



Conservation
Review Board

Ministry of
Culture and
Communications

Commission des
biens culturels

Ministère de la
Culture et des
Communications

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August 21, 1992

Mayor D. V. Cardillo and Members of Council
City of Kitchener
City Hall, P.O. Box 1118
Kitchener, Ontario
N2G 4G7

**Re: City of Kitchener - Intention to Designate
(Harvey J. Graber Transformer Station)**

Note: This report has been delayed beyond the period of 30 days within which the Conservation Review Board is expected to reply following a hearing. The current legal ownership of 133 Graber Place was not established at the hearing. Exhibit 4a, 4b, was entered as land registry and deed, as of 1954, for 133 Graber Place which was subsequently discovered to be for a different property and counsel for the City was apprised of this error by the Secretary of the Review Board. It was eventually found that ownership of 133 Graber Place by the Kitchener-Wilmot Hydro Commission, had been in effect since March 1954. It was also necessary to determine the measure of land which was legally subject to the Intention to Designate by-law. This was revealed in blueprints of the Commission recording their Graber Place properties.

Hearing pursuant to Section 29(8) of the Ontario Heritage Act, R.S.O. 1990, Chapter 0.18 of the notice of intention given by the Council of the City of Kitchener to designate 133 Graber Place as being of historical and architectural value and interest, under Part IV of the Ontario Heritage Act.

The Conservation Review Board held a hearing on June 2, 1992 in the Council Chambers at City Hall. This hearing was subsequent to one convened on April 7, 1992 which was adjourned by consent because certain witnesses were ill or unavailable. The Board indicated that the reasons for designation should be re-examined. Members of the Board

examined 133 Graber Place together or separately on April 7, 1992, June 2, 1992 and June 3, 1992. On the June 2, 1992 visit, it was immediately apparent that the land to the rear of the Graber Transformer Station had been greatly altered and the site levelled and freshly planted with grass seed. On the visit, June 3 1992, the plans of the Graber building and site were carefully compared with the setting and annotated.

Appearing for the City of Kitchener:

James Wallace, City Solicitor

Appearing for the Kitchener-Wilmot Hydro Commission:

Delton Kissner, Vice-Chairman

Ron Charie, C.G.A., General Manager and Secretary

Witnesses called on behalf of the City:

John Clinckett; architect; B.E.S.; B.Arch.; M.A. Sc.
practising in the Region of Waterloo

Susan Burke, director of the Schneider Haus Museum

Witnesses called on behalf of the Commission:

none

Interested parties and members of the public giving testimony:

Lynda O'Krafka, Vice-Chair of Kitchener LACAC

Joyce Arndt, President, North Waterloo Region Branch
A.C.O.

Patricia Wagner, Chairman, Waterloo Regional Heritage
Foundation

Mike Wagner, Chairman, Kitchener LACAC and member of
Kitchener City Council

Mark Yantzi, Chairman, Kitchener Housing Authority and
member of Kitchener City Council

The initial exhibits provided evidence:

(a) that the City of Kitchener's intention to designate had been properly published and the Kitchener-Wilmot Hydro Commission informed,

(b) that the Commission's objection had been properly filed and referred to the Conservation Review Board, and

(c) that the hearing had been properly called, all parties and the public informed or made aware of it, and notice posted.

FINDINGS OF FACT:Ownership

Clear title was not established during the hearing which raised concern with the Review Board members. The City Solicitor assured the Board that the change in title from the Hydro-Electric Power Commission of Ontario to the Kitchener-Wilmot Hydro Commission was underway. He presented evidence of deed and land register to show that the last entries in 1954 showed the former was owner. The local Commission has paid taxes on the property for forty years and the City assumed their ownership of 133 Graber Place as did the Commissioners themselves. The Review Board decided on the strength of this to proceed with the hearing withholding its report pending subsequent definition of clear title.

Intention to Designate - Reasons

Review Board members, at the end of the adjourned hearing on April 7, 1992, indicated that it should be clear to all parties whether the reasons for designation were as published or as found in the historic building report. Review Board members immediately noted incompleteness of detail and were confused about boundaries.

The specific wording on this matter in the published Notice of Intention appears in these two paragraphs from it:

The Art Deco style municipal distribution station was constructed in 1954 and named after Mr. H. Graber who served on the Public Utilities Commission for 18 years as well as the Board of Education and the Public Library Board. The station was the first of its kind to operate in the Province and identified Kitchener as one of the pioneers in the development of hydro-electric power in Ontario.

The proposed designation includes all elevations and the roof. Specific architectural features of interest include: flat roof with concrete parapet and copper cap; all tri-pane windows with metal muntins; sixteen light glass block window; brick building fabric; and the concrete door surround with inscription.

The Historic Building Report is as follows:

HISTORIC BUILDING REPORT

IDENTIFICATION

Building's Present/Historic Name: Harvey Graber Transformer Station

Address: 133 Graber Place

Plan and Lot: Plan 968 Pt. Lot 4. Plan 969 Pt. Lot 8, Plan 976 Pt. Lot 8.

Present Owner: Ontario Hydro

Use: Vacant

HISTORICAL SIGNIFICANCE

Date Built: 1954

Architect: A. W. Bromley

Builders: Kitchener P.U.C. engineering and construction staffs.

Original Owner: Ontario Hydro

Use: Transformer Station

Significance: The opening of the Harvey J. Graber Transformer station hailed Kitchener as the first municipality in Ontario to transform its own high tension power. During the opening ceremonies, Mr. Ross Strike, second vice-president of Ontario Hydro noted that "Kitchener, the cradle of Hydro in the province of Ontario, has established another first in creating a distribution station such as this."

ARCHITECTURAL SIGNIFICANCE

Site Detail: The building is situated on a level grade, set back approximately 45' - 50' from Graber Place. There are a number of mature blue spruce trees on either side of the building and two mature maples frame the front elevation. The foundation plantings on the front elevation are well trimmed and include pyramidal cedars, mugo pine and juniper. A 4' privet hedge lines the walkway to the front entry.

Relation Between Building, Site, and Surrounding Buildings: The transformer Station is located in close proximity to the Stanley Park Conservation Area. The transformer towers have been removed and concrete pads remain. A chain link fence blocks access to the rear of the property.

Architectural Style: Art Deco

Additions/Alterations: None

Plan: Side Hall

Storeys: One

Bays: Two Bays Wide

Arrangement: Asymmetrical

Exterior Wall Material: Yellow and coral brick

First Storey:

Windows - Tri-pane windows are a wooden rail and stile construction with metal muntins. A 16 light glass block window is located on the side elevation.

Main Door - The main entrance has a single leaf slab door. It boasts a concrete door surround. "Harvey J. Graber Transformer Station," is inscribed above the main entry.

Wall Treatment - Brick is laid in a common bond. A belt coursing of concrete is located above the windows and a concrete water table with a bevelled edge is located below.

Roof Shape/Material: The parapet surrounding the flat roof has an aluminum drip edge and a copper cap.

Condition: Excellent

Proposed Changes: Demolition

Municipal Controls: Zoning is

Sources: K-W Record - July 20, 1954.
Site Inspection - August 22, 1991

Submitted by Grace Stoner and Lynda O'Krafka
August 22, 1991

REASONS FOR DESIGNATION

The art deco building was constructed in 1954. The opening of the Harvey J. Graber Transformer station hailed Kitchener as the first municipality in Ontario to transform its own high tension power. During the opening ceremonies, Mr. Strike, second vice-president of Ontario Hydro noted that "Kitchener, the cradle of Hydro in the province of Ontario, has established another first in creating a distribution station such as this." Specific features to be designated include: All elevations, flat roof with concrete parapet and copper cap. All tri-pane windows with metal muntins and concrete sills; 16 light glass block window; yellow and coral brick; concrete door surround with "Harvey J. Graber Transformer Station 1954 PUC" inscribed above the entry.

In the letter of objection from the Commission to the City the following two paragraphs appear over the signature of R. Charie:

Historical Significance

It is correct that the Harvey J. Graber Transformer Station was the first high tension transformer station built by a municipal electric utility in Ontario. The station however, consisted mainly of all the electrical apparatus required to transform the power. The building itself is only a minute part remaining of the original station and does not represent a true picture of what the station looked like. A commemorative plaque would adequately provide the same historical notation for the station.

Architectural Significance

The Historical Building Report describes the location of the structure as well as the building itself however, no where has the specific architectural significance been identified. The building was designed by P.U.C. engineering staff and constructed with materials commonly used at that time (38 years ago).

The reasons for designation in the published intention to designate are not the same as the summarized reasons for designation as set out in the historic building report. The letter from the objector was specifically responding to the wording in the historic building report.

The City of Kitchener's Case - Intention to Designate

Sworn Testimony - Architectural Value

John Clinckett, witness for the City, is an architect whose practice is comprised 30-50% of restoration work in the Region of Waterloo and work elsewhere (C.V. Exhibit 5). He was familiar with the Harvey J. Graber building and described its style more accurately as Art Deco Revival as applied to industrial/commercial design in the 1950's and in this uncommon case it is scaled to a residential setting. In this example, precast banding appears above and below windows in walls of brick laid in running bond above a concrete foundation. There is a small glass block feature window on the west wall considered vandal proof. The roof is typically flat with copper flashing atop the walls. There is a raised entry with prominent precast surround and importantly in this case, an inscribed and dated transom panel over the door. This is an inherited German custom. A footnote in his testimony outline reads: "Some concern is expressed about the possibility of the structure becoming surplus and there would be a concern about its loss".

In response to questions about guidance regarding a reasonable plot size for the Graber Building as it now stands, he felt that in its neighbourhood this should be 100-150 feet in depth and with appropriate sideyards, which in this situation should be greater than its neighbours as it is smaller in size. To Mr. Clinckett, the pads and towers once behind are no longer part of the context. He had not seen any plans and did not know the zoning, but added that a municipal entity such as a PUC can operate in any zone as long as any building blends in appearance, scale and sideyards. As long as there is no outside storage, zoning doesn't really matter.

In cross-examination, the witness said that the Art Deco Revival style was not overly common to this area and there are few examples on the scale of the Graber Building around. He had not been inside the building and had no knowledge of what was underneath it. He did not know the name of the architect or the origin of the building materials.

Sworn Testimony - Historical Value

Susan Burke, witness for the City, has been a museologist and researcher for over twenty years. She has been involved with several historic projects in Canada related to built heritage and studied the history of hydro-electric power in Kitchener in the course of her research work.

Her testimony began with an account of the Kitchener area visionaries, such as Daniel B. Detweiler and E.W.B. Snider, in the latter part of the last century. These men believed that hydro-electric power, if transmitted under public ownership, would provide the least expensive power source for manufacturing which would support the prosperity and growth of their community. Exhibits presented describe Mr. Detweiler travelling about on his bicycle espousing the advantages of public ownership of this utility rather than to have private enterprise in control. The first public meeting to promote the cause was held in the Walper Hotel, in 1902, in Kitchener. Adam Beck (later Sir Adam Beck), a Waterloo native, and member of the Whitney Government in Ontario, had the ability, force and position to create and implement legislation for public ownership of hydro-electric power emanating from Niagara Falls. Consequently, Berlin (now Kitchener) was chosen to receive the first of the power generated in Niagara Falls on October 11, 1910. Since that date, Ontario Hydro has recognized Kitchener through praises such as "The Birthplace of Power" and "The Cradle of Power in Ontario".

Ms. Burke then described Harvey J. Graber as a community leader evident in his work in religion, education, libraries and business associations. His principal importance,

however, was as Chairman of the Kitchener Public Utilities Commission, forerunner of the Kitchener-Wilmot Hydro Commission, during the post-war years when he led the bold move to have the Commission build its own transformer stations to step down power for local use. This provided power at an even lower cost to customers. Ross Strike, second Vice-Chairman of Ontario Hydro during the opening ceremonies of the Harvey J. Graber Transformer Station in 1954, congratulated Kitchener on having established yet another first in the province. Mr. Graber then handled the switch that ran power through the facility bearing his name. He died less than a week later. A series of transformer stations was opened gradually by the Commission which named them after its dedicated servants.

Witness then gave an overview of Berlin/Kitchener history which has had the source for power as its common driving force since it began. The growth and prosperity of the community are intrinsically part of it. The example of the initiatives which brought inexpensive hydro-electric power to Kitchener in 1910 was repeated in 1954 in like determination. The Graber Building was the most impressive of the transformer stations built and remains a visible reminder of this enterprise, especially now that they have been overtaken by new technology. The Commission is disposing of them.

Although the search for power has been central in the development and prosperity of Kitchener, there are, lamentably, few artifacts and buildings preserved as witness. Nothing remains from the early years. There are cairns to Mr. Detweiler and Mr. Snider. The Detweiler bicycle is preserved locally but the pillow holding the key to turn on power in 1910 is in Ottawa. The same boldness that it took to create Ontario Hydro and the transformer stations is needed now to tell the story. The Harvey J. Graber Transformer Station complete with the pads and equipment behind would have made a wonderful exhibit. However, just the building survives. It is incomplete, just as the colosseum in Rome is incomplete, so it is important to keep what is left at 133 Graber Place. We do not seem to be visionaries or to be proactive enough to save whole sites.

Cross-examination brought out the clarification that the Harvey J. Graber Transformer Station was not the first one in the series in Kitchener but it was the first one built by and owned by the Commission.
Testimony in Favour of the City

Lynda O'Krafka identified herself as Vice-Chair of the Kitchener LACAC and co-writer of the historic building report, submitted earlier as an exhibit. She dwelt on the vision of Daniel Detweiler which permeated the thrust to

have power serve the common man as an inexpensive utility. This feeling and slogan "Power for the People" were revived in the 1950's. She submitted a photograph taken the night Berlin was set ablaze with electric light in 1910, one of the great moments of its history. Electricity has revolutionized the lifestyle of Kitchener residents and the growth of industries so much that we have become complacent and take it for granted. Likewise, it appears that the present Commissioners may have forgotten the importance of their past achievements to local history.

Mrs. Joyce Arndt, President of the North Waterloo Branch of the Architectural Conservancy of Ontario, read and presented as an exhibit a copy of the letter she had addressed to Lynda O'Krafka, Vice-Chair of the Kitchener LACAC. The letter offers unanimous support. The fourth paragraph adds information about the context of the Harvey J. Graber Building during the 1950's when it was built:

The buff-coloured, brick structure incorporates Art Deco styling still popular in the city during the 1950's, an era when the bungalow, which this transformer station resembles, was introduced to the suburbs. In 1954, the Graber Transformer Station was constructed adjacent to Stanley Park woods at the edge of residential development on the east side, proceeding north along Ottawa Street. In the same neighbourhood, just two years later, Eastwood Collegiate Institute was built at 760 Weber St. East. It too combines Art Deco detail with modern architecture. Into the front facade of the school were inserted glass block windows, a pleasing and familiar characteristic of Art Deco, evident also at the entrance of the Graber Transformer Station. Both structures are examples of buildings constructed to meet the demands of post-war expansion in the east area of the city.

Pat Wagner, Chairman of the Waterloo Regional Heritage foundation. She also read and presented a letter which she had written and addressed to Gary Sosnoski, secretary of Kitchener LACAC. The final two paragraphs enlighten previous testimony:

Harvey Graber contributed to Hydro's and the City's history and the City showed its respect for his contributions by naming the Transformer Station and street after him.

Architecturally, the structure must be preserved to retain its historical importance. The building can be refurbished for other uses as has been done with other surplus transformer stations in the city.

Objector's CaseSworn Testimony - Kitchener-Wilmot Hydro Commission

Delton Kissner, is current Vice-Chairman of the Commission.

He was first elected to the Commission in 1953 and has given 30 years of service and was a part of the whole issue of building the series of hydro transformer stations. He is proud of his association and feels good about it today. The idea of Kitchener stepping down power itself was initially promoted by Stu Preston and A. W. Bromley, Commission staff members who worked out the technique for five years before approaching Ontario Hydro which adopted the scheme in November, 1953.

No. 1 Transformer Station was located on West Street which supplied electrical power to Kitchener, as well as Waterloo, using water-cooled generators. To build No. 2 Transformer Station, Mr. Kissner was sent out to Kitchener East to purchase two acres for \$1,500 and ended up with five acres for the same figure which was more than they needed. The Commission had intended to name the first station after Harvey J. Graber but he took ill while the second one was being built by the Commission so it was named after him. He went with Mr. Graber on several occasions to examine the work in progress. Everyone knew Harvey Graber, a coal merchant, whose slogan was "Our coal makes warm friends". He has high feelings for Mr. Graber and recalls Ross Strike's praise for the Commission and Mr. Graber.

New technology has made the transformer stations of the Commission redundant so they are being closed down one after the other. The transformer apparatus behind the Graber Building has been removed and the building, with no service or heat for two years, is beginning to deteriorate. Its use was to hold switch gears and these have also been removed.

Mr. Kissner said the Commission was concerned about possible problems of public liability and safety. There are still underground concrete ducts containing several encased pipes all under eight inches in diameter which run to and from the building to a vault to the right rear of the building. The Graber Building is in a damp and bushy area. When pressed for details he said no one had ever complained. For safety, the whole underground system should be dug up and at what cost? The floor of the Graber Building would have to be removed as well to get at the terminals. When questioned, he said the foundations did not go to the frost line and he was around when it was built. The building should be demolished as it has no use to the Commission for anything and the Commission is paying taxes on it. He agreed that the Graber Building was considered to be a flagship of the transformer stations when built by the Commission. The plaque on the front wall was removed when the Commission

decided on demolition and it is currently in their stores. It is the custom in Kitchener to give unmounted plaques to the families involved.

Cross-examination revealed that the inscription on the Graber Building was the likeness of Harvey J. Graber's signature. Witness said that the Commission planned to save bricks and stonework from the rubble of the building which could be fitted into a cairn but with design approval of the Graber family. There was no evidence presented to prove how the members of the family feel about the destruction or about a cairn to record its existence. Mr. Kissner said a monument on the site would be more attractive: "We want to cooperate with you people". A monument would be more visible at the front of the lot, and with well-kept grounds, would bring praise: "We want to do the right thing".

Ron Charie, C.G.A. is the current general manager and secretary of the Commission. He began his testimony with an assessment of the Graber Building. It is not important and is only 38 years old. He did not feel that it was unique to its style as there are others around such as the Kitchener Collegiate Institute. It was designed in-house by engineers and not an architect. The building materials were found locally and were those in common use in the 1950's. The interior space is 1,500 square feet and thus has no conceivable use to the Commission. The incoming high tension wires for station No. 5, located to the west of 133 Graber Place, cross behind the Graber Building. Any re-use of the building would necessitate an expenditure of \$100,000 to relocate the lines in the centre of the 250 foot hydro right-of-way or corridor. Nothing can be built in the corridor for reasons of safety. As well, there are feeder cables running to riser poles at either side of the building.

The Parks and Recreation Board looked at the site and would not move the building forward on its site. The Commission decided to demolish it. There would be strong potential for re-use of the Graber Building under other circumstances. In fact, the Commission has already had one of the transformer stations converted for public housing. There are examples of parking allowed under high tension lines and this was discussed with the Housing Authority when they looked at this site. The Commission's mandate is to distribute power. Before the property can be sold it has to be declared surplus with the City of Kitchener offered first right of refusal. This has not been done.

Witness explained the techniques of transforming power and that the old system in use when the Graber Building was put up is obsolete. To designate the Graber Building alone, without the adjoining towers and equipment, as a transformer station, would be a joke. The towers were removed about

five years ago after complaints from a neighbour and the pads were left. Since the intention to designate was placed on the Graber Building, its demolition was put on hold but the back of the property was cleaned up and grassed. If the building is designated, the Commission will spend no money for its upkeep or for its relocation. The Commission wishes to erect a standing monument on the corner of the lot to note that it was the site of Station No. 2, to represent that only. It was the first transmission station erected by the Commission but the second one in the series and was referred to as No. 2.

The point was introduced in cross-examination that the Historic Sites and Monuments Board refurbished and moved the memorial to E.W.B. Snider, a hydro pioneer, into St. Jacobs for a cost of \$30,000. Mr. Charie added that the Graber Building is costing the Commission \$1,300 a year in taxes. This was an estimate figure from the Assessment Department.

He admitted that the Commission had not appealed the figure or discussed means to reduce it. They have talked only to Kitchener and that was about non-profit housing.

Members of the Public - In Favour of the Intention to Designate

Mike Wagner, newly-appointed Chairman of Kitchener LACAC and member of Kitchener City Council. He said that he was not yet fully conversant with LACAC research procedures but knew there was an inventory of worthy buildings but the only properties researched were those already listed. He said the Graber Place situation came up suddenly and that their response was reactive. Their system used to assess the architectural and historical qualities when applied to 133 Graber Place showed that it had more points, using this system, than required on both aspects. He assured members of the Review Board that the two levels of government represented at the hearing, the City and the Commission, were on friendly terms and all in attendance would agree. This can help to lead to further communication and discussion. It is unfortunate that the Graber Place issue had to come to this stage. The Graber Building lends itself to many other uses such as a community trail point or bicycle trail point, a snack bar, a bike repair place, a gift shop or even an antique shop. It is in the vicinity of a natural area which attracts many people.

Mark Yantzi, Chairman of Kitchener Non-Profit Housing. He wanted to say that the use of the site for public housing is still an interest with that body and not closed. More investigation has to be done such as soil testing, re-use of the site and possible location of units. They are particularly interested in the re-use of inner city buildings and had previously worked with the Commission and the City for the conversion of the other transformer station

when it was declared surplus. There is a formula in place for this procedure. The City Solicitor added to a point about moving the Graber Building forward and said that Kitchener LACAC unanimously approved removal for a short distance to a more noticeable vantage point but no cost figures had been sought.

Members of the Public - In Favour of the Objection
None appeared in the Council Chamber.

Summations

By the Objectors - None, as they had left the Council Chamber.

By the City - James Wallace, City Solicitor, began by noting that the historical reasons for designation of the site were well underlined by the testimony of Mr. Kissner who had worked closely with Harvey Graber and was proud of the ongoing history of the Commission. He cited the articles from the Kitchener-Waterloo Record, July 20, 1954 and July 26, 1954 (Exhibit 10) which underline the importance of 133 Graber Place at a local level; the commemoration of an individual local historical figure and the development of hydro in the province. When power from Niagara Falls was switched on in Kitchener in 1910, the organizers spread a banner across the street emblazoned with "For the People". They were not beholden to financial control by private interests as in the United States. Although many people are cynical about preservation, the old P.U.C. headquarters still exist on King Street. From a heritage perspective there is a tendency to look down, here as elsewhere, on technical buildings and their apparatus. The Harvey Graber Building is the first of a kind in this area. Even if it is humble, it is a symbol of the monumental drive of a few to bring inexpensive power to the people. The Harvey Graber Building served its original function well. It remains a piece of architectural evidence; whereas a cairn is just cairn.

FINDINGS OF FACT - SUMMARY

Reasons To Designate - Historical

There was ample evidence provided by both sides to justify this aspect of the reasons to designate. The Harvey J. Graber Transformer Station was the flagship of a series of similar stations which highlighted a technology unused before by any other municipality in Ontario. The imagination and the spirit behind what was demonstrated in the 1950's, repeated the concept and force, in Kitchener, to have Ontario Hydro created in the first place. Both enterprises, roughly a half-century apart, shared the desire

to distribute hydro-electric power "for the people" in the least expensive manner. The post-war concept of using transformer stations to step-down power was originated and developed by Stuart Preston and A. W. Bromley and the push to see it through was expedited by the leadership of Harvey J. Graber, as Chairman of the Commission. He is the counterpart in Kitchener, in a smaller way, of Sir Adam Beck, a Waterloo County native who brought to fruition the concept of Ontario Hydro envisioned by Daniel Detweiler and E.W.B. Snider. The transformer station built in Kitchener East in 1954 was gratefully named after Mr. Graber by the Commission. The building survives as a monument to him. It is an artifact. The removal of the 1950's disused technological equipment (also artifacts) from behind the Graber Building means that it cannot depict the whole transformer station as it was originally.

Reasons to Designate - Architectural

There was evidence to establish that the Harvey J. Graber Building was Art Deco Revival in style and the detailing supporting this was identified. Evidence suggests that the design of the Harvey J. Graber Building can be attributed to A.W. Bromley and his staff. The concept may, or may not have been, an amalgam of minds but the plans (blueprints) were drawn by someone identified as "T.I." [T. Isaac] and initialled by "A.W.B." [Arthur W. Bromley]. While the Commission was right to point out that the architectural significance had not been identified in either the published reasons or historic building report, Mr. Clinckett's evidence established its significance.

The Measurement of Land - 133 Graber Place

The notice of intention to designate specified the municipal address of 133 Graber Place (Harvey J. Graber Transformer Station). The lot or property known as 133 Graber Place lies partially within the high tension right-of-way or corridor and partially without. The notice applied to the whole property which is owned by the Kitchener-Wilmot Hydro Commission (see Appendix 1).

Additional Findings of Fact:

The Commission should be aware that the Heritage Act of Ontario, Part IV, Section 26 gives this definition: "property" means real property and includes all buildings and structures thereon". It was immediately apparent to Review Board members during site inspection on June 2, 1992, the date of the hearing, that the rear portion of the property had been altered between that date and April 7, 1992, the date of the adjourned hearing and previous site inspection.

Part IV, Section 30 of the Ontario Heritage Act states:

Where a notice of intention to pass a by-law designating a property is served and published under subsection 29 (3) and has not been withdrawn under clause 29 (6) (b) or 29 (14) (b), sections 33 and 34 apply to the owner of such property as if it were designated property under this Part and any permit issued by a municipality prior to the service and publication of such notice of intention that allows the alteration or demolition of such property, where the alteration and demolition has not been completed, is void. R.S.O. 1990, C. O.18, S.30.

In other words, while the notice of intention to designate is in force, the City of Kitchener cannot issue any kind of permit to make alterations on the property. What the Commission did in "cleaning up the back part" appears to be contrary to the Ontario Heritage Act.

Plans (Blueprints) submitted as Exhibits 16, 17, 18

A set of eight pertinent plans, which relate to 133 Graber Place, show detailing principally of the Graber Building, the site plan of 133 Graber Place and the area plan of Commission property in the vicinity. They were beautifully rendered. None of the experts, researchers or witnesses at the hearing gave any indication of having used the plans in the preparation of their testimony. The testifying Commission members did not make use of them at the hearing.

The plans of the Graber Building reveal that:

- a. the footings go down below the frost line
- b. the original front door was an arresting feature which the rest of the structure contrasted in a quieter way
- c. the rear door (existing) is identical to the original front door
- d. the foundation plan has the architectural golden section proportions which appear elsewhere in the design
- e. the exterior and interior walls are masonry
- f. the floor is reinforced concrete and separate from the foundation, and
- g. the wording of the plaque now removed (drawing dated July 14, 1960) is as follows:

Public Utilities Commission of the City of Kitchener
 Harvey Graber, Chairman
 James Washburn, Vice-Chairman/
 Ivan Shantz, Commissioner/
 Delton Kissner, Commissioner/
 Donald Weber, Mayor/
 Stuart Preston, Manager/
 July 19th, 1954.

The site plans show:

- a. the shape and position of 133 Graber Place on Graber Place (see Appendix 1)
- b. the two parallel lines or tubing ducts encased in plenums of concrete 2 ft. x 2 ft. which run from the rear wall of the Graber Building to a covered concrete pit which once sat beneath the electrical apparatus at the rear, now removed
- c. the numbers of tubes encased in the plenums
- d. the location and depth of the apparatus and tower pads, now removed, and
- e. the location of the laneway behind the Graber Building, now covered over.

The Area Site Plans show: (see Appendix 2)

- a. the outline of 133 Graber Place in context with the adjoining Commission properties, the high tension line corridor and Transformer Station No. 5 (59 Graber Place)
- b. the existing high tension lines along the south side of the corridor which cut over private property at 39 Dalewood Drive
- c. the existing high tension lines along the northern side of the corridor to Station No. 5 which are anchored to a single large pole (west of the Graber Building), to form a dog leg route around the electrical apparatus and its feeder lines which were once located behind the Graber Building
- d. the 100 ft. right-of-way or corridor for high tension lines approaching the Commission properties from the east which terminates at the Commission property line
- e. the wide corridor over Commission land between No. 2 station (Harvey J. Graber Transformer Station) and No. 5 station
- f. the uptake pole for the lines on the eastern edge of 133 Graber Place which appear to run from an underground pit (not shown on the plan dated 1975) and,
- g. the uptake poles for lines running on Commission property to the west of 133 Graber Place and which appear to come from an underground pit not shown on plan which is S.S.W. of the uptake point about 150 ft. between it and poles supporting the southerly high tension wires in the corridor.

RECOMMENDATIONS

The Conservation Review Board recommends that, due to the incompleteness and lack of clarity as to which elements were included or intended, the Reasons for Designation should be rewritten according to the following points and that the property should be redesignated in accordance with the revised reasons:

Historical

1. Kitchener was the birthplace of the movement for a publicly-owned hydro-electric utility for the social, commercial and industrial betterment and financial relief of Ontario Residents.
2. For decades, the elected members and staff of the Berlin/Kitchener Public Utilities Commissions developed additional means of efficiency and cost saving.
3. In time, Kitchener had the distinction of being the first municipality to design and erect its own transformer stations for the step-down of power for local use.
4. A principal promoter of this in the 1940's and 1950's, was Harvey J. Graber, whose leadership was recognized when the new transformer station in Kitchener East was named after him just before his death.
5. The building on the site remains a hydro-electric artifact and monument to him and his contemporary supporters, several of whom are named in a plaque attached to it.
6. The once unique transformer technology they developed at the right rear of the building has been removed.

Architectural

1. The building on the former Harvey J. Graber Transformer Station (No.2) was designed by A. W. Bromley and draughtsmen at the Kitchener Public Utilities Commission in 1954.
2. It is unique in that an Art Deco Revival style was applied to a utility building and scaled down to fit into a residential setting.
3. It consists of a concrete foundation with a one-storey flat-roofed superstructure of local pale brick and with precast courses above and below the windows.
4. The walls are top-mounted with copper flashing.

5. Its features include traditional design proportions, one glass block side window and raised entries, the front one of which has an eye-catching door of its day and precast surround.
6. Of note is the customary Germanic datestone (transom) with inscription.
7. For the Harvey J. Graber Building, designation covers only the roof and its drainage and the entire fabric of the exterior, (excepting, if necessary, the rear wall), along with hardware, mountings, windows and raised entries as they originally existed by evidence or as shown in the plans drawn in 1954.
8. The open, uncluttered aspect of the front yard of the site is to be maintained with period lawn, period plantings and period chain link fencing installed where necessary in the visual prospect and as true as future technology can accommodate and respect it, within reason.

The Board feels that, from the evidence, the Harvey T. Graber Building is an important historical and architectural artifact to the Commission, the City of Kitchener, the Region of Waterloo, Ontario Hydro and the people of Ontario. Both parties should be jointly involved, or at least consulted, in the re-use of the Graber Building and the contemplated severable portion of 133 Graber Place which lies north of the north boundary of the high tension line corridor.

The Board suggests that, depending on expense, the elimination of the redundant dog leg in the high tension line to Station No. 5 could permit a realignment of a portion of the northern edge of the right-of-way corridor as it crosses 133 Graber Place. This would free-up an unencumbered triangular wedge of property to the south side of the Graber Building making its re-use somewhat easier. Even with overhead lines left in place, this wedge would present advantages. The area near the take-up pole on the eastern edge of 133 Graber Place, if perceived to be a safety hazard, could be fenced until that form of technology is superseded by another in the future (see Appendices 1 and 2). The two dead and buried lines of encased duct pipes might better be left undisturbed if their safety is established. Their placement is accurately recorded on the plans for reference in future. There may be no need to dig up the floor of the Graber Building.

Mayor Cardillo was offering advice, as recorded in the Minutes of Kitchener LACAC in August and September 1991, that discussion and consultation with the Commission were in

order before the intention to designate decision was made. It is unfortunate that a costly hearing was necessary to set out the concerns and factors of the City and of the Commission for all to see and hear, and which the Review Board considered and weighed at public cost. It is hoped that the hearing has helped in this process.

It is the considered view of the Board, based on the evidence before it, that the Harvey J. Graber Transformer Station Building should be designated for both historical and architectural reasons. Given the cordial atmosphere which witnesses stressed during the hearing between the City and the Commission, there is every hope that a satisfactory end can be achieved which will preserve this property for the people of Ontario.

(Original Signed by)

Judith Godfrey, Vice-Chairman

James Anderson, Member

LIST OF EXHIBITS
133 Graber Place, Kitchener

EXHIBIT #

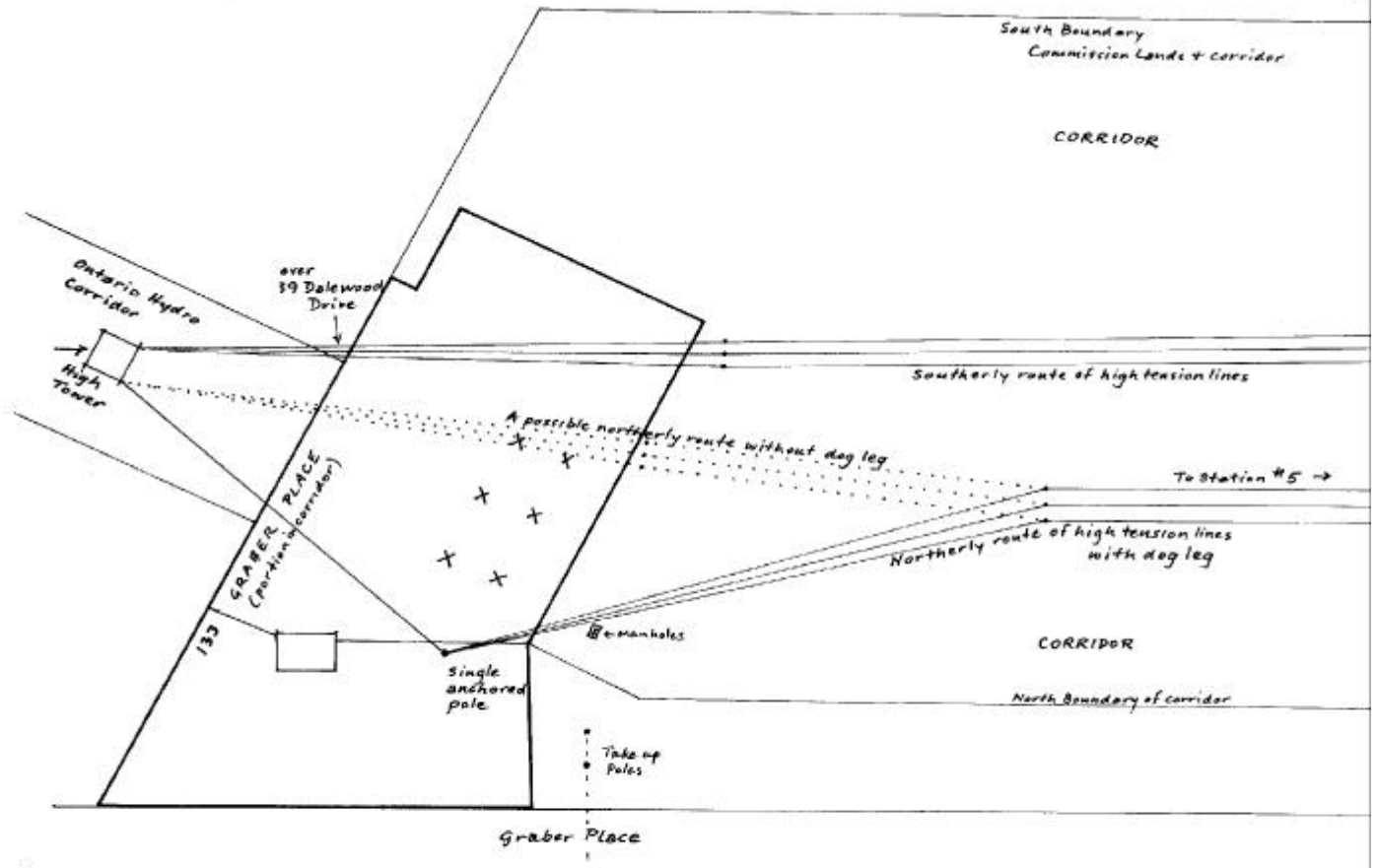
- 1 Affidavit from Nancy Smith, Secretary of the Conservation Review Board, notice of hearing published Kitchener-Waterloo Record, March 16, 23 and 30, 1992.
- 2 Certified declaration by Gary Sosnoski, copy of Notice of Intention mailed to Ministry of Culture and Communications and Mr. R. Charie, Kitchener-Wilmot Hydro.
- 3 Certified affidavit sworn by Gary Sosnoski, Notice of Intention to designate 133 Graber Place, Kitchener.
- 4a Land Register Abstract in name of Ontario Hydro-Electric Commission
- 4b Deed noted in above
NOTE: These were for the wrong property.

REPLACEMENTS:

- 4a Land Register Abstract for instruments 119484 and 783067.
- 4b Deed Inst. 783067 in name of Hydro-Electric Commission of Kitchener-Wilmot.
- 4c Survey Plan 58R3853 for above.
- 4d Deed Inst. 119484 in name of P.U.C. of the City of Kitchener.
- 4e Survey Plan 760 for above.
- 4f Aerial view of Graber Place.
- 4g Portion (photocopy) of part of Board of Works Roadwork Plan for Graber Place (undated).
- 5 C.V. for John Clinckett
- 6a,b,c,d Photographs of Graber Building
- 7a,b Photographs of Graber Building context.

- 8 Historic Building Report
- 9 Podium notes of John Clinckett
- 10 Newspaper Articles 20 July 1954 - opening of Graber Station; 26 July 1954 - Harvey Graber's death
- 11 Newspaper Article 10 October 1976 - Survey of Hydro history in Kitchener.
- 12 Photocopy of - Kitchener The Birthplace of Hydro
- 13 Photocopy of - photograph showing Kitchener ablaze with electricity in 1910.
- 14 Letter - Joyce Arndt A.C.O. to Lynda O'Krafka (LACAC), 5 April 1992.
- 15 Letter - Pat Wagner W.R.H.F. to Gary Sosnoski (LACAC) 31 March 1992.
- 16a,b,c,d Blueprints - Plans of Harvey J. Graber Building
- 17a,b,c Blueprints - Plans of 133 Graber Place site
- 18a Blueprint - Plan of Commission property including Harvey J. Graber (No.2) Transformer Station and Transformer Station No.5, and lands between and neighbouring in Graber Place vicinity, as well as Transmission Power Line corridor.

Appendix 1



(Not to scale)

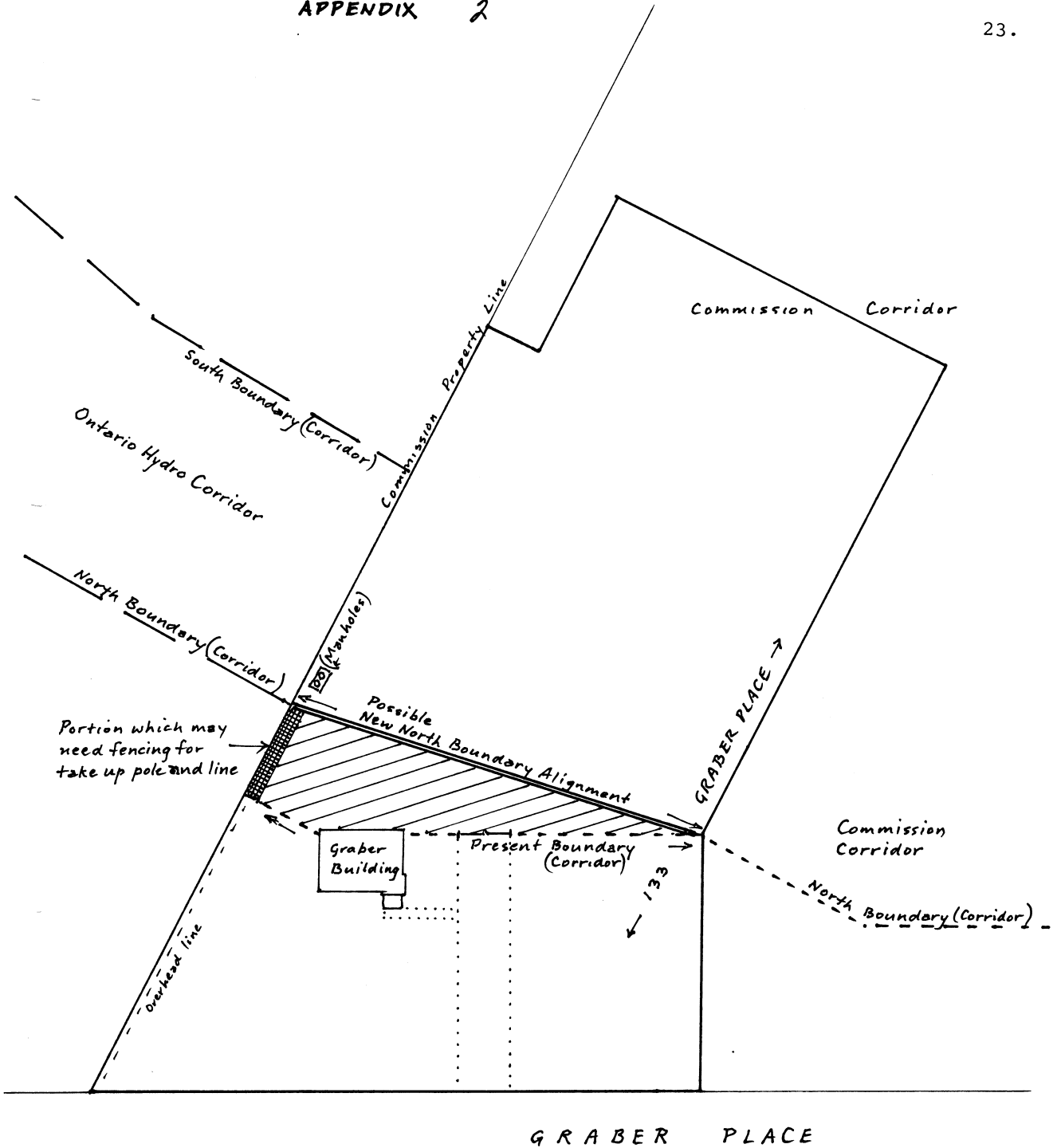
Graber Place

APPENDIX 1

HIGH TENSION LINE ROUTES OVER 133 GRABER PLACE

X = site of former transformer equipment behind the Graber Building (now removed) which the dog leg route was laid out to avoid.

APPENDIX 2



SHADED PART : With the dog leg eliminated in ^{the} northern route of high tension lines, a new alignment of the northern boundary of the corridor would add shaded part to that portion of 133 Graber Place outside of the corridor - a parcel with potential for severance.

Note: outline of 133 Graber Place as shown on blueprint submitted as evidence.