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MARIAH BLAKE
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: 519-783-8999
mariah.blake@kitchener.ca

REGISTERED MAIL

January 24, 2025

2184647 Ontario Limited / Breithaupt Block Inc.
302-305 King Street West
Kitchener ON N2G 1B9

Re: Designating By-law – 51 Breithaupt Street

Dear Property Owner:

This is to advise that the Council of the Corporation of the City of Kitchener, at its regular meeting held on January 20, 2025, passed By-law 2025-004, pursuant to Part IV of the *Ontario Heritage Act*, designating the property municipally known as 51 Breithaupt Street as being of historic and cultural heritage value or interest. A copy of the designating By-law is attached for your information, along with a copy of the Notice of Passing.

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 February 23, 2025. 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 519-783-8924.

Yours truly,

A handwritten signature in black ink that reads 'm. Blake'.

Mariah Blake
Committee Coordinator

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

RECEIVED
2025/01/24
(YYYY/MM/DD)
Ontario Heritage Trust

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

(Being a by-law to designate the property
municipally addressed as 51 Breithaupt Street,
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 51 Breithaupt Street, Kitchener (the "Property");

AND WHEREAS the Council of The Corporation of the City of Kitchener resolved at its Council Meeting held on November 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. 2024-196;

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 November 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 51 Breithaupt Street, 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 20th day of January , 2025.

Mayor

Clerk

SCHEDULE A

NOTICE OF INTENTION TO DESIGNATE

51 Breithaupt Street, 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 address 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.

112 Margaret Avenue

112 Margaret Avenue is recognized for its design/physical, historical/associative, and contextual values. The apartment is a unique example of the vernacular architectural style with influence from both the gothic and art deco architectural styles. This blend of styles differentiates the building and the adjacent sister buildings from other low-rise apartments and structures within the area. The property has historical associative value due to the original owner and builder, Michael Kraus. He was a prominent member of the New Apostolic Church, being appointed District Apostle for Canada in 1958. Michael Kraus was also an entrepreneur, being the founder of Kraus Carpet Mills. At the time of his death in 2003, Kraus Carpet Mills was the largest Canadian-owned carpet manufacture. Michael Kraus contributed directly to the development of the built environment along Margaret Avenue and the city at large, having financed and built numerous dwellings and low-rise apartment buildings. The associative value of this property also lies with its architect, William H. E. Schmalz. Notable works of his include the 1922 Kitchener City Hall, the fourth office of the Economical Mutual Fire Insurance Company at 16-20 Queen Street North, and several churches. In addition to his career, Schmalz was an engaged citizen who served with distinction on the board of many local community groups, including the Waterloo Historical Society, the Chamber of Commerce, the Kitchener Parks Board, the K-W Hospital Board, and more. The contextual value of the property relates to the contribution that the apartment building makes to the continuity and character of the Margaret Avenue streetscape and the surrounding residential neighbourhood. The building is also physically, visually, historically, and functionally linked to its surroundings as it remains in-situ and maintains its original residential use. It retains a contextual relationship to the adjacent sister buildings which share a design and use.

148 Margaret Avenue

148 Margaret Avenue is recognized for its design/physical, historical/associative, and contextual values. The building is a unique and rare example of the Tudor Revival architectural style, being only one of five houses built in this style within the Region of Waterloo. The historic and associative value of the building relates to the original owner and builder, Michael Kraus. He was a prominent member of the New Apostolic Church, being appointed District Apostle for Canada in 1958. Michael Kraus was also an entrepreneur, being the founder of Kraus Carpet Mills. At the time of his death in 2003, Kraus Carpet Mills was the largest Canadian-owned carpet manufacture. Michael Kraus contributed directly to the development of the built environment along Margaret Avenue and the city at large, having financed and built numerous dwellings and low-rise apartment buildings. The contextual value of the property relates to the contribution that the building makes to the continuity and character of the Margaret Avenue streetscape and the surrounding residential neighbourhood. The building is also physically, visually, historically, and functionally linked to its surroundings as it remains in-situ and maintains its original residential use.

51 Breithaupt Street

51 Breithaupt Street is recognized for its design/physical, historical/associative, and contextual values. It is a representative example of the Industrial Vernacular architectural style. While all buildings on site have undergone alteration over the years, they maintain much of their original character and features. The site has significant historical and associative value for its original use and owner of the property – Merchants Rubber Co. Ltd, Berlin Piano and Organ Co, Jacob Kaufman, George Schlee, and Talmon Henry Reider. This site also has historical and associative value due to its contribution to the economic development of Kitchener (then Berlin) at the start of the 20th century. 51 Breithaupt Street has contextual value because it is important in maintaining and supporting the character of the area. The site is located within the Warehouse District Cultural Heritage Landscape, and near other industrial buildings that were built parallel to the Canadian National Railways tracks, and which were constructed as the City experienced exponential economic growth. Due to the complex's historical value and presence, it is very recognizable by the community and can be considered a local landmark.

53 Church Street

53 Church Street is recognized for its design/physical, historical/associative, and contextual values. 53 Church Street is a rare example of a late 19th century religious building, displaying Vernacular architecture with influences from the Romanesque Revival architectural style. The design/physical values relate to the design, composition, craftsmanship and details of the church with many intact heritage attributes in good condition. The property has historical/associative value given the use of the land, the various congregations that have occupied the land and building over time, and the architect and builder of the 1952 annex. The 1952 annex was designed by W.H.E. Schmalz, a local architect who contributed to the built environment of the area and an engaged citizen. The annex was constructed by Oscar Wiles and Sons Ltd., a local contractor known for building houses, churches, schools and factories in Kitchener. The contextual values relate to the contribution that the church makes to the continuity and character of the Church Street streetscape. The placement and massing blend with adjacent buildings and much of the building stock on both sides of Church Street, particularly in terms of setback and height.

44-54 Queen Street South

44-54 Queen is recognized for its design/physical, associative, and contextual values. It is an early representative example of the Classical Revival Architectural style located within the commercial downtown core of present-day Kitchener. Built c. 1904-1907, this building is likely to be one of the oldest commercial buildings in the City and still maintains most of its original elements, especially on the front façade. The building has associative value as it relates to the theme of early settlement and economic development of Berlin (present-day Kitchener). The intersection of Queen and King Street was one of the main commercial intersections when Berlin was being developed. Even though no prominent businesses operated out of this building, this building has always been used for commercial purposes and institutional purposes, contributing to the economic development and Berlin and then Kitchener since the town was first incorporated. The Euler Business College also operated out of this building for a number of years. The college was founded by William Daum Euler, who was a senator in the Canadian Parliament. 44-54 Queen Street South has contextual value because it is physically, functionally, visually and historically linked to its surroundings. The building exists in its original location within the downtown core. The property also has contextual value because it is important in defining, maintaining or supporting the character of the area.

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 22 day of December 2024. If a Notice of Objection is received, the matter will be referred to the Council of the Corporation of the City of Kitchener for consideration.

Dated at Kitchener the 22 day of November, 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

51 Breithaupt Street, KITCHENER

Description of Cultural Heritage Resource

51 Breithaupt Street consists of a series of buildings built between 1903 and 1977. The buildings range in height from one to four storeys. The original building and early additions were built in the Industrial Vernacular architectural style with later additions being more modern in appearance. The buildings are situated on a 2.18 acre parcel of land located on the north side of King Street West between Victoria Street North and Breithaupt Street in the Mt. Hope Huron Park planning community of the City of Kitchener within the Region of Waterloo. The principal resources that contribute to the heritage value are the original building and early additions.

Heritage Value

51 Breithaupt Street is recognized for its design/physical, historic/associative, and contextual values.

Design/Physical Value

51 Breithaupt Street has design/physical value as it is a representative example of the Industrial Vernacular architectural style. The first building on site was built for the Berlin Piano and Organ Company in 1891, which was later taken over by Foster-Armstrong and Co. This original three-storey building was demolished in 1955 to construct a more 'modern' building. The oldest building that remains on site was constructed in c. 1903 and housed the Merchants Rubber Company, founded by Jacob Kaufman and T.H. Reider. There have been many additions and numerous renovations over this site's 113 year history, with these additions and renovations being made in 1908, 1909, 1912, 1918, 1929-30, 1953, 1955, 1966, 1969, 199, 2000 and 2001.

The additions could be described as buildings with their distinctive architectural style, however they were still built with an industrial function in mind. Certain architectural features of the site include but are not limited to: brick buttresses, stone sills and headers on windows and brick parapet with decorative brick detailing.

The building at the corner of Breithaupt Street and Waterloo Street (Fig. 3) was built in 1908 in the Industrial Vernacular architectural style. It is three storeys in height, with a flat roof and is of buff white brick construction. There are concrete pilasters dividing the front façade into 3 bays and the side façade into 9 bays. Each bay contains two 6 over 6 double hung windows with concrete sills on each storey, except for the central bay on the main storey of this building. The windows on the third storey have brick lintels.

Next to the 1908 building is a 1909 building, with a modern addition that was completed in 2001. This building is one storey in the front and increases up to 3 storeys in the back. The front portion of this building still has the original window openings with the concrete lintels and sills, with a flat roof and wood post and beam brick wall bearing construction. Next to this building is the four (4) storey 1903 building, which is the oldest building on site. This building has brick buttresses which divides the front façade into four (4) bays. Each bay contains two 6 over 6 double hung windows with concrete lintels and sills on

the upper two storeys, with an irregular fenestration pattern and a big main entrance on the lower two storeys. This building has a flat roof with a parapet which has decorative brickwork. Recessed behind this building is a five (5) storey brick tower with brick pilasters and 6 over 6 double hung windows with concrete sills and lintels.

The last building of the original complex was built in 1918, and is four (4) storeys in height (Fig 4). This building has a flat roof with a central tower which has decorative brick moulding. This building also has brick pilasters which divide the front façade in two five (5) bays. Each bay of the upper three storey has a double 6 over 6 hund window with concrete lintels. Above the concrete lintels of each fifth storey window is decorative brick detailing. The building has two door openings on this façade, one in the centre, and one on the corner.

Historical/Associative Value

The site has historical and associative value for its original use and owner of the property – Merchants Rubber Co. Ltd, Jacob Kaufman, and Talmon Henry Reider. This site also has historical and associative value due to its contribution to the economic development of Kitchener (then Berlin) at the start of the 20th century.

The property was the site of the Berlin Piano and Organ Co. building that was erected in 1891, which was later taken over by Foster-Armstrong and Co to manufacture Haines Brothers and, Marshall and Wendell pianos. This original three storey building no longer remains as it was demolished in 1955 in order to construct a new modern addition.

The oldest building that remains on site was constructed in 1903 and housed the Merchants Rubber Co. Ltd., which was founded by Jacob Kaufman and T.H. Rieder. Jacob Kaufman sold out to T.H. Rieder in 1906 and, along with the Berlin Rubber Co., became part of the Canadian Consolidated Rubber Co. in 1907. During WWI, the company employed as many as 526 people and produced approximately 15000 shoes a day. In 1926, the Canadian Consolidated Rubber Co. became the Dominion Rubber Co. Ltd. Until 1969, these companies primarily produced footwear. In 1969, Dominion Rubber Co. Ltd. began to produce automobile parts.

This building was constructed at a time when Berlin was experiencing exponential economic growth, and has the potential the yield an understanding of the economic development of Berlin at the turn of the 20th century. Today, this site is used by Google as their main headquarters in the Kitchener-Waterloo Area. As part of this adaptive reuse, certain changes were made to building along with a new building on the neighboring property connecting with the existing buildings at 51 Breithaupt. However, this site still maintains its overall integrity and cultural heritage value.

Jacob S. Kaufman

Jacob S. Kaufman was born on July 15, 1847 on a farm near New Hamburg, Ontario. He was a prominent and influential businessman in Kitchener (then Berlin) who started his career in the lumber industry in Gadshill. He married Mary Ratz in 1877 and moved to Berlin where the larger community offered more economic opportunity. He built a mill manufacturing doors and window sashes, eventually incorporating his company as Jacob Kaufman Limited. In 1899, he encouraged George Schlee to organize The Berlin Rubber Company and was heavily involved financially. In 1903, Kaufman was also involved in the organization of the Merchants Rubber Company and was assisted in this venture by Talmon Henry Reider. Kaufman died in Kitchener on April 20, 1920.

Talmon Henry Reider

Talmon Henry Reider was born in New Hamburg, Ontario on August 10, 1878. In 1899, he was the bookkeeper and minor shareholder of the newly formed Berlin Rubber

Company, and in 1903, was appointed as the general manager by Jacob Kaufman for the newly formed Merchants Rubber Company. In 1907, these two companies merged with the Canadian Consolidated Rubber Company, leading to Reider, who was then the vice-president and director, to control five (5) rubber footwear factories. IN 1912-1913, he negotiated the purchase of the property and the building of the Dominion Tire Company (later Uniroyal), and in 1917, he became the president of the largest rubber company in Canada. However, he would only work there for 2 years, resigning in 1919 and accepting the position of president for Ames-Holden-McCready Ltd. Reider died on April 15, 1922.

Contextual Value

51 Breithaupt Street has contextual value because it is important in maintaining and supporting the character of the area. The site is located within the Warehouse District Cultural Heritage Landscape, and near other industrial buildings that were built parallel to the Canadian National Railways tracks. The buildings remain in their original locations, along with many of the original industrial sites nearby. The complex is also located within the Warehouse District Cultural Heritage Landscape, which includes other industrial buildings that were built as Berlin and then Kitchener experienced exponential economic growth and are reflective of that growth. Due to the complex's historical value and presence, it is very recognizable by the community and can be considered a local landmark.

SCHEDULE C

DESCRIPTION OF HERITAGE ATTRIBUTES

51 Breithaupt Street, KITCHENER

Description of the Heritage Attributes

The heritage value of 51 Breithaupt Street resides in the following heritage attributes:

- All elements related to the construction and Industrial Vernacular architectural style of all the original remaining buildings, including:
 - All facades of the three-storey 1908 building at the corner of Breithaupt and Waterloo Streets:
 - Location, massing and orientation of this building;
 - Flat roof;
 - Buff brick construction, including brick buttresses and decorative brick details;
 - Concrete pilasters;
 - Window openings, brick lintels and concrete sills;
 - Appearance and style of the 6/6 double hung windows;
 - Portions of the facades of the 1909 building with the original Industrial Vernacular architectural style construction, which is one-storey in the front and three storeys at the rear:
 - The location, massing and orientation of this building;
 - Appearance and style of the 6-paned windows with concrete sills and headers;
 - Buff brick construction, including brick pilasters; and
 - Flat roof;
 - All facades of the original four-storey 1903 building, excluding the modern addition:
 - The location, massing and orientation of the building;
 - Buff brick construction;
 - Flat roof with parapet which has brick detailing;
 - Appearance and style of the 6/6 double hung windows with concrete headers;
 - Brick pilasters
 - Recessed brick tower with brick buttresses and single 6/6 double hung windows on each storey
 - All facades of the four-storey 1918 building, excluding the modern addition:
 - The location, massing and orientation of the building;
 - Central tower with decorative brick moulding;
 - Brick buttresses;
 - Appearance and style of the 6/6 double hung windows with concrete headers and sills.
 - Decorative brick mouldings above the fourth-storey concrete headers;
 - Flat roof.
 - Rooflines of all the buildings.
 - All other elements related to the Industrial Vernacular architectural style of these buildings.
- All elements related to the contextual value of the buildings, including:
 - Original location on Breithaupt Street and its contribution to the landscape of Breithaupt Street.

SCHEDULE D

LEGAL DESCRIPTION

51 Breithaupt Street, KITCHENER

LOTS 209-212, PT LT 208 PL 376, PT LT 33 STREETS & LANES, BEING PT 6 ON 58R-17207; TOGETHER WITH AN EASEMENT OVER PT LTS 207-208 PL 376 BEING PTS 4 & 5 ON 58R-17207 AS IN WR663134; TOGETHER WITH AN EASEMENT OVER PART LOT 135 PLAN 376 BEING PART 4 58R20731 AS IN WR1240676; TOGETHER WITH AN EASEMENT OVER PART LOT 35 PLAN 317 KITCHENER AS IN 1367254; SECONDLY; LOT 36 PLAN 317, PART LOTS 27-29, 33-35, 37 PLAN 317, PART LOT 27 STREETS & LANES, PART LOT 1 SUBDIVISION OF LOT 16 GERMAN COMPANY TRACT KITCHENER AS IN 988955 EXCEPT PART 5, 58R11403 AS IN WR1240673; CITY OF KITCHENER

Being all of PIN 22318-0370 (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-LAWS

TAKE NOTICE that the Council of the Corporation of the City of Kitchener passed the following by-laws designating the 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 2025-002 107 Courtland Avenue East
- By-law 2025-003 44-54 Queen Street South
- By-law 2025-004 51 Breithaupt Street
- By-law 2025-006 112 Margaret Avenue
- By-law 2025-007 148 Margaret Avenue

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 February 23, 2025. 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 24th day of January, 2025.

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