



Report to: Development Services Committee

Meeting Date: March 18, 2019

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**SUBJECT:** **Recommendation Report**  
Amendment to Designation By-law 211-79  
Briarwood Farm – James McLean House,  
4031 Sixteenth Avenue, Ward 3

**PREPARED BY:** George Duncan, CAHP, Senior Heritage Planner, ext. 2296

**REVIEWED BY:** Regan Hutcheson, MCIP, RPP, CAHP Manager of Heritage  
Planning, Ext 2080

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**RECOMMENDATION:**

- 1) That the staff report titled “Amendment to Designation By-law 211-79, Briarwood Farm – James McLean House, 4031 Sixteenth Avenue”, dated March 18, 2019, be received;
- 2) That By-law 211-79 designating Briarwood Farm – James McLean House at 4031 Sixteenth Avenue under Part IV of the Ontario Heritage Act be amended as per Appendix “A” to this report, as the building will be relocated within the subject property and will have a new legal description, and to update the Statement of Significance to include interior architectural features;
- 3) That the Clerks Department serve upon the owner Council’s Notice of Intention to Amend the Designation By-law as per the requirements of the Ontario Heritage Act;
- 4) That if there is no objection to the amendment by the owner in accordance with the provisions of the Ontario Heritage Act, the Clerk be authorized to place an amending by-law before Council for adoption;
- 5) That if there is an objection to the amendment by the owner in accordance with the provisions of the Ontario Heritage Act, the Clerk be directed to refer the proposed amendment to the Ontario Conservation Review Board;
- 6) And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

**PURPOSE:**

The purpose of the report is to amend the existing designation by-law to reflect the new legal description of the property and to update the Statement of Significance to include significant interior features.

**BACKGROUND:**

**The property is designated under Part IV of the Ontario Heritage Act**

The subject property was individually designated pursuant to the Ontario Heritage Act (the Act) in 1979 by By-law 211-79, along with several other properties. The Reasons for Designation (now referred to as the Statement of Significance as per the current legislation) specific to this property forms Schedule E of the by-law.

**The heritage building is proposed to be relocated within the subject property**

As part of the proposed development of the subject property for a small subdivision of single detached dwellings on a private road, the heritage building will be relocated slightly to a new parcel, Block 7, Draft Plan 19TM-16004. The heritage building will be placed upon a new foundation, restored, and an addition will be built to face a new internal street. As the result of negotiations with the applicant relative to the preservation of the heritage building, the amendment of the designation by-law to include significant interior features was agreed to. Including interior features of a heritage building is done in special circumstances when the building is found to be of exceptional cultural heritage value. Briarwood Farm – James McLaren House, c.1855, is a very well preserved example of a mid-19<sup>th</sup> century farmhouse. It contains interior woodwork that demonstrates a high degree of design value and craftsmanship. The proposed revised Reasons for Designation/Statement of Significance is attached as Appendix “A”.

**Heritage Markham has been consulted**

As per the requirements of the Act, Heritage Markham has been consulted and at its meeting of November 8, 2017, when considering the overall development proposal, the committee recommended that the designation by-law be amended to include interior features.

**OPTIONS/ DISCUSSION:****The Ontario Heritage Act has a process to amend designation by-laws**

The Act recognizes that over time, municipal councils may need to update different parts of an existing designation by-law. As of April 2005, for minor amendments, the Act includes an abbreviated process for amending designation by-laws that does not require the public notice required for designation. By-laws can be amended under section 30.1(2) to (10) to:

- Clarify or correct the Statement of Cultural Heritage Value or Interest or the Description of Heritage Attributes;
- Correct the Legal Description of the property;
- Revise the language of the by-law to make it consistent with the current requirements of the Act or its regulations.

**Owner is given notice of amendment**

The property owner is aware of the heritage designation process through the development application process for the proposed development on the subject property. Notice of the proposed amendment will be sent to the owner of the property who has the opportunity to object. If there is no objection within 30 days then Council can pass the amending by-law. If there is an objection, the proposed amendment will be referred to the Conservation Review Board (CRB) in a process similar to the objection process for designation. Once Council is in possession of the CRB report, it can proceed with the amendment or withdraw its intention to amend. However, Council is not bound to follow the recommendations of the CRB.

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**City Solicitor advises to amend by-laws rather than repeal**

The Ministry of Culture's guidebook on property designations recommends that a municipality seek the advice of its solicitor when considering the options for amending a by-law. The City Solicitor has advised that it is unnecessary to repeal a by-law for a relocated building. Instead, the by-law's schedule should be amended to reflect its new legal description. The by-law as amended will then be registered against the new land parcel and the old by-law will be deleted against the now incorrect parcel. We would only repeal a by-law in the case of demolition or loss.

**FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)**

Not applicable

**HUMAN RESOURCES CONSIDERATIONS**

Not applicable

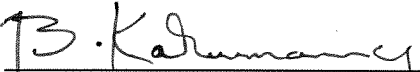
**ALIGNMENT WITH STRATEGIC PRIORITIES:**

Not applicable

**BUSINESS UNITS CONSULTED AND AFFECTED:**

Reviewed with Legal Services and the Heritage Markham Committee.

**RECOMMENDED BY:**

  
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Biju Karumanchery, MCIP, RPP  
Director of Planning & Urban Design

  
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Arvin Prasad, MCIP, RPP  
Commissioner of Development Services.

**ATTACHMENTS:**

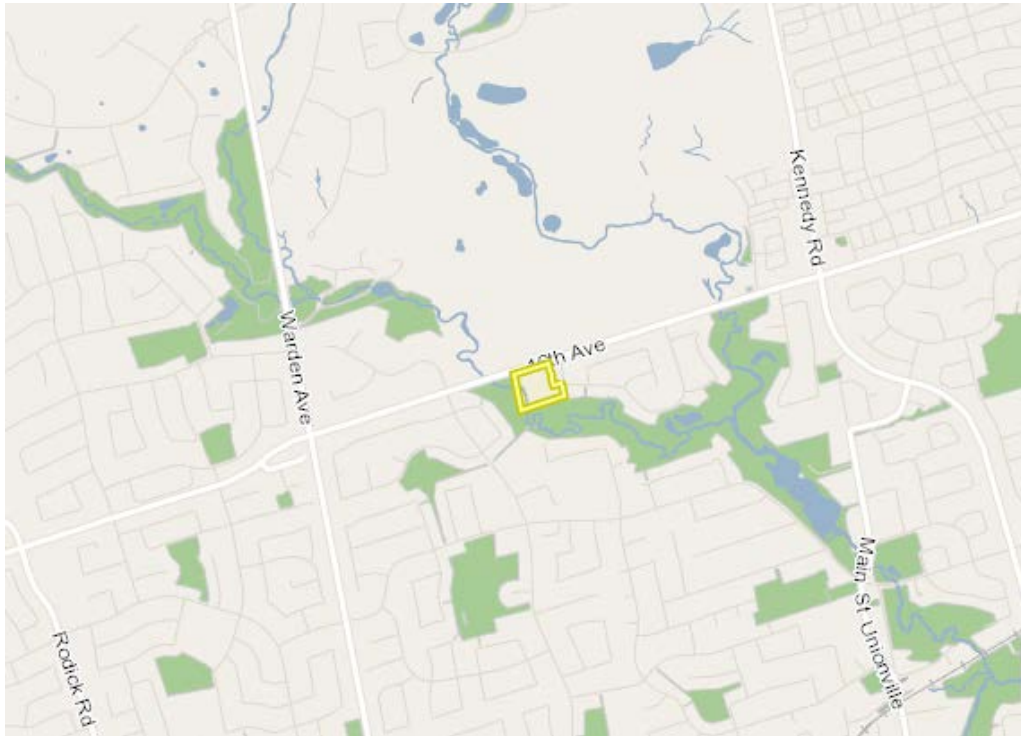
Figure 1: Location Map  
Figure 2: Building Photograph  
Appendix "A": Revised Statement of Significance

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**Property Owner:** 4031 Sixteenth Avenue (Unionville) Inc./Livante Developments

**Figure 1: Location Map**



**Figure 2: Building Photograph**



**Briarwood Farm – James McLean House, c.1855**

**Appendix “A”: Revised Reasons for Designation/Statement of Significance****Briarwood Farm – James McLean House**  
c.1855  
4031 Sixteenth Avenue

Briarwood Farm – James McLean House is recommended for designation under Part IV 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

Briarwood Farm – James McLean House is a one and a half storey patterned brick farmhouse located on the south side of 16<sup>th</sup> Avenue, east of Warden Avenue, bounded by a river valley on the west side and late 20<sup>th</sup> century houses fronting on Normandale Avenue on the east side.

Historical and Associative Value

Briarwood Farm – James McLean House has historical and associative value as the former home of James McLean, a Scottish immigrant that received the Crown patent for Lot 15, Concession 5, a former Clergy Reserve Lot, in 1845. McLean was a tenant on the land prior to becoming the owner. At the time of the 1851 census, James and Flora (McKinnon) McLean resided in a log house. By 1861, the log house had been replaced by a fine brick farmhouse. In 1875, the west half of the farm, including this dwelling, were willed to John Patterson, a labourer who had resided with the family for a considerable time and was married to Flora, the McLeans’ daughter. The property is also of significance for its more recent history. In 1945, the farm was purchased by Aubrey Dean Hughes and Dora Evelyn Hughes. The Hughes family named the farm “Briarwood.” Dean Hughes wrote about life on this farm north of Unionville in two books, *And So They Bought a Farm* and *Along the Sideroad*. He also used the farm as the basis of a radio show on the CBC that ran for 25 years, titled “The Craigs,” and had a column in the Toronto Star.

Design and Physical Value

Briarwood Farm – James McLaren House has design and physical value as an excellent example of a mid-19<sup>th</sup> century farmhouse in patterned brick, with a Georgian Tradition form and Classic Revival details. It is a type of substantial farmhouse that reflects a period of agricultural prosperity in the 1850s when wheat was selling for good prices, enabling many Markham Township farmers the means to replace older log and frame dwellings. This house is exceptional for its excellent state of preservation both on the exterior and interior.

### Contextual Value

Briarwood Farm – James McLean House has contextual value as a remnant of the former agricultural community that historically existed to the north of Unionville, now transformed to a suburban community in the City of Markham.

### Significant Architectural Attributes to be Conserved

Exterior, character-defining elements that embody the cultural heritage value of Briarwood Farm – James McLean House include:

- One-and-a-half storey main block of the building, and its one storey rear kitchen wing;
- Exterior walls of red brick with buff brick accents in the form of quoining, ground floor door and window arches, and frieze;
- Gable roof with its wood cornice and eave returns;
- Gable-end single-stack brick chimneys with limestone copings;
- Six over six sash-style wood windows with operable louvered wood shutters and projecting window sills;
- Single-leaf front door with a single panel in the Classic Revival style, with multi-paned wood transom and sidelights and wood panels below the sidelights;

Interior, character-defining elements remaining from the 1850s that embody the cultural heritage value of Briarwood Farm – James McLean House include:

- Pine plank floors;
- Staircase with turned newel posts, oval handrail and square pickets;
- Pine, single-panelled front door with rim lock;
- Four panelled pine doors with period hardware;
- Pine baseboards;
- Pine door and window architrave trim, and panelled window aprons;
- Brick fireplace and pine fireplace mantel in the west room
- Brick cooking fireplace, iron crane and wood mantel in the rear wing.