

Staff Report

Report To: Community Services Committee
Report From: Jocelyn Wainwright, Heritage Coordinator
Meeting Date: June 19, 2024
Report Code: CS-24-054
Subject: Request by Marianne Williams and Angela Jewell to Designate 791 2nd Ave W and 795 2nd Ave W (Kennedy Terrace) under Part IV of the Ontario Heritage Act

Recommendations:

THAT in consideration of Staff Report CS-24-054 respecting requests to designate 791 2nd Ave W and 795 2nd Ave W under Part IV of the *Ontario Heritage Act*, the Community Services Committee recommends that City Council:

1. Support the designation of 791 2nd Ave W and 795 2nd Ave W for their historical/associative and contextual value;
2. Direct staff to proceed with issuing the Notice of Intention to Designate the properties in accordance with Section 29 of the *Ontario Heritage Act*; and
3. Direct staff to bring forward the necessary by-laws to designate the properties to be of cultural heritage value or interest if no objections are received to the Notices of Intention to Designate in accordance with the *Ontario Heritage Act*.

Highlights:

- The current owners of 791 and 795 2nd Ave W have applied to have their property designated under Part IV of the Ontario Heritage Act.

- The Ontario Heritage Act requires that Council consult with its Municipal Heritage Committee prior to designating a property. Included in the mandate of the Community Services Committee is to act as the City's Municipal Heritage Committee under the Act.
- Staff support the designations of 791 2nd Ave E and 795 2nd Ave E under Part IV for the properties' historical/associative and contextual value.

Strategic Plan Alignment:

This is a technical report for a legislated review process under the Ontario *Heritage Act*.

Climate and Environmental Implications:

There are no anticipated climate or environmental impacts.

Previous Report/Authority:

[Ontario Heritage Act, R.S.O. 1990, c. O.18](#)

[City of Owen Sound Official Plan \(2021\)](#)

Background:

The property owners of 791 2nd Ave W and 795 2nd Ave W (Kennedy Terrace) have each applied to designate their properties under Part IV of the Ontario Heritage Act (OHA). The application forms have been attached to the report as Schedule 'A'. The properties are currently listed on the City's Register of Properties of Cultural Heritage Value or Interest.

The OHA permits Council to pass a by-law to designate a property to be of cultural heritage value or interest subject to satisfying two (2) or more of the criteria prescribed in Ontario Regulation 9/06 (Criteria for Determining Cultural Heritage Value or Interest), attached hereto as Schedule 'C', and in accordance with the process set out in Section 29 of the OHA.

If the Council of a municipality intends to designate a property to be of cultural heritage value or interest, it must serve Notice of Intention to Designate the property on the owner and the Ontario Heritage Trust and publish the notice in a newspaper having general circulation in the municipality.

Section 29 (2) of the OHA requires that Council consult with its Municipal Heritage Committee prior to issuing Notice of Intention to Designate. It is part of the mandate of the Community Services Committee to act as the City's Municipal Heritage Committee under the Ontario Heritage Act. The process for designation is provided in Schedule 'B'.

The purpose of this report is to consult with the City's Municipal Heritage Committee on the cultural heritage value of the subject property, as required by the Act, in order to make a recommendation to City Council on the merits of the request for designation.

Analysis:

This section provides an analysis of the cultural heritage value of 791 2nd Ave W and 795 2nd Ave W (Kennedy Terrace) in consideration of Provincial and City policies and regulations.

Provincial Policy Statement

Planning authorities, including the City, are required to have regard for the provincial interests under Section 2 of the Planning Act. The conservation of features of significant architectural, cultural, historical, and archaeological interest, and the promotion of built form that is well designed and encourages a sense of place, are among the provincial interests provided under Section 2.

Section 3 of the Planning Act provides that the Minister may issue policy statements relating to the provincial interests described in Section 2 (Planning Act) that relate to municipal planning.

All decisions made by a municipality must be consistent with the Provincial Policy Statement (PPS), 2020. The PPS recognizes the important environmental, economic, and social benefits that cultural heritage and archeological resources provide and states that significant built heritage resources and cultural heritage landscapes shall be conserved (policy 2.6.1).

Policy 1.7.1 (e) states that long-term economic prosperity should be supported by encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes.

City of Owen Sound Official Plan

The City's Official Plan, 2021 (OP) is consistent with the policies of the PPS and states that the identification, listing, evaluation and protection of built heritage resources is an ongoing process that will continue in accordance with the provisions of the OHA and policies within the OP for the benefit of present and future residents of the community, as well as tourists and visitors. (Sec 7.1.2).

The OP provides that the Municipal Heritage Committee shall advise and assist Council on matters relating to the OHA (Sec 7.1.1.1). After consultation with the Municipal Heritage Committee, the City may pass by-laws pursuant to the Ontario Heritage Act to designate any property in the City, which, in the opinion of the City, has sufficient, architectural, historical or other significance to warrant its specific designation as provided for under the Ontario Heritage Act (Sec 9.1.9.1).

The City is to use the tools provided by legislation, policies and programs, particularly the Ontario Heritage Act, the Planning Act, the Environmental Assessment Act and the Municipal Act in conserving built heritage resources (Sec 7.1.2.8). This may include encouraging individual property owner's to apply to have their properties designated under Part IV of the Ontario Heritage Act (Sec 7.1.2.8e).

Evaluation of Cultural Heritage Value or Interest:

As noted, the Ontario Heritage Act permits Council to pass a by-law designating a property to be of cultural heritage value or interest provided that the property satisfies two (2) or more of the criteria prescribed in [Ontario Regulation 9/06](#).

An evaluation of 791 2nd Ave W and 795 2nd Ave W using the criteria prescribed by O. Reg. 9/06 has been completed by City Planning & Heritage staff. The subject properties meet two of the prescribed criteria, including:

- Criteria No.4: The property has historical value or associative value because it has direct associations with a theme, event, belief, **person**, activity organization or institution that is significant to a community.
- Criteria No.8: The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings

The following provides an evaluation of 791 2nd Ave W and 795 2nd Ave W using the criteria prescribed by regulation:

Historical/ Associative Value

Kennedy Terrace's historical and associative value lies in its association with James Candlish Kennedy, who built the Terrace circa 1900. Mr. Kennedy was a prominent member of the community, serving as the Town Engineer, a member of the board of managers for Division Street United Church, a member of the Board of Education, the Secretary-Treasurer of the Foresters' Lodge, and a local contractor.

The local newspaper, the Owen Sound Sun Times, detailed several projects that Mr. Kennedy was involved with as a contractor, including improvements to the Grey County Courthouse (May 1899). City heritage records credit Kennedy for building the General & Marine Hospital in 1912.

Contextual Value

Kennedy Terrace's contextual value lies in its being an example of the bricked terraces built in proximity to the City's downtown core and industrial centre along the Sydenham River and harbour in the late 1800s and into the first half of the 1900s. During this time, the City of Owen Sound was an industrious port city. Many factories, foundries, mills, and shipping businesses operated out of the downtown area and made use of the Sydenham River for the transportation of goods and the generation of energy. The Sydenham River, which flows into Georgian Bay allowed for wares to be transported across the Great Lakes. Kennedy Terrace is located in proximity to the City's historic industrial harbour, downtown, and is within 30 m of the west bank of the Sydenham River.

Terraced housing is a form of housing that became prominent in England during the latter half of the 19th century to house growing urban populations (Newman C., & Newman R., 2008). The term 'terrace' is used to describe a row of townhouses which have common sidewalls.

Terraced housing of the 1900s in Owen Sound generally consisted of three (3) to six (6) street-fronting townhouse dwelling units, oriented close to the front of the property with large rear yards. The terraces were generally two-storey red brick buildings and were modest in design and form. Many of the terraced housing developments in Owen Sound were constructed between

1885 and 1910. Kennedy Terrace is a well-preserved example of the terraces in Owen Sound.

The property was formerly the site of Heap's Furniture Factory and then became a fanning mill where seeds were extracted from grain. Mr. Kennedy built Kennedy Terrace on the foundation of the mill in 1900 after the mill was destroyed in a fire. The terrace was constructed towards the end of the Victorian era and is representative of the Victorian architectural style as evidenced by its composition, design, and materials. A draft Statement of Cultural and Heritage Value and a list of heritage attributes for each 791 2nd Ave W and 795 2nd Ave W are attached as Schedule 'D' to the report. These statements form the basis of the heritage designation.

Financial Implications:

There are minor financial implications associated with publishing the Notices of Intention to Designate the properties in the Sun Times newspaper.

Following the designation, the properties will be given top priority under certain Community Improvement Plan programs such as the Façade and Structural Improvement Grant Program.

Additionally, the owners of designated properties who have entered into either a heritage easement with the City or the Ontario Heritage Trust registered on title of the property or a Heritage Conservation and Maintenance Agreement (HCMA) with the City are eligible to participate in the Heritage Property Tax Relief Program. Both property owners are interested in entering HCMAs with the City and participating in the Heritage Property Tax Relief Program.

Communication Strategy:

The recommendation of Community Services Committee will be provided to City Council. Following Council's decision on the matter, Notice of Intention to Designate the property will be served on the property owner and the Ontario Heritage Trust and published in the Sun Times newspaper in accordance with Section 29 of the Ontario Heritage Act.

Following the Notice of Intention to Designate, there is a 30-day period in which objections to the designation may be received. If comments to the Notices of Intention to Designate are received in accordance with the *Ontario Heritage Act*, staff will bring a report to Council to consider the comments

and decide whether to proceed by approving by-laws designating the properties or withdrawing the Notices of Intention to Designate.

Consultation:

The property owners were consulted in the writing of this report in addition to the following reference materials:

- [Grey Roots Museum and Archives](#)
- Architectural Terms by the Architectural Conservancy of Ontario, Port Hope Branch
- How Firm a Foundation Historic Houses of Grey County, Ruth Cathcart (1996)
- Housing the workforce in 19th-century east Lancashire: past processes, enduring perceptions and contemporary meanings, Newman, C., & Newman, R. (2008)
- Newspapers.com by Ancestry (Clippings from the Owen Sound Daily Sun-Times, The Owen Sound Times, The Owen Sound Sun)
- Old Ontario Houses Traditions in Local Architecture, Text by Tom Cruickshank, Photographs by John De Visser (2000)

Attachments:

Schedule 'A': Heritage Designation Applications, 791 2nd Ave W and 795 2nd Ave W

Schedule 'B': Process for Designation by Municipal By-law

Schedule 'C': Ontario Regulation 9/06 – Criteria for Determining Cultural Heritage Value or Interest

Schedule 'D': Statement of Cultural Heritage Value or Interest and Heritage Attributes, 791 2nd Ave W and 792 and 2nd Ave W

Schedule 'E': Photos

Schedule 'F': Heritage Research

Recommended by:

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Submission approved by:

Tim Simmonds, City Manager

For more information on this report, please contact Jocelyn Wainwright,
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