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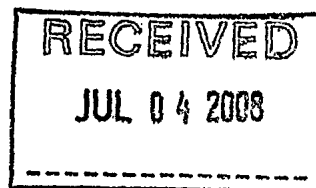


**Colin Goodeve**  
Committee Administrator  
Corporate Services Department  
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Office of the City Clerk

July 2, 2008

Ontario Heritage Trust  
c/o Catherine Axford  
10 Adelaide Street East, Suite 302  
Toronto ON M5C 1J3



Dear Ms. Axford:

Re: Designating By-law - 70 King Street East (former TD Bank)

This is to advise that the Council of the Corporation of the City of Kitchener, at its regular meeting held on Monday, June 9, 2008, passed By-law 2008-98, pursuant to Part IV of the Ontario Heritage Act, designating the property municipally known as 70 King Street East. A copy of the designating by-law is attached for your information, along with a copy of the Notice of Passing.

Yours truly,

Colin Goodeve, M. A.  
Committee Administrator

cc: J. Sheryer

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**

**TAKE NOTICE** that the Council of the Corporation of the City of Kitchener passed By-law No. 2008-98 designating the property municipally known as 70 King Street East as being of cultural heritage value or interest under the Ontario Heritage Act, R.S.O. 1990, Chapter O.18, as amended.

Dated at Kitchener the 4<sup>th</sup> day of July, 2008

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

Two Column display ad,  
July 4, 2008

The Record Insert: Section A (Front); or,  
Section B (Local); or,  
Section D (Life).

BY-LAW NUMBER

2008-98

of THE CORPORATION

OF THE CITY OF KITCHENER

(Being a by-law to designate the property municipally known as 70 King St. E. 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. O.18., authorizes the Council of a Municipality to enact by-laws to designate real property, including all buildings and structures thereon, 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 pertaining to this by-law, arising from Heritage Kitchener's meeting held on March 4, 2008;

AND WHEREAS the Council of The Corporation of the City of Kitchener resolved at its Council Meeting held the 7th day of April, 2008 to publish a Notice of Intention to designate the land described as 70 King Street East (the former Toronto Dominion Bank), and which resolution was confirmed by By-law No. 2008-69 passed by the Council of The Corporation of the City of Kitchener at its Council Meeting held the 7th day of April, 2008;

AND WHEREAS the Council of The Corporation of the City of Kitchener has caused to be served on the owner of the land and premises known municipally as 70 King Street East in the City of Kitchener, and upon the Ontario Heritage Trust, a Notice of Intention to designate as being of cultural heritage value or interest that part of the aforesaid real property more particularly hereinafter described attached hereto as Schedule "A", and has caused such Notice of Intention to be published in a newspaper having general circulation in the municipality;

AND WHEREAS no Notice of Objection to the proposed designation has been served upon the Clerk of the Municipality;

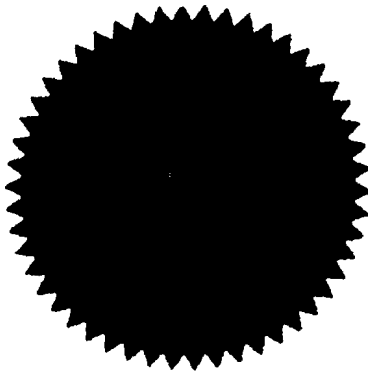
NOW THEREFORE the Council of The Corporation of the City of Kitchener enacts as follows:

1. There is designated as being of cultural heritage value or interest the following key exterior attributes of real property known municipally as 70 King Street East which embody the heritage value of the former Toronto Dominion Bank building as one of the best examples of modern movement architecture in Kitchener:

- irregular building plan including inflections on both the South (King Street) and East (Frederick Street) elevations;
- marble faced base at grade;
- marble faced window sills;
- terrazzo steps and landing of the west entrance on the South (King Street) elevation;
- all window openings and windows including steel sash and panels;
- tapered green enamelled steel ailerons (fins) on the South (King Street) and East (Frederick Street) elevations;
- light toned limestone faced walls in straight geometric pattern;
- all door openings including angled openings on the South (King Street) elevation; and
- cornice, parapet wall, roof and tapered roofline.

2. A statement of the Property's cultural heritage value or interest is attached hereto as Schedule "B".
3. 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 "C" attached hereto in the proper land registry office.
4. The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Foundation and to cause notice of the passing of this by-law to be published in a newspaper having general circulation in the municipality.

PASSED at the Council Chambers in the city of Kitchener this 9<sup>th</sup> day of June, 2008.



Carl J. Zile  
MAYOR

[Signature]  
CLERK

## SCHEDULE "B"

### **70 King Street East, former Toronto Dominion Bank Statement of Cultural Heritage Value or Interest**

The property municipally addressed as 70 King Street East was built in 1959 as a Toronto Dominion Bank, by the bank's in-house architect Bruce Etherington. It occupies a very prominent location within Downtown Kitchener and has been identified as one of the best examples of modern movement architecture in Waterloo Region. The building is of such exceptional significance, that it was specifically highlighted as a particularly excellent example of High Modernism in the Kitchener-Waterloo Art Gallery Catalogue publication Images of Progress 1946-1996 Modern Architecture in Waterloo Region; as being a unique and spirited work from the post-War period that should be a priority for preservation. In addition, the building was recommended as a priority for preservation by the jurors of the Kitchener City Hall competition in 1990.

Part of the architectural significance of the building relates to how it expresses both *Solidity* and *Motion*. *Solidity*, through its extensive use of limestone and unique inflection of the facades and roofline, suggesting that the building was almost carved out of a solid block of stone; and *Motion*, through a series of uninterrupted tapering metal ailerons (or metal fins) which wrap around both the Frederick and King Street elevations. Of interest is how the king and Frederick Street elevations inflect toward their midpoints, and how the cornice line on the same elevations repeat the pattern of movement by rising at the street corner. The long series of narrow steel sash windows interrupted by steel panels and running almost two storeys high, are shielded by tapering metal ailerons. The fins are reminiscent of the tail light fins of vehicles from the same era, and exude a unique sense of rhythm and motion in their repetition and banner-like form. Yet the large expanse of limestone facing the building and its marble base provides for a sense of solidity that is traditionally expected of financial institutions. The straight and squared pattern of the limestone wall provides a canvas that contrasts with the angles seen in the building plan, roofline, door openings and window fin detail. The result and effect is a building that appears to be carved out of stone, in metamorphosis; and is reflective of the dawn of the modernist spirit in architectural expression in the City of Kitchener.

**SCHEDULE "C"**

**70 King Street East,  
former Toronto Dominion Bank  
Legal Description**

Part of Lot 1 of B. Eby's Survey, North of King Street and West of Frederick Street, Plan 364, City of Kitchener, Regional Municipality of Waterloo, designated as Part 3 on Reference Plan 58R-6977.

Being all of PIN 22316-0081 (LT).