



Development Services Committee Meeting Agenda

Meeting No. 25 | November 26, 2024 | 9:00 AM | Live streamed

Members of the public have the option to attend either remotely via Zoom or in-person
in the Council Chamber at the Civic Centre

Members of the public can participate by:

1. VIEWING THE ONLINE LIVESTREAM:

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2. EMAILING A WRITTEN SUBMISSION:

Members of the public may submit written deputations by email to clerkspublic@markham.ca.

Written submissions must be received by 5:00 p.m. the day prior to the meeting.

If the deadline for written submission has passed, you may:

Email your written submission directly to [Members of Council](#); or

Make a deputation at the meeting by completing and submitting an online [Request to Speak Form](#)

If the deadline for written submission has passed **and** Council has finished debate on the item at the meeting, you may email your written submission directly to [Members of Council](#).

3. REQUEST TO SPEAK / DEPUTATION:

Members of the public who wish to make a deputation, please register prior to the start of the meeting by:

Completing an online [Request to Speak Form](#), or,

E-mail clerkspublic@markham.ca providing full name, contact information and item they wish to speak on.

If you do not have access to email, contact the Clerk's office at **905-479-7760** on the day of the meeting.

*If Council or Committee has finished debate at the meeting on the item, you may email your written submission directly to [Members of Council](#).

The list of [Members of Council is available online at this link](#).

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**Note: As per Section 7.1(h) of the Council Procedural By-Law,
Council will take a ten minute recess after two hours have passed since the last break.**

Information Page

Development Services Committee Members: All Members of Council

Planning - Development and Policy Matters

Chair: Regional Councillor Jim Jones

Vice Chair: Regional Councillor Joe Li

(Development Services Committee Public Statutory Meetings - Chair: Regional Councillor Joe Li)

Engineering - Transportation & Infrastructure Matters

Chair: Councillor Karen Rea

Vice Chair: Councillor Reid McAlpine

Culture & Economic Development Matters

Chair: Regional Councillor Alan Ho

Vice Chair: Councillor Amanda Collucci

Development Services meetings are live video and audio streamed on the City's website.

Alternate formats for this document are available upon request.

Consent Items: All matters listed under the consent agenda are considered to be routine and are recommended for approval by the department. They may be enacted on one motion, or any item may be discussed if a member so requests.

Please Note: The times listed on this agenda are approximate and may vary; Council may, at its discretion, alter the order of the agenda items.

**Development Services Committee is scheduled to recess for lunch from
approximately 12:00 PM to 1:00 PM**

**Note: As per the Council Procedural By-Law, Section 7.1 (h)
Development Services Committee will take a 10 minute recess after two hours
have passed since the last break.**



Development Services Committee Meeting Agenda

Meeting Number: 25
November 26, 2024, 9:00 AM - 3:00 PM
Live streamed

Please bring this Development Services Committee Agenda to the Council meeting on December 4, 2024.

Pages

1. **CALL TO ORDER**

INDIGENOUS LAND ACKNOWLEDGEMENT

We begin today by acknowledging the traditional territories of Indigenous peoples and their commitment to stewardship of the land. We acknowledge the communities in circle. The North, West, South and Eastern directions, and Haudenosaunee, Huron-Wendat, Anishnabeg, Seneca, Chippewa, and the Mississaugas of the Credit peoples. We share the responsibility with the caretakers of this land to ensure the dish is never empty and to restore relationships that are based on peace, friendship, and trust. We are committed to reconciliation, partnership and enhanced understanding.

2. **DISCLOSURE OF PECUNIARY INTEREST**

3. **APPROVAL OF PREVIOUS MINUTES**

3.1 **DEVELOPMENT SERVICES COMMITTEE MINUTES - NOVEMBER 12, 2024 (10.0)**

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1. That the minutes of the Development Services Committee meeting held on November 12, 2024, be confirmed.

4. **PRESENTATIONS**

4.1 **PRESENTATION OF SERVICE AWARDS (12.2.6)**

The Development Services Committee recognizes the following members of staff:

Chief Administrative Office - Fire & Emergency Services
Brett Dean, Captain, Fire & Emergency Services, 15 years

Chief Administrative Office - Legal Services

Michael Toshakovski, Deputy City Solicitor, Legal Services, 5 years

Community Services Commission

Mark Leadbetter, Facility Yard Maintenance, Operations, 25 years

Stephen McGilvray, Ops Working Sup-Contract Administration, Operations, 25 years

Michael Prior, Working Supervisor, Operations, 25 years

Hossein Rahimi-Sharif, Engineer, Project, Environmental Services, 20 years

Patrick Fry, Working Supervisor, Roads, Operations, 20 years

Donald Roe, Supervisor, Community Program, Recreation Services, 20 years

Stephen McCoy, Facility Operator I, Recreation Services, 15 years

Ryan Turnbull, Facility Operator II, Recreation Services, 10 years

Sarah Burns, Working Supervisor, Operations, 5 years

Hubert Tam, Technical Coordinator, Roads, Operations, 5 years

Gabriele Volpe, Truck Driver, Operations, 5 years

Clara Grassia, Manager, Sports Development, Recreation Services, 5 years

Corporate Services Commission

Linda Canton-Yuen, Municipal Law Enforcement Officer I, By-Law & Regulatory Services, 25 years

Graham Seaman, Director, Sustainability & Asset Management, Sustainability & Asset Management, 15 years

Development Services Commission

Regan Hutcheson, Manager- Heritage, Planning & Urban Design, 35 years

Carrie Colangelo, Coordinator, Research & Marketing, Economic Growth, Culture & Entrepreneurship, 20 years

Niamh O'Laoghaire, Manager, Art Gallery, Economic Growth, Culture & Entrepreneurship, 10 years

Denisa Necula, Brownfield Environmental Technologist, Engineering, 10 years

Ziad Yassi, Engineer, Development, Engineering, 10 years

5. DEPUTATIONS**6. COMMUNICATIONS****7. PETITIONS****8. CONSENT REPORTS - DEVELOPMENT AND POLICY MATTERS****8.1 VARLEY-MCKAY ART FOUNDATION OF MARKHAM MINUTES – OCTOBER 7, 2024 (16.0)**

14

1. That the minutes of the Varley-McKay Art Foundation of Markham

meeting held October 7, 2024, be received for information purposes.

8.2 RECOMMENDATION REPORT, OBJECTION TO NOTICE OF INTENTION TO DESIGNATE – PHASE XII PROPERTIES (16.11.3)

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E. Manning, ext. 2296

1. That the Staff report, dated November 26, 2024, titled "RECOMMENDATION REPORT, Objection to Notice of Intention to Designate – Phase XII Properties", be received; and,
2. That the written objection to designation under the Ontario Heritage Act as submitted on behalf of the property owner of 5970 Elgin Mills Road East (Ward 6), be received as information; and,
3. That Council affirm its intention to designate 5970 Elgin Mills Road East (Ward 6) under Part IV, Section 29 of the Ontario Heritage Act in recognition of its cultural heritage significance; and,
4. That the Clerk's Department be authorized to place a designation by-law before Council for adoption; and,
5. That the Clerk's Department be authorized to publish and serve notice of Council's adoption of the designation by-law as per the requirements of the Ontario Heritage Act; and further,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

9. REGULAR REPORTS - DEVELOPMENT AND POLICY MATTERS

9.1 RECOMMENDATION REPORT, 648321 ONTARIO INC. (C/O GATZIOS PLANNING CONSULTANTS) APPLICATIONS FOR OFFICIAL PLAN AND ZONING BY- LAW AMENDMENT

67

TO PERMIT A RESIDENTIAL APARTMENT BUILDING AT 5871 HIGHWAY 7 (WARD 4) FILE PLAN 22 244910 (10.3, 10.5)

B. Manoharan, ext. 2190

Note: This item was deferred to this Development Services Committee meeting at the October 29, 2024 Development Services Committee meeting.

1. That the report dated July 16, 2024, titled, "RECOMMENDATION REPORT, 648321 Ontario Inc. (c/o Gatzios Planning Consultants), Applications for Official Plan and Zoning By-law Amendment Applications to permit a 13-storey mixed-use building at 5871 Highway 7 (Ward 4) File PLAN 22 244910", be received; and,
2. That the Official Plan Amendment application (PLAN 22 244910) be

approved and that the draft Official Plan Amendment, attached hereto as Appendix ‘A’, be finalized and brought to a future Council meeting for adoption without further notice; and,

3. That the Zoning By-law Amendment application (PLAN 22 244910) be approved and the draft site-specific implementing Zoning By-law, attached hereto as Appendix ‘B’ be finalized and brought to a future Council meeting for enactment without further notice; and,
4. That servicing allocation for 137 residential units be assigned to the proposed 13-storey development; and,
5. That the City reserves the right to revoke or reallocate the servicing allocation should the development not proceed within a period of three (3) years from the date that Council assigned servicing allocation; and further,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

9.2 CMHC HOUSING ACCELERATOR FUND PARTNERSHIPS APPROACH (10.0)

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N. Lawrence, ext. 3141

1. That the report dated November 26, 2024 entitled “CMHC Housing Accelerator Fund Partnerships Approach” be received; and,
2. That Council authorize the Director of Planning and Urban Design, in consultation with the Treasurer and in a form approved by the City Solicitor, to negotiate, finalize, enter into and make administrative changes to, as required, housing agreements (and any other necessary associated agreements) that secure the terms and conditions for grants through Initiative 1, Public Partnerships, implemented as a Direct Grant Stream, with organizations included, but not limited to, those in the confidential memorandum dated November 26, 2024, in accordance with the Direct Grant Stream Criteria in Appendix 1; and,
3. That Council authorize the Director of Planning and Urban Design, in consultation with the Treasurer and in a form approved by the City Solicitor, to finalize, enter into and make administrative changes to, as required, housing agreements (and any other necessary associated agreements) that secure the terms and conditions for grants through Initiative 5, Incentive Program for Affordable Housing, implemented as a DC Rebate Program with all developers that can deliver units in accordance with the DC Rebate Program Parameters referenced in Appendix 2; and further,
4. That Staff be authorized and directed to do all things necessary to give effect to these resolutions.

10. MOTIONS

11. NOTICES OF MOTION

12. NEW/OTHER BUSINESS

As per Section 2 of the Council Procedural By-Law, "New/Other Business would generally apply to an item that is to be added to the Agenda due to an urgent statutory time requirement, or an emergency, or time sensitivity".

13. ANNOUNCEMENTS

14. CONFIDENTIAL ITEMS

That, in accordance with Section 239 (2) of the Municipal Act, Development Services Committee resolve into a confidential session to discuss the following matters:

14.1 DEVELOPMENT AND POLICY MATTERS

14.1.1 DEVELOPMENT SERVICES COMMITTEE MINUTES - OCTOBER 29, 2024 (10.0) [MUNICIPAL ACT, 2001, Section 239 (2) (e)]

14.1.2 CONFIDENTIAL MEMORANDUM RE: CMHC HOUSING ACCELERATOR FUND PARTNERSHIPS APPROACH (10.0)

A POSITION, PLAN, PROCEDURE, CRITERIA OR INSTRUCTION TO BE APPLIED TO ANY NEGOTIATIONS CARRIED ON OR TO BE CARRIED ON BY OR ON BEHALF OF THE MUNICIPALITY OR LOCAL BOARD. [MUNICIPAL ACT, 2001, Section 239 (2) (k)]

14.1.3 CONFIDENTIAL REPORT, REQUEST FOR DIRECTION (WARD 4) (8.0)

ADVICE THAT IS SUBJECT TO SOLICITOR-CLIENT PRIVILEGE, INCLUDING COMMUNICATIONS NECESSARY FOR THAT PURPOSE. [MUNICIPAL ACT, 2001, Section 239 (2) (f)]

15. ADJOURNMENT



Development Services Committee Meeting Minutes

Meeting Number: 23

November 12, 2024, 9:30 AM - 3:00 PM

Live streamed

Roll Call	Deputy Mayor Michael Chan Regional Councillor Jim Jones Regional Councillor Joe Li Councillor Keith Irish Councillor Ritch Lau Councillor Reid McAlpine	Councillor Karen Rea Councillor Andrew Keys Councillor Amanda Collucci Councillor Juanita Nathan Councillor Isa Lee
Regrets	Mayor Frank Scarpitti	Regional Councillor Alan Ho
Staff	Arvin Prasad, Commissioner, Development Services Trinela Cane, Commissioner, Corporate Services Morgan Jones, Commissioner, Community Services Claudia Storto, City Solicitor and Director of Human Resources Joseph Silva, Treasurer Maggie Cheung-Madar, Assistant City Solicitor Frank Clarizio, Director, Engineering	Stephanie DiPerna, Director, Building Standards Stephen Lue, Senior Manager, Development Peter Wokral, Senior Planner Rajeeth Arulanantham, Election & Committee Coordinator Hristina Giantsopoulos, Election & Committee Coordinator Emil Bautista, Technology Support Specialist II

Alternate formats for this document are available upon request

1. CALL TO ORDER

INDIGENOUS LAND ACKNOWLEDGEMENT

We begin today by acknowledging the traditional territories of Indigenous peoples and their commitment to stewardship of the land. We acknowledge the communities in circle. The North, West, South and Eastern directions, and Haudenosaunee, Huron- Wendat,

Anishnabeg, Seneca, Chippewa, and the Mississaugas of the Credit peoples. We share the responsibility with the caretakers of this land to ensure the dish is never empty and to restore relationships that are based on peace, friendship, and trust. We are committed to reconciliation, partnership and enhanced understanding.

The Development Services Committee meeting convened at 9:34 AM with Regional Councillor Jim Jones presiding as Chair.

2. DISCLOSURE OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest.

3. APPROVAL OF PREVIOUS MINUTES

3.1 DEVELOPMENT SERVICES COMMITTEE MINUTES - OCTOBER 29, 2024 (10.0)

Moved by Regional Councillor Joe Li
Seconded by Councillor Andrew Keyes

1. That the minutes of the Development Services Committee meeting held on October 29, 2024, be confirmed.

Carried

4. PRESENTATIONS

There were no presentations.

5. DEPUTATIONS

The Committee heard depositions from Andrew Kam, Utayan Ponnuthurai and Amastasis Hatzinikolaou in relation to item 8.1. Please refer to the item for detailed information.

6. COMMUNICATIONS

There were no communications.

7. PETITIONS

There were no petitions.

8. CONSENT REPORTS - DEVELOPMENT AND POLICY MATTERS

8.1 RECOMMENDATION REPORT – DESIGNATION OF PRIORITY PROPERTIES – PHASE XV (16.11.3)

The Committee heard the following depositions:

Andrew Kam indicated that he did not feel that his property met the qualifications for heritage designation.

Anastasis Hatzinikolaou expressed objections to his property being recommended for heritage designation and did not feel that it meets the qualifications as outlined in the Act.

Utayan Ponnuthurai expressed objections to his property being recommended for heritage designation and made a short presentation that outlined his concerns. He indicated that the City previously withdrew the intent to designate back in 2017.

Peter Wokral, Senior Planner, Heritage Planning, and Stephen Lue, Senior Manager Development Planning, addressed the Committee and advised that in order to be recommended for heritage designation, at least three of the criteria identified under the Heritage Act have to be met, and that if property owners have any questions that staff are available to meet with them.

Staff indicated that the owner of 6840 Fourteenth Avenue previously intended to demolish the property however, as he worked to restore the property's appearance the City subsequently withdrew the intent to designate. Staff noted that the City is trying to protect the property from demolition by a new owner should the property be sold and that property owners who object to the intention to designate their properties may file an appeal with the Ontario Land Tribunal if they feel the City was incorrect in applying the criteria.

The Committee made the following inquiries:

- When municipalities have to recommend properties for heritage designation;
- What can residents do if they have concerns to their property being recommended for designation;
- Are site visits being conducted by staff when property owners question the recommendation;
- When do the intentions to designate become by-laws?
- When does the 120 day period begin;
- How long does a property owner have to object to a designation;
- What some of the designation criteria are and the benefits of owning a heritage home; and,
- The number of remaining homes that still need to go through this process.

Staff responded to the Committee's inquiries and indicated that these matters have not been deferred in the past and that the current timing does not preclude staff from visiting the sites and having discussions with property owners about the recommendations. Staff advised that the Province requires that municipalities have until January 2027 to designate properties as heritage and that once removed from the register they cannot be put back on it for five years. It was advised that designation by-laws must be approved within 120 days after the notice of intent to designate has been published.

The Committee passed a motion to refer the matter to the December 4, 2024 Council Meeting Agenda for consideration.

The Committee suggested that site visits be made for all properties that are intended to be designated as heritage properties. Arvin Prasad, Commissioner, Development Services noted that this will be undertaken as staff direction.

Moved by Councillor Amanda Collucci

Seconded by Councillor Juanita Nathan

That, in accordance with section 5.9 (b) of By-law 2017-5, this item be referred to the December 4, 2024 Council Meeting Agenda for consideration.

Carried

1. That the Staff report, dated November 12, 2024, titled, "RECOMMENDATION REPORT, Designation of Priority Properties – Phase XV", be received; and,
2. **That the written correspondence from Andrew Kam and Heather Beevor be received; and,**
3. That the June 14, 2023, recommendation from the Heritage Markham Committee, in support of the designation of the following properties under Part IV, Section 29 of the Ontario Heritage Act (in accordance with Appendix 'B'), be received as information:
 - a. 11288 Kennedy Road (Ward 6): "George and Eliza Brodie House"; and,
 - b. 7775 Ninth Line (Ward 7): "James and Catharine Young House"; and,
 - c. 6840 Fourteenth Avenue (Ward 7): "Franklin H. Raymer House"; and,
 - d. 3949 Nineteenth Avenue (Ward 6): "Spofford-Brodie-Smith House"; and,

- e. 3490 Nineteenth Avenue (Ward 2): “Gormley-Wideman House”; and,
4. That Council state its intention to designate 11288 Kennedy Road (Ward 6) under Part IV, Section 29 of the Ontario Heritage Act in recognition of its cultural heritage significance; and,
5. That Council state its intention to designate 7775 Ninth Line (Ward 7) under Part IV, Section 29 of the Ontario Heritage Act in recognition of its cultural heritage significance; and,
6. That Council state its intention to designate 6840 Fourteenth Avenue (Ward 7) under Part IV, Section 29 of the Ontario Heritage Act in recognition of its cultural heritage significance; and,
7. That Council state its intention to designate 3949 Nineteenth Avenue (Ward 6) under Part IV, Section 29 of the Ontario Heritage Act in recognition of its cultural heritage significance; and,
8. That Council state its intention to designate 3490 Nineteenth Avenue (Ward 2) under Part IV, Section 29 of the Ontario Heritage Act in recognition of its cultural heritage significance; and,
9. That if there are no objections to the designation in accordance with the provisions of the Ontario Heritage Act, the Clerk’s Department be authorized to place a designation by-law before Council for adoption; and,
10. That if there are any objections in accordance with the provisions of the Ontario Heritage Act, the matter return to Council for further consideration; and further,
11. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

8.2 CYCLING FACILITY SELECTION TOOL (CITY WIDE) (5.10)

The Committee inquired whether the City should wait on the endorsement of the Cycling Facility Selection Tool in light of the new provincial legislation and whether there will be a mechanism to obtain provincial approval for new bike lanes.

Frank Clarizio, Director, Engineering, advised that staff are preparing a report for the November 20, 2024 Council Meeting in relation to this new legislation and will send the City's feedback to the province within the prescribed timeline.

Moved by Councillor Keith Irish

Seconded by Councillor Juanita Nathan

1. That the Staff report titled “Cycling Facility Selection Tool (City-wide)” be received; and,
2. That the Cycling Facility Selection Tool be endorsed; and,
3. That staff be directed to plan, design and implement in-boulevard multi-use paths or cycle tracks that take into consideration financial, operational and maintenance impacts, available funding and the criteria outlined in the Cycling Facility Selection Tool; and,
4. That the Director of Engineering, in consultation with the Director of Operations and the City Treasurer, be authorized to update the Cycling Facility Selection Tool from time to time, to accommodate changing needs and practices; and further,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.3 2025 BUILDING BY-LAW CHANGES (10.13)

Moved by Councillor Keith Irish

Seconded by Councillor Juanita Nathan

1. That the report titled “2025 Building By-law Changes” dated November 12, 2024 be received; and,
2. That By-law 2023-177 as amended be repealed and the attached “By-law respecting Construction, Demolition, Change of Use Permits and Inspections,” attached as Appendix ‘A’, be enacted; and,
3. That the by-law come into force and take effect on January 1, 2025; and further,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.4 DEVELOPMENT SERVICES PUBLIC MEETING MINUTES - OCTOBER 22, 2024 (10.0)

Moved by Councillor Keith Irish

Seconded by Councillor Juanita Nathan

1. That the minutes of the Development Services Public meeting held on October 22, 2024, be confirmed.

Carried

8.5 FLATO MARKHAM THEATRE ADVISORY BOARD MINUTES - MAY 27, 2024 (16.0)

Moved by Councillor Keith Irish

Seconded by Councillor Juanita Nathan

1. That the minutes of the Flato Markham Theatre Advisory Board meeting held May 27, 2024, be received for information purposes.

Carried

9. REGULAR REPORTS - DEVELOPMENT AND POLICY MATTERS

9.1 CORNELL CENTRE SECONDARY PLAN UPDATE – DRAFT POLICY FRAMEWORK (10.4)

Arvin Prasad, Commissioner, Development Services, indicated that this report provides an update to the Cornell Secondary Plan which was a requirement of the 2014 Markham Official Plan. Mr. Prasad introduced Phil English who presented a status update on the project and outlined the planned vision for Cornell Centre as a complete community with a range of housing types, employment opportunities, and transportation.

The Committee made the following inquiries in relation to the presentation:

- The expected population at full buildout in the area;
- Whether there is a 30-meter setback along the Ward 4 boundary as previously committed to; and,
- The number of stories of the tallest condominium in the development.

Staff responded to the Committee's inquiries.

Moved by Councillor Andrew Keyes

Seconded by Councillor Amanda Collucci

1. That the report entitled "Cornell Centre Secondary Plan Update – Draft Policy Framework" dated November 12, 2024, be received; and,

2. **That the written correspondence from Shannon Sigouin be received; and,**
3. That the Draft Cornell Centre Secondary Plan be released for public consultation; and,
4. That Staff be authorized to schedule a statutory public meeting on the draft Cornell Centre Secondary Plan, attached as Appendix 'A' to this staff report; and further,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

10. MOTIONS

There were no motions.

11. NOTICES OF MOTION

There were no notices of motion.

12. NEW/OTHER BUSINESS

The Committee requested that the data from the Cornell Centre Secondary Plan be updated in the Langstaff study.

13. ANNOUNCEMENTS

There were no announcements.

14. ADJOURNMENT

Moved by Councillor Amanda Collucci
Seconded by Councillor Juanita Nathan

That the Development Services Meeting adjourn at 11:41 AM.

Carried



Minutes

Varley-McKay Art Foundation of Markham

Monday, October 7, 2024

4:45 p.m.

Council Chambers

Attendance

Board of Directors Present: Jim Schmidt (Chair), Craig McOuat (Vice-Chair), Amin Giga (Treasurer), Connie Leclair (Governance Chair), Nik Mracic, Paul Cicchini, and Councillor Reid McAlpine

Staff Present: Niamh O'Laoghaire, Director, Varley Art Gallery; Francesca Dauphinais, Foundation Cultural Development Officer, Laura Gold, Clerk

Regrets: Deputy Mayor Michael Chan, and Arpita Surana

Agenda Item	Discussion	Action Item
1. Call to Order	<p>The Varley-McKay Art Foundation of Markham meeting convened at 4:45 PM with Jim Schmidt in the Chair.</p> <p>Paul Cicchini, new appointee to the Varley-McKay Art Foundation of Markham, was introduced and welcomed to the Board</p>	
2. Disclosure of Pecuniary Interests	<p>There was no disclosure of pecuniary interests.</p>	
3. Review of Minutes of Board Meeting held on September 9, and June 10, 2024	<p>A minor correction was made to the September 9, 2024, Varley-McKay Art Foundation of Markham Minutes.</p> <p>Moved by Connie Leclair Seconded by Craig McOuat</p>	

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Varley-McKay Art Foundation of Markham

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	<p>That the June 10,2024, Varley-McKay Art Foundation of Markham Minutes were approved as presented; and,</p> <p>That the September 9, 2024, Varley-McKay Art Foundation of Markham Minutes be approved as amended.</p> <p style="text-align: right;">Carried</p>	
<p>4. Business Arising from the Minutes</p>	<p>There was no business arising from the minutes.</p>	
<p>5. Directors Report</p>	<p>Niamh O’Laoghaire, Director, Varley Art Gallery, presented her Director’s Report. Some of the highlights included the following:</p> <p>2024 Fall Exhibition Opening Since the last Board meeting, the fall exhibits Meera Sethi: A Brief History of Wear opened in the Main Galleries, and Tracing Patterns curated by Anik Glaude opened in the Collections Gallery on September 21, 2024.The fall exhibit opening held on Sunday, September 22, 2024, was a success. Virtual iterations of both exhibits are in the process of being created.</p> <p>Jim Schmidt, Chair, was thanked for his continued support of providing printed copies of the Varley’s brochures, including brochures for the fall exhibitions and events, and rental brochures.</p> <p>Programs An update on programs was provided. One of the highlights of this update included the Varley hosting its first free Seniors Art Workshop Series.</p> <p>Rentals and Community Partnerships An update on Community Partnerships was provided.</p> <p>The Board praised Anik Glaude for the excellent job she did on the planning and execution of the 2024 Gallery Exhibitions.</p> <p>The Board asked for information on the 2025 exhibits as it helps with the undertaking of fundraising.</p> <p>The Board briefly discussed the impact the revitalization of Unionville could have on the Gallery’s rentals and camps.</p>	

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Varley-McKay Art Foundation of Markham

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<p>6. Development Officer Report</p>	<p>Francesca Dauphinais, Foundation Cultural Development Officer, presented the Development Officer Report. Some of the highlights of the report included the following:</p> <p>Grants</p> <p><i>TD Bank Connected Communities</i> – Submitted 2025 application, noting multi-year applications are not accepted.</p> <p><i>Catherine and Maxwell Meighen Foundation</i> – submitting a grant for \$20K in exhibition support. Submitted twice without success, but optimistic about the 2025 submission as it takes longer to develop a relationship with private foundations.</p> <p>Fall Fundraising Event</p> <ul style="list-style-type: none"> • held the fall fundraising event on Saturday, October 5th, 2024, at the Gallery. • The event was attended by 80 guests, which included the sale of 60 tickets. • Features a 20-minute artist’s talk followed by a 10–15-minute fashion show. • Programming went smoothly. • Scaled back as much as possible as there was limited sponsorship, but it is difficult to do this at the last minute. • Emphasized that board support of these events is a critical success factor. • Silent auction art did not sell (discussed whether the artwork should be given back if we do not sell it, or if an online auction should be set-up). • Noted that this fundraising event attracted a lot of new attendees. • Advised that the event lost approximately \$2800. • Suggested focusing on one event per year and grants. • Questioned if Saturday night is the best night to hold a fundraising event. • The Fundraising Committee was tasked with discussing the best strategic approaches to fundraising, noting that a committee needs to be appointed. • Councillor Reid McAlpine, Craig McOuat, Francesca Dauphinais, and Paul Cicchini demonstrated an interest in joining the Fundraising Committee. • Suggested holding smaller events outside the Gallery in collaboration with another event, noting that smaller events can help raise money. • Suggested starting sooner on events and that more time is needed between events. 	<p>Meet to discuss a strategic approach to fundraising – Fundraising Committee.</p>
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Varley-McKay Art Foundation of Markham

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<p>7. Financial Report</p>	<p>Amin Giga, Treasurer, advised that KPMG was appointed as the Foundations auditor for 2024 at the Annual General Meeting. There was no financial report update at this time. Mr. Giga advised that he would follow up with Andy Taylor, Chief Administrative Officer, City of Markham, regarding funding some of the tasks the Development Officer performs on behalf of the City.</p> <p>Fran Dauphinais was asked to investigate whether the Foundation would be eligible to receive a Destination Markham grant, as the Gallery could be seen as a tourist attraction in Markham. One of the issues in the past has been that the Varley needs to be able to show that it attracts patrons from more than 40 KM away to be considered a tourist attraction, and the Gallery does not currently collect stats on where its patrons come from. It was noted that Destination Markham also does collaborative events and that this type of event could also be something that may benefit the Gallery.</p>	<p>Investigate whether the Foundation is eligible to receive a Destination Markham Grant – Fran Dauphinais</p>
<p>8. Committee Updates</p>	<p>A) Governance Committee</p> <p>Connie Leclair advised that she was preparing a draft 2024-2025 Business Plan and spoke of the importance of having a plan as it helps ensure that the Foundation achieves its objectives.</p> <p>Nik Mracic advised that he would follow up with Commissioner Arvin Prasad regarding the Foundation’s proposed Charter as it has been some time since it was provided to staff to review.</p> <p>B) Fundraising Committee</p> <p>No report was provided.</p>	<p>Follow up with Arvin Prasad on the status of the Varley’s proposed Charter – Nik Mracic</p>
<p>9. New Business</p>	<p>There was no new business.</p>	
<p>10. Next Meeting Date</p>	<p>The next board meeting of the Varley-McKay Art Foundation of Markham will be held on November 11, 2024, at 6:00 PM at the Gallery.</p> <p>A holiday party will be held in December rather than a regular Board meeting. The Directors proposed holding the party at the Duchess on Main Street Markham.</p>	
<p>11. Adjournment</p>	<p>The Varley-McKay Art Foundation of Markham adjourned at 6:17 PM.</p>	

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Report to: Development Services Committee

November 26, 2024

SUBJECT: RECOMMENDATION REPORT
Objection to Notice of Intention to Designate – Phase XII Properties

PREPARED BY: Evan Manning, Senior Heritage Planner, ext. 2296

REVIEWED BY: Regan Hutcheson, Manager of Heritage Planning, ext. 2080
Stephen Lue, Senior Development Manager, ext. 2520

RECOMMENDATION:

- 1) THAT the Staff report, dated November 26, 2024, titled "RECOMMENDATION REPORT, Objection to Notice of Intention to Designate – Phase XII Properties", be received;
- 2) THAT the written objection to designation under the *Ontario Heritage Act* as submitted on behalf of the property owner of 5970 Elgin Mills Road East (Ward 6), be received as information;
- 3) THAT Council affirm its intention to designate 5970 Elgin Mills Road East (Ward 6) under Part IV, Section 29 of the *Ontario Heritage Act* in recognition of its cultural heritage significance;
- 4) THAT the Clerk's Department be authorized to place a designation by-law before Council for adoption;
- 5) THAT the Clerk's Department be authorized to publish and serve notice of Council's adoption of the designation by-law as per the requirements of the *Ontario Heritage Act*;
- 6) AND THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

This report provides information on an objection submitted for one property for which Council has stated its intention to designate under Part IV, Section 29 of the *Ontario Heritage Act* (the "Act"), in accordance with the Staff recommendations adopted by Council on July 17, 2024, and noted in the recommendations of this report.

BACKGROUND:***Notice of Council's Intention to Designate has been provided to the Property Owner***

On July 17, 2024, Council stated its intention to designate three properties under Part IV, Section 29 of the Act as part of Phase XII of the Priority Designation Project. A Notice of Intention to Designate ("NOID") was provided to the affected property owners and the Ontario Heritage Trust. The NOID for each property was also posted on the City's website in accordance with the Act. The statutory objection period ended on September 18, 2024.

The City Clerk received a notice of objection for for 5970 Elgin Mills Road East (“Peter Milne Jr. House” or the “Property”) within the timeframe set out in the Act. Refer to Appendix ‘A’ for an image of the Property.

The Act requires that Council consider and make a decision on an objection within 90 days from the end of the objection period. Council may decide to withdraw, amend, or affirm its intention to designate. If Council decides not to withdraw the NOID, Council may pass a by-law designating the property or properties. Council has 120 days from the date of publication of the NOID to pass a designation by-law (notice occurred on August 19, 2024). Should Council not act within these timeframes, the NOID is deemed to be withdrawn. The deadline for the Phase XII properties is December 17, 2024.

Properties are to be assessed using Provincial Designation Criteria

Ontario Regulation 9/06, as amended, (“O.Reg. 9/06”) prescribes criteria for determining a property’s cultural heritage value or interest for the purpose of designation. The regulation provides an objective base for the determination and evaluation of resources of cultural heritage value, and ensures the comprehensive, and consistent assessment of value by all Ontario municipalities. Municipal councils are permitted to designate a property to be of cultural heritage value or interest if the property meets two or more of the prescribed criteria (excerpted from O.Reg. 9/06):

1. *The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.*
2. *The property has design value or physical value because it displays a high degree of craftsmanship or artistic merit.*
3. *The property has design value or physical value because it demonstrates a high degree of technical or scientific achievement.*
4. *The property has historical value or associative value because it has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community.*
5. *The property has historical value or associative value because it yields, or has the potential to yield, information that contributes to an understanding of a community or culture.*
6. *The property has historical value or associative value because it demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.*
7. *The property has contextual value because it is important in defining, maintaining or supporting the character of an area.*
8. *The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings.*
9. *The property has contextual value because it is a landmark.*

OPTIONS/ DISCUSSION:

Heritage Section Staff (“Staff”) considered the property owner’s reasons for objection to the Notice of Intention to Designate

5970 Elgin Mills Road East

Staff received a letter via email from an agent of the Property owner outlining their objection to designation (refer to Appendix ‘C’). It is the position of the agent that the Property does not meet the required O.Reg 9/06 criteria to merit designation under Part IV of the Act. Specifically, the agent contests the design/physical value of the Property, is of the opinion that Staff overstated the historical/associative significance of Peter Milne Jr., and finds that the Property lacks contextual significance.

Staff have reviewed the reasoning provided by the agent in the appended letter and remain of the opinion that the Peter Milne Jr. House is a significant heritage resource that warrants designation under the Act. Below is a response to the agent’s assessment organized by three groupings of O.Reg 9/06 criteria:

Design/Physical Value

The agent states that the dwelling has been significantly altered and that these alterations “not only obscure its original design but also diminish its capacity to serve as a true representation of the Ontario Classic style”. Staff do not contest that the building has been altered, as is the case with the vast majority of extant nineteenth century buildings, but find that it remains clearly legible as an representative example of the Ontario Classic style in its scale, form and massing. Many of the alterations that have been undertaken are reversible such as the replacement of period appropriate windows and doors, the infilling of the original door along the east (primary) elevation, and the removal of a front veranda. In fact, these types of alterations are commonly made to heritage buildings and are relatively easily remedied as can be seen in the substantial number of Part IV-designated properties within the city where successful restoration work has been undertaken as a condition of development approval.

The agent further states that “the Research Report lacks a comparative analysis often used to address the test under O.Reg 9.06 of rarity, uniqueness, or age.” A comparative analysis was not provided because Staff do not contend that the dwelling is rare or unique, rather Staff find that it is *representative* example of its type. For the first O.Reg 9/06 criterion to be met, a property need not meet all of the following: “*rare, unique, representative or early example of a style, type, expression, material or construction method*” but rather only one of these qualities. As such, Staff are of the opinion that the Property meets this criterion based on the information provided in the appended SOS and Research Report.

Historical/Associative Value

The agent contends that the Property’s association with Peter Milne Jr. is not significant and that the existing dwelling was constructed posthumously. As the later home of the person after whom Milnesville is named (he served as a store and sawmill owner, and the community’s first postmaster from 1852 to 1863), it is the position of Staff that this alone conveys historical significance, and as such the Property meets the fourth O.Reg 9/06 criterion as it has “*direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community*”. Further, it is the opinion of Staff that the MPAC date of construction of 1880 cannot be relied upon as fact as it is not uncommon for MPAC records to be inaccurate. As such, Staff are confident that the existing dwelling was built in Peter Milnes’s lifetime.

Contextual Value

The agent finds that the Property lacks contextual significance. Specifically, the agent states that “the farmhouse lacks the necessary characteristics to be physically, functionally, visually, or historically linked to its surroundings in a way that satisfies the criterion for contextual value”. Staff note there is no test within O.Reg 9/06 to determine significance for this criterion. From a Staff perspective, the Property has clear and significant physical, functional, visual and historical linkages to the hamlet of Milnesville. This is demonstrated through its high-degree of visibility near a major crossroads (Elgin Mills Road East and Highway 48) in a portion of the city that is still agricultural in character, much as it was at the time the dwelling was constructed. In this way the Property serves as a contextual anchor with significant visual and historical linkages to the formerly dominant agricultural character of Markham and one of its constituent nineteenth century communities (Milnesville). Staff maintain that it is important from a heritage perspective to maintain legibility of the layers of Markham’s growth, that this approach supports an accurate reading of our history, and is a reminder that the city is an evolved landscape.

The protection and preservation of heritage resources is consistent with City policies

Markham’s Official Plan 2014 contains cultural heritage policies related to the protection and conservation of heritage resources that are often a fragile gift from past generations. They are a non-renewable resource, and once lost, are gone forever. Markham understands the importance of safeguarding its cultural heritage resources and uses a number of mechanisms to protect them. Council’s policy recognizes their significance by designating individual properties under the Act to ensure that the cultural heritage values and heritage attributes are addressed and protected.

Provincial planning policies support designation

The new Provincial Planning Statement (PPS) issued under Section 3 of the *Planning Act* came into effect October 20, 2024 and replaces the Provincial Policy Statement, 2020. The PPS (2024) includes cultural heritage policies that indicate protected heritage property, which may contain built heritage resources or cultural heritage landscapes, shall be conserved. Designation provides a mechanism to achieve the necessary protection.

Designation acknowledges the importance of a cultural heritage resource

Designation signifies to an owner and the broader community that a property contains a significant resource that is important to the community. Designation does not restrict the use of the property or compel restoration. However, it does require an owner to seek approval for property alterations that are likely to affect the heritage attributes described in the designation by-law. Council can also prevent, rather than just delay, the demolition of a resource on a designated heritage property.

The Process and Procedures for Designation under Part IV of the Act are summarized below

- Staff undertake research and evaluate the property under O.Reg. 9/06 to determine whether it should be considered a significant cultural heritage resource worthy of Part IV designation;
- Council is advised by its municipal heritage committee with respect to the cultural heritage value of the property;
- Council may state its Intention to Designate the property under Part IV of the Act and is to include a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property;

-
- Should Council wish to pursue designation, notice must be provided to the owner and the Ontario Heritage Trust that includes a description of the cultural heritage value of the property. A notice, either published in a local newspaper or posted digitally in a readily accessed location, must be provided with the same details (i.e. the City's website);
 - **Following the publication of the notice, interested parties can object to the designation within a 30-day window. If an objection notice is received, Council is required to consider the objection and make a decision whether or not to withdraw the notice of intention to designate;**
 - Should Council proceed with designation, it must pass a by-law to that effect within 120 days of the date in which the notice was published. There are notice requirements and a 30-day appeal period following Council adoption of the by-law in which interested parties can serve notice to the municipality and the Ontario Land Tribunal ("OLT") of their objection to the designation by-law. Should no appeal be received within the 30-day time period, the designation by-law comes into force. Should an objection be received, an OLT hearing date is set to examine the merits of the objection and provide a final decision.

FINANCIAL CONSIDERATIONS:

There has been a significant increase in the number of designation by-laws adopted by Council in response to amendments to the Act through Bill 23 and Bill 200. As a result, there may be an increase in the number of OLT appeals relative to previous years, along with the potential need to secure additional funds from Council to support Staff preparation and attendance at the OLT. Should existing funding sources be found inadequate, staff will advise Council through a future Staff report.

HUMAN RESOURCES CONSIDERATIONS:

Not Applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

The protection and preservation of cultural heritage resources is part of the City's Growth Management strategy.

BUSINESS UNITS CONSULTED AND AFFECTED:

Heritage Markham, Council's advisory committee on heritage matter, was consulted on the designation proposals. Clerks and Planning and Urban Design Department (Heritage Section) will be responsible for future notice provisions. An appeal to the OLT would involve staff from the Planning and Urban Design (Heritage Section), Legal Services, and Clerks Department.

RECOMMENDED BY:

Giulio Cescato, RPP, MCIP
Director of Planning and Urban Design

Arvin Prasad, MPA, RPP, MCIP
Commissioner of Development Services

APPENDICES:

Appendix 'A': Location and Image of the Property

Appendix 'B': Statement of Significance

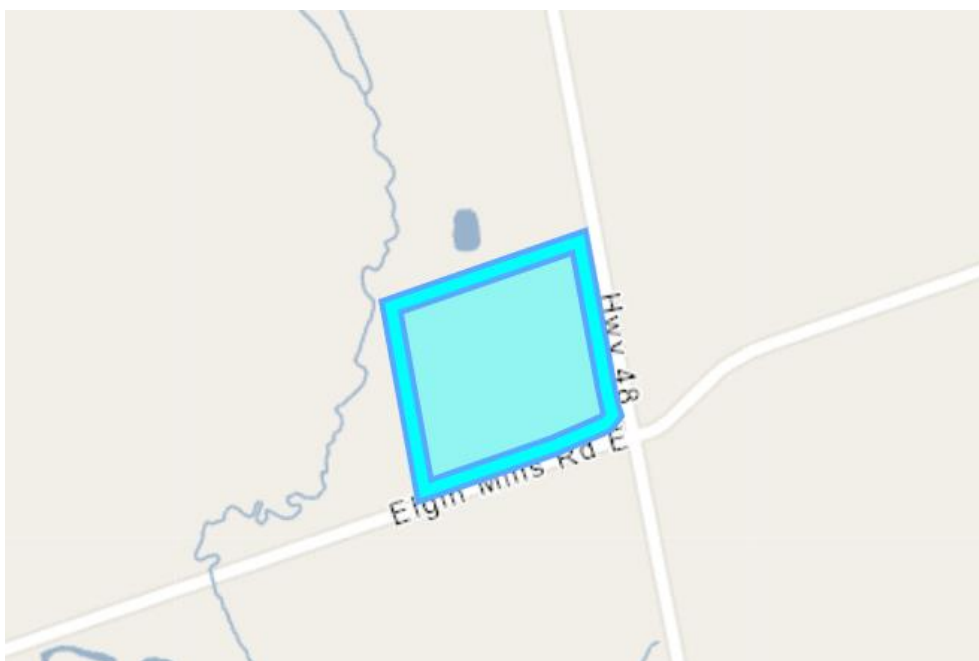
Appendix 'C': Letter of Objection

Appendix 'D': Research Report

APPENDIX ‘A’
Location and Image of the Property

5970 Elgin Mills Road East (Ward 6): “Peter Milne Jr. House”

Primary Elevation and Property Map



APPENDIX 'B': Statement of Significance

STATEMENT OF SIGNIFICANCE

Peter Milne Jr. House

5970 Elgin Mills Road East
c.1870

The Peter Milne Jr. House is recommended for designation under Part IV, Section 29 of the Ontario Heritage Act as a property of cultural heritage value or interest, as described in the following Statement of Significance.

Description of Property

The Peter Milne Jr. House is a one-and-a-half storey stucco-clad brick dwelling located at the northwest corner of Elgin Mills Road East and Highway 48 in the historic rural community of Milnesville. The house originally accessed from the east but its entrance is now on the south elevation.

Design Value and Physical Value

The Peter Milne Jr. House has design and physical value as an altered, restrained representative example of a rural dwelling in the Ontario Classic style. The Ontario Classic is a house form that was popular from the 1860s to the 1890s with many examples constructed on farms and in villages throughout Markham Township. These vernacular dwellings were often decorated with features associated with the picturesque Gothic Revival style, but in the case of the Peter Milne Jr. House, this is limited to its steep centre gable on the east wall. The essential form of the Ontario Classic was symmetrically balanced with a centrally-placed front door flanked by a window on either side, a hold-over from the long-standing, conservative formality of the Georgian architectural tradition, and a steep centre gable above the entrance. The Peter Milne Jr. House is now missing its front door, but the space where it once existed remains evident. A one-and-a-half storey height and an L-shaped or T-shaped plan were typical of this house form, with the rear portion of the house usually functioning as a kitchen wing. Here, the rear wing is one-and-a-half storeys rather than the more common single-storey..

Historical Value and Associative Value

The Peter Milne House Jr. has historical or associative value representing the theme of agriculture, economic development and government services in relation to the diverse activities that took place on this property in the nineteenth century, and for its association with Peter Milne Jr., a prominent early resident of the rural community of Milnesville. He was a major landowner in Markham Township as well as being a store and sawmill owner, and the community's first postmaster from 1852 to 1863. Peter Milne Jr. is also noteworthy for his alleged association with the Upper Canadian Rebellion of 1837. Peter Milne Jr. was a son of Alexander Milne, a Scottish-American immigrant who arrived in Markham Township with his brother Peter Milne in the 1820s. Peter Milne Jr. was initially a bookkeeper for his uncle Peter Milne in Reesorville (later known as Markham Village). In 1838, he was arrested and imprisoned in Kingston for his alleged participation in the Upper Canadian Rebellion of 1837, and later pardoned. Peter Milne Jr.

purchased the eastern half of Markham Township Lot 26, Concession 7 in 1837 which contained a store that he ran from 1852 to 1863. He also owned a sawmill on Little Rouge Creek and a considerable amount of property south of Box Grove. In 1852, Peter Milne Jr. named his community's local post office "Milnesville" after his family. He was married to Hannah (McKay) Milne and lived both on this property and on the adjacent land he owned on Lot 25, Concession 7. In approximately 1870, he constructed a new brick house for his retirement to replace his older frame house on Lot 26, Concession 7 which he rented to a tenant farmer. The property remained in the ownership of the estate of his married daughter Elizabeth Wilcox (Milne) Gibson of Toronto until 1937.

Contextual Value

The Peter Milne Jr House has contextual value because it is physically, functionally, visually and historically linked to its surroundings as the farmhouse that once served Peter Milne Jr. and later tenant farmers on the Milne farm on Lot 26, Concession 7. It is located in the historic rural community of Milnesville, where it has stood since c.1870. It is historically linked to the Milne House at 10666 Highway 48 on Lot 25, Concession 7.

Heritage Attributes

Character-defining attributes that embody the cultural heritage value of the Peter Milne Jr. House are organized by their respective Ontario Regulation 9/06 criteria, as amended, below:

Heritage attributes that convey the property's design value and physical value as a restrained, representative example of a Ontario Classic dwelling:

- L-shaped plan;
- One-and-a-half storey height;
- Stucco-clad brick walls;
- Medium-pitched cross gable roof with projecting, open eaves and steeply-pitched gable centred on the east wall;
- Flat-headed, rectangular single-hung windows with two over two panes.

Heritage attributes that convey the property's historical value and associative value, representing the theme of agriculture, economic development, and government services in relation to the diverse activities that took place on this property in the nineteenth century, and for its association with Peter Milne Jr., a prominent early resident of the rural community of Milnesville:

- The dwelling is a tangible reminder of the former agricultural, industrial and commercial/post office use of the property and of Peter Milne Jr., long-time owner, farmer, sawmill owner, store owner and the community's first postmaster.

Heritage attributes that convey the property's contextual value because it is physically, functionally, visually or historically linked to its surroundings:

- The location of the building on its original site at the northwest corner of Elgin Mills Road East and Highway 48, within the historic rural community of Milnesville, where it has stood since c.1870.

Attributes of the property that are not considered to be of cultural heritage value, or are otherwise not included in the Statement of Significance:

- One-storey addition on the south side of the building;

- Square shaped ground floor window on west gable-end wall;
- Chimney;
- Accessory buildings.

APPENDIX 'C': Letter of Objection

Provided under separate cover

APPENDIX ‘D’: Research Report

RESEARCH REPORT



Peter Milne Jr. House
East Half Lot 26, Concession 7
5970 Elgin Mills Road East, Milnesville
c.1870

Heritage Section
City of Markham Planning & Urban Design
2024

History

The Peter Milne Jr. House is located on a portion of the eastern half of Markham Township Lot 26, Concession 6, in the historic rural community of Milnesville.

The community of Milnesville, south of Dickson Hill, began to take shape in the 1830s with the establishment of a general store at the northwest corner of the Eighth Concession (known today as Highway 48) and Elgin Mills Road East. The Markham and Elgin Mills Plank Road connected the community to Yonge Street by the 1850s. In time, two blacksmith shops were established near the crossroads along with two sawmills, a brickworks, a pottery, and the Wideman Mennonite Church. A post office was established in the general store in 1852. Milnesville was a diffuse community rather than a hamlet. Most of the land in the vicinity was agricultural, with many farms owned by Pennsylvania German Mennonite families.

Martin Holder received the Crown patent for the entire 200 acres of Markham Township Lot 26, Concession 7 in 1801. In 1804, Holder sold to Martin Hoover, a member of Markham's Pennsylvania German Mennonite community. In 1821, Martin Hoover sold a five-acre parcel at the southeast corner of Lot 26, Concession 7 to Abraham Holdeman, and it was upon this property that a store was established in the 1830s. John Harrington (or Herrington) was the storekeeper and his presence on Lot 26, Concession 7 was noted in Walton's 1837 directory of Markham Township. John Harrington's portrait appears on page 277 of *Markham 1793-1900*. According to the 1851 census, John Herrington was born in Ireland, therefore he does not seem to be related to the well-known Harrington family of American origin who are best known in Markham's history for their association with the Planing Mill at Unionville.

In 1837, Peter Milne Jr. (1803-1878), a son of Alexander Milne (1777-1877), purchased the five acres of Lot 26, Concession 7 containing the store. The Milne family were originally from Forfarshire, Scotland. Several brothers emigrated to the United States during the late 1700s-early 1800s where they became successful in business and industry. Peter Milne Sr. and his brother Alexander came to Markham Township in the 1820s and purchased a sawmill and gristmill built by Nicholas Miller on the eastern part of Lot 9, Concession 7 (Reesorville, later known as Markham Village). Alexander Milne operated the mills and his brother Peter Milne Sr. ran a store. In time, Alexander Milne moved to York Township to establish Milneford Mills on the Don River (today the location of Edwards Gardens). Alexander Milne was first married to Jane Gibson (1773-1835). His second wife was Ann Kirk.

Peter Milne Jr. was the first postmaster of Milnesville, giving his family name to the local post office. He served in this capacity from 1852 to 1862-63. In late 1837, Peter Milne Jr. acquired the rest of the western half of Lot 26, Concession 7 to add to the five acres purchased earlier in that same year. In 1845, he received the Crown patent for the eastern half of Lot 25, Concession 7 where he had lived in the 1840s to the early 1850s. A sawmill was located on Little Rouge Creek in the early 1850s. The mill pond is shown on the McPhillips map of Markham Township, 1853-54.

In addition to his properties in Milnesville, Peter Milne Jr. owned considerable acreage within the eastern parts of Lots 1, 2 and 3 in the Eighth Concession (south of Sparta, later known as Box Grove). He owned another sawmill on the Rouge River, south of Sparta. Earlier in his career, he worked as a bookkeeper at his uncle Peter Milne Sr.'s mills near Markham Village.

Peter Milne Jr. was a noted Reformer. Following the Upper Canadian Rebellion of 1837, he was arrested for his role in the uprising (which he denied) and held at Fort Henry. At the time he was living on Lot 1, Concession 8, south of Sparta. (His wife, Hannah (McKay) Milne (1812-1902), is said to have ridden on horseback to Kingston carrying her young child to petition for the release of her husband. He was later pardoned. The Markham Museum has a collection of letters written by Peter Milne Jr. to his wife, and to his brother William, while he was incarcerated in Kingston in 1838. A photographic portrait of Peter Milne Jr. is found on page 191 in *Markham 1793-1900*. Further stories about Peter Milne Jr.'s life that shed some light on his personality are found in a history of Milnesville in *Pioneer Hamlets of York*.

According to the 1851 census, Peter Milne Jr. and Hannah Milne had six children at that time: Elizabeth, age 20; Ellen (or Helen) age 18; Jane Ann, age 17; Hannah, age 15; Peter, age 13; and William, age 8. While Peter Milne Jr. and his family were living on Lot 25, Concession 7 at the time of the 1851 census, the store on Lot 26, Concession 7 was rented to John Herrington. He lived in a one-storey frame house with his wife Sarah (Hastings) Herrington and their ten children between the ages of 1 and 19. Also on the property was Peter Kribs, a toll-keeper for the tollgate on the eastern end of the Markham and Elgin Mills Plank Road. He lived in a one-storey frame dwelling.

By the time of the 1861 census, Peter Milne Jr. and Hannah Milne were living in a two-storey frame house on Lot 26, Concession 7 with two of their children, Hannah and William. Also in the household were labourers and a servant. The property on Lot 25, Concession 7 was rented to tenants. In 1871, Peter Milne Jr. was an owner-farmer on Lot 26, Concession 7, while Joseph Truman was a tenant farmer in a separate household. Joseph Truman's wife was Helen (Naylor) Truman.

Perhaps the farmhouse at 5970 Elgin Mills Road East was constructed by Peter Milne Jr. for his retirement, leaving his earlier frame dwelling for the use of the tenant farmer. A dwelling is shown in the approximate location of the existing house at 5970 Elgin Mills Road East on the map of Markham Township in the *Historical Atlas of the County of York, Ontario, 1878*. The MPAC date of construction is 1880, however, since Peter Milne Jr. died in 1878, it seems unlikely that his heirs would undertake the construction of a new dwelling on the property at that time. His widow, Hannah Milne, moved in with her daughter Helen (Milne) Freeman on Lot 1, Concession 9, south of Box Grove.

Peter Milne Jr. willed both of his Milnesville properties to his daughter, Elizabeth Wilcox (Milne) Gibson (1830-1918), sometimes known as "Eliza," who was married to William Milne Gibson. William Gibson was a son of David Gibson and Eliza (Milne) Gibson of York Township. Eliza (Milne) Gibson was Peter Milne Jr.'s sister. David Gibson, a Scottish-born land surveyor, lived in Willowdale. He was a member of the Legislative Assembly of Upper Canada in 1834 and 1836 and a leading Reformer who was a significant figure in the 1837 Upper Canadian Rebellion of 1837. His second residence, replacing a dwelling burned by government troops during the Rebellion, is now the Gibson House Museum at 5172 Yonge Street, Toronto. His son, William M. Gibson, became a mill owner in Windham Township, North Norfolk County, by the 1870s. After her husband's death, Elizabeth W. Gibson moved to St. David's Ward, Toronto, where she was living by the time of the 1891 census. The house she lived in still stands at 48 Rose Avenue in the Cabbagetown neighbourhood.

Elizabeth W. Gibson was a non-resident owner that rented her Milnesville properties to tenants. According to census records, Nelson Herrington was a tenant farmer on Lot 26, Concession 7 in 1881 along with his wife Susannah (Byer) Herrington and their children. The 1892 Directory placed farmer Donald Douglas and farm labourer Enos B. Hoover on Lot 26, Concession 7, as the tenants of Eliza Gibson of Toronto. According to the 1891 census, Donald Douglas, a Scottish immigrant, lived with his family in a two-storey frame dwelling containing five rooms. Enos Hoover lived with his wife Delilah and their infant son in a two-storey brick dwelling containing six rooms (the existing house at 5970 Elgin Mills Road East). At the time of the 1921 census, Joseph G. Kirk, a farmer, was the tenant on the property, living in a six-room brick dwelling with his wife Minnie and their five children between the ages of 9 and 22. There is a Kirk family

connection to Alexander Milne, suggesting that Joseph Kirk may have been a relative of Eliza W. Gibson. In addition to the Milnesville properties, Elizabeth W. Gibson owned considerable land south of Box Grove that was previously owned by her father.

In 1937, the administrators of Elizabeth W. Gibson's estate sold the property to Ella L. Bell and Elizabeth E. Bell. In 1961, Ella and Elizabeth Bell transferred the property to Donald and Gwen Boyington. The brick dwelling may have been stucco-clad at around this time. The Boyingtons transferred a 10.29-acre parcel containing the residence to Harvey James Brown in 1970, and the larger acreage to the Runnymede Development Corporation Limited in that same year. In 1987, Harvey J. Brown sold to Kirk and Donna Globocki. The current owner is the Chung and Jao Development Corporation.

Architecture

The Peter Milne Jr. House is a one-and-a-half storey stucco-clad brick dwelling with an L-shaped plan. If the foundation material is fieldstone, portions appear to have been parged. The front or eastern section of the building is rectangular in shape and once fronted onto Highway 48. Its central front door has been closed in and the alteration has been concealed by the application of stucco to the wall. The rear wing of the building is offset to the north, creating a south facing ell. A single-storey modern-era addition is located on the south side, leaving about half of the rear wing's ground floor exposed and all of the second floor exposed. The addition has a flat roof masked by a modern interpretation of a mansard roof.

The nature of the brick masonry beneath the stucco is unknown since no archival photographs of this property have been located. Given the c.1870 date of construction, this house may have had dichromatic brickwork in a combination of red and buff coloured brick, which was fashionable in this region from the 1850s to the 1880s. The updating of old brick houses with stucco was popular in the 1950s with several similar examples known in Markham.

The medium-pitched cross-gable roof has projecting, open eaves. There is a steep centre gable on the east wall. No historic chimneys remain. A heavy masonry chimney is located on the south gable end, offset to the left. This chimney is a twentieth century addition.

The house originally had a three-bay facade with the principal entrance centred on the ground floor between two windows. As noted earlier, the door has been covered over and the building is now entered from the south side. The window openings are flat-headed and rectangular with projecting lugsills. They contain single-hung windows with two-over-two panes. The window in the centre gable follows this design, as do most of the window openings on the other sides of the building.

The south gable end wall at the second storey has one window to the right of the exterior chimney. The western portion of the ground floor, not covered by the modern addition, contains a single-leaf door and a single window. It is not known if the portions of the ground floor wall concealed by the addition retain elements of their original openings. These may have been covered over or enlarged to provide a connection to the addition.

The north side of the house has not been altered. There is one window centred on the wall on the ground floor level on the north gable end, and one window at the second storey level offset to the right. There is one window on the ground floor level on the north side of the rear wing.

The rear, or west gable end, has a single square window centred on the wall at ground floor level. It has one-over-one panes and is either an enlargement of an old window opening or a later addition. There are two historic windows on the second floor level.

Architecturally, the Peter Milne Jr. House is an altered, restrained representative example of a rural dwelling in the Ontario Classic style, as defined by Marion MacRea and Anthony Adamson in *The Ancestral Roof – Domestic Architecture of Upper Canada* (1963):

“The little vernacular house, still stubbornly Georgian in form and wearing its little gable with brave gaiety, became the abiding image of the province. It was to be the Ontario Classic style.”

The Ontario Classic is a house form that was popular from the 1860s to the 1890s with many examples constructed on farms and in villages throughout Markham Township. The design was promoted in architectural pattern books and a design for “a cheap country dwelling house” of this type appeared in an edition of the journal, *The Canada Farmer*, in 1865. These vernacular dwellings were often decorated with features associated with the picturesque Gothic Revival style, but in the case of the Peter Milne Jr. House, this is limited to its steep centre gable. In the absence of an archival photograph that shows the building prior to its stucco cladding in the 1950s, it is not possible to say if any other decorative features were ever found on this building.

The essential form of the Ontario Classic was symmetrical with a centrally-placed front door flanked by windows, a hold-over from the long-standing, conservative formality of the Georgian architectural tradition, and a steep centre gable above the entrance. The Peter Milne Jr. House is now missing its front door, but the space where it once existed remains evident. A one-and-a-half storey height and an L-shaped or T-shaped plan were typical of this house form with the rear portion usually functioning as a kitchen wing. Here, the rear wing is one-and-a-half storeys rather than the more common single-storey kitchen wing.

The single-storey addition on the south side of the building is out of character with the original structure but it appears to be a reversible change that, if removed, could restore the Peter Milne Jr. House to its original c.1870 form.

Context

The Peter Milne Jr. House is one of a number of nineteenth and early twentieth century farmhouses in the vicinity of the historic rural community of Milnesville that make legible the agricultural history of the area. There are no historic accessory buildings remaining. The property is in a rural setting. The property is historically linked to the Milne House at 10666 Highway 48, on the east half of Markham Township Lot 25, Concession 7.

Sources

Abstract Index of Deeds for Lots 25 and 26, Concession 7, Markham Township.

Canada Census: 1851, 1861, 1871, 1881, 1891, 1901, 1911 and 1921.

Directories of Markham Township: Brown (1846-47), Rowsell (1850-51), Mitchell (1866), Nason (1871), 1892 Directory, and 1918 Directory.

Markham Township Assessment Rolls, East Half, 1891 and 1901.

Maps of Markham Township: McPhillips (1853-54), Tremaine (1860), and Historical Atlas of the County of York, Ontario (1878).

Milne Family Genealogy File, Markham Museum.

Genealogical Research on Elizabeth W. Gibson by Fred Robbins, Stouffville Historian.

Property File for 5970 Elgin Mills Road East, Heritage Section, City of Markham Planning & Urban Design.

Champion, Isabel (ed.). *Markham 1793-1900*. Markham: Markham Historical Society, Second Edition, Revised, 1989. Pages 75-76, 190-192, 277, and 339.

Watson, Trevor. "Milnesville." *Pioneer Hamlets of York*. Kitchener: Pennsylvania German Folklore Society of Ontario, 1977. Page 145.

Compliance with Ontario Regulation 9/06, as amended – Criteria for Determining Cultural Heritage Value or Interest

The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.

The Peter Milne Jr. House has design value and physical value as an altered, restrained representative example of a rural dwelling in the Ontario Classic style.

The property has historical or associative value because it has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community.

The Peter Milne House Jr. has historical or associative value representing the theme of agriculture, economic development and government services in relation to the diverse activities that took place on this property in the nineteenth century, and for its association with Peter Milne Jr., a prominent early resident of the rural community of Milnesville who was a major landowner in Markham Township, as well as a store and sawmill owner, and the community's first post master from 1852 to 1863. Peter Milne Jr. is also noteworthy for his alleged association with the Upper Canadian Rebellion of 1837.

The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings.

The Peter Milne Jr House has contextual value as the farmhouse that once served Peter Milne Jr. and later tenant farmers on the Milne farm (Lot 26, Concession 7), in the historic rural community of Milnesville. The dwelling has existed since c.1870, and is historically linked to the Milne House at 10666 Highway 48 on Lot 25, Concession 7.

BIGLIERI GROUP

October 8, 2024

Evan Manning, Senior Heritage Planner
 Planning and Urban Design Department
 City of Markham
 101 Town Centre Boulevard
 Markham, ON, L3R 9W3

Via Email: EManning@markham.ca

Dear Mr. Manning,

**RE: Further Rationale for Notice of Objection to Notice of Intent to Designate
 5970 Elgin Mills Road East, Markham - Peter Milne Jr. House
 Chung & Jao Development Corp.**

We represent Chung & Jao Development Corp., the owners of the property at 5970 Elgin Mills Road East (the "subject site" or "site"). On September 18, 2024, we submitted an objection to the City of Markham's *Notice of Intent to Designate* the site. Our objection letter included a placeholder for a follow-up to elaborate on the rationale for the objection. Below is this additional rationale. The subject site is highlighted in red, and the farmhouse, which is the focus of the proposed designation, is circled in white in Figure 1 below.

Figure 1 - Subject Site and Farmhouse



PLANNING | DEVELOPMENT | PROJECT MANAGEMENT | URBAN DESIGN

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BACKGROUND

According to the Notice of Intent to Designate and the City Heritage Staff Research Report, the cultural heritage value or interest of the subject site is specifically associated with the single-detached residential structure (the farmhouse) located on the subject site. The remaining portions of the site, including the other structures, are contemporary in nature, characterized by a variety of materials that do not contribute to the site's historical significance. Additionally, about 2 hectares of the site (roughly 48%) wrapping around the west and northwest sides and to the rear of the site to the north appear to be cultivated. The balance of the property (roughly 52%) is no longer utilized for agricultural purposes.

City staff have suggested that the farmhouse, which they have labelled as the "Peter Milne Jr. House" holds design and physical value as an altered, restrained representative example of the Ontario Classic style. City staff have also suggested that the farmhouse has historical significance for its representation of agriculture, economic development, and government services in the 19th century and its association with Peter Milne Jr., an important early resident of Milnesville. City heritage staff have also opined that the property also has contextual value, being historically and visually connected to its surroundings as the farmhouse of Peter Milne Jr. and later tenant farmers on the Milne farm. Furthermore, staff opine that the farmhouse on site has stood in Milnesville since around 1870 and is linked to the nearby Milne House at 10666 Highway 48.

We do not agree that the subject site or the farmhouse on site has any cultural heritage value or interest.

The objections filed are based on the view that the extent of alterations to the house has significantly compromised its original heritage integrity. Furthermore, we believe the evaluation of the criteria under O. Reg 9/06 of the Ontario Heritage Act has not been conducted with the necessary rigor or thoroughness. While meeting two of the nine prescribed criteria under O. Reg 9/06 may serve as a basis for considering a designation, it does not, in itself, justify long-term conservation or the automatic application of a designation. A more comprehensive and critical assessment is required to determine if the property truly merits such protection. The initial reasons for the objection were as follows:

1. **Alterations:** Extensive modifications to the house have compromised its original heritage integrity. Detailed documentation of these alterations is provided below. Even if the property meets some criteria under O.Reg 9/06, this does not mandate long-term protection.
2. **Design Value Disagreement:** The Owners disagree with the assessment under Criterion #1 of O.Reg 9/06, arguing the house does not demonstrate significant design or physical value.
3. **Lack of Criteria Clarity:** The provided materials do not clearly identify which of the nine criteria are met, making it difficult to understand the basis for designation on the grounds of theme.
4. **Lack of Comparative Analysis:** The Research Report lacks comparative analysis to establish the house's uniqueness, rareness, or representativeness. With many similar

examples already protected in Markham, designating another altered example seems unnecessary and risks diluting the City's heritage resources.

5. **Historical and Associative Value Questioned:** The significance attributed to Peter Milne Jr. is overstated, as his influence was not uniquely impactful in Milnesville. Evidence also suggests the house may have been built after his death, diminishing its association with him.
6. **Contextual Value Insufficient:** The evaluations under Criteria #7–9 are not comprehensive enough to support long-term protection based on contextual value.

SUBJECT SITE

The subject site is a 4.2-hectare (10.3 acre) parcel of land, situated at the northwest corner of the intersection of Elgin Mills Road East and Highway 48 about 2 kilometres north of Major Mackenzie Drive East, where the limits of urban development are evident. Original part of Lot 26, Concession 7 in Markham, the site is now legally described as: *Part Lot 26, Concession 7, Markham As In R434410, Except Part 1 on 65R-30337, Markham; T/W MA71954*. Today the site is a fraction of the original lot and concession from a lot-originality standpoint (see Figure 2 below).

Figure 2 - Subject Site Compared to Original Lot and Concession



The site contains a mixture of open land, some cultivated areas flanking the site, and several structures including the subject farmhouse, which is tucked quite closely to the southeast corner of the site near the intersection of Elgin Mills Road East and Highway 48. The central portion of the site seems to be occupied by various stored materials and equipment, ostensibly used for

wood milling and woodwork and what may have been a landscape contractors' yard. The central portion of the site contains various outbuildings, shop structure, shipping containers, gravel drive aisles and parking areas, stockpile areas, berms, drive sheds, an old storage dome in poor condition and seemingly designed to store aggregate materials, and a small chicken coop northwest of the farmhouse, which is a contemporary installation producing eggs for tenants that live within the house on site.

The farmhouse, located near the southeast corner of the site and adjacent to Highway 48, is the oldest structure on the property. It is highlighted in Figure 1 above within a white circle. The farmhouse appears to be positioned close to the road and is set apart from the rest of the site's contemporary structures. The surrounding area of the farmhouse is characterized by some trees and green space, separating it slightly from the more industrial sections of the property. The house is currently used by employees of the business on site, who rent out the rooms on the upper level.

The house is a 1.5-storey structure with a T-shaped footprint and a gabled roof that features a steeply peaked central dormer on the east façade. The house is clad in stucco and has been painted white. There is a 1-storey addition on the south façade, and a concrete patio functioning as the entrance landing outside of the house within the southwest corner. The addition also includes a covered portico where the primary entrance to the house is in the same southwest corner. The roof to the addition is a straight mansard style. All roofs have black shingles.

The following images show the subject farmhouse as of September 16, 2024. All photos are original. As the balance of the structures on the subject site are not the subject of heritage conservation, photos of those structures have not been included, but are available on request.

*Full Extent Of East (Original Front) Façade
Showing Addition & Original Sections*



*Original Section Of Farmhouse & Original East
(Front) Façade With Bricked Over Front
Entrance and Peaked Dormer*



Lines From Old Portico Roof (Now Removed)



Full Extent Of North (Side) Façade (Likely Bricked Over Window Upper Left)



Brick Masonry Beneath Stucco



Full Extent Of West (Rear) Façade Now Functioning As Primary Entrance



View Of Farmhouse Looking Northeast Showing Addition



Full Extent Of South (Side) Façade Showing Addition, And Covered Original House



Farmhouse From Elgin Mills Rd E



Farmhouse From Elgin Mills Rd E



Farmhouse from Intersection



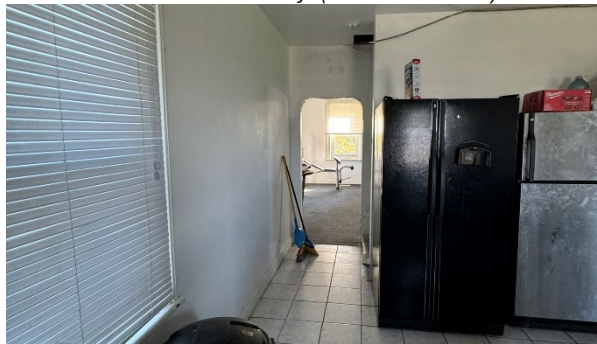
Farmhouse from Highway 48



Kitchen (Ground Floor)



Kitchen & Hallway (Ground Floor)



Water Damage (Ground Floor)



Staircase to Upper Level



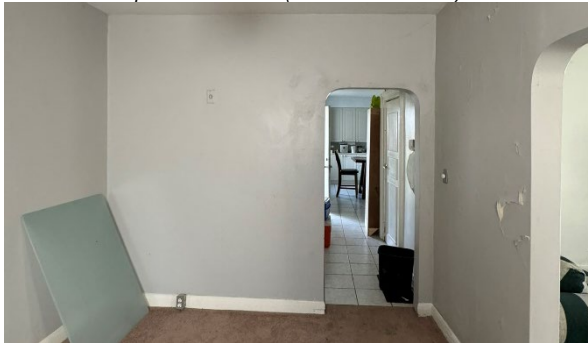
Living Area (Ground Floor)



Original Front Entrance (East Side)



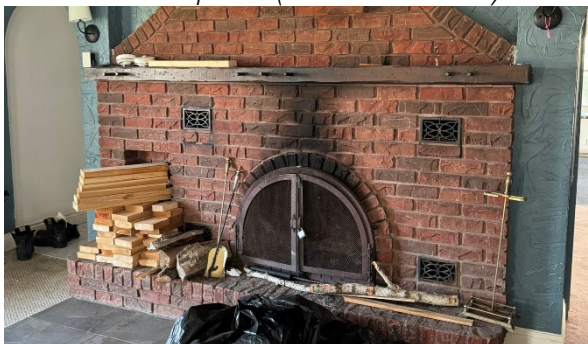
Spare Room (Ground Floor)



Wall Thickness Between Original & Addition



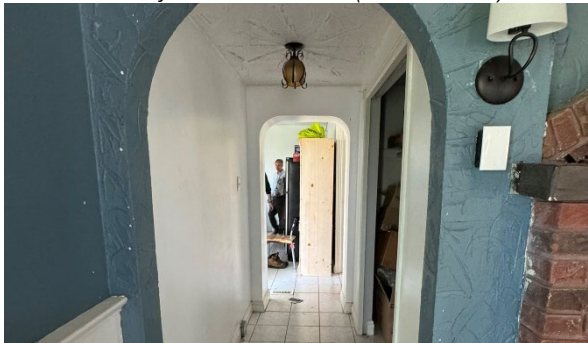
Brick Fireplace (Sealed from Use)



Living Area (Addition on South Side)



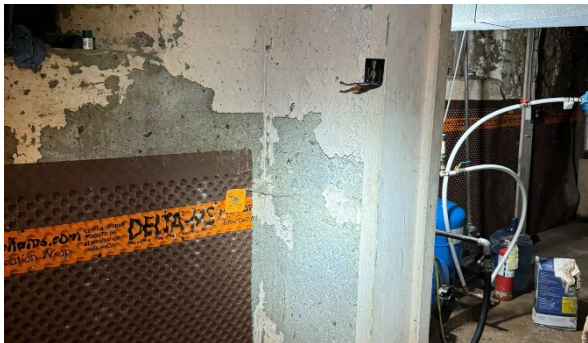
Hallway from Addition (South Side)



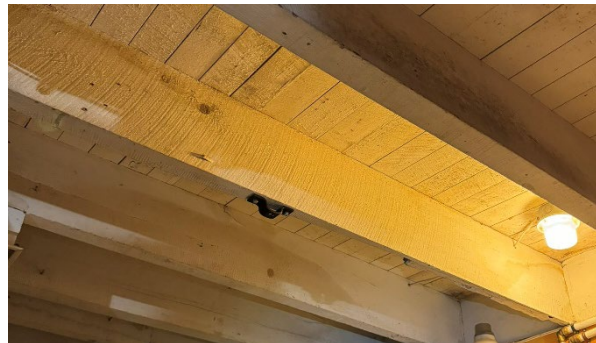
Staircase to Basement



Foundation & Moisture Barrier Basement



Cut Floor Joists and Floor Boards



Rubblestone Foundation



Retrofit HVAC Fixtures & Concrete Parging



Retrofit Furnace



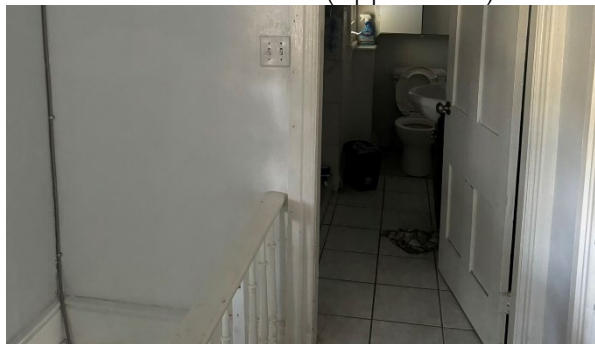
Cut Floor Joists Atop Rubblestone



Yellow Brickwork



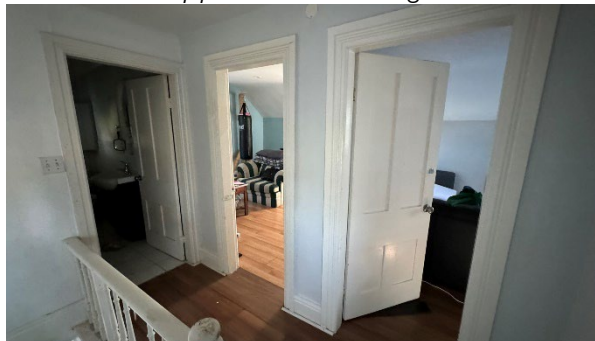
Land & Bathroom (Upper Level)



Bedroom (Upper Level)



Upper Level Landing



Summary of Alterations / Additions / Unsympathetic Interventions

Alterations

- Basement excavation / underpinning (seemingly to create standing height and room for installation of modern amenities such as HVAC, hot water tank, plumbing, and electrical, etc.).
- Bricked over original front entrance.
- Change of original front entrance from east side to west side.
- Either new chimney on south side of house or re-bricked chimney.
- Interior layout, less symmetrical, focused around and altered to accommodate south addition.
- Likely bricked over upper-level window on north façade (altered symmetry).
- Likely bricked over upper-level window on south façade (altered symmetry) to accommodate chimney from fireplace in south addition.
- Portico removed from east façade.
- Removed portico.
- Retrofit HVAC ductwork, returns, and vents.
- Stucco coated brick (also an addition)
- Vinyl window inserts.

Additions

- Antenna against north façade.
- Brick fireplace internal to south addition, with chimney place outside of original house in front of what would likely have been upper floor window.
- Kitchen cabinets / sink, in front of ground floor window on north (side) façade.
- Oil storage tank (storing the fuel oil that supplies the furnace).
- Portico with mansard roof over relocated primary entrance on west façade.
- South addition with straight mansard roof and tall slender windows.
- Stucco coated brick (also an alteration)

Unsympathetic Interventions / Damage

- Mansard roof on addition, versus gable roof on original portion of house.
- Some evidence of uneven floors.
- Some evidence of water staining on stucco.
- Unitization of house for tenants / renters.
- Water damage on ground floor near stairwell.

It is also noted that stucco is often used on old brick homes for several reasons. One of these reasons is cost-effective repairs. Over time, older bricks can crack, spall, shift, break, or worse. Stucco can be a more cost-effective solution to repair and cover these damages compared to fully replacing or restoring the brick. It effectively covers cracks and imperfections, providing a cohesive finish, among other reasons such as protection, aesthetic appeal, and sometimes even thermal insulation.

DISCUSSION ON APPLICABLE LEGISLATION AND INTEGRITY

Applicable Legislation

The Ontario Heritage Act, R.S.O. 1990, c. O.18 (the “Heritage Act”), is provincial legislation that sets out the ground rules for the protection of heritage properties and archaeological sites in Ontario. The Heritage Act came into force in 1975, and has been amended several times, including in 2005 to strengthen and improve heritage protections in Ontario, and in recent years through Bill 108 in July 2022, in November 2022 through Bill 23, in December 2023 through Bill 139, and then again in June 2024 through Bill 200, (i.e., the Homeowner Protection Act, 2024).

Under Bill 23, “listing” a property on the Register requires that they meet one or more of the prescribed criteria set out in O. Reg. 9/06 (Criteria for Determining Cultural Heritage Value or Interest) under the Heritage Act. Furthermore, to “designate” a property under Part IV of the Heritage Act (i.e., an individual designation), properties must now meet two or more of the nine prescribed criteria set out in O. Reg. 9/06. These criteria are as follows:

1. *The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.*
2. *The property has design value or physical value because it displays a high degree of craftsmanship or artistic merit.*
3. *The property has design value or physical value because it demonstrates a high degree of technical or scientific achievement.*
4. *The property has historical value or associative value because it has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community.*
5. *The property has historical value or associative value because it yields, or has the potential to yield, information that contributes to an understanding of a community or culture.*
6. *The property has historical value or associative value because it demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.*
7. *The property has contextual value because it is important in defining, maintaining or supporting the character of an area.*
8. *The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings.*
9. *The property has contextual value because it is a landmark. O. Reg. 569/22, s. 1.*

The Ontario Heritage Tool Kit (“OHTK”)

The Ontario Heritage Tool Kit (“OHTK”) is a series of guides designed to help understand the heritage conservation process in Ontario, and takes the criteria and evaluation process a little further. The OHTK guides explain the steps to undertake the identification and conservation of heritage properties using the Ontario Heritage Act. They also describe roles community members can play in municipal heritage conservation, as participants on municipal heritage committees, or through local research conducted by groups with an understanding of heritage.

Following recent amendments to the Heritage Act, the OHTK was updated to assist users understand the changes. Some changes to the Heritage Act came into effect as O. Reg. 385/21 on July 1, 2021, but the OHTK drafts dated May 2021 were never finalized. Notwithstanding, the May 2021 draft of the OHTK are still posted on the Environmental Registry of Ontario (ERO # 019-2770), and as such, are helpful in understanding the revisions being considered by the Province.

The original OHTK consist of five documents. The documents entitled “Heritage Property Evaluation,” and “Designating Heritage Properties” being the most applicable to this letter. The “Heritage Property Evaluation” document is a guide to listing, researching, and evaluating cultural heritage properties. The “Designating Heritage Properties” document is a guide to municipal designation of individual properties under the Ontario Heritage Act.

Discussion

Under the Heritage Act, O. Reg. 9/06 sets out the criteria for determining cultural heritage value or interest for properties that may be designated under Section 29 of the Heritage Act, which were amended following Bill 23 through O. Reg. 569/22. A property may be designated under Section 29 of the Heritage Act if it meets two or more of the criteria for determining whether it is of cultural heritage value or interest. However, O. Reg 9/06 does not consider matters that relate to the heritage integrity of building or structures.

In this regard, Section 5.3 of the OHTK document “Heritage Property Evaluation” provides that a heritage property does not need to be in original condition, since few survive without alterations between their date of origin and today. Integrity then, becomes a question of whether the surviving physical features (heritage attributes) continue to represent or support the cultural heritage value or interest of the property.

Accordingly, buildings that have been irreversibly altered without consideration for design, may not be worthy of long-term protection. When surviving features no longer represent the design, the integrity has been lost. Similarly, removal of historically significant materials, or extensive reworking of the original craftsmanship, warrants an assessment of integrity. If a building has an association with a prominent owner, or if a celebrated event took place there, it may hold cultural heritage value or interest, but the challenge comes with defining the specific type of association.

Cultural heritage value or interest may also be intertwined with location or an association with another structure or environment. If these have been removed, the integrity of the property may be seriously diminished. As well, cultural heritage value or interest can be found in the evolution of a heritage property, as much can be learned about social, economic, technological, and

other trends over time. The challenge again, is being able to differentiate between alterations that are part of an historic evolution, and those that are expedient and offer no informational value.

Section 5 of the May 2021 Draft OHTK document “Designating Heritage Properties” provides draft guidance on conserving the heritage value of a designated property. While the subject site is not a designated property under the Heritage Act, the guidance provided in this section is still helpful, as it speaks to matters regarding the loss of heritage integrity.

Accordingly, if a property is noted as being important for its architectural design or original details, and that design has been irreparably changed, it loses its heritage value and its integrity. Likewise, if a property is designated for its association with a significant person or event, but the physical evidence from that period has disappeared, the property’s cultural heritage value is diminished.

Opinion on Integrity

In our opinion, the heritage integrity of the farmhouse has been lost. Given the reduced size of the lot (10.3 acres from an original 200-acre patent), alterations, additions, and unsympathetic interventions / damage to the structure over the years listed above, the surviving physical features do not, in our opinion, present a structure worthy of long-term protection.

REVIEW OF CITY RECOMMENDATION REPORT

The following is taken directly from the City’s Research Report and Statement of Significance on the subject site, which informed the direction for the original Notice of Intent to Designate. It is noted that the heritage evaluation under O. Reg 9/06 appears to have taken the older approach prior to Bill 23 coming into force and treats the prescribed criteria thematically under the three broader categories of design / physical value, historical / associative value, and contextual value, rather than treating each of the nine prescribed criteria independently. Accordingly, the City Research Report provides the following (directly quoted and shown *italicized*).

Design / Physical Value

Research Report: *The Peter Milne Jr. House has design value and physical value as an altered, restrained representative example of a rural dwelling in the Ontario Classic style.*

Statement of Significance: *The Peter Milne Jr. House has design and physical value as an altered, restrained representative example of a rural dwelling in the Ontario Classic style. The Ontario Classic is a house form that was popular from the 1860s to the 1890s with many examples constructed on farms and in villages throughout Markham Township. These vernacular dwellings were often decorated with features associated with the picturesque Gothic Revival style, but in the case of the Peter Milne Jr. House, this is limited to its steep centre gable on the east wall. The essential form of the Ontario Classic was symmetrically balanced with a centrally-placed front door flanked by a window on either side, a hold-over from the long-standing, conservative formality of the Georgian architectural tradition, and a steep centre gable above the entrance. The Peter Milne Jr. House is now missing its front door, but the space where it once existed remains evident. A one-and-a-half storey height and an L-shaped or T-shaped plan were typical of this house form,*

with the rear portion of the house usually functioning as a kitchen wing. Here, the rear wing is one-and-a-half storeys rather than the more common single-storey.

Historical / Associative Value

Research Report: *The Peter Milne House Jr. has historical or associative value representing the theme of agriculture, economic development and government services in relation to the diverse activities that took place on this property in the nineteenth century, and for its association with Peter Milne Jr., a prominent early resident of the rural community of Milnesville who was a major landowner in Markham Township, as well as a store and sawmill owner, and the community's first post master from 1852 to 1863. Peter Milne Jr. is also noteworthy for his alleged association with the Upper Canadian Rebellion of 1837.*

Statement of Significance: *The Peter Milne House Jr. has historical or associative value representing the theme of agriculture, economic development, and government services in relation to the diverse activities that took place on this property in the nineteenth century, and for its association with Peter Milne Jr., a prominent early resident of the rural community of Milnesville. He was a major landowner in Markham Township as well as being a store and sawmill owner, and the community's first postmaster from 1852 to 1863. Peter Milne Jr. is also noteworthy for his alleged association with the Upper Canadian Rebellion of 1837. Peter Milne Jr. was a son of Alexander Milne, a Scottish American immigrant who arrived in Markham Township with his brother Peter Milne in the 1820s. Peter Milne Jr. was initially a bookkeeper for his uncle Peter Milne in Reesorville (later known as Markham Village). In 1838, he was arrested and imprisoned in Kingston for his alleged participation in the Upper Canadian Rebellion of 1837, and later pardoned. Peter Milne Jr. purchased the eastern half of Markham Township Lot 26, Concession 7 in 1837 which contained a store that he ran from 1852 to 1863. He also owned a sawmill on Little Rouge Creek and a considerable amount of property south of Box Grove. In 1852, Peter Milne Jr. named his community's local post office "Milnesville" after his family. He was married to Hannah (McKay) Milne and lived both on this property and on the adjacent land he owned on Lot 25, Concession 7. In approximately 1870, he constructed a new brick house for his retirement to replace his older frame house on Lot 26, Concession 7 which he rented to a tenant farmer. The property remained in the ownership of the estate of his married daughter Elizabeth Wilcox (Milne) Gibson of Toronto until 1937.*

Contextual Value

Research Report: *The Peter Milne Jr House has contextual value as the farmhouse that once served Peter Milne Jr. and later tenant farmers on the Milne farm (Lot 26, Concession 7), in the historic rural community of Milnesville. The dwelling has existed since c.1870 and is historically linked to the Milne House at 10666 Highway 48 on Lot 25, Concession 7.*

Statement of Significance: *The Peter Milne Jr House has contextual value because it is physically, functionally, visually, and historically linked to its surroundings as the farmhouse that once served Peter Milne Jr. and later tenant farmers on the Milne farm on Lot 26, Concession 7. It is located in the historic rural community of Milnesville, where it has stood since c.1870. It is historically linked to the Milne House at 10666 Highway 48 on Lot 25, Concession 7.*

RESPONSE: OBJECTION AND REASONING

The owners have formally objected to the Notice of Intent to Designate their property at 5970 Elgin Mills Road East, Markham, under Section 29(5) of the Ontario Heritage Act (OHA). The following offers a response to the City staff's evaluation of the subject site based on the criteria outlined in O. Reg 9.06 and the historical research available in the City's Research Report. The City staff's evaluations are summarized/paraphrased in black, reflecting the original content from the Research Report and Statement of Significance, while TBG's responses, where applicable, are provided in green. For the purpose of this letter, it has been assumed that the historical research conducted by City staff is accurate.

Criteria	Response
<p>1. <i>The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.</i></p>	<p>[Staff Evaluation] Staff have suggested that the farmhouse is valued for its design and physical attributes as and altered, restrained representative example of a rural dwelling in the Ontario Classic style, popular from the 1860s to the 1890s. Typically symmetrical with a centrally placed front door and steep centre gable, this house reflects the influence of Georgian architecture and the Gothic Revival style. Although the original front door is missing, its placement remains visible. The house also features a one-and-a-half-storey height with an L-shaped plan, including a rear wing that is also one-and-a-half storeys, which is less common than the typical single-storey kitchen wing.</p> <p>[TBG Response] With regard to the first criterion of O.Reg 9/06 for designation, we respectfully disagree that the house possesses design or physical value as a rare, unique, representative, or early example of a particular style, type, expression, material, or construction method. It is necessary to demonstrate significant design and/or physical value, especially given the current condition of the house. Any analysis of the property ought to consider the following:</p> <ul style="list-style-type: none"> • The evaluation of current conditions of the house fails to highlight the existing conditions. This includes the many alterations, additions, unsympathetic interventions, and damage that has been described above that fundamentally alters the originality of the farmhouse. • Stating that the farmhouse has design or physical value as an "altered, restrained representative example" of a rural dwelling in the Ontario Classic style <u>is contradictory</u>, as the very definition of heritage value relies on the integrity and authenticity of the structure's original features and design and a reflection of specific

architectural styles and details. For a building to serve as a representative example of a particular architectural style, it must retain sufficient integrity of form, materials, and craftsmanship to accurately convey that style.

In this case, the farmhouse has undergone significant alterations, additions, and unsympathetic interventions that have compromised its originality. Such changes not only obscure its original design but also diminish its capacity to serve as a true representation of the Ontario Classic style. The extensive modifications have led to the loss of essential characteristics that define this style, such as symmetry, roofline, main entrance placement, or window placements, making it impossible for the building to function as a reliable or authentic example.

As a result, the remaining physical features are insufficient to justify long-term protection, as they no longer demonstrate the architectural or historical qualities needed to preserve the integrity of the Ontario Classic style. Without these key elements, the farmhouse fails to meet the threshold necessary for cultural heritage designation.

- Furthermore, the Research Report lacks a comparative analysis often used to address the test under O.Reg 9.06 of rarity, uniqueness, or age. There are 217 examples of Gothic Revival and 68 examples of Ontario Classic styles in Markham's Municipal Heritage Register, with 219 of these already protected under the OHA. Given this, we question the necessity of designating another lesser example, especially there are already better examples of this style currently protected under the Ontario Heritage Act on the City's Heritage Register. Such an analysis will show that the substantial modifications to the house inhibit it from being representative of any cited architectural styles. Accordingly, we have prepared and attached a brief comparative analysis that show a few of the better already designated properties showcasing the Ontario Classic style in Markham. This analysis is attached as **Appendix A** to this letter.
- The lack of comparative analysis shows a failure to highlight which features, if any, are unique, rare, or exceptional, particularly in comparison to other Designated Properties in the City of Markham.

	<ul style="list-style-type: none"> • Furthermore, the City of Markham's Municipal Heritage Register appears inconsistent in distinguishing between the Ontario Classic (1860-1900) and Gothic Revival (1860-1880) styles, which overlap in time. With 217 Gothic Revival and 68 Ontario Classic examples listed, and 219 already protected under the OHA, many properties seem to fall into both categories on the Register. As highlighted in the staff Research Report, the 'essential form of the Ontario Classic' is a distinct architectural style from 'Gothic Revival'. However, the overlap in the City's Heritage Register suggests confusion in classification or generally, that these styles share similar attributes difficult to separate. In our opinion, the house is better described as a vernacular farmhouse with Gothic Revival and Ontario Classic stylistic influences, but not a distinctive representation of either one of these styles. • As explored by City staff, the breadth of characteristic features of a 'Gothic Revival' style home are largely absent, save for the steeply pitched center gable on the east facade. The structure was therefore not, at any point, an exemplary example of this style. The balance of other typical gothic revival attributes are missing from the farmhouse such as steeply pitched roofs, decorative bargeboards (gingerbread trim), pointed arch windows, symmetrical façades, verandas or porches, and tall, narrow windows, for example. • Similarly, typical attributes of the Ontario Classic style are also missing, such as symmetrical façades, brick or wood siding, central hall plan, modest verandas. Furthermore, the t-shaped plan has been altered by the presence of the addition to the south. <p>Based on the foregoing, in our opinion this criterion has not been fundamentally met.</p>
<p>2. <i>The property has design value or physical value because it displays a high degree of craftsmanship or artistic merit.</i></p>	<p>[Staff Evaluation] No apparent evaluation / argument provided.</p> <p>[TBG Response] We do not believe the farmhouse on site displays a high degree of craftsmanship or artistic merit. There are no architectural features or construction methods visible which would suggest this criterion has been met.</p>

	Furthermore, staff have not provided a rationale responding to this criterion, therefore, no response can be provided.
<p>3. <i>The property has design value or physical value because it demonstrates a high degree of technical or scientific achievement.</i></p>	<p>[[Staff Evaluation]] No apparent evaluation / argument provided.</p> <p>[TBG Response] We do not believe the farmhouse on site demonstrates a high degree of technical or scientific achievement. There are no architectural features or construction methods visible which would suggest this criterion has been met. Furthermore, staff have not provided a rationale responding to this criterion, therefore, no response can be provided.</p>
<p>4. <i>The property has historical value or associative value because it has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community.</i></p>	<p>[Staff Evaluation] Staff have suggested that the Peter Milne Jr. House has historical and associative value for its connection to agriculture, economic development, and government services in the 19th century, reflecting the diverse activities on the property. They have associated the farmhouse with Peter Milne Jr., an early resident of Milnesville, landowner, store and sawmill owner, and the community's first postmaster (1852-1863). Staff also tie Milne Jr. to the Upper Canadian Rebellion of 1837, being arrested and later pardoned for his alleged involvement. The property, originally purchased in 1837, ostensibly remained in Peter Milne Jr's family until 1937.</p> <p>[TBG Response] Based on the information provided, it does not appear that staff have clearly distinguished which of the three criteria related to historical or associative value (4, 5, or 6) have been specifically met. The historical and associative value mentioned relates to Peter Milne Jr.'s significance as a community figure, his involvement in economic and agricultural development, and his alleged connection to the Upper Canadian Rebellion of 1837. This aligns most closely with Criterion 4.</p> <ul style="list-style-type: none"> • Accordingly, the staff rationale establishes the historical and associative value of the property by connecting it to Peter Milne Jr and his own purported significance. It fails to conclusively demonstrate the property's historical or associative value, nor the significance of Peter Milne Jr. himself. • Various community themes are established as a standard yet are never met. Because these are too general on their own, the arguments' brevity "begs the question"; what is of relative importance to these themes as it pertains to Milnesville?

	<ul style="list-style-type: none">• While there is a clear history attached to the site, the argument inappropriately defers outsized and overstated significance to the character of Peter Milne Jr.• It has not been established whether Peter Milne's contributions were uniquely influential within Milnesville, [and if so,] how, or by what measure. Why are the impacts of the property/Milne Jr unique or exceptional, particularly in comparison to any other settler at the time?• Such a high-level framing generally dilutes, if not entirely obfuscates, whether any contributions from the property or Peter Milne Jr. are still significant to Milnesville today.• Notwithstanding the above, evidence suggests that the existing house was built posthumously. At best, this actively increases the requisite significance of Milne Jr's contributions by reducing his association to the property. The Research report provides a description on the chain of ownership but does not provide a table format chain of title. We have prepared a chain of title, which attached to this letter as Appendix B. There is a minor discrepancy in the history provided in the staff Research Report and the Chain of Title prepared by TBG. This is the absence of John Hoover's mention in the history, despite his brief ownership in the chain of title between 1832 to 1837. Other than this, the chain of title and the historical account are largely consistent, with no significant ownership discrepancies. The chain of title confirms that Peter owned the parcel until 1879, which likely corresponds to his death in 1878 in the staff Research Report, as the next transfer of title goes to Elizabeth W. Gibson by will.• This begs another question; is the title "Peter Milne Jr. House" actually appropriate?• The history in the staff Research Report indicates that there was a store on Lot 26, Concession 7 which was established in the 1830s and owned by Peter Milne Jr. from 1837. This is corroborated by the 1860 Tremaine map of York County (see below).
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- According to staff, it served as both a store and post office but was rented to John Herrington by 1851. In contrast, staff suggest that the house currently located at 5970 Elgin Mills Road East is believed to have been built by Peter Milne Jr. for his retirement. The history suggests the house was present by 1878; however, the MPAC records list its construction date as 1880, which conflicts with the timeline since Milne passed away in 1878. Additionally, while the store's use as a rental property is documented, the exact use of the house during the same period is not clearly stated. Furthermore, staff seem to have established that there were two different structures on site in their research – The store, and then the house. This means that the house was built after Peter Milne Jr.'s death, and more likely for Elizabeth W. Gibson who owned the site for 59 years from 1879 to 1938. Accordingly, there is not factual evidence to suggest that existing house on site is actually tied to Peter Milne Jr and is more likely tied to the subsequent owner Elizabeth W. Gibson following her acquisition one year prior, matching with the MPAC data.
- Assume for a moment that the historic store owned by Peter Milne Jr. and the existing farmhouse on the site are actually the same building, with the farmhouse being a conversion of the store into a residence. In this scenario, the MPAC construction date of 1880 would likely indicate the year of this conversion and subsequent reassessment. If this were the case, it would establish a connection between the farmhouse and Peter Milne Jr. However, it would also demonstrate an evolution from commercial to residential use,

	<p>marking yet another change in the building's original function.</p> <p>While this is a theoretical argument based on the available historical information, even if it were accurate, it would establish only a partial association with Peter Milne Jr. This association would satisfy just one of the nine criteria required for designation, whereas at least two criteria must be met. Moreover, this association is weakened by the fact that the building no longer retains any features indicating its past use as a store or post office, highlighting the long-term shift to residential use. This shift appears to have erased the building's commercial legacy. Therefore, we concur with the staff's assessment that there were indeed two separate buildings on the site: one a store and the other a farmhouse.</p> <p>Based on the foregoing, in our opinion this criterion has not been fundamentally met.</p>
<p>5. <i>The property has historical value or associative value because it yields, or has the potential to yield, information that contributes to an understanding of a community or culture.</i></p>	<p>[Staff Evaluation] Staff suggest that the farmhouse on site holds historical value for its connection to agriculture, economic development, and government services in the 19th century for its association with Peter Milne Jr.</p> <p>[TBG Response] The evaluation fails to demonstrate that the subject site holds significant historical or associative value that contributes to an understanding of the community or culture of Milnesville. The argument presented primarily focuses on the character of Peter Milne Jr. rather than the property itself, failing to establish any lasting legacy he or the property had within the locality.</p> <ul style="list-style-type: none"> • While the report details Milne Jr.'s activities, the emphasis is on his personal achievements rather than the impact of the site. The connection between the farmhouse and Peter Milne Jr. is tenuous, as the historical record does not confirm that the house was built during his lifetime; in fact, it likely postdates his death. The property's relevance to Milnesville's development remains unclear, especially given the presence of two separate structures on the site—a store and a later house (circa 1880). If the original store still stood, the historical association might be stronger. If the historic store owned by Peter Milne Jr. and the existing farmhouse were the same building, converted to residential use around 1880,

	<p>this would establish a connection to Milne. However, this transformation from commercial to residential use would alter the building's original function. Additionally, the absence of any remaining commercial features weakens the link to Milne's legacy. Thus, we agree with staff that there were likely two separate buildings: the store and the farmhouse.</p> <ul style="list-style-type: none"> • Furthermore, although Milne Jr. was active in the community, there is no substantive evidence that his influence was significant enough to warrant unique recognition. The report suggests that his perceived importance stems more from his family connections and land ownership rather than from individual accomplishments directly tied to the property. • Furthermore, the subsequent house built on the site after the store's removal would have been one of many typical farmhouses common in the area, which was characterized as an agricultural community largely owned by Pennsylvania German Mennonite families. This further diminishes the historical significance of the house, as it does not stand out as an essential or unique element within the broader landscape. • The report also mentions the early settlement activities of Peter Milne Sr. and his brother Alexander, noting their purchase of a sawmill and gristmill. However, this information does not provide a direct connection to the subject site or establish Milne Jr. as a formative figure in the broader development of Milnesville. The history of Milnesville shows a diffuse, agricultural community beyond the subject site, suggesting that the property was not the only property central to its development. <p>Based on the foregoing, in our opinion this criterion has not been fundamentally met.</p>
<p>6. <i>The property has historical value or associative value because it demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.</i></p>	<p>[Staff Evaluation] No apparent evaluation / argument provided.</p> <p>[TBG Response] We do not believe the farmhouse on site demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a</p>

	<p>community. There are no known architects, artists, builders, designers or theorists noted in relation to the subject site.</p> <p>Peter Milne Jr was a postmaster and landowner and not a significant architect, builder, designer or theorist significant to Milnesville. Accordingly, in our opinion this criterion has not been fundamentally met.</p>
<p>7. <i>The property has contextual value because it is important in defining, maintaining or supporting the character of an area.</i></p>	<p>[Staff Evaluation] It appears staff have not indicated whether they believe the property is significant in defining, maintaining, or supporting the broader character of Milnesville.</p> <p>[TBG Response] In our opinion, the site and farmhouse do not meet this criterion for the following reasons:</p> <ul style="list-style-type: none"> • <u>Lack of Unique Contribution:</u> While the farmhouse is linked to Peter Milne Jr. and tenant farming activities, it does not demonstrate a unique or defining influence on the broader character of Milnesville. The community was primarily agricultural, with many similar farmhouses and properties owned by various families, particularly those from the Pennsylvania German Mennonite community. The farmhouse does not stand out as a distinct or central feature that shaped or maintained the character of the area and is likely a second structure on site, following a store allegedly demolished. • <u>Absence of Central Role:</u> Milnesville developed as a diffuse, agricultural community with numerous farms, blacksmith shops, sawmills, and other rural businesses. The farmhouse in question is not the original structure on site and is one of many that contributed to the area's agricultural landscape. Its presence did not play a pivotal role in defining the broader community's identity or function. • <u>Later Construction Date:</u> The farmhouse, believed to have been built circa 1880, postdates Peter Milne Jr.'s death, reducing its historical significance in terms of its direct association with Milnesville's early development in the 1830s and 1840s. By the time the house was constructed, the character and identity of Milnesville as an agricultural community were already well-established, meaning this structure did not play a significant role in defining or maintaining the area's character. <p>In summary, the site and farmhouse are typical examples of agricultural properties in Milnesville, without a demonstrable</p>

	<p>impact on the development or maintenance of the community's character. Accordingly, in our opinion this criterion has not been fundamentally met.</p>
<p>8. <i>The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings.</i></p>	<p>[Staff Evaluation] Staff suggest that the farmhouse is connected to Peter Milne Jr and later tenant farmers. They also mention its historical link to the Milne House at 10666 Highway 48 (another site). The statement of significance specifically states that the house is physically, functionally, visually, and historically linked to its surroundings, as the farmhouse that once served Peter Milne Jr. and later tenant farmers on the Milne farm on Lot 26, Concession 7. It is located in the historic rural community of Milnesville, where it has stood since c.1870 (a contradictory statement to the Research Report). It is historically linked to the Milne House at 10666 Highway 48 on Lot 25, Concession 7.</p> <p>[TBG Response] The subject site and farmhouse does not meet the criterion for contextual value based on its physical, functional, visual, or historical link to its surroundings for several reasons:</p> <ul style="list-style-type: none"> • <u>Lack of Distinct Physical and Visual Presence:</u> The farmhouse is one of many typical 19th-century dwellings in Milnesville. In our opinion, its design is not representative or unique, failing to establish it as a visual landmark or integral part of the community's character. • <u>Questionable Historical Link:</u> The house was likely built circa 1880, after Peter Milne Jr.'s death, making any direct historical association with him speculative. This undermines its historical link to the community. • <u>Function Is Not Significant to the Community's Character:</u> Serving as a residence for tenant farmers, the farmhouse's function was common and not distinct enough to define or maintain the area's agricultural identity. • <u>Diffuse Nature of Milnesville:</u> Milnesville was a scattered agricultural community, and the property does not demonstrate a central or cohesive connection to it. Its link to another Milne house nearby is insufficient to establish meaningful contextual value. • <u>Road Widening, Alterations, and Placement of House:</u> The property is but a small portion (10.3 acres) of an original 200-acre lot. In addition, Reference Plan 65R-30337 resulted in the

	<p>severances and conveyance of a portion of the property for road widening further diluting the lot's originality. Furthermore, the original front of the house has been re-oriented from the east side to the west side, and the area around the original front of the has been altered and taken out of context. The original front door has been bricked over and an oil storage container has been installed in front of it. As well, the proximity of Highway 48 has encroached towards the house. As a result, the yard closest to the highway has been shrouded by trees and shrubs separating the house from view from the street. Contextually the house is hidden from view from the public realm, which when collectively examined along with its alterations and vegetation, has diminished its context as a farmhouse with frontage along the street.</p> <p>In conclusion, the farmhouse lacks the necessary characteristics to be physically, functionally, visually, or historically linked to its surroundings in a way that satisfies the criterion for contextual value. Accordingly, in our opinion this criterion has not been fundamentally met.</p>
<p>9. <i>The property has contextual value because it is a landmark. O. Reg. 569/22, s. 1.</i></p>	<p>[Staff Evaluation] No apparent evaluation / argument provided.</p> <p>[TBG Response] There is no staff evaluation against this criterion and therefore no response has been provided. In our opinion, the property lacks the qualities of a landmark. The existing farmhouse's height does not notably surpass that of neighbouring structures or trees, and its visibility from the street is partially obscured by trees, with no significant viewpoints highlighting the property as noteworthy or distinctive. This criterion has not been met.</p>

CONCLUSIONS AND RECOMMENDATIONS

Based on the foregoing, it is our view that the subject site and its existing residence (once a farmhouse) have not substantially met two of the nine criteria necessary for consideration of designation under Part IV, Section 29 of the OHA. In fact, we contend that none of the nine criteria have been satisfied.

If the historic store owned by Peter Milne Jr. and the existing farmhouse were, for argument's sake, the same building converted to residential use around 1880, this would establish a connection to Milne. However, this transformation from commercial to residential use would demonstrate quite a significant alteration to the building's original function. Even if true, this association only partially meets one of nine criteria for designation, whereas two are required.

Additionally, the absence of any remaining commercial features in the farmhouse weakens the link to Milne's legacy. Thus, we agree with staff that there were likely two separate buildings: the store and then a farmhouse, with the former having been demolished, and the latter existing.

Moreover, we believe that the heritage integrity of the farmhouse has been lost. Given the reduced size of the lot (10.3 acres from an original 200-acre patent), alterations, additions, and unsympathetic interventions / damage to the structure over the years listed above, the surviving physical features do not, in our opinion, present a structure worthy of long-term protection, even if the requisite two criteria had been met.

There are 217 examples of Gothic Revival and 68 examples of Ontario Classic styles in Markham's Municipal Heritage Register, with 219 already protected under the Ontario Heritage Act (OHA). Given this, we question the need to designate another, particularly lesser, example when superior representations of these styles are already protected. The significant modifications to the house prevent it from being a clear representative of either architectural style, or our comparative analysis attached to this letter as Appendix A further demonstrates this point.

In light of the aforementioned considerations, the recent site visit, and appendices to this letter, we kindly request a reevaluation of the City's decision to designate the subject site under Part IV, Section 29 of the OHA. We ask the City to consider the active objection and to consider withdrawing the notice of intention to designate the property in accordance with Section 29(6) and 29(7) of the OHA.

Yours truly,
The Biglieri Group Ltd.




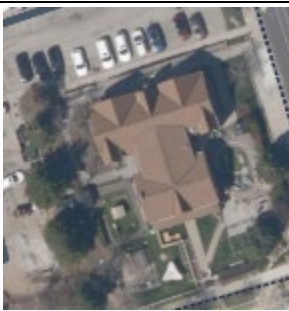

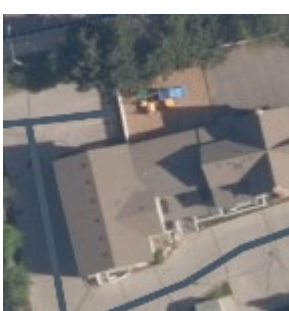




A handwritten signature in black ink, appearing to read "Evan Sugden". The signature is fluid and cursive, with a long horizontal stroke at the end.











Evan Sugden, HBASc, MA, CAHP, RPP, MCIP
Associate | Heritage Lead

Cc. City Clerk
Clients
Michael Barone (TBG)

Attach: Appendices

APPENDIX A – Comparative Analysis

Comparative Analysis of Designated Heritage Properties Markham: "Ontario Classic"					
#	Address	Heritage Status	Street View	Aerial View	Stylistic Notes (As per Register)
1	7186 11th Concession Rd	Designated PART IV			N/A
2	3990 14th Ave	Designated PART IV			The City of Markham's Municipal Heritage Register lists 43 "Ontario Classic" structures built before 1880. A comparative analysis of ten protected properties shows examples with original materials, T-shaped footprints, and steep dormers, some predating 1880. This indicates that the subject property is neither unique, rare, nor the earliest example of the "Ontario Classic" style.
3	2977 16th Ave	Designated PART IV			An Ontario Classic House & adjoining blacksmith shop owned & operated by Jonathan Calvert. The account book spans 1851-1859, with the residence established in 1875. When threatened by a road widening, business owner John Capon relocated the structures opposite side of Woodbine/16th Ave, then connected & restored.
4	9642 9th Line	Designated PART IV			The James D. Harrington house exemplifies a rare vernacular building, sitting on its original fieldstone foundation facing east, and was constructed in 1874. The House is a one-and-a-half storey frame dwelling with a T-Shaped plan. The house will be a remnant of the area's rural past amid its integration among the urbanizing surroundings.
5	14 Buttonville Cres W	Part V (HCD)			The Willcocks-Baldwin family owned & operated mills in the vicinity. Lands contained the saw mill, grist mill, mill pond, mill dam and the homes of those that ran these industries. The farmhouse, built around 1868, was relocated in 1982 due to development.

6	11 Albert St	Part V (HCD)			<p>Henry Speight, a carriage painter for the Speight Wagon Co., was the son of Thomas and Martha (Drake) Speight and the younger brother of James Speight, the first reeve of Markham Village. James initially owned the property before selling it to Henry, who later sold it to David Reesor in 1868. By 1881, Henry had relocated to Main Street, closer to the family business.</p>
7	10 Alexander Hunter Pl	Part IV (Individual)			<p>The Ontario Classic brick farmhouse on Markham Township Lot 17, Concession 4, was built between 1877 and 1879 during the Wilson family's ownership. Johnson Wilson bought the 200-acre property in 1877, later selling it to his brother Samuel, who likely oversaw the construction of the farmhouse. In 1912, Samuel's estate sold it to Jonathan Calvert, a farmer from a family of Scottish blacksmiths. The Calvert family owned the property until 1988, when it was sold for residential development. Initially preserved on-site, the house was relocated to Markham Heritage Estates in 1990 due to servicing issues.</p>
8	43 Castlevlew Cres	Part IV (Individual)			<p>The William Wonch House, built circa 1850-1880 in Gothic Revival style, is a 1/2 storey brick residence with a three-bay façade. Located on Lot 21, Concession 4, it was originally settled by John George Wunsch (Wonch) and his wife Mary, early settlers of Markham in 1794. The house, on a stone foundation, likely had gable-end chimneys and a wood roof. It holds contextual significance as a well-preserved example of a 19th-century farmstead with ties to Victoria Square.</p>
9	48 Church St	Part V (HCD)			<p>Peter Perry Crosby was a wagon-maker in Markham Village. This white brick house was built for Peter and Emily Crosby c.1872. In 1928, it was willed to their daughter, Annie (Crosby) Stafford, on the condition that Emily Crosby could reside there for life.</p>
10	3450 Elgin Mills Rd E	Part IV (Individual)			<p>The Hilts-Ford House, located on Lot 26, Concession 4 in Markham, was originally part of a 200-acre property granted to Henry Schell in 1802. The Schell family, part of the Pennsylvania-German community, settled in Markham from New York. In 1808, Schell sold 100 acres to Jacob Hilts, also from the Pennsylvania-German community. The Hilts family lived there until 1862, when it was rented out. In 1875, William Ford purchased and possibly updated the farmhouse with a steeper roof and center gable. The property was sold to Walter Scott in 1885 and remained with the Scott family until 1927, when it was sold</p>

					to John Snider. The Sniders owned it until 1961 before it became part of Romandale Farms.
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Ten designated heritage properties were selected from the City of Markham's Municipal Heritage Register (the "Register") for a comparative analysis above, highlighting already protected better examples of "Ontario Classic" homes. These examples retain original materials (without stucco), some follow a T-shaped layout, and feature steeply pitched dormers, with some predating 1880. According to the Register, there are 43 properties featuring "Ontario Classic" structures built before 1880.

In our view, this shows that the subject property and its house are neither unique nor rare, nor are they the earliest examples of "Ontario Classic" architecture.

APPENDIX B – Chain of Title

Owner	Date From	Date To	Notes
Crown	---	1801	Crown Land
Martin Holder	1801	1804	Patent (200 acres)
Martin Hoover	1804	1832	200 acres (Martin Hoover divides land)
John Hoover	1832	1837	Part of 100 acres
Peter Milne	1837	1879	Part of 100 acres
Elizabeth W. Gibson	1879	1938	East Part of 100 acres (willed from Peter Milne)
Chartered Trust & Executor Co. (Elizabeth W. Gibson)	1938	1938	East Half 100 acres
Ella L. Bell & Elizabeth E. Bell (Joint Tenants)	1938	1954	East Half 100 acres
Ella L. Bell, Elizabeth E. Bell, & Robert A. Bell (Joint Tenants)	1954	1961	East Half 100 acres
Donald W. Bayington et ux.	1961	1970	
Harvey J. Brown	1970	1987	
Kirk and Donna Globocki	1987	1999	
RAAM Investments Ltd.	1999	2007	
Chung & Jao Development Corp.	2007	Present	Current Parcel



Report to: Development Services Committee

Meeting Date: July 16, 2024

SUBJECT: RECOMMENDATION REPORT
648321 Ontario Inc. (c/o Gatzios Planning Consultants)
Applications for Official Plan and Zoning By-law Amendment to permit a 13-storey mixed-use building at 5871 Highway 7 (Ward 4)
File PLAN 22 244910

PREPARED BY: Brashanthe Manoharan, BES, Planner II, East District, Ext. 2190

REVIEWED BY: Stacia Muradali, MCIP, RPP, Development Manager, East District, Ext. 2008
Stephen Lue, MCIP, RPP, Senior Development Manager, Ext. 2520

RECOMMENDATION:

1. THAT the report dated July 16, 2024, titled, “RECOMMENDATION REPORT, 648321 Ontario Inc. (c/o Gatzios Planning Consultants), Applications for Official Plan and Zoning By-law Amendment Applications to permit a 13-storey mixed-use building at 5871 Highway 7 (Ward 4) File PLAN 22 244910”, be received;
2. THAT the Official Plan Amendment application (PLAN 22 244910) be approved and that the draft Official Plan Amendment, attached hereto as Appendix ‘A’, be finalized and brought to a future Council meeting for adoption without further notice;
3. THAT the Zoning By-law Amendment application (PLAN 22 244910) be approved and the draft site-specific implementing Zoning By-law, attached hereto as Appendix ‘B’ be finalized and brought to a future Council meeting for enactment without further notice;
4. THAT servicing allocation for 137 residential units be assigned to the proposed 13-storey development;
5. THAT the City reserves the right to revoke or reallocate the servicing allocation should the development not proceed within a period of three (3) years from the date that Council assigned servicing allocation;
6. AND THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

This report recommends approval of the Official Plan and Zoning By-law Amendment applications (the “Application”) submitted by 648321 Ontario Inc. (the “Owner”) to permit a 13-storey mixed use building consisting of 137 residential units, 165 m² (1,776.05 ft²) ground floor non-residential uses, and 174 parking spaces (the “Proposed Development”) at 5871 Highway 7 (the “Subject Lands”). Since application submission, the Owner revised the Proposed Development to reduce the rear-step down from eight to five storeys, move the building closer to Highway 7, reduce the residential units from 146 to 137,

and increase the proposed parking from 150 to 174 spaces. The Proposed Development also provides 403.3 m² (4,341.09 ft²) or 2.9 m² (31.22 ft²)/unit mix of indoor and outdoor amenity areas, which are located on the ground floor and sixth floor.

The proposed Official Plan Amendment would redesignate the Subject Lands with site-specific provisions to permit the increased height and density on the Subject Lands. The proposed Zoning By-law Amendment would rezone the Lands to Community Area 2* XXX (CA2*XXX) Zone under By-law 177-96, as amended, which would permit the apartment building, and site-specific development standards for the proposed height, density, built form, and parking.

The Proposed Development provides intensification and a mix of uses to make efficient use of land and infrastructure while supporting existing transit routes, existing community amenities, and retail services. Staff opine that the Proposed Development is compatible and provides an appropriate interface to the existing residential neighbourhood that supports an active frontage along Highway 7.

PURPOSE:

This report recommends approval of the Applications submitted by the Owner to permit the Proposed Development on the Subject Lands.

Process to Date:

- Staff deemed the Applications complete on June 15, 2022
- A Community Information Meeting (“CIM”) was held on January 24, 2023
- The Development Services Committee (“DSC”) received the Public Meeting Information Report on February 17, 2023
- The statutory Public Meeting was held on February 27, 2023

The 120-day period set out in the *Planning Act* before the Owner can appeal the Applications to the Ontario Land Tribunal (the “OLT”) for a non-decision ended on October 13, 2022. Accordingly, the Owner is able to appeal the Application to the OLT.

If the DSC supports the Applications, the planning process will include the following steps:

- Approval of the Official Plan and Zoning By-law Amendments at a future Council meeting
- Submission and approval of a future Site Plan application
- Submission of a Draft Plan of Condominium application, if required

BACKGROUND:

Location and Area Context

Figures 1 and 2 show the 0.29 ha (0.73 ac) Subject Lands adjacent to an unopened road allowance owned by York Region along the Highway 7 frontage that results in a significant front yard setback from Highway 7. The Subject Lands are currently developed with three commercial buildings accessed by a full movement driveway off Highway 7 and from Wignall Crescent at the east side of the Subject Lands. Figure 3 shows the surrounding land uses.

The Owner proposes to demolish the three existing commercial buildings to facilitate the construction of the Proposed Development, as conceptually shown in Figures 4 and 5, and summarized in Table 1. Figures 4 and 5 show the proposed conceptual site and elevation plans, respectively.

Table 1: Proposed Development	
Total Gross Floor Area:	13,100 m ² (141,007.22 ft ²)
Non-Residential GFA:	165 m ² (1,776.05 ft ²)
Floor Space Index (FSI):	4.46
Maximum Building Height:	13 storeys
Dwelling Units:	137 units
Parking Spaces:	174 (including 16 residential visitor and 5 commercial spaces)
Access:	Vehicle and pedestrian access to both Highway 7 and Wignall Crescent

The Proposed Development is consistent with the Provincial Policy Statement, 2020 (the “2020 PPS”) and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019 (the “Growth Plan”)

The 2020 PPS provides direction on matters of Provincial interest related to land use planning and development. These matters, in part, include building strong healthy communities with an emphasis on efficient development and land use patterns, the wise use and management of resources, and protecting public health and safety. The Subject Lands are located within a defined Settlement Area. The Proposed Development promotes the efficient use of land, resources, and infrastructure, supports alternative modes of transportation including active transportation and transit. The Proposed Development further contributes to the mix of residential and employment needs to meet long-term needs.

The Growth Plan provides a framework for implementing the Province’s vision for building strong, prosperous communities within the Greater Golden Horseshoe to 2051. The premise of the Growth Plan is building compact, vibrant, and complete communities and prioritizing intensification and higher densities to make efficient use of land and infrastructure to support transit viability and a range of housing options. The Subject Lands are located within a delineated ‘Built-Up Area’. Staff opine that the Proposed Development contributes to a range of housing types and non-residential uses, supports transit options, and provides convenient access to public parks.

The Proposed Development conforms to the 2022 York Region Official Plan (“ROP”)

The ROP designates the Subject Lands “Urban Area”, which permits a wide range of residential, commercial, industrial, and institutional uses. The lands are also identified within a “Regional Corridor”, and Highway 7 is recognized as a “Regional Rapid Transit Corridor”. Regional corridors are planned to function as main streets that have mixed-use transit supportive developments. Staff note that the proposed development will assist in building complete communities and will help ensure that a minimum of 40% of all residential development in York Region occurs within the built-up areas as defined by the Province’s Built Boundary in the Growth Plan. Staff opine that the Proposed Development generally conforms to the ROP, is compact, street-oriented, and transit supportive.

In March 2023, the Council made a Housing Pledge to the Province with a goal of achieving 44,000 homes by 2031. The Proposed Development, when constructed, will contribute 137 units towards Markham’s Housing Pledge.

The Proposed Official Plan Amendment (“OPA”) would redesignate the Subject Lands in the 2014 Markham Official Plan (“2014 Official Plan”) to permit the Proposed Development

The 2014 Official Plan designates the Subject Lands “Mixed use Mid Rise”, which permits mid-rise intensification opportunities adjacent to public transit routes with a maximum building height of 8-storeys and density of 2 FSI, while ensuring a mix of uses that address the community needs. Further, the designation provides for apartment buildings, multi-storey non-residential or mixed-use buildings, and stacked and back-to-back townhouses. The Subject Lands are located along the “Highway 7 Regional Rapid Transit Corridor” on Map 1- Markham Structure and Map 2 – Centres and Corridors and Transit.

The proposed OPA would redesignate the Subject Lands from “Mixed-Use Mid Rise” to “Residential High Rise” with site specific policies to permit a maximum building height of 13-storeys and density of 4.6 FSI (see Appendix ‘A’).

The proposed Zoning By-law Amendment (“ZBLA”) would rezone the Subject Lands to permit the Proposed Development

Zoning By-law 1229, as amended, zones the Subject Lands “C3 – Service Commercial” (see Figure 2), which permits a range of commercial uses. The ZBLA proposes to rezone the Subject Lands to Community Area 2* XXX (CA2*XXX) Zone, under By-law 177-96, as amended, to permit the Proposed Development and include site-specific exceptions to development standards including, but not limited to height, setbacks, density, and reduced parking (see Appendix ‘B’).

DISCUSSION:

This section identifies how the matters raised through the review process for the Proposed Development, including those raised at the statutory Public Meeting and CIM, have been resolved and considered.

The Local Ward Councillor held a CIM on January 24, 2023, and the statutory Public Meeting was held on February 27, 2023

The City received 3 written submissions and 7 deputations at the statutory Public Meeting. The following is a summary of the key concerns raised at both meetings:

- Concern with the proposed height and density and potential impacts on the existing area
- Potential traffic infiltration and congestion into surrounding residential area and at Markham Road/Highway 7 intersection and concern with the reduced visitor parking rate
- Concern with only residential units and absence of commercial opportunities

a) Height and Massing Impacts

In response to concerns raised by the DSC and the public, the Owner reduced the rear step down from 8 to 5-storeys, thereby reducing the visual prominence while providing a gradual downwards transition to alleviate impacts to the existing residents to the south. The intent of the built form in the revised concept is to shift the height and massing away from the residential neighbourhood to the south, and re-orient the building closer to Highway 7. The 45-degree angular plane is generally met when measured from Wignall Crescent, with minor protrusions of design elements (i.e., balconies) that would not impact the existing residents. Additionally, the design eliminates balconies on the east building elevation to minimize privacy concerns to the residential area on the east. Furthermore, the building orientation and placement is restricted to the northwest area of the Subject Lands to shift the building massing away from the existing residential areas.

The Owner submitted revised Shadow Studies that demonstrate that the Proposed Development would have minimal impacts on the surrounding areas.

The DSC and public expressed concerns regarding the appropriateness of the proposed density. Staff opine that the proposed density introduces appropriate intensification and sustainable growth in a built-up area to support existing transit services, retail and service uses, and community amenities.

b) Inclusion of Non-Residential Uses

Members of public had expressed that the absence of non-residential uses in the Proposed Development takes away from a resident's ability to have convenient access to retail services. The Owner responded by providing 165 m² (1,776.05 ft²) of ground floor non-residential space. This has the potential to provide a range of uses including, but not limited to, retail, personal services, and office uses to service the residents in the area. Staff also note that Subject lands are within vicinity of existing commercial and service amenities to the northwest, across Highway 7 East.

c) Traffic Congestion and Infiltration into existing residential areas

Concerns related to increased traffic flow and congestion resulting from the Proposed Development were expressed at the Public Meeting and the CIM. Transportation Staff noted that the Proposed Development is not expected to significantly affect the existing traffic pattern in the area, given the minimal net increase in traffic from the proposal. There is no indication of capacity issues at the proposed site driveways that will result in site traffic using alternative routes.

d) Parking Reductions

Concerns related to the proposed parking reduction were expressed at the meetings. The following table provides a breakdown of the required and proposed parking rates:

Use	By-law Rate	Required Parking	Proposed Rate	Proposed Parking
Residential	1.25 spaces/unit	171	1.01 spaces/unit	138*
Visitor	0.25 spaces/unit	34	0.15 spaces/unit	21
Non-Residential	1 space per 30m ²	5	shared with visitor parking	
TOTAL		210		159

*Four (4) residential spaces are proposed to have substandard dimensions

The Owner increased the residential parking rates from 0.99 space/unit to 1.01 spaces/unit, and revised the visitor parking rate from 0.04 spaces/unit to 0.15 spaces/unit, thereby increasing the total proposed parking spaces from 150 to 159. Transportation Staff reviewed the Transportation Impact Study, prepared by LEA Consulting, and support the proposed residential parking rate of 1.01 spaces/unit subject to the implementation of an enhanced Transportation Demand Management ("TDM") program. Transportation Staff have also accepted the visitor parking requirement from 0.25 spaces/unit to 0.15 spaces/unit.

As part of the TDM program to support the parking reduction, the City requested long and short-term bicycle parking at 0.50 spaces/unit and 0.10 spaces/unit, respectively, e-bike vouchers and pre-loaded Presto cards in the amount of \$200 to be available to all units, post development parking surveys, and TDM cost summary. Consequently, to ensure that the TDM measures are appropriately provided, a Holding Provision is included draft Zoning By-law (Appendix 'A').

e) Provision of Affordable Housing

In July 2021, Council approved 'Housing Choices: Markham's Affordable and Rental Housing Strategy'. At this time, the Owner has not committed to providing any affordable and/or rental housing.

The future Site Plan Application would address the following matters:

- Parkland Obligations: Cash-in-lieu of Parkland will be required at a rate calculated prior to the issuance of any Building Permit.
 - Community Benefit Charges ("CBC"): The Proposed Development is subject to CBC, pursuant to the City's CBC By-law, prior to the issuance of a Building Permit.
 - Age-Friendly Features: Age-friendly features for building, site, and unit design to meet the needs of a variety of residents for all ages overtime.
 - Sustainability Measures: The Proposed Development is required to achieve a minimum Bronze performance level with the City's Sustainability Metrics program.

CONCLUSION:

Staff reviewed the Applications in accordance with the provisions of the Provincial, Regional, City's policies and are satisfied that the proposed OPA and ZBLA are appropriate and represent good planning with respect to the proposed increase in height and density. Therefore, Staff recommend that the proposed OPA and ZBLA (see Appendices 'A' and 'B') be approved and brought forward to a future Council meeting for adoption and enactment.

FINANCIAL CONSIDERATIONS:

Not applicable.

HUMAN RESOURCES CONSIDERATIONS:

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The Applications align with the City's strategic priorities in the context of growth management and municipal services to ensure safe and sustainable communities.

BUSINESS UNITS CONSULTED AND AFFECTED:

This Applications were circulated to various departments and external agencies and their requirements are reflected in the implementing draft OPA and ZBA (see Appendices 'A' and 'B').

RECOMMENDED BY:

Darryl Lyons, MCIP, RPP
Deputy Director, Planning and Urban
Design

Giulio Cescato, MCIP, RPP Director,
Planning and Urban Design

ATTACHMENTS AND APPENDICES:

Figure 1: Location Map

Arvin Prasad, MCIP, RPP
Commissioner of Development Services

Figure 2: Area Context and Zoning

Figure 3: Aerial Photo (2020)

Figure 4: Conceptual Site Plan

Figure 5: Conceptual Rendering

Appendix 'A': Draft Official Plan Amendment

Appendix 'B': Draft Zoning By-law Amendment

APPLICANT:

Gatzios Planning + Development Consultants Inc.
7270 Woodbine Avenue, Markham ON, L3R 4B9



Jonquill Cres

Windridge Dr

Hawkridge Ave

Hwy 7E

Old Wellington St

Erlane Ave

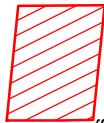
McPhillips Ave

Wignall Cres

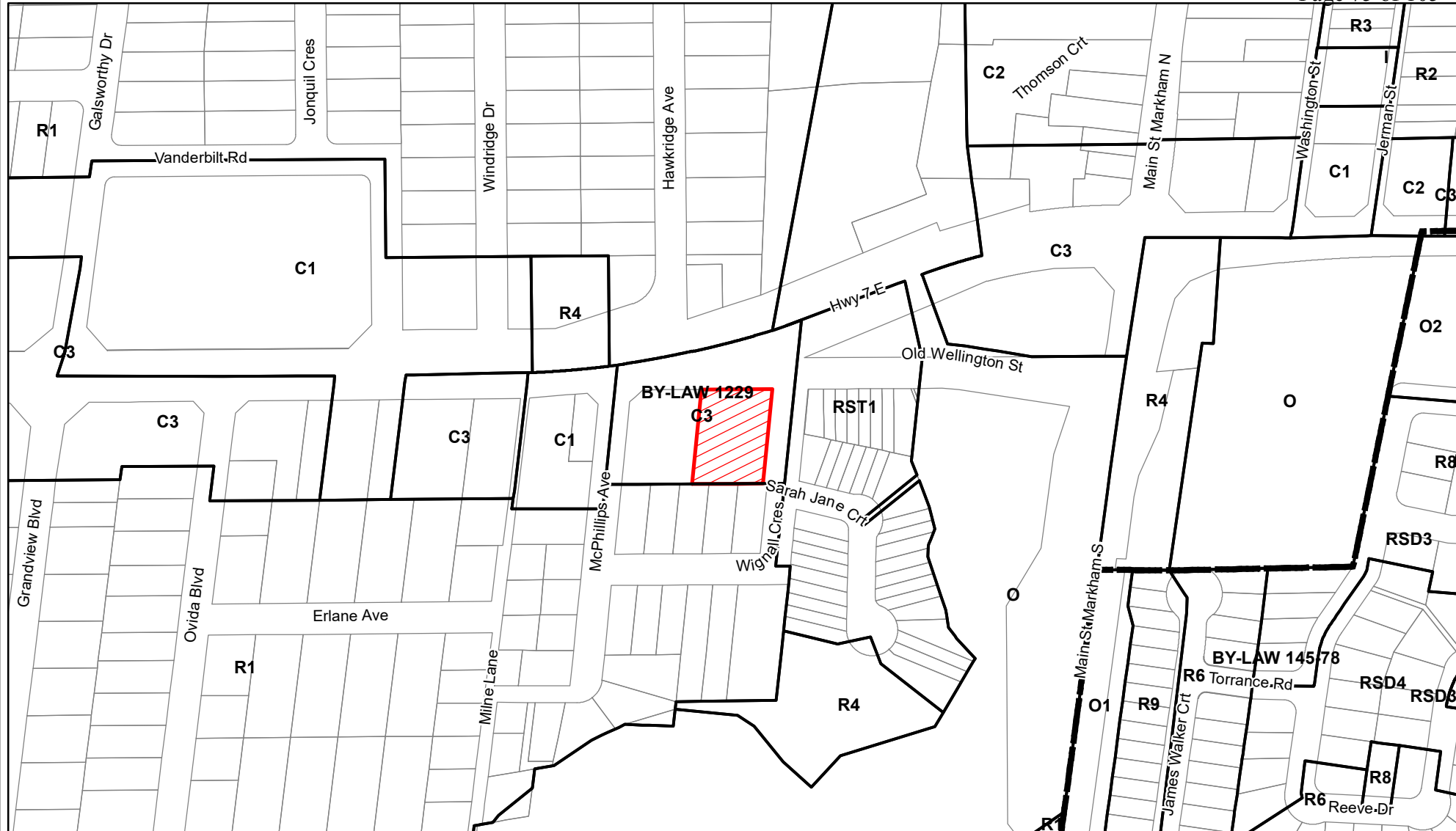
Main St Markham S

Milne Lane

James Walker Crt



SUBJECT LANDS



AREA CONTEXT / ZONING

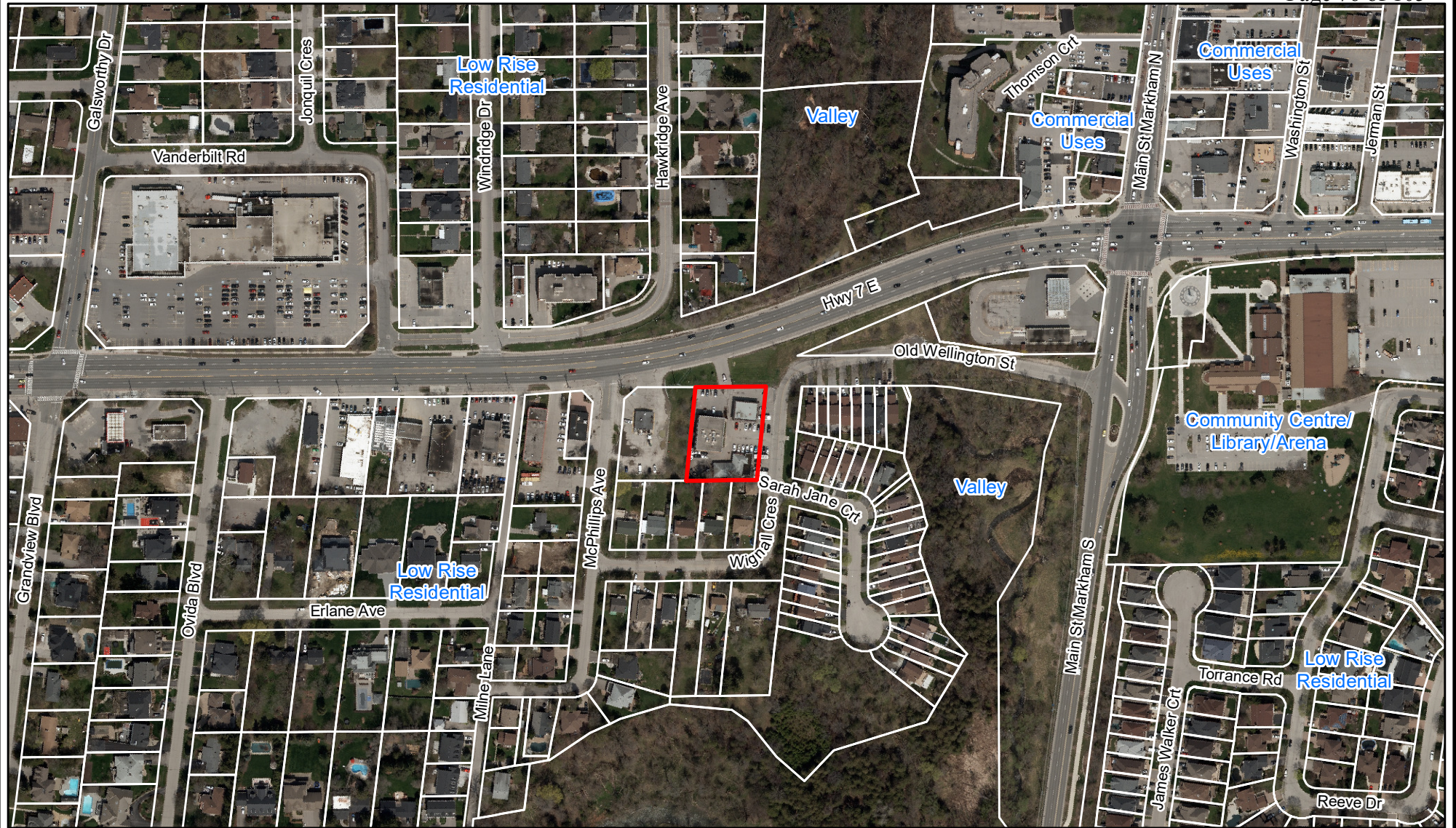
APPLICANT: 648321 Ontario Inc. (Matthew Stein)
5871 Highway 7 East

FILE No. PLAN 22 244910

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 SUBJECT LANDS





AERIAL PHOTO (2022)

APPLICANT: 648321 Ontario Inc. (Matthew Stein)
5871 Highway 7 East

FILE No. PLAN 22 244910

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MARKHAM DEVELOPMENT SERVICES COMMISSION

Drawn By: RT

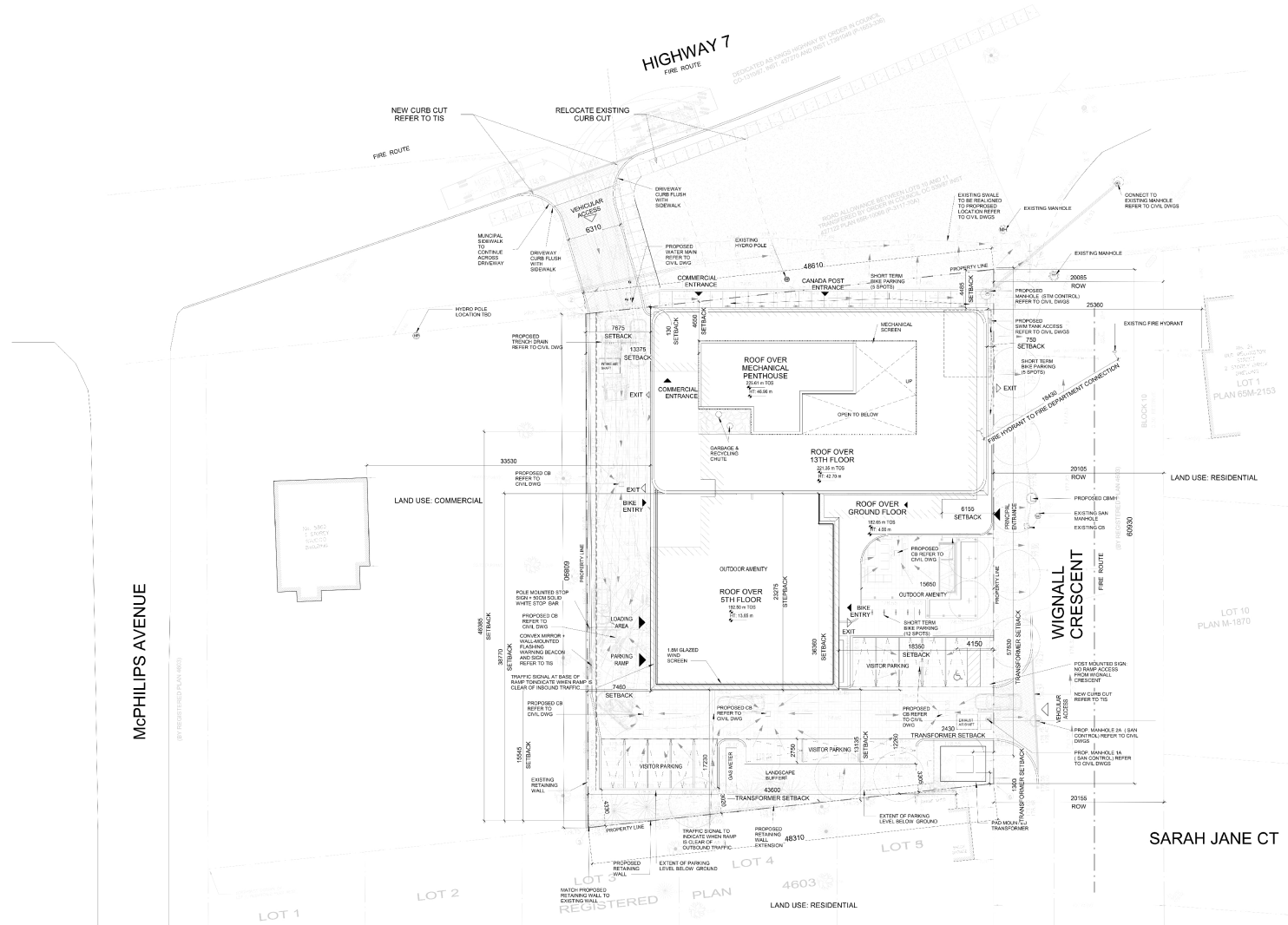
Checked By: BM

DATE: 01/02/2023

FIGURE No. 2

 SUBJECT LANDS





CONCEPTUAL SITE PLAN

APPLICANT: 648321 Ontario Inc. (Matthew Stein) c/o Gatzios Planning
5871 Highway 7 East

FILE No. PLAN 22 244910

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PERSPECTIVE VIEW LOOKING NORTHWEST INTO OUTDOOR AMENITY SPACE



PERSPECTIVE VIEW LOOKING SOUTH-WEST



AERIAL VIEW LOOKING SOUTH-EAST



PERSPECTIVE VIEW LOOKING NORTH-WEST

CONCEPTUAL RENDERINGS

APPLICANT: 648321 Ontario Inc. (Matthew Stein) c/o Gatzios Planning
5871 Highway 7 East

FILE No. PLAN 22 244910

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CITY OF MARKHAM

OFFICIAL PLAN AMENDMENT NO. XXX

To amend the City of Markham Official Plan 2014, as amended.

(648321 Ontario Inc., 5871 highway 7 East)

DRAFT

July, 2024

CITY OF MARKHAM

OFFICIAL PLAN AMENDMENT NO. XXX

To amend the City of Markham Official Plan 2014, as amended.

This Official Plan Amendment was adopted by the Corporation of the City of Markham, By-law No. 20XX-XX in accordance with the *Planning Act*, R.S.O., 1990 c. P.13, as amended, on the XX day of Month Year.

Kimberley Kitteringham
City Clerk
(Signed)

Frank Scarpitti
Mayor



By-law 2024-XX

Being a by-law to adopt Amendment No. XXX
to the City of Markham Official Plan 2014, as amended

THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM, IN ACCORDANCE WITH THE PROVISIONS OF THE *PLANNING ACT*, R.S.O., 1990 HEREBY ENACTS AS FOLLOWS:

1. THAT Amendment No. XXX to the City of Markham Official Plan 2014, as amended, attached hereto, is hereby adopted.
2. THAT this by-law shall come into force and take effect on the date of the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS XX DAY OF MONTH YEAR.

Kimberley Kitteringham
City Clerk
(Signed)

Frank Scarpitti
Mayor

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3.0 SCHEDULE "A"

DRAFT

DRAFT

PART I – INTRODUCTION

(This is not an operative part of the Official Plan Amendment No. XXX)

PART I – INTRODUCTION

1.0 GENERAL

- 1.1. PART I – INTRODUCTION, is included for information purposes and is not an operative part of this Official Plan Amendment.
- 1.2. PART II – THE OFFICIAL PLAN AMENDMENT, constitutes Official Plan Amendment No. XXX to the City of Markham Official Plan, 2014, as amended. Part II is an operative part of this Official Plan Amendment.

2.0 LOCATION

This Amendment applies to a 0.294 hectare (0.725 acres) parcel of land municipally known as 5871 Highway 7, located south of Highway 7 and west of Markham Road (Highway 48) (the “Subject Lands”).

3.0 PURPOSE

The purpose of this Amendment is to redesignate the Subject Lands from ‘Mixed Use Mid Rise’ to ‘Mixed Use High Rise’, and to add a site specific policy to permit a mixed use development with a maximum height of 13-storeys and a maximum density of 4.6 FSI.

4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT

The City of Markham Official Plan, 2014, as amended, designates the Subject Lands ‘Mixed Use Mid Rise’. This designation provides for midrise intensification opportunities adjacent to public transit routes with a maximum building height of 8-storeys and a maximum density of 2.0 FSI.

This Amendment will facilitate the development of the Subject Lands with a 13-storey mixed use building (the “Proposed Development”) by redesignating the Subject Lands from ‘Mixed-Use Mid Rise’ to ‘Mixed-Use High Rise’ and adding a site specific policy to permit the Proposed Development’s height and density.

The Proposed Development is consistent with the policies of the Provincial Policy Statement, 2020 (the “PPS”) as the Subject Lands are located within a defined Settlement Area and the Proposed Development would promote the efficient use of land and infrastructure, support alternative modes of transportation including active transportation and transit, and would further contribute to the mix of residential and employment needs to meet long-term needs.

The Proposed Development conforms to the Growth Plan for the Greater Golden Horseshoe, 2019 (the “Growth Plan”) as it contributes to a range of housing types and non-residential uses, supports transit options, and provides convenient access to public parks.

The Proposed Development also conforms to the York Region Official Plan, 2022 (the “YROP”). The Subject Lands are designated “Urban Area”, which provides for a wide range of residential, commercial, industrial, and institutional uses. The Proposed Development also conforms with the YROP’s intensification policies as it is compact, street-oriented, and transit supportive.

The Proposed Development also represents good planning as it provides for appropriate intensification and a mix of uses to make efficient use of land and infrastructure while supporting existing transit routes, existing community amenities, and retail services. The Proposed Development is compatible and provides an appropriate interface to the existing residential neighbourhood that supports an active frontage along Highway 7.

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PART II – THE OFFICIAL PLAN AMENDMENT
(This is an operative part of Official Plan Amendment No. XXX)

PART II – THE OFFICIAL PLAN AMENDMENT

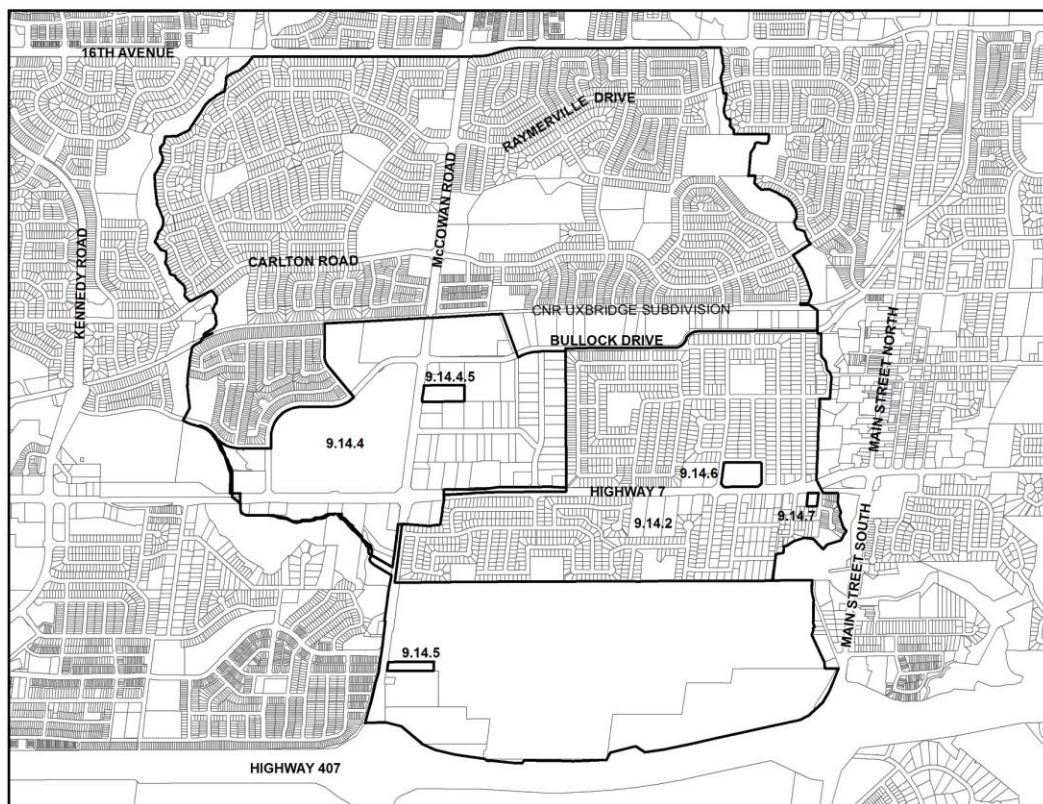
1.0 THE OFFICIAL PLAN AMENDMENT

1.1 The following map of Part I of the City of Markham Official Plan, 2014, as amended, is hereby amended as follows:

- a) Map 3 – Land Use is amended by redesignating the Subject Lands from 'Mixed Use Mid Rise' to 'Mixed Use High Rise' as shown on Schedule “A” attached hereto.

1.2 Section 9.14 of Part I of the City of Markham Official Plan, 2014, as amended, is hereby amended by:

- a) Amending Section 9.14.1 to add a reference in Figure 9.14.1 to a new Section 9.14.7 as follows:



- b) Adding a new subsection 9.14.7 and a new Figure 9.14.7 as follows:

“9.14.7 . 5871 Highway 7 East

The following height and density provisions shall apply to the 'Mixed Use High Rise' lands located at 5871 Highway 7 East as shown in Figure 9.14.7:

- a) The maximum building height shall be 13 storeys; and
- b) The maximum floor space index is 4.6.



Figure 9.14.7"

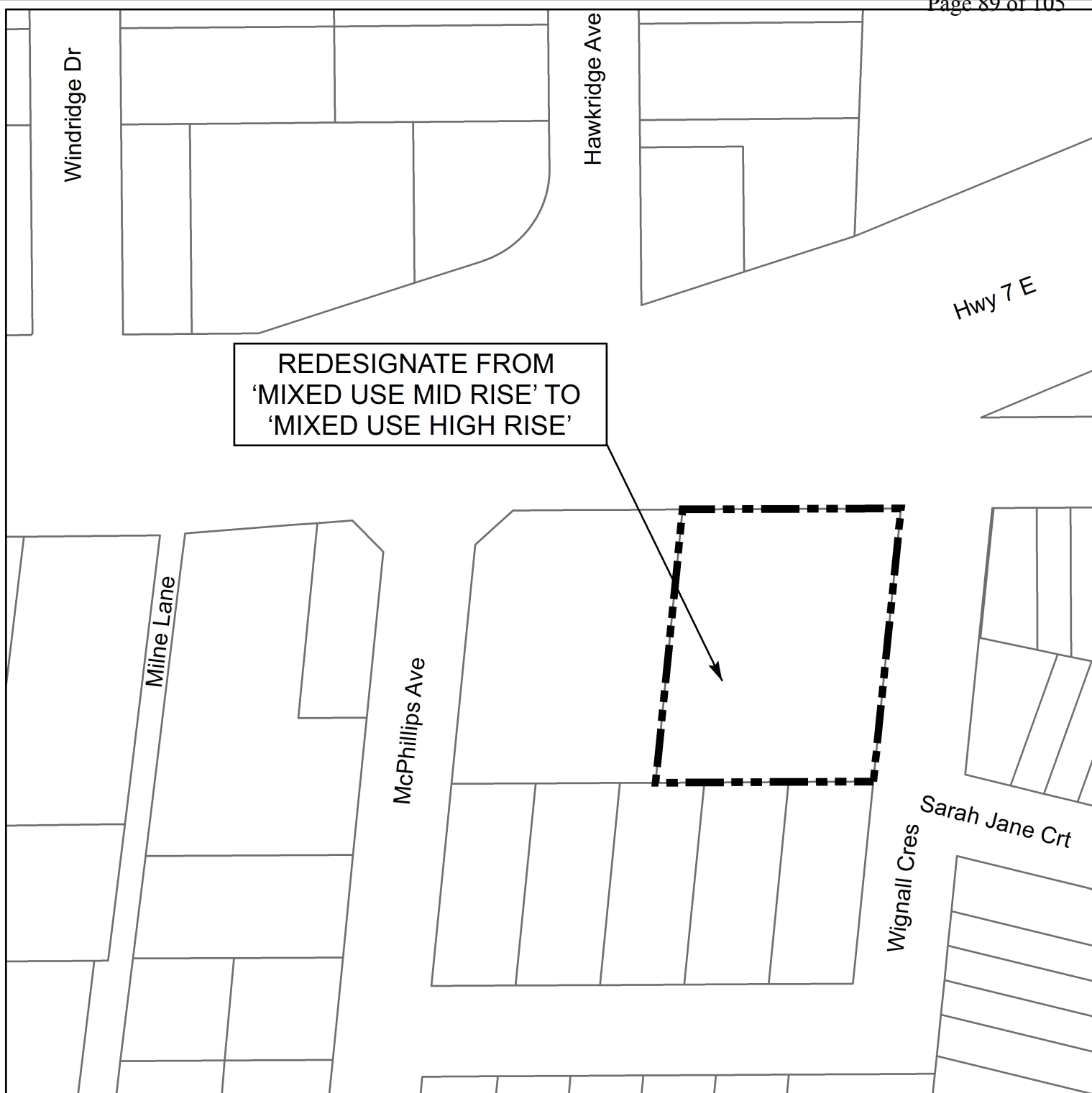
2.0 IMPLEMENTATION AND INTERPRETATION

The provisions of the City of Markham 2014 Official Plan, as amended, regarding the implementation and interpretation of the Plan, shall apply in regard to this Amendment, except as specifically provided for in this Amendment.

This Amendment shall be implemented by an amendment to the Zoning By-law and Site Plan approval and other Planning Act approvals, in conformity with the provisions of this Amendment.

Following adoption of the Amendment, notice of Council's decision will be given in accordance with the Planning Act, and the decision of Council is final, if a notice of appeal is not received before or on the last day for filing an appeal.

Prior to Council's decision becoming final, this Amendment may be modified to incorporate technical amendments to the text and associated figure(s) and schedule(s). Technical amendments are those minor changes that do not affect the policy or intent of the Amendment. The notice provisions of Section 10.7.5 of the 2014 Markham Official Plan, as amended, shall apply.

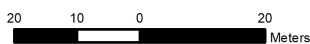


REDESIGNATE FROM
 'MIXED USE MID RISE' TO
 'MIXED USE HIGH RISE'

AMENDMENT TO MAP 3 – LAND USE CITY OF MARKHAM OFFICIAL PLAN 2014, AS AMENDED

BOUNDARY OF AREA COVERED BY THIS AMENDMENT

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NOTE: This Schedule should be read in conjunction with the signed original By-Law filed with the City of Markham Clerk's Office



BY-LAW 2024-_____

A By-law to amend By-law _____, as amended
(to delete lands from the designated areas of By-laws _____)
and to amend By-law 177-96, as amended
(to incorporate lands into the designated area of By-law 177-96)

The Council of The Corporation of the City of Markham hereby enacts as follows:

1. That By-law 1229, as amended, are hereby further amended by deleting the lands shown on Schedule 'A' attached hereto, from the designated areas of By-law 1229, as amended.

2. That By-law 177-96, as amended, is hereby further amended as follows:
 - 2.1 By expanding the designated area of By-law 177-96, as amended, to include additional lands as shown on Schedule 'A' attached hereto.

 - 2.2 By zoning the lands outlined on Schedule 'A' attached hereto:

from:
Service Commercial Zone (C3) under By-law 1229

to:
Community Amenity Area Two Hold* 772 (CA2*772) (H) Zone under By-law 177-96

3. By adding the following subsections to Section 7 – EXCEPTIONS:

Exception 7.772	Name of Applicant Address of property subject to zoning by-law amendment	Parent Zone CA2
File PLAN 22.244910		Amending By-law 2024-____
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *772 on the schedules to this By-law. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.		
7.772.1 Additional Permitted Uses		
The following additional use are permitted:		
a)	<i>Recreational Establishment</i>	
b)	<i>Veterinary Clinic</i>	
7.000.2 Special Zone Standards		
The following special zone standards shall apply:		
a)	The provisions of Table B7 shall not apply	
b)	For the purposes of this By-law the following definitions apply:	
	Bicycle Parking Space means an area that is provided and maintained for the purpose of temporary storage of a bicycle or motor assisted bicycle as defined under the Highway Traffic Act.	
	Bicycle Parking Space, Long-term means a bicycle parking space within a building or structure designed for the storage of bicycles equipped with a rack or stand designed to lock the wheel and frame of a bicycle, or within a locked room for the exclusive use of parking bicycles.	
	Bicycle Parking Space, Short-term means a bicycle parking space that is equipped with a rack or stand designed to lock the wheel and frame of a bicycle, that is available for use by the general public.	

	Indoor Amenity Space means an indoor space on a lot that is designed for and available for use by the occupants of a building on the lot for recreational or social activities.
c)	For the purposes of this By-law, the lot line abutting Highway 7 shall be deemed to be the front lot line.
d)	Minimum setbacks to a <i>main building</i> : i) <i>Front yard</i> – 0.3 metres ii) <i>Exterior side yard</i> – 0.3 metres iii) <i>Interior side yard</i> – 7.0 metres iv) <i>Rear yard</i> – 12.0 metres
e)	Maximum <i>height</i> – 44.5 metres
f)	For the purposes of measuring the maximum <i>height</i> of a <i>building</i> , <i>established grade</i> is 178.65 metres.
g)	Notwithstanding special provision d), the above, the maximum <i>height</i> of a <i>building</i> within 35 metres of the <i>rear lot line</i> is 20.0 metres.
h)	Mechanical features, such as structures containing the equipment necessary to control an elevator, equipment used for the functional operation of a <i>building</i> , such as electrical, utility, and ventilation equipment are permitted to project a maximum of 6.0 metres above the highest point of the roof surface, regardless of the <i>height</i> of a <i>building</i> .
i)	Minimum non-residential <i>gross floor area</i> - 200 square metres
j)	Minimum <i>landscaped open space</i> – 22 percent
k)	Minimum width of <i>landscaping</i> adjacent to the <i>rear lot line</i> – 3.0 metres
l)	Minimum required <i>indoor amenity space</i> – 380 square metres.
m)	Minimum required <i>outdoor amenity space</i> – 500 square metres.
n)	The area of a <i>balcony</i> associated with a <i>dwelling unit</i> may be used in calculating required <i>outdoor amenity space</i> .
o)	Maximum <i>gross floor area</i> of all <i>buildings</i> – 13,100 square metres.
p)	Minimum setback for a <i>parking garage</i> located completely below <i>established grade</i> , including ventilation shafts and housings, stairways, portions of the <i>parking garage</i> projecting above <i>established grade</i> and access ramps or <i>driveways</i> leading to an underground <i>parking garage</i> : 0.1 metres
q)	Notwithstanding special provision d), architectural features, including terraces, cornices, sills, canopies, awnings, stair enclosures, guardrails, green roof elements, wind mitigation, windowsills, building maintenance equipment, <i>porches</i> , <i>decks</i> , <i>patios</i> , architectural wing walls, <i>balconies</i> , underground cellars, stairs and landings shall be set back a minimum of 0.15 metres from any <i>lot line</i> .
r)	Minimum parking space requirements for apartment dwellings - 1.01 space per <i>dwelling unit</i> plus 0.15 spaces per <i>dwelling unit</i> for visitors.
s)	Required visitor <i>parking spaces</i> for residential uses shall be shared with non-residential uses.
t)	Minimum <i>bicycle parking space</i> requirements: a. Residential Uses: i) A minimum of 0.50 spaces per <i>dwelling unit</i> identified as designated <i>long-term bicycle parking spaces</i> . ii) A minimum of 0.10 spaces per <i>dwelling unit</i> identified as designated <i>short-term bicycle parking spaces</i> . b. Non-Residential Uses: i) <i>Gross floor area</i> less than 1,200 square metres: 0.0 spaces identified as designated <i>long-term bicycle parking spaces</i> . ii) <i>Gross floor area</i> greater than or equal to 1,200 square metres: 0.08 spaces per 100 square metres identified as designated <i>long-term bicycle parking spaces</i> . A minimum of 0.10 spaces per 100 square metres of <i>gross floor area</i> or 3 spaces identified as designated <i>short-term bicycle parking spaces</i> , whichever is greater.
u)	The minimum dimensions of a horizontal <i>bicycle parking space</i> shall be: i) Minimum length of 1.8 metres; ii) Minimum width of 0.6 metres; and, iii) Minimum vertical clearance of 1.2 metres
v)	The minimum dimensions of a vertical bicycle parking space shall be: i) Minimum vertical clearance of 1.8 metres; ii) Minimum width of 0.6 metres; and; iii) Minimum horizontal clearance from the wall of 1.2 metres.

w)	Stacked <i>bicycle parking spaces</i> may be provided in accordance with the minimum dimensions of u) and v) for each <i>bicycle parking space</i> .
x)	Minimum required accessible <i>parking spaces</i> : 3 percent of the required number of <i>parking spaces</i> plus 1 space.
y)	Special provision z), is subject to the following standards: i) 50 percent of the required accessible <i>parking spaces</i> shall be comprised of Type A <i>parking spaces</i> having a width of not less than 3.4 metres and a length of not less than 5.8 metres; and, ii) 50 percent of the required <i>parking spaces</i> shall be comprised of Type B <i>parking spaces</i> having a width of not less than 2.4 metres and a length of not less than 5.8 metres.
z)	Type A and Type B accessible <i>parking space</i> shall have a 1.5-metre-wide access aisle adjacent to the accessible <i>parking space</i> . The 1.5-metre-wide access aisle adjacent to an accessible <i>parking space</i> may be shared between two adjacent accessible <i>parking spaces</i> .
aa)	Where the minimum number of required accessible <i>parking spaces</i> identified in special provision z), results in an odd number of accessible <i>parking spaces</i> being required, the additional space may be a Type B accessible <i>parking space</i> .
bb)	A care-share <i>parking space</i> is permitted to occupy a require <i>parking space</i> , but is not permitted to occupy an <i>accessible parking space</i>

4. HOLDING PROVISION

4.1 For the purpose of this By-law, a Holding (H) provision is hereby established on lands zoned CA2*772 as identified on Schedule 'A' attached hereto by the letter (H) in parenthesis following the zoning symbols.

4.2 No person shall hereafter erect or alter any building or structure on lands subject to the Holding (H) provision for the purpose permitted under this By-law until amendment(s) to this By-law to remove the letter (H) have come into effect pursuant to the provisions of Section 36 of the Planning Act.

4.3 A Zoning By-law Amendment to remove the Holding (H) symbol from the lands shown on Schedule "A" shall not be passed until the following conditions have been met:

a) Transportation Demand Management

That the Owner shall execute an agreement with the City to submit and implement a Transportation Demand Management Plan, to the satisfaction of the City, to provide the following:

- i) Unbundled parking;
- ii) A minimum of 1 bike repair stations;
- iii) Post development parking surveys;
- iv) Pre and post occupancy travel surveys;
- v) Work with York Region to deliver the Transit Incentive Program and New Resident Information Packages for all residential unit purchasers, such as through a minimum of 2 information sessions;
- vi) PRESTO transit cards with a minimum pre-loaded amount of \$200 per unit;
- viii) Car share programs with a minimum of 1 car share space, a minimum of 3-year car share membership for each unit, and provision of unmet revenue guarantee to car share service provider for a minimum of 3 years; and
- ix) E-bike vouchers in the amount of \$300 per unit.

Read and first, second and third time and passed on _____, 2024.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor

DRAFT



EXPLANATORY NOTE

BY-LAW 2024-XX

A By-law to amend By-law 177-96, as amended

648321 Ontario Inc.
5871 Highway 7
PLAN 22 244910

Lands Affected

The proposed by-law amendment applies to a parcel of land with an approximate area of 0.294 hectares (0.725 acres) of land on the south side of Highway 7, east of Markham Road, municipally known as 5871 Highway 7.

Existing Zoning

The subject lands are zoned Service/Highway Commercial Zone (C3) under By-law 1229, as amended.

Purpose and Effect

The purpose and effect of this By-law is to delete the property from the designated area of By-law 1229, as amended, and zone them Community Amenity Area Two*772(H) (CA2*772(H)) under By-law 177-96, as amended, to permit the redevelopment of subject lands for a 13-storey mixed use building.

DRAFT



SCHEDULE 'A' TO BY-LAW 2022-XX

AMENDING BY-LAWS 1229 AND 177-96

- BOUNDARY OF AREA COVERED BY THIS SCHEDULE
- SERVICE/HIGHWAY COMMERCIAL
- COMMUNITY AMENITY AREA TWO
- EXCEPTION NUMBER



THIS IS NOT A PLAN OF SURVEY. Zoning information presented in this Schedule is a representation sourced from Geographic Information Systems. In the event of a discrepancy between the zoning information contained on this Schedule and the text of zoning by-law, the information contained in the text of the zoning by-law of the municipality shall be deemed accurate.

Y:\Geomatics\New Operation\2024 Agenda\PLAN\PLAN22 244910\Schedule_A.mxd

NOTE: This Schedule should be read in conjunction with the signed original By-Law filed with the City of Markham Clerk's Office



Report to: Development Services Committee

Meeting Date: November 26, 2024

SUBJECT: CMHC Housing Accelerator Fund Partnerships Approach

PREPARED BY: Nadia Lawrence, Special Projects Coordinator (ext. 3141)

REVIEWED BY: Giulio Cescato, Director, Planning & Urban Design (Ext. 2202)

RECOMMENDATION:

1. That the report dated November 26, 2024 entitled “CMHC Housing Accelerator Fund Partnerships Approach” be received;
2. That Council authorize the Director of Planning and Urban Design, in consultation with the Treasurer and in a form approved by the City Solicitor, to negotiate, finalize, enter into and make administrative changes to, as required, housing agreements (and any other necessary associated agreements) that secure the terms and conditions for grants through Initiative 1, Public Partnerships, implemented as a Direct Grant Stream, with organizations included, but not limited to, those in the confidential memorandum dated November 26, 2024, in accordance with the Direct Grant Stream Criteria in Appendix 1;
3. That Council authorize the Director of Planning and Urban Design, in consultation with the Treasurer and in a form approved by the City Solicitor, to finalize, enter into and make administrative changes to, as required, housing agreements (and any other necessary associated agreements) that secure the terms and conditions for grants through Initiative 5, Incentive Program for Affordable Housing, implemented as a DC Rebate Program with all developers that can deliver units in accordance with the DC Rebate Program Parameters referenced in Appendix 2; and
4. That Staff be authorized and directed to do all things necessary to give effect to these resolutions.

PURPOSE:

This report outlines the approach to the Housing Accelerator Fund (HAF) partnerships through Initiative 1, Public Partnerships and Initiative 5, Incentive Program for Affordable Housing, and recommends next steps required to finalize partnerships and facilitate achievement of the City’s HAF commitments.

EXECUTIVE SUMMARY

On June 26, 2024, Markham City Council approved the HAF Work Plan with 7 distinct Initiatives. Council also authorized a road map for program implementation going

forward. The City has committed to supporting the delivery of 1,640 new housing units using \$58.8 million in HAF funding over the next 3 years, through the creation of partnerships, streamlined policies and improved processes.

Through the Work Plan, approximately 88 per cent of the City's HAF funding is allocated to supporting partnerships, through Initiative 1, Public Partnerships and Initiative 5, Incentive Program for Affordable Housing. This report provides further details on the approach envisioned for these Initiatives, aimed at maximizing projects in the City's pipeline that can meet a substantial amount of HAF unit targets, obtain building permits by the end of 2026, and support objectives identified in [Housing Choices: Markham's Affordable and Rental Housing Strategy](#).

The first aspect of the partnership approach implements HAF Initiative 1, Public Partnerships as a Direct Grant Stream, for organizations that have approached the City with projects demonstrating a funding gap due to scaled-up affordability. This stream requires that Staff obtain the authority to negotiate and enter into agreements with the short-list of government, non-profit, non-profit-private joint ventures and private sector organizations for sites which could obtain building permits by the end of 2026. This Initiative has an estimated budget allocation of \$29 million which, if provided, has the ability to support the viability of considerable affordable housing on these projects. In doing so, it would also support the delivery of an estimated 500 units of affordable housing out of an anticipated 1,400 housing units total, a substantial portion of the City's 1640 HAF funded unit target.

The second aspect of the partnership approach is Initiative 5, Incentive Program for Affordable Housing as a rolling Development Charges (DC) Rebate Program, open to all developers on a first-come first-serve basis, that propose affordable housing units in projects that can achieve building permits by the end of 2026, until the estimated \$23 million HAF allocation runs out. This stream includes program parameters with a minimum threshold for affordability, aimed at supporting the viability of current affordable commitments in the City's pipeline. As the HAF program progresses, the program parameters could be opened-up to include below-market, purpose-built rental and other units to maximize program take-up, should flexibility be needed to achieve HAF commitments.

Council's adoption of the proposed recommendations, required to negotiate and finalize partnerships based on the criteria and program parameters outlined in this report, would position the City to meet its HAF program commitments and facilitate ongoing CMHC disbursements. It would also kick-start some of the City's key Housing Strategy goals and accelerate efforts to meet Markham's housing pledge of 44,000 units by 2031, as part of the broader, Provincial target of creating 1.5 million homes.

BACKGROUND:

On June 14, 2023, Council passed a [Council resolution](#) directing staff to submit a Housing Accelerator Fund (HAF) application requesting \$57.1 million in funding for the delivery of 1,900 units through a proposed Action Plan with seven (7) Initiatives.

On October 11, 2023, the federal Minister provided a letter to the City advising that the City consider enhancements to its HAF application. On Dec 13, 2023, a [Council resolution](#) was passed responding to the federal Minister requests directing amendments, which were subsequently incorporated into the City's HAF Action Plan.

On January 25, 2024, the City entered into a contribution agreement with CMHC for \$58.8 million in HAF funding, with the goal of supporting the delivery of 1,640 housing units, including a target of approximately 193 affordable housing units, over the course of the 3-year program, measured by the issuance of building permits.

On June 26, 2024, Council passed a [Council resolution](#) authorizing staff to endorse the Housing Accelerator Fund (HAF) Work Plan, implement the seven (7) Action Plan Initiatives, as committed through the contribution agreement with CMHC, initiate the administrative, financial and procurement processes necessary to facilitate meeting HAF commitments, and report back to the Development Services Committee with recommendations on the implementation approach for Initiative 1, Public Partnerships, and Initiative 5, Incentive Program for Affordable Housing, by late Q3/early Q4, 2024.

OPTIONS/ DISCUSSION:

The HAF program is aimed at accelerating overall housing supply. As such, affordable housing supply targets form a small part of the program requirements, that being 193 of the 1640 funded unit target. The City's Housing Strategy includes several actions aimed at providing more housing options, especially affordable and rental housing, as found in the [2019 Housing Needs Assessment](#) that informed the Housing Strategy. The HAF presents an opportunity to focus on these gaps, while aiming to meet general HAF commitments.

Markham's growth across its intensification areas has attracted developers to continue to build complete communities notwithstanding economic fluctuations in recent years. The need for affordability presents a challenge to the development sector and governments alike, as at current thresholds, affordable housing is not only housing built at a reduced profit, it could also mean housing built below cost. It therefore requires efforts from all sectors to find viable solutions if affordability is to be delivered.

The HAF partnership approach is based on an awareness that there are approximately 100,000 housing units in the City's current development application pipeline on lands being readied for development. More than 800 of these units have been flagged to the City as having affordable housing potential, of which about 500 have affordable rental potential and 186 have high-level commitments for primarily affordable ownership or below-market potential. Another 500 or more units have been flagged to the City as having purpose-built rental potential. The determination on whether these units will be delivered as condo, purpose-built rental or affordable housing rests upon financial viability and the solutions available to support financial gaps.

The partnership approach described in this report outlines the implementation of the following two HAF Initiatives:

1. Direct Grant Stream (Initiative 1 - Public Partnerships)
2. DC Rebate Program (Initiative 5 – Incentive Program for Affordable Housing)

The acceleration of units through the HAF partnership approach will support the City's Housing Pledge to facilitate the construction of 44,000 new homes over the next 10 years, which contributes to the More Homes, Built Faster: Ontario's Housing Supply Action Plan 2022–2023 goal of delivering 1.5 million new homes in the next 10 years.

1. Direct Grant Stream – HAF Initiative 1: Public Partnerships

The partnerships under consideration with non-profit, non-profit-private joint ventures and private sector developers for the Direct Grant stream are a result of organization outreach to the City for HAF support, to help scale-up affordability and bring sites to fruition. This stream aims to accelerate a few key opportunity sites with Council approval, to allow financial details to be obtained and negotiations to proceed, to enable the finalization of partnerships.

Allocating HAF funding to these projects would maximize the supply of affordable housing and offer a range of affordable rent levels, including deeply affordable rents (Rents Geared to Income) aimed at low-and moderate-income households. It would also ensure that affordability is secured long-term, as the organizations referenced either have the capacity to oversee affordability or are partnering with organizations to take on affordable oversight responsibilities.

The projects identified in the confidential memorandum represent approximately 500 units of affordable rental housing and a total of approximately 1,400 housing units. As such, these opportunities would substantially support the 1,640 HAF funded unit target.

Providing HAF support to the opportunities referenced through the Direct Grant Stream would also support the following Housing Strategy Actions:

- #10 - Use public lands for affordable housing
- #12 - Support affordable housing projects that are funded
- #17 - Increase funding and improve approval timelines for the National Housing Co-Investment Fund

Criteria4

A set of criteria as been developed, based on HAF requirements and the City's Housing Strategy objectives informed by the 2019 Housing Needs Assessment, now being updated per HAF requirements:

1. Development Readiness
2. Land Ownership / Developer Type

-
3. Scale / Number of affordable and/or rental units
 4. Tenure
 5. Oversight / Long-Term Affordability
 6. Depth of Affordability
 7. City Goals

Because sites must be able to obtain building permits by the end of 2026 to count towards HAF funding target, those which could feasibly receive HAF funding may be limited.

Further details on the Direct Grant Stream Criteria can be found in Appendix 1.

Site Opportunities - Authorities

The confidential memorandum includes the initial list of potential partners including the order of magnitude funding gaps estimated at this time for Council's information. Through the Work Plan, Council authorization was obtained to implement financial arrangements, expedite the procurement process and support achievement of the HAF targets and timelines. Now Staff are seeking the additional authorities required to negotiate and finalize the financial and legal terms of agreements with the organizations referenced, to the satisfaction of City Legal and Finance.

In this stream, Staff may also be required to negotiate on additional opportunities that present themselves in order to meet HAF commitments.

2. Pilot DC Rebate Program – HAF Initiative 5: Incentive Program for Affordable Housing

The [Provincial Bulletin](#) released in June of 2024 through [Bill 134](#), set the affordability threshold for the purposes of DC exemptions through the [DC Act](#) at a relatively low level, which could be challenging for many developers to meet. York Region's affordability threshold, updated annually in the [Measuring and Monitoring Report](#), is higher than the Provincial threshold, however, if met, units would still be subject to DC payment. The DC Rebate Stream proposes to use HAF grants to potentially rebate up to the full DC value of affordable units depending on program uptake, to help fill this gap. This could support up to 186 affordable commitments and others in the City's pipeline that meet the Regional threshold.

The DC Rebate Program is to be open to all developers with projects that meet the minimum eligibility parameters for this stream, the key being the ability to achieve building-permit issuance by mid-2026 per HAF timelines. It is envisioned to be a web-based, rolling application intake program through which submissions can be received on a first-come-first served basis until the end of 2026 or until such time that the HAF allocation has been spent. Any applications that meet the eligibility parameters would get conditional approval to receive HAF grants in accordance with timelines determined by Staff. Further technical work will be required to facilitate the public launch of this program, targeted for Q2, 2025 as per HAF commitments.

The DC Rebate Program as envisioned supports, and in some cases implements the following Housing Strategy Actions:

- #12 - Support affordable housing projects that are funded
- #14 - Develop incentive package for affordable/supportive housing
- #16 - Fund ongoing incentive program

In October of 2024, Regional Council received a report for information on [Actions to Increase Affordable and Community Housing Supply Under the Next 10-Year Housing and Homelessness Plan](#), which referenced the following key actions in regards to partnering with municipalities on affordable unit oversight:

- #3 - Continue coordination of incentives, processes and explore new partnerships with local municipalities
- #4 - Explore Housing York Inc. or non-profit role in administering affordable units secured through local planning tools and programs

The City will continue to work with York Region to identify opportunities for oversight of affordable units including those supported through the HAF program. Further details on the Region's plans are anticipated in 2025.

Program Parameters

The following is an outline of the eligibility requirements and incentives to be provided through the DC Rebate Program:

Eligibility Requirements

- | | |
|---------------------------|---|
| • Developer Type: | Open to all housing developers |
| • Development Timeline: | Building Permit issuance by end of 2026 |
| • Affordable Requirements | Min. 1 affordable unit in project at Regional threshold |

Incentives Provided

- | | |
|------------------|--|
| • Grant Funding: | Up to full DC rebates for affordable units |
|------------------|--|

Additional details on the DC Rebate Program parameters can be found in Appendix 2.

Should program take-up be insufficient relative to HAF timelines, the program parameters in Appendix 2 may be revised to include below-market, purpose-built rental and other units that can meet HAF objectives. Funds can also be moved between Initiatives if there is more take-up on one stream as opposed to another.

Mitigating Partnership Risks

Potential risks exist when entering into development partnerships as part of funding programs that include unit targets and delivery timelines. The partnership approach being implemented includes a flexible strategy to target achievement of the City's Housing

Strategy Goals while having the ability to revise opportunity sites and broaden program parameters if required, to meet HAF commitments and mitigate risks.

The permissions granted through the contribution agreement with CMHC, for use of HAF funding across all seven Action Plan Initiatives plus additional areas if needed, allow flexibility to deal with any required budget reallocations necessary over the course of the 3-year HAF program.

Additional Housing Objectives

The City is also investigating opportunities to support additional housing solutions in parallel with the HAF partnership approach, including the potential to implement DC deferrals and accept surety bonds.

Work on the Inclusionary Zoning tool is also being initiated through HAF Initiative 4, as the financial viability of future affordability requirements is important to ensuring ongoing development in the city.

NEXT STEPS

Subject to Council direction, staff will proceed with negotiating and finalizing Direct Grant Stream partnerships based on terms that will allow for the delivery of the HAF commitments within the program timelines.

Staff will proceed with the development and launch of the DC Rebate Program to also deliver on HAF commitments.

Staff will report back on the results of the partnership stream negotiations through the bi-annual reporting as directed by Council in the June 26, 2024 HAF Work Plan report.

FINANCIAL CONSIDERATIONS

This report has no financial impact on the Operating Budget or Life Cycle Reserve Study. Related costs for Initiative 1, Public Partnerships and Initiative 5, Incentive Program for Affordable Housing are fully funded by HAF funds. The first installment of \$14,710,656.25 has been received and allocated accordingly across the various Initiatives.

HUMAN RESOURCES CONSIDERATIONS

Resourcing needs were taken into consideration during the preparation of the HAF Work Plan and HAF funding has been allocated to address these needs regarding delivery of the partnership Initiatives. As noted in this report, the HAF program allows for budget reallocations over the course of the program if needed.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The HAF partnership approach supports the City's Strategic Plan across all goals as the Action Plan Initiatives have a broad impact across the organization. It facilitates the achievement of safe, sustainable and complete communities and enhances services, and supports people and resourcing needs. It will help lay the groundwork for the ongoing development of a diverse, thriving and vibrant City. It will also help to implement the goals and actions in the City's Housing Strategy while supporting sound and responsible fiscal management, which is crucial to ensuring efficient service delivery and contributes to all strategic goals.

BUSINESS UNITS CONSULTED AND AFFECTED:

Key impacted City departments including Legal Services, Financial Services and Planning & Urban Design were consulted on this report.

RECOMMENDED BY:

Giulio Cescato, MCIP, RPP
Director, Planning & Urban Design

Arvin Prasad, MCIP, RPP
Commissioner, Development Services

ATTACHMENTS:

1. Appendix 1 – Direct Grant Stream Criteria
2. Appendix 2 – DC Rebate Program Parameters

Appendix 1 – Direct Grant Stream Criteria

The HAF Direct Grant Stream criteria (Initiative 1, Public Partnerships) is informed by HAF commitments and Housing Strategy objectives, including, but not limited to the following:

Criteria	Description	Assessment
1. Development Readiness	<ol style="list-style-type: none"> 1. Building permits feasible within 6 months 2. Building permits feasible in 6 months - 1 year (end 2025) 3. Building permits feasible within 2 years (end 2026) 	<ol style="list-style-type: none"> 1. High 2. Medium 3. Low
2. Land Ownership / Developer Type	<ol style="list-style-type: none"> 1. Government / Agency 2. Non-profit 3. Non-profit - private partnership 4. Private sector 	<ol style="list-style-type: none"> 1. High 2. Medium 3. Medium 4. Low
3. Scale / Number of affordable and/or rental units	<ol style="list-style-type: none"> 1. 100% affordable 2. 50-99% affordable 3. 30-49% affordable 4. 20-29% affordable 	<ol style="list-style-type: none"> 1. High 2. High-Medium 3. Medium-low
4. Tenure	<ol style="list-style-type: none"> 1. Rental 2. Mixed rental / ownership tenure 3. Ownership 	<ol style="list-style-type: none"> 1. High 2. Medium 3. Low
5. Oversight Secured / Long-Term Affordability	<ol style="list-style-type: none"> 1. 99 years/perpetuity 2. 40 - 98 years 3. 26 - 39 years 4. 25 years 	<ol style="list-style-type: none"> 1. High 2. Medium 3. Medium-low 4. Low
6. Depth of Affordability	<ol style="list-style-type: none"> 1. Below Regional threshold 2. Meets Regional thresholds / below market 3. Purpose built rental 	<ol style="list-style-type: none"> 1. High 2. Medium 3. Low
7. City Goals	<ol style="list-style-type: none"> 1. Supports government funding (e.g. CMHC programs), sustainability, accessibility & equity (DEI) 2. Supports sustainability, accessibility & equity (DEI) 3. Supports sustainability, accessibility or equity (DEI) 	<ol style="list-style-type: none"> 1. High 2. Medium 3. Low
Optimal Total		High

Appendix 2 – DC Rebate Program Parameters

The following is an initial outline of the HAF DC Rebate Program Parameters (Initiative 5, Incentive Program for Affordable Housing) based on HAF commitments and Housing Strategy objectives:

Program Parameters & Requirements	
Developer Type	Open to all developers
Unit Type	New affordable rental or ownership units
Affordability	<ul style="list-style-type: none"> • 1 or more affordable units that meet the Regional affordable ownership or rental threshold • Units to remain affordable for 25 years minimum, in-line with Regional standards – developers to work with the City and/or third party entity to confirm approach for long-term oversight of affordable units • *Option to include below-market, purpose-built and other forms of housing
Other	First Building permit required by end of 2026
Timeline	First building permit required by end of 2026
Process	Rolling online application window open until end of 2026
Incentives to be Provided	
Grants	Grants provided for up to the full DC value of affordable units (to be confirmed at program rollout)