

Report to: Development Services Committee

Report Date: December 9, 2025

SUBJECT: RECOMMENDATION REPORT

Demolition Request for an Accessory Building within the Thornhill Heritage Conservation District, 86 John Street, (Ward 1)

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

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

RECOMMENDATION:

1. That the report entitled “Demolition Request for an Accessory Building within the Thornhill Heritage Conservation District, 86 John Street, (Ward 1)” dated December 9, 2025, be received;
2. That the recommendation from the Heritage Markham Committee to not object to removal of the accessory building to accommodate a proposed rear yard addition be received as information;
3. That Council supports the proposed demolition of the existing accessory building at 86 John Street within the Thornhill Heritage Conservation District; and further that,
4. Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

To recommend that Council support the proposed demolition of the existing one-storey accessory building (garage) at 86 John Street (the “Subject Property”), which is designated under Part V of the Ontario Heritage Act as part of the Thornhill Heritage Conservation District (the “THCD”). The Property is also subject to a Heritage Easement Agreement.

BACKGROUND:

Location and Area Context

The Subject Property contains a one-and-a-half storey heritage dwelling with a detached garage located in the rear yard that is in extremely poor condition. Figures 1 and 2 show the Subject Property on the north side of John Street, between Charles Lane to the west, and Leahill Drive to the east, in an area characterized by low-rise residential properties with generously-sized lots.

PROPOSAL:

Development permissions exist for the Subject Property. The City’s Committee of Adjustment (“COA”) refused the owners’ Minor Variance (“MNV”) application for the Subject Property on November 20, 2024, which would have enabled the future construction of a rear addition containing amenity space, two residential units, and a garage. The existing garage is proposed to be removed to accommodate the addition. City staff and the Heritage Markham Committee supported the MNV application.

The owners appealed the COA's refusal of the MNV application to the Ontario Land Tribunal (the "OLT") and the requested variances were approved. Staff are now working with the owners to secure their Major Heritage Permit for the new development.

OPTIONS/DISCUSSION:

The Ontario Heritage Act (the "Act") requires Council to consider all demolition applications for designated properties.

Section 42(1) of the Act requires an owner to obtain a permit from the municipality to:

1. alter any part of the property other than the interior
2. erect, demolish or remove any building or structure on the property or permit the erection, demolition or removal.

The Act allows Council to delegate its power to grant permits for the alteration of property situated in a heritage conservation district to an employee or official of the municipality. Markham Council approved such a by-law delegating its power for the approval of alterations to the Manager of Heritage Planning. However, upon consultation with Legal staff, it has been determined that the delegation of the authority to approve "alterations" to staff does not include the authority to consider applications for demolition or removal that are addressed under Parts IV and V of the Act. No delegation provisions apply in such circumstances.

Therefore, all applications for demolition of buildings and structures within heritage conservation districts whether of cultural heritage value or not, must be considered by Council. Once an owner provides their written intention to demolish structures on a property that is designated under Parts IV and V of the Act, a municipality has 90 days from the date the notice of receipt is served to the applicant to either:

- Approve the demolition;
- Refuse the demolition; or
- Approve the demolition with conditions.

On November 7, 2025, the owners of the Subject Property provided notice to Heritage Section staff ("Staff") of their intention to demolish the existing garage. Staff served notice of receipt the same day resulting in a decision deadline of February 5, 2026.

The Heritage Markham Committee does not object to the proposed demolition

At its meeting on April 10, 2024, Heritage Markham adopted Staff recommendations in support of the proposed variances, the design of the addition, and the future demolition of the existing garage. Refer to Appendix A for the meeting extract.

Heritage Section Staff have no objection to the proposed demolition

It is the opinion of Staff that removal of the existing garage, which is not visible from the public realm, will not have an adverse impact on the cultural heritage value of the Subject Property or the THCD more broadly.

FINANCIAL CONSIDERATIONS:

Not Applicable.

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 MNV application and removal of the garage.

RECOMMENDED BY:

Giulio Cescato, RPP, MCIP

Director of Planning and Urban Design

Trinela Cane

Acting Commissioner of Development Services

ATTACHMENTS AND APPENDICES:

Figure 1: Location Map and Aerial Image of the Subject Property

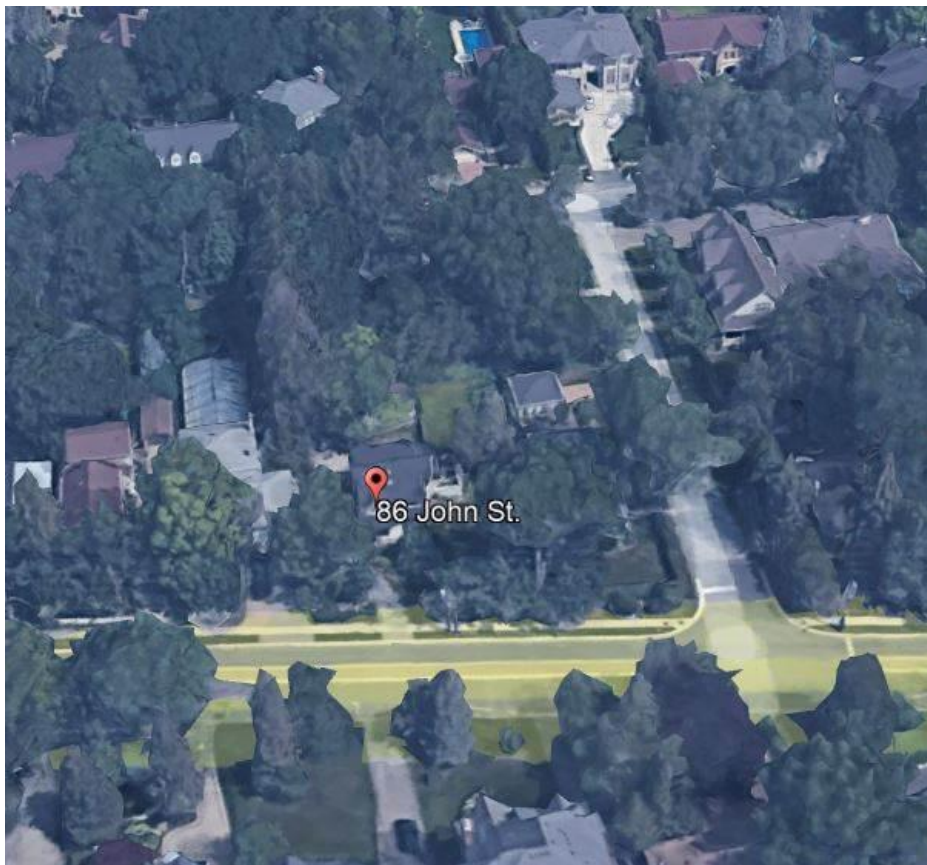
Figure 2: Images of the Subject Property

Appendix A: Heritage Markham Extract

Figure 1: Location Map and Aerial Image of the Subject Property



Property map showing the location of the Subject Property [outlined in blue]
(Source: City of Markham)



Aerial image looking north towards the Subject Property [outlined in blue]
(Source: Google Earth)

Figure 2: Images of the Subject Property



The south (primary) elevation of heritage dwelling on the Subject Property
(Source: Google)



Existing garage in the rear yard of the Subject Property
(Source: Heritage Section Photo Collection)

Appendix A: Heritage Markham Extract

HERITAGE MARKHAM EXTRACT

Date: April 26, 2024

To: R. Hutcheson, Manager of Heritage Planning
E. Manning, Senior Heritage Planner

EXTRACT CONTAINING ITEM # 6.2 OF THE FOURTH HERITAGE MARKHAM
COMMITTEE MEETING HELD ON April 10, 2024

6. PART FOUR - REGULAR

6.2 COMMITTEE OF ADJUSTMENT VARIANCE APPLICATION

PROPOSED REAR ADDITION WITH INTEGRATED GARAGE 86 JOHN STREET, THORNHILL (16.11)

File Numbers:
A/106/23

Evan Manning, Senior Heritage Planner, introduced this item, reminding members that this has been before the Committee twice previously. Mr. Manning advised that since this item was last before the Committee, the application has been revised in a number of ways. Mr. Manning provided an overview of the revisions to the application and advised that Staff feel that the Applicant has, in good faith, attempted to respond to concerns raised by the Committee.

Darryl Simmons, deputant and Owner, explained that they are seeking to expand their living space as they wish to provide an accessible living space for an elderly family member and eventually for others in the family. Mr. Simmons noted that they have worked diligently to protect the trees on their property and have considered this through the application and revisions.

Francis Lapointe, deputant and architect, Lapointe Architects, representing the adjacent owner at 4 Leahill Drive, expressed opposition to the application, regardless of the view of the addition from the street or sidewalk. Mr. Lapointe noted that there are homes behind and next to this property and stressed the importance of adhering to the guidelines in the Thornhill Heritage Conservation District Plan regarding the scale and siting of additions. Mr. Lapointe expressed concerns with the proximity of the addition to 4 Leahill Drive. Mr. Lapointe expressed concern that the addition would not conform with the building code, noting that laundry facilities are not available to each unit. Mr. Lapointe expressed concerns with emergency services accessing the addition. Mr. Lapointe

also provided a written submission summarizing the identified issues and concerns.

Valerie Burke, deputant, expressed support for the application being further revised, noting continued concern with the massing and height of the addition. Ms. Burke indicated concern about the three mature trees which would be removed to build the addition and the possibility that other trees on the property could be damaged during construction

Evelin Ellison, deputant, expressed appreciation for the efforts of the Owner in returning to the Heritage Committee, but expressed continued concerns with the application and the size of the proposed addition. Ms. Ellison expressed concern that the Owner of 86 John Street was not adhering to the conditions of the Heritage Easement Agreement (HEA) in relation to proper maintenance of the existing detached garage.

Regan Hutcheson, Manager, Heritage, commented that monitoring HEAs are handled in different ways depending on if the Owner is taking part in the tax rebate program in which case photos would be reviewed every two years to ensure that the conditions of the HEA are being complied with. In this case, the existing garage noted in the HEA is proposed to be removed.

Darryl Simmons responded that the garage has been greatly improved once signing the HEA, acknowledging that the garage was not in good condition when they purchased the home. Mr. Simmons confirmed that they have not taken part in the property tax rebate program.

Scott Rushlow, designer, noted that the brief from the client was to create three separate suites. Mr. Rushlow advised that the proper siting and massing of the addition relative to the existing heritage building were paramount considerations and that concerns from the Committee were taken into account and incorporated into the revised proposal, noting that the building was also pulled back from the rear property line to reduce visual impact and address the concerns of the Owner of 4 Leahill Drive. Mr. Rushlow advised that the building depth and length of the link were also reduced and expressed his opinion that the Applicant has taken steps in good faith to address community concerns.

The Committee provided the following feedback:

- Thanked the Applicant for making some changes to the application.
- Requested a Staff response to the report submitted by Francis Lapointe. Mr. Manning responded that from a massing perspective, the proposed addition is optimal in its siting. Mr. Manning noted that items outlined in

Mr. Lapointe's report are guidelines rather than policies within the District Plan and Staff consider them on a case-by-case basis. Mr. Manning expressed Staff's view that the addition being brought closer to the existing building would cause visual confusion between the heritage building and the addition, noting a preference for separation between the two volumes. Mr. Manning also noted that privacy issues are land use issues which are more appropriately dealt with through the Committee of Adjustment but observed that the rear yard of 4 Leahill Drive is quite vegetated.

- Questioned the addition's visibility from the street, asking if there is a rendering which shows the visibility from Leahill Drive. Mr. Manning explained that the visibility from John Street has been considered a higher priority as John Street is one of the primary streets within the District.
- Asked if the configuration suggested by Mr. Lapointe could be adopted. Mr. Manning confirmed that any configuration which brings the addition closer to the heritage resource would be considered less desirable by Heritage Section Staff as it would diminish the prominence of the heritage building as viewed from John Street.
- Asked if the application has gone to the Committee of Adjustment at this point. Mr. Manning confirmed that the application has not gone to the Committee of Adjustment as the Applicant and Staff are first seeking Heritage Markham support before proceeding.
- Expressed that Heritage Markham's decision could be influenced by what the Committee of Adjustment is willing to allow.
- Asked if the size of the garage could be reduced to provide more of a setback. Mr. Rushlow noted that one of the Owners requests was for a large garage to accommodate vehicles and yard maintenance equipment, adding that the Owners were willing to concede a four-car garage.
- Sought clarification on the original length of the link. Mr. Rushlow advised that the link was originally 25 ft. and was reduced by 8 ft.

Recommendations:

THAT Heritage Markham has no objection from a heritage perspective to the revised proposal for 86 John Street including the requested variance to permit:

- a building depth of 31.48 metres; whereas the By-law allows a maximum building depth of 16.8 metres;

- a rear yard setback of 14.85 feet; whereas the By-law requires a minimum rear yard setback of 30 feet;
- a floor area ratio of 44.73%; whereas the By-law allows for a maximum floor area ratio of 33%

AND THAT the written submission from Francis Lapointe be received.

AND THAT the depositions from Darryl Simmons, Francis Lapointe, Valerie Burke, Evelin Ellison, and Scott Rushlow be received.

AND FURTHER THAT future review of a Major Heritage Permit application, and any other application required to enable the proposed development including a demolition permit application for the garage, be delegated to Heritage Section staff should the design be substantially in accordance with the drawings as appended to this memo.

Carried