kingston City, Parts 1, 3, 13R10659; City of Kingston, County of Frontenac); and

**79-83 Princess Street** (Part Lot 111, Original Survey, Kingston City, Part 1, 13R13985; City of Kingston, County of Frontenac), known as the Robert White Building.

**Additional information**, including a full description of the reasons for designation is available upon request from Ryan Leary, Senior Heritage Planner, Heritage Services at 613-546-4291, extension 3233, or at [rleary@cityofkingston.ca](mailto:rleary@cityofkingston.ca) during regular business hours, or by visiting the Development and Services Hub at [www.cityofkingston.ca/dash](http://www.cityofkingston.ca/dash) and searching by address.

Any who objects to one or more of these By-laws may appeal to the Ontario Land Tribunal by giving the Tribunal and the City Clerk, within 30 days of the publication of this notice, a notice of appeal setting out the objection to the By-Law(s) and the reasons in support of the objection, accompanied by the fee charged by the Tribunal.

**Dated** at the City of Kingston

This 26<sup>th</sup> day of November, 2024

Janet Jaynes, City Clerk

City of Kingston

City Council voted in favour of this by-law on November 19, 2024

Written approval of this by-law was given on November 19, 2024 by Mayoral Decision Number 2024-27

Clause 2, Report Number 87, October 1

**City of Kingston By-Law Number 2024-399**

**A By-Law to Designate the property at 3867 Smith Road to be of Cultural Heritage Value and Interest Pursuant to the *Ontario Heritage Act***

**Passed:** November 19, 2024

**Whereas:**

Subsection 29(1) of the *Ontario Heritage Act*, R.S.O. 1990, Chapter 0.18 (the "*Ontario Heritage Act*") authorizes the council of a municipality to enact by-laws to designate property within the municipality, including buildings and structures on the property, to be of cultural heritage value or interest;

The *property* was listed on the register established pursuant to Section 27 of the *Ontario Heritage Act* in 2010;

On September 18, 2024, Council of the City of Kingston ("*Council*") consulted with its municipal heritage committee regarding the designation of the property municipally at 3867 Smith Road (the "*property*") in accordance with subsection 29(2) of the *Ontario Heritage Act*;

On October 1, 2024, *Council* caused notice of its intention to designate the *property* to be given to the owner of the *property* and to the Ontario Heritage Trust (the "*Trust*"), and on October 8, 2024, notice of the intent to designate the *property* was published in The Kingston Whig-Standard, a newspaper having general circulation in the City of Kingston; and

No notice of objection to the proposed designation was served on the municipal Clerk (the "*Clerk*") of the Corporation of the City of Kingston (the "*City*") within the time prescribed by subsection 29(5) of the *Ontario Heritage Act*.

**Therefore, *Council* enacts:**

1. The *property* is designated as being of cultural heritage value and interest, as more particularly described in Schedule "A" of this by-law.
2. A copy of this by-law will be registered against the *property* in the appropriate land registry office. The *Clerk* is authorized to serve a copy of this by-law on the owner of the *property* and the *Trust*, and to cause notice of the passing of this by-law to be published in The Kingston Whig-Standard.

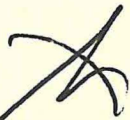


3. The *City* reserves the right to install a designation recognition plaque on the *property*, in a location and style determined by the *City* in consultation with the owner.
4. This by-law will come into force and take effect on the date it is passed.

**Given all Three Readings and Passed:** November 19, 2024



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Janet Jaynes  
City Clerk



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Bryan Paterson  
Mayor



**Schedule "A"**  
**Description and Criteria for Designation**  
**Smith Farmstead**

Civic Address: 3867 Smith Road  
Legal Description: Part Lots 7-8 Con 4 Western Addition Kingston Part 1 on  
13R21029; City of Kingston, County of Frontenac  
Property Roll Number: 1011 080 220 15300

**Introduction and Description of Property**

The Smith Farmstead at 3867 Smith Road comprises approximately 36 hectares bounded by Highway 401 to the south, Kerns Road and Radage Road to the west, Glenvale Creek to the East and Smith Road to the north, in the former Township of Kingston, now part of the City of Kingston. The property contains cultivated fields, partially forested areas, tributaries of Glenvale Creek and a 19<sup>th</sup> century farmstead. The farmstead is located just south of Smith Road and west of Glenvale Creek, accessed via a gravel driveway and includes a one-and-a-half storey limestone farmhouse, constructed circa 1860 and a collection of outbuildings.

**Statement of Cultural Heritage Value/Statement of Significance**

*The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.*

The Smith Farmstead has design value because it includes a representative example of a mid-19<sup>th</sup> century Ontario vernacular farmhouse with a Georgian influence. The one-and-a-half storey limestone farmhouse has a rectangular plan and side gable roof with deep eave returns. The centrally located entrance is flanked by window openings on either side and a steeply pitched gable above with large window opening. The gable's wood clapboard cladding and larger window opening suggest that this may be a later addition intended to improve the second-floor accommodation. The symmetry on the façade, which is characteristic of the Georgian style, is replicated on the gable ends, through window placement and location of the two stone chimneys. Historical photographs suggest that the exterior walls were finished in a whitewash and prior to 2014, a one-storey addition (i.e. summer kitchen) was located on the east elevation.

*The property has historical value or associative value because it has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community.*

The Smith Farmstead has associative value because of its direct and continuous connection to the Smith family, who have owned the property for at least 175 years. Hiram Smith purchased the property in 1849. Oral family history suggests that Hiram was born in a log cabin in the lower field of the property in 1812, and that he leased the property from King's College prior to 1849. Census information confirms that Hiram and



his wife Mary raised their children, Jane, Ann, Sylvester, Nathaniel and George, first in a one-storey log house, and later in the limestone farmhouse, constructed circa 1860. The Smiths were prosperous farmers, growing a variety of crops, raising livestock, and producing hay, wool, flax or hemp, wool, fulled cloth, flannel, and butter. Hiram Smith also served as Justice of the Peace for the former village of Westbrook in 1865. The farm was sold to Hiram's son, Nathaniel, in 1889 for "\$1.00 and love". Nathaniel's son, Guy Smith lived on the farm in the early to mid-20<sup>th</sup> century and passed it to his three son's Chauncey, Harold and Donald. When Harold Smith passed away in 2013, Hiram Smith's great-great granddaughter and great-great grandson purchased the property.

Given the Smith family's long-time ownership and prominence in the area, Smith Road was named in their honour.

*The property has contextual value because it is important in defining, maintaining or supporting the character of an area.*

*The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings.*

The contextual value of the Smith Farmstead is expressed through the simple vernacular limestone farmhouse and collection of outbuildings with limestone gateposts marking the entrance, which supports and maintains the scenic and historical rural character of Smith Road.

The property is also historically linked to the former village of Westbrook, which is located to the southeast. The residence, outbuildings and landscape share a visual and historical relationship with their surroundings and act as an important part of the historical rural context of the area.

### **Heritage Attributes**

Key exterior elements that contribute to the property's cultural heritage value include its:

- One-and-a-half storey limestone dwelling on a rectangular plan;
- Side gable roof with eave returns and twin limestone chimneys;
- Uncoursed limestone masonry walls with symmetrical façade consisting of original window/door openings with stone voussoirs and sills;
- Steeply pitched front gable clad in wood clapboard siding with large window opening;
- Limestone gate posts on Smith Road flanking driveway entrance; and
- Collection of agricultural-style outbuildings.