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May 12, 2025

VIA EMAIL clerkspublic@markham.ca

City of Markham
Development Services Committee
101 Town Centre Boulevard
Markham, ON L3R 9W3

Dear Sirs/Mesdames:

**RE: 2091825 Ontario Ltd.
7635 Highway 7 East, Markham Ontario
Item 7.2 - Development Services Committee Meeting, May 13, 2025
Proposed Designation Under Part IV, Section 29 of the Ontario Heritage Act**

We are the lawyers for 2091825 Ontario Ltd., (the “**Owner**”) being the Owner of the property municipally known as 7635 Highway 7 East (the “**Property**”) in the City of Markham (the “**City**”). The Property is located on the south side of Highway 7 East, east of Reesor Road and is currently occupied by a two-storey single detached dwelling and two accessory structures.

We have recently been retained in light of City Council’s impending consideration of whether to issue a notice of intention to designate the Property under Part IV, Section 29 of the *Ontario Heritage Act*, R.S.O. 1990, c. 0.18 (the “**OHA**”). We are in receipt of and have reviewed the advanced notice titled *Future Designation Under Part IV of the Ontario Heritage Act*, dated April 17, 2025, enclosed herewith as **Attachment “1”** (the “**Advanced Notice**”). While we acknowledge that the Advanced Notice does not constitute formal notice as required by the OHA, we are writing on a preliminary basis to advise that our client does not support the designation of the Property.

We have undertaken a preliminary review of the report titled *Designation of Priority Properties – Phase XVII* (the “**Priority Designation Report**”). Of note, the Priority Designation Report fails to acknowledge that the original construction of the primary building on the Property has undergone significant modifications. In addition to a number of physical alterations, the primary building was in fact relocated within the Property and placed on a new foundation. We submit that this material omission is an indication that further research is required to determine whether the Property exhibits cultural heritage value worthy of designation under Part IV of the OHA.

We hereby request that this matter be deferred, and that City Staff be directed to consult with the Owner and its consultant team further before any recommendations regarding the potential designation of the Property are considered by City Council.

REQUEST FOR FUTURE NOTICE

We hereby request that all future notice, correspondence or documentation related to this matter be directed to the undersigned and Rowan Barron (rbarron@overlandllp.ca).

Yours truly,

Overland LLP

A handwritten signature in black ink, appearing to read 'D. Artenosi', written in a cursive style.

Per: Daniel B. Artenosi
Partner

Attachment 1

Advanced Notice, dated April 17, 2025



April 17, 2025

2091825 Ontario Ltd.
101 Otonabee Avenue
Toronto, Ontario
M2M 2S7

To whom it may concern:

FUTURE DESIGNATION UNDER PART IV OF THE *ONTARIO HERITAGE ACT*

Note that this letter constitutes advance notice that at an upcoming meeting, Council will consider whether to initiate the designation process for your property. At this time, a designation by-law has not been prepared for your property nor does this letter constitute formal notice as required by the *Ontario Heritage Act*. The purpose of this letter is to begin a conversation about the future potential designation of your property.

Our cultural heritage is what we value from the past, and what we want to conserve for future generations. Markham is committed to identifying and protecting places in our community that have significant cultural heritage value through the designation of properties under the *Ontario Heritage Act*. To date, the City has over 250 individually designated properties and four heritage conservation districts.

In pursuit of this objective, and as the result of extensive research, we are proposing to designate your property under Part IV of the *Ontario Heritage Act*. Your property is currently “listed” on the City’s Heritage Register in recognition of its heritage significance. The purpose of designation is to formally acknowledge the importance of the property to the community and protect it for the benefit of future generations. To that end, designation provides a mechanism to prevent demolition or major alterations to your property that would either remove or dilute its cultural heritage value, a tool that does not exist if a property is “listed”.

It is important to note that designation under the *Ontario Heritage Act* does not mean that changes cannot be made to your property, or that the City can compel you to make any changes. Instead, it means that any proposed exterior alterations will be evaluated by the City against a description of your property’s heritage attributes to ensure that they are complementary to its heritage value. The identification of heritage attributes, as required as part of a future designation by-law for your property, provides clarity as to which elements contribute to its cultural heritage value, and is useful as a guide to generally understand which components of the property can and cannot be altered.



Planning and Urban Design

Interior alterations can be made without heritage review, just like any other property owner in Markham.

Why has the City decided to designate your property?

Normally a property is protected under the *Ontario Heritage Act* when it is contained within an active development site, such as the construction of a new subdivision, or when a demolition permit has been submitted and Council, based on recommendations from Heritage Section staff, prevents removal through Part IV designation. This approach has worked well for many years, and the City was content to continue to operate in this manner, but recent provincial legislation has necessitated a change in approach.

The Provincial Government's Bill 200, also known as the *Homeowner Protection Act*, requires all "listed" properties on a municipal heritage register, such as Markham's Heritage Register, to be either designated by the end of 2026, or be removed from the register. Should a "listed" property be removed as a result of this deadline, it cannot be "re-listed" for a five-year period. Should a property not be designated within this time period and be removed from the register, the City would have no mechanism to prevent demolition or detrimental alteration requests. As a result, the City has initiated a program to research, evaluate and designate all significant "listed" properties in Markham to avoid their potential loss. This program involves a review of over 155 properties.

To help understand what designation entails, included with this letter please find a brief fact sheet that we hope will answer many of your questions, and make you aware of its benefits, including the opportunity for property tax rebates and grant assistance that is only available to the owners of designated heritage properties. We have also attached a copy of the draft Statement of Significance proposed for inclusion in a future designation by-law (a detailed Research Report on your property is available upon request).

Next Steps

While Heritage Section staff (with the assistance of Heritage Markham, our municipal heritage committee) can recommend designation, the decision as to whether to proceed with designation rests with Markham Council. **As a next step, designation of your property will be considered by the Development Services Committee on May 13.**

Should you wish, you are welcome to attend either remotely via Zoom or in-person in the Council Chamber at the Civic Centre. If you wish to make a deputation, please register prior to the start of the meeting by emailing the Clerks department at clerkspublic@markham.ca with your full name, contact information, and the item on which you wish to speak.

Should you have any questions, or would like to arrange a call to discuss any of your concerns, please do not hesitate to contact me at emanning@markham.ca



Planning and Urban Design

Thank you for your cooperation in preserving such an important part of Markham's history.

Sincerely,

Evan Manning

Senior Heritage Planner

Heritage Section – Planning and Urban Design Department

Development Services Commission

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Individual Property Designation

One of the most important tools Markham uses to protect places of heritage significance is through designation under Part IV of the Ontario Heritage Act. Designation provides an enhanced level of demolition control and ensures that the property cannot be altered in a manner that would detrimentally affect its identified heritage attributes.

What can be designated?

A variety of features on properties can be designated including:

- Buildings and structures;
- Archaeological sites and ruins;
- Cultural heritage landscapes (e.g. parks, gardens and/or natural landscapes);
- Cemeteries and monuments.

How does the process for designation begin?

Based on a request from an owner, or at the initiation of the City, research is undertaken to understand the architectural and historical context of the property (or series of properties). Based on this research, and in consultation with the Heritage Markham Committee, an advisory body on heritage-related matters, Staff determine whether the property is a significant cultural heritage resources warranting designation under Part IV of the Ontario Heritage Act. Note that while Staff can recommend designation, only Council can authorize it.

What criteria are used to support designation?

The Ontario Government has prescribed criteria for determining a property's cultural heritage value or interest for the purpose of designation (known as Ontario Regulation 9/06). Municipal councils are permitted to designate a property to be of cultural heritage value or interest if the property meets at least two of the prescribed criteria.

The purpose of the regulation is to provide an objective base for the determination and evaluation of resources of cultural heritage value. The criteria are essentially a test against which properties can be judged; the stronger the characteristics of the property compared to the standard, the greater the property's cultural heritage value. The criteria address design, historical and contextual value:

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.*

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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.*

Who prepares the designation material?

Heritage Section staff usually prepare the designation research report and accompanying Statement of Significance (inclusive of heritage attributes). The Statement of Significance describes the heritage importance of the property while the heritage attributes identify which elements of the property represent that value. While the research report is prepared to determine if a property warrants designation, the Statement of Significance is prepared once Staff are in support of designation and is included in the Council-adopted by-law which formally designates the property. In some cases, materials are supplied by the property owner or heritage consultants in support of designation.

Can a property be designated without the owner's support?

In those instances where the property owner does not support designation, Council can choose to designate without the owner's permission. As per the Ontario Heritage Act, a property's cultural heritage value is the measure for designation, rather than the consent of the owner.

Does Council have the final say?

A property owner has time-limited appeal rights should they wish to object to Council's intention to designate their property under Part IV of the Ontario Heritage Act. Note the final decision rests with the Ontario Land Tribunal in the event of an appeal.

The following is an outline of the designation process and the points in which objection to designation can formally be made:

- Council supports an intention to designate a property under Part IV of the Ontario Heritage 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;
- 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 location that can be readily accessed, must be provided with the same details;
- Following the publication of the notice, there is a 30-day window in which interested parties, including the property owner, can object to the designation. This notice in opposition to designation must set out the reason for the objection. If a notice of objection has been served to the municipality, Council is required to consider the objection and make a decision whether or not to withdraw the notice of intention to designate;
- Should Council wish to 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 is 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. Should no objection 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.

How does designation impact a property?

Designation does not restrict the use or sale of a property, compel an owner to make alterations, or require the owner to open it to the public. It does require the owner to obtain approval through a Heritage Permit for any exterior alterations or additions. The identification of heritage attributes, as required as part of the designation by-law for the property, provides clarity as to which elements contribute to its cultural

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heritage value, and is useful as a guide to generally understand which components of the property are protected. Interior alterations can be made without heritage review unless they impact an identified heritage attribute (this is rare).

What happens if requested alterations are not approved?

If Council denies a Heritage Permit application, the owner can appeal to the OLT. A hearing is held and the OLT can approve the application with or without conditions, or refuse the application.

What about demolition?

Council can deny a demolition permit for a building or structure on a designated property. If Council refuses to approve an application for demolition, the owner may appeal to the OLT. After holding a hearing, the OLT can approve the application with or without conditions, or refuse the application.

How are designated properties identified and celebrated?

To celebrate the designation of an individual property, Markham has traditionally provided a bronze plaque that is mounted on the property with the owner's consent. The plaque indicates the name of the building's first occupant and the date of construction. The designation by-law is also registered on title to the property and is included on the City's Register of Property of Cultural Heritage Value or Interest.

Does designation affect the property value?

Studies on Ontario's heritage designated properties have revealed above-average performance in terms of property value changes, as well as resistance to market downturns. A study of 3,000 designated properties in 24 Ontario communities found that:

- Designation did not have a negative impact on property values;
- The rate of sale of designated properties was as good or better than the general market;
- The value of heritage properties tended to resist downturns in the general market

What are the benefits of owning a designated property?

The City is appreciative of the time, money and effort spent in maintaining a heritage property and offers financial assistance to owners of designated properties. Currently, there are three programs offered by the City:

Heritage Property Tax Refund

Receive an annual property tax refund to help offset the additional costs associated with conserving a designated property. Municipal and education tax components can be reduced by 30%. To be eligible for tax relief, the property must be designated under the Ontario Heritage Act and be subject to a registered Heritage Easement Agreement (HEA)

Designated Heritage Property Grant Program

Restore heritage features or replicate lost features on a designated property using this matching grant program which can provide up to \$5,000 in funding.

Commercial Façade Improvement Grant Program

Obtain matching grants of up to \$15,000 to assist in the restoration or improvement to exteriors of individually designated commercial properties.

In addition to financial assistance, staff can assist in providing general restoration advice and guidance on completing maintenance and alterations that are appropriate and help celebrate the heritage value of the property

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How to obtain additional information

Should you have any questions or require further clarification, please contact:

City of Markham
Heritage Section, Planning & Urban Design Department
101 Town Centre Blvd
Markham, ON L3R 9W3
heritage@markham.ca

Designation Program Co-ordination
Evan Manning, Senior Heritage Planner
emanning@markham.ca

**“Heritage Matters...in Markham”
is a series of information brochures
on heritage planning topics.**

Revised September 2023

STATEMENT OF SIGNIFICANCE

Justus and Mary Reynolds House

7635 Highway 7 East

c.1840

The Justus and Mary Reynolds 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 Justus and Mary Reynolds House is a two-storey frame dwelling located on the south side of Highway 7 on the western edge of the historic hamlet of Locust Hill. The house faces north.

Design Value and Physical Value

The Justus and Mary Reynolds House has design value and physical value as a locally rare example of a two-storey frame farmhouse in the Georgian architectural tradition, dating from the second quarter of the nineteenth century. The dwelling exhibits the formality and symmetry typical of Georgian architecture with the exception of the one-storey eastern addition which is not of nineteenth century construction. The two-storey height is an indication that this was a superior class of residence in its day when the typical Markham farmhouse was one-and-a-half storeys in height. The essential lines and some of the details of the c.1840 dwelling are still discernable despite the mid-twentieth century remodeling. The bracketed canopy over the front entry exhibits an early twentieth century Arts and Crafts Movement aesthetic, an interesting remnant of an intermediate stage in the building's development.

Historical Value and Associative Value

The Justus and Mary Reynolds House has historical value and associative value, representing the theme of immigration to Markham Township, particularly the arrival of the Reynolds family who were United Empire Loyalists fleeing the American Revolution. Samuel Reynolds and his wife, Margaret Van Rensselaer, were from Dutchess County, New York. During the American Revolution, Samuel Reynolds joined the Royal Standard with the Dutchess County Company of New York. As Loyalists, the Reynolds family first went to New York City in 1777, and then to Grand Lake, New Brunswick in 1783, before coming to Markham Township in approximately 1800. They settled on Lot 10, Concession 10, for which they received the Crown patent in 1813. In the 1830s, Samuel Reynolds sold off parcels of the property to his sons. The youngest son, Justus Reynolds, purchased 60 acres of the eastern half of Lot 10 in 1838, and an additional 9 acres in the western half that same year. The dwelling at 7635 Highway 7, thought to date from c.1840, is located in a portion of the 9-acre parcel. The property remained in the ownership of Justus Reynolds until 1877.

Contextual Value

The Justus and Mary Reynolds House has contextual value for being historically linked to its location on the western edge of the historic hamlet of Locust Hill where it has stood since c.1840. The property has additional contextual value for being historically linked to the former

site of the Locust Hill Wesleyan Methodist Church, and the remaining cemetery, established on land donated by the Reynolds family in 1855. The property is also historically linked to the William Reynolds House at 7482 Highway 7 which was constructed in the early nineteenth century by Justus Reynold's older brother.

Heritage Attributes

Character-defining attributes that embody the cultural heritage value of the Justus and Mary Reynolds 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 an altered, but locally rare example of a full two-storey, frame farmhouse in the Georgian architectural tradition, dating from the second quarter of the nineteenth century:

- Two-storey height and rectangular plan of the original dwelling;
- Symmetrical placement of altered window openings on the ground floor of the front wall;
- Existing window openings on the second storey of the front wall.
- Existing rectangular window openings on the west gable end wall;
- Existing rectangular window openings on the second storey of the east gable end wall;
- Glazed and paneled front door, and its flanking sidelights;
- Medium-pitched gable roof with overhanging, boxed eaves and wide eave returns;
- Gable-roofed, bracketed canopy over the front entrance.

Heritage attributes that convey the property's historical value and associative value, representing the theme of immigration to Markham Township, particularly the arrival of United Empire Loyalists following the American Revolution, as the former residence of Justus and Mary Reynolds:

- The dwelling is a tangible reminder of the Reynolds family that historically resided on this property from c.1800 to 1877.

Heritage attributes that convey the property's contextual value as a building that is historically linked to its surroundings:

- The location of the building facing north, on the western edge of the historic hamlet of Locust Hill, where it has stood since c.1840. Its continued presence helps define the historic extent of Locust Hill and maintains its legibility as a community dating from the nineteenth century.

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

- Board and batten and horizontal vinyl cladding;
- One storey east addition and rear vestibule;
- Concrete foundation;
- Modern windows;
- Brick chimneys;
- Accessory building.