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**Colin Goodeve**  
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*Office of the City Clerk*

May 19, 2010

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



Dear Ms. Axford:

Re: Notice of Passing - 501-545 Morrison Road and 10 Sims Estate Place (formerly 787-811 Morrison Road and commonly referred to as the Sims Estate, Chicopee)

This is to advise that the Council of the Corporation of the City of Kitchener, at its regular meeting held on Monday, April 19, 2010, passed the following by-laws:

- By-law 2010-076, being a by-law designating part of the property municipally known as 501-545 Morrison Road as being of historic and cultural heritage value or interest, was registered on title April 30, 2010 at the Land Registry Office as Instrument No WR534497.
- By-law 2010-077, being a by-law designating the property municipally known as 10 Sims Estate Place as being of historic and cultural heritage value or interest, was registered on title April 30, 2010 at the Land Registry Office as Instrument No WR534476.
- By-law 2010-078, being a by-law designating part of the property municipally known as 501-545 Morrison Road as being of historic and cultural heritage value or interest, was registered on title April 30, 2010 at the Land Registry Office as Instrument No WR534488.

Copies of the designating by-laws are attached hereto for your records, along with a copy of the Notice of Passing; which was published in The Waterloo Region Record, a paper of general circulation in the municipality, on Friday, May 21, 2010.

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. 2010-076 and By-law No. 2010-078 designating parts of the properties municipally known as 501-545 Morison Road (formerly known as 787-811 Morrison Road and commonly referred to as the Sims Estate, Chicopee) as being of historic cultural heritage value or interest under the Ontario Heritage Act, R.S.O. 1990, Chapter O.18, as amended; and further,

**TAKE NOTICE** that the Council of the Corporation of the City of Kitchener passed By-law No. 2010-077 designating the property municipally known as 10 Sims Estate Place (formerly known as 787-811 Morrison Road and commonly referred to as the Sims Estate, Chicopee) as being of historic cultural heritage value or interest under the Ontario Heritage Act, R.S.O. 1990, Chapter O.18, as amended.

Dated at Kitchener the 21<sup>st</sup> day of May, 2010

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,  
May 21, 2010

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

BY-LAW NUMBER

2010-077

of THE CORPORATION

OF THE CITY OF KITCHENER

(Being a by-law to designate the property municipally known as 10 Sims Estate Place, (formerly known as 787-811 Morrison Road and commonly referred to as the Sims Estate, Chicopee), 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 May 1, 2007;

AND WHEREAS the Council of The Corporation of the City of Kitchener resolved at its Council Meeting held the 10th day of December, 2007 to publish a Notice of Intention to designate the lands now legally described as Part of Lots 118 and 124, German Company Tract, municipally known as 10 Sims Estate Place (formerly known as 787-811 Morrison Road and commonly referred to as the Sims Estate, Chicopee), and which resolution was confirmed by By-law No. 2007-227 passed by the Council of The Corporation of the City of Kitchener at its Council Meeting held the 10th day of December, 2007;

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 10 Sims Estate Place 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, and has caused such Notice of Intention to be published in a newspaper having general circulation in the municipality with a copy of such advertisement attached hereto as Schedule "A";

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 that part of the aforesaid real property known municipally as 10 Sims Estate Place which includes the following specific features:

**Built Heritage Features**

**Gardener's House & Smoke House**

All exterior elevations of the c. 1850's Gardener's House and Smoke House including:

- Stone walls.
- All windows, window openings, and wood sills.
- All exterior doors and door openings.
- Gable roofs and rooflines.
- Brick chimney.

**Cultural Heritage Landscape Features**

**Natural Cultural Heritage Landscape**

- Upland forest and wooded valley of Chicopee Creek.

A statement of the Property's cultural heritage value or interest is attached hereto as Schedule "B".

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 "C" attached hereto in the proper land registry office.
3. 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 19<sup>th</sup> day of April 2010.



Carl J. Za  
MAYOR

G  
CLERK

## SCHEDULE "A"

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.

**501-545 MORRISON RD, 224-226 SIMS ESTATE DR & 2-10 SIMS ESTATE PL**

**(Formerly known as 787-811 Morrison Rd and  
commonly referred to as the Sims Estate, Chicopee)**

The former Sims Estate features a number of built and natural heritage attributes including cultivated formal gardens and terraces immediately surrounding a private estate residence built in 1929; a natural landscape setting, featuring the steep slopes of the Grand River, woods, ravines, and wetland; a winding private allée leading from former Old Chicopee Road over a private concrete and steel bridge to the estate house; and a circa 1860s Mennonite Georgian stone farmhouse with smoke house. The property is associated with a number of individuals who have made significant and varied contributions locally, provincially and nationally including George Schlee, Harvey J. Sims, and more indirectly Prime Minister William Lyon Mackenzie King. Further, it exhibits excellent examples of mid to late 19<sup>th</sup> century Mennonite Georgian architecture and a 1930s country estate residence in the Tudor style. The former Sims Estate represents the end of an era and a rare survivor locally of the social tradition of wealthy property owners transforming their property into an integrated landscape composition.

The full particulars of the Reasons for Designation are available in the Clerk's Office, 2<sup>nd</sup> Floor, Kitchener City Hall during normal business hours.

Any person may send by Registered Mail or deliver to the Clerk of the City of Kitchener, Notice of his or her objections to the proposed designation, together with a statement of the reasons for the objection and all relevant facts, to be received by the Clerk not later than the 13<sup>th</sup> day of January, 2008. When a Notice of Objection has been received, the Council of the Corporation of the City of Kitchener will refer the matter to the Conservation Review Board.

Dated at Kitchener the 14<sup>th</sup> day of December, 2007.

Randy Gosse  
Director of Legislative Services  
& City Clerk

## SCHEDULE "B"

### 10 Sims Estate Place Statement of Cultural Heritage Value or Interest

Located on the south side of Sims Estate Place, the former Gardener's House features a one-and-one half storey stone farmhouse and accessory smoke house. The structures are located on an acute triangular shaped parcel having 89.205m of frontage. The parcel is legally described as Part of Lot 124 of the German Company Tract and Part 7 of Reference Plan 58R-16189; and is municipally addressed 10 Sims Estate Place.

#### Statement of Cultural Heritage Value or Interest

The cultural heritage significance of the former Gardener's House relates to its historic association firstly with George Schlee and later with Harvey Sims; its architectural style; and the contribution it makes to the cultural heritage landscape.

#### Historic / Associative Value

##### ***George Schlee (1854-1944)***

Karl Schlee lived in the "Gardener's House" and operated a farm on the property with his family from 1854 to 1897. His son, George Schlee was born in 1858 and reportedly renovated the farmhouse and built the existing smokehouse on the property in the 1880s.

George Schlee's contributions to Berlin/Kitchener were varied and numerous. After apprenticing as a Mason for 6 years, George Schlee joined the contracting firm of Jacob Baetz at age 22. Eight years later he bought out Baetz and began a notable and successful career as a builder of houses, churches, factories and other buildings locally. Structures attesting to the skill of George Schlee as a builder include the KW Hospital, the Walper Hotel and the Zion Evangelical Church.

In addition to being considered one of the community's most active builders at the turn of the century, George Schlee is credited with bringing the rubber industry to Berlin. After visiting a rubber manufacturing facility in Akron, Ohio in 1898, George Schlee was convinced bringing the rubber industry to Berlin would be a logical offspring to previously established manufacturing activities such as the leather industry. In 1899, Schlee, Jacob Kaufman, A.L. Breithaupt and Louis Weber established the first rubber company in Berlin, *The Berlin Rubber Company*, and began manufacturing what would become Berlin's leading industry after the turn of the century.

The creation of the Berlin Rubber Company soon led to the establishment of other noteworthy companies including Merchants Rubber, Kaufman Footwear and Dominion Tire. George Schlee stayed with the Berlin Rubber Company until 1906 when he sold

## SCHEDULE "B"

his shares to A. L. Breithaupt. George Schlee then established the Berlin Button Works Company previously located on Duke and Victoria Streets. Berlin Button Works would later become the Kitchener Button Company, the last facility to manufacture buttons in Kitchener.

### *Harvey J. Sims (1871-1945)*

In 1920, Harvey J. Sims purchased the property on which the Gardener's House and smokehouse are located, and transformed 45 acres of land into his private family estate he called "Chicopee".

Harvey "Peter" J. Sims, K.C. was important to the community life of Berlin/Kitchener. He was a graduate of the University of Toronto and completed his law degree at Osgoode Hall. In 1921 he was made King's Counsel and acted as Kitchener's City Solicitor for many years. His professional career was distinguished with his association with the firms Millar and Sims; Sims and Bray; and the Mutual Life Assurance Co. of Canada, for which he served as general counsel. He was known throughout the Dominion as one of the leading authorities on insurance law.

Sims was also known as a keen sportsman. He was a member of the Kitchener rink which represented Canada at the 1932 Winter Olympics; past president of the Ontario Bowling Association and the Ontario Curling Association; and was one of the founders of the KW Granite Club. Sims also took interest in the work of the Rotary Club and was a charter member. He was also a member of the Twin City Lodge; honorary colonel of the Scots Fusiliers; and served as director for a number of companies and boards including the Waterloo Trust and Savings Co., the Economical Fire Insurance Company, and the Blue Top Brewing Company.

Canadian Prime Minister MacKenzie King was a lifelong friend and associate of Sims. Sims served as Mackenzie King's campaign manager in the future Prime Minister's first parliamentary election campaign in Waterloo North in 1908. The two men shared a passion for landscaping their country homes in the British tradition. In fact, as Prime Minister, Mackenzie King was a frequent visitor to "Chicopee" and it is said got ideas for his "Kingsmere" estate in Ottawa from his visits to Chicopee. Harvey J. Sims was inducted into the Waterloo County Hall of Fame in 1992.

### Design / Physical Value

Architecturally, both the farmhouse and smokehouse are built in the traditional Mennonite Georgian style, with uncoursed rubble stone. The farmhouse dates to circa 1850 as it is reported that Karl Schlee lived in the stone cottage with his family from 1854 to 1897. Karl Schlee's son George Schlee (born 1858), reportedly renovated the farmhouse and built the existing stone smokehouse in the 1880s. The farmhouse has been the subject of relatively minor alterations, most notably the construction of two additions; a front vestibule and side lean-to. Both additions have been designed to respect the scale and overall integrity of the farmhouse. Once typical outbuildings in the



## SCHEDULE "B"

19<sup>th</sup> century, the stone farmhouse and the smokehouse in particular, are today uncommon survivors. The smokehouse is in near original condition.

### Contextual Value

The farmhouse and smokehouse serve as physical reminders of the early settlement of the land by Mennonite pioneering families and of the former rural nature and use of the property. The property has significant frontage onto an access road off of Sims Estate Place, having a modified rural profile including gravel road surface, narrow carriageway and no curb and gutter or sidewalk. The road formerly known as Old Chicopee Drive was originally opened in 1822. The farmhouse is located in very close proximity to the road.

The rural setting of the Gardener's House and smokehouse was fully respected in the landscape design of the estate of Harvey Sims. The grounds of the Sims Estate were designed in the 1930s by the leading Ontario firm of Carl Borgstrom and H.M.S. Carver. Borgstrom was known for his approach of integrating the natural environment with formally designed landscapes. Natural heritage attributes including the wooded valley of Chicopee creek were retained around the farmhouse and smokehouse, conserving the rural and contextual value of the property.

## SCHEDULE "C"

Part Lots 124, German Company Tract in the City of Kitchener, Regional Municipality of Waterloo, being Part 7 on Reference Plan 58R-16189.

Being all of PIN 22713-4632 (LT).