



Report to: Development Services Commission

Meeting Date: November 12, 2019

SUBJECT: **Recommendation Report**
Intention to Designate a Property under
Part IV of the Ontario Heritage Act & Heritage Easement
Agreement - Bishop-Reesor House
7739 Ninth Line, Ward 7

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

REVIEWED BY: Regan Hutcheson, MCIP, RPP, CAHP,
Manager of Heritage Planning, ext.2080

RECOMMENDATION:

- 1) That the staff report entitled “Intention to Designate a Property Under Part IV of the Ontario Heritage Act & Heritage Easement Agreement, Bishop-Reesor House, 7739 Ninth Line,” dated November 12, 2019, be received;
- 2) That as recommended by Heritage Markham, the Bishop-Reesor House at 7739 Ninth Line be approved for designation under Part IV of the Ontario Heritage Act as a property of cultural heritage value or interest;
- 3) That the Clerk’s Department be authorized to publish and serve Council’s Notice of Intention to Designate as per the requirements of the Ontario Heritage Act;
- 4) That if there are no objections to the designation in accordance with the provisions of the Ontario Heritage Act, the Clerk be authorized to place a designation by-law before Council for adoption;
- 5) That if there are any objections in accordance with the provisions of the Ontario Heritage Act, the Clerk be directed to refer the proposed designation to the Ontario Conservation Review Board;
- 6) That a by-law be passed to authorize the Mayor and Clerk to execute a Heritage Easement Agreement with the property owner of 7739 Ninth Line, and any other documents required to give effect thereto, in a form satisfactory to the City Solicitor;
- 7) And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

The purpose of this report is to recommend to Council that the “Bishop-Reesor House” be designated under Part IV of the Ontario Heritage Act and that a Heritage Easement Agreement be authorized by Council in connection with a Zoning By-law Amendment Application affecting the property at 7739 Ninth Line.

BACKGROUND:**The property is listed on the City of Markham Register**

The subject property is located at 7739 Ninth Line, in the historic community of Box Grove. It is included in the Markham Register of Property of Cultural Heritage Value or Interest. The Register is the City's inventory of non-designated properties identified as having cultural heritage value or interest, as well as Part IV properties (individual designations) and Part V properties (district designation).

The Bishop-Reesor House, c.1890 is a prominent cultural heritage resource at the intersection of Ninth Line and Fourteenth Avenue

The Bishop-Reesor House, c.1890, is historically significant as the former home of a prominent local builder, James Bishop, and later the home of a noteworthy herbalist, Josephus Reesor. It is a representative example of a village dwelling in a vernacular interpretation of the Gothic Revival style, and is a landmark at the intersection of Ninth Line and Fourteenth Avenue, Box Grove.

The Statement of Significance is attached as Appendix 'A'.

The building has been evaluated using the City's heritage evaluation system

The building was researched by staff and then evaluated by Heritage Markham and staff using the City's heritage building evaluation system. The result was a Group 1 classification, the highest rating for a built cultural heritage resource (of major significance and worthy of designation under the Ontario Heritage Act).

The building has been assessed using the Ministry of Culture's Designation Criteria

The Government of Ontario on January 25, 2006 passed a regulation (O.Reg. 9/16) which prescribes criteria for determining a property's cultural heritage value or interest for the purpose of designation. Municipal councils are permitted to designate a property to be of cultural heritage value or interest if the property meets 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 prescribed criteria help ensure the effective, comprehensive and consistent determination of value or interest by all Ontario municipalities. 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 property may be designated if it meets one or more of the criteria.

The subject property has cultural heritage value or interest as it meets the following criteria:

- 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 Bishop-Reesor House is a representative example of a village dwelling in a vernacular interpretation of the Gothic Revival style),

- 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 (this was the former home of a prominent local builder, James Bishop and later the home of a noteworthy herbalist, Josephus Reesor);
- The property has contextual value because it:
 - Is important in defining, maintaining or supporting the character of an area (the Bishop-Reesor House is a landmark within the historic community of Box Grove).

Heritage Markham has recommended Heritage Designation and a Heritage Easement Agreement in connection with a Zoning Bylaw Amendment application

The designation process under the Ontario Heritage Act requires a municipal council to consult with its municipal heritage committee when properties are considered for designation. The cultural heritage value of this Group 1 cultural heritage resource was considered by Heritage Markham on October 9, 2019 and the committee recommended that the resource be designated as a property of cultural heritage value or interest in association with Zoning By-law Amendment Application ZA 19 126535.

The Heritage Markham committee also recommended that a Heritage Easement Agreement be a requirement of its support for the land division that will result from the Zoning Amendment. Section 37(1) of the Ontario Heritage Act gives Council the authority to enter into easements or covenants with property owners for the conservation of property of cultural heritage value or interest. Generally, Heritage Easement Agreements require property owners to maintain the building, obtain City approval for any demolition or exterior alterations, and to maintain insurance coverage on the property.

OPTIONS/ DISCUSSION:

The Heritage Designation and Heritage Easement Agreement recommended for this cultural heritage resource are consistent with City policies

The City of Markham Official Plan 2014 contains Cultural Heritage policies related to the protection and preservation of heritage resources and how they are to be treated within the development process. The preservation of buildings of cultural heritage value on their original sites and their integration into new development, as the City has achieved in this case, is consistent with the policies of the Markham Official Plan 2014.

The owner is aware of the City's intention to designate this property under the Ontario Heritage Act and the Heritage Easement Agreement through the development approval process.

Staff has communicated with the property owner through their agent and they are aware that Heritage Markham has recommended Heritage Designation and a Heritage Easement Agreement in connection with their support for the Zoning Amendment Application, which will enable future severance of a building lot to the east of the heritage dwelling. The agent has advised staff to proceed with these processes.

Designation and Heritage Easements Agreements acknowledges the importance of the heritage resource

Designation and Heritage Easement Agreements signify to both the owner and the broader community that the property contains a significant resource that is important to the community. Designation and Heritage Easement Agreements do not restrict the use of the property. However, they require the owner to seek approval for property alterations that are likely to affect the heritage attributes described in the designation by-law and Heritage Easement Agreement. Council can also prevent, rather than just delay, the demolition of a resource on a designated heritage property and a property protected by a Heritage Easement Agreement.

The Heritage Designation and Heritage Easement Agreement recommended for this cultural heritage resource is supported by staff.

FINANCIAL CONSIDERATIONS:

Not Applicable

HUMAN RESOURCES CONSIDERATIONS:

Not Applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

Heritage Designation and Heritage Easement Agreements align with Markham's strategic priorities of Managed Growth and Environment. Designation and Heritage Easements recognize, promote and protect heritage resources, which strengthens the sense of community. The preservation of heritage buildings is environmentally sustainable because it conserves embodied energy, diverts sound construction materials from entering landfill sites, and reduces the need to produce and transport new construction materials.

BUSINESS UNITS CONSULTED AND AFFECTED:

Acceptance of this recommendation to designate the property located at 7739 Ninth Line under Part IV of the Ontario Heritage Act will require the Clerk's Department to initiate the following actions:

- publish and serve on the property owner, the Ontario Heritage Trust and the public through newspaper advertisement, Council's notice of intention to designate the property as per the requirements of the Act: and
- prepare the designation by-law for the property.

Acceptance of this recommendation to approve a Heritage Easement Agreement requires that Council pass a by-law providing for the Mayor and Clerk to be authorized to enter into a heritage easement agreement with the property owner for the conservation of a property of cultural heritage value or interest. The Legal Services Department works

closely with the Heritage Planning Section in the preparation and processing of heritage easement agreements. A draft by-law is attached as Appendix 'B'.

RECOMMENDED BY:

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

Arvin Prasad, MCIP, RPP
Commissioner of Development Services

ATTACHMENTS

Figure 1 - Location Map

Figure 2 - Building Photograph

Appendix 'A' - Statement of Significance

Appendix 'B' – Draft By-law for Heritage Easement Agreement

FILE PATH:

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FIGURE 1

OWNERS: Chakraborty Indrajit
Sircar Ujjani

AGENT: Lucy Mar Guzman, Memar Architects Inc.

LOCATION MAP:

FIGURE 2

Building Photograph



Bishop-Reesor House, c.1890.

APPENDIX 'A'

Statement of Significance

Bishop-Reesor House 7739 Ninth Line c.1890

Description of Property

The Bishop-Reesor House is a two storey buff brick dwelling at the south-east corner of Ninth Line and Fourteenth Avenue in the historic hamlet of Box Grove.

Historical and Associative Value

The Bishop-Reesor House has historical and associative value as the former home of James and Capitola Bishop. James Bishop was a member of a family of prominent carpenter-builders active in the eastern part of Markham Township in the late 19th and early 20th centuries. James Bishop built a number of houses as speculative ventures in which he and his wife lived for short periods of time before selling and building anew. This property was sold to James' brother Thomas in 1900, who sold to Josephus and Elizabeth Reesor in 1901. Josephus Reesor, a retired Mennonite farmer who farmed south of Box Grove on Lot 3, Concession 9, was noteworthy in his Box Grove – Cedar Grove community as a skilled herbalist. Some of his remedies were said to have come from aboriginal sources and were passed down through generations of the family. The property remained in the ownership of the Reesor family until 1921.

Design and Physical Value

The Bishop-Reesor House is a representative example of a village dwelling in a vernacular interpretation of the Gothic Revival style. Its irregular plan, medium pitched roof with multiple gables, and overall sense of verticality, express the picturesque form of late Gothic Revival architecture, but in this example without some of the decorative elements typically associated with the style. There are no pointed-arched feature windows, and there is an absence of bargeboard trim in the gables. Fretwork details still visible on a portion of the west porch suggest that there may have originally been further wooden embellishments to this many-gabled village dwelling.

Contextual Value

The Bishop-Reesor House is of contextual value as one of several 19th century buildings that are found in the historic crossroads community of Box Grove. Its location at a prominent street corner, where one would expect that a commercial enterprise would have been located rather than a residence is unusual, resulting in a dwelling that is a landmark at the intersection. While many of the remaining heritage buildings in Box Grove are smaller in scale and are of frame construction, the Bishop-Reesor House is a superior class of dwelling and would have been noteworthy for its quality at the c.1890 time of construction.

Significant Architectural Attributes to be Conserved

Exterior, character-defining elements that embody the cultural heritage value of the Bishop-Reesor House include:

- Irregular plan outline;
- Masonry foundation;
- Buff brick walls with brick plinth and angled arches over door and window openings;
- Medium-pitched gable roof with open, overhanging eaves and steep Gothic Revival gable on the north side;
- Flat-headed one over one sash-style windows;
- Canted bay window on the north side of the house;
- Modified former open porch on the north side of the house, sheltering an entrance door, with a hipped roof and fretwork brackets and spandrels;
- Open, shed-roofed porch on the west side of the house, sheltering an entrance door;
- Gable-roofed frame wing at the south end of the house, clad in vertical tongue and groove wood siding.

APPENDIX 'B'



BY-LAW 2019-XXX

Being a By-law to authorize the execution
of Heritage Easement Agreements

WHEREAS section 37 (1) of the *Ontario Heritage Act*, R.S.O. 1990 c.O.18 authorizes the Council of a municipality to pass by-laws providing for the entering into heritage easements with owners of real property or interests in real property for the conservation of property of cultural heritage value or interest;

AND WHEREAS it has been determined that the property identified on Schedule "A" attached to this by-law is a property of cultural heritage value or interest;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM HEREBY ENACTS AS FOLLOWS:

1. THAT the Mayor and Clerk be authorized to execute Heritage Easement Agreements between the City of Markham and the property owners as set out on Schedule "A" attached to this by-law, for the lands described in Schedule "A", and any other documents required to give effect thereto in a form satisfactory to the City Solicitor.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
XX DAY OF XX, 2019.

KIMBERLEY KITTINGHAM,
CITY CLERK

FRANK SCARPITTI, MAYOR

Schedule “A” to By-law XXXX-XXX
Being a By-law to authorize the execution
of Heritage Easement Agreements

PROPERTY OWNER	MUNICIPAL ADDRESS	LEGAL DESCRIPTION
Chakraborty Indrajit Sircar Ujjani	7739 Ninth Line	CON 9 PT LOT 5