



**City of Kingston  
Report to Heritage Kingston  
Report Number HK-18-089**

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**To:** Chair and Members of Heritage Kingston  
**From:** Lanie Hurdle, Commissioner, Community Services  
**Resource Staff:** Paige Agnew, Director, Planning, Building & Licensing Services  
**Date of Meeting:** November 21, 2018  
**Subject:** Application for Heritage Permit under the *Ontario Heritage Act*  
**Address:** 211 Barrie Street (P18-067)  
**File Number:** P18-123-2018

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**Executive Summary:**

The subject property at 211 Barrie Street is located on the east side of the street, bounded by Earl Street to the north and Clergy Street East to the south. The property, known as Chalmers United Church, was built in 1889, with later additions. It was designated under Part IV of the *Ontario Heritage Act* in 1984 through By-Law Number 84-65, and is also included in the Old Sydenham Heritage Area Conservation District created under Part V of the Act. The property is also subject to a municipal heritage easement agreement.

An application for alteration under Section 42 of the *Ontario Heritage Act*, File Number P18-123-2018, has been submitted to replace the existing concrete steps and sidewalk from an Earl Street entrance with an expanded concrete landing, new steps and an accessible ramp.

This application was deemed complete on October 12, 2018. The *Ontario Heritage Act* provides a maximum of 90 days for Council to render a decision on an application to alter a heritage building under Section 42(4). This timeframe will expire on January 10, 2019.

Under Clause 16 of the Procedural By-Law for Heritage (By-Law Number 2013-141) the Director of Planning, Building & Licensing Services may pre-consult with the Committee where deemed necessary. The following report is provided for pre-consultation purposes, prior to a decision from Council. Consultation with the Committee is not a statutory requirement under Section 42(4.1) of the *Ontario Heritage Act*.

November 21, 2018

Page 2 of 8

**Recommendation:**

**That** Heritage Kingston supports Council's approval of the following:

**That** alterations to the property at 211 Barrie Street, be approved in accordance with the details described in the application (File Number P18-123-2018) which was deemed complete on October 12, 2018, with said alterations to include:

- a) Removal of the existing walkway from the middle Earl Street entrance;
- b) Installation of an expanded poured grey concrete landing over the existing steps;
- c) Addition of new grey concrete steps and a grey concrete access ramp;
- d) Installation of a black metal hand rail on the west side of the stairs, with attached automatic door control; and

**That** the approval of the alteration be subject to the following conditions:

- a) A Building Permit shall be obtained, as required;
- b) An Encroachment Permit shall be obtained, as required; and
- c) Heritage staff shall be circulated the revised drawings and design specifications tied to any building permit or encroachment permit application for review to ensure consistency with the scope of the Heritage Permit sought by this application.

November 21, 2018

Page 3 of 8

**Authorizing Signatures:**

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**Lanie Hurdle, Commissioner, Community Services**

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**Gerard Hunt, Chief Administrative Officer**

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

Jim Keech, President & CEO, Utilities Kingston	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required
Denis Leger, Commissioner, Corporate & Emergency Services	Not required

November 21, 2018

Page 4 of 8

**Options/Discussion:****Description of the Application**

The subject property at 211 Barrie Street is located on a triangle lot on the east side of the street, bounded by Earl Street to the north and Clergy Street East to the south. The property, known as Chalmers United Church, was built in 1889, with later additions. It was designated under Part IV of the *Ontario Heritage Act* in 1984 through By-Law Number 84-65 and is included in the Old Sydenham Heritage Area Conservation District created under Part V of the *Act*. The property is also subject to a municipal heritage easement agreement.

An application for alteration under Section 42 of the *Ontario Heritage Act*, File Number P18-123-2018, has been submitted to modify an existing side entrance facing Earl Street to include a new barrier free ramp and accessible entrance. Proposed alterations include the removal of the existing walkway, pouring of new concrete to expand the current landing, create new concrete steps extending to the sidewalk and create a new barrier free ramp. The ramp will extend west from the expanded landing to adjoin with the base of an existing ramp which extends east from the corner entrance. All concrete will be coloured a grey tone to match the existing. The expanded landing will be isolated from the stone, and a bond breaker will be used along the edges of the stone wall.

As part of the proposed work, a black metal hand rail will be installed on the west side of the new steps, an automatic door control will be welded to the hand rail, and a door strike and operator will be installed on the interior of the existing door and frame. Given the proposed grade of the ramp, a railing is not proposed for the ramp portion of the alteration. An existing shrub will be removed at the base of the proposed ramp. Concept plans submitted by the applicant have been included as Exhibit B.

The property line nearly abuts the edge of the building, and thus the majority of this work will be in the City right-of-way. The applicant notes that a site visit with Engineering Services staff has informed the proposal, and that conversations are ongoing to ensure the proposed work is agreeable.

This application was deemed complete on October 12, 2018. The *Ontario Heritage Act* provides a maximum of 90 days for Council to render a decision on an application to alter a heritage building under Section 42(4). This timeframe will expire on January 10, 2019.

**Reasons for Designation**

The subject property is included in the Old Sydenham Area Conservation District created pursuant to Part V of the *Ontario Heritage Act* in 2015. The Property Inventory Evaluation form recognizes the property as “significant” to the district.

It is also designated under Part IV of the *Ontario Heritage Act* through By-Law Number 84-65. A copy of the designating by-law has been included as Exhibit C. The following is an excerpt from the designating by-law for the property:

November 21, 2018

Page 5 of 8

“In 1889 Architects Gilen and Gilen, successors to Robert Gage, designed this church with its distinctive round tower for a congregation which had occupied a smaller building at Sydenham and Earl Streets.”

The property is also protected by a municipal heritage easement agreement, which was registered in 1990. A copy of the easement agreement has been included as Exhibit D.

### **Built/Cultural Heritage Analysis**

The subject property is located within the Beyond Bagot sub-area as defined in the Old Sydenham Heritage Conservation District (HCD). The list of heritage attributes in the HCD Plan (section 2.2) and those of the Beyond Bagot sub-area (section 2.3.3) include “the presence of landmark civic properties integrated within a residential neighbourhood and dominating the skyline” and “ingenious built responses to triangular or curving street alignments”. This landmark corner property on a triangle lot contributes to the heritage value of the district.

Chalmers Church has rented the church hall portion of the building for local groups and events, but in recent years has found accessibility issues to be a challenge. The proposed work is meant to enhance access and use in this portion of the building. The applicant notes that preliminary plans for an access ramp were proposed at the Clergy Street entrance which would have required a longer ramp, additional hand railings and would have been visible from the front entrance. The current proposal aims to address these concerns.

The proposed work is consistent with the general provisions for additions and alterations as outlined in the Old Sydenham HCD Plan (Sections 5.2.1 and 5.2.2). The stairs that would be covered by the expanded landing are not original, as the 1990 easement agreement notes a “new top step poured”. Though this property is bound on all three sides by roads, the proposed intervention would not be visible from the “main” church entrance at Barrie and Clergy Streets. The new landing and steps are to be isolated from the stone, and a bond breaker will be applied along the edges of the landing and the stone wall.

The landing, steps and ramp will be completed in concrete, and coloured in a grey colour to match the existing steps. Staff do not have any objections to the use of concrete for this intervention, and the grey colour will integrate well with the building and surrounding walkways. The proposed black metal stair handrail is consistent with railings at other entrances to the building, and the scale of the railing will not detract from the heritage value of the property.

While there are no specific guidelines related to the construction of accessible entrances in the Sydenham HCD Plan, section 7.2 “General Guidelines for Streetscapes and Landscapes”, provides the following: “proposals to widen sidewalks, including responses to accessibility requirements, should be carefully considered for their impact on street trees and front yard landscaping.”

The heritage easement agreement for the property also notes that the owner shall not, without the prior written consent of the municipality, erect or remove or permit the erection or removal of any building, sign, fence or other structure of any type whatsoever; or allow the removal, destruction or cutting of trees, shrubs or other vegetation. An existing shrub, located at the

November 21, 2018

Page 6 of 8

proposed landing of the ramp, will be removed as part of this project. Reference to a shrub in this location is included in the drawings included as Schedule B of the easement agreement. Removal of this shrub is not anticipated to have a negative impact on the heritage value of the property. The property owner will seed the area following construction.

Staff support this proposal as it meets the ‘Standards and Guidelines for the Conservation of Historic Places in Canada’ recommendations for accessibility alterations to heritage properties. This includes finding solutions for accessibility that are compatible with the exterior form of the building, such as introducing a gently sloped walkway rather than a constructed ramp (Section 4.3.1), adapting existing entrances for accessibility needs and choosing entrances for which alterations will have the least impact on the character-defining elements of the building (Section 4.3.6).

Staff have reviewed, and are satisfied that the proposed alterations meet the Designation Goals and Objectives of the HCD Plan (Section 2.5), particularly with respect to “supporting and encouraging the conservation and continuing use of the district’s heritage attributes”. The proposed alterations will be completed in accordance with local and federal best practices in heritage conservation and will have minimal impact on the heritage character of the District and this valued heritage property.

**Previous Approvals**

P18-067-031-2007	Refurbish or replace exterior doors.
P18-067-005-2011	Glazing changes in triangular windows.
P18-067-039-2011	Repairs to stained glass windows.
P18-067-050-2013	Repairs to stained glass windows.
P18-067-034-2014	Install two handrails.
P18-021-2017DA	Replace storm windows.
P18-106-2017DA	Replace two storm windows and modify one window.

**Comments from Departments and Agencies**

This application was circulated to a number of internal departments who provided the following comments:

Planning: This property is designated “Residential” in Kingston’s Official Plan; this designation permits compatible community facilities, such as places of worship. The property is within Zone “B” – Three to Six-Family Dwelling, of Zoning By-Law Number 8499. Section 5.8 of the by-law provides exceptions for projections of barrier-free structures in front yards. There are no concerns from a planning perspective.

Utilities Kingston: Utilities Kingston has no issues or concerns with this application.

Engineering Department: Drawings are to be in metric, include all dimensions and required details. Engineering cannot support this application with the provided information.

- The applicant is in contact with Engineering and updating drawings in order to address these concerns.

November 21, 2018

Page 7 of 8

**Consultation with Heritage Kingston**

Heritage Kingston was consulted on this application through the [DASH](#) system. The Committees' comments have been compiled and attached as Exhibit E - Consolidated Comments from Heritage Kingston Members. No concerns regarding this application were raised by Committee members.

**Existing Policy/By-Law:**

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

By-Law Number 2013-141 Procedural By-Law for Heritage

Old Sydenham Heritage Conservation District Plan

By-Law Number 84-65

Standards and Guidelines for the Conservation of Historic Places in Canada

**Notice Provisions:**

Pursuant to Section 42(3) of the *Ontario Heritage Act (OHA)*, notice of receipt of a complete application has been served on the applicant. As per Section 42(4) of the *OHA*, Council may, within 90 days after the notice of receipt is served, give the applicant: the permit applied for; a notice that Council is refusing the application; or the permit with terms and conditions attached.

**Accessibility Considerations:**

Not applicable

**Financial Considerations:**

Not applicable

**Contacts:**

Paige Agnew, Director, Planning, Building & Licensing Services 613-546-4291 extension 3252

Laura MacCormick, Deputy Director, Planning Division 613-546-4291 extension 3223

Greg Newman, Manager, Policy Planning 613-546-4291 extension 3289

Genise Grant, Planner, Heritage 613-546-4291 extension 3185

**Other City of Kingston Staff Consulted:**

The application was circulated to a number of internal departments for review and all comments have been incorporated.

November 21, 2018

Page 8 of 8

**Exhibits Attached:**

- Exhibit A Aerial and Context Photographs
- Exhibit B Conceptual Plans Submitted by Applicant
- Exhibit C Designating By-Law Number 84-65
- Exhibit D Heritage Easement Agreement for 211 Barrie Street
- Exhibit E Consolidated Comments from Heritage Kingston Members
- Exhibit F Summary of Final Comments at November 21, 2018 Heritage Kingston Meeting



# Aerial Photograph: 211 Barrie Street



# Location of Proposed Ramp and Steps

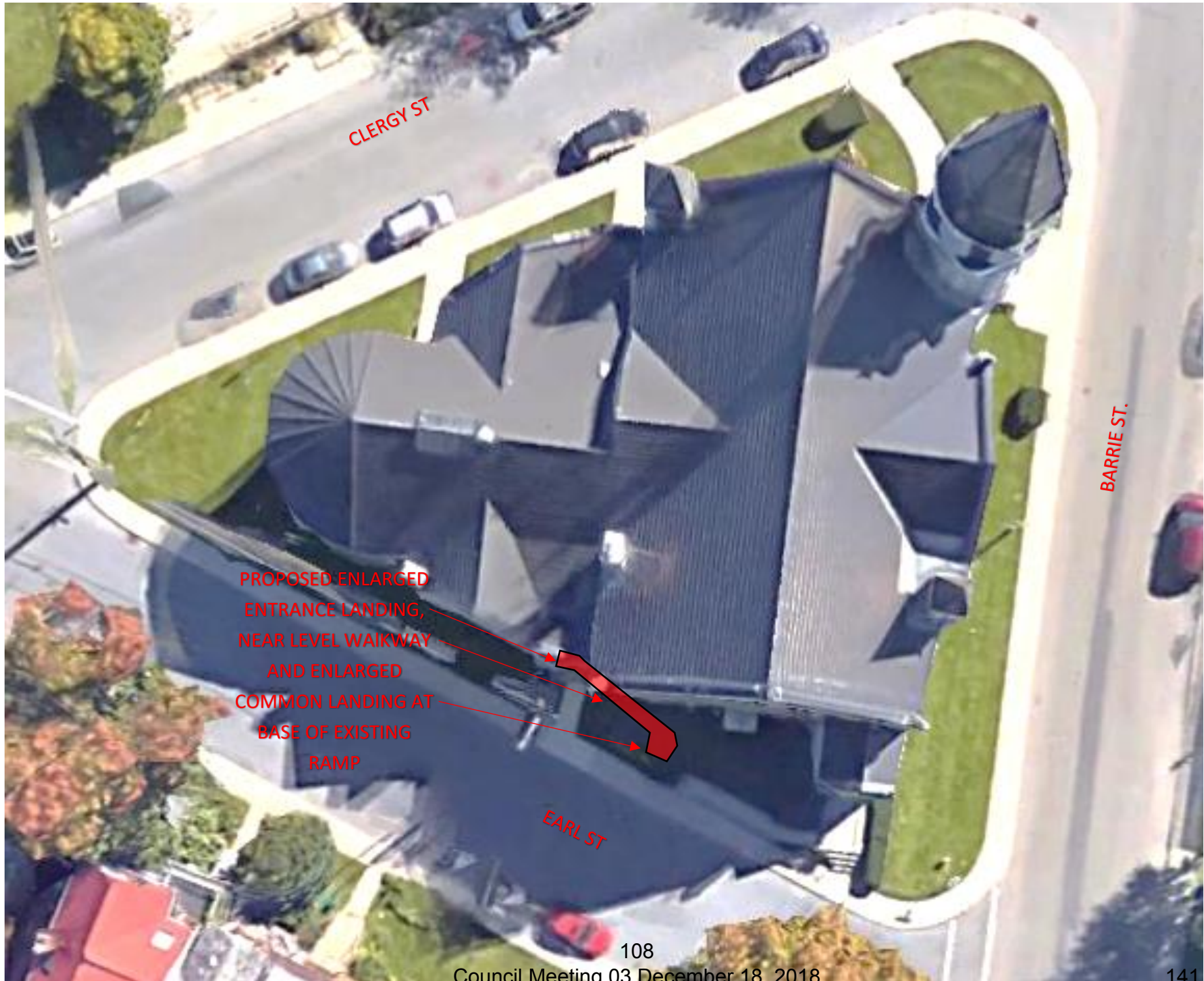


## 211 Barrie Street: Earl Street Elevation

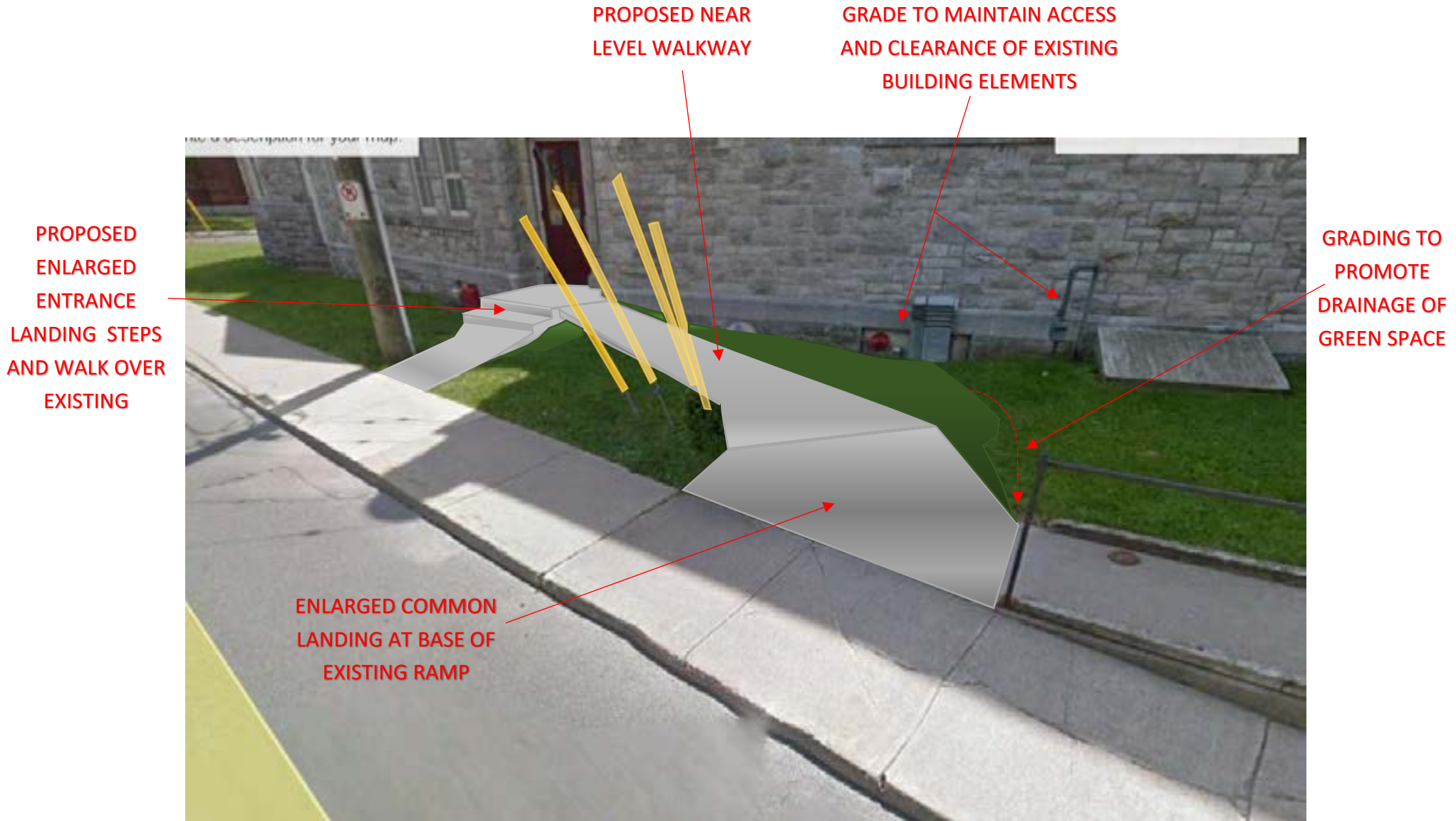


## 211 Barrie Street: Subject Entrance





PROPOSED ENLARGED  
ENTRANCE LANDING,  
NEAR LEVEL WALKWAY  
AND ENLARGED  
COMMON LANDING AT  
BASE OF EXISTING  
RAMP



**CHALMERS UNITED CHURCH - PROPOSED  
ACCESSIBLE ENTRANCE TO CHURCH HALL**

HUGHES DOWNEY – Architects - 230 Rideau St. Kingston Ont.  
– 613-544-9183 – [bruce@hughesdowney.ca](mailto:bruce@hughesdowney.ca)

December 5, 2017

109

**GENERAL NOTES**

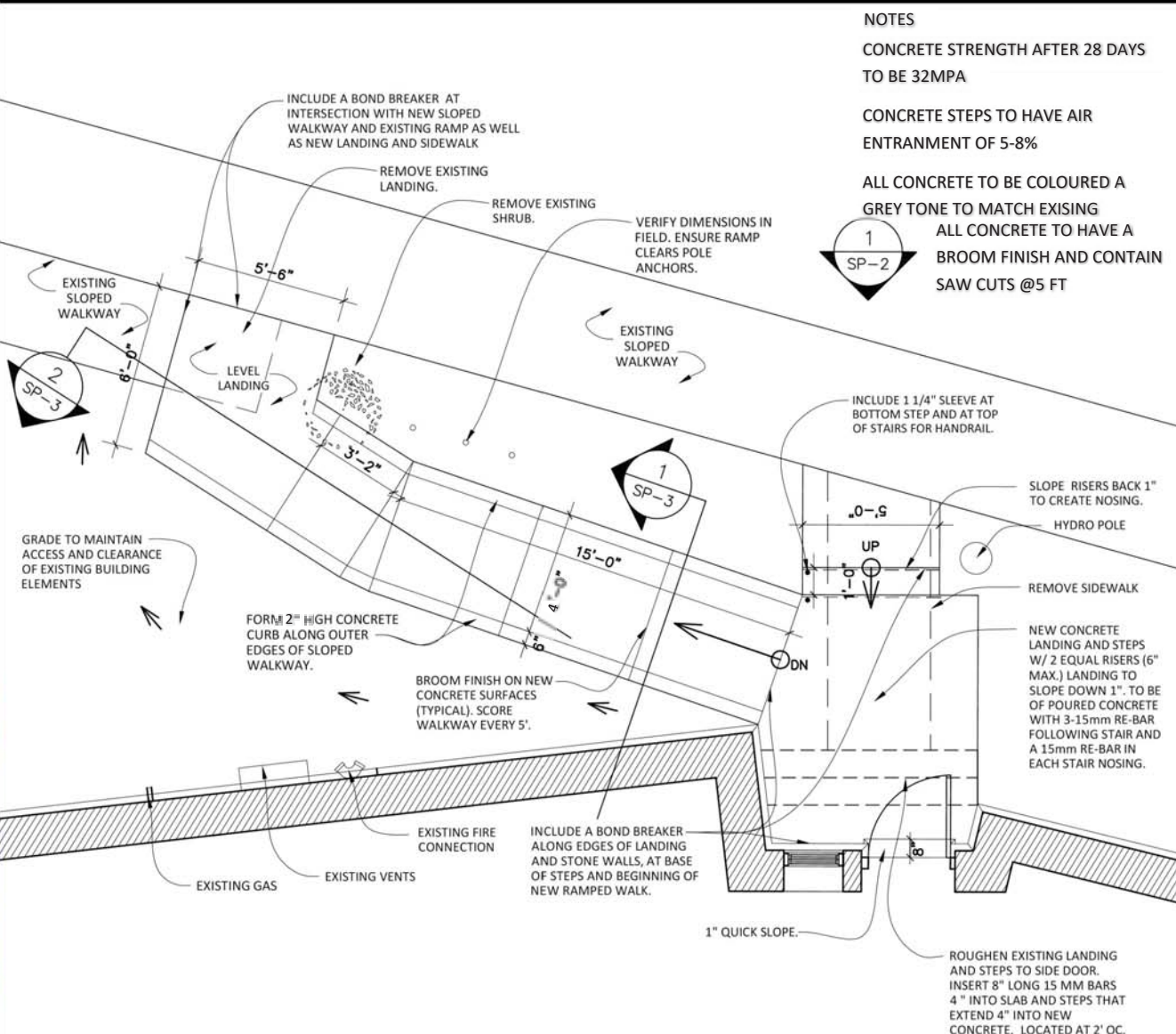
1. THE STRENGTH OF UNREINFORCED CONCRETE AFTER 28 DAYS SHALL BE NOT LESS THAN 32 MPA (4650 PSI) FOR ALL EXTERIOR FLATWORK AND 15MPA (2200 PSI) FOR ALL OTHER APPLICATIONS UNLESS INDICATED OTHERWISE
2. CONCRETE USED FOR ALL EXTERIOR STEPS SHALL HAVE AIR ENTRAINMENT OF 5-8%.
3. ALL RE-BAR TO HAVE A MINIMUM 1" COVER.

**ENVIRONMENTAL NOTES**

- WHILE UNDERTAKING CLEARING, DEMOLITION, EXCAVATION OR CONSTRUCTION THE OWNER AND THEIR CONTRACTORS SHALL BE VIGILANT FOR THE POTENTIAL PRESENCE OF UNDERGROUND FUEL TANKS, POTENTIALLY CONTAMINATED SOIL OR GROUNDWATER, BURIED WASTES OR ABANDONED WATER WELLS. IF ANY OF THE ABOVE ARE ENCOUNTERED OR SUSPECTED, THE OWNER SHALL ENSURE THAT:
1. THE CITY OF KINGSTON'S ENVIRONMENT DIVISION IS ADVISED THAT CONTAMINANTS OR WASTES HAVE BEEN DISCOVERED OR SUSPECTED;
  2. ANY SOIL OR GROUNDWATER CONTAMINATION ENCOUNTERED IS REMEDIATED TO APPLICABLE STANDARDS AS DEFINED WITHIN O.REG.153/04 OR AS REVISED;
  3. ANY WASTE GENERATED BY SITE CLEAN-UPS ARE MANAGED IN ACCORDANCE WITH APPLICABLE LAWS AND STANDARDS;
  4. ANY ABANDONED FUEL TANKS ENCOUNTERED ARE DECOMMISSIONED IN ACCORDANCE WITH APPLICABLE LAWS AND STANDARDS;
  5. ANY UNUSED WATER WELLS (DRILLED OR DUG) ARE PROPERLY ABANDONED IN ACCORDANCE WITH ONTARIO REGULATION 903 - WELLS OR AS REVISED;
  6. IF IT APPEARS LIKELY THAT CONTAMINATION EXTENDS BEYOND THE BOUNDARIES OF THE SUBJECT PROPERTY, THE OWNER NOTIFIES THE LOCAL OFFICE OF THE MINISTRY OF ENVIRONMENT AND THE CITY OF KINGSTON'S ENVIRONMENT DIVISION;
  7. CONSTRUCTION WASTES ARE NOT TO BE BURIED WITHIN THE PROPERTY THAT IS THE SUBJECT OF THIS AGREEMENT;
  8. THAT THE OWNER AND THEIR CONTRACTORS REPORT ALL SPILLS TO THE MINISTRY OF THE ENVIRONMENT'S SPILLS ACTION CENTRE (1-800-268-6060) AND TO THE MUNICIPALITY FORTHWITH.



**1 SITE LOCATION**  
NTS



**2 FRONT ELEVATION**  
1/4" = 1'-0"

**NOTES**

CONCRETE STRENGTH AFTER 28 DAYS TO BE 32MPA

CONCRETE STEPS TO HAVE AIR ENTRAINMENT OF 5-8%

ALL CONCRETE TO BE COLOURED A GREY TONE TO MATCH EXISING  
ALL CONCRETE TO HAVE A BROOM FINISH AND CONTAIN SAW CUTS @5 FT



**HUGHES DOWNEY ARCHITECTS**

CERTIFICATE OF PRACTICE 3869  
230 Rideau St. Kingston ON K7K 3A4  
T (613) 544-9183 F (613) 547-0852



bruce@hughesdowney.ca

THESE DOCUMENTS ARE THE PROPERTY OF THE ARCHITECT AND ARE NOT TO BE USED WITHOUT REFERRING TO THE ARCHITECT. DRAWINGS ARE NOT TO BE SCALED AND ARE TO BE READ IN CONJUNCTION WITH ALL OTHER CONSULTANTS' DOCUMENTS.

PROJECT  
**CHALMER UNITED CHURCH**  
212 BARRIE ST.,  
KINGSTON, ON

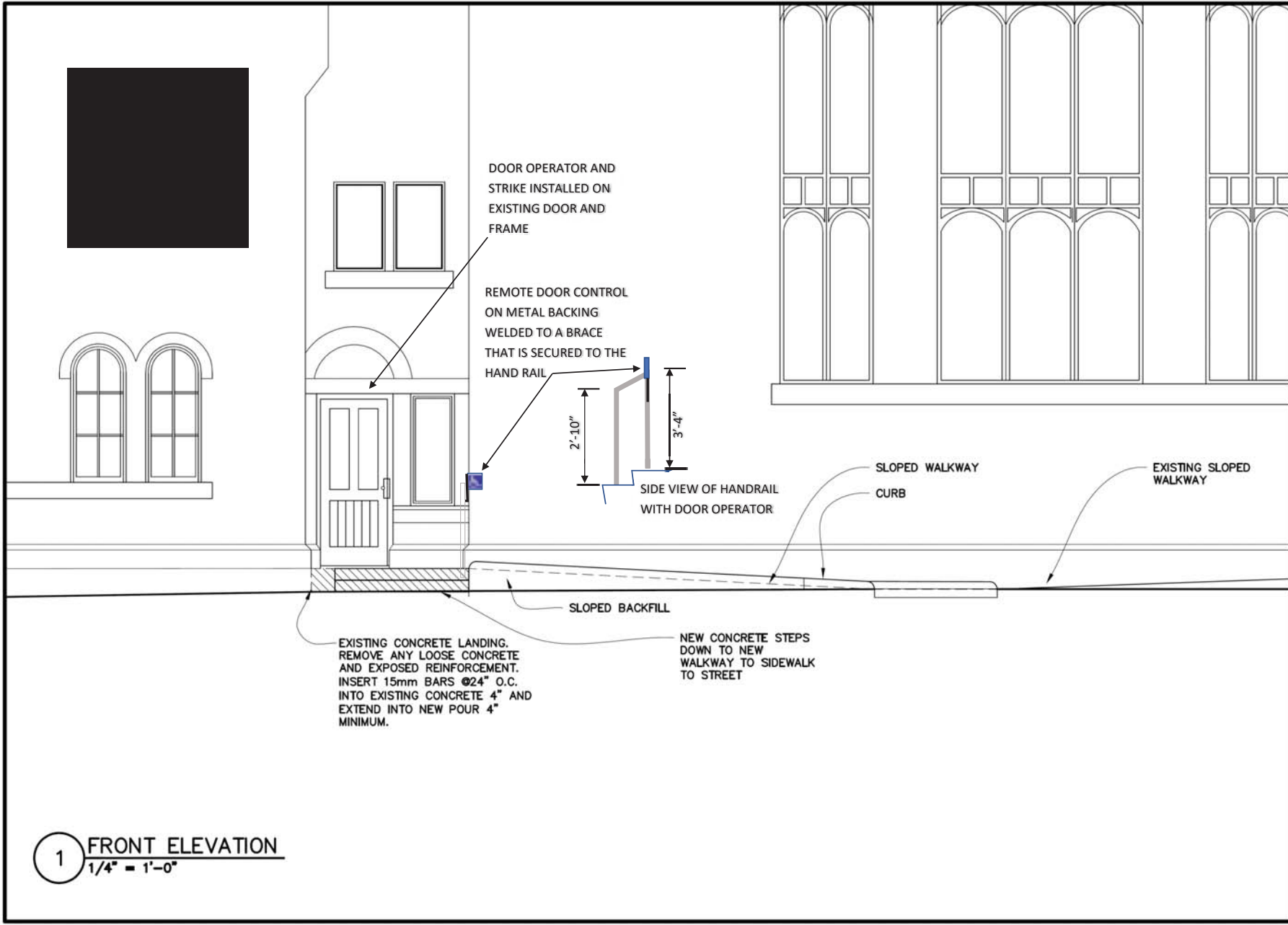
DRAWING  
**WALKWAY ELEVATIONS**

DRAWN BY JD  
DATE 3 AUG, 2018

SCALE 1/4" = 1'-0"

JOB NO.  
**18-20**  
DWG. NO.  
**SP-2**

REV. NO.  
#



1 FRONT ELEVATION  
1/4" = 1'-0"

**HUGHES DOWNEY ARCHITECTS**  
 CERTIFICATE OF PRACTICE 3869  
 230 Rideau St. Kingston ON K7K 3A4  
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PROJECT  
**CHALMER UNITED CHURCH**  
 212 BARRIE ST., KINGSTON, ON

DRAWING  
**WALKWAY ELEVATIONS**

DRAWN BY JD  
 DATE 3 AUG, 2018  
 SCALE 1/4" = 1'-0"  
 JOB NO.  
**18-20**  
 DWG. NO. **SP-2** REV. NO. #



**HUGHES DOWNEY ARCHITECTS**

CERTIFICATE OF PRACTICE 3869  
 230 Rideau St. Kingston ON K7K 3A4  
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PROJECT  
**CHALMERS UNITED CHURCH**  
 212 BARRIE ST.,  
 KINGSTON, ON

DRAWING  
**WALKWAY SECTIONS**

DRAWN BY JD

DATE 3 AUG, 2018

SCALE 1/2" = 1'-0"

JOB NO.

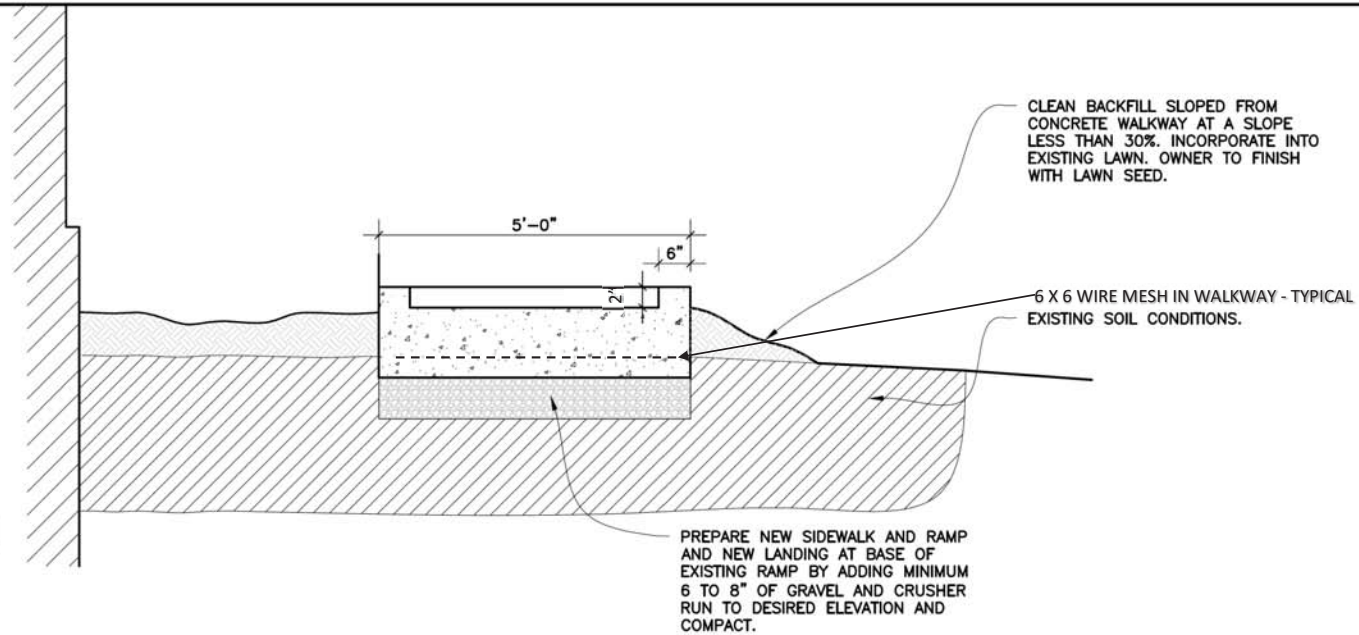
**18-20**

DWG. NO.

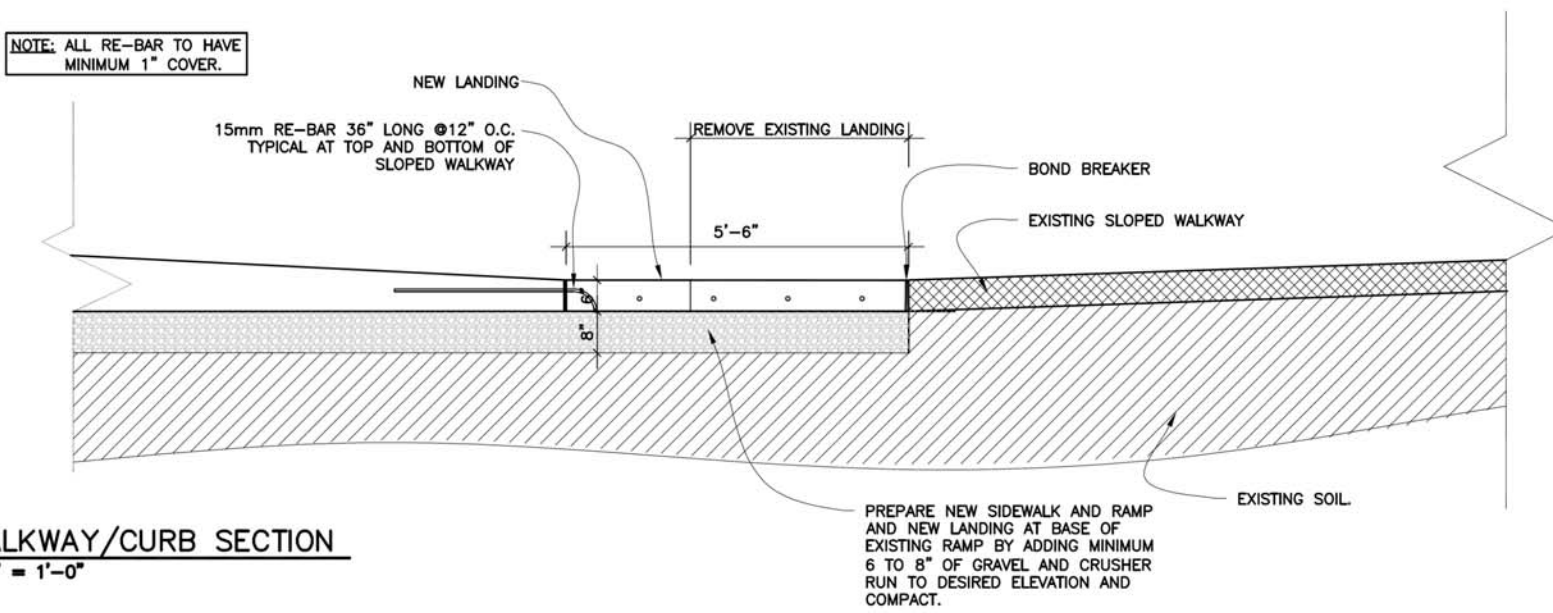
REV. NO.

**SP-3**

**1 WALKWAY SECTION**  
 1/2" = 1'-0"



**2 WALKWAY/CURB SECTION**  
 1/2" = 1'-0"



Clause 5, Report No. 23, 1984

BY-LAW NO. 84-65

A BY-LAW TO DESIGNATE CERTAIN PROPERTIES TO BE OF HISTORIC AND/OR ARCHITECTURAL VALUE OR INTEREST, PURSUANT TO SECTION 29 OF THE ONTARIO HERITAGE ACT

PASSED: March 1, 1984

WHEREAS Section 29 of the Ontario Heritage Act, R.S.O. 1080, Chapter 337 authorizes the Council of a municipality to enact by-laws to designate real property, including all buildings and structures thereon, to be of architectural or historic value or interest;

AND WHEREAS notice of intention to designate certain properties within the municipality, as set out in Section 1 of Schedule "A" hereto, was served on the owners of the properties and on the Ontario Heritage Foundation on the 14th day of December, 1983 and was published in the Whig-Standard on December 14, December 21 and December 28, 1983;

AND WHEREAS notice of intention to designate certain properties within the municipality, as set out in Section 2 of Schedule "A" hereto, was served on the owners of the properties and on the Ontario Heritage Foundation on the 21st day of December, 1983 and was published in the Whig-Standard on December 21 and December 28, 1983, and on January 4, 1984;

AND WHEREAS no notices of objection to the proposed designations have been served on the Clerk of the City of Kingston:

THEREFORE the Council of The Corporation of the City of Kingston enacts as follows:

1. There are designated as being of architectural and historic value or interest the following real properties in the City of Kingston:

- (a) 276 Brock Street
- (b) 132-134 Earl Street
- (c) 5 Emily Street

- 2 -

- (d) 113 Johnson Street
- (e) 228-230 Johnson Street
- (f) 261 Johnson Street - St. Mary's Cathedral
- (g) 279 Johnson Street - Archbishop's House
- (h) 53 King Street East
- (i) 81 King Street East
- (j) 156 King Street East
- (k) 203 King Street East
- (l) 11 Ontario Street - Pump House Steam Museum
- (m) 55 Ontario Street - Kingston Marine Museum
- (n) 167 Ontario Street
- (o) 32, 36 and 40 Simcoe Street
- (p) 82 Sydenham Street - Sydenham Street United  
Church
- (q) 126 Wellington Street
- (r) 23-25 West Street
- (s) 207 William Street

2. There are designated as being of architectural value or interest the following real properties in the City of Kingston:

- (a) 90 Bagot Street
- (b) 116 Bagot Street
- (c) Barrie Street - Chalmers United Church
- (d) 66-68 Earl Street
- (e) 98 Earl Street
- (f) 100-102 Earl Street
- (g) 114 Earl Street
- (h) 195-197 Earl Street
- (i) 1-3 Emily Street
- (j) 76-78 Gore Street
- (k) 89-91 Gore Street
- (l) 90 Johnson Street - Anglican Diocesan Centre
- (m) 121 Johnson Street - Greek Orthodox Church
- (n) 150-152 Johnson Street

- 3 -

- (o) 160-162 Johnson Street
- (p) 186 Johnson Street
- (q) 218 Johnson Street
- (r) 222 Johnson
- (s) 231-233-235 Johnson Street
- (t) 237-239-241 Johnson Street
- (u) 31 King Street East
- (v) 45 King Street East
- (w) 49 King Street East
- (x) 85 King Street East
- (y) 95 King Street East
- (z) 161 King Street East
- (aa) 165-167 King Street East
- (bb) 169 King Street East
- (cc) 198 King Street East
- (dd) 202 King Street East
- (ee) 208 King Street East
- (ff) 212-214 King Street East and 46 Earl Street
- (gg) 254-256 King Street East
- (hh) 75 Lower Union Street
- (ii) 115 Lower Union Street
- (jj) 73 Sydenham Street
- (kk) 86-88 Sydenham Street
- (ll) 92-94 Sydenham Street
- (mm) 25-27 Wellington Street
- (nn) 47 Wellington Street
- (oo) 96 Wellington Street and 70 William Street
- (pp) 118-120 Wellington Street
- (qq) 65 West Street
- (rr) 112 William Street
- (ss) 129 William Street
- (tt) 185 William Street
- (uu) 203-205 William Street.

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3. There are designated as being of historic value or interest the following real properties in the City of Kingston:

- (a) 5 Clergy Street East - Sydenham Public School
- (b) 178-180 Johnson Street
- (c) 194 Johnson Street
- (d) 211 Johnson Street - First Baptist Church
- (e) 260 Johnson Street
- (f) Johnson Street - St. James Chapel
- (g) Richardson Bath House - Macdonald Park
- (h) 13 Maitland Street
- (i) 16 Maitland Street
- (j) 123 Sydenham Street - Hotel Dieu Hospital
- (k) 53-55 William Street

4. All of the above mentioned properties are more particularly described in Schedule "A" attached hereto.

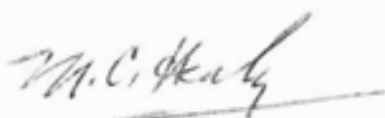
5. The City Solicitor is hereby authorized to cause a copy of this by-law and the reasons for designation to be registered against the properties described in Schedule "A" hereto in the Land Registry Office at Kingston, Ontario.

6. The City Clerk is hereby authorized to cause a copy of this by-law to be served on the owners of the properties described in Schedule "A" hereto and on The Ontario Heritage Foundation, and to cause notice of the passing of this by-law to be published in the Whig Standard once for each of three consecutive weeks.

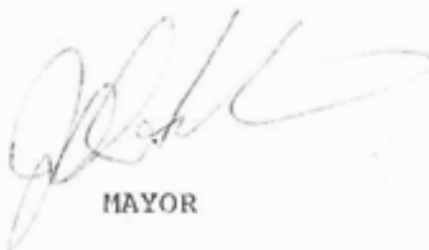
7. This by-law shall come into force and take effect on its passing.

GIVEN FIRST AND SECOND READINGS February 14, 1984

GIVEN THIRD READING AND FINALLY PASSED March 1, 1984



CITY CLERK



MAYOR

SCHEDULE "A" TO BY-LAW NO. 84-65

1. Notice of Intention to Designate was served on the owners of the following properties on December 14, 1983 and published in the Whig-Standard on December 14, December 21 and December 28, 1983:

90 Bagot Street

Owner: Susan J. Lederman,  
90 Bagot Street

## Description:

All and singular that certain parcel or tract of land and premises situate, lying and being in the City of Kingston, in the County of Frontenac, in the Province of Ontario, and being composed of Part of Lot 1 on the east side of Bagot Street according to Registered Plan B-22, and more particularly described in Instrument No. 354328.

116 Bagot Street

Owner: Allan M. Hudson and John B. Hudson,  
116 Bagot Street, Apartment 2

## Description:

All and singular that certain parcel or tract of land and premises situate, lying and being in the City of Kingston, in the County of Frontenac, in the Province of Ontario, and being composed of Lot 15 and Part of Lot 16, on the east side of Bagot Street, Registered Plan B-27, and more particularly described in Instrument No. 324934.

Barrie Street - Chalmers United Church

Owner: United Church of Canada,  
c/o The Trustees, 218 Barrie Street

## Description:

All and singular that certain parcel or tract of land and premises situate, lying and being in the City of Kingston, in the County of Frontenac, in the Province of Ontario, and being composed of Part of Farm Lot 24, Concession 1, Block "N", bounded by Barrie, Earl and Clergy Streets, and more particularly described in Instrument No. 130993.

276 Brock Street

Owner: Roman Catholic Episcopal Corporation,  
279 Johnson Street

## Description:

All and singular that certain parcel or tract of land and premises situate, lying and being in the City of Kingston, in the County of Frontenac, in the Province of Ontario, and being composed of Part of Park Lot 1, which is bounded by Johnson, Clergy, Brock and Barrie Streets, being part of the Selma Park Subdivision, and more particularly described in Instrument No. A386.

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- 3 -

207 William Street

James Morton, distiller, had this double house built in 1846 as rental property and leased it to Queen's College in 1847. It was damaged by fire in 1849 and rebuilt under directions from the college. After 1854 it was again occupied as a double house, one half as a boarding house.

REASONS FOR DESIGNATION OF CERTAIN PROPERTIES  
APPROVED AT THE MEETING OF CITY COUNCIL HELD ON  
FEBRUARY 14, 1984 (CLAUSE 5, REPORT NO. 23)  
AS BEING OF ARCHITECTURAL VALUE OR INTEREST

90 Bagot Street

This 1856 brick dwelling is typical of William Coverdale's designs, with paired, round-headed second storey windows, roll mouldings and detailed cornice.

116 Bagot Street

This 1875 building, designed by John Power for James Minnes, with later alterations by William Newlands, is an important visual focus at the end of Gore Street.

Barrie Street - Chalmers United Church

In 1889 Architects Gilen and Gilen, successors to Robert Gage, designed this church with its distinctive round tower for a congregation which had occupied a smaller building at Sydenham and Earl Streets.

66-68 Earl Street

This 1842 double dwelling built for James A.G. McDonald, with wide arched entrances and recessed windows above, is an interesting variation from Kingston architecture of the period.

98 Earl Street

An important part of the streetscape, this 1842 dwelling retains its original windows, shutters and fine entranceway.

100-102 Earl Street

This 1841 corner building, with fine proportions of parapeted end walls rising to twin chimneys, is an excellent example of buildings erected in Kingston's capital period.

114 Earl Street

William Coverdale designed this cottage for Charles Greenwood and Scobell built it over a three year period, an unusual length of time for the building of this distinctive dwelling.

195-197 Earl Street

This double, stone dwelling with brick facade, was listed in 1855 as unfinished and owned by James Renton, a builder. The western half retains the original, handsome entrance.

.../4

718-067

GRE & TURNER LTD. LIMITED  
Form No. 901



**Document General**  
Form 4 - Land Registration Reform Act, 1984

A-2213 0

<p style="writing-mode: vertical-rl; transform: rotate(180deg); font-size: small;">FOR OFFICE USE ONLY</p> <p style="text-align: center; font-size: large; font-weight: bold;">525042</p> <p style="text-align: center; font-weight: bold;">CERTIFICATE OF REGISTRATION</p> <p style="text-align: center; font-weight: bold;">MAR 21 1990</p> <p style="text-align: center; font-size: large;"><i>W. D. Robertson</i></p> <p style="text-align: center; font-size: small;">FRONTENAC No. 13 KINGSTON</p>	(1) Registry <input checked="" type="checkbox"/> Land Titles <input type="checkbox"/> (2) Page 1 of 20 pages
	(3) Property Identifier(s) Block Property Additional See Schedule <input type="checkbox"/>
	(4) Nature of Document Heritage Easement Agreement
	(5) Consideration Dollars \$
	(6) Description Part of Lot 25, <del>Blocks "X" and "Y"</del> , Concession 1, City of Kingston, County of Frontenac, more particularly described in Schedule "A" attached
	(7) This Document Contains: (a) Redescription New Easement Plan/Sketch <input type="checkbox"/> (b) Schedule for: Description <input checked="" type="checkbox"/> Additional Parties <input type="checkbox"/> Other <input checked="" type="checkbox"/>

(8) This Document provides as follows:

Heritage Easement Agreement entered into pursuant to the provisions of the Ontario Heritage Act, Section 37(1)

Continued on Schedules

(9) This Document relates to instrument number(s)

(10) Party(ies) (Set out Status or Interest)

Name(s)	Signature(s)	Date of Signature Y M D
THE CORPORATION OF THE CITY OF KINGSTON	<i>[Signature]</i> City Clerk	1990 03 21

(11) Address for Service 216 Ontario Street, Kingston, Ontario K7L 2Z3

(12) Party(ies) (Set out Status or Interest)

Name(s)	Signature(s)	Date of Signature Y M D

(13) Address for Service

(14) Municipal Address of Property 218 Barrie Street Kingston, Ontario	(15) Document Prepared by: NORMAN C. JACKSON City Solicitor 216 Ontario Street Kingston, Ontario K7L 2Z3	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: center; font-size: small;">Fees and Tax</th> </tr> <tr> <td style="width:50%; font-size: x-small;">FOR OFFICE USE ONLY</td> <td style="font-size: x-small;">Registration Fee</td> </tr> <tr> <td> </td> <td style="text-align: right;">2000</td> </tr> </table>	Fees and Tax		FOR OFFICE USE ONLY	Registration Fee		2000
Fees and Tax								
FOR OFFICE USE ONLY	Registration Fee							
	2000							



*O. 3. R. 29, 1990*

*2*

SCHEDULE "A" TO BY-LAW NO. 90-80

THIS EASEMENT AGREEMENT made the 29th day  
of December 1989

BETWEEN

CHALMERS UNITED CHURCH,

hereinafter called the "Owner"

OF THE FIRST PART;

and -

THE CORPORATION OF THE  
CITY OF KINGSTON

hereinafter called the "Municipality"

OF THE SECOND PART.

WHEREAS the Owner is the registered owner of certain  
lands and premises situated in the City of Kingston, in  
the County of Frontenac,

and Province of Ontario, (hereinafter called the "Property"),  
being composed of Part Lot 25, Blocks "X" and "W"

and more particularly described in Schedule "A" attached hereto;

AND WHEREAS one of the purposes of the Ontario Heritage  
Act, R.S.O. 1930, c. 337, is to support, encourage and facilitate the conservation,  
protection and preservation of the heritage of Ontario;

- 2 -

AND WHEREAS by section 37 (1) of the Ontario Heritage Act, the Municipality is entitled to enter into agreements, covenants and easements with owners of real property, or interests therein, for the conservation, protection and preservation of the heritage of Ontario;

AND WHEREAS by section 37 (3) of the Ontario Heritage Act, such covenants and easements entered into by the Municipality when registered in the proper land registry office against the real property affected by them, shall run with the real property and may, whether positive or negative in nature, be enforced by the Municipality or its assignee against the owners or any subsequent owners of the real property, even where the Municipality owns no other land which would be accommodated or benefitted by such covenants and easements;

AND WHEREAS the Owner and the Municipality desire to conserve the present historical, architectural, aesthetic and scenic character and condition of the exterior of the building on the Property together with the interiors of 212 Barrie Street, Kingston, Ontario,

(all of which are hereinafter called the "Heritage Elements");

AND WHEREAS to this end, the Owner and the Municipality desire to enter into this Easement Agreement (hereinafter called the "Agreement");

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the sum of TWO DOLLARS (\$2.00) of lawful money of Canada now paid by the Municipality to the Owner (the receipt of which is hereby acknowledged), and for other valuable consideration, and in further consideration of the granting of the easements herein and in further consideration of the mutual covenants and restrictions hereinafter set forth, the Owner and the Municipality agree to abide by the following covenants, easements and restrictions which shall run with the Property forever.

1.0 Duties Of Owner

1.1 Normal Repairs And Alterations

The Owner shall not, except as hereinafter set forth, without the prior written approval of the Municipality undertake or permit any demolition, construction, reconstruction, alteration, remodelling, or any other thing or act which would materially affect the appearance or construction of the Heritage Elements, as depicted in the copies of the photographs, drawings and other documents attached hereto and incorporated herein as Schedule "B", and in the originals or facsimiles thereof which are filed in, and may be examined at, the Archives of Ontario, wherever they may be from time to time located. The approval required to be obtained from the Municipality herein shall be deemed to have been given upon the failure of the Municipality to respond in writing to a written request for it within sixty (60) days of receiving such request at its address as set out in paragraph 7.1 of this Easement Agreement. If the approval of the Municipality is given or deemed to be given under this paragraph, the Owner, in undertaking or permitting the construction, alteration, remodelling, or other thing or act so approved of or deemed to be approved of, shall use materials specified by the Municipality. The Owner shall be permitted, without the prior written approval of the Municipality, to undertake or permit the repair or refinishing of presently existing parts or elements of the Heritage Elements, damage to which has resulted from casualty, loss, deterioration, or wear and tear, provided that such repair or refinishing may not be performed in a manner which would materially affect the construction or appearance of the Heritage Elements, as depicted in the copies of photographs, drawings and other documents constituting Schedule "B" to this Agreement and in the originals or facsimiles thereof filed in the Archives of Ontario.

1.2 Insurance

The Owner shall at all times during the currency of this Agreement keep the building insured against normal perils that are coverable by fire and extended coverage insurance in an amount equal to the replacement cost of the building. The Owner shall have a form as set out in Schedule "C" attached

hereto completed and certified by its insurance company and delivered to the Municipality within three (3) weeks of the execution of this Agreement, and thereafter evidence satisfactory to the Municipality of the renewal of insurance shall be delivered to the Municipality at least three (3) clear days before the termination thereof. If the Owner fails to so insure the building, or if any such insurance on the building is cancelled, the Municipality may effect such insurance as the Municipality reasonably deems necessary and any sum paid in so doing shall forthwith be paid by the Owner to the Municipality, or if not, shall be a debt due and owing forthwith to the Municipality and recoverable from the Owner by action in a court of law. All proceeds receivable by the Owner under any fire and extended coverage insurance policy or policies on the building shall, on the written demand and in accordance with the requirements of the Municipality, be applied to replacement, rebuilding, restoration or repair of the building to the fullest extent possible having regard to the particular nature of the building, the cost of such work and any existing or subsequent mortgages registered against the title to the Property. The Owner's financial liability to replace, rebuild, restore or repair the building if it has been damaged or destroyed shall not exceed the proceeds receivable by the Owner under any fire and extended coverage insurance policy or policies.

### 1.3 Rights Of Mortgagees

The Owner's obligations to apply all proceeds receivable under any fire and extended coverage insurance policy or policies on the building to replace, rebuild, restore or repair the building shall be subject to the rights of any mortgagees of the Property.

### 1.4 Assignment Of Interests Of Mortgagees

In the event that any mortgagee refuses to release to the Owner any monies payable under any fire and extended coverage insurance policy or policies after the building has been damaged or destroyed, thereby preventing the Owner from fulfilling its obligation to replace, rebuild, restore or repair the building with the proceeds receivable under any fire and extended coverage insurance policy or policies, the Owner shall use its best efforts, if so requested by

- 5 -

the Municipality, to make whatever arrangements are necessary to allow the Municipality to take an assignment of such mortgagee's interests in the Property, thereby effectively assuring that the proceeds of insurance under any fire and extended coverage insurance policy or policies are made available to the Owner so that such proceeds may be applied by the Owner to replace, rebuild, restore or repair the building pursuant to the provisions of paragraphs 1.2, 1.6 and 1.7.

1.5 Demolition

The Owner shall notify the Municipality of any damage or destruction to the building within ten (10) clear days of such damage or destruction occurring. In the event that the building is damaged or destroyed and the replacement, rebuilding, restoration or repair of it is impractical because of the financial costs involved, or because of the particular nature of the building, or because a mortgagee has refused to release to the Owner any insurance monies payable under any fire and extended coverage insurance policy or policies and the Municipality has been unable to secure an assignment of a mortgage from a mortgagee as described in paragraph 1.4, the Owner shall, in writing within forty (40) days of the giving by the Owner of notice of such damage or destruction, request written approval of the Municipality to demolish the building, and in the event of receiving the approval in writing of the Municipality, be entitled to retain any proceeds from the insurance hereinbefore mentioned and to demolish the building. Such approval shall be deemed to have been received upon failure of the Municipality to respond in writing to a written request for it within forty (40) days of the receipt thereof.

1.6 Reconstruction By Owner

If the Municipality does not give the approval referred to in paragraph 1.5, or if the Owner has not requested the approval referred to in paragraph 1.5, the Owner shall replace, rebuild, restore or repair the building to the limit of any proceeds receivable under any fire and extended coverage insurance policy or policies on the building to effect a partial or complete restoration of the building. Before the commencement of such work, the Owner shall submit all plans and specifications for the replacement, rebuilding, restoration or repair of the

- 6 -

building to the Municipality for its written approval within one hundred and thirty-five (135) days of the damage or destruction occurring to the building. A refusal by the Municipality to approve any plans and specifications may be based upon choice of materials, unattractive appearance, nonconforming architectural style, or any other ground or grounds, including but not limited to purely aesthetic grounds, and the determination of the Municipality shall be final. The Owner shall not commence or cause restorative work to be commenced before receiving the written approval of the Municipality of the plans and specifications for it, and such restorative work shall be performed upon such terms and conditions as the Municipality may stipulate. Such approval shall be deemed to have been received upon failure of the Municipality to respond in writing to a written request for it within ninety (90) days of the receipt of such request by the Municipality. The Owner shall cause all replacement, rebuilding, restoration and repair work on the building to be commenced within thirty (30) days of the approval by the Municipality of the plans and specifications for it and to be completed within nine (9) months of commencement, or as soon as possible thereafter if factors beyond its control prevent completion within the said nine (9) months, and the Owner, shall cause all such work to conform to the plans and specifications approved of and terms and conditions stipulated by the Municipality.

**1.7 Reconstruction By Municipality**

In the event that the request to demolish is not submitted or is refused pursuant to the provisions of paragraph 1.5 and the Owner fails to submit plans and specifications pursuant to paragraph 1.6 which are acceptable to the Municipality within one hundred and thirty-five (135) days of the damage or destruction occurring to the building, the Municipality may prepare its own set of acceptable plans and specifications. The Owner shall have thirty (30) days from receiving a copy of such plans and specifications to notify the Municipality in writing that it intends to replace, rebuild, restore or repair the building in accordance with those plans and specifications. If the Owner does not so notify the Municipality within the said thirty (30) days, the Municipality may proceed with replacing, rebuilding, restoring or repairing the building up to the value of any insurance proceeds receivable by the Owner under any fire and extended coverage

- 7 -

insurance policy or policies to effect a partial or complete restoration of the building. The Owner shall reimburse the Municipality for any expenses incurred by the Municipality thereby to an amount not to exceed any insurance proceeds receivable by the Owner under any fire and extended coverage insurance policy or policies.

In the event that the Municipality does not proceed with replacing, rebuilding, restoring or repairing the building according to its own set of acceptable plans and specifications as hereinbefore mentioned within sixty (60) days after it becomes so entitled, unless it is prevented from so doing by the action or omission of the Owner or any tenant or agent of the Owners, the Municipality's rights under this paragraph shall automatically terminate and the Owner shall be entitled to retain the proceeds receivable under any fire and extended coverage insurance policy or policies and to demolish the building.

#### 1.8 Maintenance Of The Building

The Owner shall at all times maintain the building in as good and sound state of repair as a prudent owner would normally do so that no deterioration in the building's present condition and appearance shall take place.

#### 1.9 Signs, Structures, Etc.

The Owner shall not erect or permit the erection on the Property or on the building of any signs, permanent storms, screens or awnings, television aerials or other similar type objects without the prior written approval of the Municipality. Such approval may, in the sole discretion of the Municipality and for any reason which the Municipality considers necessary, be refused.

#### 1.10 No Act Of Waste

The Owner shall not commit or permit any act of waste on the Property. In respect to the subject lands, the Owner shall not, except with the prior written approval of the Municipality,

(a) grant any easement or right of way;

(b) erect or remove or permit the erection or removal of

- 3 -

any building, sign, fence, or other structure of any type whatsoever;

- (c) allow the dumping of soil, rubbish, ashes, garbage, waste or other unsightly, hazardous or offensive materials of any type or description;
- (d) except for the maintenance of existing improvements, allow any changes in the general appearance or topography of the lands, including and without limiting the generality of the foregoing, the construction of drainage ditches, transmission towers and lines, and other similar undertakings as well as the excavation, dredging or removal of loam, gravel, soil, rock, sand or other materials;
- (e) allow the removal, destruction or cutting of trees, shrubs or other vegetation except as may be necessary for (i) the prevention or treatment of disease, or (ii) other good husbandry practices;
- (f) allow the planting of trees, shrubs or other vegetation which would have the effect of (i) reducing the aesthetics of the building or the Property, or (ii) causing any damage to the building; and
- (g) allow any activities, actions or uses detrimental or adverse to water conservation, erosion control and soil conservation.

#### 1.11

#### Remedies Of Municipality

If the Municipality, in its sole discretion, is of the opinion that the Owner has neglected or refused to perform any of their obligations set out in this Agreement, the Municipality may, in addition to any of its other legal or equitable remedies, serve on the Owner a notice setting out particulars of the breach and of the Municipality's estimated maximum costs of remedying the breach. The Owner shall have thirty (30) days from receipt of such notice to remedy the breach or make arrangements satisfactory to the Municipality for remedying the breach. If within those thirty (30) days the Owner has not remedied the breach or made arrangements satisfactory to the Municipality for remedying



- 9 -

the breach, or if the Owner does not carry out the said arrangements within a reasonable period of time, of which the Municipality shall be the sole and final judge, the Municipality may enter upon the Property and may carry out the Owner's obligations and the Owner shall reimburse the Municipality for any expenses incurred thereby, up to the estimated maximum costs of remedying the breach set out in the aforesaid notice. Such expenses incurred by the Municipality shall, until paid to it by the Owner, be a debt owed by the Owner to the Municipality and recoverable by the Municipality by action in a court of law.

1.12                      Waiver

The failure of the Municipality at any time to require performance by the Owner of any obligation under this Agreement shall in no way affect its right thereafter to enforce such obligation, nor shall the waiver by the Municipality of the performance of any obligation hereunder be taken or be held to be a waiver of the performance of the same or any other obligation hereunder at any later time.

1.13                      Extension Of Time

Time shall be of the essence of this Agreement. Any time limits specified in this Agreement may be extended with the consent in writing of both the Owner and the Municipality, but no such extension of time shall operate or be deemed to operate as an extension of any other time limit, and time shall be deemed to remain of the essence of this Agreement notwithstanding any extension of any time limit.

2.0                      Use of Property

2.1                      The Owner expressly reserves for itself, its representatives, heirs, executors, administrators, successors and assigns, as the case may be, the right to continue the use of the Property for all purposes not inconsistent with this Agreement.

3.0                      Inspection Of The Property

3.1                      Inspection By Municipality At All Reasonable Times

The Municipality or its representatives shall be permitted at

- 10

all reasonable times to enter upon and inspect the Property and the building upon prior written notice to the Owner of at least twenty-four (24) hours.

#### 4.0 Notice Of Easement

##### 4.1 Plaque

The Owner agrees to allow the Municipality to erect a plaque on the building, in a tasteful manner and at the Municipality's expense, indicating that the Municipality holds a conservation easement on the Property.

##### 4.2 Publicity

The Owner agrees to allow the Municipality to publicize the existence of the easement.

#### 5.0 Severability Of Covenants

##### 5.1 Proper Covenants Not To Terminate

The Owner and the Municipality agree that all covenants, easements and restrictions contained in this Agreement shall be severable, and that should any covenant, easement or restriction in this Agreement be declared invalid or unenforceable, the remaining covenants, easements and restrictions shall not terminate thereby.

#### 6.0 Dissolution Of Municipality

##### 6.1 Transfer Of Municipality's Interests

In the event of the winding up or dissolution of the Municipality, all of the Municipality's interests herein shall be automatically assigned and transferred to Her Majesty the Queen in Right of Ontario or to any other entity specified by statute.

- 11

7.0 Notice7.1 Addresses Of Parties

Any requests for approval required under this Agreement and the Municipality's replies to such requests shall be delivered to the parties at their respective address by prepaid ordinary mail. The respective addresses of the parties for such purposes presently are as follows:

THE OWNER

212 Barrie Street  
Kingston, Ontario  
K7L 3K3

THE MUNICIPALITY

216 Ontario Street  
Kingston, Ontario  
K7L 2Z3

The parties agree to notify each other immediately, in writing, of any changes of address from those set out above.

7.2 Service By Mail Except Where Postal Service Interrupted.

Except in the event of an interruption in the postal service, any notices to be given under this Agreement shall be delivered in person or sent by pre-paid registered mail addressed to the parties at their respective addresses as set out in paragraph 7.1. In the event that a notice is delivered in person, the party receiving the notice shall forthwith indicate receipt of the notice by signing a form of acknowledgement of receipt, and in that event, the notice shall be deemed to have been received on the date on which the form of acknowledgement of receipt was signed. In the event that a party refuses to sign an acknowledgement of receipt of the notice, the person delivering the notice may swear an affidavit of service, and the notice shall be presumed to have been received on the date of service as set out in such affidavit. In the event that a notice is sent by pre-paid registered mail, it shall be deemed to have been received on the second clear day following the day on which the notice was sent.

- 12 -

7.3 Service Where Postal Service Interrupted

In the event of any interruption in the postal service, notice may be given to either party at its respective address as set out in paragraph 7.1, either in person or by special courier. The party receiving the notice shall indicate the receipt of it by signing a form of acknowledgement of receipt, and the notice shall be deemed to have been received on the date on which the form of acknowledgement of receipt was signed. In the event that either party refuses to sign an acknowledgement of receipt of the notice, the person delivering the notice may swear an affidavit of service, and the notice shall be presumed to have been received on the date of service as set out in such affidavit.

8.0 Costs

8.1 In the event that a dispute arises between any of the parties hereto because of this Agreement, each party shall be responsible for its own legal fees, court costs and all other similar type expenses which may result from any such dispute.

9.0 Indemnification

Non-Liability of Municipality

Subject to paragraphs 1.7 and 1.11 the Owner shall hold the Municipality harmless against and from any and all liabilities, suits, actions, proceedings, claims, causes, damages, judgments or costs whatsoever (including all costs of defending such claims) arising out of, incidental to, or in connection with any injury or damage to person or property of every nature and kind (including death resulting therefrom), occasioned by anything done pursuant to this Agreement by the Owner, save and except for any such liabilities and claims for or in respect of any act, deed, matter or thing made or done by the Municipality, its agents, servants or workmen pursuant to paragraphs 1.7 and 1.11.

10.0 Entirety

10.1 No Extraneous Agreements Between The Parties

This written Agreement embodies the entire agreement of

- 13 -

the parties with regard to the matters dealt with herein, and no understandings or agreements, verbal or otherwise, exist between the parties except as herein expressly set out.

11.0 Subsequent Instruments

11.1 Subsequent Instruments To Contain These Provisions

Notice of these covenants, easements and restrictions shall be inserted by the Owner in any subsequent deed, lease or other legal instrument by which it divests itself either of the fee simple title to or of its possessory interest in the whole or any part of the Property or the building.

11.2 Notice To Municipality

The Owner shall immediately notify the Municipality in the event that it divests itself of the fee simple title to or of its possessory interest in the Property or the building.

12.0 Headings

12.1 The headings in the body of this Agreement form no part of the Agreement but shall be deemed to be inserted for convenience of reference only.

13.0 Enurement

13.1 Covenants To Run With The Property

The covenants, easements and restrictions set out in this Agreement shall run with the Property and shall enure to the benefit of and be binding upon all parties hereto and their respective heirs, executors, administrators, successors and assigns as the case may be.

PROVIDED that in interpreting this Agreement the word "Owner" and the pronouns "it" or "its" relating thereto and used therewith shall be

read and construed as "Owner" or "Owners", and "he", "she", "it" or "they", "his", "her", "its" or "their", or "him", "her", "it" or "them", respectively, as the number and gender of the party or parties referred to in each case require, and the number of the verb agreeing therewith shall be construed as agreeing with the said word or pronoun so substituted.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals.

SIGNED, SEALED AND DELIVERED  
in the presence of:

CHALMERS UNITED CHURCH

Witness: Dawn Broughton

Elaine Byrnes  
Moderator

Witness: Paul K. Bente

Neil Linn  
Chair, Board of Trustees

THE CORPORATION OF THE  
CITY OF KINGSTON

Per: W. Cooper  
MAYOR

c/s

[Signature]  
CITY CLERK

DESCRIPTION

## "SCHEDULE A"

All and singular that certain parcel or tract of land and premises situate lying and being in the City of Kingston and being composed of a portion of Lot number 25 formerly in the First Concession of the Township of Kingston but now in the City of Kingston, the said parcel of land comprising parts of Blocks X and W and a part of Edmund Street which said Street and Blocks are shown on a sketch by William H. Kilborn, Deputy Provincial Surveyor, on the Back of a deed from Wellington Murney to Patrick Donnelly dated the 23rd day of May, 1840 which said parcel or tract or land is more particularly described as follows, that is to say:

COMMENCING at a limestone monument marked with a cross on it planted with Earthenware underneath at the intersection of the Northerly limit of Clergy Street with the Easterly limit of Barrie Street;

THENCE Northerly along the last named limit one hundred and forty-four and a half feet (144.5'), more or less, to its intersection with the Southerly limit of Earl Street;

THENCE Easterly along the said limit of Earl Street one hundred and fifty-nine and seven-tenths feet (159.7'), more or less to the Northerly limit of Clergy Street;

THENCE Southwesterly along Clergy Street one hundred and Seventy-two and a half feet (172.5'), more or less, to the place of beginning.

SCHEDULE "B"

Plans drawn by McNeely Engineering & Structures Ltd., dated April 1988, revised August 3, 1989 and March 6, 1990 on file in the Office of the City Clerk of the City of Kingston.



CERTIFICATE OF RENEWAL - Composite Mercantile Policy

Royal Insurance Canada



NOTE THIS IN ALL COMMUNICATIONS

Policy No. 60 12 54 40	Unit
---------------------------	------

1s SCHEDULE "C"

HEAD OFFICE  
10 WELLINGTON STREET EAST  
TORONTO, ONTARIO  
M5E 1L5

Insured : CHALMERS UNITED CHURCH  
Mailing :  
Address :

INSURANCE IS PROVIDED BY THE COMPANY INDICATED IN THE COMPANY CODE NUMBER BOX WHICH COMPANY IS HEREINAFTER CALLED THE INSURER

- 6 ROYAL INSURANCE COMPANY OF CANADA
- 3 QUEBEC ASSURANCE COMPANY

Premium \$ . 6,703.00

Loss, if any, payable to: (Absence of an entry here denotes "Loss payable to the Insured")

Name :  
and :  
Address :

37130 (03)  
This policy contains a new liability wording. Please read carefully.  
  
Royal Insurance Canada

Agent : THOMSON & JEMMETT INSURANCE LTD.  
and/or : 321 Concession Street,  
Broker : Kingston, Ontario K7K 2B9

Policy Period From:	D M Y	to	D M Y	Co. Code	Agency No.	Sub No.
	01 12 88		01 12 89	6	2716	

(12:01 A.M. Standard Time at the location of the premises as stated herein, unless otherwise indicated in any schedule thereto)

Insurance is renewed in respect only of those coverages for which a specific limit of insurance or premium is stated below

Summary of Coverages		Co-Insurance	Limits of Insurance	Rate	Premium
I. Fire and Extended Coverage Form	A. Building.....				\$
	B. Equipment.....				\$
	C. Stock.....				\$
	D. Business Interruption.....				\$
	E. Rental Income.....				\$
II. Multi-Peril					
Commercial Property Floater.....					\$
Business Interruption.....					\$
<b>Commercial Building &amp; Contents Broad Form</b>					\$ 4,368.00
<b>Earnings Insurance-No Co-Insurance Form</b>					\$ 84.00
III. Specified Crime --					\$
IV. Liability --					\$ 198.00
V. Glass --					\$ 853.00
VI. Boiler and Machinery --					\$ 1,200.00
VII.					\$
VIII.					\$
					\$
<b>TOTAL PREMIUM</b>					<b>\$ 6,703.00</b>

THE POLICY MENTIONED HEREIN HAS BEEN RENEWED BY THE ISSUE OF A CERTIFICATE OF RENEWAL, FOR THE PERIOD MENTIONED ABOVE.

THE INSURER'S MINIMUM EARNED AND RETAINED PREMIUM FOR THIS POLICY SHALL BE \$150.00

COMMISSION RATES - PREMIUM SPLITS	
COMM. RATE	PREMIUM
%	\$
%	\$
%	\$
TOTAL	\$

AGENT/BROKER

**COMMERCIAL GENERAL LIABILITY DECLARATIONS**  
Attached to and forming part of this Policy

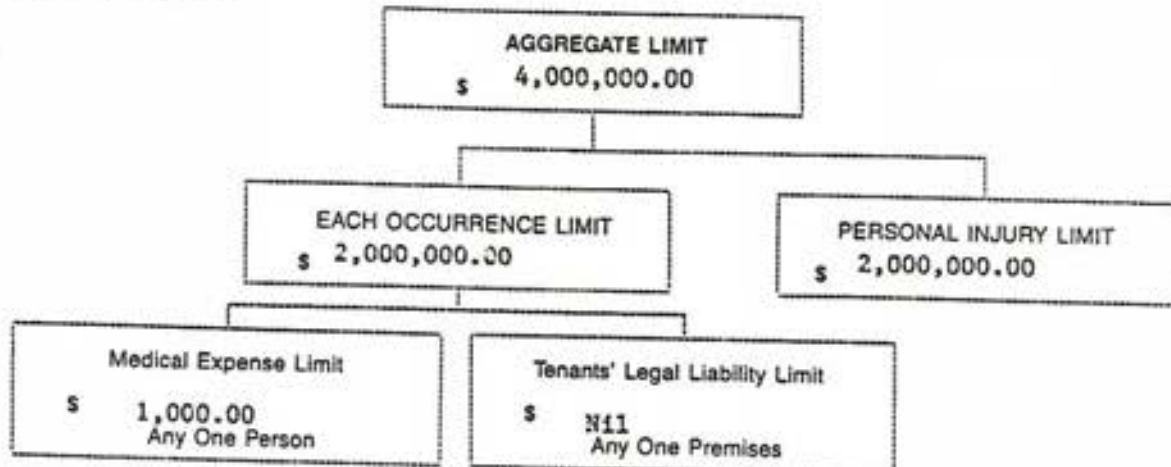


In return for the payment of the premium, and subject to all the terms of this policy, the Insurer agrees with the Named Insured to provide the insurance as stated in this policy.

Items

1. & 2. Name and Address of Named Insured and policy period are as shown in PART 1 — SCHEDULE of the Policy.

3. LIMITS OF INSURANCE



4. Property Damage Deductible: \$ 250.00 Per Claimant

5. Form of Business:  
INDIVIDUAL  ; JOINT VENTURE  ; PARTNERSHIP  ; ORGANIZATION  ; (Other than Partnership or Joint Venture)

6. Business Description:  
Church, offices, hall and Sunday School

7. Location of All Premises the Named Insured Owns, Rents or Occupies:

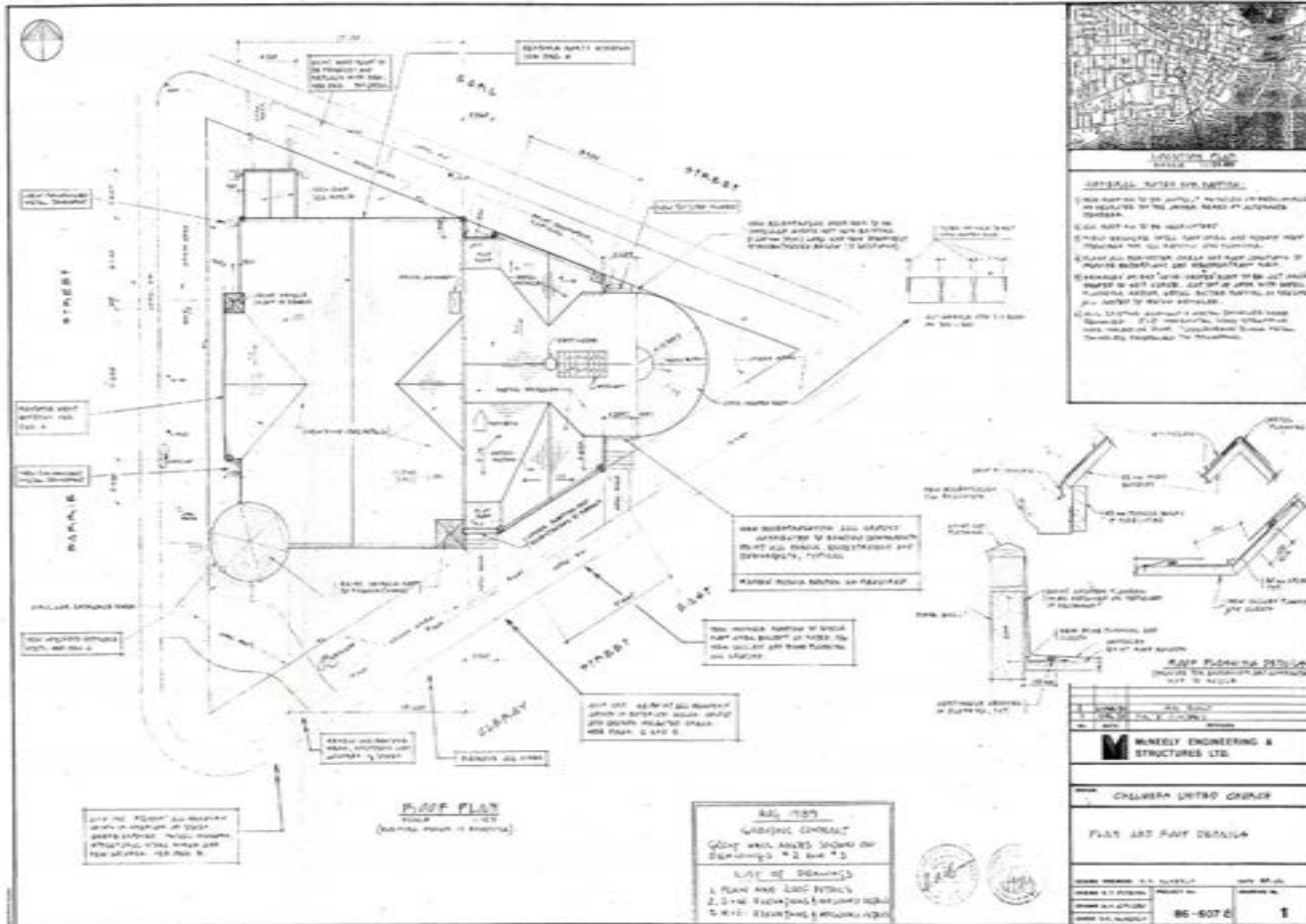
- 1) 209 Barrie Street, Kingston, Ontario
- 2) 33 Marley Street, Kingston, Ontario
- 3) 212-218 Barrie Street, Kingston, Ontario

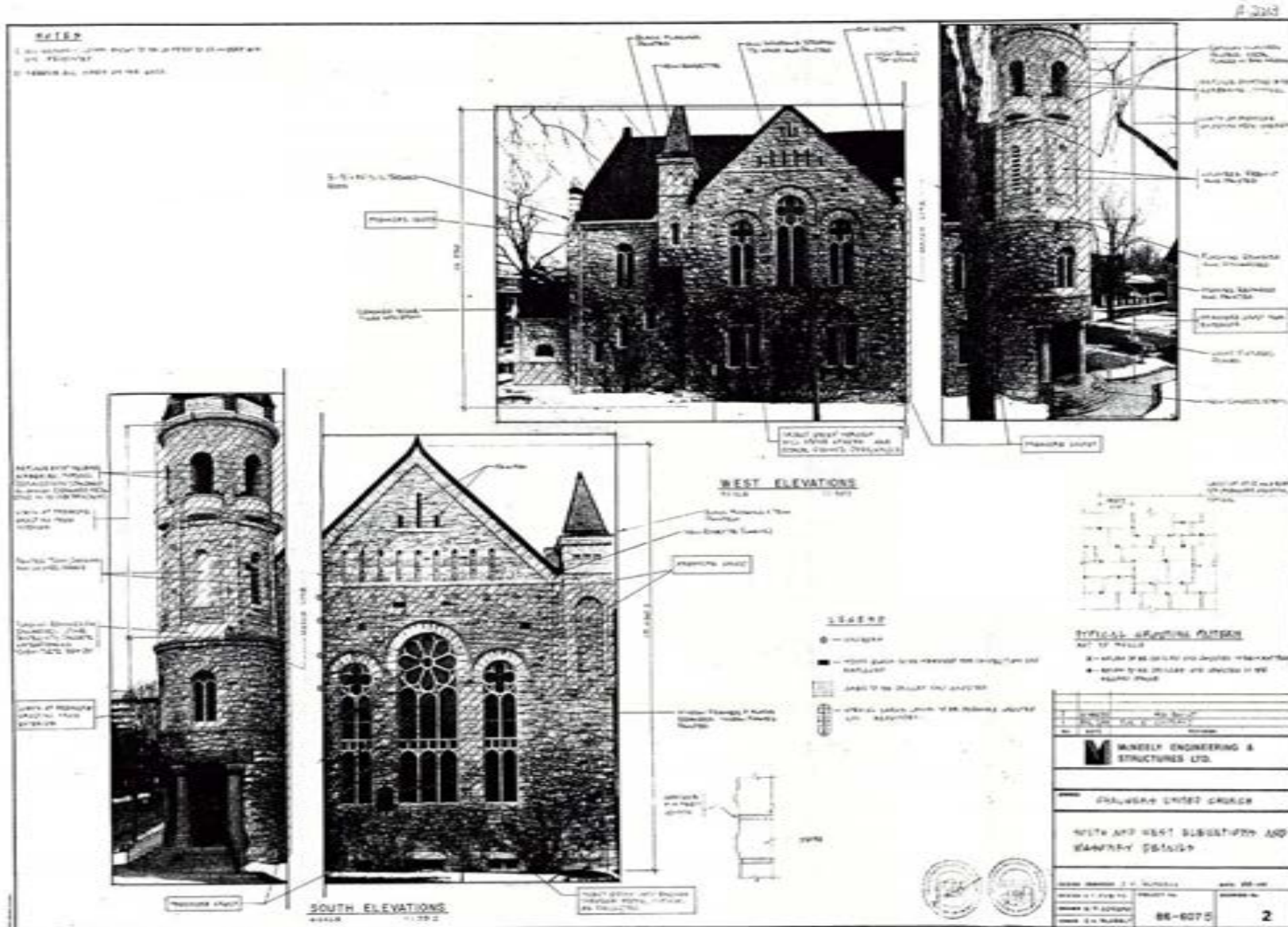
NOV 1 1989

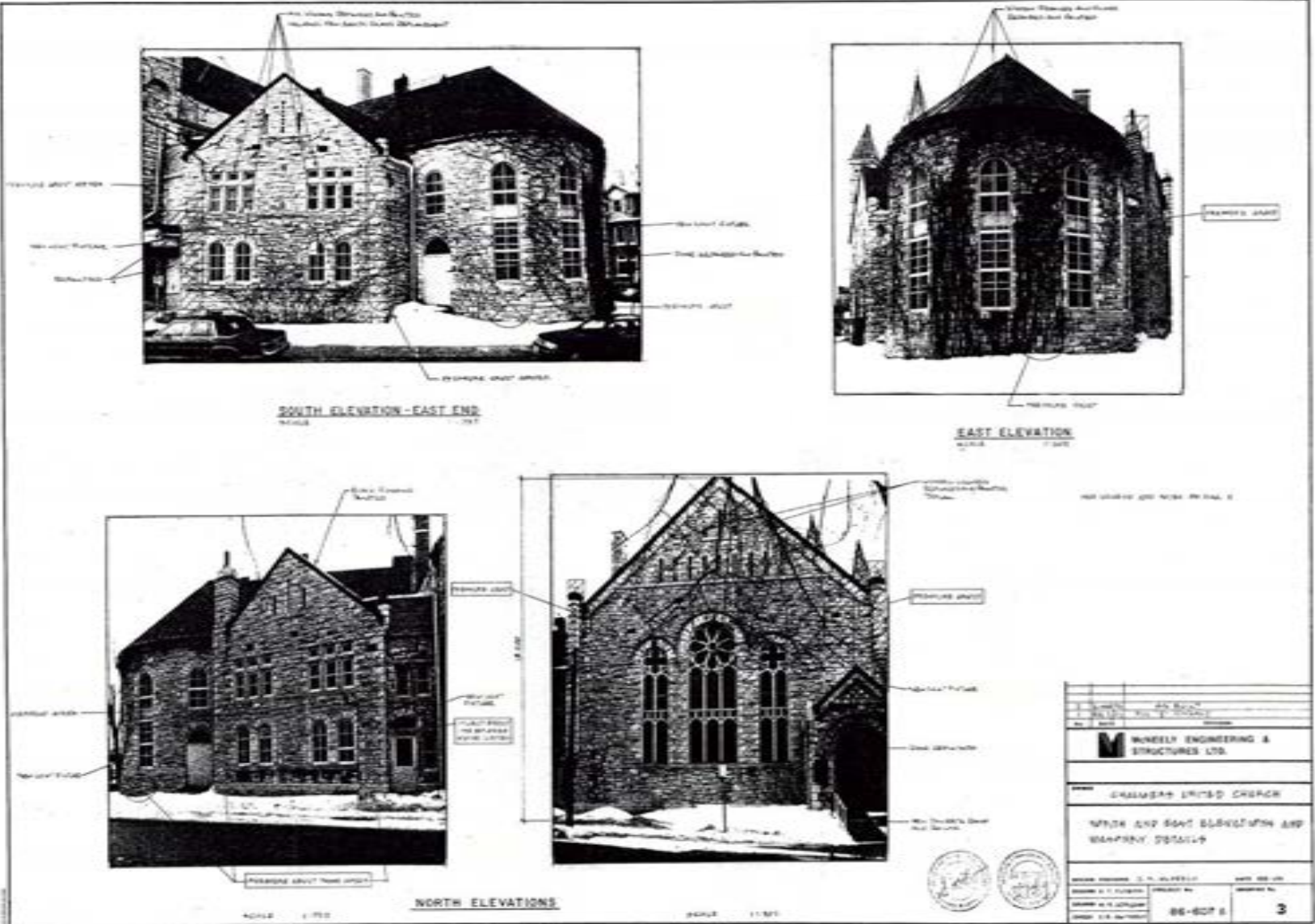
8. Classification	Code No.	Premium Basis	Rate	Advance Premium
as shown above	A	<u>Basic</u>		
	8671	1	Vrs.	)
	B	11	Vrs.	)
	8671	1	Vrs.	) \$825.00
<u>Employers Liability</u>	8301	Payroll		
	8671 (A)	(to be reported)	Vrs.	) \$ 25.00

9. Minimum Premium \$ 250.00  
Minimum Retained Premium \$ 150.00  
TOTAL PREMIUM \$ 853.00

10. Endorsements Attached To This Policy: Employers' Liability Extension  
Total Pollution Exclusion







**WEST WINDOWS**

**NORTH WINDOWS**

**NOTES**

1. See attached Memorandum dated and captioned as above for further details.

2. All window frames shall be fixed to wall with one hauger with one end cast stone and two ends cast iron.

3. See Memo. of Mr. James R. D. & Co. dated 14/10/11 for further details.

4. See Memo. of Mr. J. R. D. & Co. dated 14/10/11 for further details.

5. See Memo. of Mr. J. R. D. & Co. dated 14/10/11 for further details.

**DETAILS**

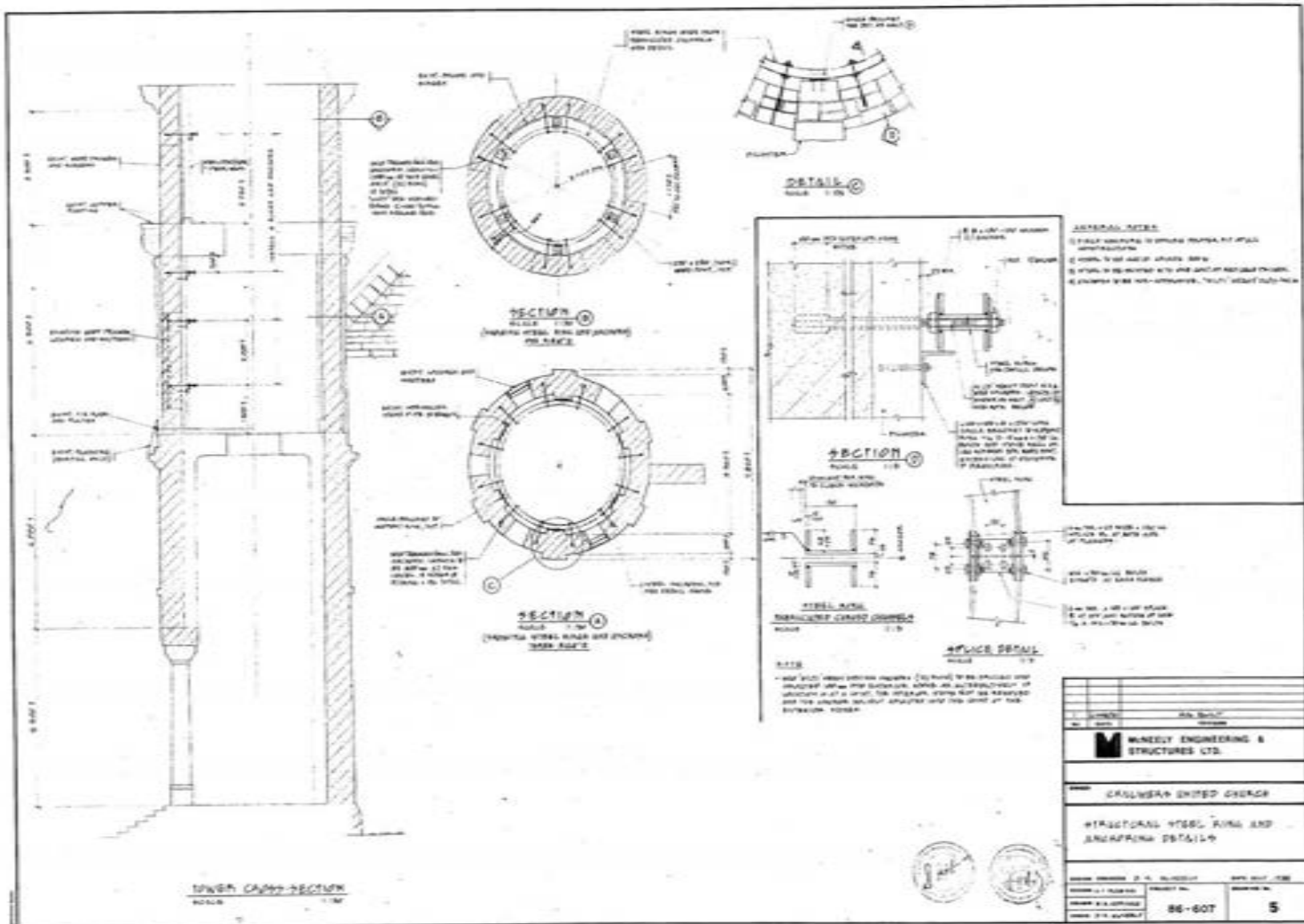
**TYPICAL WINDOW FRAME**

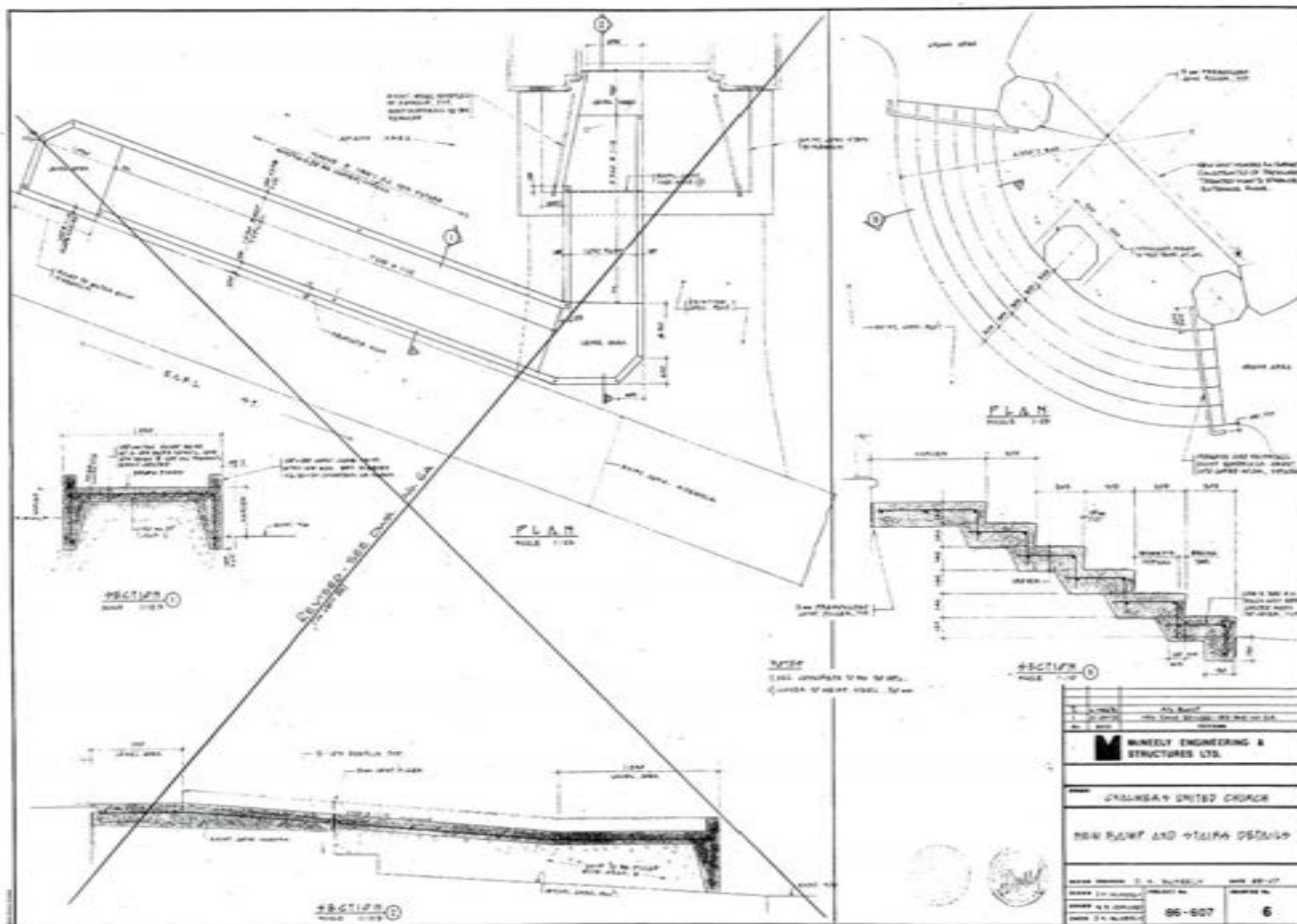
SCALE 1/4"

**DESIGNED BY J. R. D. & CO.**

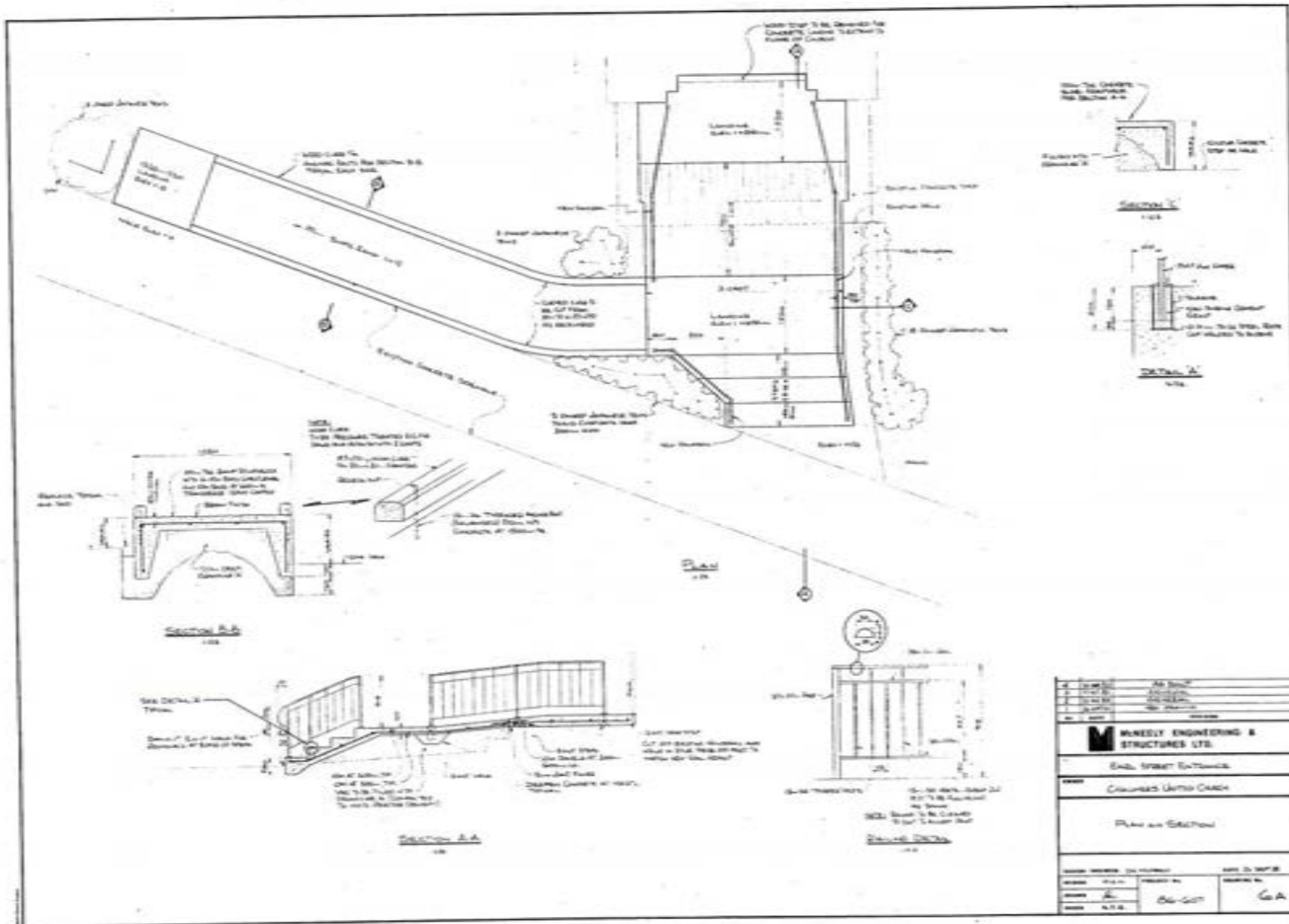
**BRIDGE AND STRUCTURE ENGINEERS**

DATE	14/10/11
BY	J. R. D. & CO.
FOR	BRIDGE AND STRUCTURE ENGINEERS
<b>MUNSELY ENGINEERING &amp; STRUCTURES LTD.</b>	
GILBERT STREET CHORLEWICK	
<b>WINDOW SUBSTITUTION AND REPAIR DETAILS</b>	
PROJECT NO.	BS-607
DRAWING NO.	4









# Heritage Kingston

## Summary of Input from the Technical Review Process

**P18-123-2018**

Heritage Kingston Members	Comments Enclosed	No Comments Provided	No Response Received
Chair, Councillor Peter Stroud	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Councillor Liz Schell	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mac Gervan	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Catherine Hyett	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jane McFarlane	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Donald Taylor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



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TTY: Dial 613-546-4889

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Date:  
Form: Heritage Kingston Reviewer Form  
Reviewer Name:   
Application Type: New Construction  
File Number: [P18-123-2018](#)  
Property Address: 211 BARRIE ST

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#### Description of Proposal:

The subject property is located at 211 Barrie Street, on the east side of the street, and is bound by Earl Street to the north and Clergy Street East to the south. The property is known as Chalmers United Church, and is designated under both Parts IV and V of the Ontario Heritage Act, within the Old Sydenham Conservation District. The property is also subject to a heritage easement agreement with the City. The applicant is seeking heritage approval to replace the existing concrete steps and sidewalk from the middle Earl Street entrance with an expanded concrete landing, new steps and an accessible ramp. The proposed ramp will be nearly level and will extend west from the expanded landing to adjoin with the base of the existing ramp which extends east from the corner entrance. A hand rail will be installed on the west side of the new steps, and a new automatic door control will be welded to the railing. Please find attached concept documents for more information. The applicant notes that an on-site meeting with heritage, engineering and UK staff held in December 2017 helped to inform the current submission.

#### Comments for Consideration on the Application:

No concerns about the proposed accessible entrance. But it would be nice if the city could find a way of reducing or eliminating the set of 4 cables with yellow sleeves bracing the hydro pole. Perhaps one large cable with a sleeve colour matching the maroon doors on the church.

**Final Comments from Heritage Kingston – November 21, 2018**

The following final comments were provided at the November 21, 2018 Heritage Kingston meeting:

Councillor Stroud commented that he transported members of the public to Chalmers Church during the recent municipal election, and noted that access to the church hall portion of the building was a challenge. Councillor Stroud commended the applicant on the proposal to improve accessibility to the church hall.



**City of Kingston  
Report to Heritage Kingston  
Report Number HK-18-090**

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**To:** Chair and Members of Heritage Kingston  
**From:** Lanie Hurdle, Commissioner, Community Services  
**Resource Staff:** Paige Agnew, Director, Planning, Building & Licensing Services  
**Date of Meeting:** November 21, 2018  
**Subject:** Application for Heritage Permit under the *Ontario Heritage Act*  
**Address:** 204-206 William Street (P18-1243 & P18-1083)  
**File Number:** P18-125-2018

---

**Executive Summary:**

The subject property at 204-206 William Street is located on the south side of William Street, east of Barrie Street. The subject property contains a two-and-a-half-storey double brick house, built circa 1889. The property was designated under Part V of the *Ontario Heritage Act* in 2015 through By-Law Number 2015-67; being the by-law used to implement the Old Sydenham Heritage Conservation District (HCD).

An application for alteration under Section 42 of the *Ontario Heritage Act*, File Number P18-125-2018, has been submitted to modify a new front porch in order to bring it into compliance with the Old Sydenham HCD Plan policies and guidelines.

This application was deemed complete on October 9, 2018. The *Ontario Heritage Act* provides a maximum of 90 days for Council to render a decision on an application to alter a heritage building under Section 42(4). This timeframe will expire on January 7, 2019.

**Recommendation:**

**That** Heritage Kingston supports Council's approval of the following:

**That** alterations to the property at 204-206 William Street, be approved in accordance with the details described in the application (File Number P18-125-2018) which was deemed complete on October 9, 2018, with said alterations to include the modification of a new front porch in order to bring it into compliance with the Old Sydenham Heritage Conservation District Plan policies and guidelines. The alterations include the addition of two newel posts with balusters and

November 21, 2018

Page 2 of 7

railings connecting to adjacent columns, the introduction of chamfering, cladding at the base and midcap detail to the existing columns, and architectural detailing to the roof edge; and

**That** the approval of the alterations be subject to the following condition:

1. A Building Permit shall be obtained.

November 21, 2018

Page 3 of 7

**Authorizing Signatures:**

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**Lanie Hurdle, Commissioner, Community Services**

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**Gerard Hunt, Chief Administrative Officer**

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

Jim Keech, President & CEO, Utilities Kingston	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required
Denis Leger, Commissioner, Corporate & Emergency Services	Not required

November 21, 2018

Page 4 of 7

**Options/Discussion:****Description of the Application**

The subject property at 204-206 William Street is located on the south side of William Street east of Barrie Street (Exhibit A). The subject property contains a two-and-a-half-storey double brick house, built circa 1889. It was designated under Part V of the *Ontario Heritage Act* in 2015 through By-Law Number 2015-67; being the by-law used to implement the Old Sydenham HCD.

An application for alteration under Section 42 of the *Ontario Heritage Act*, File Number P18-125-2018, has been submitted to modify a new front porch in order to bring it into compliance with the Old Sydenham HCD Plan policies and guidelines.

The applicant contacted Heritage Planning staff in early September and explained that in the process of excavating the foundation, the previous porch and balcony collapsed. They subsequently rebuilt the porch and balcony to similar proportions as the former. This Heritage Permit application is for the modification of the new front porch to bring it into compliance with the Old Sydenham HCD Plan through heritage approval under the *Ontario Heritage Act*. Supporting information was submitted in support of the application and is included as Exhibit B of this report.

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, or submission materials may also be found by searching the file number.

This application was deemed complete on October 9, 2018. The *Ontario Heritage Act* provides a maximum of 90 days for Council to render a decision on an application to alter a heritage building under Section 42(4). This timeframe will expire on January 7, 2019.

**Reasons for Designation**

The subject property is included in the Old Sydenham Area Conservation District created pursuant to Part V of the *Ontario Heritage Act* in 2015. The following is an excerpt from the Property Inventory Evaluation Form:

"This 2 ½ storey, brick double house with brick large wings to the rear is listed in the city directory of 1889-1890, when John Barkell, a carter, was living in 204 and William Wallace, a fireman, in 206. It appears on the 1892 fire insurance plan."

The full description and statement of cultural heritage value with all identified attributes has been included as Exhibit C.

**Cultural Heritage Analysis**

Staff visited the subject property on September 24, 2018 to meet with the owner and their carpenter to establish whether the existing new porch could be modified to comply with the Old Sydenham HCD Plan policies and guidelines. Section 4.3.3 Porches and Verandahs speaks to retaining original verandahs and porches and that removal or substantial alteration should be



November 21, 2018

Page 5 of 7

avoided. Additionally, original details should be conserved or replaced with new wooden versions selected or appropriately treated for exterior exposure. In this instance the period appropriate porch has purportedly collapsed and the newly constructed porch broadly follows the form and proportions of the former with but with no architectural detailing.

Following staffs' assessment of the existing porch, speaking with the carpenter, and through an assessment of the photographs of the earlier porch, it appears that there are options available to modify the new porch to bring it into compliance with the Old Sydenham HCD Plan. Through consultation with members of Heritage Kingston, the applicant proposes to modify the newly constructed porch by:

- The addition of two newel posts with appropriate caps adjacent to each side column;
- The addition of a railing between the new newel posts and side columns;
- The application of architectural detailing to reflect a more traditional form of column design to the three existing columns, including chamfering, a clad base and midcaps; and
- The application of architectural detailing to the roof trim including an inverted beaded board and a piece of ogee moulding.

These modifications support the guidelines in Section 4.3.4 in terms of replacing original details and maintaining the appropriate proportions and design of a porch in relation to an architectural style. A review of photographs of the former porch provides evidence of the proposal's consistency with the earlier design. Lastly, the configuration of the porch with the columns and newel posts better articulates the division between the distinct but semi-detached homes by framing the two separate entrances.

In reviewing the goals and policies of the HCD Plan, staff are satisfied that the modifications to the porch meet the intent of the Old Sydenham HCD Plan and will conserve the cultural heritage value and attributes of the District.

In addition to reviewing the policies of the Old Sydenham HCD Plan, staff have reviewed the application against the applicable policies of the Official Plan, the Ministry of Tourism, Culture and Sports' eight guiding principles in the conservation of built heritage properties, and Parks Canada's Standards and Guidelines for the Conservation of Historic Places in Canada. Based on this review, staff are satisfied that the proposal meets the intent of these policies, standards and guidelines.

Upon review of all of the submitted materials, as well as applicable policies and legislation, staff have no concerns with the proposed application, subject to the conditions outlined herein.

### **Previous Approvals**

None

### **Comments from Departments and Agencies**

This application was circulated to a number of internal departments who provided the following comments:

November 21, 2018

Page 6 of 7

Building Division: A Building Permit is required.

Engineering Department: Engineering has reviewed the proposal and has no concerns with the heritage matters. The deck is not to protrude any farther than existing from the building face as it would encroach into the municipal right-of-way.

Planning: The subject property is designated 'Residential' in the City of Kingston Official Plan and zoned 'Three to Six-Family Dwelling – B' in Zoning By-Law Number 8499. The proposed reconstruction of the front porch is a continuation of a non-conforming zoning standard.

### **Consultation with Heritage Kingston**

Heritage Kingston was consulted on this application through the [DASH](#) system. The Committees' comments have been compiled and are attached as Exhibit D - Correspondence Received from Heritage Kingston.

Two members provided written comments. Both members generally support the proposed design modifications to the porch to better reflect the character of the building and of the Old Sydenham HCD. One member provided a sketch illustrating an alternative option, which was supported by staff and subsequently shared with the applicant, which now forms the proposed design in the application.

### **Existing Policy/By-Law:**

Standards and Guidelines for the Conservation of Historic Places in Canada (Parks Canada)

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

Old Sydenham Heritage Conservation District Plan (By-Law Number 2015-67)

### **Notice Provisions:**

Pursuant to Section 42(3) of the *Ontario Heritage Act (OHA)*, notice of receipt of a complete application has been served on the applicant. As per Section 42(4) of the *OHA*, Council may, within 90 days after the notice of receipt is served, give the applicant: the permit applied for; a notice that Council is refusing the application; or the permit with terms and conditions attached.

### **Accessibility Considerations:**

Not applicable

### **Financial Considerations:**

Not applicable

### **Contacts:**

Paige Agnew, Director, Planning, Building & Licensing Services 613-546-4291 extension 3252

November 21, 2018

Page 7 of 7

Laura MacCormick, Deputy Director, Planning Division 613-546-4291 extension 3223

Greg Newman, Manager, Policy Planning 613-546-4291 extension 3289

Alex Rowse-Thompson, Planner, Heritage 613-546-4291 extension 3251

**Other City of Kingston Staff Consulted:**

The application was circulated to a number of internal departments for review and all comments have been incorporated.

**Exhibits Attached:**

Exhibit A Context Map & Photographs

Exhibit B Supporting Information

Exhibit C Property Inventory Evaluation Form

Exhibit D Correspondence Received from Heritage Kingston

Exhibit E Summary of Final Comments at November 21, 2018 Heritage Kingston Meeting

## Context Map – 204-206 William Street

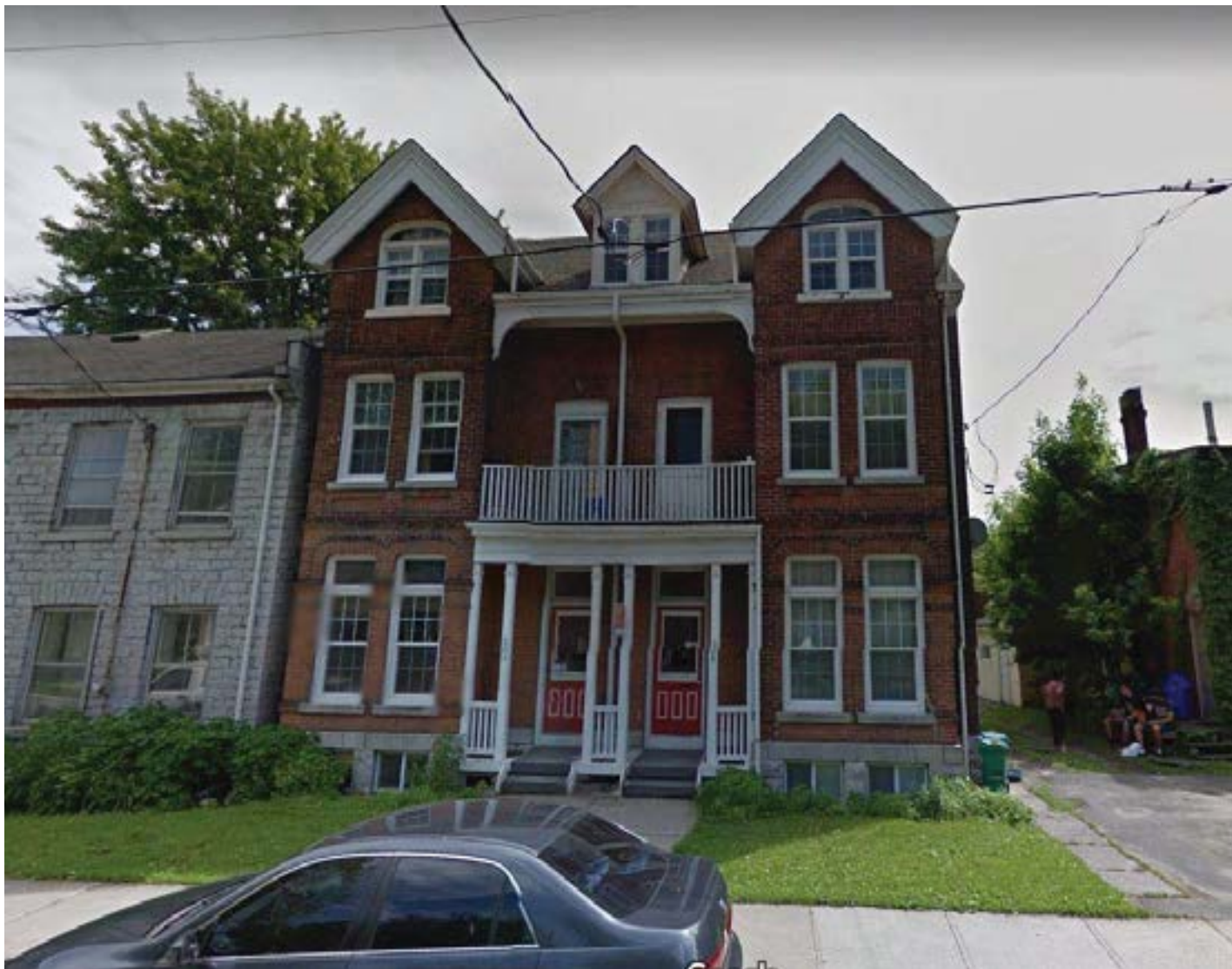




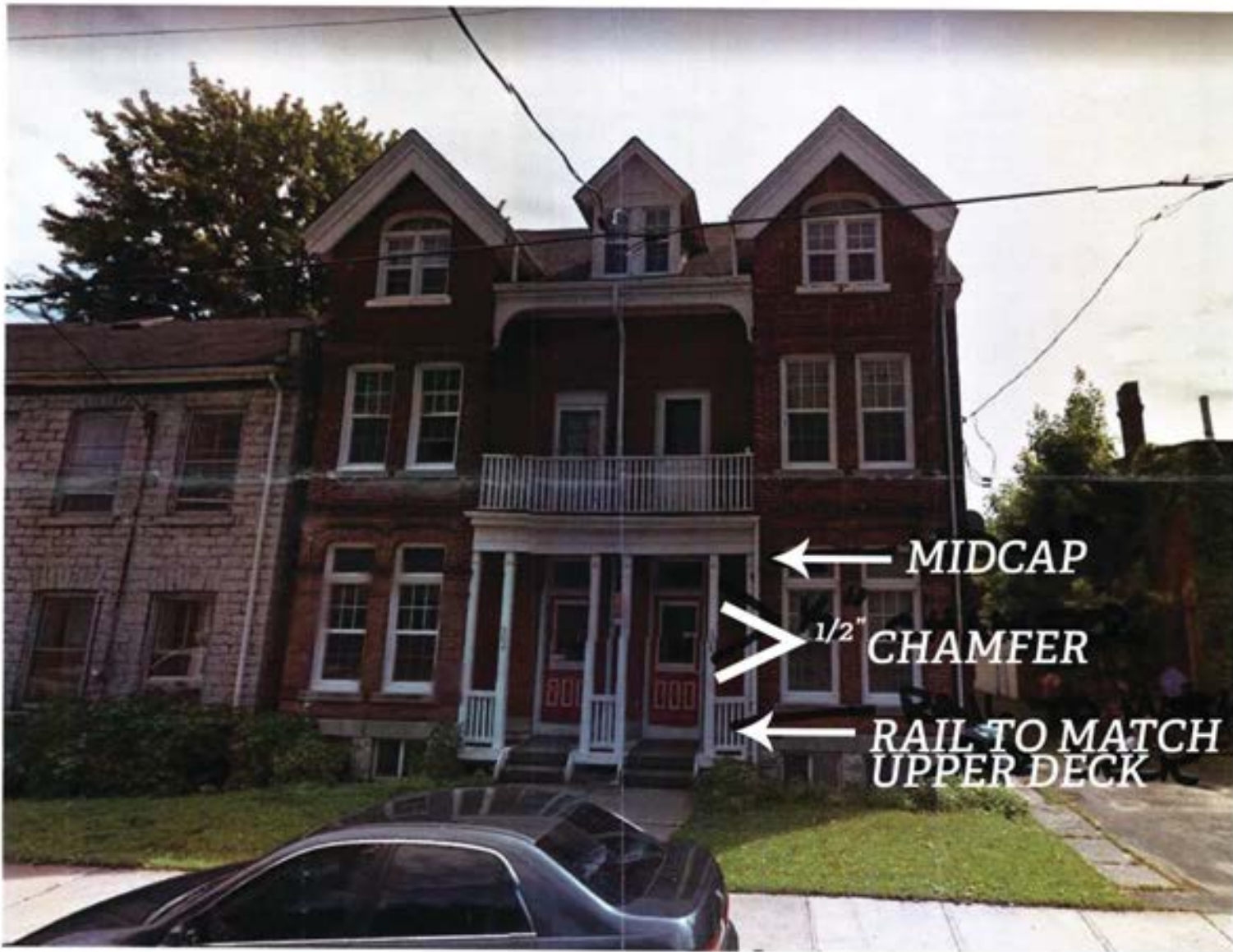
**Front Elevation (north)**



**Existing Porch**



**Former Porch**



204-206 William St  
FRONT PORCH DESIGN FOR HISTORICAL SOCIETY

(original porch destroyed during excavation of foundation)

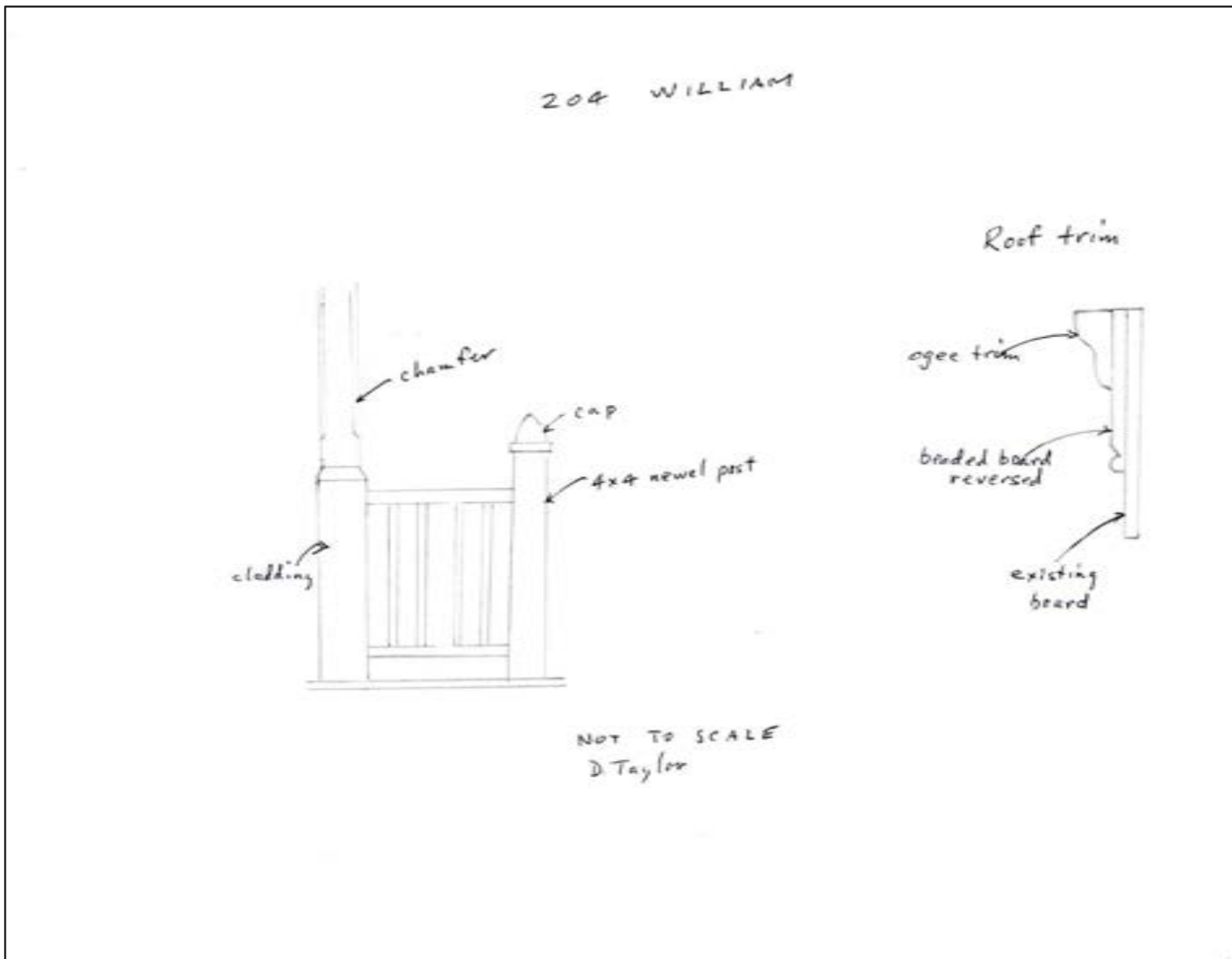


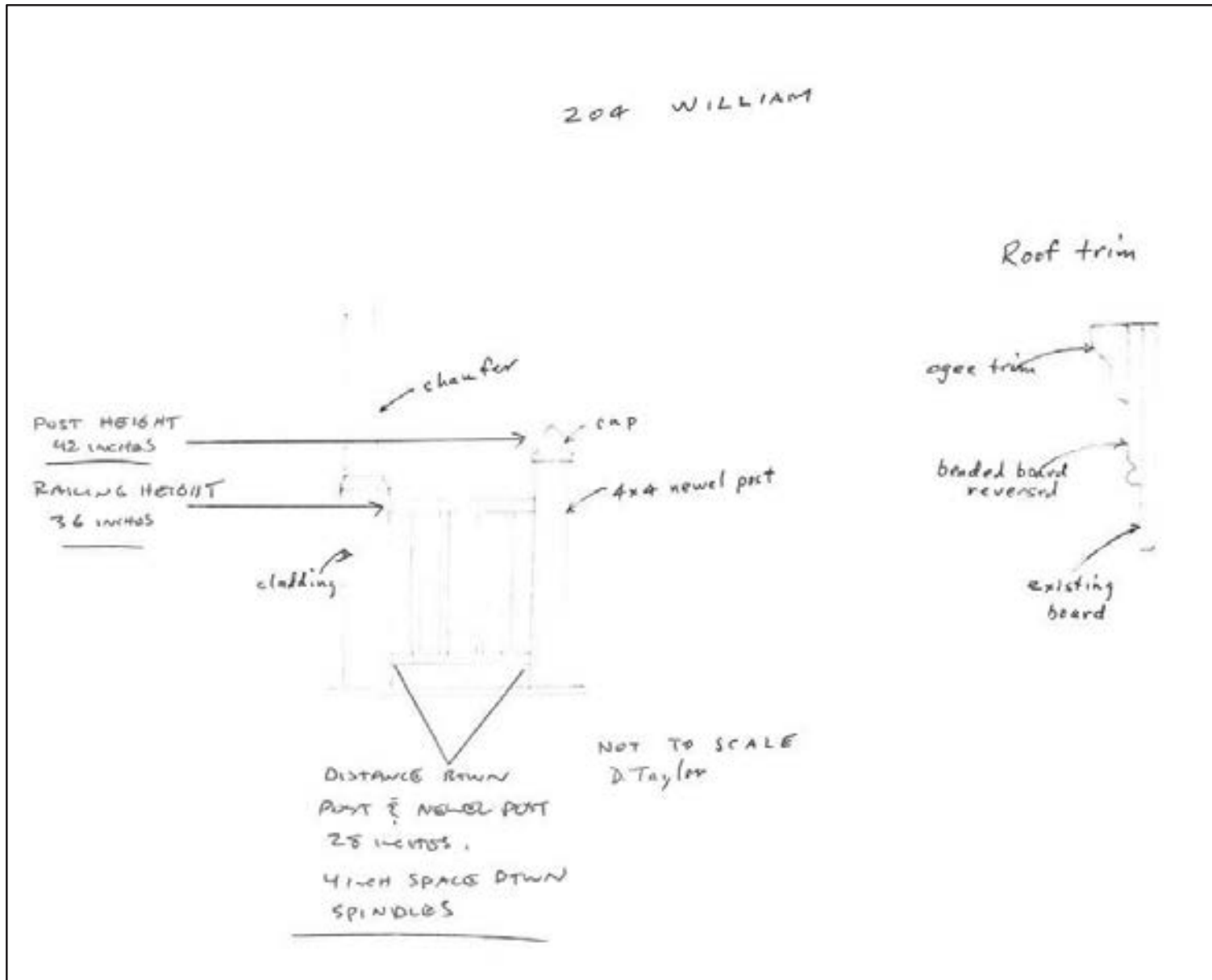
- Second pillar added to each side with railing in between
- Refer to page 3 for pillar design. All 5 pillars will match.

**A,B,C:** These pillars are structural & on sono tubes

**D,E:** Are cosmetic only







## Property Inventory Evaluation – William Street

**204-206 WILLIAM STREET****Built: by 1889****Rating: S**

This 2½ storey, brick double house with brick large wings to the rear is listed in the city directory of 1889-1890, when John Barkell, a carter, was living in 204 and William Wallace, a fireman, in 206. It appears on the 1892 fire insurance plan.

The centre two bays are recessed between projecting pavilions topped by gable roofs at right angles to the main roof. Each pavilion has a pair of windows in the basement (in a stone foundation), main floor and upper floor but one arched window opening in the top floor. The main-floor windows have rectangular transoms, above which the corners of the brickwork gently curve, as is echoed in a brick moulding over the voussoirs. A gable-roof dormer sits in the centre of the front plane of the main roof.

The upper floor in the centre recessed area has two doorways leading to a balcony formed by the roof of the wooden porch sheltering the main-floor pair of doorways. The latter have rectangular transoms. A nicely curved and panelled fascia board reaches between the pavilions just below the cornice level. The brickwork is particularly fine and detailed creating mouldings and patterns of checkerboards and angles.



J.McK.

# Heritage Kingston

## Summary of Input from the Technical Review Process

**P18-125-2018**

Heritage Kingston Members	Comments Enclosed	No Comments Provided	No Response Received
Chair, Councillor Peter Stroud	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Councillor Liz Schell	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mac Gervan	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Catherine Hyett	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jane McFarlane	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donald Taylor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



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Date:	
Form:	Heritage Kingston Reviewer Form
Reviewer Name:	Jane McFarlane
Application Type:	Alteration and/or repair
File Number:	<a href="#">P18-125-2018</a>
Property Address:	204 WILLIAM ST

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#### Description of Proposal:

The subject property at 204-206 William Street is located on the south side of William Street east of Barrie Street within the Old Sydenham Heritage Conservation District. The subject property contains a two-and-a-half storey double brick house, constructed circa 1889. The property is designated under Section V of the Ontario Heritage Act. The applicant is seeking heritage approval to modify a new front porch in order to bring it into compliance with the Old Sydenham HCD Plan policies and guidelines. The former porch collapsed during excavation at the foundation and a new porch was constructed in a similar style to the existing. This application proposes modifications to complete the porch in such a way that conserves the cultural heritage value of the property and District. The applicant welcomes feedback or suggestions on the proposed modifications.

#### Comments for Consideration on the Application:

The configuration of the pillars and steps on the original porch framed the doorways and surrounds and gave the impression of two distinct but semi-detached homes. This is typical of other buildings in the Old Sydenham HC. The new porch would be more suitable if the pillars replicated this pattern. This could be achieved by having two load bearing pillars in the middle of the porch, instead of one. Then the original railing motif could be replicated between the two middle pillars as well as on the side pillars.

The construction of the porch and double wide stairs using bolts and brackets, PT wood and what appears to be solid stain are more typical to a deck than a porch. The plan to clad the pillars with  $\frac{3}{4}$ " x 8" wood with a chamfer is a step in the right direction as long as it doesn't make the pillar look too bulky. This type of treatment could be used on the other vertical surfaces to mitigate the obvious use of PT wood on the rest of the porch. These changes would have to be approved by Heritage Staff.

The stairs look like they are not to code as the rise and nosing seems different for each step and if they are to be rebuilt, two separate sets of stairs the width of the door openings and the openings between the pillars would be more appropriate for the district and help eliminate the “deck-like” appearance of the new porch.

It is hoped that the exposed sono tubes could be screened so as not to detract from the front of the building.



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Date:  
Form: Heritage Kingston Reviewer Form  
Reviewer Name:    
Application Type: Alteration and/or repair  
File Number: [P18-125-2018](#)  
Property Address: 204 WILLIAM ST

#### Description of Proposal:

The subject property at 204-206 William Street is located on the south side of William Street east of Barrie Street within the Old Sydenham Heritage Conservation District. The subject property contains a two-and-a-half storey double brick house, constructed circa 1889. The property is designated under Section V of the Ontario Heritage Act. The applicant is seeking heritage approval to modify a new front porch in order to bring it into compliance with the Old Sydenham HCD Plan policies and guidelines. The former porch collapsed during excavation at the foundation and a new porch was constructed in a similar style to the existing. This application proposes modifications to complete the porch in such a way that conserves the cultural heritage value of the property and District. The applicant welcomes feedback or suggestions on the proposed modifications.

#### Comments for Consideration on the Application:

Obviously it would have been better to design a suitable porch from scratch, but it is probably worth while improving the existing porch so that it looks more appropriate. There is no correct design, but I will make some suggestions that should be considered along with others. Adding cladding to the bases of the posts, chamfering the edges above, and adding "midcap" trim pieces above the chamfers as proposed are all good. However as an alternative to adding two cosmetic posts I suggest adding 4x4 newel posts with suitable caps at the same positions. They would have to extend below the flooring and be bolted to the floor joists. The roof trim should also be improved. I suggest adding 1x2 trim pieces around the tops of the posts so that they look like supports for the roof framing. Also I suggest removing and inverting the beaded board so that the bead is at the bottom, and adding a piece of ogee moulding (say 3x5) flush with the top and wrapping around the corners. If it would be helpful I could provide sketches.

**Final Comments from Heritage Kingston – November 21, 2018**

The following final comments were provided at the November 21, 2018 Heritage Kingston meeting:

The Committee did not provide final comments at the meeting.





**City of Kingston  
Report to Heritage Kingston  
Report Number HK-18-083**

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**To:** Chair and Members of Heritage Kingston  
**From:** Lanie Hurdle, Commissioner, Community Services  
**Resource Staff:** Paige Agnew, Director, Planning, Building & Licensing Services  
**Date of Meeting:** November 21, 2018  
**Subject:** Application for Heritage Permit under the *Ontario Heritage Act*  
**Address:** 7 George Street (P18-458)  
**File Number:** P18-109-2018

---

**Executive Summary:**

The subject property at 7 George Street is located on the west side of George Street, between Wellington and Regent Street and is designated under Part V of the *Ontario Heritage Act* as part of the Barriefield Heritage Conservation District (HCD).

An application for alteration under Section 42 of the *Ontario Heritage Act*, File Number P18-109-2018, has been submitted to replace the existing one-storey detached garage with a one-and-a-half-storey garage addition to the north side of the dwelling, near the rear (northwest corner) of the lot.

This application was deemed complete on October 26, 2018. The *Ontario Heritage Act* provides a maximum of 90 days for Council to render a decision on an application to alter a heritage building under Section 42(4). This timeframe will expire on January 24, 2019.

Section 4.5.3.a of the Village of Barriefield HCD Plan requires all new garages/ancillary structures to be detached/separate structures. The applicants are aware of this conflict but wish to proceed as submitted. As the proposal does not conform to this policy of the District Plan, staff recommend refusal of this application.

November 21, 2018

Page 2 of 7

**Recommendation:**

**That** Heritage Kingston support Council's refusal of the following:

**That** alterations to the property at 7 George Street as described in the application (File Number P18-109-2018) which was deemed complete on October 26, 2018, with said alterations to include replacement of an existing detached garage with a one-and-a-half-storey garage addition, be refused as it does not conform to the Village of Barriefield Heritage Conservation District Plan.

November 21, 2018

Page 3 of 7

**Authorizing Signatures:**

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**Lanie Hurdle, Commissioner, Community Services**

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**Gerard Hunt, Chief Administrative Officer**

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

Jim Keech, President & CEO, Utilities Kingston	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required
Denis Leger, Commissioner, Corporate & Emergency Services	Not required

November 21, 2018

Page 4 of 7

**Options/Discussion:****Description of the Application**

The subject property at 7 George Street is located on the west side of George Street, between Wellington and Regent Street (Exhibit A – Context Map and Photographs). The subject property includes a one-and-a-half-storey single unit dwelling built in the late 19<sup>th</sup> century and a detached one-storey garage built in the mid-20<sup>th</sup> century.

An application for alteration under Section 42 of the *Ontario Heritage Act*, File Number P18-109-2018, has been submitted to replace an existing detached garage with a one-and-a-half-storey, gable roofed garage. The new garage will be attached to the dwelling by a one-storey link addition, which will include foyer and laundry space. The structure linking the garage to the dwelling has been designed to include a single door and window. The additions are located on the north side of the dwelling near the rear (northwest corner) of the lot. The garage portion of the addition will include a space for a single vehicle with heated loft space above. The roofing will be an asphalt shingle, similar to the main dwelling. Concept plans, as submitted by the applicant, are included as Exhibit B. The applicants have agreed to the use of board and batten siding (instead of clap board as indicated in the Concept Plans) and to replace the horizontal sliding window with a vertical sash window, as recommended by Committee members.

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.

This application was deemed complete on October 26, 2018. The *Ontario Heritage Act* provides a maximum of 90 days for Council to render a decision on an application to alter a heritage building under Section 42(4). This timeframe will expire on January 24, 2019.

**Reasons for Designation**

The subject property is included in the Barriefield HCD created pursuant to Part V of the *Ontario Heritage Act* in 1981. The Village of Barriefield HCD Plan was most recently amended in 2016. The Plan classifies the subject building as a “heritage” building.

The Barriefield HCD Plan (Exhibit C – Property Inventory Evaluation) describes the property’s heritage value within the district as follows:

“Constructed by local builders William and Frederick Allen, this one-and-one-half-story frame house has a rectangular plan with a medium pitched front gable roof. The property was owned by William Norman. The front façade is divided into two bays with a side entrance and a double-hung window unit. A one-and-one-half-storey addition and a single storey addition are located on the north side.”

**Built/Cultural Heritage Analysis**

The subject property is located within the Barriefield HCD. The heritage value of the district, as defined in the HCD Plan, includes its residential properties dating from the early 19<sup>th</sup> century, its

November 21, 2018

Page 5 of 7

setting and rural atmosphere, and its location within a significant natural landscape. Conservation goals for the district include the protection of the existing low rise residential character and profile, and conservation of heritage attributes by allowing only those changes that are compatible with the existing built form.

Section 4.3 of the Barriefield HCD Plan includes policies and guidelines pertaining to additions to heritage buildings. Section 4.3.1 requires that new additions be limited in size, set back from the existing street-facing façade of the main building, and have a ridgeline roof height lower than the main building. New additions, as required by this section, are not to overpower the heritage building in height and massing. Section 4.3.2 echoes Standard 11 of Parks Canada's 'Standards and Guidelines for the Conservation of Historic Places in Canada' in that the design of new additions shall be complementary in terms of scale, mass, material, form and colour but be clearly distinguishable from the heritage building. The proposed design of the new addition appears to satisfy and comply with this section of the HCD Plan.

Section 4.5.3 of the Barriefield HCD Plan includes specific policies related to garages and ancillary structures. Subsection (a) states: "New garages/ancillary structures shall not form part of the street-facing façade of the main building, and are to be a separate/detached structure." While the plans submitted (Exhibit B) appear to meet all other policies and guidelines in this section (and the HCD Plan in general), the design as proposed does not comply with section 4.5.3.a, as the proposed addition includes a single car garage. Attached garages became more prevalent in the mid-20<sup>th</sup> century when car ownership became more common, but do not reflect the 19<sup>th</sup> century rural character of Barriefield. While there are some examples of attached garages in Barriefield, many of them are the result of new construction, and all were approved prior to the passing of the new Village of Barriefield HCD Plan in 2016.

Clause 4.5.3.a is noted as a "Policy" in the HCD Plan. Section 4.1.1 of the plan notes that for the purposes of section 4 of the Plan, "policies' are requirements that must be followed... whereas 'guidelines' are best-practice recommendations." The wording of Section 4.5.3.a is explicit and does not allow room for interpretation. Council may, however, choose to approve of the alterations on the basis that the broader policies of the HCD Plan are upheld and otherwise supported by the proposal.

It should be noted that on a review of the Ministry of Tourism, Culture and Sport's 'Eight Guiding Principles in the Conservation of Built Heritage Properties' the proposed addition would satisfy Principle "6 - Reversibility" and Principle "7 - Legibility" in terms of its design and location.

While the design of the proposed addition satisfies all other policies related to good heritage conservation planning, section 4.5.3.a explicitly requires new garages to be detached structures. Staff have discussed this matter with the applicants and discussed alternatives such as detaching the addition from the dwelling or removing the garage component of the addition; however, the applicants/owners wish to proceed with the application as submitted. As a result, staff cannot support the application as submitted and recommend it be refused. The owners have the option, under Section 42(6) of the *Ontario Heritage Act*, to appeal the refusal of this application by Council to the Local Planning Appeal Tribunal (LPAT) for reconsideration.

November 21, 2018

Page 6 of 7

**Previous Approvals**

None on file

**Comments from Departments and Agencies**

This application was circulated to a number of internal departments who provided the following comments:

Planning Division: The subject property is designated 'Residential' in the City's Official Plan. It is zoned 'R2-1 Barriefield' under Zoning By-Law Number 32-74. This zoning provides specific provisions for lot coverage, landscaped open space and yard setbacks amongst other provisions. The proposed addition appears to conflict with some of the noted provisions. The applicant has been advised of the need to review Zoning By-Law Number 32-74 in relation to the proposed design and confirm zoning compliance, prior to applying for a Building Permit. The use of the property for a single-dwelling unit is a permitted use in the R2-1 Zone.

Building Division: A Demolition Permit is required for the detached garage. An additional Building Permit will be required for the addition and alteration.

Engineering Department: Engineering has no concern to the heritage matters. Should any of the repair activities require use of the City right-of-way an Encroachment Permit will be required.

Fire and Rescue: No comments provided a second dwelling is not being added.

**Consultation with Heritage Kingston**

A site visit with the applicant and Heritage Kingston committee members was held on September 4, 2018.

Heritage Kingston was also consulted on this application through the [DASH](#) system. The Committees' comments have been compiled and attached as Exhibit D - Consolidation of Comments from Heritage Kingston, and show a general support for the proposed application. The applicants have agreed to amend their plans in accordance with the suggestions of the responding Committee members.

**Existing Policy/By-Law:**

Standards and Guidelines for the Conservation of Historic Places in Canada (Parks Canada)

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

Eight Guiding Principles in the Conservation of Built Heritage Properties (Ministry of Tourism, Culture and Sport)

Village of Barriefield Heritage Conservation District Plan

November 21, 2018

Page 7 of 7

**Notice Provisions:**

Pursuant to Section 42(3) of the *Ontario Heritage Act (OHA)*, notice of receipt of a complete application has been served on the applicant. As per Section 42(4) of the *OHA*, Council may, within 90 days after the notice of receipt is served, give the applicant: the permit applied for; a notice that Council is refusing the application; or the permit with terms and conditions attached.

**Accessibility Considerations:**

Not applicable

**Financial Considerations:**

Not applicable

**Contacts:**

Paige Agnew, Director, Planning, Building & Licensing Services 613-546-4291 extension 3252

Laura MacCormick, Deputy Director, Planning Division 613-546-4291 extension 3223

Greg Newman, Manager, Policy Planning 613-546-4291 extension 3289

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

Genise Grant, Planner, Heritage 613-546-4291 extension 3185

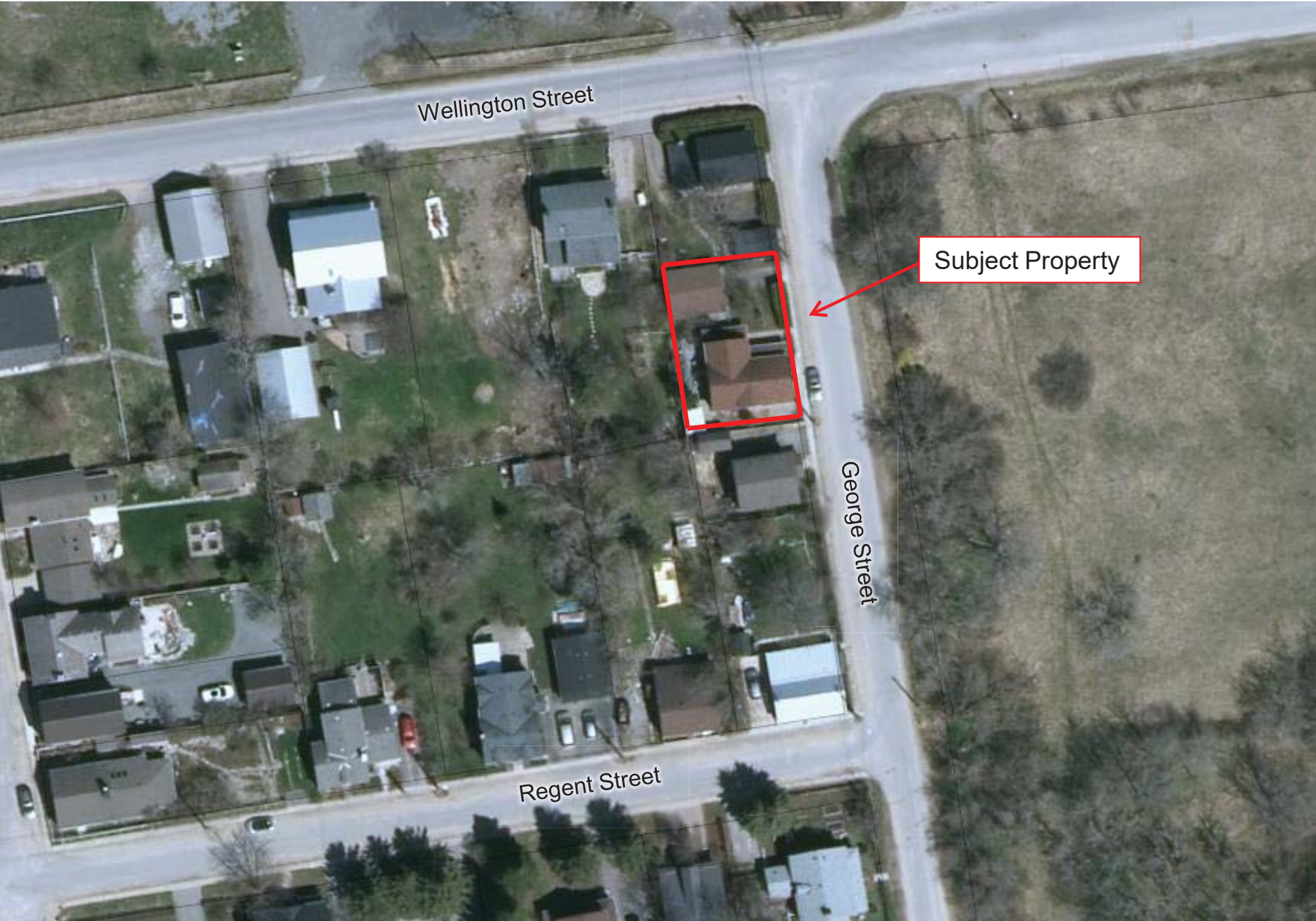
**Other City of Kingston Staff Consulted:**

The application was circulated to a number of internal departments for review and all comments have been incorporated.

**Exhibits Attached:**

- Exhibit A Context Map and Photographs
- Exhibit B Concept Plans, Submitted by Applicant
- Exhibit C Property Inventory Evaluation
- Exhibit D Consolidation of Comments from Heritage Kingston
- Exhibit E Summary of Final Comments

# Context Map: 7 George Street





# Context Photograph: 7 George Street



# Context Photograph: 7 George Street



# Context Photograph: 7 George Street



View from Street

# Context Photograph: 7 George Street





Proposed 1.5 Sty. Framed Addition with Garage -  
 (In place of 1.0 Sty Garage located on Property lines)

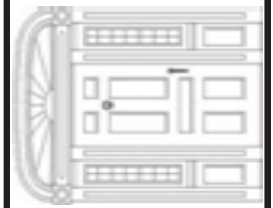


Exhibit B

**Johnston Residence**  
 Addition - 1.5 Sty Garage  
 7 George St.  
 Barriefield  
 Ryan

DRAWN BY: *Sherman A. Hill*  
 SCALE: As Noted  
 DATE: June 6, 2018

PAGE: 1 / 4  
 COVER VIEWS

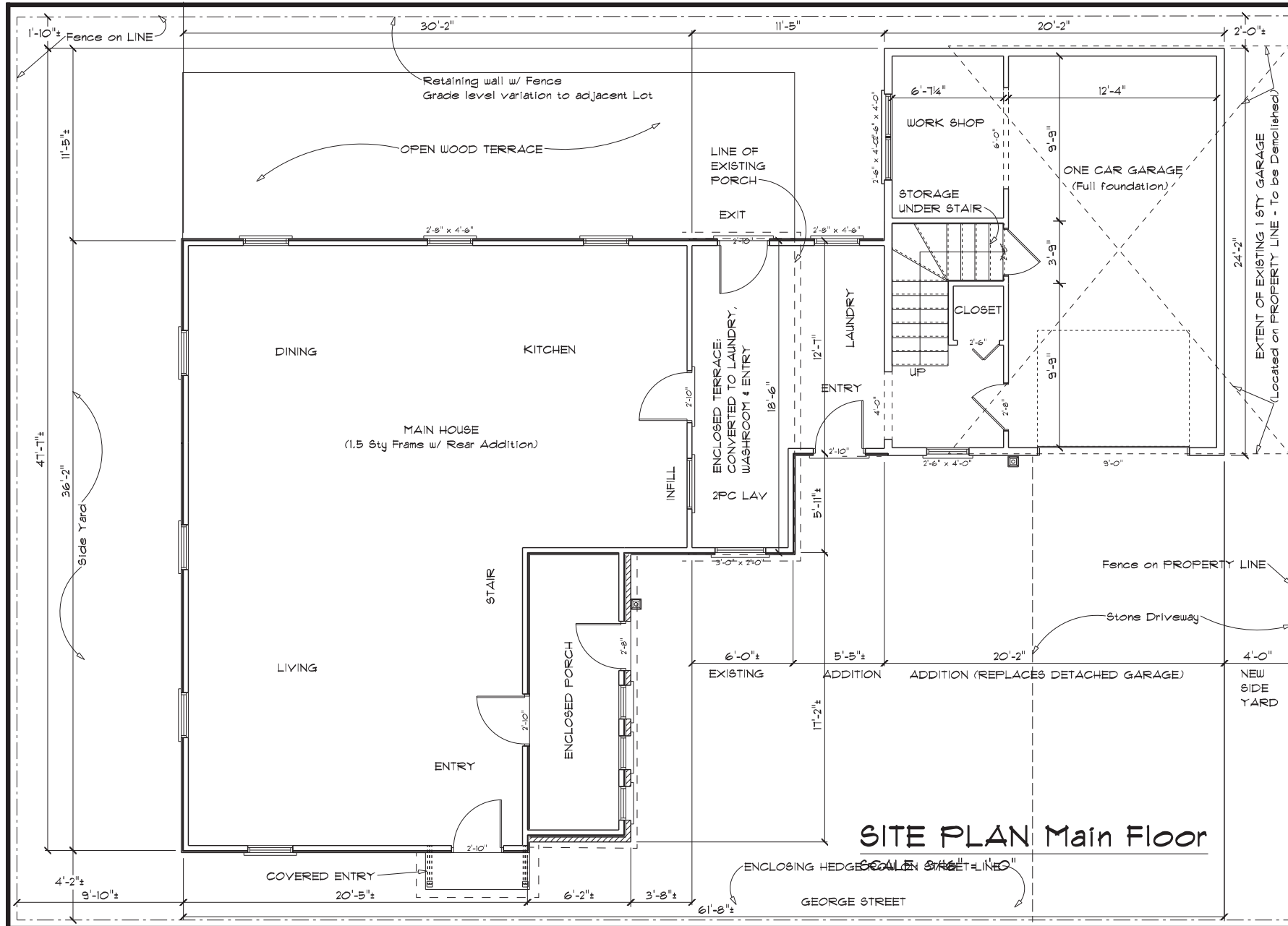


**SOFTPLAN**  
 ARCHITECTURAL DESIGN SOFTWARE

**Sherman A. Hill**

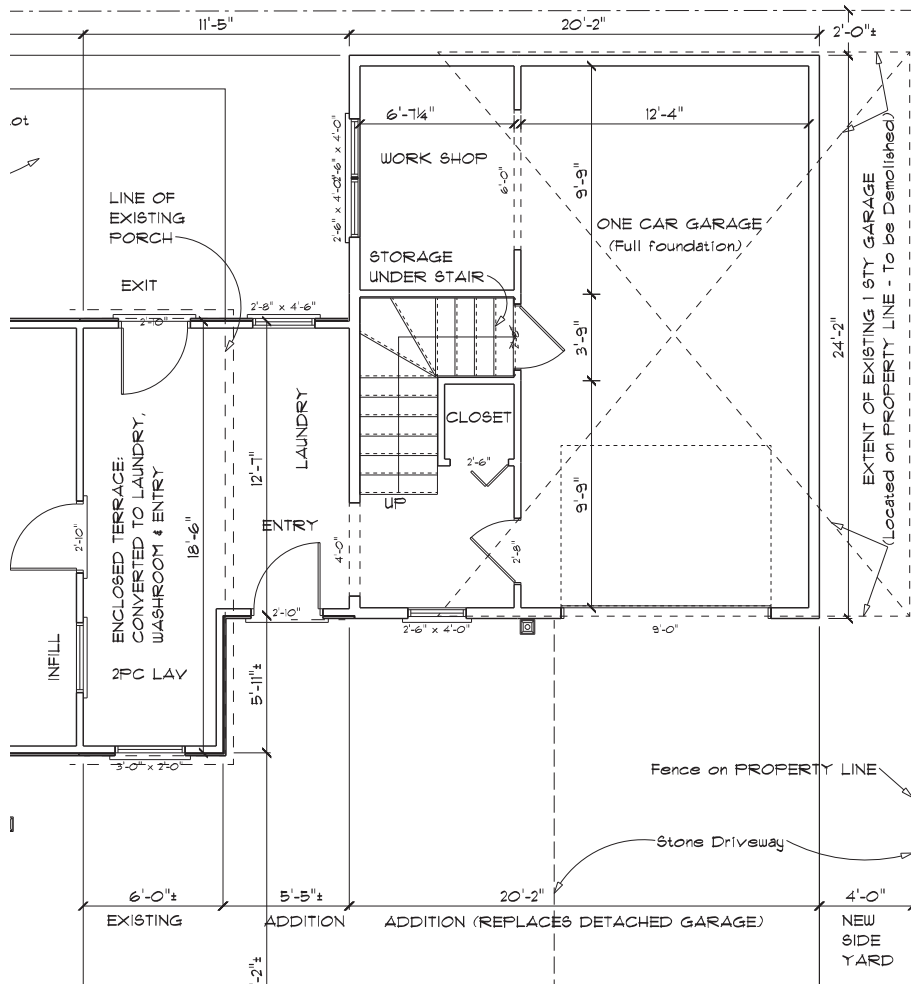
Architectural Drawing & Design Consultation

PHONE: 613-541-9540  
 sherman@sahdesign.ca  
 Kingston, Ontario

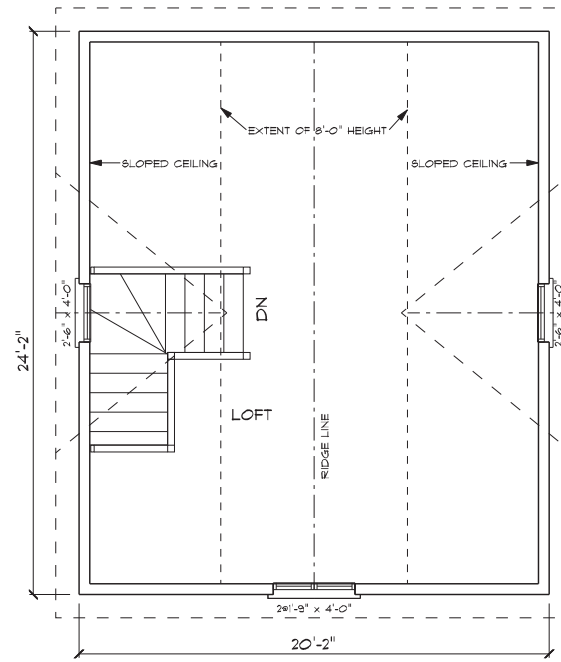


SITE PLAN Main Floor

<p><b>Johnston Residence</b>                  Addition - 1.5 Sty Garage                  Kingston</p>	<p>PAGE: 2 / 4                  SITE PLAN</p>
	<p>DRAWN BY: Sherman A. Hill                  7 George St.                  Barriefield                  Ryan</p>
<p>SCALE: 3/16" = 1'-0"                  DATE: June 6, 2018</p>	
<p><b>SOFTPLAN</b>                  ARCHITECTURAL DESIGN SOFTWARE</p>	
<p><b>Sherman A. Hill</b>                  Architectural Drawing &amp; Design Consultation</p>	
<p>PHONE: 613-541-9540                  sherman@sahdesign.ca</p>	
<p>Kingston, Ontario</p>	

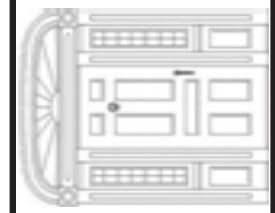


**MAIN FLOOR\_Partial**  
SCALE: 3/16" = 1'-0"



**LOFT FLOOR PLAN**  
SCALE: 3/16" = 1'-0"

**Johnston Residence**  
Addition - 1.5 Story Garage  
7 George St.  
Barriefield  
Kingston  
Ryan



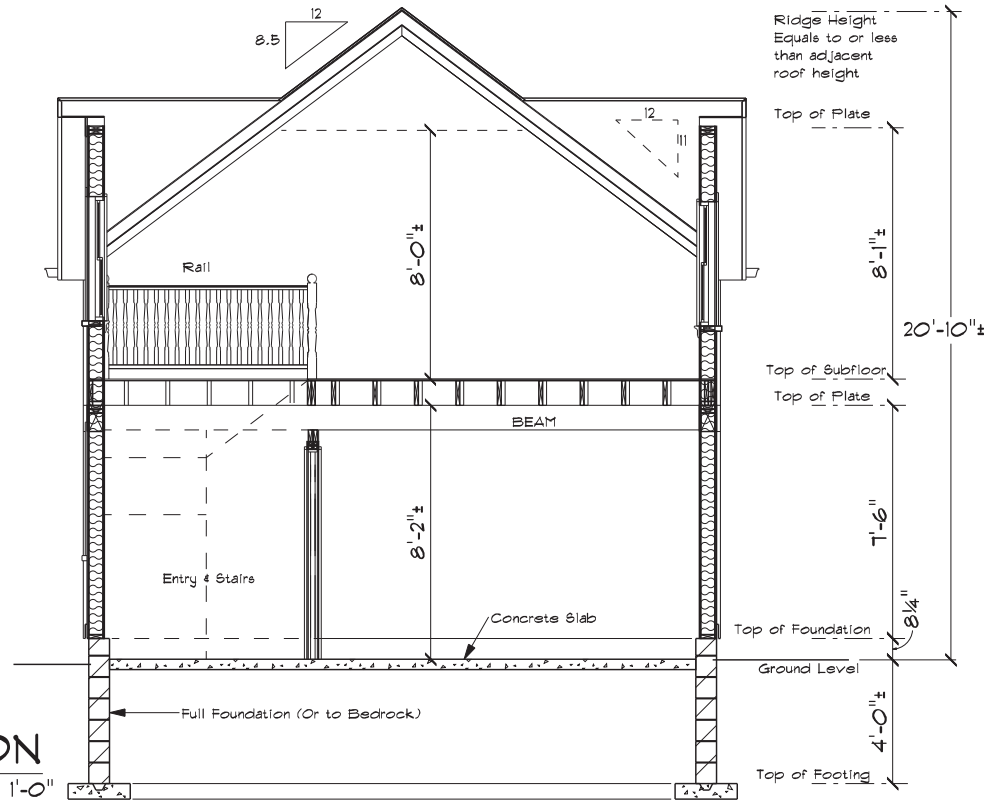
**SOFTPLAN**  
ARCHITECTURAL DESIGN SOFTWARE

**Sherman A. Hill**  
Architectural Drawing & Design Consultation  
Kingston, Ontario

PHONE: 613-541-9540  
sherman@sahdesign.ca

DRAWN BY: Sherman A. Hill  
SCALE: 3/16" = 1'-0"  
DATE: June 6, 2018

PAGE: 3/4  
FLOOR PLANS



**SECTION**

SCALE: 1/4" = 1'-0"

**Johnston Residence**  
 Addition - 1.5 Sty Garage  
 Kingston

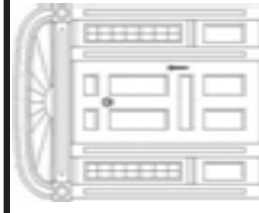
7 George St.  
 Barriefield  
 Ryan

DRAWN BY: Sherman A. Hill

SCALE: 1/4" = 1'-0"

DATE: June 6, 2018

PAGE: 4/4  
 SECTION



**SOFTPLAN**  
 ARCHITECTURAL DESIGN SOFTWARE

**Sherman A. Hill**

Architectural Drawing & Design Consultation

PHONE: 613-541-9540

sherman@sahdesign.ca

Kingston, Ontario



**Name:**

**Address:** 7 George Street

**Property Number:**  
 1011090090024000000.00

**Lot:** PLAN 51 PT LOT 8



<b>Property Type:</b>	Residential
<b>Era/Date of Construction:</b>	Late 19 <sup>th</sup> Century
<b>Architect/Builder:</b>	William and Frederick Allen
<b>Building style/Influence:</b>	Vernacular
<b>Materials:</b>	Frame
<b>Number of Bays:</b>	Two
<b>Roof Type:</b>	Front gable
<b>Building Height:</b>	One and one half storey
<b>Alterations:</b>	Small one storey and larger one and one half storey addition to north elevation (2007). Windows replaced (2005). Gable portico added to front entrance after 1992. Fencing added (1993).
<b>Landscape/setting:</b>	Close setback to street, concrete walk, fenced yard, mixed shrubs
<b>Heritage value:</b>	Heritage

**Description of Historic Place:**

7 George Street is a one and one half storey house with cross gable roof located on the west side of George Street in the Barriefield Heritage Conservation District.

**Heritage Value:**

Constructed by local builders William and Frederick Allen, this one and one half story frame house has a rectangular plan with a medium pitched front gable roof. The property was owned by William Norman. The front facade is divided into two bays with a side entrance and a double-hung window unit. A one and one half storey addition and a single storey addition are located on the north side.

**Heritage Attributes:**

Elements that define the historical value of the property include:

- Vernacular structure representative of late 19<sup>th</sup> century construction in Barriefield Village by the Allen brothers.

Elements that define the architectural value of the property include:

- One and one half storey massing
- Cross gable T-shape plan
- Two bay facade
- Rectangular window openings
- Single rectangular door opening
- Narrow horizontal cladding

Elements that define the contextual value of the property include:

- Close setback to street
- Orientation to George Street
- Low profile fencing delineating property

# Heritage Kingston

## Summary of Input from the Technical Review Process

**P18-109-2018**

Heritage Kingston Members	Comments Enclosed	No Comments Provided	No Response Received
Chair, Councillor Peter Stroud	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Councillor Liz Schell	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mac Gervan	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Catherine Hyett	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jane McFarlane	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donald Taylor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



City of Kingston  
 216 Ontario Street  
 Kingston, Ontario  
 Canada, K7L 2Z3

Website: [www.cityofkingston.ca](http://www.cityofkingston.ca)  
 TTY: Dial 613-546-4889

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Date:	October 10, 2018
Form:	Heritage Kingston Reviewer
Reviewer Name:	Jane McFarlane
Application Type:	Alteration and/or repair
File Number:	<a href="#">P18-109-2018</a>
Property Address:	7 GEORGE ST

---

Description of Proposal:

The subject property is located in the Barriefield Heritage Conservation District on the east side of George Street. The subject property includes a one-and-a-half storey detached 'heritage' building, built in the late 19th century. The applicants are requesting Heritage Act approval to add a one-and-a-half storey addition to the north side of the dwelling, near the rear (north-east corner) of the lot. The addition will include a single-car garage with heated loft space above. It will be attached to the dwelling by a one-storey link addition. A site meeting has being organized for interested committee members on October 4th at 2 pm.

Comments for Consideration on the Application:

The main roof of the addition should maintain the predominant roof profile pitch.

Choice of appropriate windows for the addition and the windows in the garage door should reference the shape and proportion of the original buildings' windows and compliment them, eg 2 over 2 and no double windows.

The front façade might looked less cluttered and boxy if the link addition, that is the 2 piece bath and the laundry room, were on the same vertical plane, rather than stepped back and perhaps the front of the larger addition could also be in line, depending on the design and function of the interior.

The choice of siding or historic colours for the new addition should be distinct but complimentary to the main building.



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Date:	October 4, 2018
Form:	Heritage Kingston Reviewer Form
Reviewer Name:	<input type="text" value="Donald Taylor"/>
Application Type:	Alteration and/or repair
File Number:	<a href="#">P18-109-2018</a>
Property Address:	7 GEORGE ST

---

#### Description of Proposal:

The subject property is located in the Barriefield Heritage Conservation District on the east side of George Street. The subject property includes a one-and-a-half storey detached 'heritage' building, built in the late 19th century. The applicants are requesting Heritage Act approval to add a one-and-a-half storey addition to the north side of the dwelling, near the rear (north-east corner) of the lot. The addition will include a single-car garage with heated loft space above. It will be attached to the dwelling by a one-storey link addition. A site meeting has being organized for interested committee members on October 4th at 2 pm.

#### Comments for Consideration on the Application:

The proposed alterations have many desirable advantages, but they raise some concerns, most of them minor but not all. The window to the left of the link doorway should be oriented vertically, not horizontally, to be consistent with other windows and with the guidelines. The garage door should be an unobtrusive colour, not white. The siding treatment must differentiate this secondary structure from the main house, and this could be in material or colour, or both. My preference would be that it be board and batten siding, which would more positively identify the addition as secondary. The colour could then be the same if desired.

The major issue is whether this structure can be linked to the main house as planned, rather than detached in accordance with the district guidelines. I think it is reasonable to allow flexibility in this case, by recognizing that this is an addition where the living/working space dominates the garage space, and thus it need not be treated as a garage. It is set back as far as allowed by the unusual lot size, and is well screened by a tall evergreen hedge.

The applicants might also carefully consider retaining the existing garage footprint, strengthening the walls, raising the roof to allow the desired extra half-storey, and presumably extending it forward slightly. Although the garage was described as being in poor condition no fundamental problems were obvious. This approach would obviously need the sanction of a sympathetic structural engineer, but if it could be done there would be two big advantages: a major reduction in cost, and (assuming approval by the building department), avoiding the loss of significant lot space to satisfy side and rear setbacks that would be required for new construction.

Final Comments from Heritage Kingston - November 21, 2018

The following final comments were provided at the November 21, 2018 Heritage Kingston meeting:

Mr. Taylor noted that he will not support staff's recommendation. He noted that the committee has approved applications that do not conform to the letter of the district plans in the past. He noted that the committee should look at the Barriefield Plan as a whole when evaluating this matter and that the proposal meets the spirit of the plan. He noted that the connection to the main dwelling is small and discrete and gives the appearance of a detached building.

Ms. Hyett agreed with Mr. Taylor's comments and added that the garage is just a small component of the overall addition, which adds living space to the main dwelling.

Councillor Stroud noted that in essence the application would be okay in many areas of the City, but Barriefield is a special place where special rules apply, and added that the Heritage Conservation District Plan for Barriefield is very important to the City's heritage flavor. He noted that there are four aspects of the design of the application that conflict with the Heritage District Plan:

1. The link between the house and the garage which makes it an attached garage (something that I am told was not done architecturally until the 1950s);
2. The additional height proposed for the garage (which would give the appearance of something other than an ancillary structure);
3. The way the cladding of the new garage in the drawings appears to match the house; and
4. The garage door itself.

He noted that all of these features together do appear quite out of keeping with the character clearly described in the District Plan.