



**City of Kingston
Report to Council
Report Number 18-188**

To: Mayor and Members of Council
From: Lanie Hurdle, Commissioner, Community Services
Resource Staff: Paige Agnew, Director, Planning, Building & Licensing Services
Date of Meeting: July 10, 2018
Subject: Extension of Heritage Easement Agreement
Address: Queen's University Kingston – Main Campus (P18-322)

Executive Summary:

The main campus of Queen's University includes a number of buildings and properties which are subject to a heritage easement agreement. Under the terms of Part IV, Section 37 of the *Ontario Heritage Act*, the Council of a municipality may enter into an easement agreement with the owners of any real property for the purpose of conserving its cultural heritage value or interest. In an effort to conserve the cultural heritage value of Queen's University, the City of Kingston and Queen's University entered into a heritage easement agreement in 1998. The existing easement agreement includes 23 of Queen's most prominent and culturally significant buildings. The current heritage easement agreement expires on August 14, 2018.

In order to provide City staff and Queen's University with ample time to review and critique any proposed adjustments to the easement agreement, a one year extension to the terms of the current agreement is sought. The extension of the current easement agreement will enable City staff to seek out consensus with Queen's on which properties to include in the renewed agreement and to establish an approvals process to more expeditiously manage change within the campus.

The approval of the extension agreement would result in the terms of the current easement agreement remaining in effect for one additional year.

Recommendation:

That Council authorize the Mayor and Clerk to execute an agreement with Queen's University for the extension of the existing heritage easement agreement by one calendar year, in a form satisfactory to the Director of Legal Services.

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

Lanie Hurdle, Commissioner, Community Services

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

Gerard Hunt, Chief Administrative Officer

Consultation with the following Members of the Corporate Management Team:

Jim Keech, President & CEO, Utilities Kingston	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required
Denis Leger, Commissioner, Corporate & Emergency Services	√

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Options/Discussion:**Background**

Queen's College (now University) was first established in 1842 from a small house on Colborne Street. The lands and former dwelling, known as Summerhill villa (55 Stuart Street), were purchased from The Reverend George Okill Stuart in 1853 to house the growing institute. Queen's University grew on the grounds of Summerhill, and its adjoining lands, to form its main campus, which now includes some of the finest institutional limestone buildings in the City.

Queen's University is not only a premier institute of higher learning, but is also a tourist destination within the City of Kingston, drawing interest from those who appreciate the institution's distinctive heritage character. In an effort to conserve the cultural heritage value of the University, the City of Kingston entered into a heritage easement agreement under Section 37 of the *Ontario Heritage Act* in 1998.

Under the terms of Part IV, Section 37 of the *Ontario Heritage Act*, the Council of a municipality may enter into an easement agreement with the owners of any real property for the purpose of conserving its cultural heritage value or interest. An easement agreement under this section of the Act allows for a negotiated and amicable understanding of the cultural heritage value of the property and how to conserve this value into the future. It can establish minimum standards for maintenance, protocols in the event of a catastrophe, and outline the roles and responsibilities of the owners and the municipality. An agreed upon approval process for alterations, demolition and new construction within an easement agreement supersedes the typical Heritage Permit processes found in Part IV, Sections 33 and 34 of the Act.

The existing Queen's University heritage easement agreement includes "heritage character statements" for 23 of Queen's most prominent and culturally significant buildings. The statements were prepared using information collected through a 1998 heritage study, undertaken by Queen's students under the direction of the consulting firm Commonwealth Historic Resource Management Limited. Buildings recognized in the agreement include, but are not limited to: Grant, Ontario, Nicol, Kingston and Fleming Halls, the Douglas Library, the University Club and the Ban Righ Centre. A map showing all 23 buildings currently included in the agreement is provided in Exhibit A.

The current easement agreement obligates the University to gain written approval from the City in order to undertake any demolition, construction or related alteration that would affect the "character defining elements" as noted in the aforementioned heritage character statements. Over the past 20 years, numerous Heritage Permits have been applied for and obtained by the University for alterations to the 23 buildings subject to the agreement.

Purpose

The current heritage easement agreement expires on August 14, 2018.

Staff have been working with representatives of Queen's University to draft a new heritage easement agreement. As part of this project, staff have been reviewing options to clarify and expedite (where possible) the permitting process, and to more clearly define the types of

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alterations that require Heritage Kingston review and Council approval, versus those that can be approved by the Director of Planning, Building & Licensing Services. In addition, staff are evaluating options to enable non-invasive, routine, limited maintenance works to occur in an expedited manner, without the need for municipal approvals.

City staff are also seeking to add a number of University-owned buildings to the terms of the easement agreement, recognizing the heritage value that such buildings bring to the community. While many of the buildings/properties being considered for inclusion in the agreement are already protected by way of a Part IV designation or listing under the *Ontario Heritage Act*, there are several which are currently void of any sort of heritage protection.

In preparing for discussions regarding a renewal of the heritage easement agreement, City staff have initiated the cultural heritage value assessments, in accordance with Ontario Regulation 9/06, of several properties which are not currently captured by the agreement. These assessments have been largely completed by qualified professionals from E.R.A. Architects Inc., with oversight being provided by heritage planning staff. The extension of the current easement agreement will enable City staff to review the results of these assessments with the Heritage Properties Working Group and present them to Queen's University in an effort to seek out consensus on which properties to include in the renewed agreement.

The extension will also allow for the detailed review of the proposed and revised/updated lists of "character defining elements" (heritage attributes) of each building, which establish a foundation upon which to consider future requests for building/property alterations. It is anticipated that the new agreement will alter both the understanding and breadth of the cultural heritage value of properties and buildings owned by Queen's University and the means by which the City is able to support the conservation of these resources.

Following the achievement of consensus with Queen's University regarding the terms of a renewed easement agreement, City staff will bring a draft easement agreement to Heritage Kingston for consultation in accordance with Section 37 of the *Ontario Heritage Act*. Stemming from this consultation, staff will prepare and present a final easement agreement for approval by Council.

In order to provide City staff and Queen's University with ample time to review and critique any proposed adjustments to the current agreement, an extension to the terms of the easement agreement is sought. As the method for conservation of the heritage resources, and details on the heritage resources themselves, are not being changed, consultation with Heritage Kingston, as per Section 37(1), is not required at this time. A draft extension agreement has been prepared by the City's Legal Services Department and reviewed and executed by Queen's University. The approval of the extension agreement would result in the terms of the current easement agreement remaining intact for one additional year.

Existing Policy/By-Law:

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

City of Kingston Official Plan

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Notice Provisions:

Not applicable

Accessibility Considerations:

Not applicable

Financial Considerations:

Not applicable

Contacts:

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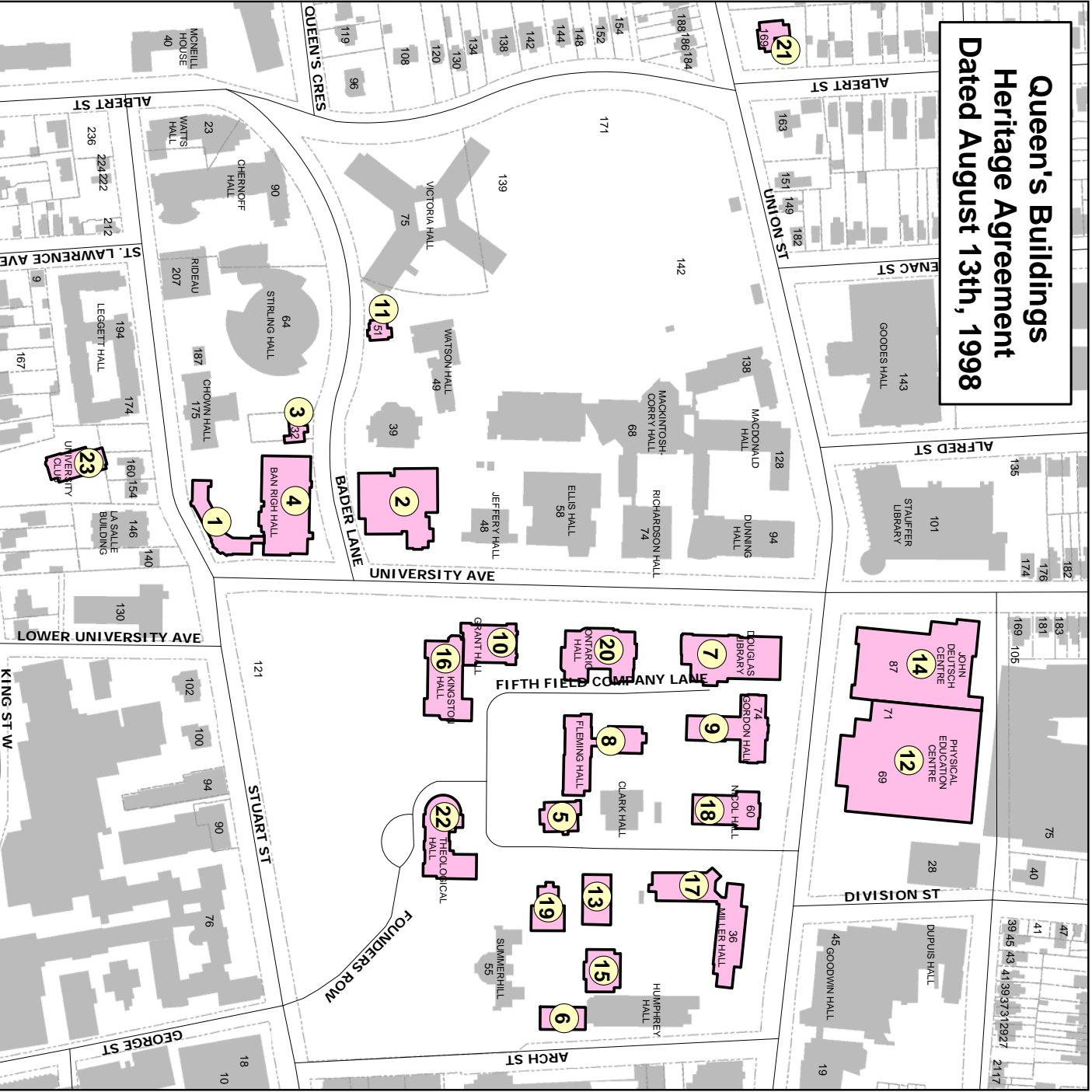
Other City of Kingston Staff Consulted:

Alan MacLeod, Senior Legal Counsel & Deputy City Solicitor, Legal Services


Exhibits Attached:

Exhibit A Map of Buildings Included in the 1998 Agreement

Queen's Buildings Heritage Agreement Dated August 13th, 1998



ID	Buildings	Address
1	Adelaide Hall	137 Stuart St
2	Agnes Etherington Art Centre	36 University Ave
3	Ban Righ Centre (Former 32 Queen's Cres)	32 Bader Lane
4	Ban Righ Hall	10 Bader Lane
5	Carruthers Hall (Science Hall)	62 Fifth Field Company Lane
6	Craine Building	56 Arch St
7	Douglas Library	93 University Ave
8	Fleming Hall	78 Fifth Company Lane
9	Gordon Hall and Annex	74 Union St
10	Grant Hall	43 University Ave
11	Grey House (Former 51 Queen's Cres)	51 Bader Lane
12	Gymnasium	69 Union St
13	Jackson Hall (Old Gymnasium)	35 Fifth Company Lane
14	John Deutsch Centre	87 Union St
15	Kathleen Egan Hall	50A Arch St
16	Kingston Hall	103 Stuart St
17	Miller Hall	36 Union St
18	Nicol Hall	60 Union St
19	Old Medical Building	50B Arch St
20	Ontario Hall	67 University Ave
21	Queen's Day Care Centre	169 Union Street
22	Theological Hall	85 Stuart St
23	University Club	168 Stuart St

LEGEND
 Queen's Buildings affected by Heritage Agreement dated August 13th, 1998



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