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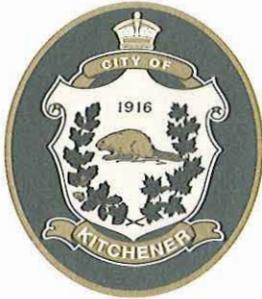


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**Colin Goodeve**  
Committee Administrator  
Corporate Services Department  
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Office of the City Clerk

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 Morrison 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

2010-078

of THE CORPORATION

OF THE CITY OF KITCHENER

(Being a by-law to designate part of the property municipally known as 501-545 Morrison Road (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 6 of Lot 124, German Company Tract, municipally known as 501-545 Morrison Road, (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 501-545 Morrison Road, (formerly known as 787-811 Morrison Road and commonly referred to as the Sims Estate, Chicopee), 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 501-545 Morrison Road, which includes the following specific features:

**Built Heritage Features**

**Former Sims Estate Residence**

All exterior elevations of the 1929 Sims Estate House including:

- Yellow brick walls.
- All windows, window openings, stone sills, brick voussoirs and keystones.
- All exterior doors and door openings.
- Roof, rooflines, and dormers.
- Brick chimneys.
- Belfry on the garage roof.

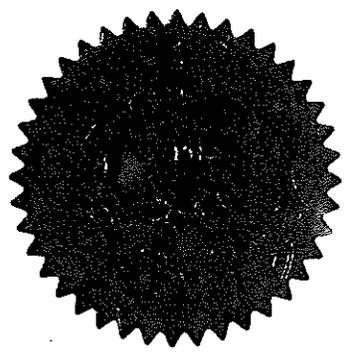
**Formal Cultural Heritage Landscape Features:**

- The rose garden structure with dry-laid stone sunken fence, stone steps and bird bath.
- The concrete balustrade and brick wall with built in fountain separating the terrace from the former alpine garden and its pergola.
- The entrance steps which lead to the former cut flower garden.
- The allee and circular drive (including its alignment).
- The spatial order of the terraces and gardens around the Sims Estate residence.

A statement of the Property's cultural heritage value or interest is attached hereto as Schedule "B". The location of the built and cultural heritage landscape features is shown as items 1 through 6 on the map attached as Schedule "C".

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" 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. Zehr  
MAYOR

[Signature]  
CLERK

SCHEDULE "A"  
501-545 Morrison Road  
Sims Estate Residence

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"  
501-545 Morrison Road  
Sims Estate Residence

**Statement of Cultural Heritage Value or Interest**

The Riverglen Estates vacant land condominium development (formerly the Sims Estate, Chicopee), is located on the east side of Morrison Road just south of Sims Estate Drive. The property is legally described as Part of Lot 124 of the German Company Tract, and is municipally addressed 501-545 Morrison Road. The vacant land condominium development plan for the property (30CDM-03204), features the former private residence of Harvey J. Sims, located on Part 6 of Reference Plan 58R-16395.

**Statement of Cultural Heritage Value or Interest.**

The cultural heritage significance of the former Sims Estate Residence relates to its historic association with Harvey J. Sims, the architecture firm of Forsey Page & Steele, and the landscape architecture firm of Carl Borgstrom and H.M.S. Carver; the physical design and style of the house and the built landscape design features; and, the contribution the house and landscape design features make to the cultural heritage landscape.

Historic / Associative Value

*Harvey J. Sims (1871-1945)*

In 1920, Harvey J. Sims purchased the property on which the former Sims Estate House is 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

SCHEDULE "B"  
501-545 Morrison Road  
Sims Estate Residence

his visits to Chicopee. Harvey J. Sims was inducted into the Waterloo County Hall of Fame in 1992.

*Forsey Page & Steele (Architects)*

The Sims Estate House was designed by the architectural firm of Forsey Page & Steele in 1929. The firm was established in 1926 and flourished in the 1930s as designers of substantial private residences, particularly in the Forest Hills area of Toronto, many of which were published in contemporary periodicals. Today, their designated Garden Court Apartments on Bayview Avenue in Toronto, among others, is considered to be a highly significant component of that City's architectural heritage. The firm continues to practice today under the name of PagePlusSteele, Inc. Architects.

*Carl Borgstrom and H.M.S. Carver (Landscape Architects)*

In the early 1930s, Harvey J. Sims who established his private estate named "Chicopee" on land on which the former Sims Estate House is located; commissioned the firm of Carl Borgstrom and H.M.S. Carver to prepare a landscape plan for his estate.

Carl Borgstrom, who was trained in Europe, established himself as a leading landscape architect in Ontario with winning the Northwest Entrance competition in Hamilton. As part of this commission, Borgstrom designed the Rock Garden in 1928, the first component of the Royal Botanical Gardens in Hamilton, Canada's largest botanical garden.

In 1934, both Borgstrom and Humphrey Carver were founders of the Canadian Society of Landscape Architects and Town Planners. Borgstrom's designs were influenced from his European experience with formal and informal landscapes and his following the lead of noted North American landscape architect Frederick Law Olmstead, which is evident in his understanding and appreciation of Chicopee's natural scenic setting. His plan for Chicopee was featured in the August 1933 publication of *Canadian Homes and Gardens*. Borgstrom's influence on landscape architecture in Ontario is considered significant and he is rated among the most outstanding landscape designers of the early twentieth century in Ontario.

Design / Physical Value

The property on which the former Sims Estate Residence is located features two elements that are considered to be of particular design or physical value. The primary element is the former estate house which provides an architectural focal point for the entire property, while at the same time fitting harmoniously into the overall landscape design. The house is of a Tudor style, which was fashionable in the 1920s and early 30s. It is constructed of yellow brick with stone keystones and sills; and features an animated, asymmetrical compilation of projecting and retreating steeply gabled roofed sections, tall chimneys, multiple dormers and bay windows. The success of its design lies in part with its pleasing scale, lively composition and compatibility with the site.

The second element relates to features consistent with the original design and physical elements identified in the 1933 Borgstrom and Carver landscape plan for the property. This include the

SCHEDULE "B"  
501-545 Morrison Road  
Sims Estate Residence

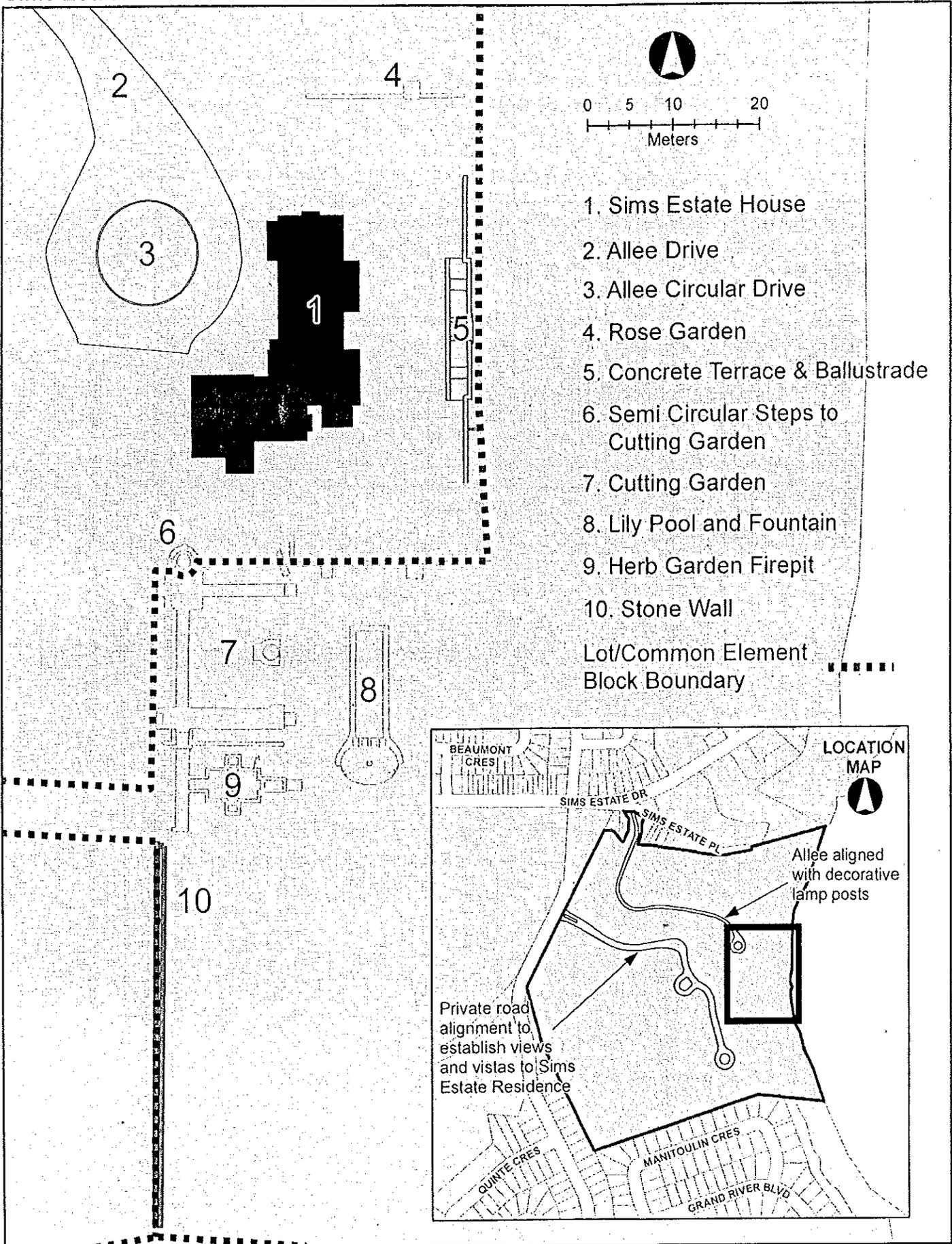
alignment and termination of the original entrance drive or allée which winds its way through the property and which ends in a circular drive in front of the estate residence, complete with a central fountain. The property also features garden structures laid out in a spatial order around the estate house, including a rose garden structure with dry-laid stone sunken fence, stone steps and bird bath north of the house; a concrete balustrade and brick wall with built-in fountain, separating the terrace from an alpine rock garden east of the house; and a series of semi circular steps south of the estate house and which lead toward a lower cutting garden.

Contextual Value

The property on which the former Sims Estate House is located features characteristics that contribute to defining the area as a cultural heritage landscape. Several features continue to illustrate the landscape ethic and visual impact of the 1933 Borgstrom and Carver plan including most notably, the integration of the estate house within a designed and natural landscape setting; the location and orientation of the house on an elevated terrace which results in establishing enhanced vistas and views to and from the house; the spatial order of the garden structures around the former estate house; and the alignment of the private allée terminating in a circular drive, all of which contribute to understanding and interpreting the significance of the property as a professionally designed former private residential estate.

# SCHEDULE 'C' - 501-545 Morrison Rd

## Sims Estate House and Garden Structures



SCHEDULE "D"

**Legal Description**

Part Lot 124, German Company Tract in the City of Kitchener, Regional Municipality of Waterloo, being Part 6 on Reference Plan 58R-16395.

Being part of PIN 22713-4633 (LT).