



**City of Kingston
Report to Council
Report Number 21-085**

To: Mayor and Members of Council
From: Paige Agnew, Commissioner, Community Services
Resource Staff: Alan McLeod, Acting City Solicitor and Director of Legal Services
Date of Meeting: March 2, 2021
Subject: Queen's University Kingston – Main Campus

Council Strategic Plan Alignment:

Theme: Corporate business

Goal: See above

Executive Summary:

The main campus of Queen's University includes a number of buildings and properties which have been subject to heritage easement agreement protection for over two decades. Under the terms of Part IV, Section 37 of the *Ontario Heritage Act*, the Council of a municipality may enter into an easement agreement with the owners of any real property for the purpose of conserving its cultural heritage value or interest. The City of Kingston and Queen's University entered into a heritage easement agreement in 1998 for a term of 20 years.

The easement agreement covers 23 of Queen's most prominent and culturally significant buildings. The current heritage easement agreement was renewed in 2018 with an annual extension as workload required in order to provide City staff and Queen's University with ample time to review and critique any proposed adjustments to the easement agreement. While staff have continued to work towards the assessment of all Queen's heritage properties, due to the diversion of resources as well as the complexity of the task of updating heritage characteristic descriptions for all relevant properties, further renewal and extension to the terms of the current agreement is now recommended.

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The extension of the 1998 easement agreement is requested with the consent of Queen's University. It will enable City staff to continue undertaking the research and legal review with Queen's on the proper scope of heritage protection to be included in the final form of the new heritage easement agreement. It will also provide for an updated approvals process to more expeditiously manage development within the campus in line with the pending amendments to the *Ontario Heritage Act* currently under final consideration by the Province. When finalized, the updated draft heritage easement agreement will be presented to Heritage Kingston before coming to Council for review and recommendation for approval. Until approved the terms of the 1998 easement continue to be followed by the parties.

Recommendation:

That Council authorize the Mayor and Clerk to execute an agreement with Queen's University for the renewal and extension of the heritage easement agreement on the same terms and conditions for one calendar year with annual renewals thereafter in a form satisfactory to the Director of Legal Services.

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

**Paige Agnew, Commissioner,
Community Services**

ORIGINAL SIGNED BY CHIEF
ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Peter Huigenbos, Commissioner, Business, Environment & Projects	Not required
Brad Joyce, Commissioner, Corporate Services	
Jim Keech, President & CEO, Utilities Kingston	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required
Sheila Kidd, Commissioner, Transportation & Public Works	Not required

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Options/Discussion:**Background**

Queen's College (now University) was first established in 1842 from a small house on Colborne Street. The lands and former dwelling, known as Summerhill villa (55 Stuart Street), were purchased from The Reverend George Okill Stuart in 1853 to house the growing institute. Queen's University grew on the grounds of Summerhill, and its adjoining lands, to form its main campus, which now includes some of the finest institutional limestone buildings in the City. Queen's University is not only a premier institute of higher learning but is also a tourist destination within the City of Kingston, drawing interest from those who appreciate the institution's distinctive heritage character.

The City of Kingston entered into a heritage easement agreement under Section 37 of the *Ontario Heritage Act* in 1998. That section provides that the Council of a municipality may enter into an easement agreement with the owners of any real property for the purpose of conserving its cultural heritage value or interest. An easement agreement under this section of the Act allows for a negotiated and amicable understanding of the cultural heritage value of the property and how to conserve this value into the future. It can establish minimum standards for maintenance, protocols in the event of a catastrophe, and outline the roles and responsibilities of the owners and the municipality. An agreed upon approval process for alterations, demolition and new construction within an easement agreement supersedes the typical Heritage Permit processes found in Part IV, Sections 33 and 34 of the Act.

The 1998 Queen's University heritage easement agreement includes "heritage character statements" for 23 of Queen's most prominent and culturally significant buildings. The statements were prepared using information collected through a 1998 heritage study, undertaken by Queen's students under the direction of the consulting firm Commonwealth Historic Resource Management Limited. Buildings recognized in the agreement include, but are not limited to: Grant, Ontario, Nicol, Kingston and Fleming Halls, the Douglas Library, the University Club and the Ban Righ Centre. A map showing all 23 buildings currently included in the agreement is provided in Exhibit A. Since 1998, numerous Heritage Permits have been applied for and obtained by the University for alterations to the 23 buildings subject to the agreement.

Purpose

The Queen's University heritage easement agreement was originally set to expire on August 14, 2018. It was extended by annual increments by Council pursuant to [Report Number 18-188](#) on July 10, 2018. Since that time, staff have continued to work with representatives of Queen's University to research the properties to be covered by a new heritage easement agreement. As part of this project, staff have been reviewing options to clarify and, where possible, expedite the permitting process, and to more clearly define the types of alterations that require Heritage Kingston review and Council approval, versus those that can be approved by the Director of Planning Services. In addition, staff have evaluated options to enable non-invasive, routine,

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limited maintenance works to occur in an expedited manner without the need for municipal approvals. City staff are also seeking to add a number of University-owned buildings to the terms of the easement agreement, recognizing the heritage value that such buildings bring to the community. Due to the diversion of resources over the last year as well as the complexity of the task of updating heritage characteristic descriptions for all relevant properties, further renewal and extension to the terms of the current agreement is now recommended.

As stated in [Report Number 18-188](#), while many of the buildings/properties being considered for inclusion in the agreement are already protected by way of a Part IV designation or listing under the *Ontario Heritage Act*, there are several which are currently void of any sort of heritage protection. In preparing for discussions regarding a renewal of the heritage easement agreement, City staff have initiated the cultural heritage value assessments, in accordance with Ontario Regulation 9/06, of several properties which are not currently captured by the agreement. These assessments have been largely completed by qualified professionals from E.R.A. Architects Inc., with oversight being provided by heritage planning staff. The extension of the current easement agreement will enable City staff to research and seek out consensus on which properties to include in the renewed agreement. The continued extension will also allow for the detailed review of the proposed and revised/updated lists of “character defining elements” (heritage attributes) of each building, which establish a foundation upon which to consider future requests for building/property alterations. It is anticipated that the new agreement will alter both the understanding and breadth of the cultural heritage value of properties and buildings owned by Queen’s University and the means by which the City is able to support the conservation of these resources. As the method for conservation of the heritage resources, and details on the heritage resources themselves, are not being changed, consultation with Heritage Kingston, as per Section 37(1), is not required at this time. Until an updated heritage easement agreement is approved, the terms of the 1998 easement continue to be followed by the parties.

Following the achievement of consensus with Queen’s University regarding the terms of a renewed easement agreement, City staff will bring a draft easement agreement to Heritage Kingston for consultation in accordance with Section 37 of the *Ontario Heritage Act*. Stemming from this consultation, staff will prepare and present a final easement agreement for approval by Council. In order to provide City staff and Queen’s University with sufficient time to review and critique any proposed adjustments to the current agreement, further extension to the terms of the easement agreement is now sought.

Existing Policy/By-Law:

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

City of Kingston Official Plan

Notice Provisions:

None

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Accessibility Considerations:

None

Financial Considerations:

None

Contacts:

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Other City of Kingston Staff Consulted:

None

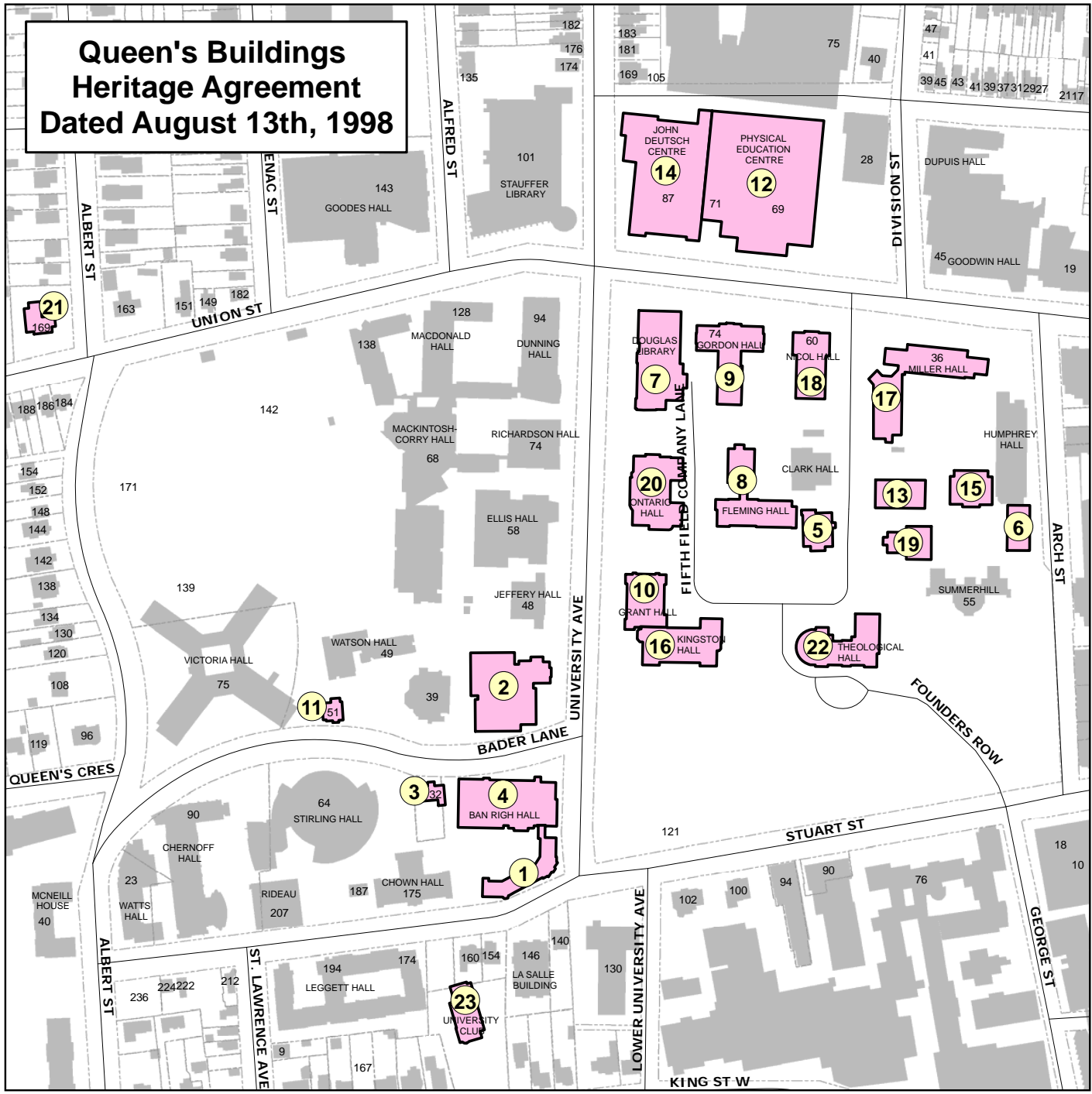
Exhibits Attached:

Exhibit A Map of Buildings Included in the 1998 Agreement


Exhibit A

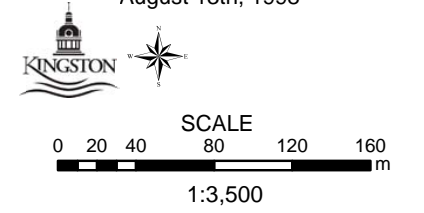
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**Queen's Buildings
Heritage Agreement
Dated August 13th, 1998**



ID	Building	Address
1	Adelaide Hall	137 Stuart St
2	Agnes Etherington Art Centre	36 University Ave
3	Ban Righ Centre (Former 32 Queen's Cres)	32 Bader Lane
4	Ban Righ Hall	10 Bader Lane
5	Carruthers Hall (Science Hall)	62 Fifth Field Company Lane
6	Craine Building	56 Arch St
7	Douglas Library	93 University Ave
8	Fleming Hall	78 Fifth Company Lane
9	Gordon Hall and Annex	74 Union St
10	Grant Hall	43 University Ave
11	Grey House (Former 51 Queen's Cres)	51 Bader Lane
12	Gymnasium	69 Union St
13	Jackson Hall (Old Gymnasium)	35 Fifth Company Lane
14	John Deutsch Centre	87 Union St
15	Kathleen Ryan Hall	50A Arch St
16	Kingston Hall	103 Stuart St
17	Miller Hall	36 Union St
18	Nicol Hall	60 Union St
19	Old Medical Building	50B Arch St
20	Ontario Hall	67 University Ave
21	Queen's Day Care Centre	169 Union Street
22	Theological Hall	85 Stuart St
23	University Club	168 Stuart St

LEGEND
 Queen's Buildings affected by Heritage Agreement dated August 13th, 1998



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