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Daphne Livingstone
Committee Administrator
Corporate Services Department
Kitchener City Hall, 2nd Floor
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Kitchener, ON N2G 4G7
Phone: 519.741.2277 Fax: 519.741.2705
daphne.livingstone@kitchener.ca

Office of the City Clerk

May 6, 2016

Erin Semande
A/Provincial Heritage Registrar, Ontario Heritage Act
Ontario Heritage Trust
10 Adelaide Street East
Toronto ON M5C 1J3

Dear Ms. Semande:

Re: Designating By-law – 800 King Street East

This is to advise that the Council of the Corporation of the City of Kitchener, at its regular meeting held on Monday, April 25, 2016, passed By-law 2016-040, pursuant to Part IV of the Ontario Heritage Act, designating the property municipally known as 800 King Street East as being of historic and cultural heritage value or interest. A copy of the designating By-law is attached for your information, along with a copy of the Notice of Passing

Yours truly,

Daphne Livingstone
Committee Administrator

cc: L. Bensason, Coordinator, Cultural Heritage Planning
S. Parks, Heritage Planner
J. Sheryer, Assistant City Solicitor

BY-LAW NUMBER 2016-040
of THE CORPORATION
OF THE CITY OF KITCHENER

(Being a by-law to designate the property municipally known as 800 King Street East in the City of Kitchener as being of historic and cultural heritage value or interest).

WHEREAS section 29 of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18., authorizes the Council of a Municipality to enact by-laws to designate real property, including all buildings and structures thereon, to be of cultural heritage value or interest.

AND WHEREAS the Council of the Corporation of the City of Kitchener has received and considered the recommendations of its municipal heritage committee pertaining to this by-law, arising from Heritage Kitchener's meeting held on February 2, 2016;

AND WHEREAS the Council of The Corporation of the City of Kitchener resolved at its Council Meeting held the 7th day of March, 2016 to publish a Notice of Intention to designate the property described as 800 King Street East, and which resolution was confirmed by By-law No. 2016-025 passed by the Council of The Corporation of the City of Kitchener at its Council Meeting held the 7th day of March, 2016;

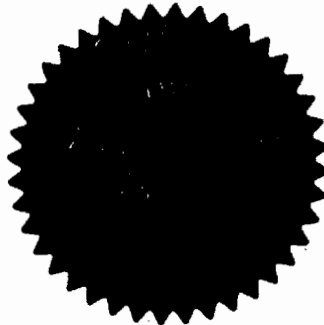
AND WHEREAS the Council of The Corporation of the City of Kitchener has caused to be served on the owner of the land and premises known municipally as 800 King Street East in the City of Kitchener, and upon the Ontario Heritage Trust, a Notice of Intention to designate as being of cultural heritage value or interest that part of the aforesaid real property, and has caused such Notice of Intention to be published in a newspaper having general circulation in the municipality, a copy of which is attached hereto as Appendix "A" together with a published correction to such Notice of Intention;

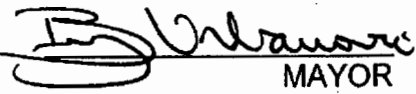
AND WHEREAS no Notice of Objection to the proposed designation has been served upon the Clerk of the Municipality;


NOW THEREFORE the Council of The Corporation of the City of Kitchener enacts as follows:

1. A statement of the Property's cultural heritage value or interest is attached hereto as Appendix "B".
2. There is designated as being of cultural heritage value or interest all heritage attributes listed under the subheading "Description of the Heritage Attributes" in the statement of the Property's cultural heritage value or interest attached hereto as Appendix "B".
3. The City Solicitor is hereby authorized to cause a copy of this by-law to be registered against the whole of the property described in Appendix "C" attached hereto in the proper land registry office.
4. The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust and to cause notice of the passing of this by-law to be published in a newspaper having general circulation in the municipality.

PASSED at the Council Chambers in the city of Kitchener this 25th day of April, 2016.




MAYOR


CLERK

APPENDIX "A"

800 KING STREET EAST Notice of Intention to Designate and Correction

The Record Insert: Public Notice Page B4,
Two Column display ad,
March 11, 2016.

IN THE MATTER OF THE ONTARIO HERITAGE ACT, R.S.O. 1990, CHAPTER
O.18, AS AMENDED, AND IN THE MATTER OF THE LANDS AND PREMISES
AT THE FOLLOWING MUNICIPAL ADDRESS(ES) IN THE PROVINCE OF
ONTARIO

NOTICE OF INTENTION

TAKE NOTICE that the Council of the Corporation of the City of Kitchener
intends to designate the following municipal address as being of cultural heritage
value or interest under Part IV of the Ontario Heritage Act, R.S.O. 1990, Chapter
O.18, as amended.

800 KING STREET EAST

First Mennonite Church Cemetery contains graves dating to Kitchener's earliest
settlement, and the strongest concentration of folk-decorated Pennsylvania-
German markers in Ontario, many of which display a high degree of
craftsmanship and artistic merit. The historic value of the Cemetery relates to
its direct associations to Bishop Benjamin Eby and the early Mennonite church
in the region; both are significant to, and yield information that contributes to an
understanding of, the community. As the principal burying ground for the first
two generations of pioneers, the cemetery also accommodated non-Mennonite
settlers who were buried here until the 1840s when church cemeteries of other
denominations were established. Bishop Benjamin Eby served his church and
community for 44 years and is buried here. The names of many other early and
influential settlers can be found inscribed on its markers. The contextual value of
the First Mennonite Church Cemetery relates to its functional, visual and
historical link to its surroundings.

The full particulars of the Reasons for Designation are available in the Clerk's
Office, 2nd Floor, Kitchener City Hall during normal business hours.

Any person may send by Registered Mail or deliver to the Clerk of the City of
Kitchener, Notice of his or her objections to the proposed designation, together
with a statement of the reasons for the objection and all relevant facts, to be
received by the Clerk not later than the 4th day of April, 2016. When a Notice
of Objection has been received, the Council of the Corporation of the City of
Kitchener will refer the matter to the Conservation Review Board.

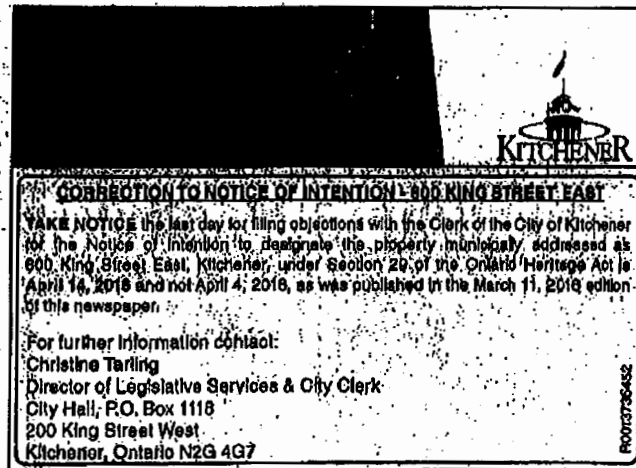
Dated at Kitchener the 11th day of March 2016.

Christine Terling
Director of Legislative Services
& City Clerk
City Hall, P.O. Box 1118
200 King Street West
Kitchener, Ontario N2G 4G7

CORRECTION TO NOTICE OF INTENTION – 800 KING STREET EAST

TAKE NOTICE the last day for filing objections with the Clerk of the City of Kitchener for the Notice of Intention to designate the property municipally addressed as 800 King Street East, Kitchener, under Section 29 of the Ontario Heritage Act is **April 14, 2016** and not April 4, 2016, as was published in the March 11, 2016 edition of this newspaper.

For further information contact:
Christine Tarling
Director of Legislative Services
& City Clerk
City Hall, P.O. Box 1118
200 King Street West
Kitchener, Ontario N2G 4G7



Tuesday
march 15, 2016.
Record

APPENDIX "B"

800 King Street East Statement of Cultural Heritage Value or Interest

First Mennonite Church Cemetery is recognized for its design, physical, historical, associative, and contextual values.

The design or physical values relate to the cemetery markers and their historic locations. The First Mennonite Church Cemetery contains the strongest concentration of folk-decorated Pennsylvania-German markers in Ontario, many of which display a high degree of craftsmanship and artistic merit. The earliest existing markers are made of sandstone and many feature folk art motifs such as Fraktur lettering and images, such as tulip, tree of life, and willow, or embroidered textiles. Quarried from the Whirlpool formation in the Georgetown area of Ontario, the sandstone was sawn into a basic rectangular slab, often surmounted by one or more hemispherical lobes or convex arches, for engraving in Waterloo County. White quartzite began to replace sandstone between 1846 and World War I, while grey and red granite replaced quartzite following the Great War. Many quartzite markers employ traditional Victorian symbolism, such as lamb, gesturing hands, and rose. Both the sandstone and quartzite markers are deteriorating.

The historic or associative values of the First Mennonite Church Cemetery relate to its direct associations to Bishop Benjamin Eby and the early Mennonite church in the region; both are significant to, and yield information that contributes to an understanding of, the community. The cemetery location was established in 1808 with the first burial of Samuel Smith's son, George. In 1810, the first half acre of land was reserved for cemetery and church uses; land accumulation continued until 1933. As the principal burying ground for the first two generations of pioneers, the cemetery also accommodated non-Mennonite settlers who were buried here until the 1840s when church cemeteries of other denominations were established. Known as Benjamin Eby's Meeting House, a log church was constructed in 1813; it was the first to be built for public worship services in what was to become Waterloo County. A white frame structure replaced it in 1834. The present white brick church was built in 1902, with many additions since. The name First Mennonite Church Cemetery was established in 1918.

Pioneer settler, farmer, Mennonite minister, educator and author, Bishop Benjamin Eby (1785-1853) served his church and community for 44 years and is buried here (Plot 1, Row K, Grave 8). The names of many other early and influential settlers can be found inscribed on its markers, including, Bechtel, Brubacher, Clemens, Cressman, Erb, Gaukel, Schneider, and Weber.

The contextual value of the First Mennonite Church Cemetery relates to it being functionally, visually and historically linked to its surroundings. Although its physical context has changed as the cemetery has been surrounded by the modern City of Kitchener, this once rural burial ground bordered by farmland is the last resting place for those pioneers and settlers who cleared the land and made it ready for development. It is a functioning cemetery with many plots still available.

Description of the Heritage Attributes

Key heritage attributes that embody the design or physical values of the First Mennonite Church Cemetery as a very significant pioneer cemetery in Kitchener include:

- all elements related to the cemetery, including the:
- original and replicated sandstone, quartzite and granite markers with their surviving inscriptions;
- variety of styles, materials and symbolism on the markers, from pioneer Pennsylvania-German to Victorian to modern;
- original location, orientation and dimensions of markers; and
- original plan and placement of gravesites and markers.

Key heritage attributes that embody the contextual value of the First Mennonite Church Cemetery in Kitchener include the:

- location on King Street East.

APPENDIX "C"

**800 King Street East
Legal Description**

Lot 18 subdivision of Lot 1 German Company Tract Kitchener; Lot 81 subdivision of Lot 2 German Company Tract Kitchener; Part Lot 19 subdivision of Lot 1 German Company Tract as in 70113, Except 125115, 1296561, 1234500 & 574965; Kitchener

Being all of PIN 225080176 (LT).