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**SUBJECT:** Heritage Designation By-law Amendments Legal Descriptions  
**PREPARED BY:** Peter Wokral, Senior Heritage Planner, ext. 7955

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**RECOMMENDATION:**

- 1) That the staff report entitled “Heritage Designation By-law Amendments, Legal Descriptions”, dated April 29, 2019, be received;
- 2) That the heritage designation by-laws for the following municipal property addresses be amended to reflect their current legal descriptions:
  - 1) 33 Artisan Trail (formerly 10372 Woodbine Ave.)
  - 2) 37 Artisan Trail (formerly 10271 Woodbine Ave.)
  - 3) 39 Artisan Trail (formerly 10327 Woodbine Ave.)
  - 4) 17 Campus Close (formerly 10521 Woodbine Ave.)
  - 5) 43 Castlevue Crescent (formerly 10077 Woodbine Ave.)
  - 6) 18 Cecil Nichols Ave. (formerly 10510 Woodbine Ave.)
  - 7) 20 Mackenzie Stand Avenue (formerly 8083 Warden Ave.)
  - 8) 99 YMCA Boulevard (formerly 7996 Kennedy Rd.)
  - 9) 819 Bur Oak Avenue (formerly 9483 McCowan Rd.)
  - 10) 226 Edward Jefferys Avenue (formerly 9462 Hwy. 48)
  - 11) 11 Heritage Corners Lane (formerly 9251 Hwy. 48)
  - 12) 8 Wismer Place (formerly 10391 Woodbine Ave.)
  - 13) 2 Alexander Hunter Place (formerly 31 Helen Ave.)
  - 14) 2665 Bur Oak Avenue (formerly 7006 16<sup>th</sup> Ave.)
  - 15) 60 Dame Gruev Drive (formerly 6297 Major Mackenzie Dr.)
  - 16) 8 Green Hollow Court (formerly 9642 9<sup>th</sup> Line)
  - 17) 1 Kalvinster Drive (formerly 6937 Hwy. 7)
  - 18) 28 Pike Lane (formerly 9451 9<sup>th</sup> Line)
  - 19) 527 William Forster Road (formerly 8882 Reesor Rd.)
  - 20) 9899 Markham Road (formerly 9899 Hwy. 48)
  - 21) 28 Busch Avenue (formerly 4672 Kennedy Road)
  - 22) 128 Harbord Street (formerly 4672 Kenney Road)
  - 23) 10000 Kennedy Road (formerly Part of Lot 20, Concession 5)
  - 24) 14 Heritage Corners Lane (formerly 11022 Kennedy Rd.)
  - 25) 45 Stollery Pond Crescent (formerly 4075 Major Mackenzie Dr.)
  - 26) 11 Tannis Street (formerly 9765-9767 Kennedy Rd.)
  - 27) 99 Thoroughbred Way (formerly 9804 McCowan Rd.)
  - 28) 3 Tralee Court (formerly 4077 Major Mackenzie Dr.)
  - 29) 628 Wilfred Murison Avenue (formerly 9486 McCowan Rd.)
  - 30) 6888 14<sup>th</sup> Avenue (formerly 7166 14<sup>th</sup> Ave.)
  - 31) 6890 14<sup>th</sup> Avenue (formerly 7124 14<sup>th</sup> Ave.)
  - 32) 7 Bewell Drive (formerly 7447 9<sup>th</sup> Line)
  - 33) 15 Bewell Drive (formerly 7449 9<sup>th</sup> Line)

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- 34) 70 Karachi Drive (formerly 7555 Markham Rd.)
  - 35) 66 Monique Court (formerly 7205 Markham Rd.)
  - 36) 16 Moore's Court (formerly 7085 14<sup>th</sup> Ave.)
  - 37) 60 Maple Park Way (formerly Part of Lot 6 Concession 5)
- 3) That notice of the proposed amendments be given to the property owners in accordance with the *Ontario Heritage Act*;
  - 4) And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

**PURPOSE:**

To amend the legal description component of heritage designation by-laws where the cultural heritage resource has been relocated or the property's legal description has been modified through further land division or a plan of subdivision.

**BACKGROUND:****Designation by-laws occasionally need to be amended**

Municipal councils may need to update different parts of an existing heritage designation by-law for a number of reasons including:

- Changes have been made to the property or new information has become available affecting the Statement of Cultural Heritage Value or Interest or the Description of Heritage Attributes;
- The legal description has changed or needs to be corrected; or
- The information in the original by-law does not provide sufficient detail to guide and manage alterations to the property.

**Designation by-laws need to be amended to reflect their current legal descriptions**

There are a number of Markham properties that have been individually designated under Part IV of the *Ontario Heritage Act* which require the legal description to be amended. The legal description of these properties has been affected in a variety of ways, including:

- The cultural heritage resource may have been relocated to a new property or relocated on the same property, but with a new legal description; or
- The cultural heritage resource may remain on its original site, but through further land division may now have a different legal description (e.g. a heritage building in a new plan of subdivision that was previously a farm property)

Appendix 'A' identifies the impacted properties and the reason for the change in legal description.

**OPTIONS/ DISCUSSION:****Procedure for amending Designation By-laws**

The procedure outlined in Section 29 of the *Ontario Heritage Act* (which is used to pass an original designation by-law) is to be used if the amendments to the by-law are substantial. For minor amendments to designation by-laws, municipalities can utilize an abbreviated process that does not require public notice.

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As of April 2005, section 30.1(2) to (10) of the *Ontario Heritage Act* is to be followed for these types of minor amendments. A flow chart outlining this process is provided in Appendix 'B'.

Generally the process is as follows:

- Council consults with its municipal heritage committee (Heritage Markham)
- Council decides whether to proceed with the amendment
- Notice is sent to the Property Owner
- Property Owner has 30 days to object (objections are referred to the Conservation Review Board (CRB) for a hearing and the non-binding report of the CRB is sent back to Council for its consideration before making a decision on the amendment)
- Council amends the designation by-law (or chooses not to)

**Heritage Markham has been consulted**

Heritage Markham Committee reviewed the proposed amendments and had no objection.

**Utilize the minor amendment process**

The minor amendment process can be used to update the legal description of the affected designation by-laws. It is recommended that the heritage designation by-laws on the municipal property addresses identified in Appendix 'A' be amended to reflect their current legal descriptions.

**HUMAN RESOURCES CONSIDERATIONS**

Not Applicable

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

The protection of cultural heritage resource through the designation by-law process is a component of Growth Management. This helps achieve a quality community by ensuring that the City of Markham's cultural heritage resources remain part of the fabric of the City, strengthening the sense of community.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

The Heritage Markham Committee and Legal Services Department was consulted. The Heritage Section will work with the Clerks Department to amend the Designation By-laws. Legal Services Department will be required to register the approved by-law amendments on the affected property.

**RECOMMENDED BY:**

Biju Karumanchery, RPP, MCIP  
Director, Planning and Urban Design

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

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**ATTACHMENTS:**

Appendix 'A'      Heritage Designation By-laws Requiring Amendment (Legal Description Only)

Appendix 'B'      Flow Chart – Amendment of Designation By-law (Exception)

## APPENDIX 'A'

**Properties requiring update to legal description in WARD 2**

<b>Number</b>	<b>Property</b>	<b>Designation By-law</b>	<b>Reason for Update</b>	<b>Comments</b>	<b>Amanda Legal Description</b>	<b>Legal Description in By-law</b>
1.	33 Artisan Trail Henry Arnold House	2003-313	Building was designated addressed as 10372 Woodbine Ave.	Relocated to new foundation	PLAN 65M3670 PT BLK 135 65R27660 PART 4	Part Lot 23, Concession 3, Pt 1 65R25134
2.	37 Artisan Trail Peter Rumohr House	2002-7	Building was designated addressed as 10271 Woodbine Ave.	On its original foundation	PLAN 65M3670 PT BLK 136 65R27660 PT 5	PT. LOT 22 and PT. LOT 23, CON.4, Markham
3.	39 Artisan Trail Adam Haglar House	2002-6	Building was designated addressed as 10327 Woodbine Ave.	House is awaiting restoration	PLAN 65M3670 PT BLK 136 65R 27660 PT 6	PT. LOT 22 and PT. LOT 23, CON. 4 Markham
4.	17 Campus Close Louis Nichols House	2010-25	Building was designated addressed as 10521 Woodbine Ave.	On its original foundation	PLAN 65M4245 LOT 121	PT W1/2 LT 24. CON 4 (MKM), PT 1, PL 65R29419
5.	43 Castlevue Crescent William Wonch House	2001-120	Building was designated addressed as 10077 Woodbine Ave.	On its original foundation	PLAN 65M3644 LOT 36	PART LOTS 21 & 22, CONCESSION 4 PART 12 & 13, 66R-3426
6.	18 Cecil Nichols Ave. Nichols Farmhouse	2010-25	Building was designated addressed as 10519 Woodbine Ave.	On its original foundation	PLAN 65M4245 LOT 122	PT W 1/2 LT 24, CON4 (MKM), PT1, PL 65R29419, MARKHAM

### Properties requiring update to legal description in WARD 3

	Property	Designation By-law	Reason for Update	Comment	Amanda Legal Description	Legal Description in By-law
7.	20 Mackenzie's Stand Ave. Alexander Bradburn House	2001-193	Building was designated addressed as 8083 Warden Ave.	Relocated to new foundation	PLAN 65M4060 BLK 29	Part of East Half and West Half Lot 9 Concession 5 Designated as Part 1, Plan 65R-26718
8.	99 YMCA Blvd. Thomas Rivas House	2002-170	Building was designated as 7996 Kennedy Road	On its original foundation	PLAN 65R25842 PTS 5 & 6	PT. Lot 8, CON. 5 Markham

### Properties requiring update to legal description in WARD 4

	Property	Designation By-law	Reason for Update	Comment	Amanda Legal Description	Legal Description in By-law
9.	819 Bur Oak Ave. Daniel Ramer House	2002-167	Building was designated addressed as 9483 McCowan Rd.	Relocated to new foundation	PLAN 65M3955 LOT 1	PT. LOT 17 & 18, CON. 7, PART 1 65R-18215
10.	226 Edward Jeffreys Ave. Albert Wideman House	2002-34	Building was designated addressed as 9462 Hwy. 48	Relocated to new foundation	PLAN 65M3761 PT BLK 1 RP 65R34020 PT 50	PT. LOT 17, CON. 7 Markham as in MA86570
11.	11 Heritage Corners Lane Ambrose Noble House	307-83	Building moved to Heritage Estates from 9251 Highway 48 North	Relocated to new foundation	Plan 65M2761 LOT 38	Part Lot 16, Concession 8 meets & bounds

12.	2 Alexander Hunter Place Mackenzie Gowland House	2004-214	Building Moved to Heritage Estates from 31 Helen Ave.	Relocated to a new foundation	Plan 2196 Pt. Lot 12 RS64R8504 Part 2	PT LT 12 PL 2196 PT2 64R8504
13.	8 Wismer Place Wilmot Brumwell House	2002-8	Building Moved to Heritage Estates from 10391 Woodbine Ave.	Relocated to a new foundation	Plan 65M2761 LOT 11	PT. LOT 22 and PT. LOT 23, CON. 4

### Properties requiring update to legal description in WARD 5

Number	Property	Designation By-law	Reason for Update	Comment	Amanda Legal Description	Legal Description in By-law
14.	2665 Bur Oak Ave. William Grant House	2004-3	Building was designated addressed as 7006 16 <sup>th</sup> Ave.	On its original foundation	PLAN 65M3759 BLK 358	West ½ Lot 16, Concession 9
15.	60 Dame Gruev Dr. Abraham Strickler House	2006-256	Building was designated addressed as 6297 Major Mackenzie Dr.	On its original foundation	PLAN 65M4237 LOT 260	Part Lot 20 Concession 8 as in R424648 save and except Part 9 on 65R23101
16.	8 Green Hollow Crt. Adam Clendenen House	2001-172	Building was designated addressed as 9642 9 <sup>th</sup> Line	On its original foundation	PLAN 65M3594 LOT 320	PT. LTS 17, 18 & 19, CON.8; PT.1, 65R15789, SAVE AND EXCEPT PT.1, 65R18289 AND SAVE AND EXCEPT PT. 1 65R23608

17.	1 Kalvinster Dr. John Reesor House	2003-159	Building was designated addressed as 6937 Hwy. 7	On its original foundation	PLAN 65M3840 LOT 217	PT LOTS 9 & 10 PT 1 65R16111 EXCEPT PTS 11 & 14, 65R18847 & PT 1, 65R22686
18.	28 Pike Lane Peter Pike House	2004-2	Building was designated addressed as 9451 9 <sup>th</sup> Line	On its original foundation	PLAN 65M3759 BLKS 303 AND 304	Part Lot 17, Concession 9
19.	527 William Forster Rd. William Forster House	2005-367	Building was designated addressed as 8882 Reesor Road	On its original foundation	PLAN 65M4354 LOT 214	East half of Lot 13, Concession 9 designated as Part 25 on Reference Plan 65R- 28440
20.	9899 Markham Road William Read House	2002-168	Building was originally addressed as 9899 Hwy.48	On its original foundation	PT LT 20 CON 8 MARKHAM AS IN R420171	YORK REGION CONDO PLAN 1078 LEVEL 1 UNIT 18

### Properties requiring update to legal description in WARD 6

	Property	Designation By-law	Reason for update	Comment	Amanda Legal Description	Legal Description in By-law
21.	28 Busch Ave. Beckett Farm House	2012-68	Building was designated addressed as 4672 Kennedy Rd.	On its original foundation	PLAN 65M4398 LOT 252	PT of W1/2 LOT 16, CON 6 BEING PART 2, PLAN 65R- 33240
22.	128 Harbord St. Philip Eckardt Log House	229-93	Building was designated addressed as 4672	Will be relocated on new foundation on new lot	PLAN 65M4398 LOT 174	Meets and Bounds



			Kennedy Rd.			
23.	10000 Kennedy Rd. S.S. # 11 Colty Corners School House	307-83	Building designated as Part of Lot 20 Concession 5	On new foundation	PLAN 65M3468 BLK 63	Part of Lot 20, Concession 5, south west intersection of Kennedy Road and Seventeenth Ave. Markham
24.	14 Heritage Corners Lane Reverend Jenkins House	155-94	Building designated addressed as 11022 Kennedy Rd.	Will be relocated on new foundation on new lot	CON 5 PT LOT 27 RS65R4896 PART 3	Part of Lot 27 Concession 5, more particularly described as Part 1 on Plan of Survey 65R-4896
25.	45 Stollery Pond Cres. Francis Stiver House	4-95	Building was designated addressed as 4075 Major Mackenzie Dr.	On its original foundation	PLAN 65M4498 BLK 27	Part of Lots 19 and 20, Concession 5 designated as Part 9, Plan 65R-17399, save and except Part 2, Plan D923
26.	11 Tannis St. Henry Pingle House	2005-364	Building was designated addressed as 9765-9767 Kennedy Road	On its original foundation	PLAN 65M4094 LOT 12	Con. 6, Pt LT 19, RS65R6486 Part 2
27.	99 Thoroughbred Way Peterson Jarvis House	176-2000	Building was designated addressed as 9804 McCowan Rd.	On its original foundation	PLAN 65M3719 PT BLK 73 65R28873 PT 169	PT LT 19, CON 6, PT 1 65R19839, EXCEPT PT 7 65R21540 & EXCEPT PTS 1,2 & 3

						65R21629 & EXCEPT PTS 1 & 2 65R21791
28.	3 Tralee Crt. Eleanor Casely House	2004-212	Building was designated addressed as 4077 Major Mackenzie Dr.	Relocated to a new foundation	PLAN 65M4498 LOT 26	Pt Lts 19 & 20 Con 5 Markham, Pt 9 65R17399 except Pt 2 PL D923
29.	628 Wilfred Murison Ave. Jonathan Gowland House	2002-200	Building was designated addressed as 9486 McCowan Rd.	Relocated to a new foundation	PLAN 65M3733 PT BLK 101	Part Lot 17 Concession 6 (MKM), PT 1 65R17629

### Properties requiring update to legal description in WARD 7

	Property	Designation By-law	Reason for Update	Comment	Amanda Legal Description	Legal Description in By-law
30.	6888 14 <sup>th</sup> Ave. John Mapes House	2003-153	Building was designated addressed as 7166 14 <sup>th</sup> Ave.	Relocated to new foundation	PLAN 65M3837 BLK 63	PART LOT 6, CONCESSION 9
31.	6890 14 <sup>th</sup> Ave. John Noble Raymer House	2003-152	Building was designated addressed as 7124 14 <sup>th</sup> Ave.	On its original foundation	PLAN 65M3837 BLK 62	PART LOT 6, CONCESSION 9
32.	7 Bewell Dr. Josephus Reesor Tenant House	2003-238	Building was designated addressed as 7447 9 <sup>th</sup> Line	On its original foundation	PLAN 65M3976 BLK 227	PART OF LOTS, 3, 4 & 5, CONCESSION 9, DESIGNATED AS PART 1, PLAN 65R- 25746

33.	15 Bewell Dr. Josephus Ressor House	2003-239	Building was designated addressed as 7449 9 <sup>th</sup> Line	On its original foundation	PLAN 65M3976 BLK 226	PART OF LOTS, 3,4 & 5, CONCESSION 9, DESIGNATED AS PART 1, PLAN 65R-25746
34.	70 Karachi Dr. Raymer-Robb Farmhouse	2005-365	Building was designated addressed as 7555 Markham Road	Relocated to new foundation	PLAN 65M4011 BLK 1	Part Lot 4 Concession 8 designated as Part 6 on Reference Plan of Survey 65R-28402
35.	66 Monique Crt. Robb House	89-91	Building was designated addressed as 7205 Markham Road	Relocated to new foundation	PLAN 65M3669 PT BLK 155 RP 65R30562 PT 1	Part or Lots 1 & 2, Concession 8 designated as Part 1 on Plan 65R-10506
36.	16 Moore's Crt. Abraham Koch House	2008-187	Building was designated addressed as 7085 14 <sup>th</sup> Ave.	On its original foundation	PLAN 65M4290 BLK 11	Part Lots 4 and 5, Concession 9, designated as Parts 5, 11, 20, 21 and 22, Plan 65R30962, Markham; s/t easement in gross over Part 20, Plan 65R-30962 as in YR996698, s/t easement in gross over Parts 5 and 21, Plan 65R-30962 as in YR1193458

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**Properties requiring update to legal description in WARD 8**

	<b>Property</b>	<b>Designation By-law</b>	<b>Reason for Update</b>	<b>Comment</b>	<b>Amanda Legal Description</b>	<b>Legal Description in By-law</b>
37.	60 Maple Park Way Nicholson Hagerman House	177-98	Does not have same legal description		YORK REGION CONDO PLAN 948 LEVEL 1 UNIT 42	Part of Lot 6, Concession 5, Mkm as in R528135

## APPENDIX 'B'

**3. Amendment of Designating Bylaw (Exception)**

(Section 30.1 (2) to (10) of the Ontario Heritage Act)

