

**Council Meeting Number 21-2021  
Addendum  
Tuesday, September 21, 2021**

**Delegations**

The consent of Council is requested for the **addition** of Delegation Numbers 4 and 5.

4. Moved by Councillor Doherty

Seconded by Councillor Osanic

**That** Clauses 12.9 and 12.11 of the City of Kingston Procedural By-Law 2021-41 be waived in order to allow Bronte Simon to speak to New Motion Number 1 regarding OMERS and climate change.

5. Moved by Councillor Holland

Seconded by Councillor Osanic

**That** Clauses 12.9 and 12.11 of the City of Kingston Procedural By-Law 2021-41 be waived in order to allow Lisa Pasolli to speak to New Motion Number 2 regarding a national child care program.

**Reports**

The consent of Council is requested for the **addition** of Report Number 81: Received from Heritage Kingston.

**Report Number 81: Received from Heritage Kingston**

To the Mayor and Members of Council:

Heritage Kingston reports and recommends as follows from the Heritage Kingston Meeting held on September 15, 2021:

**1. Applications Supported for Approval by Heritage Kingston (Non-Statutory Consultation)**

**That** alterations to the property at 244-252 King Street East & 41 William Street, be approved in accordance with details described in the application (P18-048-2021), which was deemed completed on August 18, 2021 with said alterations to include:

1. The scraping of existing paint to determine the condition of wooden features (see below) and to determine if repair, or replacement - like-for-like as determined by a qualified professional, is necessary.
  - a. Wooden features include all wooden features besides the crown molding over the balconies of 250-252 King Street East and the back stoops of the building (associated with permit numbers P18-119-2018DA & P18-078-2020DA, respectively).

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2. All scraped features will be repainted with the same colour after repairs/assessment.
3. To add a new roof overhang in the rear of Unit 250-1 by anchoring the roof framing to the masonry with all penetrations protected by flashing above (similar to that rear roof overhang at Unit 252). If necessary, a simple triangulated wood bracket will be installed under the free corner and be anchored to the stone foundation wall.

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

1. All window works shall be completed in accordance with the City's Policy on Window Renovations in Heritage Buildings;
2. All masonry works (including works that interact with masonry) shall be undertaken in accordance with the City's Policy on Masonry Restoration in Heritage Buildings;
3. If a wooden element requires like-for-like replacement in its majority or in its entirety, Heritage Planning staff shall be notified to said replacement for approval;
4. A Building Permit shall be obtained, as necessary;
5. There are three city owned trees along both frontages. Applicant will be required to install tree protection in the form of snow fencing around them to allow for protection when the works involve heavy equipment or quantities of materials that might be placed within 1.5 metres of any tree. The fencing shall be installed at the sidewalk limit on King Street East and at 1.5 meters away from the trunks of both trees on the William Street side. The fencing is not to be removed when the works involve heavy equipment or quantities of materials that might be placed within 1.5 metres of any tree and no building materials or equipment are to be placed on or over the root systems of any of the city owned trees. Tree Protection details, in the form of drawings, shall be provided and approved prior to commencing works that may impact trees (as listed above);
6. Heritage Planning staff shall be circulated the drawings and design specifications tied to any required Building Permit application for review and approval to ensure consistency with the scope of the Heritage Permit sought by this application;
7. Proposed colour(s) that deviate from the existing colour(s) shall be submitted to Heritage Planning staff, prior to installation, for review and approval, to ensure they complement the heritage character and attributes of the property; and
8. Any minor deviations from the submitted plans, which meet the intent of this approval and does not further impact the heritage attributes of the property, shall be delegated to the Director of Heritage Services for review and approval.

(See Report HK-21-041 attached to the Addendum as schedule pages 1-51)

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The consent of Council is requested for the **addition** of Report Number 82: Received from the Arts, Recreation & Community Policies Committee.

**Report Number 82: Received from the Arts, Recreation & Community Policies Committee**

To the Mayor and Members of Council:

The Arts, Recreation & Community Policies Committee reports and recommends as follows from the meeting held on September 14, 2021:

**1. Animal By-Law Repeal and Replace**

**That** the By-Law attached as Exhibit A to Report Number ARCP-21-009, "A By-Law to Repeal and Replace By-Law Number 2004-144, A By-Law to Regulate Animals", as amended in Section 3.1 to add the words "or an established animal rescue agency (including, without limitation, the Kingston Humane Society)" following the word "store", be presented to Council; and

**That** By-Law Number 2020-69, "A By-Law to Establish a Process for Administrative Penalties", as amended, be further amended, as per Exhibit B to Report Number ARCP-21-009; and

**That** By-Law Number 2010-205, "A By-Law to Define the Mandate and Meeting Procedures for Committees Established by the Corporation of the City of Kingston", as amended, be further amended as per Exhibit C to Report Number ARCP-21-009; and

**That** By-Law Number 2015-159, "A By-Law to Establish Procedures for the Appeals Committee to Conduct Appeals to Property Standards Orders in accordance with the Building Code Act, and Appeals to License and Permit Decisions in Accordance with the City of Kingston licensing By-Laws", as amended, be further amended as per Exhibit D to Report Number ARCP-21-009; and

**That** staff be directed to, within one year of the start of operation of a low-cost spay/neuter clinic in Kingston, present a report to the Arts, Recreation & Community Policies Committee regarding the feasibility of amending the Animal By-Law to include the institution of limits on the number of pets kept per household in Kingston; and

**That** Council approve the expansion of the Municipal Fee Assistance Program to include the Safe Surrender Program for a period of one year expiring December 31, 2022; and

**That** Council approve a budget of \$50,000 to be funded from the Working Fund Reserve to be utilized by the Safe Surrender Program; and

**That** the draft By-Law attached as Exhibit G to Report Number ARCP-21-009 be presented to Council to amend By-Law Number 2016-189, "A By-Law to Consolidate the

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Delegation of Powers and Duties”, to delegate authority to the Director of Building & Enforcement Services or their designate to administer the Safe Surrender Program until December 31, 2022, upon the terms and conditions specified in Report Number ARCP-21-009 and in accordance with the terms of the Municipal Fee Assistance Program, and to approve any documents and/or agreements required in connection with the Safe Surrender Program.

**(See By-Law Number (13), 2021-166 attached to the agenda as schedule pages 52-80)**

**(See By-Law Number (14), 2021-167 attached to the Addendum as schedule pages 81-83)**

**(See By-Law Number (15), 2021-168 attached to the Addendum as schedule pages 84-85)**

**(See By-Law Number (16), 2021-169 attached to the Addendum as schedule pages 86-87)**

**(See By-Law Number (17), 2021-170 attached to the Addendum as schedule pages 88-89)**

**By-Laws**

The consent of Council is requested for the **addition** of By-Law Numbers (13), (14), (15), (16) and (17).

- (13) A By-Law to Repeal and Replace By-Law Number 2004-144, “A By-Law to Regulate Animals”

First and Second Readings

Proposed Number 2021-166

**(Clause 1, Report 82)**

- (14) A By-Law to Amend By-Law Number 2020-69, “A By-Law to Establish a Process for Administrative Penalties” (Designating By-Laws)

First and Second Readings

Proposed Number 2021-167

**(Clause 1, Report 82)**

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- (15) A By-Law to Amend By-Law Number 2010-205, "A By-Law to Define the Mandate and Meeting Procedures for Committees Established by the Corporation of the City of Kingston"

First and Second Readings

Proposed Number 2021-168

**(Clause 1, Report 82)**

- (16) A By-Law to Amend By-Law Number 2015-159, "A By-Law to Establish Procedures for the Appeals Committee to Conduct Appeals to Property Standards Orders in accordance with the Building Code Act, and Appeals to License and Permit Decisions in Accordance with the City of Kingston Licensing By-Laws"

First and Second Readings

Proposed Number 2021-169

**(Clause 1, Report 82)**

- (17) A By-Law to Amend By-Law Number 2016-189, "A By-Law to Consolidate the Delegation of Powers and Duties", as Amended

First and Second Readings

Proposed Number 2021-170

**(Clause 1, Report 82)**



**City of Kingston  
Report to Heritage Kingston  
Report Number HK-21-041**

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**To:** Chair and Members of the Heritage Kingston  
**From:** Paige Agnew, Commissioner, Community Services  
**Resource Staff:** Jennifer Campbell, Director, Heritage Services  
**Date of Meeting:** September 15, 2021  
**Subject:** Application for Heritage Permit  
**Address:** 244-252 King Street East & 41 William Street (P18-205 & 206)  
**File Number:** P18-048-2021

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**Council Strategic Plan Alignment:**

Theme: Council requests

Goal: See above

**Executive Summary:**

The subject properties with the municipal addresses of 244-252 King Street East & 41 William Street are located on the corner of King Street East and William Street, across the street from the Frontenac Club hotel. The properties are located between/on King Street East and Wellington Street and are designated under both Parts IV and V of the *Ontario Heritage Act*. The buildings on the properties form a condominium association with 13 residential units, known as “The Kilborn”.

An application for alteration under Section 42 of the *Ontario Heritage Act* (P18-048-2021) has been submitted to request approval to repair and/or like-for-like replace (only where necessary) nearly all wooden architectural features associated with the subject property. Many of the wooden features are suspected to require repair, but until the paint is removed the full extent of the damage is unknown – this uncertainty is the reason for a seemingly open-ended approval request. Full replacement of like-for-like heritage attributes, as determined during scraping will require consultation and approval from Heritage staff. In addition, the secondary purpose of this

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approval is to install a new roof overhang over the rear entrance of Unit 250-1, which is almost completely out of the public realm, to reduce water penetration into the masonry and foundation.

In addition to the above proposed works, the applicant is requesting that this proposal be expedited by being put on the September 21, 2021 Council meeting agenda for a decision. This expedited request is due to the extensive repainting required for these wooden features and the two additional weeks between scheduled Council meetings would greatly assist with accurately completing these restoration works within the remaining building season. As the seasonality is an important consideration when applying paint and properly applied paint assists with preserving wooden features, to best preserve these assets it is also recommended that this proposal be brought to Council on September 21, 2021 to provide the additional time necessary to properly restore and protect these assets.

This application was deemed complete on August 18, 2021. 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 November 16, 2021.

Upon review of all the submitted materials, as well as applicable policies and legislation, staff recommend approval of the proposed scope of work, subject to the conditions outlined herein.

**Recommendation:**

**That** Heritage Kingston supports Council approval and recommends Council consideration on September 21, 2021 of the following:

**That** alterations to the property at 244-252 King Street East & 41 William Street, be approved in accordance with details described in the application (P18-048-2021), which was deemed completed on August 18, 2021 with said alterations to include:

1. The scraping of existing paint to determine the condition of wooden features (see below) and to determine if repair, or replacement - like-for-like as determined by a qualified professional, is necessary.
  - a. Wooden features include all wooden features besides the crown molding over the balconies of 250-252 King Street East and the back stoops of the building (associated with permit numbers P18-119-2018DA & P18-078-2020DA, respectively).
2. All scraped features will be repainted with the same colour after repairs/assessment.
3. To add a new roof overhang in the rear of Unit 250-1 by anchoring the roof framing to the masonry with all penetrations protected by flashing above (similar to that rear roof overhang at Unit 252). If necessary, a simple triangulated wood bracket will be installed under the free corner and be anchored to the stone foundation wall.

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

1. All window works shall be completed in accordance with the City's Policy on Window Renovations in Heritage Buildings;

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2. All masonry works (including works that interact with masonry) shall be undertaken in accordance with the City's Policy on Masonry Restoration in Heritage Buildings;
3. If a wooden element requires like-for-like replacement in its majority or in its entirety, Heritage Planning staff shall be notified to said replacement for approval;
4. A Building Permit shall be obtained, as necessary;
5. There are three city owned trees along both frontages. Applicant will be required to install tree protection in the form of snow fencing around them to allow for protection when the works involve heavy equipment or quantities of materials that might be placed within 1.5 metres of any tree. The fencing shall be installed at the sidewalk limit on King Street East and at 1.5 meters away from the trunks of both trees on the William Street side. The fencing is not to be removed when the works involve heavy equipment or quantities of materials that might be placed within 1.5 metres of any tree and no building materials or equipment are to be placed on or over the root systems of any of the city owned trees. Tree Protection details, in the form of drawings, shall be provided and approved prior to commencing works that may impact trees (as listed above).
6. Heritage Planning staff shall be circulated the drawings and design specifications tied to any required Building Permit application for review and approval to ensure consistency with the scope of the Heritage Permit sought by this application;
7. Proposed colour(s) that deviate from the existing colour(s) shall be submitted to Heritage Planning staff, prior to installation, for review and approval, to ensure they complement the heritage character and attributes of the property; and
8. Any minor deviations from the submitted plans, which meet the intent of this approval and does not further impact the heritage attributes of the property, shall be delegated to the Director of Heritage Services for review and approval.



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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	Not required
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:****Description of Application/Background**

The subject property is located at 244-252 King Street East & 41 William Street (Exhibit A). The property contains a two and a half storey brick building with four municipal addresses, built in 1890-1891 and designed by architects Gillen & Gillen, and Newlands. The property is designated under both Parts IV and V of the *Ontario Heritage Act* through By-Law Number 84-256, and through By-Law Number 2015-67 as part of the Old Sydenham Heritage Conservation District.

An application for alteration under Section 42 of the *Ontario Heritage Act* (P18-048-2021) has been submitted to request approval to permit repair and/or like-for-like replacement of any wooden features that appear to be damaged during the scraping and repainting of the building, and to permit installation of a roof overhang over the rear entrance of Unit 250-1. The applicant has identified that certain features will require repair regardless of the paint works and these include: the entire porch for 250 & 252 King Street East, the balusters for the porch of 244 King Street East, the dining room windowsills/trim and bathroom windowsill/lintel board for 244-1 King Street East, and the guard balusters and deck for the balcony of 244-2 King Street East. Of note, the applicant has received an Emergency Approval related to this approval (P18-048-2021EA) due to the rapidly deteriorating porch board step(s) and newel post associated with the porch of 250-252 King Street East, and water ingress into the wall assembly of the dining room window at 244-1 King Street East. These requests are related to the safety of the residents and the retention of important Heritage Attributes.

Many other wooden features are suspected to require repair, but until the paint is removed the full extent of the damage is unknown and is the reason for such an open-ended approval request. The applicant has submitted supporting information, found in Exhibit B, for the wooden features including: a description of the proposal, detailed pictures showing most of the exterior wooden features requiring attention, and a preliminary list of exterior wooden elements with their relative condition prior to scrapping any paint (Exhibit B).

The applicant is also requesting to add a new roof overhang to the rear of Unit 250-1. The purpose for this new overhang is to divert rainwater that has been the cause of on-going damage to the exterior brick wall and stone foundation. It is anticipated that the roof framing will be anchored to the masonry with all penetrations protected by flashing above, similar to the existing rear overhang in the rear of Unit 252 (Exhibits A & C). If necessary, for structural support a simple triangulated wood bracket will be installed under the free corner and anchored to the stone foundation wall. The applicant also notes that this part of the building is not visible from the street/public realm. From two in-person site visits on July 30<sup>th</sup> 2021 and September 1 2021, staff can confirm that one must enter private property (the parking area behind the subject building) to view the entire entrance to Unit 250-1. However, when viewed from a single point along William Street the window that the roof overhang would cover, adjacent to the rear entrance, is visible from the public realm (Exhibit A). The applicant has submitted supporting information, found in Exhibit C, including a site plan showing the newly proposed and existing

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roof overhangs, pictures of both rear entrances to compare existing versus proposed, and a rendering of the proposed roof overhang (Exhibit C).

This application was deemed complete on August 18, 2021. 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 November 16, 2021.

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.

### **Reasons for Designation/Cultural Heritage Value**

The property is designated under both Parts IV and V of the *Ontario Heritage Act* through By-Law Number 84-256, and through By-Law Number 2015-67 as part of the Old Sydenham Heritage Conservation District. The HCD Property Inventory notes that the subject property is Significant to the District.

The various municipal addresses that form the condominium association have separate property descriptions and historical associations, (one for 244 King Street East & 41 William Street, and another for 250-252 King Street East) but share contextual values as part of the Old Sydenham HCD Plan area.

Generally speaking, these buildings are identified for their brick side by side construction, fine architectural detail, and their upper-middle-class owners and inhabitants during the 19<sup>th</sup> century. Architects include Gillen and Gillen, and Newlands.

### **Cultural Heritage Analysis**

Staff visited the subject property on July 30, 2021.

The Old Sydenham Area Heritage Conservation District (HCD) Plan identifies the properties as located in the sub-area heritage area of the “King Street Corridor” due to their location on the corner of King Street East and William Street. This sub-area, listed in section 2.3.1, has its own distinctive sub-area attributes that this building/property exhibits or contributes too, such as: buildings that form a strong street edge, prominent residential and commercial buildings at street corners, views to the water at a cross street (southeast down William Street), boulevards with mature trees that shade the sidewalk and street, is located on archaeologically sensitive lands, and is a building associated with the work of prominent Kingston architects displaying high degrees of craftsmanship and design merit.

Section 2.5.2 of the HCD Plan details the goals for heritage buildings within the district, with the main goal being: “[t]o conserve and enhance the existing heritage resources and protect them from inappropriate changes or demolition...” This can be achieved multiple ways, however this application intends to conserve and enhance the building attributes at 244-252 King Street East

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& 41 William Street by implementing or facilitating: "...continued use of heritage buildings", "...retention and restoration of original features of heritage buildings, based on archival and pictorial evidence and assessment provided in the District Study...", and "...property owners to maintain the exterior of heritage buildings to prevent deterioration as well as damage from fire or the elements."

In this case, the broad approval being sought is to plan for potential wooden features that may require repair and/or like-for-like replacement during scraping and repainting of the building. Staff support the owners' commitment to maintenance and restoration of the extensive wooden detailing and features of the property. Staff understand that the roof overhang request at the rear of Unit 250-1 is to divert rainwater from seeping into the exterior brick wall and stone foundation to prevent deterioration from the elements and will also provide some additional tenant usability during rain events. The repair of wooden elements (as needed) and the addition of the roof over Unit 250-1 both contribute to the continued use of heritage buildings within the HCD. Despite the above, the building conservation policies (section 4) and building alterations policies (section 5) require detailed review to confirm the suitability of this work, as follows:

Section 4 focuses on building conservation and presents four categories to consider: protection and stabilization, routine maintenance, cleaning, and reconstruction. As this application is being sought prior to scraping any paint it is challenging to assess the condition of certain features, which is the reason for the broad permit request and why significant reconstruction of certain features may be required (but only with staff review/approval). Assessing the wooden feature's condition is the first step to implementing the above four conservation categories, and until that is completed it is uncertain which of these four categories, and to what extent, apply to each feature. For roofs (section 4.3.1), the existing roof materials, and chimneys are not part of this application, however the wooden features related to the gables, dormers, turrets, soffits, fascias, eavestroughs and downspouts are part of this proposal. For the public facing exterior walls (4.3.2), the existing brick and stone, stucco and wood siding are not part of this application.

The majority of the applicant's requested works are related to section 4.3.3, regarding decorative trim and details, section 4.3.4 regarding porches and verandahs, and 4.3.5 windows and doors. The applicant plans to retain original features and their detailing and will only substantially alter or replace like-for-like with staff approval. If replacements are required, the original templates for replacement sections will be used. Colours are not proposed to change. It is expected that many features of the porches, verandahs, and balconies will require restoration, potential replication, and replacement during these works due to the current assumed condition of these features (Exhibit B). Any repairs to windows will be done in accordance with the City of Kingston Policy on Window Renovations in Heritage Buildings.

Section 4.3.2 of the HCD Plan provides direction on building exteriors, such as to "[k]eep rainwater from continuous contact with masonry walls by retaining roof overhangs..." and section 4.3.6 encourages owners to, "[e]nsure positive drainage away from all foundation walls...". In this case, these policies work together to demonstrate the City's goal to protect masonry and foundations from damage created by the elements, which the proposed roof overhang seeks to achieve. Despite this request appearing to fit the intent of the HCD Plan, a

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new roof overhang would be considered an alteration under the Plan so section 5.3.1 regarding roof alterations to heritage buildings requires review. Section 5.3.1 notes that, “[r]oof profile[s] visible from the street should remain unaltered.” In this case, only part of the new roof addition will be visible from the public realm at a single point along William Street (Exhibit A). The entire roof is not visible from the street and is only visible once someone enters the private property’s rear parking lot and looks into the recessed courtyard. Despite a small portion of this roof profile being visible from the street, this view will not negatively impact the heritage attributes of the property or the District. Furthermore, alternative roof formations over this rear entrance will provide negligible heritage value as it is nearly invisible from the public realm.

It is anticipated that the roof framing will be anchored to the masonry with all penetrations protected by flashing above, similar to the existing rear overhang in the rear of Unit 252 (Exhibits A & C). If necessary, for structural support a simple triangulated wood bracket will be installed under the free corner and anchored to the stone foundation wall. All works that could impact masonry shall be completed in accordance with the City’s Policy on Masonry Restoration in Heritage Buildings.

Notwithstanding the above noted in the HCD Plan, the building has two entries in the HCD Plan’s appendix noted as Property Inventory Evaluations. These entries require review as these wooden features are also heritage attributes and may be impacted, repaired, repainted, or replaced like-for-like as part of this proposal. The 250-252 King Street East entry notes the following wooden features: the gables, decorative panels, the stylings of the bay windows, the small, rounded windows, arched/rectangular transoms, doors, roof cornice, square-headed windows with wood fluted pilasters and architrave, the trims/sills of all windows, and gable accents like the ball and trellis panels. Of note, this approval excludes the works on the wooden 16-foot piece of crown molding over 250-252 King Street East as this was recently replaced with permission from a previous approval (P18-119-2018DA). The 244 King Street East & 41 William Street entry notes the following wooden features: the bay windows and trims, eaves returns, window cornices, central rounded-headed window, the small wooden portico with Doric columns and pilasters, roof cornice, wooden door and trim with decorative central glass panels, the double doors for the William Street entrance with multiple mullions, the fluted columns separating the triple window with the stained glass transom, and the trims/sills of all windows.

This list is extensive; however, the intent of this approval is to scrape, repair and replace like-for-like (with staff approval) to provide regular maintenance as noted in section 4 of the HCD Plan. It is not expected that most of these features will require replacement, but the intent of this approval is to have broad approvals for these works in place to reduce application, material, and consultant costs due to the large amount of work required.

In summary, the proposed application will conserve the cultural heritage value and attributes of the Old Sydenham HCD in addition to the heritage attributes of 244-252 King Street East & 41 William Street. Overall, the scraping, repairing, replacement with like-for-like and repainting are part of this building’s rehabilitation process which, according to the HCD Plan, is “essential to retaining and enhancing the district’s heritage attributes” and the new roof overhang will not

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impact the heritage attributes of the property due to being nearly invisible from the public realm while providing additional protections to other heritage attributes.

Staff are of the opinion that the proposal will uphold the heritage conservation objectives set out within the City of Kingston's Official Plan, the Ministry of Heritage, Sport, Tourism and Culture Industries' 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. Broadly, the application will:

- Achieve the goal of Section 7.0 (City of Kingston Official Plan): Conserve and enhance built heritage resources within the City so that they may be accessed, experienced and appreciated by all residents and visitors, and retained in an appropriate manner and setting, as a valued public trust held for future generations;
- Achieve Guiding Principle Numbers 3, 4, & 8:
  - Respect for historical material – repair or conserve rather than replace;
  - Respect for original fabric – repair with like materials;
  - Maintenance – with continuous care, future restoration will not be necessary.
- Achieve Standards 7, 8, 10, & 13 of Parks Canada's Standards and Guidelines:
  - Evaluate the existing condition of character-defining elements to determine the appropriate intervention needed. Use the gentlest means possible for any intervention. Respect heritage value when undertaking an intervention.
  - Maintain character-defining elements on an ongoing basis. Repair character-defining elements by reinforcing their materials using recognized conservation methods. Replace in kind any extensively deteriorated or missing parts of character-defining elements, where there are surviving prototypes.
  - Repair rather than replace character-defining elements. Where character-defining elements are too severely deteriorated to repair, and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements. Where there is insufficient physical evidence, make the form, material and detailing of the new elements compatible with the character of the historic place.
  - Repair rather than replace character-defining elements from the restoration period. Where character-defining elements are too severely deteriorated to repair, and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements.

### Previous Approvals

P18-205-074-2013 – Revitalize sash due to squirrel damage

P18-205-083-2013 – Replacement of window sashes

P18-119-2018 – Remove and replace 16-foot crown molding with replicated piece

P18-120-2018 – Repairs of pillars, lattice, decking boards, and baseboards, and repainting

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P18-053-2020 – Replacement of asphalt shingles on roof

P18-054-2020 - Replacement of asphalt shingles on roof

P18-078-2020 – Rear Porch Repair

P18-005-2021 – Replace wood windows with in-kind windows and repair stain glass window

P18-048-2021 – Emergency Approval for porch and window

**Comments from Department and Agencies**

The following internal departments have commented on this application and provided the following comments:

***Planning Act Considerations:***

So long as the finished works remain in the same building/structure footprint as existing, there are no concerns.

**Utilities Kingston:**

Utilities Kingston has no issues or concerns with this application.

**Kingston Hydro:**

There is an existing high voltage powerline at the north side of the building. The applicant is reminded that all objects/tools etc. must maintain a minimum clearance of 3 metres from the high voltage powerlines. If work cannot be completed safely or if clearance cannot be maintained from the lines, the applicant will need to coordinate with Utilities Kingston for isolation of the powerlines.

**Building Division:**

Insufficient information has been provided at this time to provide detailed comments, however the applicant is advised of the following:

- A building permit is required for the proposed construction.
- Provide construction details of proposed deck and roof (i.e. joist size and spacing, beam size and spacing, connection details, ledger board details, etc....)
- Decks cannot be attached to a house unless proper footings are in place to a depth of at least 4' and have a minimum footing size of 25" x 25" x 8" or incorporate a 28" Bigfoot and have a minimum of an 10" Sonotube. All Sonotubes must have concrete extending minimum 6" above grade.
- Provide proposed construction details of proposed roof (i.e. materials used and sizes, house connection details, flashing details, etc...)

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- All steps must comply with the OBC for tread depth, nosing, rise and run. Support for steps must land on a solid surface i.e. patio stones.
- Permit fees are due in full at time of permit issuance in accordance with the Fee Schedule in affect at that time.
- As per O.B.C. 9.8.8.6. (1) Guards required by Article 9.8.8.1., except those in industrial occupancies and where it can be shown that the location and size of openings do not represent a hazard, shall be designed so that no member, attachment or opening located between 140 mm and 900 mm above the floor or walking surface protected by the guard will facilitate climbing.
- If any renovation or replacement of proposed work becomes total replacement then Ontario Building Code standards and regulations must be met.

### Forestry:

There are three city owned trees along both frontages. Applicant will be required to install tree protection in the form of snow fencing around them to allow for protection when the works involve heavy equipment or quantities of materials that might be placed within 1.5 metres of any tree. The fencing shall be installed at the sidewalk limit on King Street East and at 1.5 meters away from the trunks of both trees on the William Street side. The fencing is not to be removed when the works involve heavy equipment or quantities of materials that might be placed within 1.5 metres of any tree and no building materials or equipment are to be placed on or over the root systems of any of the city owned trees. Tree Protection details, in the form of drawings, shall be provided and approved prior to commencing works that may impact trees (as listed above). Please refer to the Guidelines or Tree Preservation and Protection at [www.cityofkingston.ca/trees](http://www.cityofkingston.ca/trees).

### Consultation with Heritage Kingston

Heritage Kingston was consulted on this application through the Development and Services Hub (DASH) system. The Committee's comments have been compiled and attached as Exhibit E.

One member noted that they were impressed by the detail accompanying this application. This same member also appreciated the applicant's assurances that the renovation/replacement of wooden features would be carried out in an appropriate manner. Finally, this member noted that if changes to this proposal are necessary, the applicant should contact the City prior to proceeding with the restoration works.

One member noted that the protection and renovation of the fine woodworks associated with the Kilborn property is very important and appreciated the owner's commitment to maintaining the original detailing while making the necessary repairs. This same member also noted that this application merits approval but raised a few questions and concerns. The following are their questions/concerns: (1) the applicant submitted information does not identify the contractor who will undertake these works, (2) further investigation regarding the original use of balusters along the porch should be considered and there should be clarifications for the requirements of balusters under the Building Code, (3) the repair/replacement of the trim around the dining room



September 15, 2021

Page 12 of 13

window is likely a later addition and it may be desirable to remove and investigate the underlying original sill and trim, and (4) as the member believes this new roof will be somewhat visible from the street, they assert that the proposed roof over Unit 250-1 could be more appropriate if it emulated the other nearby small porch roofs (such as those above Units 3 & 2-250 King Street East and Unit 3-41 William Street, see photo A-19 in the applicant submission package in Exhibit B). Finally, this member also provided some commentary on the woodwork of the porch and provided some tips/advice on how to maintain these wooden features for the long term, such as: considering the quality of the wood, carefully sealing/painting the wood, encouraging better drainage by supporting the newel posts on underlying joists instead of being directly on porch steps, and by potentially removing the installed carpeting on the stairs as it may retain moisture. The only other design recommendation was the inclusion of a small slope on the stairs.

One member thanked the applicant for providing a thorough assessment and comprehensive plan for the exterior wood elements. However, this same member also noted that there was no reference to the tradespeople who will complete the works. This member recommends that the tradespeople hired should be experienced with preserving deteriorating wood elements. In addition, it was noted that certain products/processes exist that can stop rot and can even stabilize and repair deteriorating wood elements so that not all damaged portions require replication/replacement. Similar to another member's comments, it is recommended that the new roof over the window and door on the William Street side be designed to be more compatible with the design of other original components, such as the roof over the stoop at 3-250 King Street East (Exhibit B).

## **Conclusion**

Staff recommends approval of the application File Number (P18-048-2021), subject to the conditions outlined herein, as there are no objections from a built heritage perspective, and no concerns have been raised by internal departments.

## **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)

Ontario Heritage Tool Kit (Ministry of Heritage, Sport, Tourism & Culture Industries)

City of Kingston Official Plan

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

Old Sydenham Heritage Conservation District Plan

Designating By-Law Number 2015-67

September 15, 2021

Page 13 of 13

Designating By-Law Number 84-256

City's Policy on Window Renovations in Heritage Buildings

City's Policy on Masonry Restoration in Heritage Buildings

City of Kingston: Guidelines for Tree Preservation and Protection

**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.

**Accessibility Considerations:**

None

**Financial Considerations:**

None

**Contacts:**

Andrea Gummo, Manager, Heritage Planning, 613-546-4291 extension 3256

Phillip Prell, Intermediate Planner, Heritage 613-546-4291 extension 3219

**Other City of Kingston Staff Consulted:**

None.

**Exhibits Attached:**

Exhibit A Context Maps, Photographs, and specific images from Google Streetview

Exhibit B Supporting Information – Wooden Features, prepared by Adaire Chown

Exhibit C Supporting Information – Roof Overhang, prepared by Adaire Chown

Exhibit D By-Law Number 84-256 and Old Sydenham HCD Property Inventory Forms

Exhibit E Correspondence Received from Heritage Kingston

Exhibit F Final Comments from Heritage Kingston - September 15, 2021



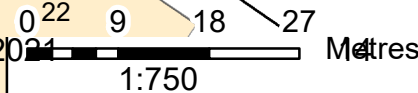
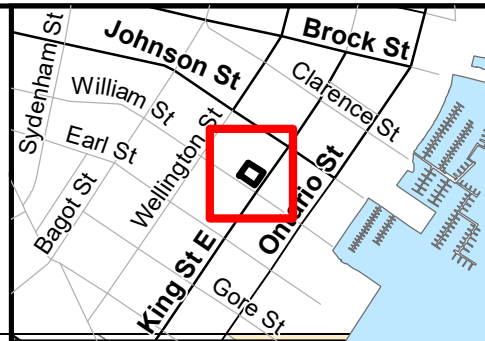
# Heritage Kingston Committee

## Key Map

Address: 244 King Street E

File Number: P18-048-2021

 Subject Lands





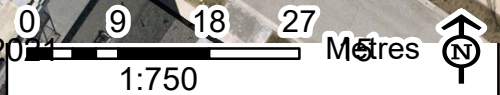
# Heritage Kingston Committee Neighbourhood Context (2021)

Address: 244 King Street E  
File Number: P18-048-2021

- Subject Lands
- Property Boundaries
- Proposed Parcels



Addendum Meeting 21 September 21, 2021






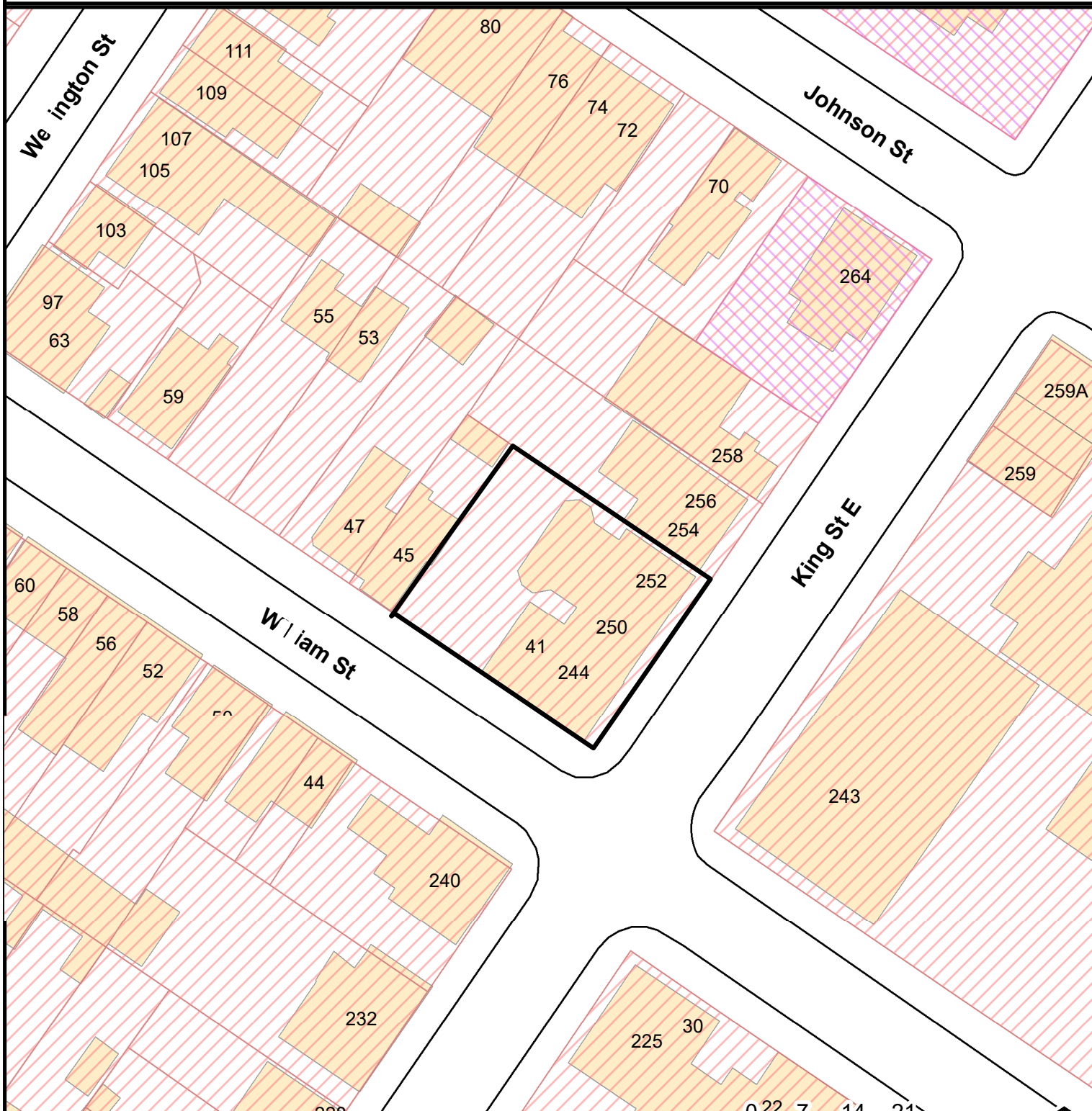


Planning Services

# Heritage Kingston Committee City of Kingston Heritage Register

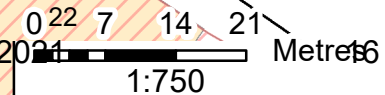
Address: 244 King Street E  
File Number: P18-048-2021

-  Subject Lands (Old Sydenham Heritage Conservation District)
-  Designated Property
-  Easement



Prepared By: gronan  
Date: Aug-20 2021

Addendum Meeting 21 September 21, 2021



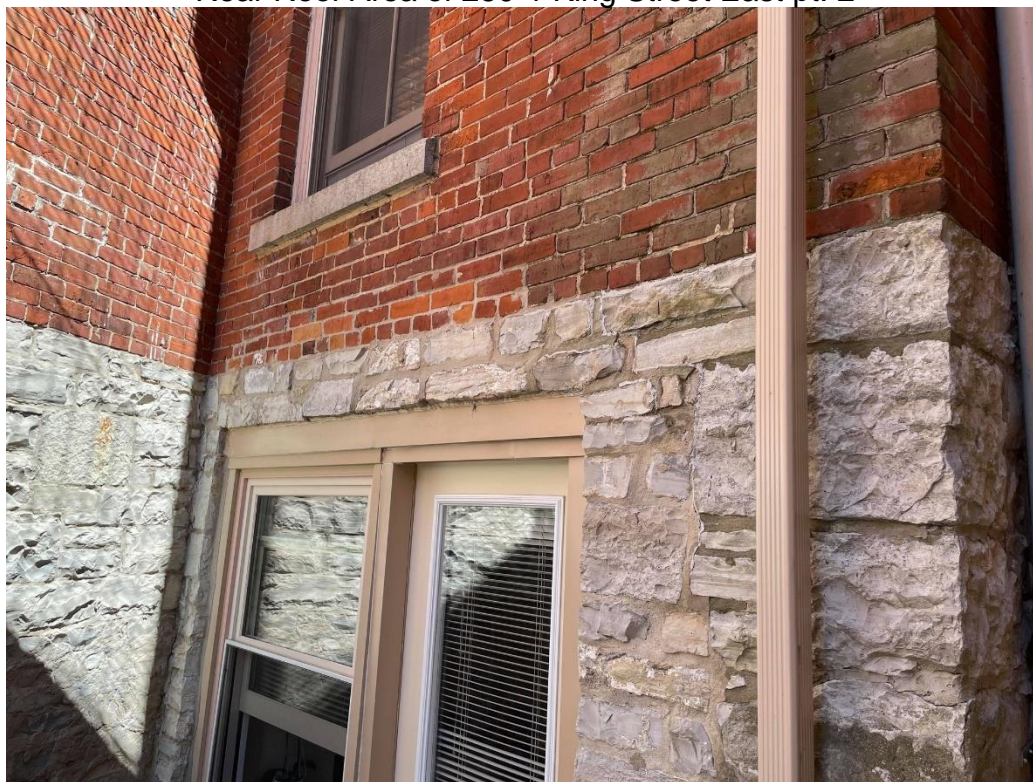
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Site Photos for 244-252 King Street East & 41 William Street

Rear Roof Area of 250-1 King Street East pt. 1



Rear Roof Area of 250-1 King Street East pt. 2



Back Roof of Unit 252 for Comparison pt. 1



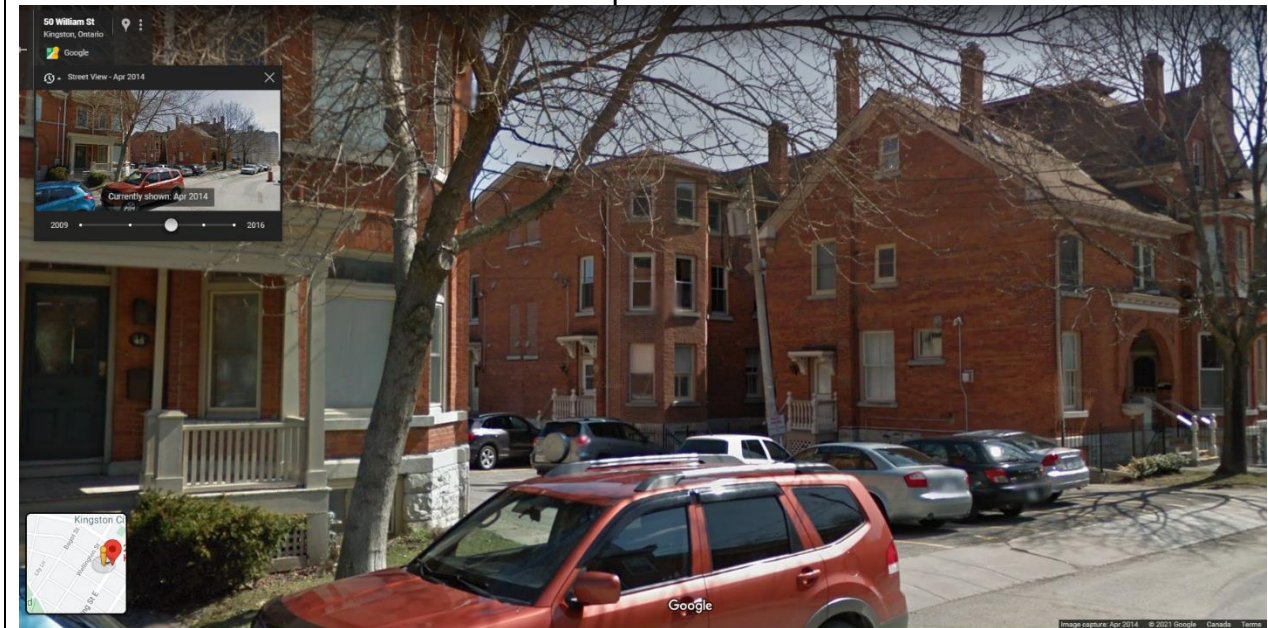
Back Roof of Unit 252 for Comparison pt. 2



Google Streetview of rear of property; Typical view of Unit 250-1 King Street East  
pt. 1



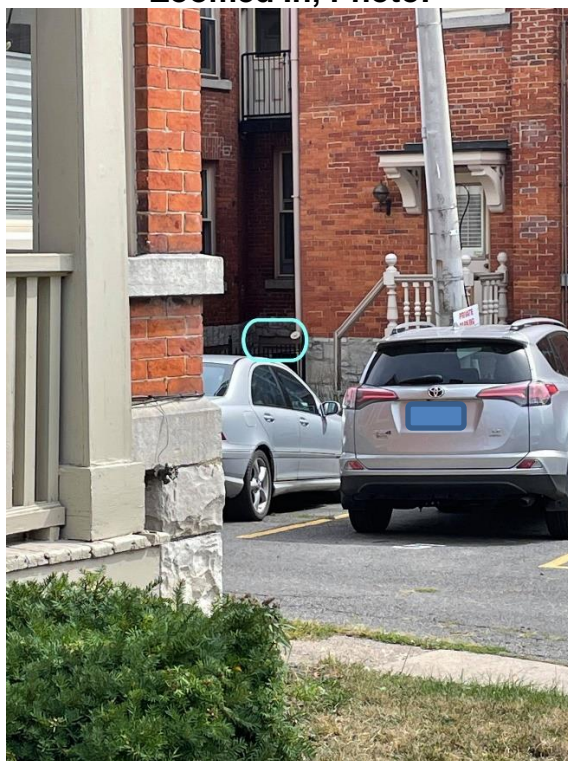
Google Streetview of rear of property; Typical view of Unit 250-1 King Street East  
pt. 2





Photos of the single point along William Street that the public can see the rear entrance to Unit 250-1. The **light blue** denotes the view of this feature from the sidewalk.

**Zoomed In, Photo:**



Photos of the single point along William Street that the public can see the rear entrance to Unit 250-1. The **light blue** denotes the view of this feature from the sidewalk.

**Normal Photo, with no Zoom:**



Photos of the single point along William Street that the public can see the rear entrance to Unit 250-1. The light blue denotes the view of this feature from the sidewalk.

**Wide Angle Photo at 0.5 Zoom:**



# Heritage Permit Application

## The Kilborn - FCC 19 - 244, 250 & 252 King St. E and 41 William St.

### Exterior Wood Repair and Replacement

File no.  
Submission Date: 22 July 2021

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#### Introduction

The Kilborn comprises three Victorian houses. Like all such houses, the building has many exterior wood elements including porches, balconies and back stoops with steps, decking, newel posts, balusters, spindles and rails; doors and frames; window sash, frames and trim; soffits, fascia and crown moldings; and gable siding. See Photos 1 and 2.

Repair and replacement are on-going tasks.



Photo 1: King St. E Elevation



**Photo 2: William St. Elevation**

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## Repair and Replacement Approach

Many of the exterior wood elements have specific and often intricate profiles. See examples in Annex A – Wood Element Detail Examples. All repairs and replacements will retain existing detailing.

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## Scope of Permit

While some exterior wood elements currently need only scraping and painting, others have rotted and need to be repaired or replaced. In some cases, many coats of paint have been applied so it is not possible to tell if repair or replacement is needed until the paint has been removed.

Some exterior wood elements are fairly well protected; others are subject to harsh service conditions. Paint on horizontal surfaces such as window sills deteriorates faster than paint on vertical surfaces. Where this is not or has not been addressed in a timely fashion, the wood elements are subject to rot. Steps and decking suffer from weather and foot traffic. They are particularly susceptible to rot at joints and fastenings. Some elements are subject to deterioration from moisture from the interior of the building or from leakage through non-wood elements above.

Repair and replacement work has proved to be an almost continuous task. Consequently, this application is for the repair and replacement as needed of all exterior wood elements with the exception of the back stoops, which are covered by permit P18-078-2020DA, and the crown molding over the balconies at 250 and 252 King St. E., which was replaced in 2020 under permit P18-119-2018DA.

Annex A - Wood Element Detail Examples

The photos focus on wood detailing on the King St. E. and William St. elevations. While the soffits, window sash, and window and door framing and trim are wood on all elevations, those on the back of the building are plain. Back doors to units are steel.

Note: All wood is painted in neutral colours. Turquoise colour in some photos is from sky reflection

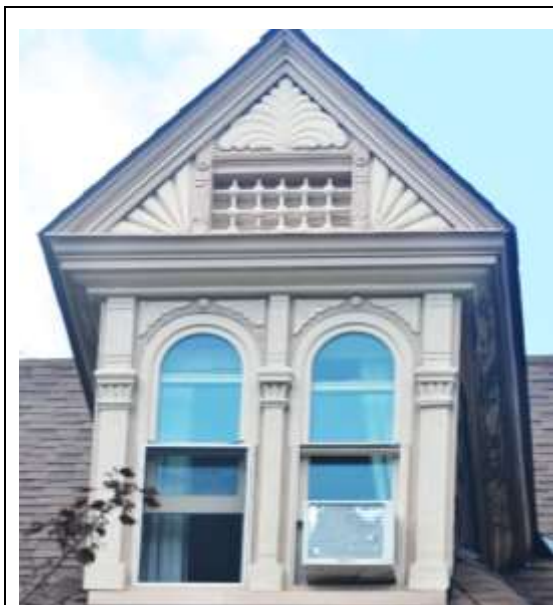


Photo A-1: 250-6 King St. E., North Gable.  
7-250 King St. E., south gable is the same

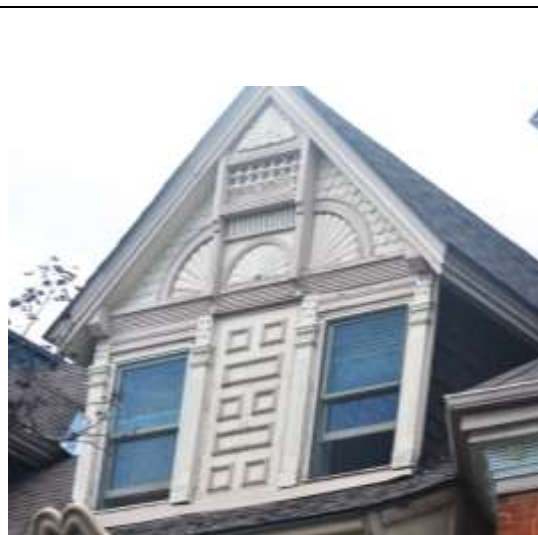


Photo A-2: 250-7 and 250-6 King St. E., Centre Gable.



Photo A-3: 250-7 King St. E., Bay Fascia, Windows and Window Trim. 250-6 King St. E. is the same.



Photo A-4: 250-7 and 250-6 King St. E., Balconies and Doors, Transoms and Trim



Photo A-5: 252 King St. E., Bay Windows and Window Trim. 250-1 King St. E. is the same.



Photo A-6: 250 King St. E., Front door, Transom and Trim. 252 King St. E. is the same.



Photo A-7: 250 and 252 King St. E., Porch



Photo A-8: 244-2 King St. E., Soffit, Fascia

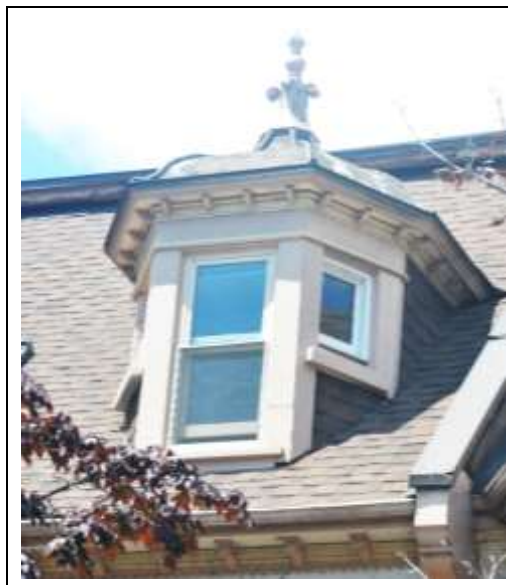


Photo A-9: 244-2 King St. E., Gable



Photo A-10: 244 -2 King St. E., Balcony and Fascia Below



Photo A-11: 244-1 King St. E., Fascia over Bay.



Photo A-12: 244-1 King St. E., Window Sills and Trim



Photo A-13: 244 King St. E., Porch.



Photo A-14: 244 King St. E., Front door, Transom and Trim





Photo A-15: 41-2 William St. Soffit and Fascia in Gable and over Bay



Photo A-16: 41-2 William St. Entry Door and Transom.  
Same at 41-1 and 41-3



Photo A-17: 41 William St. Porch Detail



Photo A-18: 41 William St. West Gable Return



Photo A-19: 3-250 King St. E. Back Door, Transom and Trim, and Roof over Stoop. Same at 2-250 King. St. E and 3-41 William St.



Photo A-20: 4-250 and 7-270 King St. E. Rear. Typical soffit, windows, window and door trim and gable.

**Kilborn - Exterior Wood Elements - 2021 Priorities**

**Priorities**

<b>1</b>	Significant Deterioration/Damage with Immediate Safety or Building Integrity Consequences
<b>2</b>	Significant Deterioration/Damage with Incipient Safety or Building Integrity Consequences
<b>3</b>	Some deterioration or damage; some repair needed
<b>4</b>	May or may not be damaged; repair needed or maintenance needed to avoid deterioration
<b>5</b>	Maintenance needed to avoid deterioration
<b>6</b>	Maintenance needed to address aesthetics

Address, Priority	Main Element	Sub-Elements	Position	Condition	Recommended Action	Additional Notes
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**252 King St. E. (Unit Elements only)**

	Porch	Soffits				
		Fascia				
<b>1</b>		Steps				
		Decking				
		Ballusters				
<b>6</b>	Doors	Front	trim	peeling paint	scrape, prime where bare, paint	
		Back				
<b>5</b>	Windows	Sills	any installed in WRP 2018 or ealier	peeling paint	scrape, prime where bare, paint	
			--			

**250 King St. E.**

	Roof Soffits	King E elevation	east end	approx 3' length rotted	remove rotted length, replace with primed and painted mateiial	
	Roof Fascia	King E elevation				
	Roof Soffits	Back Wing		cracked paint	scrape, prime where bare, paint	
	Roof Fascia		Back-Main Junction	cracked paint	scrape, prime where bare, paint	
<b>1</b>	Porch	Steps		rotted	replace, prime, paint	
		Decking				
<b>2</b>		Newel Post	Bottom of steps	base rotted to ?? from bottom	remove, replace base, prime & paint, reinstall	
		Soffit				
		Fascia				
	Entry Door					

**250-1 King St. E.**

<b>5</b>	Windows	Sills	any installed in WRP 2018 or ealier	peeling paint	scrape, prime where bare, paint	
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**250-2 King St. E.**

5	Windows	Sills	any installed in WRP 2018 or earlier	peeling paint	scrape, prime where bare, paint	
4	Stoop Roof	Fascia	corner	pealed paint; rot?	scrape, prime & paint	

**250-3 King St. E.**

5	Windows	Sills	any installed in WRP 2018 or earlier	peeling paint	scrape, prime where bare, paint	

**250-4 King St. E.**

5	Windows	Sills	any installed in WRP 2018 or earlier	peeling paint	scrape, prime where bare, paint	

**250-5 King St. E.**

5	Windows	Sills	any installed in WRP 2018 or earlier	peeling paint	scrape, prime where bare, paint	
			--			

**250-6 King St. E.**

3	Bedroom Gable	Soffit		pealed paint; rot?	replace if rotted; prime & paint	
5		Face		cracked paint	scrape, prime & paint	
5	Bay Fascia			dirt or peeled paint/rot?		
5	Windows	Sills	any installed in WRP 2018 or earlier	peeling paint	scrape, prime where bare, paint	
			--			

**250-6 & 250-7 King St. E.**

4	Central Gable	Soffit/Fascia		pealed paint; rot?	replace if rotted; prime & paint	
5		Face		cracked paint	scrape, prime & paint	
4	Balconies	Gable Boards		pealed paint; rot?	replace if rotted; prime & paint	
4	Balcony Guard	Spindles		pealed paint; rot?	replace if rotted; prime & paint	
4		Bottom Rails	--	pealed paint; rot?	replace if rotted; prime & paint	

**250-7 King St. E.**

4	Bedroom Gable	Soffit		pealed paint; rot?	replace if rotted; prime & paint	
5		Face		cracked paint	scrape, prime & paint	
5	Bay Fascia			dirt or peeled paint/rot?		

5	Windows	Sills	any installed in WRP 2018 or earlier	peeling paint	scrape, prime where bare, paint	
			--			

**244 King St. E.**

		Roof Soffits	King E elevation			
		Roof Fascia	King E elevation			
4		Roof Soffits	William Elevation	cracked, peeling	replace if rotted; scrape, prime &	
4		Roof Fascia	William Elevation	cracked, peeling	replace if rotted; scrape, prime &	
4	Porch	Soffit.Fascia	North fascia board	cracked & pealed paint; rot?	replace if rotted; scrape, prime & paint	
4			South soffit trim	cracked & pealed paint; rot?	replace if rotted; scrape, prime & paint	
2		Ballusters	right side, closest to bldg	base rotted to 3" from bottom	remove, replace base, prime & paint, reinstall	
4		Ballusters	Front	???	check condition of bases; scape, prime & paint as minimum	
		Decking		cracked & peeling paint	scrape, prime where bare, paint	
6	Main Entry	Doors	--	peeling paint	scrape, prime where bare, paint	
6		Door Sill	--	rotted	scrape, remove rotted material; plug, prime & paint	

**244-1 King St. E.**

1	Dining Room Windows	Sill of stained glass window		rotted	replace, prime & paint	
1		Vertical trim, main windows		upper sections ?? rotted at base	scrape upper sections replace, prime, paint lower sections	
2	Bathroom Window	Lintel Board		Peeling paint	replace, prime & paint	To be addressed when window replaced
2		Sill & subsill		Peeling paint & rot	replace, prime & paint	To be addressed when window replaced
5	Windows	Sills	any installed in WRP 2018 or earlier	peeling paint	scrape, prime where bare, paint	

**244-2 King St. E.**

	Roof Soffit/ascis			??		
	Bay	Sofit/Fascia		??		
2	Balcony	Guard- Ballusters	various	rotted bases	remove, replace bases, prime & paint, reinstall	
2		Deck		Rotted boards	replace, prime & paint	
5	Windows	Sills	any installed in WRP 2018 or earlier	peeling paint	scrape, prime where bare, paint	

**41 William**

<b>5</b>	Roof Soffit/Fascia	Boxed Eaves	West Gable	cracked, pealed paint	scrape, prime where bare, paint	
<b>4</b>	Porch	Newel Post	Right side	pealed paint, rot? At base	replace base if rotted; scrape, prime & paint	

**41-1 William**

<b>5</b>	Windows	Sills	any installed in WRP 2018 or ealier	peeling paint	scrape, prime where bare, paint	

**41-2 William**

<b>5</b>	Back Bedroom Gable	Face		cracked paint	scrape, prime where bare, paint	
<b>5</b>	Windows	Sills	any installed in WRP 2018 or ealier	peeling paint	scrape, prime where bare, paint	

**41-3 William**

<b>5</b>	Windows	Sills	any installed in WRP 2018 or ealier	peeling paint	scrape, prime where bare, paint	

# Proposed Roof over Back Door of 250-1 King St. East (FCC 19 - The Kilborn)

22 July 2021

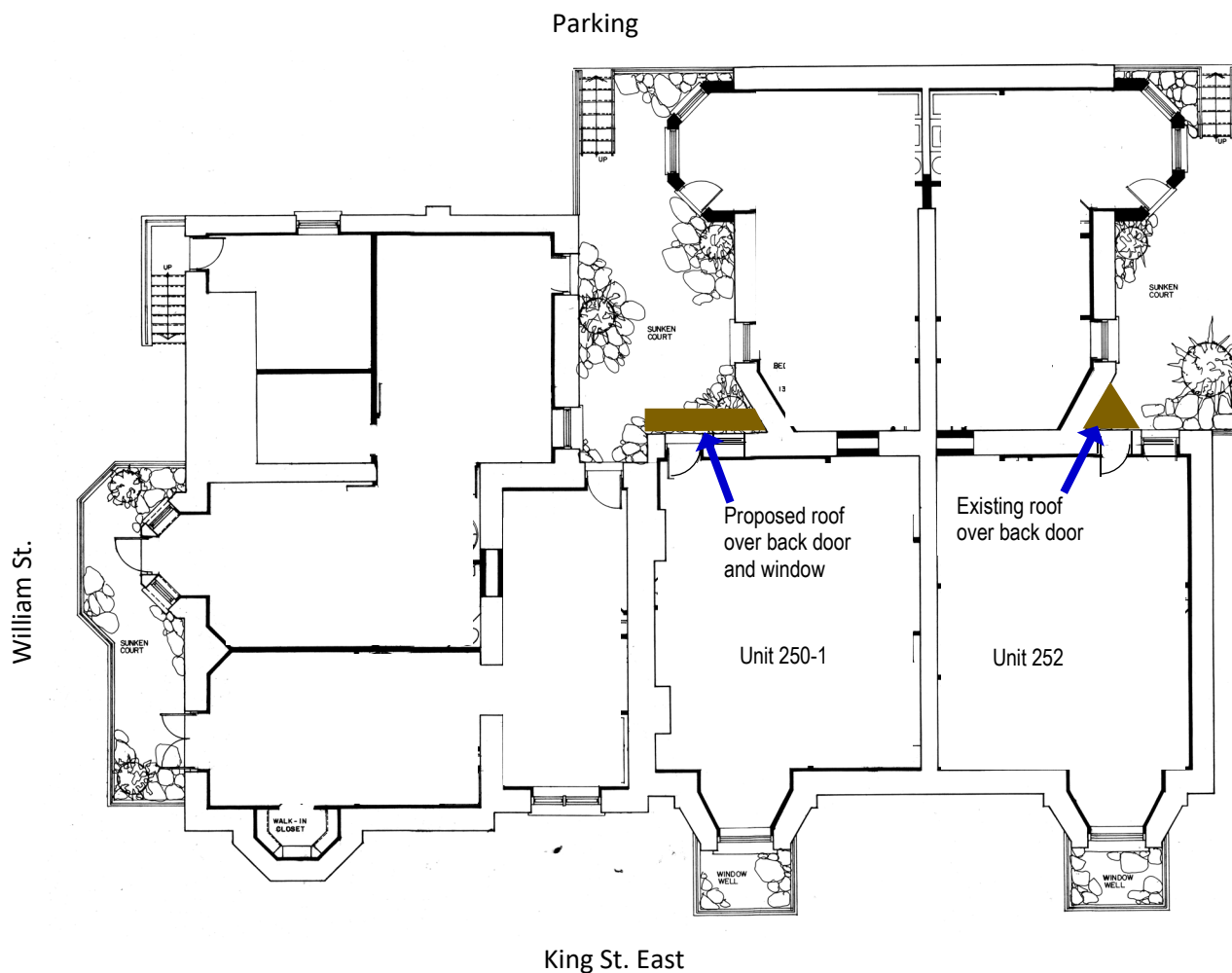


Figure 1: Level 0 (Floor below street level)



Figure 2: Photo of Roof over Back Door at 252 King St. E



Figure 3: Existing Window and Back Door at 250-1 King St. E



Figure 4: Sketch of Proposed Roof at 250-1 King St. E  
Roof to extend to jog in wall where 250 King St. E attaches to 244 King St. E (see Figure 1)



Clause 4, Report No. 100, 1984

## BY-LAW NO. 84-256

A BY-LAW TO DESIGNATE 244, 250-252 AND 258 KING STREET EAST AS BEING OF ARCHITECTURAL VALUE AND INTEREST, PURSUANT TO SECTION 29 OF THE ONTARIO HERITAGE ACT

PASSED: October 23, 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 Schedule "A" hereto, was served on the owners of the property and on the Ontario Heritage Foundation on the 21st day of December, 1983 and was published in the Whig-Standard on December 21, 1983, December 28, 1983 and January 4, 1984;

AND WHEREAS a notice of objection to the proposed designation was served on the Clerk of the City of Kingston, which objection was referred to the Conservation Review Board, and was subsequently withdrawn;

AND WHEREAS the Conservation Review Board considered the matter and ruled that the City of Kingston acted in the best interests of the citizens in giving notice of intention to designate 244, 250-252 and 258 King Street East, Kingston, and recommended its designation;

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

1. There is designated as being of architectural and historic value or interest the real property known as 244, 250-252 and 285 King Street East, in the City of Kingston, as more particularly described in Schedule "A" attached hereto.
2. The City Solicitor is hereby authorized to cause a copy of this by-law and the reasons for designation to be registered against the lands described in Schedule "A" hereto in the Registry Office at Kingston, Ontario.

4. The City Clerk is hereby authorized to cause a copy of this By-Law to be served on the owners of the lands 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.
5. This By-Law shall come into force and take effect on its passing.

GIVEN FIRST AND SECOND READINGS October 16, 1984  
GIVEN THIRD READING AND FINALLY PASSED October 23, 1984

  
CITY CLERK

  
MAYOR

SCHEDULE "A" TO BY-LAW NO. 84-256

244 King Street East:

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, composed of Parts of Lots 124 and 137 on the corner of William and King Streets in the said City, particularly described as follows:

COMMENCING at the Southwesterly corner of said Lot 124;

THENCE Easterly along King Street forty-three feet more or less to the land conveyed to the Grantee by Instrument registered as No. 128084, formerly owned by one Clements;

THENCE Northwesterly along the boundary of the land now owned by the Grantee, formerly by one Clements, and parallel to William Street, one hundred feet more or less to a lane;

THENCE Westerly along the Southerly side of said lane to William Street;

THENCE Southerly along the Easterly side of William Street one hundred feet to the place of beginning.

ALSO that portion of said Lot Number 137 commencing at the Northwest corner of the land hereinbefore described;

THENCE Northwesterly along William Street 10 feet;

THENCE at right angles to William Street and parallel to King Street 93 feet to the land formerly owned by one Connell;

THENCE Southeasterly 10 feet to the land now owned by the Grantee, formerly owned by one Clements, and

THENCE Westerly 93 feet more or less to the place of beginning, subject, however, to the rights of way over the said piece of land 10 feet wide already granted to adjoining owners.

250-252 King Street East:

ALL AND SINGULAR that certain parcel of land and premises situate, lying and being in the City of Kingston, in the County of Frontenac, and being composed of Parts of Lots 124 and 137, as shown on the Original Survey of the said City, which said parcel or tract of land may be more particularly described as follows:

COMMENCING at a point in the North limit of King Street distant therein Easterly 43.19 feet from William Street, the said point being the Southerly production of the Easterly limit of the East wall of Civic No. 244 King Street;

THENCE North 33 degrees 32 minutes East in the north limit of King Street, 49.75 feet;

THENCE South 33 degrees 58 minutes West 50 feet;

THENCE South 56 degrees 54 minutes East 56.8 feet, more or less to a point in the West limit of the most Westerly wall of Civic No. 250 King Street where it adjoins the most Easterly wall of Civic No. 244 King Street;

THENCE South 57 degrees 30 minutes East in the line of the East limit of the said East wall of Civic No. 244 King Street and in the Southerly production thereof, a distance of 41.48 feet, more or less, to the point of commencement;

The above-described lands are shown outlined in RED on the plan of survey dated December 4, 1961 and signed by Donald C. Smith, Ontario Land Surveyor attached to Registered Instrument No. 128084.

TOGETHER with a right-of-way over a strip of land 10 feet in width immediately adjoining the herein described lands on the North and extending to William Street.

AND TOGETHER ALSO WITH all the rights of the Grantor to the support and to the use of the most Easterly wall of Civic No. 244 King Street, and to the wall of Civic No. 250 King Street which is constructed at the Northerly limit of No. 244 King Street, and to the use of the chimneys in the above-mentioned walls.

258 King Street East:

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 and being composed of part of Lots 123 and 138 of the Original Survey of the said City of Kingston, and which may be more particularly known and described as follows:

COMMENCING at the Southerly angle of the said Lot 123, the said angle being in the Northwesterly limit of King Street;

THENCE North 39 degrees 40 minutes West along the Southwesterly limits of the said Lots 73.4 feet to a point;

THENCE North 50 degrees 20 minutes East parallel to King Street 19.75 feet to an iron post;

THENCE South 39 degrees 40 minutes East 73.4 feet more or less to a post planted on the said limit of King Street and distant 19.75 feet from the Southerly angle of Lot 123 aforesaid;

THENCE South 50 degrees 20 minutes West 19.75 feet to the point of beginning.

REASONS FOR DESIGNATION OF 244 KING STREET EAST APPROVED AT  
THE MEETING OF CITY COUNCIL HELD ON OCTOBER 16, 1984  
(CLAUSE 4, REPORT 100) AS BEING OF ARCHITECTURAL VALUE OR  
INTEREST

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This house, one of five brick dwellings side by side, was built in 1890 for Dr. Herbert Saunders to a design by architects Gillen and Gillen. Dr. Roland Kilborn occupied the house for many years.

REASONS FOR DESIGNATION OF 250-252 KING STREET EAST  
APPROVED AT THE MEETING OF CITY COUNCIL HELD ON OCTOBER 16,  
1984 (CLAUSE 4, REPORT 100) AS BEING OF ARCHITECTURAL VALUE  
OR INTEREST

---

William Newlands designed this brick, double dwelling in 1981 for Dr. Leonard Clements. The building has the typical Newlands shell motif in the gable and decorative panels.

REASONS FOR DESIGNATION OF 258 KING STREET EAST APPROVED AT  
THE MEETING OF CITY COUNCIL HELD ON OCTOBER 16, 1984  
(CLAUSE 4, REPORT 100) AS BEING OF ARCHITECTURAL VALUE OR  
INTEREST

This one-storey building, erected in 1909 as an office for architect H. P. Smith, differs from all other buildings on the street and is unique in Kingston.



DATED at Kingston, Ontario,  
this 26th day of  
October, 1984.



M.C. Healy, City Clerk,  
The Corporation of the  
City of Kingston.

**RESOLUTION OF THE COUNCIL OF  
THE CORPORATION OF THE CITY OF KINGSTON**

CLAUSE 4, REPORT NO. 100 - October 16, 1984

4. WHEREAS the matter of the designation of 244, 250-252 and 258 King Street East, as being of architectural value or interest pursuant to Section 29 of the Ontario Heritage Act, was the subject of a hearing before the Conservation Review Board on June 14, 1984;

AND WHEREAS the decision of the Conservation Review Board has now been received;

AND WHEREAS it is the opinion of the Board that the properties in question are of architectural value and interest and that Council proceed to designate 244 King Street East, 250-252 King Street East and 258 King Street East;

AND WHEREAS Section 33(13) of the Ontario Heritage Act states that Council shall, without a further hearing, confirm or revise its decision and cause notice of its decision to be served on the owner, the Ontario Heritage Foundation and other parties to the Hearing, this decision being final;

AND WHEREAS Council referred the Conservation Review Board report to the Local Architectural Conservation Advisory Committee for comment;

AND WHEREAS the Committee has considered the decision of the Conservation Review Board and reaffirms its recommendation that the above properties be designated:

THEREFORE BE IT RESOLVED that 244, 250-252 and 258 King Street East be designated pursuant to the provisions of the Ontario Heritage Act, as being of architectural value and interest and that a by-law be presented to Council to designate 244, 250-252 and 258 King Street East for the following reasons:

**244 King Street East - 41 to 43 William POS Pt Lot 124  
Lot 137 RW B32  
43.00 frontage by 100.00 depth**

This house, one of five brick dwellings side by side, was built in 1890 for Dr. Herbert Saunders to a design by architects Gillen and Gillen. Dr. Roland Kilborn occupied the house for many years.

**250-252 King Street East**

(A) 250 King Street East - POS S Pt Lot 124 Pt Lot 137 B32  
24.00 frontage by 98.28 depth

(B) 252 King Street East - POS Pt Lot 124 Pt Lot 137 B32  
25.75 frontage by 98.00 depth

William Newlands designed this brick, double dwelling in 1981 for Dr. Leonard Clements. The building has the typical Newlands shell motif in the gable and decorative panels.

**258 King Street East - POS Pt Lot 123 Pt Lot 138 B32  
19.75 frontage by 73.40 depth**

This one-storey building, erected in 1909 as an office for architect H.P. Smith, differs from all other buildings on the street and is unique in Kingston.

(See By-Law 5: No. 84-256)

**244 KING STREET EAST  
(also 41 William Street)**

**Built: 1890-91**

**Architects: Gillen & Gillen**

**Rating: S (Part IV)**



J.McK.

“This house at 244 King Street East, is one of five brick dwellings side by side in this block, was built on the site of ‘The Corner House’, home of Dr. James Sampson, physician, penitentiary surgeon and a founder and first dean of Queen’s Medical School. The Corner House was destroyed by fire.

“In 1891 Dr. Herbert Saunders was assessed for a partly built house on this lot and in 1896 his widow sold the property to Dr. Roland K. Kilborn, superintendent of Kingston General Hospital.

“This three bay, two and a half storey house sits on a high stone foundation topped by an ashlar course and has a brick string course at the sill level of the second storey windows.

“The first two bays under the gable end of the roof, with eaves returns, contain a two-storey bay window section and the main entrance bay. The bay windows have angular walls and equal sized square-headed windows with ashlar sills. Each storey of the bay window is topped by a cornice and the second storey has a flat roof. Above the flat roof a small end gable with eaves returns sits under the left side of the main gable and contains a central round-headed window with brick voussoirs Brackets support both the small and the main gable.

“The second bay of the facade has the main entrance under a small wooden portico with Doric columns and pilasters supporting the cornice of the flat roof which has a balustrade with decorative central panels. The entrance, under brick voussoirs, has a rectangular transom with multiple mullions over a double door with leaded glass panels. In the second storey a door opens onto the balcony and in the third storey their is a smaller window off-centre under the main gable roof.

“The third bay, two storeys under a pitched roof, has a parapeted end wall rising to a stepped brick chimney. In the first storey is a triple window with elliptical, stained glass transom under radiating brick voussoirs. The windows are separated by slender fluted columns with boxed capitals incised with circles. In the second storey is a single window and on the roof a bay dormer has a full front window and small side ones. The roof of the dormer is an octagonal dome crowned by a finial.

“The east side abuts No. 250 King Street East. The west side under the pitched roof has a central gable containing a bay window section somewhat smaller but similar to the bay window on the facade. To the front of this side are single windows in each storey. The section behind the bay window is two bays wide under a pitched roof, lower than the main roof.

“The bay to the rear has a window in each storey. The second bay has an entrance and a window deeply recessed under a wide arch supported by brick piers and protected by a frame portico. The back wall, under a gable roof with eaves returns, is irregularly fenestrated and has a small wooden shed near the chimney breast. There are two tall, brick chimneys - one in front of the southern gable, another towards the rear.\*

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\* Adapted from *Buildings of Architectural and Historical Significance*, Vol. 5, pp. 189-91 (1980).

**250-252 KING STREET EAST****Built: 1891-92****Architect: William Newlands****Rating: S (Part IV)**

“This double dwelling, part of a row of brick houses of similar scale and design, was built to plans of William Newlands for Dr. Leonard Clements. The building, completed in 1892 has the typical Newlands shell motif in the gable and decorative panels. Dr. Clements left the building to his daughter, Josephine Macnee, who maintained it as rental property.

This two-storey, four bay brick double house on a high stone foundation, has doors in the inner bays and bay windows in the outer ones. The first storey bay windows have large segmental arched windows with label moulds and smaller round-headed windows on the angled walls. The ashlar sill course has decorative panels below it. Roll mouldings with vertical grooves flank the large first storey window and the second storey double window. The first storey windows have small paned arched transoms; all second storey windows have rectangular transoms.



J.McK.

Below the ashlar sill course of the second storey windows are terra cotta panels with a rinceau design.

The doors, both double with transoms, are protected by a modern metal canopy. Markings on the facade indicate the second floor central windows were once doors leading onto a balcony.

The roof has a heavy moulded cornice and three gabled dormers on the front slope. The large central one has a brick panel between square-headed windows with wood surrounds of fluted pilasters and architrave. Above the windows, the gable has a central panel with a half wheel surmounted by a ball and trellis panel. In the lower quadrants the wheel design is backed by decorative shingles.

The flanking dormers on the peaks of the hip-roofed bay window sections each have a pair of round-headed windows with pedimental decoration similar to that in the central dormer.

There are gable end parapets and brick end chimneys. The south wall abuts No. 244 King Street East; the north wall is only a few feet from the adjoining dwelling.\*

\* Adapted from *Buildings of Architectural and Historical Significance*, Vol. 5, pp. 250-252 (1980).



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TTY: Dial 613-546-4889

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Date:		City of Kingston
Form:	Heritage Kingston Reviewer Form	216 Ontario Street
Reviewer Name:		Kingston, Ontario
Application Type:	Alteration and/or repair	Canada, K7L 2Z3
File Number:	<a href="#">P18-048-2021</a>	
Property Address:	244 King ST	

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Description of Proposal:

Repair and replace exterior wood elements as needed at 41 William St and 244, 250 and 252 King St. E.

Comments for Consideration on the Application

{Please enter your comments here}: I am impressed by the detail of this application, and by the care which the applicant assures us will be taken in the renovation or replacement of the wooden features.

Recommended Conditions for the Application:

{Please enter your recommended conditions here} Should any changes be found necessary to this proposal, the applicant should contact the city before progressing.



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Date:		City of Kingston
Form:	Heritage Kingston Reviewer Form	216 Ontario Street
Reviewer Name:	Don Taylor	Kingston, Ontario
Application Type:	Alteration and/or repair	Canada, K7L 2Z3
File Number:	<a href="#">P18-048-2021</a>	
Property Address:	244 King ST	

**Description of Proposal:**

Repair and replace exterior wood elements as needed at 41 William St and 244, 250 and 252 King St. E.

**Comments for Consideration on the Application:**

These buildings by William Newlands are a showcase of Victorian decorative architecture in a prominent location. The protection and renovation of their fine woodwork is very important, and we should appreciate the owner's commitment to maintain the original detailing while making necessary repairs. In general the application merits approval, but there are a few questions and concerns that could be addressed in conditions to the recommendation. The supplied information does not identify a contractor, who would probably be involved in these questions.

It appears that the repairs to the porches will require a building permit, and it has been surprising that the porch staircases lack balusters, which were surely part of the original design. The requirement for balusters under the building code should be clarified.

Although previous work on the woodwork of the porch and elsewhere has carefully maintained original detailing, in some cases the woodwork appears to have deteriorated more rapidly than expected. Exposed wood components such as porches will not last forever, but if carefully constructed could last a century. Various factors contribute to long life, including the quality of the wood, and the commitment to carefully sealing and painting woodwork after cutting to size. In terms of design some practices that encourage drainage such as supporting the newel posts on the underlying joists rather than directly on porch steps, and incorporating a small slope on the steps should be considered. In addition it appears that the current practice of installing carpeting on the stairs may retain moisture on the steps undesirably.

Concerning the repair/replacement of the trim around the dining room window, it seems likely that this trim was added later and it may be desirable to remove it and investigate the underlying original sill and trim.

The addition of a small roof at the rear of unit 250-1 is reasonable, but it would be much more appropriate if its design echoes the existing original small porch roofs nearby (photo A19). This new roof will be somewhat visible from the street and its design should include supporting brackets similar to the existing porch roofs.

**Recommended Conditions for the Application:**

{Please enter your recommended conditions here}

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Kingston, Ontario  
Canada, K7L 2Z3

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Date:	August 31, 2021
Form:	Heritage Kingston Reviewer Form
Reviewer Name:	Jane McFarlane
Application Type:	Alteration and/or repair
File Number:	<a href="#">P18-048-2021</a>
Property Address:	244 King ST

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Description of Proposal:

Repair and replace exterior wood elements as needed at 41 William St and 244, 250 and 252 King St. E.

Comments for Consideration on the Application:

Thank you to the applicant for providing such a thorough assessment and comprehensive plan for of the exterior wood elements of these significant buildings. There is no reference to the tradespeople who will be doing the work and the applicant should engage those who have experience with preserving deteriorating wood elements. There are products and processes now available that stop rot and can stabilize and repair deteriorating wood elements so that not all portions with rot need to be replicated and replaced.

Regarding the new roof over the window and door on William Street, the design would be more compatible if it referenced the design of some of the other original components, in particular the roof over the stoop at 3-250 King St E, and by adding brackets.

Recommended Conditions for the Application:

{Please enter your recommended conditions here}

**Summary of Final Comments at September 15, 2021 Heritage Kingston Meeting**

Mr. Taylor stated that the contractor was not identified in the report and expressed concern that some contractors do not have sufficient commitment to heritage preservation being more willing to replace than repair original materials. Regarding street visibility, Mr. Taylor stated that it should not be the only factor considered when evaluating the application. He went on to say that those who live in “The Kilborn” have partly chosen to live there due to the heritage aspects of the property. As such, despite the rear roof not being completely visible from public street, it will be visible to the residents of the building and that should also be considered. He expressed support for the use of attractive roof support brackets versus the use of utilitarian materials. Mr. Taylor expressed support for the retention of the balustrades, with the understanding that building permits may not allow for that.

Mr. Gower stated that the application was very detailed and that problems may arise when work begins. He noted that the applicant may wish to seek the advice of staff as the work progresses.



**By-Law Number 2021-XX**

**A By-Law to Repeal and Replace By-Law Number 2004-144, “A By-Law to Regulate Animals”**

**Passed Meeting Date, 2021**

**Whereas** the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended or replaced from time to time (the “*Municipal Act, 2001*”) authorizes the council of a municipality to pass by-laws with respect to animals; and

**Whereas** Subsection 103(1) of the *Municipal Act, 2001* provides that, if a municipality passes a by-law regulating or prohibiting the being at large or trespassing of animals, it may provide for the seizure, impounding and sale of impounded animals; and

**Whereas** Subsection 10(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting: economic, social and environmental well-being of the municipality; health, safety and well-being of persons; and the protection of persons and property; and

**Whereas** Subsection 425(1) of the *Municipal Act, 2001* provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the *Municipal Act, 2001* is guilty of an offence; and

**Whereas** Section 432 of the *Municipal Act, 2001* provides that a by-law under Section 425 of the *Municipal Act, 2001* may establish a procedure for the voluntary payment of penalties out of court where it is alleged that there has been a contravention of any by-laws related to animals being at large or trespassing; and

**Whereas** Subsection 429(1) of the *Municipal Act, 2001* provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under the *Municipal Act, 2001*; and

**Whereas** Subsection 434.1(1) of the *Municipal Act, 2001* provides that a municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under the *Municipal Act, 2001*; and

**Whereas** pursuant to the *Municipal Act, 2001*, Council enacted By-Law Number 2004-144, “A By-Law to Regulate Animals”, as amended; and

**Whereas** Council desires to repeal and replace By-Law Number 2004-144, as amended;

**Now Therefore Be it Resolved That** the Council of The Corporation of the City of Kingston hereby enacts as follows:

## **SECTION 1: DEFINITIONS**

1.1. In this By-Law:

**“Administrative Penalty”** means an administrative penalty administered pursuant to the Administrative Process Penalty By-Law;

**“Administrative Process Penalty By-Law”** means City of Kingston By-Law Number 2020-69, “A By-Law to Establish a Process for Administrative Penalties”, as amended or replaced from time to time;

**“Agricultural Property”** means a Property that is zoned for agricultural use in the Zoning By-Law that applies to the Property;

**“Animal”** means any member of the animal kingdom, other than a human;

**“Animal Control Officer”** means an authorized employee or agent of the City of Kingston who is responsible for the enforcement of the provisions of this By-Law;

**“Animal Control Order”** means an order issued pursuant to Subsection 17.1. of this By-Law;

**“Appeals Committee”** means the appeals committee established by City of Kingston By-Law Number 2010-205, “A By-Law to Define the Mandate and Meeting Procedures for Committees Established by The Corporation of the City of Kingston”, as amended or replaced from time to time, and includes any successor committee designated by Council to carry out the Appeals Committee’s responsibilities;

**“At Large”** refers to a situation where an Animal is not under the control of a Person and is found on any Property other than that of the Owner, except where the owner of the Property permits the Animal to be on their Property;

**“Breeder”** means a Person, other than a Person who operates a Kennel, who breeds Dogs, Cats or Rabbits on any Property;

**“Building and Enforcement Services”** or **“Division”** means the City of Kingston Building and Enforcement Services Department, or, in the event of

organizational changes, another department designated by Council to carry out the administration and enforcement of this By-Law, and includes the Manager;

**“Cat”** means a domesticated feline, whether neutered or intact, but does not include a Feral Cat;

**“City”** or **“City of Kingston”** means The Corporation of the City of Kingston;

**“Coop”** means a fully enclosed structure where Hens are kept and which is constructed in accordance with this By-Law and contains lockable roofs and doors;

**“Council”** means the Council of the City of Kingston;

**“Dog”** means a domesticated canine, whether neutered or intact;

**“Domestic Animal”** means an Animal that is kept as a household pet;

**“Dwelling”** means a self-contained residential unit;

**“Fees and Charges By-Law”** means City of Kingston By-Law Number 2005-10, “A By-Law to Establish Fees and Charges to be Collected by The Corporation of the City of Kingston”, as amended or replaced from time to time;

**“Feral Cat”** means a cat that is At Large, has no Owner, is not socialized and is extremely fearful or resistant to humans;

**“Guard Dog”** means a Dog trained for security purposes;

**“Hen”** means a female chicken;

**“Hen Run”** means a covered, secure enclosure that provides Hens with access to the outdoors;

**“Herding Dog”** means a Dog that has been trained and used to work as part of a farming operation for guarding, control or protection of Livestock;

**“Impound Fee”** means the recovery fee, as set out in the Fees and Charges By-Law, together with the Pound’s daily impoundment fee for care, feeding and sheltering, plus the cost of all veterinary care provided by the Pound to the Animal;

**“Kennel”** means a place where Dogs or Cats are raised, boarded or trained for profit or gain, but excludes a pet store, Veterinary Hospital or Clinic, Animal shelter or Pound;

**“Leash”** means a rope, chain or similar device capable of restraining the Animal to which it is attached;

**“Livestock”** refers to Animals that are kept for agricultural purposes, such as cattle, fur-bearing animals, goats, horses, sheep, pigs, donkeys, emu, ostriches, alpacas, llamas and other Animals, excluding Poultry;

**“Manager of Licensing and Enforcement”** or **“Manager”** means the City’s Manager, Licensing and Enforcement Services and their designate or, in the event of organizational changes, another Person designated by Council;

**“Muzzle”** means a humane fastening or covering device placed over the mouth of an Animal that is of adequate strength to prevent the Animal from biting, and **“Muzzled”** has a corresponding meaning;

**“Owner”** means any Person who possesses, harbours or keeps an Animal and, where an Owner is a minor less than eighteen (18) years of age, includes the Person who is responsible for the custody of the minor;

**“Penalty Notice”** means a notice given pursuant to Sections 2.2 and 2.4 of the Administrative Process Penalty By-Law;

**“Person”** includes an individual, a corporation, association or a partnership, as applicable;

**“Pigeon”** means a bird from the family Columbidae;

**“Pigeon Loft”** means an enclosure used for the keeping of Pigeons;

**“Poultry”** includes game birds and roosters, but excludes any bird kept as a Domestic Animal, Hens and Pigeons;

**“Pound”** means a facility designated by the City for the temporary housing and care of Animals that have been impounded pursuant to this By-Law;

**“Property”** means a parcel of land and any buildings or other structures on the land;

**“Rabbit”** means a domestic rabbit, whether neutered or intact;

**“Residential Property”** means a Property that is zoned for residential use in the Zoning By-Law that applies to the Property;

**“Rural Area”** means the areas of the City of Kingston that are designated as being part of the rural area pursuant to Schedule F of this By-Law;

**“Tether”** means a rope, chain or similar restraining device that is not connected to a Person and that prevents an Animal from moving beyond a localized area, and **“Tethered”** has a corresponding meaning;

**“Urban Area”** means the areas of the City of Kingston that are designated as being part of the urban area pursuant to Schedule F of this By-Law;

**“Veterinarian”** means a Person licensed under the *Veterinarians Act*, R.S.O. 1990. c. V.3, as amended or replaced from time to time;

**“Veterinary Hospital or Clinic”** means premises operated under the supervision of a Veterinarian for the medical treatment of Animals; and

**“Zoning By-Law”** means a by-law passed under Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended or replaced from time to time, that restricts the use of land.

## **SECTION 2: APPLICATION**

- 2.1 Except as otherwise provided, this By-Law applies to all Animals within the geographic boundaries of the City of Kingston and to the Owners of such Animals.

## **SECTION 3: ADMINISTRATION**

- 3.1. Building and Enforcement Services is responsible for the administration and enforcement of this By-Law.

## **SECTION 4: PERMITTED ANIMALS**

- 4.1. No Person shall own, keep, possess or transfer an Animal that is not listed in Schedule A of this By-Law, except:
- a) in accordance with an exception described in Schedule A of this By-Law;
  - or

- b) in the following places or circumstances:
- (i) a Veterinary Hospital or Clinic;
  - (ii) the Kingston Humane Society;
  - (iii) the Pound;
  - (iv) an accredited educational institution or research facility where such Animals are housed or studied; or
  - (v) a temporary educational or entertainment display, including a circus or zoo, that is supervised at all times by a qualified handler.

4.2. No Person shall carry or display a snake, scorpion, lizard, tarantula, or other spider listed in Schedule A in any place to which the public is customarily admitted, including, without limitation, a public sidewalk, except in accordance with Subsection 4.3. of this By-Law.

4.3. Every Person who must transport a snake, scorpion, lizard, tarantula, or other spider listed in Schedule A in any place to which the public is customarily admitted, including, without limitation, a public sidewalk, shall, at all times during the period of transport, confine the snake, scorpion, lizard, tarantula, or other spider inside a cloth bag placed in a box made of durable material with a lid that has been fastened securely, but which permits the Animal to breathe.

## **SECTION 5: DOG AND CAT REGISTRATION**

5.1. Every Owner of a Dog or Cat shall register each Dog and/or Cat in the City's Animal Identification System in accordance with this Section 5.

5.2. Subsection 5.1 does not apply to a Cat kept in the Rural Area or to a Herding Dog.

5.3. If a Dog or Cat is required to be registered pursuant to Subsection 5.1. above, the Owner or another Person acting on the Owner's behalf shall register the Dog or Cat in the City's Animal Identification System by providing the information required by Building and Enforcement Services and paying the applicable annual registration fee, as set out in the Fees and Charges By-Law.

5.4. A Person shall register or renew the registration of a Dog or Cat at the place(s) designated by the Division for this purpose.

5.5. A Dog or Cat registration is valid for one (1) year only and shall be renewed each year on or before the anniversary of the initial registration date or renewal

date, as applicable, by paying the applicable annual registration fee, as set out in the Fees and Charges By-Law.

- 5.6. No fee will be charged for the initial one (1) year registration of:
  - a) any Dog or Cat under the age of six (6) months; and
  - b) any spayed or neutered Dog or Cat that is over the age of six (6) months, subject to Subsection 5.7. below.
- 5.7. A Person who is registering a spayed or neutered Dog or Cat over the age of six (6) months for the initial one (1) year registration shall provide evidence to the City that the Dog or Cat has been spayed or neutered.
- 5.8. A refund equal to the initial one (1) year registration fee paid will be issued to a Person who provides evidence to the City that their Dog or Cat has been spayed or neutered within the one (1) year period for which the fee was paid.
- 5.9. A refund equal to the difference between the fee paid to register an un-microchipped Dog or Cat and the fee for a microchipped Dog or Cat will be issued to a Person who provides evidence to the City that the Dog or Cat has been microchipped within the one (1) year period for which the fee was paid.
- 5.10. A Person who is registering or renewing the registration of a Dog or Cat may be required as a condition of the registration or renewal to provide evidence that the Dog or Cat has a current certificate of immunization against rabies.
- 5.11. Upon completion of the registration and payment of the applicable annual registration fee, as set out in the Fees and Charges By-Law, the Dog or Cat will be included in the City's Animal Identification System by means of the issuance of a tag with the registered number of the Dog or Cat, or by another means of identification that is adopted by the City from time to time.
- 5.12. Every Owner shall ensure that the tag issued under Subsection 5.11. of this By-Law is securely fixed on the Dog or Cat at all times.

## **SECTION 6: KENNEL PERMITS AND BREEDER PERMITS**

- 6.1. No Person shall operate a Kennel or operate as a Breeder without a valid Kennel permit or Breeder permit issued in accordance with Section 7 of this By-Law.
- 6.2. A Person is not eligible for a Kennel permit or the renewal of a Kennel permit unless:

- a) the proposed use conforms with the Zoning By-Law that applies to the Property;
  - b) the Property complies with City of Kingston By-Law Number 2005-100, “A By-Law for Prescribing Standards for the Maintenance and Occupancy of Property within the City of Kingston”, as amended or replaced from time to time, and any other applicable by-laws;
  - c) the Property conforms with all applicable laws, including, without limitation, the *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7, the *Provincial Animal Welfare Services Act, 2019*, S.O. 2019, c. 13, and the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4, all as amended or replaced from time to time;
  - d) the Property is kept in a clean and sanitary condition at all times;
  - e) every Dog that has reached the age of six (6) months and that resides on the Property permanently has been registered in the City’s Animal Identification System; and
  - f) if the Property is in the Urban Area, every Cat that has reached the age of six (6) months and that resides on the Property permanently has been registered in the City’s Animal Identification System.
- 6.3. The holder of a Breeder permit shall comply with the conditions listed in Schedule B of this By-Law at all times, and a Person is not eligible for a Breeder permit or the renewal of a Breeder permit unless all of the conditions listed in Schedule B of this By-Law are met.
- 6.4. Every Person who holds a Kennel permit or Breeder permit shall allow, at any reasonable time, an Animal Control Officer or other authorized employee or agent of the City to inspect the Property, other than any room or place used as a Dwelling, to determine whether all requirements of this By-Law are being complied with.
- 6.5. A Kennel permit or Breeder Permit is valid for a maximum of one (1) year only and shall be renewed by March 31st of each year by paying the annual permit fee.



**SECTION 7: PERMIT PROCEDURES**

7.1. Every application for:

- a) a Kennel permit or Breeder permit required pursuant to Section 6 of this By-Law;
- b) a Hen Coop permit required pursuant to Schedule C of this By-Law; or
- c) a Pigeon Loft permit required pursuant to Schedule D of this By-Law,

or for the renewal of any such permit, shall be submitted to Building and Enforcement Services in the form provided by the Division, together with the annual permit fee, as set out in the Fees and Charges By-Law, and shall indicate the purpose for which the permit is being obtained.

7.2. Every application for a permit pursuant to Subsection 7.1. above will be reviewed for compliance with this By-Law and will be circulated to the City's Building Services Department, Planning Services Department, KFL&A Public Health, Kingston Humane Society (or the applicable Pound services provider), and an Animal Control Officer for comments.

7.3. The agencies and departments referred to in Subsection 7.2. above may, as part of their review, require an inspection of the Property, other than a room or place used as a Dwelling, and failure or refusal to permit such an inspection, or to comply with the requirements or conditions of the agency and/or department, may result in a permit not being issued.

7.4. If it is determined that an application does not meet the requirements of this By-Law or of the agencies and/or departments listed in Subsection 7.2. of this By-Law, the Manager will refuse to issue the permit.

7.5. The Manager may impose such terms or conditions on a permit issued pursuant to Subsection 7.1. as the Manager considers appropriate.

7.6. If, at any time, the Manager has reasonable grounds to believe that the holder of a Kennel permit, Breeder permit, Hen Coop permit or Pigeon Loft permit is not complying with the requirements of this By-Law, the Manager may suspend or revoke the permit.

7.7. A Person whose application for a Kennel permit, Breeder permit, Hen Coop permit or Pigeon Loft permit, or for a renewal of any such permit, has been refused or whose permit has been suspended or revoked may, within fifteen (15) days of being notified of the refusal, suspension or revocation, as the case

may be, submit an application to the Appeals Committee for a review of the decision, together with the required administrative fee, as set out in the Fees and Charges By-Law.

- 7.8. An application to appeal shall be submitted in writing or in the form prescribed by the Division to the City Clerk's office.
- 7.9. A Person who has applied for a review of the Manager's decision will be given an opportunity to make submissions to the Appeals Committee in accordance with City of Kingston By-Law Number 2010-205, "A By-Law to Define the Mandate and Meeting Procedures for Committees Established by The Corporation of the City of Kingston", as amended or replaced from time to time.
- 7.10. On appeal, the Appeals Committee has the power to affirm the decision of the Manager to refuse, suspend or revoke the permit, or to direct the Manager to issue, renew or reinstate the permit.
- 7.11. The Appeals Committee may, when reviewing a denied, suspended or revoked permit, impose such terms or conditions on the permit as the Appeals Committee considers appropriate.
- 7.12. Decisions of the Appeals Committee are final.

#### **SECTION 8: ADMINISTRATION FEES**

- 8.1. Every Owner of a Dog or Cat who does not pay the applicable annual registration fee on or before the date specified in Subsection 5.5. of this By-Law shall be subject to an administration fee, as set out in the Fees and Charges By-Law, in addition to the registration fee.
- 8.2. Every holder of a Kennel permit, Breeder permit, Hen Coop permit or Pigeon Loft permit who does not pay the applicable permit fee by March 31<sup>st</sup> of each year shall be subject to an administration fee, as set out in the Fees and Charges By-Law, in addition to the permit fee.

#### **SECTION 9: HENS**

- 9.1. No Person shall keep a Hen on any Property except in accordance with Schedule C of this By-Law.

**SECTION 10: PIGEONS**

10.1. No Person shall keep a Pigeon on any Property except in accordance with Schedule D of this By-Law.

**SECTION 11: LIVESTOCK AND POULTRY**

11.1. No Person shall keep Livestock or Poultry on any Property except:

- a) on an Agricultural Property;
- b) on a Property containing five (5) or more acres;
- c) on a Property that houses horses that are in the service of the City or a local board of the City, as that term is used in the *Municipal Act, 2001*, including the Kingston Police Services Board;
- d) in a Veterinary Hospital or Clinic; or
- e) as part of a temporary cultural, recreational or educational event, including a public or agricultural fair.

**SECTION 12: DOGS**

12.1. Every Owner of a Dog shall immediately remove any feces left by their Dog on any City-owned Property in the City of Kingston.

12.2. No Person shall keep a Guard Dog on any Property unless the Owner of the Guard Dog or the owner or occupant of the Property places and maintains a sign in a prominent place on the Property that reads: "Beware Guard Dog".

12.3. No Owner shall cause or permit their Dog to engage in any of the following acts of public nuisance:

- a) persistently bark or howl;
- b) damage public or private property;
- c) scatter garbage or interfere with waste management activities;
- d) chase Persons, vehicles, Domestic Animals, Livestock, Poultry, Hens, or other Animals kept on an Agricultural Property;
- e) swim at a public beach, swimming or wading pool; or

- f) be off-Leash in a public park or recreational area, except at an off-leash dog area referred to in Subsection 15.4. below.

12.4. No Owner of a Dog shall engage in any activity or conduct which is intended or is likely to cause the Dog to bite or attack a Person, Domestic Animal, Livestock, Poultry, Hen, or other Animal kept on an Agricultural Property.

### **Section 13: ADVERTISEMENT OF ANIMALS**

13.1. Only a licensed Breeder or the operator of a pet store, or an established animal rescue agency (including, without limitation, the Kingston Humane Society) may advertise a Dog, Cat or Rabbit for sale.

### **SECTION 14: STANDARDS OF CARE**

14.1. No Owner shall allow their Animal to remain outdoors during the period in which a cold warning or heat warning issued by either or both the City of Kingston's Medical Officer of Health or Environment Canada is in effect in the City of Kingston, unless the Animal has access to an enclosure that will adequately protect the Animal from the elements.

14.2. No Owner shall allow their Animal to be Tethered unattended on public property for longer than a fifteen (15) minute period.

14.3. No Owner shall allow their Animal to be Tethered unattended on private property unless the following conditions are met:

- a) the Animal has free and unrestricted movement within the range of Tether;
- b) the Animal has access to food, water, and protection from the elements, including the sun; and
- c) the Tether is a minimum of three (3) metres long.

### **SECTION 15: ANIMALS AT LARGE/TRESPASS**

15.1. No Owner shall cause or permit its Dog, Livestock, Poultry or Hen, to be At Large, except as expressly permitted in this By-Law.

15.2. Subsection 15.1. does not apply to a Herding Dog that is actively engaged in the performance of its duties or to an Animal trained for and engaged in law enforcement by any federal, provincial or municipal government or government agency.

- 15.3. Notwithstanding Subsection 15.1. of this By-Law, a Dog is not deemed to be At Large where the Dog is on land that is designated as an off-leash dog area pursuant to Subsection 15.4. of this By-Law.
- 15.4. The following City parks contain designated off-leash dog areas, where indicated with signage:
- a) MacLean Trail Park;
  - b) Memorial Centre;
  - c) Meadowbrook Park;
  - d) Rotary Park;
  - e) Grass Creek Park; and
  - f) any other area designated by the City as an off-leash dog area from time to time.
- 15.5. Every Owner of a Dog shall comply with the regulations specified in Schedule E of this By-Law while present at an off-leash dog area.
- 15.6. No Owner shall cause or permit a Dog or Cat, other than a Cat in the Rural Area, to trespass.
- 15.7. An Animal Control Officer may seize and/or impound any Animal that is At Large or trespassing in contravention of this By-Law, and may use any reasonable means to seize and/or impound such Animal.

## **SECTION 16: PROCEDURES FOR IMPOUNDED ANIMALS**

- 16.1. The Pound will keep a record of every Animal that has been impounded, including its date of impoundment, description, registered number, or other means of identification, if any, date of disposition, and method of disposition.
- 16.2. The redemption period for an impounded Dog is five (5) days, excluding the day on which the Dog was impounded and excluding any day that the Pound is not open to the public.
- 16.3. The redemption period for an impounded Cat is three (3) days, excluding the day on which the Cat was impounded and excluding any day that the Pound is not open to the public.

- 16.4. The Owner of an impounded Animal, or a Person acting on the Owner's behalf may, within the applicable redemption period, and after paying the full amount of the Impound Fee, recover the Animal during the hours when the Pound is open to the public.
- 16.5. If a Cat in the Urban Area or a Dog, other than a Herding Dog, that has been impounded is not registered in the City's Animal Identification System, the Owner or Person acting on the Owner's behalf shall, in addition to the Impound Fee, pay the applicable annual registration fee, as set out in the Fees and Charges By-Law, in order to recover the Cat or Dog from the Pound.
- 16.6. If the Owner of an impounded Animal fails to claim the Animal before the expiry of the applicable redemption period and to pay the fees specified in this Section 16, the Animal will become the property of the Pound.

#### **SECTION 17: ANIMAL CONTROL ORDERS**

- 17.1. An Animal Control Officer may issue an Animal Control Order to an Owner where the Animal Control Officer has reason to believe:
  - a) an Owner's Dog is alleged to have bitten or attacked a Person or Animal in the absence of any mitigating factor which excuses the behaviour of the Dog, such as where the Dog is acting in self-defence, defence of its young or Owner, or in response to being teased, provoked or tormented; or
  - b) an Owner is in breach of Section 4 of this By-Law.
- 17.2. In the case of Subsection 17.1(a) above, an Animal Control Order may require the Owner of a Dog to do such things as the Animal Control Officer deems necessary, at the Owner's expense, including, without limitation, any or all of the following:
  - a) to Muzzle the Dog;
  - b) to secure the Dog on the Owner's Property in such a way as to prevent the Dog from escaping the Property;
  - c) to post "Beware of Dog" signage in a conspicuous area on the Owner's Property;
  - d) to prohibit the Dog from attending at any designated off-leash dog areas;
  - e) to keep the Dog on a Leash of no greater than six (6) feet when not on the Owner's Property;

- f) to advise the Manager should the Dog become At Large;
- g) to advise the Manager should the ownership of the Dog be transferred to a new Owner or if the Owner changes addresses; and/or
- h) to confirm the species or breed of the Dog in a form satisfactory to an Animal Control Officer.

17.3. An Animal Control Order pursuant to Subsection 17.1(a) shall be in effect for a period of no longer than two (2) years from the date it is issued, or the outcome of any court decisions rendered through the *Dog Owners' Liability Act*, R.S.O. 1990, c. D.16, as amended or replaced from time to time, whichever is shorter.

17.4. An Animal Control Order pursuant to Subsection 17.1(b) may require the Owner of the Animal to do such things as the Animal Control Officer deems necessary, at the Owner's expense, including, without limitation, any or all of the following:

- a) to confirm the species or breed of the Animal in a form satisfactory to an Animal Control Officer;
- b) to surrender the Animal to a rescue agency within a fourteen (14) day period; and/or
- c) to provide proof of the surrender of the Animal in a form satisfactory to the Manager.

17.5 In accordance with Section 105 of the *Municipal Act, 2001*, if an Owner is required to Muzzle a Dog pursuant to Subsection 17.2 above, the Owner is entitled to request a hearing to determine whether or not to exempt the Owner in whole or in part from the requirement, provided that such request does not act as a stay of the Muzzling requirement.

## **SECTION 18: OBSTRUCTION**

18.1. No Person shall obstruct or hinder or attempt to obstruct or hinder an Animal Control Officer or other authorized employee or agent of the City in the exercise of a power or the performance of a duty under this By-Law.

18.2. Where an Animal Control Officer has reasonable grounds to believe that an offence under this By-Law has been committed by a Person, the Animal Control Officer may require the name, address, and proof of identity of that Person.

- 18.3. Failure to provide proof of identification satisfactory to an Animal Control Officer when requested to do so pursuant to Subsection 18.2. of this By-Law shall constitute obstruction of an Animal Control Officer under Subsection 18.1. of this By-Law.

## **SECTION 19: SCHEDULES**

- 19.1. The following Schedules are attached to and form part of this By-Law:

Schedule A – Permitted Animals

Schedule B – Breeder Requirements

Schedule C – Hen Regulations

Schedule D – Pigeon Keeping Regulations

Schedule E – Off-Leash Dog Area Regulations

Schedule F – Map of Designated Urban and Rural Area

## **SECTION 20: OFFENCE AND PENALTY PROVISIONS**

- 20.1. Every Person who contravenes any provision of this By-Law or whose Animal contravenes any provision of this By-Law, and any Person who fails to comply with an order issued under this By-Law, is guilty of an offence and, upon conviction, is liable to a fine of not more than One Hundred Thousand Dollars (\$100,000) and to any other applicable penalties.
- 20.2. Every Person who contravenes any provision of this By-Law or whose Animal contravenes any provision of this By-Law, and any Person who fails to comply with an order issued under this By-Law, shall, upon issuance of a Penalty Notice, be liable to pay to the City an Administrative Penalty, and the Administrative Process Penalty By-Law applies to each Administrative Penalty issued pursuant to this By-Law.
- 20.3. If a Person is required to pay an Administrative Penalty under Subsection 20.2. in respect of a contravention of this By-Law, the Person shall not be charged with an offence in respect of the same contravention.
- 20.4. In accordance with Subsection 398(2) of the *Municipal Act, 2001*, the treasurer of the City may add unpaid fees, charges and/or fines issued under this By-Law to the tax roll and collect them in the same manner as property taxes.



- 20.5. If this By-Law is contravened and a conviction entered, the court in which the conviction was entered or any court of competent jurisdiction may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the Person convicted.

#### **SECTION 21: TNVR PROGRAM**

- 21.1. The City may operate, or may enter into service agreements for the operation of programs that trap, neuter, vaccinate and return Feral Cats and stray Cats in the City of Kingston.

#### **SECTION 22: VALIDITY**

- 22.1. If a court of competent jurisdiction declares any provision, or any part of a provision, of this By-Law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this By-Law that each and every provision of this By-Law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

#### **SECTION 23: SHORT TITLE OF BY-LAW**

- 23.1. This By-Law may be cited as the “Animal Control By-Law”.

#### **SECTION 24: REPEAL OF BY-LAW NUMBER 2004-144 AND TRANSITION PROVISIONS**

- 24.1. By-Law Number 2004-144, “A By-Law to Regulate Animals”, as amended, is hereby repealed in its entirety as of the date this By-Law comes into force.
- 24.2. All prosecutions and other enforcement processes commenced under By-Law Number 2004-144, including, without limitation, all orders issued pursuant to By-Law Number 2004-144, which have not been completed on the day this By-Law comes into force shall be completed under By-Law Number 2004-144 as if it had not been repealed.

**SECTION 25: COMMENCEMENT**

25.1. This By-Law comes into force on January 1, 2022.

Given First and Second Readings: [Meeting Date]

Given Third Reading and Passed: [Meeting Date]

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**John Bolognone**

City Clerk

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**Bryan Paterson**

Mayor

**Schedule A  
Permitted Animals**

1. Domestic Dogs;
2. Domestic Cats;
3. Domestic Rabbits;
4. Domestic ferrets;
5. Domestic birds, such as but not limited to, canaries, finches, parakeets, parrots, and cockatiels;
6. Hens, in accordance with Schedule C of this By-Law;
7. Pigeons, in accordance with Schedule D of this By-Law;
8. Rodents, such as but not limited to, rats, mice, gerbils, and hamsters;
9. Pot-bellied pigs kept as Domestic Animals and other mini pigs kept as Domestic Animals;
10. Sugar-gliders;
11. Hedge hogs;
12. Falcons, owls and similar birds where the Owner is licensed by the Ministry of Northern Development, Mines, Natural Resources and Forestry;
13. Reptiles, excluding snakes and all members of the order Crocodylia, that are non-venomous and do not reach an adult length greater than two (2) metres;
14. Snakes that are non-venomous, non-constricting, and do not reach an adult length greater than three (3) metres;
15. Tarantulas and other spiders that are non-venomous;
16. Amphibians, such as but not limited to, frogs, toads, newts and salamanders;
17. Domestic fish;
18. Livestock, in accordance with Section 11 of this By-Law;

19. Poultry, in accordance with Section 11 of this By-Law;
20. Ducks and geese kept on an Agricultural Property or in the Rural Area; and
21. An Animal deemed to be a service animal as provided for in the *Provincial Animal Welfare Services Act, 2019*, S.O. 2019, c. 13.

**Schedule B**  
**Breeder Requirements**

- A. A Person is not eligible for a Breeder permit or the renewal of a Breeder permit unless all of the following conditions are met:
1. The proposed use of the Property complies with the applicable Zoning By-Law;
  2. The Property complies with City of Kingston By-Law Number 2005-100, "A By-Law for Prescribing Standards for the Maintenance and Occupancy of Property within the City of Kingston", as amended or replaced from time to time, and any other applicable by-laws;
  3. The Property conforms with all applicable laws, including but not limited to the *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7, the *Provincial Animal Welfare Services Act*, 2019, S.O. 2019, c. 13, and the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c. 4, all as amended or replaced from time to time;
  4. The Property is kept in a clean and sanitary condition at all times;
  5. Every Dog that has reached the age of six (6) months and that resides on the Property permanently has been registered in the City's Animal Identification System; and
  6. If the Property is in the Urban Area, every Cat that has reached the age of six (6) months and that resides on the Property permanently has been registered in the City's Animal Identification System.
- B. Every Person who holds a Breeder permit shall comply with the following regulations at all times:
1. The Breeder must maintain current and accurate records pertaining to their breeding program, including the particulars of all Dog, Cat and Rabbit sale transactions, and shall surrender same on demand of an Animal Control Officer.
  2. The Breeder shall not sell or donate a Dog, Cat or Rabbit to a pet store in the City of Kingston.
  3. Every Breeder shall ensure that potential purchasers of Dogs, Cats and/or Rabbits are screened for their suitability and capability to own and meet the needs of the

particular species and breed being purchased. A written record of the screening shall be kept for inspection by an Animal Control Officer.

4. No Dog, Cat or Rabbit shall be sold, adopted or given away before eight (8) weeks of age.
5. No Dog, Cat or Rabbit shall be sold, adopted or given away until treated for external and internal parasites, and core vaccinations as recommended for the species by Veterinarians.
6. The Breeder of Dogs and Cats shall provide a copy of the Animal's health certificate and vaccination records to its new Owner.
7. No female Dog, Cat or Rabbit shall be bred until it is certified healthy by a Veterinarian and is certified healthy to breed by a Veterinarian on an annual basis.
8. The Breeder permit number shall be displayed where the Dogs, Cats and Rabbits are sold and shall be included in any advertising of Dogs, Cats or Rabbits for sale.
9. Every Breeder shall provide a written sales agreement containing the name of the purchaser, the date of sale, and the name of the Animal's breed. In addition, all terms and conditions of the sale, including a return or replacement policy that includes an obligation to accept any return of a Dog, Cat or Rabbit, shall be clearly defined. The agreement shall be properly dated and signed by all parties.
10. Every Breeder shall provide the new Owner of a Dog, Cat or Rabbit with documentation which verifies:
  - a) the date of the sale;
  - b) the sale price;
  - c) the Dog, Cat or Rabbit's breed or cross-breed;
  - d) the sex of the Dog, Cat or Rabbit;
  - e) the age of the Dog, Cat or Rabbit;
  - f) a description of the Dog, Cat or Rabbit, including colour and markings if any; and
  - g) an up-to-date certificate of health from a Veterinarian for the Dog or Cat.

The Breeder shall retain a copy of such documentation for a period of seven (7) years from the date of the transaction and shall provide copies to an Animal Control Officer on demand.

11. Each Breeder shall provide clean, adequate, safe housing and run areas specific to the nature and exercise requirements for the breed of the Dog, Cat or Rabbit.
12. The Breeder shall ensure that each Dog, Cat and Rabbit is provided with the following:
  - a) adequate food and water;
  - b) appropriate medical attention;
  - c) adequate and appropriate resting and sleeping areas;
  - d) adequate and appropriate space to enable the Animal to move naturally and to exercise;
  - e) sanitary conditions;
  - f) ventilation;
  - g) light; and
  - h) protection from the elements, including harmful temperatures.
13. Every Breeder shall ensure that no Dog, Cat or Rabbit is kept in a crowded cage or room, in accordance with the Canadian Council on Animal Care (CCAC) standards.
14. Every Breeder shall ensure that every Dog, Cat or Rabbit that exhibits signs of distress or suffering will receive immediate care from a Veterinarian.
15. Every Breeder shall issue a City of Kingston license tag to the new Owner of every Dog or Cat sold, adopted or given away to a Person who resides in the City of Kingston, and every Breeder shall ensure that all Dogs and Cats are microchipped.

### Schedule C Hen Regulations

1. The keeping of Hens is only permitted in the following areas of the City of Kingston:
  - (a) on an Agricultural Property; or
  - (b) on a Residential Property,and no Person shall keep a Hen on a Residential Property without a valid Hen Coop permit issued in accordance with Section 7 of this By-Law.
2. If the applicant for a Hen Coop permit is a tenant of the Property, the applicant must obtain the Property owner's written consent to keep Hens on the Property and must provide a copy of such written consent to the Division if requested.
3. Any Person applying for a Hen Coop permit shall provide notification to the owners of all Properties abutting the applicant's Property of the applicant's intention to obtain a Hen Coop permit. Upon request, the applicant shall provide evidence satisfactory to the Division that such notification has been provided.
4. The following regulations apply to the keeping of Hens on a Residential Property:
  - (a) A maximum of six (6) Hens will be permitted on any Residential Property.
  - (b) All Hens kept on a Residential Property must be at least four (4) months of age.
  - (c) Every Person who holds a Hen Coop permit shall allow, at any reasonable time, an Animal Control Officer or other authorized employee or agent of the City to inspect the Property, other than any room or place used as a Dwelling, to determine whether all requirements of this By-Law are being complied with.
  - (d) Hen Coops and Hen Runs must be located at least 1.2 metres from the rear property line and at least 1.2 metres from any side property line of the Property on which the Hen Coop or Hen Run is located.
  - (e) Hen Coops and Hen Runs must be located at least 15 metres from any point of a school.



- (f) Hen Coops and Hen Runs must be located at least 7.5 metres from any point of a church or business.
- (g) Hen Coops and Hen Runs must be located at least 3 metres from all windows and doors of Dwellings that are located on an abutting Property.
- (h) Hen Coops and Hen Runs are not permitted in any front yard or side yard, as those terms are defined in the Zoning By-Law.
- (i) In the event of any conflict between the terms of subsections (d) to (g) above and the terms of the Zoning By-Law that applies to the Property, the greater distance or setback shall prevail.
- (j) The Owner of the Hens must reside on the Property where the Hens are kept.
- (k) The home slaughter of Hens is prohibited and any deceased Hens shall be disposed of at a livestock disposal facility or through the services of a Veterinarian.
- (l) Sales of eggs, manure and other products associated with the keeping of Hens are prohibited.
- (m) Hens shall be kept in their Coops between 9:00 p.m. and 6:00 a.m. each day.
- (n) Hen Coops and Hen Runs shall be maintained in a clean condition and the Coop shall be kept free of obnoxious odours, substances and vermin.
- (o) Stored manure shall be kept in an enclosed structure, such as a compost bin, in accordance with all applicable compost regulations, and no more than three (3) cubic feet of manure shall be stored at any one time.
- (p) Manure shall be disposed of in accordance with municipal by-laws.
- (q) No Owner shall cause or permit its Hen to persistently cluck.

**Schedule D**  
**Pigeon Keeping Regulations**

1. The keeping of Pigeons is only permitted in the following areas of the City of Kingston:
  - (a) on an Agricultural Property; or
  - (b) on a Residential Property that is at least one third (1/3) of an acre in size,  
  
and no Person shall keep a Pigeon on a Residential Property described in subsection (b) above without a valid Pigeon Loft permit issued in accordance with Section 7 of this By-Law.
  
2. The following regulations apply to the keeping of Pigeons on a Residential Property:
  - (a) The Owner of the Pigeons must reside on the Property where the Pigeons are kept.
  - (b) The maximum number of Pigeons that may be kept on any Residential Property is as follows:
    - (i) between November 1 in any one year to March 31 in the immediately following year, forty (40) Pigeons; and
    - (ii) between April 1 to October 31 in any one year, sixty (60) Pigeons.
  - (c) Pigeons shall only be bred for personal use by the Owner and shall not be sold for profit or gain.
  - (d) Every Person who holds a Pigeon Loft permit shall allow, at any reasonable time, an Animal Control Officer or other authorized employee or agent of the City to inspect the Property, other than any room or place used as a Dwelling, to determine whether all requirements of this By-Law are being complied with.
  - (e) Every Owner shall:
    - (i) be a member of a recognized Pigeon organization which is affiliated with a national Pigeon organization;
    - (ii) band their Pigeons with a metal or plastic leg band; and

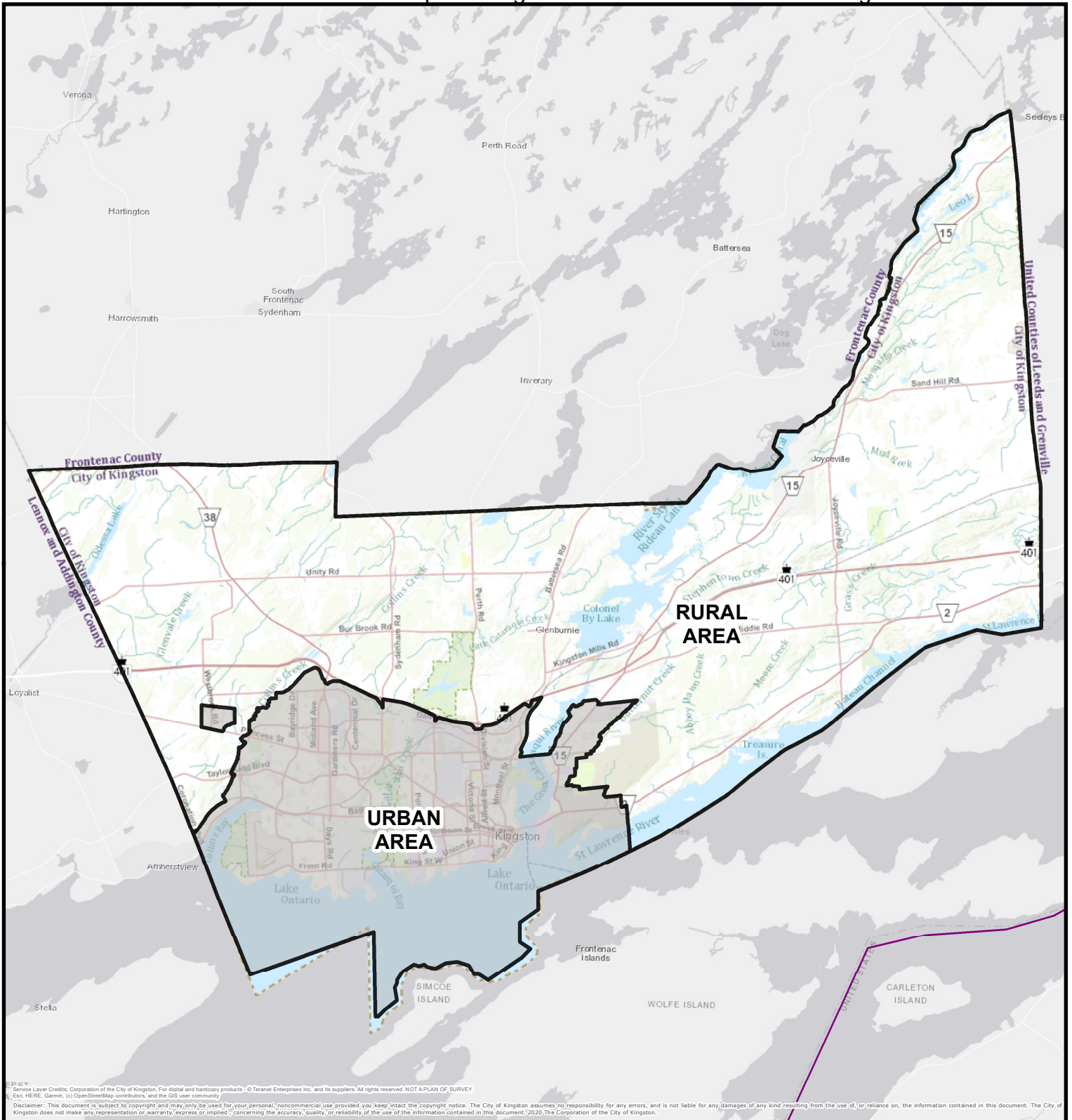
- (iii) register their Pigeon band numbers with an organization described in clause (i).
- (f) Every Owner shall keep their Pigeons in a Pigeon Loft that:
- (i) is located in the rear yard of the Property;
  - (ii) is located at least 6 metres from any property line and at least 15 metres from any Dwellings on an adjacent Property;
  - (iii) provides for a minimum of 1.0 square metre of loft space for every ten (10) Pigeons and a maximum loft area of 10 square metres; and
  - (iv) is a maximum height of 5 metres.

In the event of any conflict between the terms of subsection (ii) above and the terms of the Zoning By-Law that applies to the Property, the greater distance or setback shall prevail.

- (g) Every Owner shall maintain the Pigeon Loft:
- (i) in a state of good repair at all times through regular maintenance; and
  - (ii) in a sanitary condition at all times, ensuring that all waste materials are disposed of in a manner that will not create a nuisance or public health hazard.
- (h) Every Owner shall store all Pigeon feed in a rodent proof container.
- (i) The Owner shall keep the Pigeons contained in the Pigeon Loft at all times, except during a maximum of two (2) daily flight periods in a twenty-four (24) hour period, at which time no more than half the total number of Pigeons being kept by the Owner on the Property shall be At Large at one time.
- (j) No Owner shall permit Pigeon flights between the hours of 9:00 a.m. and 5:00 p.m. between April 1 to September 30 in any one year, or between the hours of 10:00 a.m. and 3:00 p.m. between October 1 in any one year to March 31 of the immediately following year.
- (k) All Pigeon flights must be supervised by the Owner for the duration of the flight, other than a flight conducted by a recognized racing pigeon club.
- (l) The Owner shall take all reasonable steps to ensure the Pigeons do not perch, nest, roost, stray or rest upon any premises other than on the Property of the Pigeon Owner.

**Schedule E**  
**Off-Leash Dog Area Regulations**

1. Every Owner shall immediately remove any feces left by their Dog.
2. Every Owner shall keep their Dog Leashed until inside the gates of the off-leash dog area.
3. No Owner shall cause or permit an unvaccinated and/or unlicensed Dog to enter an off-leash dog area.
4. No Owner shall cause or permit a Dog that is in heat (female) or is sick or aggressive to enter an off-leash dog area.
5. No Owner shall have more than two (2) dogs under their control in the off-leash dog area.
6. Every Owner shall ensure any children under the age of twelve (12) are supervised by an adult while inside the off-leash dog area.
7. No Owner shall permit the use of choke, spike, chain or pinch collars on a Dog while in the off-leash dog area.
8. Every Owner shall maintain control of their Dog at all times.
9. Every Owner that enters an off-leash dog area with a pit bull shall ensure the pit bull is Muzzled at all times.



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**Building and Enforcement Services**  
 a department of  
**Community Services**

**SCHEDULE 'A'**

**DESIGNATED URBAN AREA AND RURAL AREA**

**Legend**

-  Designated Rural Area
-  Designated Urban Area

0 1,250 2,500 3,750 5,000 Metres

Addendum Meeting 21 September 21, 2021

**By-Law Number 2021-XX**

A By-Law to Amend By-Law Number 2020-69, “A By-Law To Establish A Process for Administrative Penalties” (Designating By-Laws)

**Passed:** Meeting date, 2021

**Whereas** a formal designation from Council is required to Designate the Animal Control By-Law as a By-Law for which Administrative Penalties can be issued;

**Therefore Be it Resolved That** the Council of The Corporation of the City of Kingston hereby enacts as follows:

1. By-Law Number 2020-69 of The Corporation of the City of Kingston, entitled “A By-Law to Establish a Process for Administrative Penalties”, as amended, is hereby further amended as follows:

1.1. Schedule A, Designated By-Laws, is amended to include the following:

7. City of Kingston By-Law Number 2021-XXX, being “A By-Law to Repeal and Replace By-Law Number 2004-144, A By-Law to Regulate Animals”

1.2. Schedule B, Administrative Monetary Penalties, is amended to include the following:

<b>By-law Number 2021-XX, A By-Law to Repeal and Replace By-Law Number 2004-144, A By-Law to Regulate Animals</b>		
<b>By-law section</b>	<b>Short wording</b>	<b>Penalty amount</b>
4.1	Own/keep/possess/transfer an animal not listed in Schedule A (Permitted Species)	\$200
5.1	Fail to register cat or dog	\$100
5.12	Fail to have tag securely fixed to dog or cat	\$75
6.1	Operate as kennel or breeder without a permit	\$300
9.1	Fail to comply with conditions for keeping hens	\$100
10.1	Fail to comply with conditions for keeping pigeons	\$100

<b>By-law section</b>	<b>Short wording</b>	<b>Penalty amount</b>
11.1	Keep livestock or poultry on ineligible property	\$100
12.1	Fail to immediately remove feces left by dog	\$75
12.3 a)	Permit/cause dog to be public nuisance – persistent barking or howling	\$100
12.3 b)	Permit/cause dog to be public nuisance - damage public or private property	\$100
12.3 c)	Permit/cause dog to be public nuisance - scatter garbage or interfere with waste management activities	\$100
12.3 d)	Permit/cause dog to be public nuisance - chase persons, vehicles, domestic animals, livestock, poultry, hens or other animals kept on an agricultural property	\$100
12.3 e)	Permit/cause dog to be public nuisance – swimming at public beach, swimming or wading pool	\$100
12.3 f)	Permit/cause dog to be public nuisance – off-leash in public park or recreational area	\$100
14.1	Allow an animal to remain outdoors in extreme weather without adequate protection from elements	\$300
14.2	Allow an animal to be tethered unattended on public property longer than 15 minutes	\$100
14.3	Allow an animal to be tethered unattended on private property without meeting conditions	\$150
15.1	Cause/permit dog/livestock/poultry/hen to be at-large	\$100
15.5	Fail to comply with off-leash dog park regulation	\$100
15.6	Cause/permit dog or cat to trespass	\$100

<b>By-law section</b>	<b>Short wording</b>	<b>Penalty amount</b>
17.2	Fail to comply with an Animal Control Order – dog bite/attack	\$300
17.4	Fail to comply with an Animal Control Order – non-permitted species	\$500
18.1	Obstruct an Officer	\$500

2. This By-Law shall come into force and take effect on January 1, 2022.

Given First and Second Readings Month XX, 2021

Given Third Reading and Passed Month XX, 2021

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**John Bolognone**  
City Clerk

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**Bryan Paterson**  
Mayor



**By-Law Number 2021-XX**

A By-Law to Amend By-Law Number 2010-205, "A By-Law to Define the Mandate and Meeting Procedures for Committees Established by the Corporation of the City of Kingston"

**Passed:** Meeting date, 2021

**Whereas** the Council of The Corporation of the City of Kingston deems it advisable to amend By-Law Number 2010-215, "A By-Law to Define the Mandate and Meeting Procedures for Committees Established by the Corporation of the City of Kingston", as amended;

**Therefore Be it Resolved That** the Council of the Corporation of the City of Kingston hereby enacts as follows:

1. By-Law Number 2010-205 of the Corporation of the City of Kingston entitled "A By-Law to Define the Mandate and Meeting Procedures for Committees Established by the Corporation of the City of Kingston", as amended, is hereby further amended as follows:
  - 1.1. Schedule C-1, Legislated Committees, Mandate/Terms of Reference is amended by deleting the third bullet in its entirety and inserting the following hereto:

"Section 7.7 of By-law Number 2021-\_\_\_, decisions regarding a kennel permit, hen coop permit, pigeon loft permit, or a breeder permit may be appealed to the Appeals Committee."
  - 1.2. Schedule C-1, Legislated Committees, Mandate/Terms of Reference is amended by adding a new bullet after the third bullet, as follows:

"Section 17.2(a) of By-Law Number 2021-\_\_\_, to regulate animals, orders regarding muzzling of a dog may be appealed to the Appeals Committee"

2. This By-Law shall come into force and take effect on January 1, 2022.

Given First and Second Readings Month XX, 2021

Given Third Reading and Passed Month XX, 2021

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**John Bolognone**  
City Clerk

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**Bryan Paterson**  
Mayor

**By-Law Number 2021-XX**

A By-Law to Amend By-Law Number 2015-159, "A By-Law to Establish Procedures for the Appeals Committee to Conduct Appeals to Property Standards Orders in accordance with the Building Code Act, and Appeals to License and Permit Decisions in Accordance with the City of Kingston Licensing By-Laws"

**Passed:** Meeting date, 2021

**Whereas** the Council of The Corporation of the City of Kingston deems it advisable to amend By-Law Number 2015-159, "A By-Law to Establish Procedures for the Appeals Committee to Conduct Appeals to Property Standards Orders in accordance with the Building Code Act, and Appeals to License and Permit Decisions in Accordance with the City of Kingston Licensing By-Laws", as amended;

**Therefore Be it Resolved That** the Council of the Corporation of the City of Kingston hereby enacts as follows:

1. By-Law Number 2015-159 of The Corporation of the City of Kingston entitled "A By-Law to Establish Procedures for the Appeals Committee to Conduct Appeals to Property Standards Orders in accordance with the Building Code Act, and Appeals to License and Permit Decisions in Accordance with the City of Kingston Licensing By-Laws", as amended, is hereby further amended as follows:

1.1. Section 3 c) is deleted in its entirety and replaced with the following:

"Section 7.7 of By-Law Number 2021-\_\_\_\_, to regulate animals, decisions regarding a kennel permit, hen coop permit, pigeon loft permit, or a breeder permit may be appealed to the Appeals Committee."

1.2. Section 3 is amended to include clause g) which reads as follows:

"Section 17.2 a) of By-Law Number 2021-\_\_\_\_, to regulate animals, orders regarding the muzzling of a dog may be appealed to the Appeals Committee."

2. This By-Law shall come into force and take effect on January 1, 2022.

Given First and Second Readings Month XX, 2021

Given Third Reading and Passed Month XX, 2021

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**John Bolognone**  
**City Clerk**

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**Bryan Paterson**  
**Mayor**

**By-Law Number 2021-XX**

**A By-Law to Amend By-Law Number 2016-189, “A By-Law to Consolidate the Delegation of Powers and Duties”, as Amended**

**Passed:** [Meeting Date]

**Whereas** the Council of The Corporation of the City of Kingston deems it advisable to amend By-Law Number 2016-189, “A By-Law to Consolidate the Delegation of Powers and Duties”, as amended; and

**Therefore Be It Resolved That** The Council of The Corporation of the City of Kingston hereby enacts as follows:

1. By-Law Number 2016-189 of The Corporation of the City of Kingston entitled, “A By-Law To Consolidate the Delegation of Powers and Duties”, as amended, is hereby further amended as follows:

- 1.1. By adding the following section to Schedule “A”, Consolidated List of Delegations of Authority:

Delegate	Delegated Authority Description	Enabling By-Law or Council Motion/ Resolution
Director of Building & Enforcement Services or their designate	Authority for the Director of Building & Enforcement Services or their designate to administer the Safe Surrender Program until December 31, 2022, upon the terms and conditions specified in Report Number ARCP-21-009 and in accordance with the terms of the Municipal Fee Assistance Program, and to approve any documents and/or agreements required in connection with the Safe Surrender Program.	[Council Motion Resolution]

2. This by-law shall come into force and take effect on the date of its passing.

**Given all three readings and passed:** [Meeting Date]

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**John Bolognone**  
**City Clerk**

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**Bryan Paterson**  
**Mayor**