



**City of Kingston
Report to Council
Report Number 25-038**

To: Mayor and Members of Council
From: Jennifer Campbell, Commissioner, Community Services
Resource Staff: Kevin Gibbs, Director, Heritage Services
Date of Meeting: January 14, 2025
Subject: Notice of Objection to Proposed Heritage Designations
Address: 27, 29 & 31 Rideau Street and 3556 Boundary Road
File Numbers: R01-052-2024, R01-053-2024, R01-054-2024 & R01-046-2024

Council Strategic Plan Alignment:

Theme: Corporate business

Goal: See above

Executive Summary:

This report is to provide Notices of Objection for Council's consideration, which were received as part of the heritage designation process currently underway for two resources (four properties), namely a portion of a brick rowhouse at 27, 29 and 31 Rideau Street and a sandstone farmhouse at 3566 Boundary Road.

Notices of Intention to Designate the properties were provided to the owners and published in the newspaper on September 17, 2024. The owner of 27, 29 and 31 Rideau Street provided a Notice of Objection on September 24, 2024, while the owner of 3566 Boundary Road provided a Notice of Objection on October 10, 2024. The Notices of Objection are attached as Exhibit A and Exhibit B, respectively. When a Notice of Objection is received by the City, Council has 90 days to decide if it wishes to withdraw its Notice of Intention to Designate or to proceed with the designation process. This timeline will expire on January 15, 2025.

Recent updates to the *Ontario Heritage Act* clarify that, if a property owner has been served a Notice of Intention to Designate and then Council decides to withdraw the Notice of Intention,

January 14, 2025

Page 2 of 11

the municipality shall remove the property from the Municipal Heritage Register and cannot designate the property for a period of five (5) years.

The draft designation by-laws were prepared and provided to the owners in accordance with *Ontario Heritage Act* requirements. In the time since the owners' objections were received, staff have communicated with each property owner. No changes to the draft designation by-laws have been requested.

The subject properties exceed the minimum required criteria for determining cultural heritage value or interest in Ontario. Heritage staff, the Heritage Properties Working Group and the Kingston Heritage Properties Committee support the designation of the subject properties under Section 29 of the *Ontario Heritage Act* and staff recommend giving all three readings to the proposed by-laws and serving a Notice of Passing.

Attached to this report (Exhibit F) is a document, prepared by Heritage staff, to address several common misconceptions related to heritage designations. It is hoped that these responses can help alleviate some of the concerns and misinformation surrounding heritage conservation in Ontario and the designation of properties in Kingston under the *Ontario Heritage Act*.

Recommendation:

That Council acknowledges receipt of the Notice of Objection from Steve Mann dated September 24, 2024, to the proposed designation of the property located at 27 Rideau Street, as a property of cultural heritage value or interest pursuant to Section 29(5) of the *Ontario Heritage Act* and having considered the objections set out in the Notice of Objection pursuant to Section 29(6), has decided not to withdraw the Notice of Intention to Designate the property; and

That Council give all three readings to the Designation By-Law for 27 Rideau Street, attached as Exhibit C to Report Number 25-038, and directs the City Clerk to serve a Notice of Passing as prescribed under Section 29(8) of the Act; and

That Council acknowledges receipt of the Notice of Objection from Steve Mann dated September 24, 2024, to the proposed designation of the property located at 29 Rideau Street, as a property of cultural heritage value or interest pursuant to Section 29(5) of the *Ontario Heritage Act* and having considered the objections set out in the Notice of Objection pursuant to Section 29(6), has decided not to withdraw the Notice of Intention to Designate the property; and

That Council give all three readings to the Designation By-Law for 29 Rideau Street, attached as Exhibit C to Report Number 25-038, and directs the City Clerk to serve a Notice of Passing as prescribed under Section 29(8) of the Act; and

That Council acknowledges receipt of the Notice of Objection from Steve Mann dated September 24, 2024, to the proposed designation of the property located at 31 Rideau Street, as a property of cultural heritage value or interest pursuant to Section 29(5) of the *Ontario Heritage Act* and having considered the objections set out in the Notice of Objection pursuant to Section 29(6), has decided not to withdraw the Notice of Intention to Designate the property; and

January 14, 2025

Page 3 of 11

That Council give all three readings to the Designation By-Law for 31 Rideau Street, attached as Exhibit C to Report Number 25-038, and directs the City Clerk to serve a Notice of Passing as prescribed under Section 29(8) of the Act; and

That Council acknowledges receipt of the Notice of Objection from Bradley Knowles and Richard Knowles dated October 10, 2024, to the proposed designation of the property located at 3566 Boundary Road, as a property of cultural heritage value or interest pursuant to Section 29(5) of the *Ontario Heritage Act* and having considered the objections set out in the Notice of Objection pursuant to Section 29(6), has decided not to withdraw the Notice of Intention to Designate the property; and

That Council give all three readings to the Designation By-Law for 3566 Boundary Road, attached as Exhibit D to Report Number 25-038, and directs the City Clerk to serve a Notice of Passing as prescribed under Section 29(8) of the Act.

January 14, 2025

Page 4 of 11

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 Services	Not required
David Fell, President & CEO, Utilities Kingston	Not required
Brad Joyce, Commissioner, Infrastructure, Transportation & Emergency Services	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required

January 14, 2025

Page 5 of 11

Options/Discussion:

This report provides an update on the heritage designation process currently underway for four (4) separate properties and circulates the Notices of Objection that have been received for each property (two owners).

The properties at 27, 29 and 31 Rideau Street are located on the east side of Rideau Street, south of Ordnance Street and contain a portion of a two-storey red brick row house known as the Rankin-Young Terrace, constructed circa 1876. The properties at 23, 25 and 33 Rideau Street were designated separately under By-Law Number 2024-390. The building is a representative example of late Georgian working-class row housing in the Inner Harbour neighbourhood. The buildings' simple brick design and consistent patterning of windows and doors reflects the functional needs of the tenants and simplistic nature of Georgian architecture. This portion of Rideau Street, between Barrack and Ordnance Streets, has a distinctive character of mid-19th century to early 20th century working-class housing, constructed of stone or brick. Most of the houses are two to two-and-a-half storeys with gabled roofs and tightly spaced (largely semi-detached or row houses), with little setback from the road. The shallow setback of the Rankin-Young Terrace from Rideau Street, its row-house form and architectural style, maintains and supports the 19th century character of this block of Rideau Street.

The property at 3566 Boundary Road is located on the west side of road, on a 48-hectare rural parcel in the former township of Pittsburgh. It includes a one-and-a-half-storey Ontario vernacular sandstone farmhouse constructed circa 1855. The property is a rare example of a mid-19th century sandstone dwelling. Sandstone dwellings are relatively rare in Kingston with only a few examples found in the rural areas of the former township. The building is associated with the Connor family who lived on the property from the late 1840s into the early 20th century and built the dwelling. With its Ontario vernacular style and sandstone construction material (likely quarried locally), the dwelling shares a visual and historical relationship with its surroundings and is an important part of the historical rural context of the area.

Background

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, on September 3, 2024, with respect to Report Number HP-24-036, passed the following motions:

That Council direct staff to serve a Notice of Intention to Designate the property located at 27 Rideau Street, known as the Rankin-Young Terrace, 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-24-036; 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 27 Rideau Street, known as the Rankin-Young Terrace, attached as Exhibit D to Report Number HP-24-036, be presented to Council for

January 14, 2025

Page 6 of 11

all three readings, and that staff be directed to carry out the requirements as prescribed under Section 29(8) of the Act; and

That Council direct staff to serve a Notice of Intention to Designate the property located at 29 Rideau Street, known as the Rankin-Young Terrace, 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-24-036; 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 29 Rideau Street, known as the Rankin-Young Terrace, attached as Exhibit D to Report Number HP-24-036, 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; and

That Council direct staff to serve a Notice of Intention to Designate the property located at 31 Rideau Street, known as the Rankin-Young Terrace, 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-24-036; 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 31 Rideau Street, known as the Rankin-Young Terrace, attached as Exhibit D to Report Number HP-24-036, 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; and

That Council direct staff to serve a Notice of Intention to Designate the property located at 3566 Boundary Road, 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-24-036; 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 3566 Boundary Road, attached as Exhibit G to Report Number HP-24-036, 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;

The 2020 changes to the *Ontario Heritage Act* created a two-tier appeal process for new designations. After a notice of its intention to designate a property has been provided to the owners and published in the newspaper, anyone can object by providing a Notice of Objection to the City Clerk. The objection must be received within 30 days of the publication of the notice in the newspaper.

A Notice of Intention to Designate the properties at 27, 29 and 31 Rideau Street and 3566 Boundary Road was provided to the owners, published in the newspaper and posted on the

January 14, 2025

Page 7 of 11

City's website on September 17, 2024. The Notice of Objection for 27, 29 and 31 Rideau Street was provided to the City on September 24, 2024 (Exhibit A). The Notice of Objection for the 3566 Boundary Road was provided on October 11, 2024 (Exhibit B). Both letters were received within the 30-day objection period.

Staff met with the owner of 27, 29 and 31 Rideau Street on October 29, 2024. The owner had no specific amendment requests for the draft designation by-law.

Staff corresponded with the owners of 3566 Boundary Road on October 22, 2024 and December 2, 2024. No request for changes to the draft designation by-law were provided.

When Notices of Objection are received by the City, Council has 90 days to decide if it wishes to withdraw its Notice of Intention to Designate, following the completion of the 30-day objection period, as per Section 29(6) of the *Ontario Heritage Act*. This timeline will expire on January 15, 2025. Council's decisions regarding the objections are 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.

Recent updates to the *Ontario Heritage Act* clarify that, if a property owner has been served a Notice of Intention to Designate and then Council decides to withdraw the Notice of Intention, the municipality shall remove the property from the Municipal Heritage Register and cannot designate the property for a period of five (5) years.

If Council chooses to publish a Notice of Passing, the public (including the owners) will be afforded a second opportunity to appeal the designation to the Ontario Land Tribunal within 30 days of the publication of the Notice. The Tribunal would then review the appeal, hold a hearing and render a binding decision on the designation.

Since the passing of Bill 23 on November 28, 2022, the City of Kingston has served a Notice of Intention to Designate on 137 properties under Part IV on the *Ontario Heritage Act*. To date, Council has reviewed 13 formal objections to their Notices of Intention to Designate, not including the subject notices. All but one (163 Brock Street) have been advanced to designation, and only one of those has appealed to the Ontario Land Tribunal (888 Montreal Street). On October 1, 2024, Council voted against the serving of a Notice of Intention to Designate on 831 Montreal Street, due to the owners' objection; making it the only address recommended for designation by the Kingston Heritage Properties Committee to be rejected by Council.

Common objections/misconceptions to a designation include such matters as increased insurance costs, limitations on future changes to property, impacts on resale value, increase in costs for maintenance, the integrity/authenticity of the building, and questioning the cultural heritage value of the property. An overview of these concerns and responses from staff are available as 'Exhibit F – Common Concerns'. Concerns specific to the properties at 27, 29 and 31 Rideau Street and 3566 Boundary Road are discussed in the Cultural Heritage Analysis which follows.

January 14, 2025

Page 8 of 11

Cultural Heritage Analysis

The purpose of the first tier of the two-tier objection/appeal process is to provide the municipality with an opportunity to consider the merits of the objections and reconsider their intention to designate the properties, before relinquishing decision making authority on the fate of the designation to the Ontario Land Tribunal, should the matter be appealed under tier two.

Rankin-Young Terrace - 27, 29 and 31 Rideau Street

The properties at 27, 29 and 31 Rideau Street meet two of the nine criteria for determining heritage value, as outlined in Ontario Regulation 9/06. A property needs to meet two or more of the criteria to be Part IV designated in the province. The criteria met for 27, 29 and 31 Rideau Street are: design value as a representative example of late-19th century Georgian-influenced brick row housing; and contextual value as a building that maintains and supports the working-class mid-19th century character of this area of Rideau Street.

The Notice of Objection for the properties at 27, 29 and 31 Rideau Street (Exhibit A) outlines the owner's concerns, primarily regarding what he sees as minimal heritage value of the properties due to a lack of historical and architectural importance, and modifications previously made to the properties.

Staff acknowledge that the late Georgian style of the building is not unique in the City of Kingston and is a typically restrained and utilitarian style. But this is a representative reflection of the historically working-class owners and tenants who lived in these buildings. Heritage designations are not reserved for grand buildings historically owned by the wealthy; all facets of the community contribute to the City's history and identity.

In addition to its design value, the contextual criterion (the building's contribution to the character of the area) is of equal weight to the other Provincial criteria when evaluating a property for designation. This portion of Rideau Street (from Barrack to Ordnance Street) includes a relatively intact collection of historically working-class buildings that warrant conservation. The properties at 15-17 and 6-14 Rideau Street are already designated under Part IV of the *Ontario Heritage Act*, and others have been flagged for future review.

It is important to note that the heritage evaluation of a property is completed as it currently exists, and staff consider unoriginal or modern interventions to original structures. Properties change over time. Rather than interpreting this evolution as a loss of heritage value, it can provide an opportunity to appreciate the changing heritage of a community, business or people. Provincial guidance, located within the 'Ontario Heritage Toolkit', have indicated that this information can contribute to the building's cultural heritage value rather than detract from it. Therefore, a property that has undergone significant change can satisfy Provincial criteria for determining cultural heritage value and remain eligible for heritage designation.

It is important for buildings to continue to evolve and be used. Professional heritage staff are available to work with property owners to develop plans for a building's future. As the demand for intensification and more housing continues in Kingston, it is important to understand and

January 14, 2025

Page 9 of 11

identify and protect built heritage resources to help guide development in a sustainable and responsible manner.

Staff met with the owner of 27, 29 and 31 Rideau Street and discussed their concerns; however, no changes to their objection was made and no edits were requested for the draft designation by-law. The draft designation by-law is attached as Exhibit C. Photographs of the properties are also included as Exhibit E.

3566 Boundary Road

The property at 3566 Boundary Road meets four of the nine criteria for determining heritage value, as outlined in Ontario Regulation 9/06. A property needs to meet at least two criteria to be designated. The criteria met for the property are design value as a rare example of mid-19th century sandstone farmhouse; historical or associative value through its connection to the Connor family (a multi-generational local farming family); contextual value as a building that maintains and supports the historically rural character of this area; and contextual value as it is physically and historically linked to the surrounding area.

Two of the four criteria demonstrating the value of this property relate to its contribution to the character of the area. Its simple vernacular design, integrity, multi-coloured sandstone construction (likely quarried locally), generous setback from the road, and its various agricultural buildings, support and maintain the scenic and historic rural character of the road. The dwelling shares a visual and historical relationship with its surroundings; despite a general lack of sandstone buildings within the City of Kingston, 3566 Boundary Road is located in close proximity to another sandstone building (located at 3748 Sand Hill Road) within the crossroads community of Springfield, suggesting the preference for (and availability of) the vernacular material in the area.

The Notice of Objection from the owners of the 3566 Boundary Road (Exhibit B) includes two primary concerns, being the possible impacts to insurance premiums and the potential inability to sell the property. These are two common concerns provided by property owners. The document attached as Exhibit F provides a response regarding both matters.

As a summary, while insurance companies may increase premiums for older buildings for a variety of reasons such as outdated wiring, old heating systems, etc., there is no reason that insurance premiums should go up because of a heritage designation on its own. There is nothing in the *Ontario Heritage Act* that requires a property owner to replace or replicate a lost heritage building. The Province of Ontario has clearly outlined this, stating that "if a building on a heritage property is completely or partially destroyed, the designation by-law does not require the owner to replicate any lost heritage attributes."

Further, it may be that some purchasers are apprehensive about buying a designated heritage property, particularly those who wish to purchase the property for the land and not the building itself. However, there is evidence that properties designated under the *Ontario Heritage Act* perform well in the housing market. A 2023 study, completed by McMaster University for the

January 14, 2025

Page 10 of 11

City of Hamilton, found that heritage designations are “positively associated with sale prices of residential properties” in that city.

Through various correspondence with the owners, no changes have been requested of the draft designation by-law (Exhibit D). Photographs of the property are also included as Exhibit E.

Summary

Kingston is fortunate to have a wealth of built heritage resources, unique in Ontario, which is a defining characteristic of the City. This collection of historical buildings supports tourism and promotes a desirable urban environment that attracts settlement to the City. Heritage designations ensure this irreplaceable feature of Kingston is preserved for future generations.

The draft by-laws were prepared in accordance with *Ontario Heritage Act* requirements. The subject properties were 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 subject properties exceed the minimum tests of the criteria. Heritage staff, the Heritage Properties Working Group and the Kingston Heritage Properties Committee support the designation of the properties at 27, 29 and 31 Rideau Street and 3566 Boundary Road under Section 29 of the *Ontario Heritage Act*. Staff recommend giving all three readings to the by-laws and serving a Notice of Passing.

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 Passing or 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*.

Financial Considerations:

None

January 14, 2025

Page 11 of 11

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 Objection – 27, 29 & 31 Rideau Street

Exhibit B Notice of Objection – 3566 Boundary Road

Exhibit C Draft Designation By-Law – Rankin-Young Terrace

Exhibit D Draft Designation By-Law – 3566 Boundary Road

Exhibit E Photographs of Properties

Exhibit F Common Concerns with Heritage Designation

Steve Mann, MD, MMed, FRCS(C)
Associate Professor, Orthopaedic Surgery
Queen's University & Kingston Health Sciences Centre
Course Director, MEDS 127 (Musculoskeletal)



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City Clerk's Department
City of Kingston
216 Ontario Street
Kingston, ON K7L 2Z3
nbarrett@cityofkingston.ca

September 24, 2024

Re: Notice to Designate 27, 29, and 31 Rideau Street

To Whom It May Concern:

I have received notice to designate the above-mentioned properties, which I own, under the Ontario Heritage Act, subsequent to the Kingston City Council meeting held on 03 Sep 2024. Unfortunately, due to the time constraints of my occupation, I was unable to attend either this council meeting or the open house meeting on 24 July. Consequently, although I previously sent a letter to Mr. Ryan Leary, I am taking this opportunity to express once again in the strongest possible terms my objection to this designation.

I am fully in favour of the city's efforts to preserve the wonderful architectural heritage we enjoy in Kingston. As the treasurer and president of a non-profit organisation which is housed in a designated downtown heritage building, I am aware of the implications (and, in many cases, benefits) of this designation, and of the importance of ongoing efforts to maintain the many wonderful properties which we have inherited from posterity.

However, I believe that heritage designation should be reserved for buildings which are truly of historical and architectural importance. In the case of these three properties, the heritage attributes described in your letter basically amount to the fact that they are two-storey red brick townhouses with limestone foundations. The described gable roofs are actually not extant, as the roofline of all three properties has been altered in the course of significant renovations undertaken over the last 10 years.

27 Rideau has had an entire third story added, with blue Hardy board construction and a taupe sheet-metal roof, as well as a significant addition in the rear. 29 and 31 have undergone complete renovations into multi-unit dwellings, with the only existing original features being the exterior bricks - as noted, the roofline of both has been changed.

I would submit that whilst these three properties contribute to the character of the neighbourhood, they are neither so architecturally interesting nor preserved so closely to their original appearance and construction that they warrant heritage designation. Again, I am fully in favour of the many efforts that Kingston has made to preserve our wonderful historical buildings. However, despite the fact that there are some advantages to heritage designation, it is incontrovertible that there are also many drawbacks, not the least of which is a significant abrogation of a property-owner's rights. Such infringement should, in my opinion, be used with the utmost caution, and reserved for properties which are of undoubted significance, whether

due to architectural distinctiveness or historical association. These Rideau Street row houses, although charming, have neither of these key attributes.

If the council's concern is that a lack of heritage designation would make it likelier that these properties could eventually be demolished or renovated beyond recognition, I would humbly submit that North of Princess is not Sydenham Ward, and that the character of our neighbourhood is being far more drastically altered by the multiplication of adjacent highrise densification projects than by the hypothetical loss of these heavily-renovated row houses. Furthermore, having struggled almost beyond the point of endurance through the process of significant work on all three of these properties, it is clear that the City does not require heritage designation to make any type of renovation practically impossible should it so desire.

Again, I appreciate and applaud the Council's desire to preserve our city's wonderful architectural heritage, in the appropriate situations. However, I submit that these properties are not of sufficiently significant architectural interest (especially given the noted alterations from their original appearance) nor historical association to justify designation, and I request that the Council reverse their decision.

Sincerely,



Steve Mann

Bradley Knowles & Richard Knowles
3566 Boundary Road
Kingston, ON, K7G 2V3

October 10, 2024

Janet Jaynes
City Clerk
City of Kingston
216 Ontario Street
Kingston, ON K7L 2Z3

Re: Contesting the Heritage Designation of 3566 Boundary Road

Dear City Clerk,

We are writing to formally contest the heritage designation of our property at 3566 Boundary Road (East 1/4 Lot 37, Con 6, Pittsburgh, Lot 38, Con 6, Pittsburgh of 13R6763, Except 13R6785). We believe that this designation imposes significant challenges that merit reconsideration.

We have made considerable renovations that honour the home's heritage features, like repointing the stone and installing a steel shingle roof that resembles the original, because we understand its historical significance.

As farmers, we rely on our property for our livelihood. The heritage designation would likely result in an uninsurable property, or at the very least, increased insurance costs, which would put additional financial strain on our operations. The limitations imposed by such a designation could hinder our ability to adapt and modernize our farm business, ultimately affecting our productivity and sustainability.

Moreover, the designation could complicate any future resale of the property. Prospective buyers may be deterred by the restrictions associated with heritage designation, making it difficult to sell and potentially diminishing its market value. This uncertainty adds an unnecessary burden to our family's investment in the property.

We respectfully urge Council to review the basis for the heritage designation and consider the broader implications it would have on our farming operations and property value. We would appreciate the opportunity to discuss our concerns further and to provide any additional information needed to support our position.

Thank you for your attention to this important matter. We look forward to your response.

Sincerely,

Bradley Knowles



Richard Knowles

City of Kingston By-Law Number 2024-XX

A By-Law to Designate the properties at 27, 29 and 31 Rideau Street 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;

The *property* was listed on the register established pursuant to Section 27 of the *Ontario Heritage Act* in 2010;

On August 21, 2024, Council of the City of Kingston ("*Council*") consulted with its municipal heritage committee regarding the designation of the property municipally known as the Rankin-Young Terrace at 27, 29 and 31 Rideau Streets (the "*property*") in accordance with subsection 29(2) of the *Ontario Heritage Act*;

On September 17, 2024, *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 September 17, 2024, 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

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* and *Council* considered the objection at its meeting of January 15, 2025.

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.

City of Kingston By-Law Number 2024-XX

3. The *City* reserves the right to install a designation recognition plaque on the *property*, in a location and style determined by the *City* in consultation with the owner.
4. 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
Rankin-Young Terrace

Civic Address:	27 Rideau Street
Legal Description:	Part Lots 1 & 2, Plan D30 as in FR152566; Kingston together with an easement over Part of Lot 1 and 7 Plan D-30 Kingston City, Part Gore A Plan D-30 Kingston, Part Lot E as in FR422337 as in FC230634; City of Kingston, County of Frontenac
Property Roll Number:	1011 030 100 10200
Civic Address:	29 Rideau Street
Legal Description:	Part Lot 1-3 Plan D30 Kingston City; Part Gore A Plan D30 Kingston City as in FR317107; City of Kingston, County of Frontenac
Property Roll Number:	1011 030 100 10100
Civic Address:	31 Rideau Street
Legal Description:	Part Lot 2-3, 9 Plan D30 Kingston City; Part Gore A Plan D30 Kingston City as in FR316958 S/T Interest in FR316958; City of Kingston, County of Frontenac
Property Roll Number:	1011 030 100 10000

Introduction and Description of Property

The Rankin-Young Terrace, at 27, 29 and 31 Rideau Streets, is located on the east side of Rideau Street, south of Ordnance Street, in the Inner Harbour neighbourhood of the City of Kingston. The terrace, which spans six (6) separate properties, consists of six attached two-storey red brick residential buildings fronting Rideau Street. The terrace includes five units of a similar design, constructed circa 1876. The most northerly unit was likely constructed later towards the end of the 19th century. The properties located at 23, 25 and 33 Rideau Street are not included in this By-Law. The Rankin and Young families each owned approximately half of the land this terrace was constructed upon from 1862 until the first sale in 1947.

Statement of Cultural Heritage Value/Statement of Significance

The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.

The Rankin-Young Terrace is a good example of well-designed late Georgian row housing in the Inner Harbour neighbourhood, in the City of Kingston. The property's proximity to historic industry along the Cataraqui River made it a logical location for this form of working-class rental housing (e.g., carpenters, milkers, bakers, wood dealers are listed in the 1889-1890 City Directory). Although constructed in the Victorian era, the overall composition, and placement of the windows, continues to follow the Georgian tradition. The use of slightly projecting two-storey entrance bays provides depth and articulation to the otherwise long and undecorated façade. The windows with segmental arches and stone sills are large, well-proportioned and regularly placed. The red brick walls are in running/stretcher bond and rest upon a limestone foundation with ashlar base course on the façade. The rear wall is uncoursed limestone masonry with brick window surrounds. 29 and 33 Rideau Street have wooden soffits and fascia, which may be original.

Despite the removal of all original chimneys and the addition of several large dormers and third-floor additions, the row house form and design of the Rankin-Young Terrace continue to be legible.

The property has contextual value because it is important in defining, maintaining or supporting the character of an area.

This portion of Rideau Street, between Barrack and Ordnance Streets, has a distinctive character of mid-19th century to early 20th century working-class housing constructed of stone or brick. Most of the houses are two to two-and-a-half storeys with gabled roofs and tightly spaced (largely semi-detached or row houses), with little setback from the road. The shallow setback of the Rankin-Young Terrace from Rideau Street, its row-house form and architectural style, maintain and support the 19th century character of this block of Rideau Street.

Heritage Attributes

Key exterior elements that contribute to 27-31 Rideau Street's cultural heritage value include its:

- Two-storey massing with gable roof;
- Red brick masonry walls in running/stretcher bond;
- Two-storey projecting entrance bays with original entrance openings with transom lights;
- Original window openings with segmental brick arches and stone sills on the façade and south elevation; and
- Limestone foundation with ashlar base course on the façade.

City of Kingston By-Law Number 2024-XX

A By-Law to Designate the property at 3566 Boundary Road 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;

The *property* was listed on the register established pursuant to Section 27 of the *Ontario Heritage Act* in 2010;

On August 21, 2024, Council of the City of Kingston ("*Council*") consulted with its municipal heritage committee regarding the designation of the property municipally known as the Spence House at 3566 Boundary Road (the "*property*") in accordance with subsection 29(2) of the *Ontario Heritage Act*;

On September 17, 2024, *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 September 17, 2024, 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

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* and *Council* considered the objection at its meeting of January 15, 2025.

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.

City of Kingston By-Law Number 2024-XX

3. The *City* reserves the right to install a designation recognition plaque on the *property*, in a location and style determined by the *City* in consultation with the owner.
4. 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**

Civic Address: 3566 Boundary Road
Legal Description: East 1/4 Lot 37 Con 6 Pittsburgh, Lot 38 Con 6 Pittsburgh of
13R6763 Except 13R6785; City of Kingston, County of
Frontenac
Property Roll Number: 1011 090 010 08400

Introduction and Description of Property

The subject property, at 3566 Boundary Road, is situated on the south side of Sand Hill Road, west of Boundary Road, in the former Pittsburgh Township, now part of the City of Kingston. This approximately 48-hectare rural property contains a one-and-a-half storey Ontario vernacular sandstone farmhouse constructed circa 1855 for the Connor family. A large rear addition, with attached garage, was added in 2016 to replace a 1960s addition. Various outbuildings are also present on the property, dating from the 20th and 21st centuries.

Statement of Cultural Heritage Value/Statement of Significance

The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.

The property includes a rare example of a mid-19th century, sandstone farmhouse, constructed from material likely quarried locally. Sandstone as a construction material, is relatively rare in Kingston, with only a few examples found in the rural areas of the former Pittsburgh Township.

The subject dwelling’s simple vernacular architecture is expressed through its restrained profile, lack of ornamentation, side-gable roof with central gable, and cut coursed sandstone construction with symmetrical front façade. The only embellishment is the arched window opening in the gable. The dwelling retains its distinct 19th century vernacular profile and unusual multi-coloured sandstone construction, despite the replacement of the original windows, the partial blocking of the front door, and the construction of a large addition at the rear of the property.

The property has historical value or associative value because it has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community.

The subject property is associated with the Connor family who built the house and farmed the property for at least two generations. Luke Connor, who immigrated from Ireland sometime before 1830, purchased the property in 1863; however, he and his wife and seven children had been living on the property in a log house from as early as the late 1840s. The dwelling was built circa 1855 and remained in the Connor family until the early 20th century. The small watercourse that crosses the property and eventually feeds into Mud Creek, is named the “Connor Branch” in honour of the Connor family.

The property has contextual value because it is important in defining, maintaining or supporting the character of an area.

The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings.

The subject property has contextual value due to its simple vernacular design, integrity, multi-coloured sandstone construction, generous setback from the road, and its various agricultural buildings. These features and their proximity to the road, support and maintain the scenic and historic rural character of the road. Despite a general lack of sandstone buildings within the City of Kingston, 3566 Boundary Road is located in close proximity to another sandstone building (located at 3748 Sand Hill Road) within the crossroads community of Springfield, suggesting the preference for a vernacular material in the area.

With its Ontario vernacular style, sandstone construction material, likely quarried locally, the dwelling shares a visual and historical relationship with its surroundings and is an important part of the historical rural context of the area.

Heritage Attributes

Key exterior elements that contribute to the property’s cultural heritage value include its:

- One-and-a-half storey farmhouse with side-gable roof and central gable;
- Multi-coloured sandstone construction; and
- Symmetrical front façade and regularly placed fenestration on the sides, with original segmentally-arched openings with stone voussoirs and sills, and half-round arched central opening.

Non-Heritage Attributes

Elements that are not included in the Statement of Cultural Heritage Value of the property include:

- Detached outbuildings.

23, 25, 27, 29, 31 & 33 Rideau Street
Rankin-Young Terrace



33, 31 & 29
Rideau Street

Google 2023

27, 25 & 23
Rideau Street



3566 Boundary Road



Common Concerns with Heritage Designation

Heritage Services staff prioritize transparency and collaboration, and work to ensure open dialogue with property owners. In their conversations a number of common concerns have been indicated, which are discussed below.

Property Insurance:

A concern of some property owners is that their insurance premiums will rise, which is sometimes also voiced by insurance companies. This is a concerning trend that reflects a "hard market" scenario and misunderstood factors that are being perceived as risks. Insurance companies may increase premiums for older buildings for a variety of reasons such as outdated wiring, old heating systems, etc. However, there is no reason that insurance premiums should go up because of a heritage designation on its own.

The Insurance Board of Canada and the Provincial government have made attempts to educate the industry on the implications (if any) of heritage designations for many years (<https://www.ontario.ca/page/heritage-properties-and-insurance>). The perception that the municipality is going to require specialty 19th century workmanship or materials to restore a building, is not the case. There is nothing in the *Ontario Heritage Act* that requires a property owner to replace or replicate a lost heritage building.

Some companies may not insure buildings over a certain age, but designation itself does not place additional requirements on the insurer and should not affect premiums. The Province of Ontario has clearly outlined this, stating that "if a building on a heritage property is completely or partially destroyed, the designation by-law does not require the owner to replicate any lost heritage attributes."

The National Trust for Canada and Community Heritage Ontario have published articles on this matter. Staff would be pleased to share upon request.

Resale Value:

While it may be that some purchasers are apprehensive about buying a designated heritage property, particularly those who wish to purchase the property for the land and not the building itself, there is evidence that properties designated under the *Ontario Heritage Act* perform well in the housing market. A study completed by Dr. Robert Shipley on almost 3,000 designated properties in 24 communities in Ontario, published in the *International Journal of Heritage Studies*, found that there was no negative impact on property values as a result of heritage designation. In fact, the study demonstrated that 74% of designated properties fared better in housing markets than those comparable properties that were not designated. [Shipley, Robert. "Heritage Designation and Property Values: Is there an Effect?", in *The International Journal of Heritage Studies*. Volume 6, Number 1 (2000)].

A more recent study, completed by McMaster University for the City of Hamilton, found that heritage designations are “positively associated with sale prices of residential properties” in that city. The authors concluded that their work supports the findings of a growing number of studies that uncover connections between heritage designation and an increase in residential property values [Correia, Rebecca, Otto Liao, Isaac Kinley, Sarah Lashley, Tanzir Rahman Khan, and Evan Gravely. “Investigating the Impact of Heritage Property Designation on Real Estate Value”, published by McMaster’s Research Shop (March 2023)].

Professional heritage staff and volunteers at the City’s Heritage Resource Centre are available to discuss concerns with new purchasers and to provide guidance and advice on heritage conservation and what it means to own a designated heritage property.

Integrity/Authenticity of Resource:

It is understood that properties undergo regular maintenance and evolve and change over time, which some property owners interpret as a loss of heritage value. However, oftentimes this evolution provides an opportunity to appreciate the changing heritage of a community, business or people. It is important to note that the heritage evaluation of a property is completed as it currently exists, and staff consider unoriginal or modern interventions to original structures. A structure does not need to be exactly as it was at the time of construction in order for it to have heritage value. In some instances, additions and major changes can tell us about how communities or individuals repurposed buildings for changing uses. Provincial guidance, located within the Ontario Heritage Toolkit, has indicated that this information can contribute to the building’s heritage value rather than detract from it. Therefore, a property that has undergone significant change can satisfy Provincial criteria for determining cultural heritage value (O.Reg. 9/06) and is still eligible for heritage designation.

A property’s physical heritage value is reflected in the short list of Heritage Attributes (included in draft designation by-laws). However, in many cases the cultural heritage value of a property is not limited just to its physical components. In the case of a church, for example, the presence of an unadorned modest church building provides an understanding of the history of the area as well as the religious practices of a community.

Typically, modern features are not noted as heritage attributes; however, there are cases where these features are replicas (or interpretations) of important character defining elements of the building that need to be noted as attributes to ensure any future changes to them are considered with respect to the overall heritage value of the property. An example is the mid-twentieth century columns on the front of Kingston City Hall, which replicate the original columns that were removed.

Restrictions on Change:

The purpose of a heritage designation is to clearly define the cultural heritage value and features of the property and to require consideration of this value when making changes

to the property, in order to conserve the heritage value for the people of Kingston. A heritage designation will not, on its own, impede the owners' ability to change their property. The evolution of a protected heritage property is a natural and expected occurrence. It is important that a heritage building continue to be relevant and useful.

Alterations and additions to heritage buildings, even substantial modifications, are not uncommon and are regularly supported by Committee and Council. Typical home improvements such as new roofing, windows, doors and general repairs (many of which do not require any prior approval) are encouraged. Large redevelopment projects, which involve a greater level of consideration, are also supportable in many cases. The key consideration when making changes to a designated property is its suitability to the era and character of the building/property. New roofing, windows and doors should look like they belong on the building (albeit with new materials). New additions should be designed to compliment the heritage value of the building and not compete with it. There are plenty of examples of successful additions to heritage buildings throughout Kingston.

Designated properties do sometimes require additional approvals, outside of the typical building permit and planning approvals. Heritage Procedural By-Law Number 2023-38 outlines several activities that can be completed without a heritage permit, including all interior work, maintenance and most landscaping. Minor alterations that have no significant impact to heritage attributes of the property do require a heritage permit, but these can be approved by the Director of Heritage Services through delegated authority. Significant alterations that would impact the heritage value of the property require review by the Heritage Properties Committee and sometimes approval from Council.

In the event that an application is submitted that is not supported by staff or Committee, the application will be brought to Council where the heritage value can be assessed alongside other considerations.

Ontario Heritage Act approvals (heritage permits) continue to be free of charge and many can be approved through the authority granted to the Director of Heritage Services within a couple of weeks (typically faster than a building or planning approval). Professional heritage staff are available to assist owners in navigating the approval process in an efficient and collaborative manner and concurrently with other approvals.

Increase Costs on Maintenance/Repairs:

It is a common misconception that heritage designations will result in more expensive repairs and higher standards of maintenance. This is untrue. A heritage designation does not, on its own, mean that building maintenance will cost more, and owners of protected heritage properties are not held to a higher standard than other property owners in the City. For example, a 19th century building that is constructed of stone or brick may be more of a challenge to repair than modern buildings with only a masonry veneer. As a property owner, this can sometimes mean engaging trades that have experience working with older buildings, and it can sometimes take longer to do the repairs and to source replacement materials, which may add to the cost. A heritage

designation; however, does not change this. The administration of a heritage designation through the heritage permit process will not stipulate who does the work and will not require additional works to be done that are not already planned by the owner. The heritage permit process is designed to review the nature of the work, not the parties doing the work.

Further, the City strives to make the heritage permitting process as efficient as possible. Many recent changes have been made to improve the heritage permitting process including the introduction of the Development and Services Hub ([DASH](#)) application processing system and the refinements to the Heritage Properties Committee mandate and reporting process. As well, Council has increased the number of alteration types that can be approved through delegated authority, thus shortening the approval time. Heritage permits remain free of charge and staff are always available to assist.

What the designation can do is provide the owner (and their contractor) with vital information on how best to repair older buildings. Staff can also provide a list of trades that work on older buildings, but owners will not be required to choose any of these particular firms.

Cultural Heritage Evaluation:

While property owners may express a variety of concerns with respect to a heritage designation, Heritage Planning staff and the volunteers on the Kingston Heritage Properties Committee are ultimately tasked with evaluating and presenting to Council the merits of designation as they relate to the provincial criteria for designation (O.Reg. 9/06).

The Province of Ontario, through the *Ontario Heritage Act* and Provincial Planning Statement, and the City of Kingston, through its Official Plan, directs conservation of heritage resources in the city. A heritage designation is intended to protect the heritage value of a property beyond the tenure of a single owner. The City must consider long-term conservation, if (and when) a property changes hands to an owner who wishes to remove or permanently alter heritage attributes of the property. Heritage designation is the tool the province has established to ensure the long-term conservation of heritage resources.

Process:

The evaluation of the cultural heritage value of each property is an in-depth multi-stage process, beginning with the compiling of historic information on the address. This includes, in some cases, information from the Queens Archives, the Heritage Resource Centre, the Land Registry Office, internal files and publications, and public online sources. Information is compiled by heritage staff or, in some cases, professional heritage consultants or experienced volunteers. Staff visit each property to confirm the presence of heritage attributes (all site inspections are completed from the public road allowance).

The experienced professional heritage planning staff (members of the Canadian Association of Heritage Professionals) from the City of Kingston review the available data and complete an evaluation form for each property to confirm if the property meets at least two of the Provincial Criteria for Determining Cultural Heritage Value or Interest (Ontario Regulation 9/06).

If the evaluation determines that the property contains sufficient cultural heritage value, staff prepare a draft designation by-law outlining the heritage value and listing the heritage attributes of the property. The by-law is then reviewed by Heritage Planning staff, members of the Heritage Properties Working Group and the Kingston Heritage Properties Committee. The by-law is provided to the property owner for review and comment, sent by registered mail to ensure the documents are received.

Property owners are invited to discuss the process with staff via telephone, virtual meetings, in-person appointments, regularly scheduled open house sessions or drop-in visits at the Heritage Resource Centre in City Hall.

Criteria:

The City of Kingston is fortunate to have a wealth of built heritage resources, unique in Ontario, which are the backbone of the City's identity. This collection of historical buildings supports tourism and promotes a unique cultural and visual experience that attracts settlement in, and prosperity to, the City.

Determining which properties contribute to this character and identity, and thus should be designated, is based on the Provincial criteria provided in Ontario Regulation 9/06. This includes nine separate criteria in three broad categories of value: physical and design value, historical and associative value, and contextual value.

Physical and design value is the most visible criteria. It is the appearance of the building, its architectural style, building technique and craftsmanship. This criterion is satisfied if the building is a representative, rare or unique example of architectural style, if it displays a high degree of craftsmanship or artistic merit, or if it demonstrates a high degree of technical achievement.

A heritage property may not always include an impressive architectural building but may still warrant designation due to its historical associations, and thus the second group of 9/06 criteria relates to the property's history. A property may satisfy these criteria if it is directly associated with a prominent person, event or organization, or if it demonstrates the works of a well-known architect, builder, designer, etc. A heritage designation may also be warranted if the property helps one to understand a community or culture.

The final group of criteria relate to the property's impact on and connection with its immediate area. Properties that contribute to or define the character of an area, such as an old rural farmhouse in a former rural settlement area, could be designated for their contextual value. If a property is a landmark or is functionally, visually or historically linked to an area, such as mill on a former millpond in an area so named for, it would satisfy these criteria.