



**City of Kingston**  
**Report to Kingston Heritage Properties Committee**  
**Report Number HP-25-007**

---

**To:** Chair and Members of the Kingston Heritage Properties Committee

**From:** Jennifer Campbell, Commissioner, Community Services

**Resource Staff:** Kevin Gibbs, Director, Heritage Services

**Date of Meeting:** March 19, 2025

**Subject:** Notice of Intention to Designate under the *Ontario Heritage Act*

**Address:** 560 King Street West

**File Number:** R01-017-2017

---

**Council Strategic Plan Alignment:**

Theme: Corporate business

Goal: See above

**Executive Summary:**

Section 29 of the *Ontario Heritage Act* 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. Council shall, before giving notice of its intention to designate a property, consult with its municipal heritage committee.

This report provides background information regarding the evaluation of 560 King Street West, better known as the former Kingston Penitentiary, to determine its cultural heritage value and interest. Kingston Penitentiary helped to define penal law in Canada and is a well-known landmark in the City of Kingston. Through its physical, associative and contextual values, the property exceeds the threshold established by the Province of Ontario for Designation under Part IV of the *Ontario Heritage Act*. The owner of the property, Correctional Service Canada (Government of Canada), has been provided with the draft designation by-law.

March 19, 2025

Page 2 of 7

The Notice of Intention to Designate and draft designation by-law have been prepared in accordance with recent amendments to the *Ontario Heritage Act*. Accordingly, staff recommend proceeding with serving the Notice of Intention to Designate on the subject property to ensure its ongoing conservation and to enable the City to provide support, resources and guidance to the owner (and future owners), to enable the continued adaptive reuse of this facility.

**Recommendation:**

**That** Kingston Heritage Properties Committee recommends to Council:

**That** Council direct staff to serve a Notice of Intention to Designate the property located at 560 King Street West, known as Kingston Penitentiary, as a property of cultural heritage value or interest pursuant to Section 29 of the *Ontario Heritage Act*, attached as Exhibit A to Report Number HP-25-007; and

**That** should no Notice of Objection be received by the Clerk of The Corporation of the City of Kingston within thirty (30) days of the publication of the Notice of Intention to Designate, the Designation By-Law for 560 King Street West, known as Kingston Penitentiary, attached as Exhibit B to Report Number HP-25-007, be presented to Council for all three readings, and that staff be directed to carry out the requirements as prescribed under Section 29(8) of the Act.

March 19, 2025

Page 3 of 7

**Authorizing Signatures:**

ORIGINAL SIGNED BY COMMISSIONER

**Jennifer Campbell,**  
**Commissioner, Community**  
**Services**

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief**  
**Administrative Officer**

**Consultation with the following Members of the Corporate Management Team:**

Paige Agnew, Commissioner, Growth & Development Services	Not required
Neil Carbone, Commissioner, Corporate & Emergency Services	Not required
David Fell, President & CEO, Utilities Kingston	Not required
Ian Semple, Acting Commissioner, Transportation & Infrastructure Services	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required

March 19, 2025

Page 4 of 7

**Options/Discussion:**

This report provides background information regarding the reasons for designating Kingston Penitentiary, 560 King Street West, in order to conserve its cultural heritage value and interest. This report recommends serving a Notice of Intention to Designate (Exhibit A) under Section 29 of the *Ontario Heritage Act*.

Section 29 of the *Ontario Heritage Act* 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. Council shall, before giving notice of its intention to designate a property, consult with its Municipal Heritage Committee when the Council of a municipality has appointed a Municipal Heritage Committee (Kingston Heritage Properties Committee).

All submission materials are available online through the Development and Services Hub (DASH) at the following link, [DASH](#), using "Look-up a Specific Address". If there are multiple addresses, search one address at a time. Submission materials may also be found by searching the file number.

**Background**

Kingston Penitentiary, or KP as it is known locally, has stood as an austere landmark for over 190 years. Construction of the facility began in the 1830s and it was fully operational by August 1834, initially containing 144 cells. The first six men were admitted to KP on June 1, 1835, with the first women (three in all) arriving in September. Kingston Penitentiary's historic importance is heightened by the fact that it was the only penitentiary in Canada until 1867, serving both Lower Canada (later Canada East) and Upper Canada (later Canada West). Until 1900, KP housed at least half of Canada's federal prison population. KP remained the largest and most significant penal facility in Canada until the 1930s. In terms of its social and historical significance, Kingston Penitentiary remains unparalleled in the country.

KP was inscribed as a National Historic Site of Canada in 1990 and was added to the City of Kingston Heritage Register as a non-designated property of cultural heritage value (listed property) in 2008.

KP closed its doors and relocated its population in 2013. Since then, the facility has been used for tours, concerts and events, as well as a location for television and movie filming.

Andrew Hill, Heritage Consultant, was retained in 2014 to prepare a draft designation by-law for the KP property. In consultation with heritage planning staff and the Heritage Properties Working Group, a draft by-law and a report titled "Kingston Penitentiary: Its Origin, Development and Historical Significance" were prepared.

In 2016-2017 a partnership was formed between the City of Kingston, the Canada Lands Company, Correctional Service Canada and the Federal Department of Fisheries and Oceans (DFO) to complete a comprehensive visioning exercise for the former Kingston Penitentiary property, the Portsmouth Olympic Harbour property and the harbour property owned by DFO.

March 19, 2025

Page 5 of 7

The Planning Partnership, together with Taylor Hazell Architects and Andre Scheinman, were retained as the consultants for the visioning exercise. Multiple public engagement activities were held with over 2,000 public submissions received. The resulting visioning recommendation was for a high-level concept/development framework that identified potential future land uses on all three properties. Council endorsed the recommended vision and gave the following direction (among others):

**That** Council direct staff to evaluate the tools available to ensure the identification and preservation of significant cultural resources (i.e. municipal heritage register/designation by-law) for the Portsmouth Olympic Harbour property and the former Kingston Penitentiary property which are based on, reflective and supportive of the recommended vision and heritage assessment prepared by Taylor Hazell Architects and Andre Scheinman.

Following the direction from Council, Andre Scheinman, Heritage Preservation Consultant, was retained in 2017 to review and refine the draft designation by-law, which was once again reviewed by staff and the Working Group.

The draft designation by-law was again revised following the 2022 changes to the *Ontario Heritage Act* through Bill 23. This transformative amendment changed the requirements and format of a designation by-law, thereby requiring staff to edit the draft by-law to ensure conformity to the current legislative requirements. The Heritage Properties Working Group reviewed the final version of the draft by-law, which is included as Exhibit B '560 King St. W - Final Draft By-Law'.

## Process

Following consultation with its heritage committee, Council can choose to serve a notice of its intention to designate a property under Section 29 of the *Ontario Heritage Act* on the property owner(s) and the Ontario Heritage Trust and publish a notice in the newspaper. Within 30 days of the publication of the notice in the newspaper, anyone can object by providing a notice of objection to the City Clerk.

Any notice of objection received by the Clerk's office is then sent to City Council for consideration. Council has 90 days to decide if it wishes to withdraw its Notice of Intention to Designate/Amend or not. Its decision is required to be served on the owner(s) and be published in the newspaper in the form of either a Notice of Passing (after giving final reading to the by-law) or a Notice of Withdrawal.

Regardless of whether an objection is received or not, the public is afforded a second opportunity to appeal the designation to the Ontario Land Tribunal within 30 days of the publication of the Notice of Passing. The Tribunal will review the appeal, hold a hearing and render a binding decision on the fate and content of the designation.

March 19, 2025

Page 6 of 7

## Analysis

KP was the first purpose-built penitentiary in Canada and, at the time of its construction, embodied the most enlightened concepts for the reformation of incarcerated individuals. The events, persons and themes associated with the facility and its presence on King Street West have not only shaped the City of Kingston and the Portsmouth area but have defined penal law and practices in Canada. KP is a major institutional complex of largely 19<sup>th</sup> and early 20<sup>th</sup> century buildings designed in the neoclassical style by renowned local architects (William Coverdale, Edward Horsey and James Adams) and constructed of local limestone, largely by the people incarcerated there. Taken together, the structures, landscape, spatial arrangement and rich layers of meaning associated with KP comprise a cultural heritage landscape that has local, provincial and national significance.

As required by the *Ontario Heritage Act*, the property was evaluated against the 'Criteria for Determining Cultural Heritage Value or Interest' in Ontario Regulation 9/06, which requires the property to meet at least two (2) of the nine (9) criteria to be considered for designation under the Act. The Kingston Penitentiary property is considered one of the most culturally significant in the City, with heritage value both locally and nationally. Its cultural heritage value far exceeds all the Regulation's evaluation criteria and, accordingly, meets the requirements for designation under the Act.

The by-law was prepared by staff, with the assistance of various heritage consulting professionals. The Heritage Properties Working Group has reviewed the draft by-law and supports the designation of the subject property as one of cultural heritage value and interest. The full statement of significance, including lists of attributes, is included in the draft designation by-law attached as Exhibit B. Photographs of the property are included in Exhibit C.

## Notification

A copy of the draft designation by-law was provided to the owner of the property, Correctional Service Canada (Government of Canada), by email on February 21, 2025. While property owners are not required to support a designation for it to move forward, feedback received from the owner will be considered and added to the draft by-law as appropriate.

## Conclusion

Staff recommend proceeding with serving the Notice of Intention to Designate 560 King Street West. Exhibit A presents the Notice of Intention to Designate, prepared in accordance with the requirements of the *Ontario Heritage Act*, for both publication in The Whig Standard newspaper and a more detailed notice to be published on the City's website.

It is recommended that the Notice be served by the Clerk as required by Sections 29(3) and (4) of the Act. Should no notice of objection be received by the Clerk within the thirty (30) day timeframe, staff recommends that Council approve the draft designation by-law, attached as Exhibit B, and serve a Notice of Passing in accordance with Section 29(8) of the Act.

March 19, 2025

Page 7 of 7

**Existing Policy/By-Law:**

*More Homes Built Faster Act, 2022* (Province of Ontario)

*More Homes, More Choice Act, 2019* (Province of Ontario)

*Ontario Heritage Act, R.S.O. 1990, C.O. 18* (Province of Ontario)

Ontario Regulation 9/06 – Criteria for Determining Cultural Heritage Value or Interest (Ontario)

Ontario Regulation 385/21 – General Regulations (Ontario)

City of Kingston Official Plan

**Notice Provisions:**

Notice of Intention to Designate, Notice of Passing and Notice of Withdrawal must be served on the property owner(s) and the Ontario Heritage Trust and be published in a newspaper, having general circulation in the municipality, pursuant to Section 29 of the *Ontario Heritage Act*.

**Accessibility Considerations:**

None

**Financial Considerations:**

None

**Contacts:**

Kevin Gibbs, Director, Heritage Services, 613-546-4291 extension 1354

Joel Konrad, Manager, Heritage Planning, Heritage Services, 613-546-4291 extension 3256

Ryan Leary, Senior Planner, Heritage Services, 613-546-4291 extension 3233

**Other City of Kingston Staff Consulted:**

None

**Exhibits Attached:**

Exhibit A Notice of Intention to Designate

Exhibit B Draft Designation By-Law – 560 King Street West

Exhibit C Property Photographs

-- Website Version--

**Notice of Intention to pass a By-law to Designate  
The following property 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 the Council of The Corporation of the City of Kingston intends to pass a by-law under Section 29 of the *Ontario Heritage Act*, R.S.O. 1990, Chapter 0.18, to designate the following lands to be of cultural heritage value and interest:

**560 King Street West** (Block 183-184 and 192, Plan 54, Except Part 1 on Reference Plan 13R-14792; Together with Easement over Part Block 182, Plan 54, Being Part 12 on Reference Plan 13R-18756 as in FC46925, City of Kingston, County of Frontenac), known as Kingston Penitentiary;

The property includes 8.5 hectares of land on the south side of King Street West at the terminus of Sir John A Macdonald Boulevard and is adjacent to Portsmouth Olympic Harbour (formerly Hatter's Bay) within the Portsmouth Village neighbourhood of the City of Kingston.

Kingston Penitentiary (KP) was the first purpose-built penitentiary in Canada and, at the time of its construction, embodied the most enlightened concepts for the reformation of incarcerated individuals. It is a major institutional complex of largely 19<sup>th</sup> and early 20<sup>th</sup> century buildings designed in the neoclassical style and constructed of local limestone. Taken together, the structures, landscape, spatial arrangement and rich layers of meaning associated with KP comprise a cultural heritage landscape that has local, provincial and national significance.

Kingston Penitentiary (KP) has design value for its high degree of technical achievement, artistic merit and craftsmanship related to its prototypical configuration, layout and spatial organization, in addition to its rich collection of well-crafted 19<sup>th</sup> century neoclassical structures.

The 19<sup>th</sup> century site plan prioritized symmetry, to support 'an ordered universe', with a primary north-south axis from the entrance portico/North Lodge carried through the centre of the Main Cell Block and the South Workshop's Greek-cross design. This symmetry was also expressed in the location/orientation of the Dining Hall/Chapel and Hospital buildings, west and east of the Main Cell Block, and the similar locating of the East and West Workshops relative to the main South Workshop.

The property's fine craftsmanship is exhibited in its use of materials and construction methods. The property is a rare and early example of a closed-loop sustainability model of construction. The property displays a very high level of workmanship and elements of technical achievement, particularly exemplified in the 'flying' staircase executed in cut stone at the South Workshop rotunda, the remarkable groin-vaulted ceiling in sections of the South Workshop, the basement of the Dining Hall and on the main level of the North Lodge. Also of note are the cast iron 'winged' columns



designed by Edward Horsey for the Dining Hall that represents an early technical achievement in the use of exposed structural iron.

The buildings within KP that contribute to the property's overall cultural heritage value and interest include:

- The North Lodge (1841-6) with bell cupola (1895);
- The guard towers, particularly the northeast (c.1840) and northwest (1852) towers, and sections of the prison walls;
- The Main Cellblock building (1834-57), excluding the modern gymnasium (1951), kitchen (1956) and disassociation wing (1948);
- The South Workshop (1846-8);
- The Chapel and Dining Hall (1849-52);
- The Hospital (1847);
- The West Workshop (1858-9 and 1876-82);
- The East Workshop (1855-8) with extant isolation cells (1889);
- The Keeper's Hall (1911); and
- The Women's Prison (1913).

Kingston Penitentiary (KP) possesses historical and associative value because it has direct associations with a number of Themes, Persons and Events and demonstrates the work of various architects that are significant to Kingston, the Province of Ontario and to Canada.

KP was designed to incorporate the most progressive ideas regarding punishment of its day. The very idea of the "penitentiary" – a state-run facility based on principles of reform, rather than simply incarceration – was still relatively new when KP was built. Established in 1835, KP was among the first wave of penitentiaries constructed in North America. The creation of KP was an important step towards a modern, systemic, and rational treatment of legal transgressors. The history and events that occurred at KP provides an understanding of the historic role of corporal punishment and the treatment of youth, women and those experiencing mental illness in the penal system in Canada in the 19<sup>th</sup> and early 20<sup>th</sup> century.

Significant people associated with KP include Hugh Thompson, John Macaulay, Henry Smith, Henry Smith Jr., Philip Pember, Dr. James Sampson, Thomas Kirkpatrick, The Reverend William Herchmer, George Brown and John Creighton, as well as Architects William Coverdale, Edward Horsey and James Adams.

Kingston Penitentiary has direct association with the 1848 Brown Commission report that charged Warden Henry Smith with 119 counts of mismanagement of the facility and the neglect and abuse of incarcerated individuals, leading to substantive changes to the Canadian penal system.

The federal penitentiary system has been a dominant part of Kingston's socio-economic life throughout most of its history. Kingston has served as the premier

focus of the federal penitentiary system in Ontario from its inception. Kingston Penitentiary (KP) has strong contextual value because of its importance in defining, maintaining and supporting the character and growth of Portsmouth Village and the City of Kingston. It is physically and visually linked to its surroundings and is a landmark of national significance.

**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).

Any notice of objection to this notice of intention to designate the property, setting out the reason for objection and all relevant facts, must be served upon the City Clerk within 30 days of the first publication of this notice.

**Dated** at the City of Kingston

Janet Jaynes, City Clerk

This XXX day of April, 2025

City of Kingston

--- Newspaper Version---

**Notice of Intention to a Pass By-Law to Designate  
The following property 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 the Council of The Corporation of the City of Kingston intends to pass a by-law under Section 29 of the *Ontario Heritage Act*, R.S.O. 1990, Chapter 0.18, to designate the following lands to be of cultural heritage value and interest:

**560 King Street West** (Block 183-184 and 192, Plan 54, Except Part 1 on Reference Plan 13R-14792; Together with Easement over Part Block 182, Plan 54, Being Part 12 on Reference Plan 13R-18756 as in FC46925, City of Kingston, County of Frontenac), known as Kingston Penitentiary;

**Additional information**, including a full description of the reasons for designation is available on the City of Kingston website at [www.cityofkingston.ca/heritage](http://www.cityofkingston.ca/heritage) and 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.

Any notice of objection to this notice of intention to designate the property, setting out the reason for objection and all relevant facts, must be served upon the City Clerk within 30 days of the first publication of this notice.

**Dated** at the City of Kingston

Janet Jaynes, City Clerk

This XXX day of April, 2025

City of Kingston

**City of Kingston By-Law Number 2025-XX**

**A By-Law to Designate Kingston Penitentiary at 560 King Street West to be of Cultural Heritage Value and Interest Pursuant to the *Ontario Heritage Act***

**Passed:** [insert date]

**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;

On March 19, 2025, Council of the City of Kingston ("*Council*") consulted with its municipal heritage committee regarding the designation of the property at 560 King Street West (the "*property*") in accordance with subsection 29(2) of the *Ontario Heritage Act*;

On XXXX, *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 XXX, 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. This by-law does not apply to the property affected, or to any adjacent lands, so long as the affected property or adjacent lands are held by His Majesty the King in right of Canada (the "Federal Crown"). This by-law shall apply to any portion of the affected property or adjacent lands which cease to be owned by the Federal Crown, and shall be in full effect in relation to any other purpose including Section

City of Kingston By-Law Number 2025-XX

4.6 of the Provincial Planning Statement (2024), or any superseding policy statement;

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

**Given All Three Readings and Passed XXX, 2025**

---

**Janet Jaynes**  
**City Clerk**

---

**Bryan Paterson**  
**Mayor**

**Schedule “A”**  
**Description and Criteria for Designation**  
**Kingston Penitentiary**

Civic Address: 560 King Street West  
Legal Description: Block 183-184 and 192, Plan 54, Except Part 1 on Reference Plan 13R-14792; Together with Easement over Part Block 182, Plan 54, Being Part 12 on Reference Plan 13R-18756 as in FC46925, City of Kingston, County of Frontenac  
Property Roll Number: 1011 070 080 07400

**Description of Property**

The Kingston Penitentiary (KP) property (560 King Street West) includes 8.5 hectares (21 acres) of land on the south side of King Street West at the terminus of Sir John A Macdonald Boulevard and is adjacent to Portsmouth Olympic Harbour (formerly Hatter’s Bay) within the Portsmouth Village neighbourhood of the City of Kingston.

KP was the first purpose-built penitentiary in Canada and, at the time of its construction, embodied the most enlightened concepts for the reformation of incarcerated individuals. It is a major institutional complex of largely 19th and early 20th century buildings designed in the neoclassical style and constructed of local limestone. Taken together, the structures, landscape, spatial arrangement and rich layers of meaning associated with KP comprise a cultural heritage landscape that has local, provincial and national significance.

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

The cultural significance of KP derives from its physical/design values, its historic /associative values and its contextual values. These values, and the manner in which they are embodied in the various heritage attributes, are discussed below.

*Physical and Design Values*

Kingston Penitentiary (KP) has design value for its high degree of technical achievement, artistic merit and craftsmanship related to its prototypical configuration, layout and spatial organization, in addition to its rich collection of well-crafted neoclassical structures. As the first purpose-built reformatory prison in British North America, it was designed to support and improve upon the Auburn system of reformation developed at Auburn Prison in New York State (see Historical and Associative Value below).

KP has design value for its still legible 19th century neoclassical site plan and its remarkable collection of mid 19th century neoclassical structures that display a high degree of craftsmanship and artistic merit. The neoclassical style was the premiere architectural mode c.1830 and, with its emphasis on symmetry/harmony, proportion and austere elegance, was seen as the ideal form for a ‘reform’ based penal institution. The

City of Kingston By-Law Number 2025-XX

19th century site plan prioritized symmetry, to support ‘an ordered universe’, with a primary north-south axis from the entrance portico/North Lodge carried through the centre of the Main Cell Block and the South Workshop’s Greek-cross design. This symmetry was also expressed in the location/orientation of the Dining Hall/Chapel and Hospital buildings, west and east of the Main Cell Block, and the similar locating of the East and West Workshops relative to the main South Workshop.

The main buildings and guard towers generally express the austere nature of the institution with its uniform fenestration pattern and minimal decoration throughout. The pilastered door treatments, pedimented gable fronts, quoined corners, projecting string courses and moulded stone cornices, add interest to the ashlar wall planes. The effect is mitigated by the use of round arched windows and door openings with voussoirs and keystones, pilasters with Doric capitals and large decorative buttresses. The fact that these structures have remained largely intact, some since the mid-1800s, testifies to the quality of their original design and craftsmanship.

The property’s fine craftsmanship is exhibited in its use of materials and construction methods. The property is a rare and early example of a closed-loop sustainability model of construction; the native limestone was quarried in close proximity to the site by incarcerated people who, having been taught masonry skills within KP, largely constructed the fine collection of limestone buildings and structures which survive to this day.

The property displays a very high level of workmanship and elements of technical achievement, particularly exemplified in the ‘flying’ staircase executed in cut stone at the South Workshop rotunda, the remarkable groin-vaulted ceiling in sections of the South Workshop, the basement of the Dining Hall and on the main level of the North Lodge, as well as the exceptional exterior detailing described herein. While limestone is certainly the ‘iconic’ material of the institution, the heavy timber frame floor and roof structures as well as the extensive use of wrought and cast iron (and other metals) are also notable, particularly the cast iron ‘winged’ columns designed by Edward Horsey for the Dining Hall that represents an early technical achievement in the use of exposed structural iron. Other notable features of high artistic value include the iron and wood staircase in the West Workshop and the marble staircase in the Women’s Prison.

As noted above, many of the buildings within KP exhibit high design/physical value that contribute to the property’s overall cultural heritage value and interest. These buildings and structures include:

- The North Lodge (1841-6) with bell cupola (1895);
- The guard towers, particularly the northeast (c.1840) and northwest (1852) towers, and sections of the prison walls;
- The Main Cellblock building (1834-57), excluding the modern gymnasium (1951), kitchen (1956) and disassociation wing (1948);
- The South Workshop (1846-8);
- The Chapel and Dining Hall (1849-52);
- The Hospital (1847);

- The West Workshop (1858-9 and 1876-82);
- The East Workshop (1855-8) with extant isolation cells (1889);
- The Keeper's Hall (1911);
- The Women's Prison (1913).

The North Lodge exemplifies a unique example of the Triumphal Arch architectural expression. A Triumphal Arch typically celebrates a society's victory over an external enemy. In this case, the arch is an appropriate symbol for the triumph of society over legal transgression. The façade of the North Lodge features a large, central, round-headed entranceway, flanked by two smaller ones. The building echoes this triumphal arch theme through its openings, pediments, columns, roundels, and classical orders. The North Lodge's large "triumphal arch" main entranceway stood as a deliberately intimidating dividing line where the convicted individual officially leaves society and enters a self-contained compound.

KP is also an early example of prison architecture based on 18<sup>th</sup> and 19<sup>th</sup> century arguments for penal reform that emphasized surveillance and control. The Greek-cross plan with a central hub was built in the Main Cell Block to have a clear view of all tiers of its four arms. It provided a view of all the galleries and walkways through which incarcerated people travelled. This configuration was intended to allow for maximum control over conduct and conditions, and to enable a high degree of surveillance and monitoring. The five primary guard towers also represent an approach to surveillance and control that dominated penitentiary architecture for over 150 years. Each tower is constructed according to a circular, bastion-style plan, with vertical slit window openings facing the inner compound and its outer perimeter in order to facilitate surveillance and security.

### *Historical and Associative Value*

When Kingston Penitentiary (KP) opened it became the first and only penitentiary to serve the colonies of Upper and Lower Canada. The facility was operational by August 1834, with 144 cells. The first six men were admitted to KP on June 1, 1835. The first women, three in all, arrived in early September the same year. Kingston Penitentiary's historic importance is heightened by the fact that it remained the only penitentiary in Canada until 1867, serving both Lower Canada (later Canada East) and Upper Canada (later Canada West). Until 1900 KP housed at least half of Canada's federal prison population. KP remained the largest and most influential penal facility in Canada until the 1930s. In terms of its social and historical significance, Kingston Penitentiary remains unparalleled.

Kingston Penitentiary possesses historical and associative value because it has direct associations with a number of Themes, Persons and Events and demonstrates the work of various architects that are significant to Kingston, the Province of Ontario and to Canada.

### Evolution of the Penal System



City of Kingston By-Law Number 2025-XX

The creation of Kingston Penitentiary (KP) was a societal reflection of changes in Upper Canadian ideas and attitudes regarding the role of incarceration as both punishment and reform. In terms of its physical layout, as well as its policies and procedures, KP was designed to incorporate the most progressive ideas regarding punishment of its day. The very idea of the penitentiary – a state-run facility based on principles of reform – was still relatively new when KP was built. Its first systemic formulation was offered by 18<sup>th</sup> century English prison reformer, John Howard. The first penitentiaries opened in 1817: Millbank in Britain, and then Auburn in New York State. Thus, KP, established in 1835, was among the first wave of penitentiaries (reform prisons).

The distinguishing characteristic of Howard’s vision of a penitentiary, as opposed to the traditional prison, was its emphasis on reform. Prior to the creation of penitentiaries, little thought was given to achieving this goal. The Auburn system of penitentiary discipline, and its architectural requirements, were focused on two practical measures: the single-cell model and the rule of silence. The single cell model isolated each person for all periods except for labour, meals, and educational or religious services. The single cell, together with the strictly enforced rule of silence, became the fundamental unit of reform, since it was thought that extended periods of isolation would turn the transgressor towards the nature of his/her crimes and, ultimately, to penitence (“penitentiary”). The creation of KP was an important step towards a modern, systemic, and rational treatment of legal transgressors.

At the centre of John Howard’s vision of the penitentiary, and a cornerstone to the Auburn system, was the emphasis on hard labour. It was a widely accepted belief that a strict regiment of labour would curb the undisciplined mind and train one to become a respectable, productive member of society upon release. The sheer size of the South Workshop building, plus the need to build two additional workshops (the East and West Workshops) is an indication of the importance placed on the labour of people incarcerated at KP.

The industrial operations at KP have historical value as an influential and significant activity in the Kingston area and beyond. Despite the concerns raised by local trades and business owners, even before KP was operational, KP’s incarcerated labour force was influential in the creation of many local goods. They produced boots, shoes, agricultural instruments as well as wooden furniture, before being forced to turn their attention to government contracts such as mail bags, ironworks, and uniforms for the armed forces and Mounties, as well as furniture for the military college.

One of the largest contributions that incarcerated labour made to the Kingston area came from its masonry works. Readily accessible limestone on and near the property was quarried, fashioned, and laid for all of KP’s 19<sup>th</sup> and early 20<sup>th</sup> century buildings, except for the South Wing of the Main Cell Block. Incarcerated people also constructed many structures associated with the Penitentiary outside of the compound. These included the Rockwood Asylum (1859-70), the 1871 Warden’s residence (now Canada’s Penitentiary Museum), and the 1911 former deputy warden’s residence at 525 King Street West. A stone dwelling was expanded to serve as the penitentiary farm manager’s house in 1886 and in 1895 a stone water tower was built to serve the penal facility. The Prison for

Women, started in 1925 and completed in the early 1930s, was also built using the labour of incarcerated people, and stone quarried by them was used for the erection of buildings throughout the Kingston area including, the Church of the Good Thief (1891-1895); the Customs House (1858); and the Royal Military College's Mackenzie Building (1876-78).

### Role of Corporal Punishment within the Penal System

Kingston Penitentiary has direct associative value with the evolution of corporal punishment in the Canadian penal system. The most common form of punishment was flogging either with the "cats" or a rawhide strap, however "the box" and the "water bath" were also introduced and used for many years at KP. Other forms of sanctioned punishment included the use of the "strapping bench" and the "shot drill", and by 1913 also included "tubbing" and "hosing". While most prisons in the United States and Europe abandoned the use of corporal punishment by 1938, limits were not placed on corporal punishment in Canada until the 1950s, and it wasn't completely abolished at KP until 1972.

### Treatment of Youth, Women and those Experiencing Mental Illness

KP has historical value as it yields information that contributes to an understanding of the treatment of youth, women and those experiencing mental illness in the early days of the Canadian penal system.

From the beginning, children and youths were admitted to the penitentiary, some as young as 12. They were incarcerated with the general prison population and subjected to the same rules and forms of punishment as adults. Not until 1857 was legislation provided to give the option of sending youths to reformatories or training schools, rather than the penitentiary.

The general attitude toward women in the early years of KP was decidedly negative. Frequently cited in association with prostitution, they were in many ways considered "fallen women", morally more depraved than their male counterparts. This prevailing attitude contributed, in part, to instances of the sexual exploitation of incarcerated women. The fact that women were frequently moved from one location to the next, underlines the fact that they were treated as a secondary concern as far as the business of the penitentiary was concerned. The 1851 Penitentiary Act stated that women should be kept "totally distinct and secluded" from the male population; however, it was not until 1913 that they were moved to the Women's Prison building, a completely separate building located in the northwest corner of the penitentiary yard.

By 1855, individuals experiencing acute mental illness, including those not convicted of crimes, were being sent to KP from gaols and asylums from across the province. Like women and youths, these individuals were moved between various locations in the penitentiary. Attempts were made to isolate them from the mainstream population; not for their own sakes, but because they frequently created disturbances which upset the guards, keepers, warden and other incarcerated people. The 'rule of silence' was impossible to enforce with respect to some individuals, and guards were often not

equipped with the skills to deal with those experiencing mental illness. They were moved from the Main Cell Block to the Dining Hall and finally to the West Workshop, which was converted to the Regional Treatment Centre in 1958 and continued operation until the Penitentiary closed in 2013. Excessive corporal punishment was sometimes recognized as a cause, or at least an agitator, of behaviour.

### Persons of Significance

The subject property and KP facility have direct association with several persons of significance to the community and the nation. In addition, the buildings at KP demonstrate the works of various architects, designers and builders on purpose-built penitentiary buildings.

#### Political Figures & Wardens:

**Hugh Thompson** (1791-1834) in 1826 first proposed to establish a penitentiary in Upper Canada and chaired the committee to obtain plans for KP. Thompson would have been appointed as the penitentiary's first Warden but died in April of 1834. Thompson was a prominent local businessman and assisted in the creation of a banking association in Kingston known as the "Pretended Bank at Kingston." In 1819 Thompson became proprietor and editor of the *Upper Canada Herald*, a rival newspaper to the *Kingston Chronicle*. In 1824 he ran as a moderate reformer for the County of Frontenac and served as a member of the Legislative Assembly for the next ten years.

**John Macaulay** (1792-1857) was appointed to the commission to obtain plans and cost estimates for a new penitentiary. Macaulay was a member of one of the most prominent Loyalist families in Upper Canada. Macaulay followed his father in becoming one of Kingston's prominent general merchants and business owners. In 1818, he purchased the *Kingston Gazette*, renaming it the *Kingston Chronicle*. Macaulay was central to organizing a petition that, in 1821, helped to oust the controversial politician Barnabas Bidwell. Macaulay was appointed to a number of esteemed positions including, president of inland navigation (1821), agent for the Bank of Upper Canada (1822), legislative councillor (1835), surveyor general and customs arbiter (1836), and inspector general (1838).

**Henry Smith** was appointed as commissioner with Hugh Thompson and John Macaulay, to select a site and supervise construction of the facility. He would gain notoriety as the penitentiary's first warden (after the death of Thompson) and being branded by the 1848 Brown Commission as the principal cause behind the institution's inefficiency, cruelty, and corruption. Smith was a Kingston businessman, and a local magistrate.

**Henry Smith Jr.** (1812-1868) was called to the bar in 1834 and from 1841 to 1861 he served as a member for Frontenac in the Legislative Assembly. He and his father (Warden Smith) framed what would become the Penitentiary Act of 1846. The Act increased the warden's salary from £300 to £500, while reducing those of the chaplain, assistant warden, and the architect. The board of inspectors, led by Thomas Kirkpatrick at the time,

was never consulted on the issue and resigned in disgust. William Coverdale, whose £200 salary was cut in half, left the penitentiary on September 1, 1846.

**Philip Pember** was a Loyalist who had been a corporal during the American Revolution and later a constable for Kingston Township. For £1000, Pember's estate sold his 100 acres of land that would become the location of Kingston Penitentiary. Pember's land contained an abundance of limestone for quarrying and was situated on Hatter's Bay (now Portsmouth Olympic Harbour), which enabled easy shipping in and out of the prison. This location also allowed easy access by the First Concession Road (now King Street West).

**Dr. James Sampson** (1789-1861) With the exception of a single year (June 1848 to June 1849), Sampson worked as Kingston Penitentiary's physician from the time of its opening in 1835, until his death in 1861, where he advocated for adequate facilities to care for incarcerated people. He was appointed assistant surgeon for the 85<sup>th</sup> Foot Regiment in 1811 and, at the start of the War of 1812, was sent to Canada as a surgeon for the Royal Newfoundland Fencible Infantry. He attended the wounded during the Second Battle of Sacket's Harbour in 1813. In 1820 he moved to Kingston and became its district magistrate in 1821. He was appointed to the Medical Board of Upper Canada in 1822. Sampson was elected mayor of the Town of Kingston in 1839, 1840 and 1844. While serving as a commissioner for the newly-erected Kingston General Hospital, Sampson arranged for the building, which was sitting vacant due to a lack of funds, to be used as a temporary parliament building for the Province of Canada, established in 1841. Kingston served as the provincial capital until 1844, during which time Sampson was the consulting physician to three Governors General: Lord Sydenham, Charles Bagot, and Charles Metcalfe. When the general hospital opened in 1845, Sampson became its chief surgeon. In 1854 he chaired a committee that organized the Queen's University Faculty of Medicine. He was president of the faculty from 1854 until 1861, while also serving as professor of clinical and medical surgery. In 1857 he became the first elected member of the hospital's board of governors. Sampson's reputation was that of a tireless humanitarian. He advocated for relief for the poor and treated hundreds of patients without remuneration.

**Thomas Kirkpatrick** (1805-1870) was the first chairman of the board of inspectors for Kingston Penitentiary in 1839. Born in Dublin Ireland, he studied law under Christopher Hagerman and was called to the bar in 1828. He held a number of prominent positions in Kingston including customs collector (1828-1845), president of the Kingston Permanent Building Society, solicitor and director of the Bank of Upper Canada (1837-1866). He was named Queen's Counsel in 1846 and in 1838 Kirkpatrick was elected as the first mayor of the Town of Kingston. He would return as mayor of the City of Kingston in 1847.

**The Reverend William Herchmer** (1811–1862) was the penitentiary's first Chaplain. The Herchmers were a prominent Kingston family. He was educated at Oxford University and received Holy Orders in 1835. He became chaplain to both the British garrison at Kingston, and the incarcerated individuals of KP. Herchmer organized and taught a school for children of low-income families and, in 1845, was appointed assistant priest of St. George's Anglican Church.

**George Brown** (1818-1880) was appointed as secretary of the government-appointed commission to look into the management of KP. Brown became the spokesperson for what became known as the Brown Commission. In 1843 he started *The Globe* newspaper. In 1850 he established the Anti-Slavery Society of Canada and was elected to the Legislative Assembly of the Province of Canada the following year. Brown briefly led the government in 1858, under the combined Brown-Dorian administration. He would become renowned in 1867 as a Father of Confederation and in 1873 he was appointed as a senator.

**John Creighton** (1817-1885) was appointed as Warden at KP in 1871. Creighton worked to improve the physical conditions for incarcerated people, believing this essential to the reform effort. He doubled exercise periods, ate in the prison dining hall, paid personal visits to incarcerated people, and improved amenities such as bedding, shoes, ventilation, lighting and heating. He is frequently cited as a humane, compassionate, and enlightened leader of the penitentiary. Creighton was a Kingston alderman from 1859 to 1862 and served as mayor from 1863 to 1865.

#### Architects:

During the early years of KP, several prominent architects had a role in the prison's growth, many of whom contributed their talents to buildings elsewhere in Kingston. Notable contributions included those from:

**William Coverdale** (1801-1865) became KP's master builder and architect in 1835 and stayed at the penitentiary until 1846. He designed and supervised the construction of the Main Cell Block's north, east and west wings and the South Workshop. His work set the design standard for much of the prison's architecture even after he terminated his employment with the penitentiary.

**Edward Horsey** (1809-1869) was hired to replace Coverdale in 1846 and remained the penitentiary's architect until his death in 1869. Horsey supervised the construction of the Hospital Building, Dining Hall and the East and West Workshop buildings.

**James Adams** (1833-1906) was hired in 1863 as a construction foreman for construction of federal parliament buildings. In 1869 he began as the penitentiary's chief trades instructor/architect: a position he held until 1899. Adams redesigned the West and East Workshops and oversaw interior renovations to the Main Cell Block which led to a change in the building's fenestration to tall, three-storey windows. In 1895 he added the frame bell tower to the North Lodge.

#### People Incarcerated at KP:

Kingston Penitentiary (KP) has been home to many incarcerated people from Ontario, and across Canada, who were convicted of the most serious offences. These people have gained significance as figures that have become the focus of widespread media and public attention and thus part of Canadian history.

#### Events of Significance

Kingston Penitentiary (KP) has direct association with several significant historic events that are noteworthy for the City of Kingston, the Province of Ontario and Canada.

The Brown Commission of 1848:

In response to mounting public concern, the government appointed a commission to look into the Penitentiary's management and operations. George Brown was appointed as secretary and became the spokesperson for the body, which became known as the Brown Commission. The Commission charged Warden Smith on three general accounts: neglect and mismanagement; the abuse of incarcerated people; and the failure to reform them. Dozens of former incarcerated people, employees, and officials were called to testify. In short, Smith was charged with being the cause of nearly every fault that beset the fledgling institution. In the end he was convicted on 103 of 119 counts.

As a result of the Brown Commission, the 1851 Penitentiary Act was amended to dissolve the voluntary board of inspectors and replace it with two paid inspectors appointed by the Governor General. It permitted only individuals sentenced to a term of not less than two years be admitted to KP, it limited the admission of visitors to the penitentiary and required that women and men be separated.

The Brown Commission highlighted numerous problems with the province's early penitentiary system and brought to the fore many themes that would emerge in the history of the Canadian penal system. It was the first of many commissions, all based on the investigation of KP, that would determine the course of Canada's penal history.

Prison Riots:

The Auburn system continued to inform the opinions of decision makers, even after the Brown Commission. Corporal punishment was not fully and officially abandoned until 1972 and, at least until the mid-century, it was commonly used and sometimes severe. An embarrassing rate of recidivism persisted, which contradicted the penitentiary's goal of reform. In part this phenomenon continued because the mandatory 'rule of silence' remained in effect until the 1930s and an adequate system of classifying incarcerated people had yet to be developed. The riots of 1932, 1954, and 1971 were outcomes of this failure to improve the system of reform. By far the largest and longest riot in KP history was the 1971 Riot, which garnered national media attention and resulted in the death of two incarcerated individuals. As a result of these events, lasting changes to the penal reform system, such as the abolishment of the rule of silence and corporal punishment, were instituted.

### *Contextual Values*

The federal penitentiary system has been a dominant part of Kingston's socio-economic life throughout most of its history. Kingston has served as the premier focus of the federal penitentiary system in Ontario from its inception. Kingston Penitentiary (KP) has strong contextual value because of its importance in defining, maintaining and supporting the

City of Kingston By-Law Number 2025-XX

character and growth of Portsmouth Village and the City of Kingston. It is physically and visually linked to its surroundings and is a landmark of national significance.

KP was erected two kilometers outside of the former city limits, on the east bank of a small Lake Ontario inlet known as Hatter's Bay. The village that developed around the facility became known as Portsmouth, and until Confederation in 1867, KP was known as the "Provincial Penitentiary at Portsmouth." As guards were required to live within earshot of the penitentiary bell, KP contributed greatly to the growth of the village.

The North Lodge and guard towers are the only penitentiary structures that have elevations that are fully visible to the public. As such, they are intimately linked to their immediate surroundings. Functionally, the North Lodge served as the principal point of contact for members of the public for almost 140 years. The bold, symmetrical massing and limestone construction of the North Lodge, together with the guard towers and wall, make a strong statement about the nature of the institution, which dominates the entire eastern side of Portsmouth Olympic Harbour.

The North Lodge supports the character of Portsmouth's architectural environment, which includes many stone and brick 19<sup>th</sup> century buildings. KP also sets the context and contributes to the nearby former penitentiary buildings that were historically and functionally linked to the penitentiary, such as the water tower, and former farmhouse, the Prison for Women and the former Warden and Deputy Warden's residences, forming a campus and cultural heritage landscape of former penal structures.

Together with the flanking guard towers and wall, its' prominent location has made the North Lodge a widely recognized, iconic landmark structure in the Portsmouth area, the City of Kingston and the Country.

### **Heritage Attributes**

Key elements that contribute to the property's cultural heritage value include the following features:

#### Cultural Heritage Landscape:

- Overall balanced arrangement of the site with the North Lodge facing King Street West to the north and Lake Ontario defining the south lot line, coupled with the central Greek Cross footprints of the Main Cell Block and South Workshop buildings, flanked by various other limestone buildings, forming an ordered institution;
- Its historic and visual link with the former Warden's (555 King Street West) and Deputy Warden's (525 King Street West) Houses and the Prison for Women (40 Sir John A. Macdonald Boulevard) building; and
- The visibility and legibility of many of its heritage attributes, including from King Street West, Sir John A. Macdonald Boulevard, and Lake Ontario.

Building Exteriors:

- Massing, profile, configuration and fenestration of the Neoclassical style buildings and structures and their detailing (including pilasters, keystones, string courses, voussoirs, moldings, projecting pavilions, porticos, pediments, friezes, parapets, columns, capitals, quoins, date stones, cornices, brackets, and entablatures) and the consistent use of limestone (dressed, ashlar, rusticated and/or roughly faced) and metal bars, grills and hardware, and various exterior features and finishes of following buildings:
  - North Lodge
  - Guard Towers and Perimeter Walls
  - Main Cell Block
  - Hospital Building
  - Chapel/Dining Hall
  - Keeper's Hall
  - South Workshop
  - East Workshop
  - West Workshop
  - Women's Prison
  
- North Lodge: its triumphal arch motif with projecting three-bay portico supported by Tuscan columns and pilasters over three round-headed doorways and topped by a wooden bell cupola. The heavy wooden doors and central metal entrance enclosure with roof on the rear elevation.
  
- Guard Towers and Perimeter Walls: including the towers' original circular stone bases, circular roofs and openings with wooden doors, and the perimeter walls that established the character of the historic walled complex and a sense of enclosure of the penitentiary.
  
- Main Cell Block: its Greek cross footprint joined by a central dome and rotunda; its ornate ventilation stacks, decorative keystones, Tuscan pilasters and large entablatures.
  
- Keeper's Hall: including the wooden cupola with Doric wood pilasters, metal dome-shaped roof and louvered arched openings.
  
- South Workshop: its Greek cross footprint joined by a central rotunda, including the original southern nine bays of the North Wing, combined with the South Wing's northern 11 bays, as well as the 10 and 11 bays of the West and East wings respectively. Its four stone buttresses on the south wall of the West Wing and its angled walls of the building's inner corners with arched entranceways; and the 1922 Boiler Room extension with tall arched window openings on its three elevations.
  
- Women's Prison: Complete with its main entrance framed by Doric pilasters and unadorned entablature and segmentally arched transom window, and the wooden cupola with corner pilasters, arched opening, protruding entablature and domed roof, centred along a hipped roof with a stone chimney.



Building Interiors:

- North Lodge: select surviving features such as: stone walls; archways; keystones; circular windows; and half-round windows; vaulted ceilings; wooden doors throughout; and metal door hardware, window grates and latticework.
- Dining Hall: the rare hexagonal iron columns with capitals and scalloped struts; and the vaulted red brick ceilings in the basement.
- South Workshop: the vaulted stone corridors leading into the rotunda from entranceways; the flying stone staircase in two tiers ascending to the second floor gallery; the half-round headed doorways of various widths in groupings of three, deeply recessed, with voussoirs with rounded edges on the second floors; large arched doorways on the first floor leading to each wing; the interior limestone walls; tiered projection of second-floor wall with oculi; blind fanlights under oversized arches; workshops with the vaulted brick ceiling with supporting stone columns on the ground floor; as well as the remaining original north façade of the North Wing with banded stone piers and segmentally arched openings with projecting stone moldings and keystones.
- East Workshop: select cells from 1889 (the oldest on the property) with vaulted brick ceilings and keystones over iron cell doors.
- West Workshop: the decorative iron and wooden staircase and the glass block floor in the central foyer.
- Women's Prison: its marble staircase with decorative metal and wood railing, as well as wainscotting with fielded wood panels.

560 King Street West  
Kingston Penitentiary



560 King Street West  
Kingston Penitentiary  
Main Cell Block





560 King Street West  
Kingston Penitentiary  
North Lodge and Towers

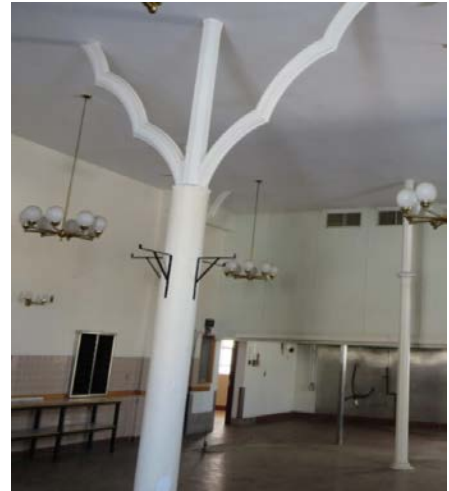


# 560 King Street West Kingston Penitentiary Workshops





560 King Street West  
Kingston Penitentiary  
Dining Hall/Chapel and Hospital



560 King Street West  
Kingston Penitentiary  
Women's Prison and Keeper's Hall

