



City of Kingston
Report to Kingston Heritage Properties Committee
Report Number HP-24-016

To: Chair and Members of the Kingston Heritage Properties Committee

From: Jennifer Campbell, Commissioner, Community Services

Resource Staff: Kevin Gibbs, Director, Heritage Services

Date of Meeting: March 20, 2024

Subject: Updates to the Window Policy and Guidelines

Council Strategic Plan Alignment:

Theme: Policies & by-laws

Goal: See above

Executive Summary:

On January 24, 2024, Heritage Planning staff presented the Kingston Heritage Properties Committee with [Report Number HP-24-006](#) that included proposed updates to the City’s “Policy on Window Renovations in Heritage Buildings” (Existing Window Policy). This updated policy is titled the “City of Kingston Window Policy and Guidelines” (Updated Window Policy). Staff circulated the Updated Window Policy to the Kingston Heritage Properties Committee for comment and received feedback from the Committee, local organizations and members of the public.

This report summarizes at a high-level reasons for the proposed changes from the existing Window Policy, which include additional clarity for applicants/homeowners when submitting a heritage permit, increased staff efficiency, requirements for the review of window conditions by qualified professionals, and to outline best practices to maintain the heritage value of protected properties. This report also summarizes feedback received and staff responses, organized into broad themes, as well as resulting changes that have been incorporated into the Updated Window Policy.

March 20, 2024

Page 2 of 8

Recommendation:

That the Kingston Heritage Properties Committee recommends to Council:

That the City of Kingston Window Policy and Guidelines, attached as Exhibit B to Report Number HP-24-016, be approved.

March 20, 2024

Page 3 of 8

Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

Jennifer Campbell,
Commissioner, Community
Services

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

Lanie Hurdle, Chief
Administrative Officer

Consultation with the following Members of the Corporate Management Team:

| | |
|--|--------------|
| Paige Agnew, Commissioner, Growth & Development Services | Not required |
| Neil Carbone, Commissioner, Corporate Services | Not required |
| David Fell, President & CEO, Utilities Kingston | Not required |
| Peter Huigenbos, Commissioner, Major Projects & Strategic Initiatives | Not required |
| Brad Joyce, Commissioner, Infrastructure, Transportation & Emergency Services | Not required |
| Desirée Kennedy, Chief Financial Officer & City Treasurer | Not required |

March 20, 2024

Page 4 of 8

Options/Discussion:

The existing Policy on Window Renovations in Heritage Buildings (the Existing Window Policy) describes the value that Contributing Windows (previously referred to as Period Windows) make to a property's aesthetics and authenticity and ensures that alterations to Contributing Windows on protected heritage properties are minimal and sympathetic to the property. It also provides guidance on renovations or changes to Contributing Windows. The proposed "City of Kingston Window Policy and Guidelines" (Updated Window Policy) aims to build upon the Existing Window Policy by increasing clarity, standardizing the permit review process, and expanding guidance as well as best practices on windows on protected heritage properties generally.

Window Policy Updates

The Existing Window Policy has been effective in setting standards that must be met prior to removing or altering Contributing Windows. However, these policies have sometimes been challenging to interpret and have required additional staff input to appropriately implement. The Updated Window Policy aims to clarify these standards by clearly detailing when a qualified professional is required, staff expectations on the design of window replacements, and requirements for the retention/restoration of Contributing Windows. These changes should allow for process improvements including additional clarity for applicants/homeowners earlier in the heritage permit process and a reduction in staff time commitments during the review of the associated heritage permit, while continuing to provide protection to Contributing Windows. The initial Updated Window Policy was made public in [January 2024](#) and resulted in public feedback. After evaluating this feedback, the proposed policy section was altered to increase clarity/consistency but did not result in net new policies. The amended Updated Window Policy is available for review in Exhibit B and the public engagement and committee feedback that were considered as part of the development of the new policy are reviewed below.

Public and Committee Engagement

In support of the initial changes proposed to the Updated Window Policy, Heritage Planning staff engaged with the Heritage Properties Working Group in 2022 and again in 2023. This first meeting included high-level discussions and the second provided the draft language for review and comment.

After presenting an information report ([Report Number HP-24-006](#)) to the Kingston Heritage Properties Committee on January 24, 2024, Heritage Planning staff circulated the draft policy to the Committee to provide further opportunity for review and comment. In addition, several members of the public provided comments on the draft policy. This Committee and public correspondence are attached as Exhibits C and D.

Feedback from the Kingston Heritage Properties Committee and the public largely followed several themes, including the role of qualified professionals, the importance of clarity/specificity and best practices. In addition, some feedback addressed issues that go beyond the intent of the Updated Window Policy and are only briefly noted below.

March 20, 2024

Page 5 of 8

After evaluating feedback from the Kingston Heritage Property Committee and the public on the proposed updates to the Existing Window Policy, staff have amended the proposed Updated Window Policy to reflect this feedback where relevant and necessary. The major themes from this feedback and resulting changes are detailed below.

Qualified Professionals

One goal of the proposed Updated Window Policy is to clearly detail assessment expectations for qualified professionals (i.e. carpenter, joiner, etc.) such as when an assessment is required, what must be reviewed in the assessment, and the specialist qualifications required to prepare an assessment. Under the Existing Window Policy, when seeking to replace or substantially alter Contributing Windows a formal window assessment by a qualified professional has been necessary to evaluate if the proposal meets the following test: “Replacement of a [Contributing Window] on a Protected Heritage Property will only be considered when the [Contributing Window] is so deteriorated that even if it was repaired very little original material would remain.” The input/expertise of qualified window professionals with expertise/training on heritage buildings when considering the replacement of Contributing Windows was a reoccurring theme in the reported feedback. There were concerns that an assessment by a qualified professional was a new requirement that deviated from the Existing Window Policy, that the required assessment would be onerous for applicants/homeowners, and that an over emphasis on Canadian Association of Heritage Professional (CAHP) qualifications could be problematic (Exhibits C and D).

As noted above, staff already require that a window assessment be completed by a qualified heritage professional when proposing removal of a Contributing Window. This assessment ensures that these non-renewable assets are reviewed by an expert to avoid their unnecessary removal, which helps maintain the property’s heritage value. While heritage planning staff are not experts in historic window construction or repair and cannot appropriately evaluate if Contributing Windows can be appropriately repaired, staff are able to evaluate qualified professional’s curriculum vitae (CV) and qualifications (i.e. CAHP membership) to confirm if the professional has the necessary expertise. Staff also recognize that there are several qualified professionals in the field of historic window restoration that do not have CAHP membership (Exhibits C and D). As such, in the Updated Window Policy CAHP membership is recommended but not required, while professionals “should be prepared to provide their [CV] with associated project examples when providing their professional opinion” (Exhibit B).

Due to clarifications on when a window assessment is triggered and what the assessment entails before the application process begins, the applicant should have more time to retain a qualified professional while staff time commitments related to process discussions should decrease, both of which should expedite approval timelines. Finally, the City has a grant program that can allocate up to \$5,000 per heritage property every two years. While the grant program is a competition, the restoration of Contributing Windows (especially those in highly visible locations) typically ranks well. Importantly, if Contributing Windows are repaired instead of replaced no assessment is required. However, staff still recommend the repair is completed

March 20, 2024

Page 6 of 8

by a qualified professional due to special considerations (i.e. old growth wood, lead paint/glass, building settling, etc.) unique to Contributing Windows.

Additional Clarity/Specificity

The feedback also identified opportunities to increase clarity and specificity. Feedback that resulted in changes to the Updated Window Policy include additional guidance on glazing, refinements of select definitions, adding references to Heritage Conservation District Plans, and updating section titles to increase clarity on replacement versus repair expectations of Contributing Windows. The inclusion of guidance on missing/broken glazing for Contributing Windows further expands on the best practices already detailed in the Updated Window Policy (Exhibit B). While, in staff's experience, this occurrence is infrequent, the inclusion of this best practice should better maintain the value of Contributing Windows and provide additional clarity when considering the maintenance of a Contributing Window. To increase clarity and reduce friction when transitioning from the Existing to the Updated Window Policy, a reference to that past wording choice for Contributing Windows ('Period Windows') has been added in the Contributing Windows definition (Exhibit B). Similarly, to ensure a smooth transition from the Existing to the Updated Window Policy, clause (2.2(e)) has been modified to clearly state that all references to the Existing Window Policy in City policies including "all Heritage Conservation District Plans" will be replaced by the Updated Window Policy once approved (Exhibit B). In addition, to increase consistency throughout the document and to highlight the phenomena of inappropriate basement window alterations/replacements the definition of a window has been modified to include references to elevations and basement windows (Exhibit B). Further, section 3.4 has been modified to remove potentially conflicting statements on replacement/repair of Contributing Windows to increase clarity on when a Contributing Window assessment is required. Feedback also included several recommended changes that staff believe were already addressed elsewhere in the document, exceed the document's intent, or will be addressed in future educational documents. The feedback can be reviewed in its entirety in Exhibit C and D.

Window Guideline Updates

The Updated Window Policy's guideline section provides detailed recommendations and best practices in a more accessible format than in the Existing Window Policy. It provides additional guidance on compatible/incompatible windows; appropriate materials/colours/designs; window alterations to the interior of protected properties; storm windows and screens; the importance and use of shutters; and sets conditions for consolidating Contributing Windows along certain storeys or elevations. In addition, the Updated Window Policy includes a new section that details application requirements when window alterations are part of a heritage permit application. These changes should allow the public to consider best practices for windows earlier in the process, provide clarity to the public on related window elements and their importance (i.e. shutters), and help expedite staff discussions with applicants/homeowners.

Feedback on the proposed guideline section also resulted in further changes to this section of the Updated Window Policy. Much of the guideline feedback was related to providing a wider range of best practices, which staff believe are better suited to a standalone Contributing

March 20, 2024

Page 7 of 8

Window educational document that the City hopes to release in the near future. A few of these identified best practices are noted below. The amended Updated Window Policy's guideline section is available for review in Exhibit B.

Educational Document – Best Practices on Windows in Historic Properties

The list of best practices in the guideline section of the Updated Window Policy already represents many of the main considerations that staff regularly experience when administering the City's Existing Window Policy. As such, staff believe that the included best practices/guidance statements in the Updated Window Policy appropriately balance overall policy clarity while providing a sufficient starting point for applicants/homeowners to consider when they seek to replace/alter windows on a heritage property. While some of the provided feedback on these best practices will not form part of this policy document, it will be considered when creating an educational document that should further assist applicants/property owners in the management of their historic property (Exhibits C and D).

It is staff's intent to create a future education document that is anticipated to include photo examples of common window types in the City, strategies on how to investigate if a window is a Contributing Window prior to or with limited staff consultation, seasonal maintenance guidelines for windows, and best practices on retrofitting a window to become more energy efficient. Based on the feedback received, staff will consider adding additional sections related to window/shutter functionality, compromises to masonry openings, and legibility concerns. While some of this feedback goes beyond the Updated Window Policy's intent, it represents meaningful contributions that will be considered at a future date (Exhibits C and D).

Importantly, as each historic property is a product of its own time and has been modified over its life cycle, no two properties are the same. As such, recommendations need to be sufficiently broad to be applicable to most historic properties, and staff are available to refine these strategies for each property/situation. Finally, despite removing the guidance on non-protected properties, all the detailed best practices can always be applied regardless of the designation status of a property.

Beyond the Updated Window Policy's Intent

Not all of the feedback received was focused specifically on the heritage attributes of Contributing Windows or otherwise exceeded the intent of the Updated Window Policy. For example, feedback included commentary that Contributing Windows are not able to achieve the same level of energy efficiency as modern windows (Exhibit D). While addressing energy efficiency concerns goes beyond the intent of the Updated Window Policy, it is worth noting that Contributing Windows may be able to achieve the same energy efficiency expectations as some modern windows provided regular maintenance is completed and creative strategies are considered (which staff and/or members of the heritage community can recommend or identify). However, energy efficiency is not the only metric to evaluate environmental sustainability as Contributing Windows may be easier to repair than modern windows which extends their life and reduces trips to the landfill.

March 20, 2024

Page 8 of 8

Feedback also included comments on the ability of the Kingston Heritage Properties Committee to comment on window proposals, specific definitions for window maintenance, and worries on how increased requirements may result in more unapproved alterations/replacements. When considering changes to the Updated Window Policy, the above comments exceed the document's intent. The circumstances where the Committee will comment on heritage permits and the definition of property maintenance are outlined separately in the Procedural By-Law for Heritage, which was finalized in 2023 as shown in [Report Number 23-006](#). The changes to the Existing Window Policy do not reflect major process changes, but mainly a refinement of, and additional clarity for, Contributing Window assessment expectations. As such, staff do not anticipate an increase in illegal alterations/replacements of Contributing Windows because of the proposed updates to the Existing Window Policy.

Existing Policy/By-Law:

Existing "Policy on Window Renovations in Heritage Buildings"

By-Law Number 2018-26 – Heritage Grant By-Law

By-Law Number 2023-38 Procedural By-Law for Heritage

Contacts:

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Other City of Kingston Staff Consulted:

Alan McLeod, Senior Legal Counsel & Deputy City Solicitor, 613-546-4291 extension 1237

Exhibits Attached:

Exhibit A – Existing "Policy on Window Renovations in Heritage Buildings"

Exhibit B – Proposed "City of Kingston Window Policy and Guidelines"

Exhibit C – Kingston Heritage Properties Committee Correspondence

Exhibit D – Public Correspondence

POLICY ON WINDOW RENOVATIONS IN HERITAGE BUILDINGS

Approved by City Council December 18, 2012

Purpose:

The City of Kingston recognizes that Period Windows are an integral component of heritage buildings and their conservation is of great importance to the character of the City. Both original and appropriate replacement windows help define a building's character, integrity and cultural heritage value.

This policy:

- affirms the contributions that Period Windows make to a building's aesthetics and authenticity;
- ensures that inappropriate or unnecessary alterations to Period Windows on Protected Heritage Properties within the City are minimal; and
- provides guidance with regards to renovations and changes to Period Windows in older and heritage buildings within the City of Kingston.

Glossary:

"Heritage Attribute" refers to the listed features of cultural heritage value or interest of a Protected Heritage Property, as required by the *Ontario Heritage Act*, in the respective Part IV or V designation By-law or heritage easement under Parts II or IV; sometimes referred to as a Character Defining Elements or Features.

"Period Window(s)" refers to (an) original window(s) or those replacement windows that are historically and architecturally appropriate to the cultural heritage value of the building and property.

"Protected Heritage Property" is real property designated under Parts IV, V or VI of the *Ontario Heritage Act*; heritage conservation easement property under Parts II or IV of the *Ontario Heritage Act*; a National Historic Site; or a property that is the subject of a covenant or agreement between the owner of a property and a conservation body or level of government, registered on title and executed with the primary purpose of preserving, conserving and maintaining a cultural heritage feature or resource, or preventing its destruction, demolition or loss.

"Window(s)" includes any window on any storey, or portion of a floor, and refers to not only the glass (stained or otherwise), glazing pattern, frame and sash but also includes but is not limited to the window openings (sills and lintels), all mouldings, casings, muntin bars, joinery, and all hardware and other components.

Policy for Period Windows which are Heritage Attributes:

Original windows are typically well made tangible examples of the craftsmanship of the era in which they were made. Existing original windows have survived for decades, typically in their original location, and they must be conserved.

The City recognizes that a building may no longer have all of the components of its original windows but instead has older windows that relate to a particular period in its history. This may be caused, for example, when the windows have been replaced after a fire or when the building underwent a major expansion or renovation.

Period Windows may have cultural heritage value meriting retention and protection even though they are not original to the building, particularly if they are constructed of a similar material and with similar methods to the original. **Where the windows are identified as a Heritage Attribute, the City of Kingston requires the retention of Period Windows and recommends they be repaired in accordance with this policy.**

When the repair of a Period Window is necessary or if the replacement of the window is justified, as described below, all window mouldings, sill, jambs, head and brick mould and casings, etc., must be retained as far as possible. The design of all replacement components should, as closely as possible, replicate the Period Window, as supported by photographs or historic plans, so that character defining features such as the material, glazing pattern, glass, rail and stile dimensions, moulding profiles, muntin bar sizes and the joinery are retained. The use of dark or reflective glass as part of a Period Window is not appropriate.

Most Period Windows can be repaired and therefore should only be replaced as a last option. Replacement of a Period Window on a Protected Heritage Property will only be considered when the Period Window is so deteriorated that even if it was repaired very little original material would remain.

Guideline for Windows which are not Heritage Attributes on Protected Heritage Properties:

Where a window is not a Period Window on a Protected Heritage Property and is an inappropriate replacement unit that is not in keeping with the character of the building and has little or no cultural heritage value, its replacement should be considered. The replacement window should be designed to replicate a Period Window as closely as possible. The use of metal clad windows (wooden windows with metal covering) can also be considered in this situation.

Guideline for Period Windows on Non-Protected Heritage Properties:

If the Period Window is not on a Protected Heritage Property, the City of Kingston encourages owners to retain Period Windows and suggests that they be repaired in

accordance with the above-noted policy, but this cannot be required by the municipality under the Ontario Heritage Act.

Improving Thermal Efficiency in Period Windows:

Thermal efficiency of windows is an important part of improving the energy use of a building. With the use of weather stripping, caulking, storm windows, shutters and proper window maintenance, older windows can be upgraded to improve their thermal efficiency. Older windows can be upgraded to acceptable performance standards that are comparable to most modern windows, while maintaining the heritage character of the building.

<POLICY #> - CITY OF KINGSTON WINDOW POLICY AND GUIDELINES

| | |
|-----------------------|---|
| Policy # | assigned by the communications officer (web developer). |
| Effective Date | April 2, 2024 |
| Status | Final Draft |
| Final Approver | Council |

1.0 Interpretation

1.1 In this policy, unless the context requires otherwise:

“appropriately designed windows” refers to existing *windows*, or replacement *windows*, that are designed to be architecturally sympathetic and maintain the cultural heritage value of both the building and property. *Appropriately designed windows* are usually high-quality *windows* that use period appropriate construction materials to emulate the appearance/design of a *contributing window*. These *windows* are typically custom made or specifically chosen to suit the age and architecture of the building and property. While these *windows* maintain the value of the building and property, they cannot emulate the true essence of a *contributing window* due to changes in construction techniques, the lack of available appropriate materials, or their age as they are unable to reflect the physical changes resulting from decades or centuries of use (e.g. the glass has no waves, is made from commercially available instead of old growth wood, or has been appropriately retrofitted over multiple historic periods);

“conservation (or conserve/conserved/conserving)” refers to all actions or processes that are aimed at safeguarding the character defining elements of a cultural resource so as to retain its heritage value and extend its physical life. This may involve “Preservation,” “Rehabilitation,” “Restoration,” or a combination of these actions or processes (as defined in the Second Edition of the “Standards and Guidelines for the Conservation of Historic Places in Canada”);

“contributing windows” refer to original *windows* or replacement *windows* that are historically and architecturally sympathetic and contribute to the fundamental cultural value of the building and the property. *Contributing windows* are tangible examples of the craftsmanship of the era in which they were made. Generally, these are *windows* that existed at the time of construction and/or use period construction materials, such as wood, metal and glass, and techniques. A building may no longer have its original *windows*, or the *window(s)* may not have all their original components, but instead have older architecturally appropriate *windows* or have

complementary components that relate to that time. Original and suitable replacement *windows* (and their components/openings) that contribute to the heritage value of the property are considered *contributing windows* that merit retention and protection. This term is the successor to 'Period Windows' as noted in the 2012 window policy and other City policy documents;

"incompatible windows" refer to *windows* that are not architecturally sympathetic and detract from the heritage value of the subject building and property. *Incompatible windows* are usually *windows* that: appear to be of low quality; use an inappropriate material/design; are the incorrect size for the opening; are installed in an opening that has been significantly altered; are the incorrect *window* type for the opening; and may have an inappropriate colour/finish. Frequently, these *windows* are commercially available or are "off the shelf" models and are not chosen to suit the subject building and property. As *windows* are a significant component of the visual appreciation of the building and property, the installation of an *incompatible window* can negatively affect the appreciation of the building's and the property's cultural heritage attributes;

"protected heritage property" is real property, designated under Parts IV, V or VI of the *Ontario Heritage Act*; heritage conservation easement property under Parts II or IV of the *Ontario Heritage Act*; a National Historic Site; or a property that is the subject of a covenant or agreement between the owner of a property and a conservation body or level of government, registered on title and executed with the primary purpose of preserving, *conserving* and maintaining a cultural heritage feature or resource, or preventing its destruction, demolition or loss;

"qualified professional" includes those who are recognized in several practice areas as authorized persons or who have the necessary experience to perform specific related works. For works on heritage buildings it is recommended that these professionals be a member of the Canadian Association of Heritage Professionals (CAHP). To evaluate the condition of *windows*, the *qualified professional* will have experience/training on heritage buildings or older building styles and have an expertise in architecture, carpentry, joinery, glazing, and/or window fitting. *Qualified professionals* should be prepared to provide their curriculum vitae with associated project examples when providing their professional opinion; and

"window" includes any *window* on any storey/elevation, or portion of a storey/elevation, including transom *windows*, side lights, clerestory *windows*, basement *windows*, attic and dormer *windows*, and refers to not only the glass (stained/tinted or otherwise), glazing pattern, frame and sash but also includes, but is not limited to, the *window* openings and its existing proportions, (sills, lintels and shutters), all mouldings, casings, muntin bars, joinery, decorative features, shutters, rail, storm *windows* (where required), all hardware, and other components. This

definition also includes *windows* associated/embedded within or used as doors. Storm windows and screens are considered separately from typical *windows* unless they contribute to the fundamental cultural value of the building and the property.

- 1.2 In this policy, “include”, “includes” and “including” indicate that the subsequent list is not exhaustive.
- 1.3 A reference to any legislation, regulation, by-law, rule, policy or provision thereof includes a reference to any legislation, regulation, by-law, rule or provision thereof enacted in substitution thereof or amendment thereof.
- 1.4 A reference to legislation includes all of the regulations made thereunder.
- 1.5 A reference to the position or title of any *City employee* includes a reference to any position or title created in substitution thereof.

2.0 Purpose

- 2.1 The purpose of this policy is to support the preservation of *contributing windows*:
 - (a) Owners of *protected heritage properties* may be required to *conserve* or alter *contributing windows* during their stewardship of the property. The following policies and guidelines are intended to provide clarity on the property owner’s responsibility to the *Ontario Heritage Act* regarding the *conservation of contributing windows on protected heritage properties*.
 - (b) *Contributing windows* are *windows* that existed at the time of construction and/or contribute to the fundamental cultural heritage value of the property. A heritage permit is required prior to undertaking works that are likely to affect the heritage attributes, such as *contributing windows*, of a *protected heritage property*.
- 2.2 How to read and use this document:
 - (a) This document outlines the policies enacted by the City of Kingston to ensure *contributing windows* are *conserved*. Where replacement is required, the policies provide direction on appropriate change. Guidelines are also included to clarify the City of Kingston’s expectations regarding the preservation of a *protected heritage property’s* cultural heritage value and to detail best practice related to *windows*.
 - (b) The Interpretation section, located at the top of this document, includes definitions of italicized terms that appear throughout this document. These terms must be read in conjunction with this document.

- (c) Requirements for a heritage permit application to be deemed complete are also outlined in the Administrative section below for ease of submission. This policy is to be followed when preparing heritage permit application submissions as detailed in Parts IV, V, VII & VII of the By-Law Number 2023-38 "Procedural By-Law for Heritage" as well as when submitting heritage grant applications as detailed in section 5.2 in By-Law 2018-26 "Being a By-Law to Establish a Heritage Grant Program." Please note this is not an exhaustive list and may be amended based on changes to existing or proposed legislation.
- (d) The Qualified Professional Window Assessment Checklist is located in the Appendix, at the end of this document, and must be completed and submitted when a window assessment is required.
- (e) As of the date of approval of this policy (XYZ, 2024) it replaces the "Policy on Window Renovations in Heritage Buildings" and all related references in City policy documents, including, but not limited to, all Heritage Conservation District Plan documents.

3.0 Policies

3.1 *Contributing windows will be conserved:*

- (a) Where a *contributing window* is present on a *protected heritage property*, the City of Kingston requires *conservation* of the *contributing window(s)*.
- (b) Repairing a *contributing window*, in accordance with this policy, is always desirable over replacement.
- (c) Replacement of a *contributing window* will only be supported if the existing *window* is deteriorated to the extent that repair would leave little original material remaining, as determined by a *qualified professional* through a window assessment.
- (d) Where a *contributing window* is considered a rare, unique, representative or early example of a style, type, expression, material or construction method it will require repair regardless of its condition.
- (e) Permanently covering existing *window* elements with cladding is not permitted.
- (f) The location of a *contributing window* on a *protected heritage property* does not reduce its inherent value or level of protection.

3.2 Where *contributing windows* require *conservation*, the following policies apply:

- (a) All *window* elements that can be repaired shall be retained and restored to the greatest extent possible.
- (b) The design of all replacement components should, as closely as possible, replicate the *window*, as supported by evidence, so that character defining features and details are *conserved*.

3.3 Where *contributing window* repair is not feasible, replacement may be permitted under the following conditions:

- (a) A replacement *window* should, in most circumstances, replicate the existing *contributing window* as closely as possible, and/or be a historically appropriate design to the age, cultural heritage value and architectural style of the building.
- (b) A replacement *window* should, in most circumstances, be made to fit into historic openings without altering the size or shape of the opening or infilling the opening to fit the *window*.

3.4 When considering replacement or repair of *contributing windows* the following applies:

- (a) When replacement is being considered, the condition of a *contributing window(s)* and the potential for repair must be assessed by a *qualified professional* to determine the appropriate scope of work.
 - (i) The assessment must assess each *contributing window* separately.
 - (ii) The assessment must focus solely on the condition and repairability of the *contributing window(s)* while considering the heritage value of the property.
 - (iii) The assessment must include the completed "Qualified Professional Window Assessment Checklist", located in the Appendix of this policy document, as the cover page.
- (b) The repair of *contributing windows* does not require an assessment by a *qualified professional*:
 - (i) Due to the material, design and/or age of *contributing windows* it is highly recommended that *window conservation* be undertaken by a *qualified professional*.
 - (ii) *Conservation* activities that result in permanent alteration are subject to this policy and will require a heritage permit.

4.0 Guidelines

- 4.1 *Window replacement* – Where a *window* cannot be repaired and/or is an *incompatible window*:
- (a) Replacement of *incompatible windows*:
 - (i) Where an *incompatible window* exists on a *protected heritage property* and requires replacement, an *appropriately designed window* is highly recommended.
 - (ii) *Window* styles that historically had true divided lights, may be replaced with simulated divided lights provided that the muntin bars (grills) are affixed to the exterior of the glass and visually act as true divides.
 - (b) Replacement of *appropriately designed windows*:
 - (i) The replacement of *appropriately designed windows* on a *protected heritage property* is discouraged as an insufficient replacement can have a negative impact on the cultural heritage value of the property.
 - (ii) It is expected that a suitable *window* replacement (in terms of design, material, colour and function) will replace an *appropriately designed window* to maintain the heritage value of the *protected heritage property*.
 - (c) Appropriate materials and colours for replacement *windows*:
 - (i) Material:
 - 1. Decisions on *window* material should be based on historical research as well as the age and architectural style of the building.
 - (ii) Colour:
 - 1. *Window* colour should be based on historical research or be architecturally suitable to the property and/or relevant Heritage Conservation District.
 - 2. Colour extremes, like black or bright white, are discouraged unless related to the property's architectural style.
 - (d) Deviations from traditional *window* designs:

- (i) The replacement of one style of *window* with another (e.g. sash to casement) is discouraged without appropriate rationale.

4.2 Interior alterations to *contributing windows*:

- (a) Where the legal property entry for the *protected heritage property* is silent on interior features, internal modifications to *windows* that do not cause permanent damage or alteration to the historic fabric of the *contributing window* are permitted without prior approval under the *Ontario Heritage Act*.

4.3 Storm windows and screens:

- (a) In most cases, storm windows are considered seasonal fixtures that will protect the underlying *window* as well as the *protected heritage property* generally.
 - (i) Where storm windows and/or screens are permanently secured over *windows* this is considered an alteration requiring a heritage permit.
 1. Permanent storm windows and screens should have an appropriate design and should not obscure the underlying *window*.
 - (ii) Seasonal storm windows and screens should have an appropriate design and display the underlying *window*.
- (b) If storm windows are noted as having heritage value in the legal property entry, then they are considered *contributing windows* and will be subject to this policy.

4.4 Historic shutters and hardware:

- (a) Permanent installation or removal of shutters requires a heritage permit.
- (b) Existing historic wooden shutters and hardware should be repaired where possible.
- (c) Undersized shutters, and shutters made from modern materials (aluminum, vinyl, etc.) should be replaced where possible.
- (d) Where replacement is sought, wooden shutters, with sourced historic hardware, are strongly encouraged.

- (i) Replacement shutters should be designed to resemble fully functional shutters that appropriately fit over the associated *window*.

4.5 Missing/broken glazing for *contributing windows*:

- (a) Where the glass of a contributing window must be replaced, the use of glass of a similar period, quality or attributes is encouraged;

4.6 Potential for *contributing window* consolidation to *conserve* heritage value:

- (a) Some *protected heritage properties* have *contributing windows* along multiple elevations or storeys that co-exist with *non-contributing windows*. This discrepancy in *window* design/material/age can potentially draw unnecessary attention.
- (b) In limited circumstances (in consultation with a *qualified professional*) where some *contributing windows* along certain elevations or storeys require replacement while others can be repaired, the consolidation of all (or most) *contributing windows* along the most prominent elevation or storey can be considered.
 - (i) This consolidation strategy must result in the *conservation* of the *protected heritage property*.

5.0 Administration

5.1 How to apply for a heritage permit:

- (a) Most alterations to *windows* on a *protected heritage property*, including significant repairs or replacements, require prior approval under the *Ontario Heritage Act*. All such approvals (heritage permits) are submitted and processed through the City's online application system - DASH.
- (b) The requirements for a complete heritage permit application are governed by the [Ontario Heritage Act](#) and the [City of Kingston's Procedural By-law for Heritage \(2023-38\)](#) as amended from time to time. These documents should be referenced for a complete list of application requirements, which could include a written statement/assessment, drawings/plans of the proposed works and associated photographs.

5.2 For heritage permit applications regarding *windows*:

- (a) The submission must include an elevation drawing and/or picture(s) denoting which *window(s)* corresponds with the application, and an

applicable assessment for the *contributing window(s)*, if required in this Window Policy.

- (b) The submission must clearly identify the historic opening(s) in which each replacement *window* will be installed and must identify each new *window's*: material(s), size, light configuration/pattern, mullion/muntin bar locations, size and profile, glazing information, and colour prior to being deemed complete.

6.0 Application

6.1 This policy applies to all *protected heritage properties*.

7.0 Approval Authority

| Role | Position | Date Approved |
|-----------------------|-------------------------------------|---------------|
| Quality Review | Phillip Prell, Intermediate Planner | 2-12-24 |
| Subject Matter Expert | Phillip Prell, Intermediate Planner | 2-12-24 |
| Legal Review | Alan McLeod, Deputy Director | 2-13-24 |
| Management Review | Kevin Gibbs, Acting Director | 2-13-24 |
| Final Approval | | |

8.0 Revision History

| Effective Date | Revision | Description of Change |
|--------------------|----------|--|
| Date of the change | | describe the sections that have been changed, added or deleted |
| | | |
| | | |

9.0 Appendix

9.1 Qualified Professional Window Assessment Checklist.

Qualified Professional Window Assessment Checklist:

Connection to Policy & Guideline Document:

The City's Window Policy sets standards regarding the *conservation* of *contributing windows* on *protected heritage properties*. The City's Window Policy defines who is considered a *qualified professional* and assessment expectations. The City's Window Policy Guideline section details what heritage staff hope to receive when assessing *Ontario Heritage Act* applications for *windows* as well as general best practices. This checklist details City expectations for *qualified professionals* for submitted *window* assessments. This document must be read in conjunction with Interpretation section of the Window Policy.

Checklist:

Only those considerations that may impact the cultural heritage value of the *protected heritage property* will be considered. The checklist should be consulted when generating your professional opinion. Most elements, if not all, will need to be noted/described in the submitted *window* assessment. This completed checklist must be provided as a cover letter to the *qualified professional's* assessment to be considered a complete submission.

The submitted *window* assessment includes the following elements: (Please check all circles that pertain to your supplied professional opinion)

- Confirmation of *qualified professional* status as defined in the Window Policy
- Included a curriculum vitae to meet the definition of a *qualified professional*
- Confirmation of *contributing window* status for each *window*
- Confirmation that each *window* was assessed separately
- An interior review (specify for each *window* assessed)
- An exterior review (specify for each *window* assessed)
- A recent picture(s) showing the existing condition of each assessed *window*
- An estimated percentage of healthy repairable material for each *window*
- A short description, per *window*, noting its strengths/faults and conservation strategy
- An overall recommendation to repair or replace per *window*
- When necessary, a general style/form/type recommendation for each proposed replacement *window*, in alignment with the Window Policy
- Where applicable, a *window* consolidation strategy for *contributing windows* and justification (prior discussion with staff is necessary before proposing this strategy)

Exhibit C – Feedback from the Kingston Heritage Properties Committee

From: [REDACTED]
To: [Prell, Phillip](#)
Subject: Re: Feedback Request on Draft Window Policy
Date: January 27, 2024 6:44:37 PM
Attachments: [image001.gif](#)
[image002.png](#)
[image001.gif](#)

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Phil,

There was no chart in your attachment. I was using an iPad to read the policy and perhaps it wouldn't open a chart.

I think the Windows policy is easy to understand and makes a lot of sense.

I am so new to all of this and I know other committee members have more experience about period windows.

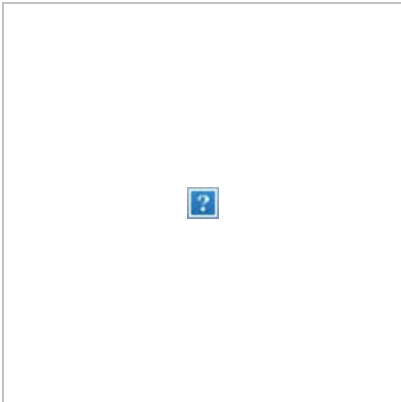
I support the new document. While my inexperience may be a limitation, my experience as a writer tells me the document was clear and easy to understand. And that could be a plus point when people need to understand a complicated set of details on windows.

Hope this reply is ok. I wanted you to have it before I head off on Monday.

See you when I get back.

Ann

On Fri, Jan 26, 2024 at 12:07 PM Prell, Phillip <pprell@cityofkingston.ca> wrote:



Hello members of the Heritage Properties Committee,

I wanted to request feedback on the proposed updates to the City's Window Policy for designated properties.

Please see the attached report with the draft Window Policy that was presented to Committee this Wednesday.

What I am hoping to do, since this will not have a related DASH circulation,

is that Committee members can write their comments on the attached word document. This word document contains a table with three columns to help organize comments: (1) the section the comment refers to, (2) the existing draft policy language the comment refers to, and (3) the comment on the policy/section.

If members could note the section in column one and copy/paste the exact language/section into the second column and then detail their thoughts in the third, that should assist with organizing comments and help me see if there are specific policies/sections that require attention.

Once the word document is completed, if the member could just denote their name in the title of the word document that would also be helpful when consolidating feedback!

I am hoping to get this feedback by **noon on Monday the 12th of February.**

As always, I am here to help address any questions or concerns.

Hope all is well.

Phillip Prell (he/him/his), M.Pl, RPP, MCIP

Intermediate Planner

Heritage Services

Community Services

Located at: 216 Ontario Street

Kingston Ontario, K7K 2Z3

Mailing Address: 216 Ontario Street

Kingston Ontario, K7L 2Z3

Office: 613-546-4291 **Ext.** 3219

Email: pprell@cityofkingston.ca

The City of Kingston acknowledges that we are on the traditional homeland of the Anishinaabe, Haudenosaunee and the Huron-Wendat, and thanks these nations for their care and stewardship over these shared lands

From: [REDACTED]
To: [Prell, Phillip](#)
Subject: Re: Feedback Request on Draft Window Policy
Date: January 28, 2024 10:29:31 AM

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First reading makes me say "Wow, well done" I think everything I have ever complained about is covered, but if anything comes to mind I will write again. I am showing it to several interested parties for their thoughts. Great Job. Peter

Peter Gower [REDACTED]

From: [REDACTED]
To: [Prell, Phillip](#)
Subject: Re: RE: Feedback Request on Draft Window Policy
Date: January 29, 2024 10:09:48 AM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Thanks. I have also seen Craig Sims response. My thoughts on 'qualified professions' are as his are, but I believe you have to try somebody once, if necessary, without approving them, and then inspecting their work. Peter

Peter Gower [REDACTED]

Comments on the draft Window Policy for Designated Properties:

Jane McFarlane KHPC January 12, 2024

Purple – concerns & comments

Red – remove

Green - insert

| Section # | Draft Policy Wording | Proposed Change or Comment |
|-------------------------------|--|--|
| 1.0 Interpretation | | |
| 1.1 “qualified professional” | <p>“qualified professional” includes those who are recognized in several practice areas as authorized persons or who have the necessary experience to perform specific related works. For works on heritage buildings it is recommended that these professionals be a member of the Canadian Association of Heritage Professionals (CAHP). To evaluate the condition of windows, the qualified professional will have experience/training on heritage buildings or older building styles and have an expertise in architecture, carpentry, joinery, glazing, and/or window fitting. Qualified professionals should be prepared to provide their curriculum vitae with associated project examples when providing their professional opinion; and</p> | <p>The use of this terminology should not preclude experienced heritage homeowners, who may not have “paper” qualifications but have researched repair of heritage windows while carrying out maintenance, from giving input on and potentially evaluating their contributing windows. How will this be addressed?</p> |
| 1.1 “contributing windows” | <p>“contributing windows” refer to original windows or replacement windows that are</p> | <p>For clarity, who determines that windows are contributing and how is this done? If windows are not referred to in Schedule A, eg in older</p> |

| | | |
|---------------------|---|--|
| | <p>historically and architecturally sympathetic and contribute to the fundamental cultural value of the building and the property.</p> <p>Contributing windows are tangible examples of the craftsmanship of the era in which they were made. Generally, these are windows that existed at the time of construction and/or use period construction materials, such as wood, metal and glass, and techniques. A building may no longer have its original windows, or the window(s) may not have all their original components, but instead have older architecturally appropriate windows or have complementary components that relate to that time. Original and suitable replacement windows (and their components/openings) that contribute to the heritage value of the property are considered contributing windows that merit retention and protection;</p> | <p>designation by-law schedules that are minimal at best, who decides? This loophole ie windows not listed as Heritage Attributes in Schedule A, has been used in the past to justify replacement on large projects.</p> |
| <p>1.1 “window”</p> | <p>“window” includes any window on any storey, or portion of a storey, including transom windows, side lights, clerestory windows, attic and dormer windows, and refers to not only the glass (stained/tinted or otherwise), glazing pattern, frame and</p> | <p>Insert basement windows after “attic and dormer windows” as follows:</p> <p>“window” includes any window on any storey, or portion of a storey, including transom windows, side lights, clerestory windows, attic and dormer windows, basement windows, and</p> |

| | | |
|------------------------------|--|---|
| | <p>sash but also includes, but is not limited to, the window openings and its existing proportions, (sills, lintels and shutters), all mouldings, casings, muntin bars, joinery, decorative features, shutters, rail, storm windows (where required), all hardware, and other components. This definition also includes windows associated/embedded within or used as doors. Storm windows and screens are considered separately from typical windows unless they contribute to the fundamental cultural value of the building and the property.</p> | <p>refers to not only the glass (stained/tinted or otherwise), glazing pattern, frame and sash but also includes, but is not limited to, the window openings and its existing proportions, (sills, lintels and shutters), all mouldings, casings, muntin bars, joinery, decorative features, shutters, rail, storm windows (where required), all hardware, and other components. This definition also includes windows associated/embedded within or used as doors. Storm windows and screens are considered separately from typical windows unless they contribute to the fundamental cultural value of the building and the property.</p> |
| <p>Addition to Section 1</p> | <p>“window maintenance”</p> | <p>For clarity, include a definition of window “maintenance” referencing and expanding on the Procedural By-law for Heritage eg “window maintenance” refers to replacement of broken glass in windows, repairs to putty, minor exterior repairs, repainting where there is little or no change in colour or design...</p> |
| <p>2.0 Purpose</p> | | |
| <p>2.1 (a)</p> | <p>Owners of protected heritage properties may be required to conserve or alter contributing windows during their stewardship of the property. The following policies and guidelines are intended to provide clarity on the property owner’s responsibility to the Ontario Heritage Act regarding the conservation of contributing windows on protected heritage properties.</p> | <p>“may be required to” makes it sound like someone other than the owner could determine this eg the City of Kingston.</p> <p>Change “may be required to” as follows:</p> <p>Owners of protected heritage properties “may find it necessary to” or “may need to” conserve or alter contributing windows during their stewardship of the property. The following policies and guidelines are intended to provide clarity on the</p> |

| | | |
|--------------|--|--|
| | | property owner's responsibility to the Ontario Heritage Act regarding the conservation of contributing windows on protected heritage properties. |
| 2.1 (b) | Contributing windows are windows that existed at the time of construction and/or contribute to the fundamental cultural heritage value of the property. A heritage permit is required prior to undertaking works that are likely to affect the heritage attributes, such as contributing windows, of a protected heritage property. | Again for clarity, who determines this and how, ie that windows are contributing and how is this done? |
| 2.2 | How to read and use this document: | For clarity and consistency, there should be some reference to how this document relates to the three HCD plans and windows policies therein. |
| 2.2 (a) | This document outlines the policies enacted by the City of Kingston to ensure contributing windows are conserved. Where replacement is required, the policies provide direction on appropriate change. Guidelines are also included to clarify the City of Kingston's expectations regarding the preservation of a protected heritage property's cultural heritage value and to detail best practice related to windows. | Change "is required" to: "is determined to be necessary" as follows: This document outlines the policies enacted by the City of Kingston to ensure contributing windows are conserved. Where replacement "is determined to be necessary", the policies provide direction on appropriate change. Guidelines are also included to clarify the City of Kingston's expectations regarding the preservation of a protected heritage property's cultural heritage value and to detail best practice related to windows. |
| 3.0 Policies | | |
| 3.1 (a) | 3.1 Contributing windows will be conserved: (a) Where a contributing window is present on a protected heritage property, | Using the word requires in 3.1 (a) seems contradictory to 3.1 (b) & (c) For clarity this section should be numbered as follows: 3.1 Contributing windows will be conserved: |

| | | |
|---------|--|--|
| | <p>the City of Kingston requires conservation of the contributing window(s).</p> <p>(b) Repairing a contributing window, in accordance with this policy, is always desirable over replacement.</p> <p>(c) Replacement of a contributing window will only be supported if the existing window is deteriorated to the extent that repair would leave little original material remaining, as determined by a qualified professional through a window assessment.</p> <p>(d) Where a contributing window is considered a rare, unique, representative or early example of a style, type, expression, material or construction method it will require repair regardless of its condition.</p> <p>(e) Permanently covering existing window elements with cladding is not permitted.</p> <p>(f) The location of a contributing window on a protected heritage property does not reduce its inherent value or level of protection.</p> | <p>(a) Where a contributing window is present on a protected heritage property, the City of Kingston requires conservation of the contributing window(s).</p> <p>(i) Repairing a contributing window, in accordance with this policy, is always desirable over replacement.</p> <p>(ii) Replacement of a contributing window will only be supported if the existing window is deteriorated to the extent that repair would leave little original material remaining, as determined by a qualified professional through a window assessment.</p> <p>(iii) Where a contributing window is considered a rare, unique, representative or early example of a style, type, expression, material or construction method it will require repair regardless of its condition.</p> <p>(c) Permanently covering existing window elements with cladding is not permitted.</p> <p>(d) The location of a contributing window on a protected heritage property does not reduce its inherent value or level of protection.</p> |
| 3.1 (d) | <p>“Where a contributing window is considered a rare, unique, representative or early example of a style, type, expression, material or construction method it will require repair regardless of its condition.”</p> | <p>Again for clarity, how or by whom will this be determined – would these “rare...” windows be expected to be included in Schedule A Description and Criteria for Designation and/or Heritage Attributes of the Designation? What if windows are not referred to in Schedule A, eg in older designation by-law schedules that are minimal at best, who decides?</p> |

| | | |
|------------|--|--|
| <p>3.4</p> | <p>The condition of contributing windows must be assessed by a qualified professional:</p> <p>(a) When replacement is being considered, the condition of a contributing window(s) and the potential for repair must be assessed by a qualified professional to determine the appropriate scope of work.</p> <p>(i) The assessment must assess each contributing window separately.</p> <p>(ii) The assessment must focus solely on the condition and repairability of the contributing window(s) while considering the heritage value of the property.</p> <p>(iii) The assessment must include the completed “Qualified Professional Window Assessment Checklist”, located in the Appendix of this policy document, as the cover page.</p> <p>(b) The repair of contributing windows does not require an assessment by a qualified professional:</p> <p>(i) Due to the material, design and/or age of contributing windows it is highly recommended that window conservation be undertaken by a qualified professional.</p> <p>(ii) Conservation activities that result in permanent alteration are subject to this policy and will require a heritage permit.</p> | <p>The heading “The condition of contributing windows must be assessed by a qualified professional:” is contradictory to 3.4 (b) “The repair of contributing windows does not require an assessment by a qualified professional:”</p> <p>Two suggestions here:</p> <p>#1: Remove The condition of contributing windows must be assessed by a qualified Professional: Insert “When considering replacement or repair the following policies apply:” as the heading for 3.4</p> <p>Or #2 better yet: Eliminate 3.4 entirely and incorporate all of 3.4 (b) into 3.2 as 3.2 (c) and incorporate all of 3.4 (a) into 3.3 as 3.3 (c) as follows:</p> <p>3.2 Where contributing windows require conservation, the following policies apply:</p> <p>(a) All window elements that can be repaired shall be retained and restored to the greatest extent possible.</p> <p>(b) The design of all replacement components should, as closely as possible, replicate the window, as supported by evidence, so that character defining features and details are conserved.</p> <p>(c) The repair of contributing windows does not require an assessment by a qualified professional:</p> <p>(i) Due to the material, design and/or age of contributing windows it is highly recommended that window conservation be undertaken by a qualified professional.</p> <p>(ii) Conservation activities that result in permanent alteration are</p> |
|------------|--|--|

| | | |
|--------------------|-----|--|
| | | <p>subject to this policy and will require a heritage permit.</p> <p>3.3 Where contributing window repair is not feasible, replacement may be permitted under the following conditions:</p> <p>(a) A replacement window should, in most circumstances, replicate the existing contributing window as closely as possible, and/or be a historically appropriate design to the age, cultural heritage value and architectural style of the building.</p> <p>(b) A replacement window should, in most circumstances, be made to fit into historic openings without altering the size or shape of the opening or infilling the opening to fit the window.</p> <p>(c) When replacement is being considered, the condition of a contributing window(s) and the potential for repair must be assessed by a qualified professional to determine the appropriate scope of work.</p> <p>(i) The assessment must assess each contributing window separately.</p> <p>(ii) The assessment must focus solely on the condition and repairability of the contributing window(s) while considering the heritage value of the property.</p> <p>(iii) The assessment must include the completed “Qualified Professional Window Assessment Checklist”, located in the Appendix of this policy document, as the cover page.</p> |
| Addition to Policy | 3.5 | Replacement of most or all windows is considered a major alteration and the KHPC will be consulted in these cases. |
| 4.0 Guidelines | | |

| | | |
|---------------------------------|---|---|
| 4.1 (c) (ii) 1. | (c) Appropriate materials and colours for replacement windows: (ii) Colour: 1. Window colour should be based on historical research or be architecturally suitable to the property and/or relevant Heritage Conservation District.” | Insert “physical evidence” before “historical research”. There may be remains of paint colours on and around the window to be replaced and this should guide colour choice. (c) Appropriate materials and colours for replacement windows: (ii) Colour: 1. Window colour should be based on physical evidence, historical research or be architecturally suitable to the property and/or relevant Heritage Conservation District.” |
| New Guidelines Suggested Below: | | |
| New Guideline | 4.6 (a) | Altering window openings impacting contributing windows is considered a major alteration and the KHPC will be consulted in these cases. |
| New Guideline | 4.6 (b) | Proposing new window openings in heritage buildings or Heritage Conservation Districts is considered a major alteration and the KHPC will be consulted in these cases. |
| New Guideline | 4.7 | Doors can be considered contributing and should be conserved following the Windows Policy. |

**** Other comments & concerns****

These Policies and Guidelines should serve to:

- Update, clarify, standardize and guide the permit process dealing with windows,
- reduce time required to process applications by providing clear expectations for applicants,
- Inform and educate applicants and owners on best practices for windows on protected heritage properties,
- Support, enhance and highlight the preservation of contributing windows.

But, a caveat - these policies and guidelines should not inadvertently:

- present barriers and/or be cost prohibitive in conserving contributing windows (eg sourcing, engaging and funding an evaluation by a “qualified professional” in order to repair heritage windows),
- reinforce a disincentive to maintain a single or a few heritage windows or support unintentional, benign or conscious neglect and lead to loss of heritage windows and/or replacement,
- become an impediment to proposed designations, deterring owners and/or potential owners from accepting designation,
- contribute to the concerning and ongoing pattern of unauthorized alterations of protected heritage properties by both developers and individual owners who deliberately ignore the heritage permit process and irrevocably remove character defining features, such as contributing windows, and compromise not only the Heritage value of a property but the Heritage fabric of our City.

Exhibit D – Feedback from the Public

From: [REDACTED]
To: [Prell, Phillip](#)
Subject: Window policy
Date: January 24, 2024 2:39:06 PM

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Hi Phillip,

As you suggested I am writing to confirm my comments and suggestions on the proposed windows policy.

The definition of a window for the purpose of this policy in Sec 1.1 should include "basement" windows. Although the existing words "on any storey" would cover basement windows, emphasis is needed on their equal [to] the principal windows.

Perhaps add to Sec 3.1:

Where the glass of a contributing window must be replaced, the use of glass of a similar period or quality rather than modern glass is encouraged.

Regards.
Don

I was provided with Report HP-24-006 . January 24, 2023

I have offered some suggestions for your consideration.

I am willing to discuss these points if further detail or understanding is required.

R. Bruce Downey ([REDACTED])

1.1 Incompatible Windows: Sash dimensions on historic window show a taller section along the bottom rail than the sides and a meeting rail on a double hung has a width less than the sides. Vinyl units for example have the bottom, side and meeting rail the same width as it conforms with ease and therefore cost efficiency in their manufacturing.

3.0 Policies

3.1 (e) Permanently covering window elements with cladding is not permitted. This includes the frame and sill. Covering elements with cladding offers a different (bolder) aesthetics and can hold water behind the cladding this promoting deterioration. Wood trim in a profile sympathetic to the character of existing trim should be used.

3.3 (b) If windows are in a stone wall, care should be taken in removing the frame as it is often has anchors set into the masonry joints and removal could damage the masonry opening. Some replacements fit inside the frame to avoid this potential damage. Again, wood trim is used to cover the joint as opposed to cladding.

3.4 (b) (i) All units in a protected property should be dealt with in a manner that does not compromise the masonry opening – see 3.3 (b).

4.1 (a) (ii) It is often aesthetically best to retain the authenticity of the fenestration by not introducing fake elements. All elements employed should match the original closely in dimension and profile.

4.3 (a) (i) Storm windows were historically meant to ventilate to the outside and are therefore not tight fitting or moisture can be caught between the windows promoting frost buildup and leads to deterioration.

(ii) Energy efficiency of historic units can be improved with an outside storm or an inside storm (sull sash) which should replicate the proportions of the historic unit and as it is inside does not have to be constructed of wood. In this installation the sull sash can be

made airtight to the interior and the historic unit allowed to ventilate or leak air to the exterior to prevent moisture being trapped between the windows.

4.4 (e) Shutter installation should not be such that moisture can be trapped between the shutter and the walls exterior cladding. Units are generally set away from the building envelope.

4.5 Consolidation – a specific description of what this means should be included. Is it directed at all units on a prominent façade having similar aesthetic characteristics?

Craig Sims

Heritage Building Consultant

January 28, 2024

To: Philip Prell – City of Kingston

Via email pprell@cityofkingston.ca

Window Policy and Guidelines for Heritage Properties

Dear Philip,

I have received the proposed window policy and guidelines from a number of sources and understand you are soliciting feedback.

Page 179 makes reference to “where windows are identified as a heritage attribute”. I do not know what state the current Heritage Character statements are in for the designated properties in Kingston but most were very vague in my day, most did not mention windows specifically.

I can understand the reasoning for wanting informed opinions from qualified professionals but I see the whole process of deciding who that might be to be fraught with danger - in much the same way no public entity wants to hand out names of ‘qualified’ contractors – no one wants to be the referee. The most likely outcome is that nobody will say ‘no’ to anyone. And membership in CAPH is far from any guarantee. I stopped my membership (the old Groucho Marx line comes to mind) about 15 years ago because anyone was allowed to join the club. When it started in the late 1980s it really did represent the interests of qualified heritage consultants but hasn’t for years.

In the past, and for many years, when applicants came to the Heritage Committee (HC) with a proposed scope of work that seemed vague or questionable a subcommittee was struck on the spot and went to visit the property for a first-hand look in the next few days. Relying on photos does not work. Access for photography on upper floors is difficult, sills cannot be seen for example. It’s a tactile undertaking – you have to poke the sills and bottom rails with a knife, check fit and operation, check the joinery to see if the mortice and tenons are fastened with sash pins or pegs, etc. The requirements as outlined strike me as potentially expensive for the applicant and not very informative.

In terms of the ‘Policy and Guidelines’ it says in one place that replacement details should match the originals as much as possible but elsewhere says pasting muntin bars on to insulated glass units (IGUs) is acceptable. That makes it impossible to match the sash and muntin bar profile.

Regarding shutters - if they are not operable shutters they should not be installed. Screwing 'decorative' shutters to the wall impedes maintenance of both the fake shutter and the wall behind.

Regarding paint colours - be careful about 'black'. We owned a c1900 house on Pine Street for years with 2/2 sashes and the original colour scheme had the muntin bars painted black. Similarly, our c1830 house in Barriefield has 12/12 and 12/8 sashes and around the turn of the last century they too were painted black – people did it to make the muntin bars disappear – rich people had big pieces of glass, those less fortunate did not.

Anyway, I hope this is of some help. There are no easy answers.

Regards,

Craig

██████████ Barriefield, Kingston, Ontario K7K 5S5 tel ██████████

email: ██████████

website: www.craigsims.ca

From: [REDACTED]
To: [REDACTED]
Cc: [Prell, Phillip](#); [REDACTED]
Subject: Re: Window Policy
Date: January 30, 2024 8:16:46 AM

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Thanks Craig,

I agree with your thoughts on the process Craig. In reading the material there may be room for more specific, attainable, advice given to a home owner seeking how they might proceed and why. I am referring more to the mechanical factors of why the new window does not look correct.

It seems I hear often a tone that is stated as the purpose of this policy update relating to the public seeking more clarity on what to do. Sometimes an understanding can not be written down. Sometimes property owners want it repeated until it becomes something they want to hear.

Bruce

> Good Bruce. In thinking about the documentation process described it is
> fair enough for a large commercial or institutional job but homeowners
> will not want to spend a few \$K on that - may just make them more inclined
> to cheat.
> Craig
>
> On January 29, 2024 10:30:27 p.m. EST, [REDACTED] wrote:
>>Phillip,
>>I was provided with the window policy review and see the review is
>> seeking
>>further clarification for applicants.
>>I am offering a few suggestions for your consideration.
>>
>>Bruce
>
> --
> Sent from my Android device with K-9 Mail. Please excuse my brevity.

From: [REDACTED]
To: [REDACTED] [Prell, Phillip](#)
Subject: Re: Proposed Window Policy and Guidelines
Date: February 2, 2024 2:46:26 PM

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Hello Phillip,

I served on the Heritage Committee with Craig for many years and always appreciated his tremendous expertise and experience. Craig's points in his letter are exceedingly insightful and helpful, and I would underscore them all, particularly the need for site visits to look at what is at stake in applications for modifications to the windows of heritage properties.

The windows of a heritage building are such a vital heritage attribute – I have seen heartbreaking destruction of heritage in Sydenham district, for example, where a beautiful door and its surrounding sidelights and transom have all been replaced with new glass, metal and vinyl – the heritage soul of the property is gone.

I would add that this what's needed is stringent enforcement, as well as good policies.

I do hope the City is resolved to take windows serious in its heritage conservation policies.

Many thanks for consulting (thanks Shirley too!) and all the best,
Christine

Christine Sypnowich, FRSC
Professor and Queen's National Scholar
Department of Philosophy
Cross-appointed to the Faculty of Law
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Queen's University is situated on Anishinaabe and Haudenosaunee Territory

From: Craig Sims [REDACTED]
Date: Sunday, January 28, 2024 at 11:40 AM
To: [REDACTED]
[REDACTED] Phillip Prell <pprell@cityofkingston.ca>
Subject: Proposed Window Policy and Guidelines

Hi Philip,

Some comments attached, hope it helps.

Craig

From: [Konrad,Joel](#)
To: [Prell,Phillip](#)
Subject: FW: City's Revised Windows Policy
Date: January 30, 2024 1:23:19 PM
Attachments: [image.png](#)
[Window Renovations in Heritage Buildings Policy 2012.pdf](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Hi Phil,
Please see below. We can discuss tomorrow in our meeting.
-Joel

From: Glenn,Conny <cglenn@cityofkingston.ca>
Sent: Tuesday, January 30, 2024 1:12 PM
To: Konrad,Joel <jkonrad@cityofkingston.ca>; Gibbs,Kevin <kgibbs@cityofkingston.ca>
Subject: FW: City's Revised Windows Policy

Hi Gentlemen,

Please see below emails from the SDA and Frontenac Heritage. Thoughts and comments? Not everyone is as concerned, but some info would be helpful.

Thank you,

Conny

From a quick review, the main change proposed is the imposition of an obligation on the building owner to have a qualified professional prepare a detailed evaluation of each window in the building as part of the heritage permit application. These will presumably not be cheap (I would guess at minimum of \$500 to \$1,000, but maybe more). Under the existing window policy from 2012 (copy attached) there is no such requirement. From my experience, City heritage staff would meet with the homeowner and review the work proposed to be done, make recommendations, and prepare a report which then went to the Heritage Committee and then Council for approval. This process took

a few months, and getting qualified carpenters to do the work took two or three years. This new policy would appear to be downloading the role previously performed by City heritage staff to the homeowner. This may mean the City is reducing its heritage planning staff or otherwise downsizing. Although presumably they will require staff capable of reviewing these third party reports. (I would note in passing that some of the private professionals working in heritage are former City heritage planning staff, so this change will be good for their business.) I can also say from experience that trying to get old wooden windows and storms to have anything near the energy efficiency of new appropriately styled windows, is not readily achievable. Furthermore, they do not have anything near the practical utility for the user of the window in terms of providing summer ventilation or the ability to air out a room for five minutes in the winter. Replacing a wooden storm window with a screen window to allow ventilation also substantially reduces the ability of the closed interior window to keep out summer heat and humidity, not to mention noise when you are left with only the interior single glazed original window. The City needs to rethink its window policy if it is attaching any sort of priority to making older buildings energy efficient as part of reducing the adverse effects of climate change. The cost of repairing heritage windows tends to exceed the cost of replacing them with appropriate new windows and yet has an inferior result. In any event, these proposed changes will substantially increase the cost of owning a heritage property and living in a heritage conservation district with little apparent improvement from the existing system. It also runs counter to the representations the City makes to building owners when proposing a heritage designation. For example, the City recently designated a number of properties as heritage properties and in connection therewith, stated that designation "means that exterior alterations will be evaluated by the City against the description of your properties heritage attributes." Rather than the City doing this evaluation against the heritage attributes set out in the designation, this proposal requires the owner to pay a third party professional to do an evaluation. And this evaluation appears to extend to the interior, not just the exterior. It also appears to require this evaluation to be done whether or not the windows are actually set out in the heritage designation's description of heritage attributes. I think the SDA should oppose the proposed amendments. They appear to be an unnecessary change to existing guidelines.

Good morning

This week, City staff brought forward a revised Windows Policy to the Heritage Properties Committee.(attached) Interestingly, it was ***brought forward as an Information Report (so not for approval)***.

I am not aware whether staff consulted with either the Sydenham District or the Barriefield District on this. I do know that staff consulted with the Working Group a couple of times. the old Windows Policy dates back to 2012 and it is included in the staff report.

At the meeting on Wednesday, concerns were expressed about a few items, including, not enough clarity that basements windows are also considered, that old (wavy) glass is recognized as being valuable, and process issues (concern that a very detailed policy will allow staff to make more decisions under delegated authority when the matter should come to the Heritage Committee.)

Philip Prell is the staff person dealing with this matter, and if anyone has comments on the matter, they should be directed to his attention. (pprell@cityofkingston.ca) Staff may incorporate further changes and will then bring the matter back to

Committee.

If you know of anyone else who might have an interest in this matter, please feel free to send this message along to them.

Thanks very much, Shirley

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*Shirley Bailey, President
Frontenac Heritage Foundation
PO Box 27*

Kingston, ON K7L 4V6

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Contact the SDA Board at sdakingston@gmail.com

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Feb. 7, 2024

Mr. Phillip Prell
Heritage Planning
City of Kingston
216 Ontario Street
Kingston, ON K7L 2Z3

Re: Report HP-24-006, Information Report to Heritage Properties Committee
'City of Kingston Window Policy and Guidelines'

Dear Phillip,

The Frontenac Heritage Foundation is a not-for-profit charitable organization dedicated to the preservation of structures and sites of cultural and historical interest across the Kingston region. Founded in 1972, the Foundation has provided input on various proposals and development applications.

Staff report HP-24-006, the Window Policy and Guidelines, deals with an important issue which affects not only all heritage districts in the city but all other protected properties under the *Ontario Heritage Act*. We wish to provide the following comments. In general terms, it is clear that much time has been put into this revision, and we appreciate the desire to provide clarity on this matter.

Consultation was limited to the Heritage Properties Working Group, and in our view, should have had a more far-ranging circulation, particularly considering there are active community associations in both Barriefield and Sydenham District. I forwarded the staff report to them for their interest and possible comment, as there may be room for improvement before the new Windows Policy is endorsed by the HK Committee.

The **Interpretation** section of the Policy seems excessively wordy and may benefit with some editing to make it more user friendly for the general public.

Specifically, with regard to the definition of 'qualified professional', we have a concern with promoting the use of **CAHP as requirement for Qualified Professionals**. The CAHP website lists all members across Canada, and of the half dozen experts in the Kingston area that we know of who experts in window evaluation and restoration, only one or two are CAHP members. (Rowse-Thompson, Bray, Gladysz, Letourneau, and Scheinman are all listed under CAHP, but would probably consider themselves as heritage planning professionals and not window experts

specifically) Other window experts like Browne, Downey, Sims and White are not CAHP members but are very experienced in window maintenance and construction.

This means that there is a lot riding on the phrase "...or who have the necessary experience to perform specific related works...." in the definition of 'qualified professional'. It is understandable that by requiring a qualified professional to do these assessments, means that window companies may or may not be excluded from making these assessments, but the situation is being created where the real windows experts in Kingston may not be allowed to do so if too much emphasis is placed on the CAHP accreditation. (Also, the term 'curriculum vitae' might also be replaced by the simpler term 'resume'.)

Relationship to Heritage District Plans – somewhere (perhaps in the Interpretation section) the policy should say that this policy supplements the policies of the HCD Plans, if indeed, that is the intent. HCD Plans are approved by by-law under S. 41 of the *Ontario Heritage Act*, and all three district plans were approved or updated after the 2012 Windows Policy was adopted by Council, so clarity of the intent is needed.

In the case of Market Square HCD Plan, where all properties are heritage protected, S. 5.3.2 (p. 12) states that 'Period windows shall be conserved if they have been identified as heritage attributes of a building.' (p. 12) and we note in the Plan that the descriptions for properties in the district describe nearly all windows as being heritage attributes. Also, under S. 5.3.2, the statement is made in the Plan: 'The alteration of existing windows and their openings shall be done in accordance with the City's *Policy on Window Renovations in Heritage Buildings*. (p. 13). In reading S. 3, Policies, of the document, there is no suggestion that District Plans' policies have any applicability. Some clarification is needed.

Changing Terminology: 'Period Windows' to 'Contributing Windows'. The 2012 Windows Policy referred to 'period windows', and this term is used in the 2013 Market Square HCD, albeit only one time (p. 12). The 2016 Barriefield HCD Plan in S. 4.2.3 uses the term 'original window openings' in several places, which of course conveys the importance of not allowing changes to such openings in protected buildings, (and hopefully not changing the windows). The Old Sydenham HCD Plan uses the term 'heritage-contributing windows' which may be more suitable than the term 'contributing windows'. The point is that clarity is needed on the definition of windows, and it is not readily apparent that the change is warranted, and adopting a term that is used in at least one of the HCD Plans would seem more appropriate.

The definition of 'window' might also refer to the term 'elevations' as referenced in S. 4.5 a) and b).

The Policy should also be clarified to say whether the new windows policy is intended to complement HCD Plan policies. All three District Plans have quite detailed policies dealing with windows. For example, Barriefield 5.2 l) refers to seasonal installation or removal of storm windows and doors in conformity with the City's Windows Policy.

S. 3.4 is somewhat confusing. It states under ss b) the repair of a contributing window does not require an assessment by a qualified professional, but the window restoration is recommended by a qualified professional. How does repair take place without the assessment? This seems to

contradict what is said under S. 3.4 introduction, and ss. a) which both require assessments. Can this be clarified?

Also, if you are relying on the abilities of the qualified professional to repair the window, will the city approve a heritage permit through **delegated authority**? There is a concern that with more detailed policies on window evaluation and repair, the HK Committee will not need to be consulted on these matters.

There is also the legitimate concern that these required assessments by qualified professionals will be an additional cost to the landowner, one that a commercial entity might be able to cover more easily than a residential homeowner. Have you investigated the cost of these assessments to homeowners?

The **interpretation** section needs to explain the difference between S. 3 Policies and S. 4 Guidelines, because it is not readily apparent when reading the document. Presumably, the former has more force. The reader needs to understand the difference.

4.3 This section regarding **storm windows** does not contemplate interior storm windows, and you will recall a meeting about a year ago with Walter Fenlon and Craig Sims at Gildersleeve where these were observed in place in the building and were recommended for his corner office. We note that the Old Sydenham HCD Plan S. 4.3.5 p. 40 includes a policy referring to interior removable storm windows.

Lastly, we note that certain provisions in the 2012 Windows Policy have now been deleted – the guidelines for windows on non-protected heritage properties, and also the general comment about energy efficiency. Again, including these provisions might answer questions which might be raised by the public, thereby making the document more helpful to the landowner.

Thank you for this opportunity to comment on this proposal. Should you wish to discuss these comments, I would be pleased to do so.

Sincerely,



Shirley Bailey, President
Frontenac Heritage Foundation

