



CITY OF KINGSTON
**REPORT TO KINGSTON MUNICIPAL HERITAGE
COMMITTEE**

Report No.: KMHC-10-008

TO: Chair and Members – Kingston Municipal Heritage Committee
FROM: Cynthia Beach, Commissioner, Sustainability and Growth
RESOURCE STAFF: George Wallace, Director, Planning and Development Department
DATE OF MEETING: 2010-04-12
SUBJECT: Designation Recommendation – Denyes Monument

EXECUTIVE SUMMARY:

This report provides background information regarding the development of a By-law to designate the Denyes Monument which is located in the Princess Street right-of-way in Kingston West. The By-law was developed as the result of a community request. The report recommends its designation under Section 29 of the *Ontario Heritage Act*.

RECOMMENDATION:

WHEREAS Section 29 of the *Ontario Heritage Act*, R.S.O. 1990, Chapter 0.18 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 *Ontario Heritage Act* requires the Council of a municipality to service Notice of Intention to Designate a property as having cultural heritage value and interest;

AND WHEREAS when the Council of a municipality has appointed a Municipal Heritage Committee, the Council shall, before giving notice of its intention to designate a property, consult with its Municipal Heritage Committee;

AND WHEREAS the Kingston Municipal Heritage Committee recommended to Council to serve Notice of Intention to Designate under the *Ontario Heritage Act* on November 2, 2009;

AND WHEREAS the Council of the Corporation of the City of Kingston approved serving Notice of Intention to Designate under the *Ontario Heritage Act* on November 17, 2009, and the notice was published on the Kingston Whig Standard on December 1, 2010;

AND WHEREAS no notices of objection were received;

THEREFORE, it is recommended:

THAT it be recommended to Council to designate under Section 29 of the *Ontario Heritage Act* the property located at Part Lots 8-9, Concession 3; Part Road Allowance Between Concession 2 & 3, All Being Expropriation Plan 657, Expropriation Plan 868 as Widened by Expropriation Plan 1197, Expropriation Plan 1198, Part 1, Expropriation Plan 1431, Parts 1 & 2 Expropriation Plan 1453, Part 1, Expropriation Plan 1472, Part 3 13R-826, Part 2, 13R-6086, FR275816, Part 1, 13R-7983, FR114988, FR171331, Parts 5-9, Expropriation Plan 1388; Part Lot 8, Concession 2, being Part 1, RP490778, Part of Part 4,

Expropriation Plan 1388; All lying W of the SLY EXT of the SW Corner of Part 3, Expropriation Plan FR652804 & E of the SLY EXT of the WLY limit of Bayridge Drive (formerly Cataraqui Woods Drive), aka the King's Highway No. 2; Kingston Township PIN 36087-0388 (R), also known as the Denyes Monument;

AND THAT it be recommended to Council that the draft By-law attached hereto as Exhibit 'A' be adopted;

AND THAT it be recommended to Council that property located at Part Lots 8-9, Concession 3; Part Road Allowance Between Concession 2 & 3, All Being Expropriation Plan 657, Expropriation Plan 868 as Widened by Expropriation Plan 1197, Expropriation Plan 1198, Part 1, Expropriation Plan 1431, Parts 1 & 2 Expropriation Plan 1453, Part 1, Expropriation Plan 1472, Part 3 13R-826, Part 2, 13R-6086, FR275816, Part 1, 13R-7983, FR114988, FR171331, Parts 5-9, Expropriation Plan 1388; Part Lot 8, Concession 2, being Part 1, RP490778, Part of Part 4, Expropriation Plan 1388; All lying W of the SLY EXT of the SW Corner of Part 3, Expropriation Plan FR652804 & E of the SLY EXT of the WLY limit of Bayridge Drive (formerly Cataraqui Woods Drive), aka the King's Highway No. 2; Kingston Township PIN 36087-0388 (R), also known as the Denyes Monument, be added to the City of Kingston Heritage Properties Register;

AND THAT as required under the *Ontario Heritage Act*, the Clerk of the municipality shall ensure a copy of the By-law, together with a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property shall be served in accordance with the requirements of Section 67 of the *Ontario Heritage Act* on the owner of the property and on the Ontario Heritage Trust, and to be registered against the property affected in the proper Land Registry Office;

AND THAT as required under the *Ontario Heritage Act*, the Clerk of the municipality shall ensure that notice of the passing of the Designation By-law be published in a newspaper having general circulation in the municipality and that this Notice shall include: an adequate description of the property so that it may be readily ascertained; a statement explaining the cultural heritage value or interest of the property; and a statement that further information respecting the Designation By-law is available from the municipality.

AUTHORIZING SIGNATURES:

| | |
|--|--|
| <p>_____</p> <p>Cynthia Beach, P.Eng, MCIP, RPP, Commissioner, Sustainability & Growth Group</p> | |
| <p>_____</p> <p>Gerard Hunt, Chief Administrative Officer</p> | |

CONSULTATION WITH THE FOLLOWING COMMISSIONERS:

| | |
|--|-----|
| Terry Willing, <i>Community Development Services</i> | N/R |
| Denis Leger, <i>Corporate Services</i> | N/R |
| Jim Keech, President, <i>Utilities Kingston</i> | N/R |

(N/R indicates consultation not required)

OPTIONS/DISCUSSION:

On March 3, 2008, based on several community requests, the Kingston Municipal Heritage Committee (KMHC) passed the following motion:

"That the Woodbine Road Marker which stands in memory of Frederick Denyes, located at the junction of Woodbine Road and Princess Street, be examined for Designation."

CARRIED

City staff, working in conjunction with the volunteers of the Heritage Properties Research Working Group, undertook research on the Denyes Monument (located at Part Lots 8-9, Concession 3; Part Road Allowance Between Concession 2 & 3, All Being Expropriation Plan 657, Expropriation Plan 868 as Widened by Expropriation Plan 1197, Expropriation Plan 1198, Part 1, Expropriation Plan 1431, Parts 1 & 2 Expropriation Plan 1453, Part 1, Expropriation Plan 1472, Part 3 13R-826, Part 2, 13R-6086, FR275816, Part 1, 13R-7983, FR114988, FR171331, Parts 5-9, Expropriation Plan 1388; Part Lot 8, Concession 2, being Part 1, RP490778, Part of Part 4, Expropriation Plan 1388; All lying W of the SLY EXT of the SW Corner of Part 3, Expropriation Plan FR652804 & E of the SLY EXT of the WLY limit of Bayridge Drive (formerly Catarauqui Woods Drive), aka the King's Highway No. 2; Kingston Township PIN 36087-0388 (R)) starting in August 2008. A draft Designation By-law based on this research was included as part of the information package presented to KMHC on November 2, 2009. At this meeting KMHC recommended to Council that it serve Notice of Intention to Designate the Denyes Monument under the *Ontario Heritage Act*. Council approved Notice of Intention to Designate under the *Ontario Heritage Act* on November 17, 2009, and the notice was published on the Kingston Whig Standard on December 1, 2010. No notices of objection were received.

The Denyes Monument is located on the south side of Princess Street (formerly Highway 2 West) within the municipal road allowance. The monument is valued because of its physical/designed attributes. It is built of local fieldstone in a simple, traditional cairn style with a memorial plaque on the north face of the cairn. The monument is also of historical/associative value because it memorializes the sacrifice of Frederick Denyes (a Ministry of Transportation Employee and United Empire Loyalist descendent) and the loss of Kenneth Macrow. The plaque reads as follows:

IN MEMORY OF
 FREDERICK DENYES
 KILLED JUNE 15, 1929
 ENDEAVORING TO SAVE THE
 LIFE OF A CHILD KENNETH
 MACROW AGED 4 YEARS
 FROM THE PATH OF A RAPIDLY
 APPROACHING AUTOMOBILE
 BOTH WERE KILLED
 FREDERICK DENYES WAS A
 NATIVE OF THIS DISTRICT AGED
 56 YEARS AND OF UEL ANCESTRY
 SUCH HEROIC DEEDS SHOULD
 NOT BE SOON FORGOTTEN
 GREATER LOVE HATH NO MAN
 THAN THIS, THAT HE GIVETH
 HIS LIFE FOR ANOTHER
 TO HIS MEMORY BOW YOUR
 HEAD IN RESPECTFUL HOMAGE

The contextual value of the monument stems from its sensitive positioning near the site of the accident and its role as a landmark on Princess Street.

A draft Designation By-law is provided as part of this report. In response to the comments received on the earlier draft circulation, several small changes were made to the By-law. Therefore, it is recommended that KMHC recommend to Council to designate the Denyes Monument, that that attached By-law be adopted, and that an entry be created on the City of Kingston's Heritage Properties Register for the property. Following Council adoption of the By-law, all appropriate Notices required under the *Ontario Heritage Act*, as outlined within the recommendation, must also be prepared and circulated.

EXISTING POLICY/BY LAW:

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

Ontario Regulation 9/06 - Criteria for Determining Cultural Heritage Value or Interest (Ontario)

City of Kingston "Guide and Inventory Evaluation Form for Individual Properties of Cultural Heritage Value or Interest" (Council Adopted)

NOTICE PROVISIONS:

Notice of Intent was published in the Kingston Whig Standard on December 1, 2009 in accordance with the requirements of the *Ontario Heritage Act*. Notice of Passing will be published in the Kingston Whig Standard, served on the Owner of the Property, and served on the Ontario Heritage Trust following adoption of the By-law designating the property in accordance with the requirements of the *Ontario Heritage Act*.

ACCESSIBILITY CONSIDERATIONS:

Alternative formats of this report and Exhibit "A" are available on request.

FINANCIAL CONSIDERATIONS:

N/A

CONTACTS:

George Wallace, Director, Planning and Development Department

613-546-4291 ext. 3252

Marnie Venditti, Manager, Development Approvals

613-546-4291 ext. 3256

Marcus Létourneau, Heritage Planner, Planning & Development Department

613-546-4291 ext. 1386

OTHER CITY OF KINGSTON STAFF CONSULTED:

N/A

EXHIBITS ATTACHED:

Exhibit 'A': By-law 2010-XXX: "A By-law to Designate the Denyes Monument (Princess Street) to be of Cultural Heritage Value and Interest Pursuant to the Provisions of the Ontario Heritage Act (R.S.O. 1990, Chapter 0.18)"

BY-LAW NO. 2010-XXX

A BY-LAW TO DESIGNATE THE DENYES MONUMENT (PRINCESS STREET), TO BE OF CULTURAL HERITAGE VALUE AND INTEREST PURSUANT TO THE PROVISIONS OF THE *ONTARIO HERITAGE ACT* (R.S.O. 1990, Chapter 0.18)

PASSED: , 2010

WHEREAS Section 29 of the *Ontario Heritage Act*, R.S.O. 1990, Chapter 0.18 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 Council has consulted with its Municipal Heritage Committee and has approved the designation of a property located at Part Lots 8-9, Concession 3; Part Road Allowance Between Concession 2 & 3, All Being Expropriation Plan 657, Expropriation Plan 868 as Widened by Expropriation Plan 1197, Expropriation Plan 1198, Part 1, Expropriation Plan 1431, Parts 1 & 2 Expropriation Plan 1453, Part 1, Expropriation Plan 1472, Part 3 13R-826, Part 2, 13R-6086, FR275816, Part 1, 13R-7983, FR114988, FR171331, Parts 5-9, Expropriation Plan 1388; Part Lot 8, Concession 2, being Part 1, RP490778, Part of Part 4, Expropriation Plan 1388; All lying W of the SLY EXT of the SW Corner of Part 3, Expropriation Plan FR652804 & E of the SLY EXT of the WLY limit of Bayridge Drive (formerly Cataraqui Woods Drive), aka the King's Highway No. 2; Kingston Township PIN 36087-0388 (R) on XXX, 2009;

AND WHEREAS Notice of the designating by-law was published in the Kingston Whig Standard, which is a newspaper having general circulation in the municipality on December 1, 2009;

AND WHEREAS no notice of the objection to the proposed designation was served to the Clerk of the Corporation of the City of Kingston;

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

1. To designate as being of cultural heritage value and interest the following property in the City of Kingston:
 - (a) Denyes Monument
2. The above mentioned property is more particularly described in Schedule "A" attached hereto.
3. For the purpose of interpretation, it is understood that the area of cultural heritage interest extends 3 metres in every direction of the monument's base or to the limits of the real property, whichever is closer.
4. A copy of the Designating By-law shall be registered against the property affected in the proper land registry office. The City Clerk is hereby authorized to cause a copy of this By-law to be served on the owner of the land described in Schedule "A" hereto and on The Ontario Heritage Trust and to cause Notice of the Passing of this By-law to be published in the Kingston Whig Standard.
5. For the purpose of interpretation, 'Maintenance' on this property will include the following works:

Maintenance is considered routine, cyclical, non-destructive actions, necessary to slow the deterioration of a historic place. It entails the following actions: periodical inspection; general property cleanup; and lawncare activities.

6. The City reserves the right to install a designated property plaque or interpretive panel.
7. This By-Law shall come into force and take effect on the date of its passing.

CITY CLERK

MAYOR

Schedule "A"
Description and Reasons for Designation
Denyes Monument

Legal Description

Civic Address: Princess Street and Nottinghill Avenue
Lot/Concession: Part Lots 8-9, Concession 3; Part Road Allowance Between Concession 2 & 3, All Being Expropriation Plan 657, Expropriation Plan 868 as Widened by Expropriation Plan 1197, Expropriation Plan 1198, Part 1, Expropriation Plan 1431, Parts 1 & 2 Expropriation Plan 1453, Part 1, Expropriation Plan 1472, Part 3 13R-826, Part 2, 13R-6086, FR275816, Part 1, 13R-7983, FR114988, FR171331, Parts 5-9, Expropriation Plan 1388; Part Lot 8, Concession 2, being Part 1, RP490778, Part of Part 4, Expropriation Plan 1388; All lying W of the SLY EXT of the SW Corner of Part 3, Expropriation Plan FR652804 & E of the SLY EXT of the WLY limit of Bayridge Drive (formerly Cataraqui Woods Drive), aka the King's Highway No. 2; Kingston Township
PIN 36087-0388 (R)

Description of Property

The Denyes Monument is located on the south side of Princess Street (formerly Highway 2 West) within the municipal road allowance (Part Lots 8-9, Concession 3; Part Road Allowance Between Concession 2 & 3, All Being Expropriation Plan 657, Expropriation Plan 868 as Widened by Expropriation Plan 1197, Expropriation Plan 1198, Part 1, Expropriation Plan 1431, Parts 1 & 2 Expropriation Plan 1453, Part 1, Expropriation Plan 1472, Part 3 13R-826, Part 2, 13R-6086, FR275816, Part 1, 13R-7983, FR114988, FR171331, Parts 5-9, Expropriation Plan 1388; Part Lot 8, Concession 2, being Part 1, RP490778, Part of Part 4, Expropriation Plan 1388; All lying W of the SLY EXT of the SW Corner of Part 3, Expropriation Plan FR652804 & E of the SLY EXT of the WLY limit of Bayridge Drive (formerly Cataraqui Woods Drive), aka the King's Highway No. 2; Kingston Township PIN 36087-0388 (R)). The Denyes Monument is valued because of its physical/designed attributes. The monument is built of local fieldstone in a simple, traditional cairn style with a memorial plaque on the north face of the cairn. The monument is of historical/associative value because it memorializes the sacrifice of Frederick Denyes (a Ministry of Transportation Employee and United Empire Loyalist descendent) and the loss of Kenneth Macrow. The contextual value of the monument stems from its sensitive positioning near the site of the accident and its role as a landmark on Princess Street.

Statement of Cultural Heritage Value/Statement of Significance

The cultural heritage value of the Denyes Monument property lies in its physical/design attributes, its historical association, and its contextual values.

Physical/Design Values

The Denyes Monument is valued because of its physical/designed attributes. The monument is built of local materials in a simple, traditional cairn style. However, it is of an unusual design in that it is constructed of fieldstone, with four sloping sides rising to a short pyramid. The monument is the third cairn constructed,

servicing as a replica of two earlier versions which were located nearby. The north elevation of the cairn, which faces Princess Street, has a limestone dedication plaque with a small shelf. The plaque reads as follows:

*IN MEMORY OF
FREDERICK DENYES
KILLED JUNE 15, 1929
ENDEAVORING TO SAVE THE
LIFE OF A CHILD KENNETH
MACROW AGED 4 YEARS
FROM THE PATH OF A RAPIDLY
APPROACHING AUTOMOBILE
BOTH WERE KILLED
FREDERICK DENYES WAS A
NATIVE OF THIS DISTRICT AGED
56 YEARS AND OF UEL ANCESTRY
SUCH HEROIC DEEDS SHOULD
NOT BE SOON FORGOTTEN
GREATER LOVE HATH NO MAN
THAN THIS, THAT HE GIVETH
HIS LIFE FOR ANOTHER
TO HIS MEMORY BOW YOUR
HEAD IN RESPECTFUL HOMAGE*

When Princess Street was widened in the late 1970s, it was necessary to move the original monument. During this move, the monument was damaged, and a second cairn was constructed using the original memorial plaque. In 2004, on the 75th anniversary of the accident, the Ministry of Transportation had a new monument (third version) and plaque (second version) constructed. The monument was built by Sergio Bidinost, a local stonemason and was moved slightly from its previous location.

Historical/Associative Values

The Denyes Monument property is of historical/associative value because it memorializes the sacrifice of Frederick Denyes (a United Empire Loyalist descendent) and the loss of Kenneth Macrow. The monument is valued by the community, who contributed to its construction, the families of the two victims, as well as the Ontario Ministry of Transportation (formerly the Department of Highways). Frederick Denyes was the first Department of Highways employee killed in the line of duty.

On June 19, 1929, (there is a date error on the current plaque), Mr. Denyes attempted to rescue a four year old boy, Kenneth MacRow, from being hit by an oncoming automobile. Both Mr. Denyes and the boy were killed. Following the accident, community members contributed funds to have the roadside memorial built.

Contextual Values

The property is of contextual value because it is located near the location where the accident occurred. At the time it was built and dedicated, Princess Street was a provincial highway located in Kingston Township. Princess Street has since become a municipal roadway and Kingston Township is now part of the City of Kingston. It serves as a local landmark and is highly visible from the roadway.

Character Defining Elements/Heritage Attributes

Physical/Design Attributes

- Unusual use of fieldstone;
- Simplicity of the traditional cairn form; and
- Memorial plaque on the north side of the cairn.

Historical/Associative Attributes

- Association with the accident that killed Mr. Frederick Denyes and Kenneth MacRow; and
- Monument memorializes the death of the first Department of Highways employee in the line of duty.

Contextual Attributes

- Monument is located in the area of where the fatal automobile accident occurred; and
- It is located in a highly visible roadside location.



Figure 1: 2004 Ortho Image showing area of the monument.



Figure 2: Denyes Monument Plaque



Figure 3: Denyes Monument