

# Staff Report



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To	<b>City Council</b>
Service Area	Infrastructure, Development and Environment
Date	Tuesday, March 10, 2026
Subject	<b>35 Foster Avenue: Notice of Intention to Designate</b>

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## Recommendation

1. That the City Clerk be authorized to publish and serve notice of intention to designate 35 Foster Avenue pursuant to Part IV, Section 29 of the Ontario Heritage Act.
  2. That the designation by-law be brought before Council for approval if no objections are received within the thirty-day objection period.
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## Executive Summary

### Purpose of Report

In November 2022, the Government of the Province of Ontario passed Bill 23 (amended by Bill 185), which made changes to the Ontario Heritage Act that will remove all non-designated properties from the Municipal Heritage Register on January 1, 2027. Heritage Planning staff and the Heritage Advisory Committee have been reviewing properties on the Municipal Heritage Register for designation under Part IV of the Ontario Heritage Act.

The purpose of this report is to recommend that Council publish its intention to designate 35 Foster Avenue pursuant to Part IV, Section 29 of the Ontario Heritage Act. The cultural heritage significance and heritage attributes of the property are described in this report.

### Key Findings

The 35 Foster Avenue is listed as a non-designated built heritage resource on the City of Guelph's Municipal Register of Cultural Heritage Properties under Part IV, Section 27 of the Ontario Heritage Act.

A property may be designated under Part IV, Section 29 of the Ontario Heritage Act if it meets at two or more of the criteria used to determine cultural heritage value or interest as set out in Ontario Regulation 9/06

Heritage planning staff, in consultation with Heritage Guelph, have completed a Cultural Heritage Evaluation Report and Statement of Cultural Heritage Value or Interest. Staff have determined that the property meets three of the nine criteria used to determine cultural heritage value according to Ontario Regulation 9/06 (as amended by O. Reg 569/22) under the Ontario Heritage Act. Therefore, the property merits individual heritage designation under the Ontario Heritage Act.

## Strategic Plan Alignment

The key findings and recommendations of this report align with 2024-2027 Strategic Plan priority 6.1.4 to conserve our cultural heritage resources.

## Future Guelph Theme

City Building

## Future Guelph Objectives

City Building: Grow and care for our community space and places

## Financial Implications

None.

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## Report

### Location

The subject property is located at 35 Foster Avenue, between Harrison Avenue and Yorkshire Street North. The legal description is Lot 141, Plan 27; Guelph.

Figure 1 GIS showing location of 35 Foster Avenue (City of Guelph GIS)



### Statement of Significance

In 1855, Adam Fergusson Esquire surveyed land to create Plan 27, which was updated in 1873. On the Land Title Abstract for Lot 141, John Brown bought the property from the Fergusson family in 1869. However, the construction of Brown's house and ownership of the property likely began years earlier as a tax assessment indicates that Brown owned Lot 141 as early as 1865. John Brown was a local stone-cutter, and likely was responsible for the construction of the limestone cottage. Brown lived at the property until 1877, when he sold it to Arthur Byrne. Byrne and his family would reside at the property until 1918.

The detached residential dwelling at 35 Foster Avenue is a side-gabled limestone cottage with pick-faced, squared tuck-pointed limestones. The stone cottage is 1 storey with a symmetrical 3 bay façade, tooled stone sills, and bush-hammered lintels and quoins.

### **Determination of Cultural Heritage Value**

The stone cottage at 35 Foster Avenue is worthy of designation under Part IV, Section 29 of the Ontario Heritage Act because it meets three of the nine prescribed criteria for determining cultural heritage value or interest, according to Ontario Regulation 9/06 as amended by 569/22. The subject building at 35 Foster Avenue has design and physical value, historical and associative value, and contextual value.

### **Design/Physical Value**

The subject property meets criterion 1 because it is a representative example of a vernacular limestone worker's cottage.

### **Historical/Associative Value**

The subject property meets criterion 6 because it reflects the work of stone-cutter John Brown.

### **Contextual Value**

The subject property meets criterion 7 because it maintains the low-rise, residential character of the area and is one of the few remaining stone buildings on the street.

### **Heritage Attributes**

The following elements of the property at 35 Foster Avenue should be considered as heritage attributes in a designation under Part IV, Section 29 of the Ontario Heritage Act:

- Single story side-gable cottage building form
- Facade, including:
  - Stone walls
  - Original entryway
  - Original window openings flanking the entryway

The designation of 35 Foster Avenue will not prevent the construction of an addition on the west elevation of the stone cottage, providing that the above heritage attributes are conserved.

### **Consultations and Engagement**

The property owner has volunteered their property to be considered for individual designation under the Ontario Heritage Act.

Heritage Planning staff exchanged emails with the property owner from December 16-19, 2025, to solicit feedback on the draft designation report.

Heritage Planning acknowledges the background research gathered by Jillian Sanders, Heritage Research Assistant for 2025.

## **Attachments**

Attachment-1 Ontario Regulation 9-06 Criteria for Determining Cultural Heritage Value or Interest

## **Departmental Approval**

Krista Walkey, MCIP, RPP, General Manager, Planning and Building Services

## **Report Author**

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## **This report was approved by:**

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## **This report was recommended by:**

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