



MEMORANDUM

TO: Heritage Markham Committee

FROM: Regan Hutcheson, Manager-Heritage Planning

DATE: December 9, 2020

SUBJECT: Demolition Request
12 Imperial College Lane (formerly 9900 Markham Road)
William Clarry House
Sunny Developments

Property/Building Description: 1 ½ storey dwelling built in 1855, Georgian cottage.
Use: Residential, currently vacant for many years.
Heritage Status: Individually designated (Part IV) and subject to a Heritage Conservation Easement Agreement

Application/Proposal

- The owner is requesting support for the demolition of the William Clarry House given its poor physical condition and the fact that restoration does not appear feasible. See attached letter (Appendix B).
- The owner proposes to utilize the heritage house lot as a parkette and contribute \$100,000 to be used for heritage purposes.
- A public easement could be considered over the parkette to ensure that it stays as a parkette in perpetuity but the acceptability of this approach would need to be confirmed with appropriate City departments.

Background

- The property was individually designated under Part IV of the *Ontario Heritage Act* in 2003 (By-law No. 2003-10). The Heritage Easement Agreement was obtained in 2008. The Heritage Easement Agreement does allow the City (as a party to the Agreement with an interest in the property) to deny any demolition permit and there is no appeal.
- See attachment (Appendix 'A') for the development history of this property related to the historic house (2002 to 2020).
- Initially a previous Owner presented a report in 2016 indicating the house could not be restored due to its poor condition (SOSCIA Engineering Ltd). However, after a subsequent peer review (requested by the City), a second consultant (LEA Consulting

Ltd., Consulting Engineers & Planners) determined the issues identified by the applicant's report were true; however, the consultant provided an approach to correct the issues and restore the heritage building as opposed to demolishing it.

- The protection and preservation of the heritage house is included in an approved Subdivision Agreement and a Site Plan Agreement. Financial securities to ensure the heritage conditions are fulfilled include \$106,938 in the Subdivision Agreement and \$12,800, in the Site Plan Agreement. The Site Plan drawings are attached.
- In August 2018, the Owner retained the services of LEA Consulting to determine the extent of materials that can be salvaged. **They found that the building needs extensive structural intervention to make it safe for construction and to eventually make it habitable. Original structure elements cannot be used to restore the integrity of the structure and as a result, new structural materials are needed throughout.** The report is attached.
- Given the poor condition of the building, a number of discussions have occurred in 2019/2020 between the owner and staff as to whether the building could be demolished and under what conditions.

Staff Comment

- Staff acknowledge that due to the extensive deteriorated state of the building, it is likely that almost every piece of the building (interior and exterior) would have to be replicated as opposed to being restored. Markham has not traditionally supported replication of its historic resources as a conservation strategy – it is either restoration if there is enough original material remaining or to allow the demolition and acknowledge/celebrate the resource through an interpretive plaque.
- It is also acknowledged that what has occurred to date is ‘demolition by neglect’ by a series of previous owners.
- Options that could be considered in this case include:

Option	Pros	Cons	Comment
1. Leave Heritage House requirements intact- owner would have to “restore” the existing building. Will likely cost \$400-600,000 Majority of features will be entirely replicated.	- some version of the heritage house is rebuilt on site by developer -interpretive plaque tells the story of the Clarry House	- Majority of the building may have to be new materials.	No further approvals from Council (other than denying the demo request)
2. Allow a replication of the heritage house	- new house interprets the former house	- minimal value in a replica (not real heritage)	May need to revise the site Plan Agreement for the house (replication vs restoration)
3. Acknowledge the Heritage House will not be retained. Cash the letter of credit (\$106,938) in the Subdivision Agreement.	- \$\$ for heritage fund to be used on other heritage projects --interpretive plaque tells the	-- loss of heritage resource	Would require Council approval of demolition/cashing the LC

Option	Pros	Cons	Comment
Still leave requirement for interpretive plaque	story of the Clarry House		
4. Support Demolition Subject to Conditions - allow the heritage building to be demolished in exchange for a contribution to Heritage Fund and an interpretive plaque. Other civic contributions may also be negotiated.	- \$\$ for heritage fund to be used on other heritage projects in the City - heritage interpretive plaque tells the story of the Clarry House - developer gets a vacant lot	- loss of heritage resource and historical feature in the new development	Would require Council approval as building would be demolished. May require some changes to planning approval – what to do with the heritage house lot.

- Given the current state of the existing building due to years of neglect and vandalism, and the general desire not to replicate cultural heritage resources as a conservation strategy, Heritage Markham Committee may wish to support the proposed demolition subject to the compensation being offered by the owner (Option #4) as well as the additional provision for an interpretative baked enamel plaque to be designed according to the specifications of the "Markham Remembered" program to address the William Clarry House. This option would also include the parkette opportunity (if deemed acceptable to the City).
- It is recommended that if this option is pursued, the financial contribution offered by the owner be deposited in the City's Heritage Preservation Account (087 2800 115) commonly referred to as the 'Heritage Fund'. The Fund was created by Council in 1991 as a repository for cashed heritage letters of credit so that the funds could be used on other heritage related projects. Monies collected in the Fund are to be used to provide funding in four general program areas:
 - Municipal restoration projects;
 - Municipal acquisition of heritage buildings;
 - Municipal projects of a heritage communicative nature such as historic plaques and signage; and
 - Heritage studies such as heritage conservation district studies.

The Fund Guidelines as approved by Council state that all projects being considered for financial assistance under this program shall be forwarded to the municipal heritage committee (Heritage Markham) for review and report to Council. All expenditures from the Fund must be approved by Council.

Suggested Recommendation for Heritage Markham

THAT due to lack of maintenance and vandalism over many years which has resulted in demolition by neglect, Heritage Markham Committee reluctantly recommends that Council support the demolition of the William Clarry House subject to the owner providing the following:

- Compensation in the form of a \$100,000 contribution to the City's Heritage Preservation Account (087 2800 115) so that the financial contribution can be used on other municipal heritage projects in the community; and
- Provision and installation of an historical interpretative plaque to celebrate the William Clarry House, to be placed in a publicly visible location on the original property, and designed according to the specifications of the "Markham Remembered" program.
- The lot intended for the heritage dwelling within the subdivision be designed as a parkette, to the City's specifications, with a public easement over the site if acceptable to the City.

Attachments

Location Map

Photographs 2014

Aerial Photograph 2020

Appendix A – Development History of Property

Appendix B – Letter from Owners

Appendix C – Historical Information

Appendix D – Site Plan Drawings

Consulting Reports

1. LEA Consulting Ltd., Consulting Engineers & Planners, 2018
2. LEA Consulting Ltd., Consulting Engineers & Planners, 2017
3. SOSCIA Engineering Ltd, 2016

File:

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Location Map – 12 Imperial Collage Lane is the new address

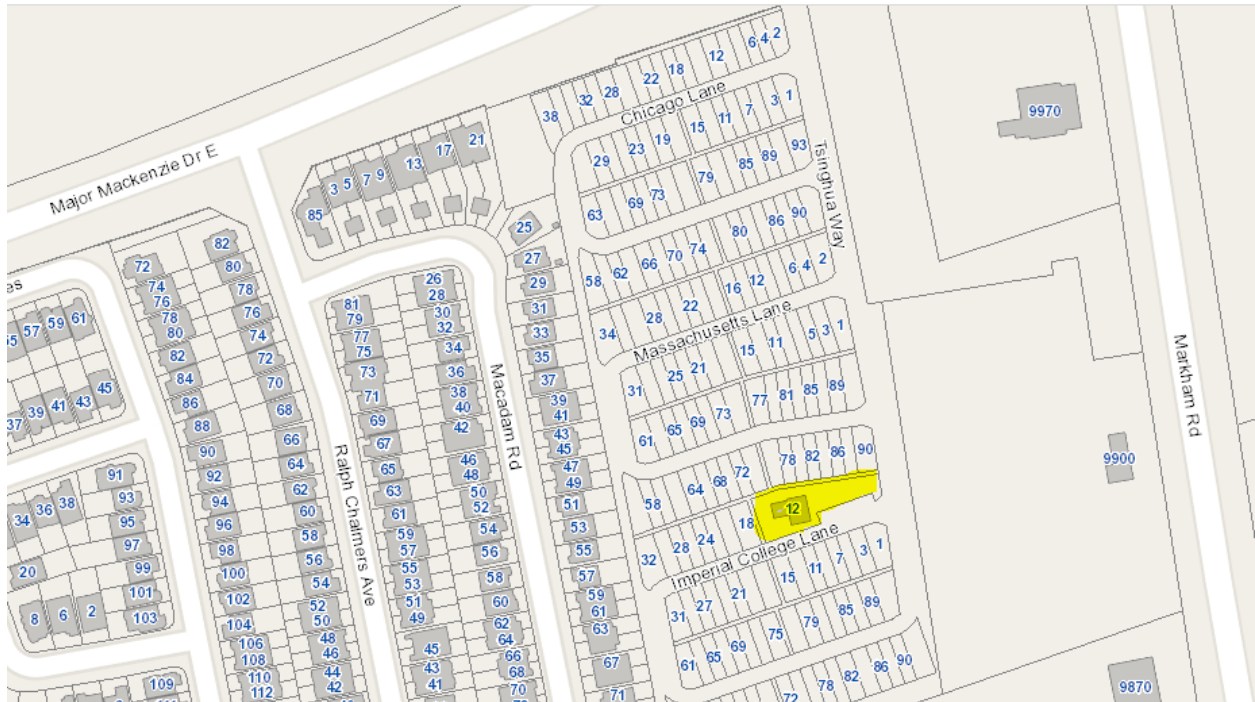


Photo- 2014



Aerial Photograph 2020



Appendix A – Development History of the Property

2002 Events

- Application for commercial redevelopment of the property. Applicant indicated that the heritage building could not be retained in original location as it compromised the viability of the entire development;
- The building was to be relocated to south side of the property;
- Heritage Markham commented in December 2002
- Designation report was prepared.

2003 Events

- The property was individually designated under Part IV of the Ontario Heritage act

2007 Events

- October - Heritage Markham reviewed revised plans on October 10th.
 - Applicant proposed to retain heritage building on existing site and foundation
 - Additional space is provided in front of building - commercial building to the north allows potential linkage if needed to make the heritage site more viable
 - Adjacent to proposed movie theatre complex.
 - Heritage Markham had no objection to the proposed mixed use development subject to the heritage building historically known as the William Clarry House being retained on its original site as proposed as well as the standard heritage requirements.

2009 Events

- January - Heritage Easement Agreement obtained on January 23, 2009 (owner: ECL 9900 Markham Limited)
- February - Revised Submission was reviewed by Heritage Markham
 - The current proposal retains the William Clarry House on its original site with its rear tail intact. The plan allows the heritage house to remain as a free-standing entity within the context of the overall development scheme.
 - It is expected that a commercial use will be located in the building.
 - The applicant has submitted elevations for a restoration plan for the heritage building and has been working with Heritage Section staff.
 - Heritage Markham again has no objection and had similar recommendations to those in 2007.

2015 Events

- January - Heritage Markham supported a consent application on the property subject to the roof of the house being repaired and any other openings secured to the satisfaction of Heritage Section staff. The applicant CIM Global Development LP applied to sever the property to create separate residential and commercial parcels of land.

- March - Heritage Permit issued for roof repairs and re-shingling; as well as window and door replacements (March 17, 2015). The owner never undertook the repair work on the house as approved by the Heritage Permit.
- April - Heritage Markham had no objection to the demolition of attached garage and two sheds (April 8, 2015).
- May - Report to Development Services on May 5, 2015 and Council approved garage demolition on May 13, 2015 subject to the owner removing the structure in a sensitive manner to avoid damage to the heritage building and if any damage does occur or exposed openings are created by the removal of the addition, the owner address those issues to the satisfaction of the Manager of Heritage Planning.
- May – Heritage Markham Committee - the issue returned to Heritage Markham in May
 - A Site Plan Control (SC 14 130863), Plan of Subdivision (SU 14 130863), and Zoning Amendment (ZA 14 130863) applications proposing 190 freehold townhouse units and 1 existing house on a common element condominium road

2016 Events

- March - 3rd resubmission of subdivision plans- Staff reviewed on behalf of Heritage Markham – still unanswered questions regarding the historic house.
- April 20, 2016 – staff met with owner and his representatives
 - staff asked applicant to clarify heritage house boundaries and proposed use
 - Architect confirmed that house will be a future dwelling
 - staff identified the City’s immediate concern was the condition of the house
 - owner CIM confirmed it never undertook the work it had agreed to do
 - Builder wants to undertake a health and safety assessment and structural assessment due to concern about condition of house
 - staff noted that the current condition of the house was a result of the applicant letting the building deteriorate and lack of any action.
 - Staff – security fence was open for a number of week; owner indicated it is now closed
 - staff explained the heritage designation and easement agreement
 - staff reviewed what should be done immediately – tarp the roof and board up openings – minimum that City wants to see.
- April - The Conditions of Draft Approval for the proposed development on the subject lands were endorsed by the Development Services Committee on April 25, 2016.
- June - **On June 17, 2016, the applicant (CIM Global Development) submitted a Heritage Building Condition Survey prepared by SOSCIA Engineering Ltd that recommended demolition of the building as it was considered an unsafe building (Building Code Act) and as per the Heritage Easement Agreement the owners felt reconstruction of the structure to be deemed “impractical because of the financial costs involved.”** See report attached.
- July - The applicant’s report was considered by the Heritage Markham Committee at its July 13, 2016 meeting. At that meeting the applicant agreed to pay for an independent Engineering Review to assess the potential for the restoration of the William Clarry House.

- **LEA Consulting Ltd., Consulting Engineers & Planners, were engaged by the City to undertake a site visit and assessment of the heritage building to determine its potential for restoration, and to provide a cost estimate for restoration.**
 - The findings of the consultant noted many of the issues identified by the applicant's report; however LEA consulting provided an approach to correct the issues and restore the heritage building as opposed to demolishing it. See attached report.
 - The estimated cost for the repair of the external structural features (roof, walls, and foundation) was in the order of \$400,000. This did not include any interior improvements.
- **November** - Staff met again with the applicant on November 16, 2016. At that follow-up meeting, the applicant expressed their intention to retain the heritage building, and repair and restore it rather than proposing to demolish and create a replica. They engaged the services of a heritage consultant to assist with the project.
- **December** - Heritage Markham Recommendation- Dec 14, 2016
THAT Heritage Markham recommends that given the findings of the LEA Consulting Ltd., Consulting Engineers & Planners, indicating that the William Clarry House can be restored, the Heritage Conditions of Draft Approval should continue to apply, requiring the heritage building to be restored as part of the development of 9900 Markham Road.

2017 Events

- **November** - Owner enters into a **Residential Subdivision Agreement** (CIM Mackenzie Creek Inc) on November 8, 2017.- 195 townhouses
 - Includes heritage conservation requirements to protect, preserve the heritage house and install heritage interpretive plaque
 - **Heritage LC is \$106,938**

2018 Events

- June – Owner enters into a **Site Plan Agreement** for townhouses and heritage house (same owner as Subdivision Agreement)
 - Includes requirements for restoration of the heritage house
 - **Heritage LC is \$12,800**
- August - **Owner retains the services of LEA Consulting** to determine the extent of materials that can be salvaged. **They find that the building needs extensive structural intervention to make it safe for construction and to eventually make it habitable. Original structure elements cannot be used to restore the integrity of the structure and as a result, new structural materials are needed throughout.**

2019 and 2020 Events

- A number of meetings were held with the former owners, prospective owners and the current owners regarding the condition of the house and options that could be pursued.
- October/November – new owners of the property formally request demolition of the heritage house with the offer of a private/public parkette and financial contribution to the City for heritage purposes.

Appendix B- Letter from Owners



100 Duffield Drive, Unit A
Markham, Ontario L6G 1B5
SUNNYCOMMUNITIES.COM

Date: November 6, 2020

Dear City of Markham and Heritage Committee,

My name is Christopher O'Hanlon and I am a director/shareholder of property located at 9900 Markham Road, which is carrying the townhouse project known as "Markham Gold". Within this property there is a heritage home which is known as the "William Clarry House". Due to the lack of care from the previous owners, unfortunately this heritage home has become unrealistic to restore as the engineer in his reports has deemed most of the original fabric of this house cannot be repaired due to substantial water and frost damage. I would like to propose the following option which I believe is the most beneficial decision to both the project, The City of Markham and the Heritage Committee.

I would like to propose the following,

- We would like to Demolish the Heritage Home;
- We will put this as a park with park benches (we can keep it as a private or public park);
- A Compensation of \$100,000 from our company/project towards heritage purposes.

Thank you so much for your understanding. I look forward to finalizing this matter.

A handwritten signature in black ink, appearing to read "Christopher O'Hanlon", written over a horizontal line.

Director, Christopher O'Hanlon

A handwritten signature in black ink, appearing to read "Jian Zhang", written over a horizontal line.

Director, Jian Zhang

Appendix C – Historical Info

William Clarry House

9900 Highway 48

The Owner and the Town agree that for the purposes of this Agreement the following statement (hereafter called the “Reasons for Identification” sets out the reasons why the Town of Markham has identified the Building as having historical, architectural and contextual significance.

Statement of Reasons for Identification

Historical Value

The William Clarry House has historical value for its association with the Clarry family, who farmed in the vicinity of Milnesville from the mid 1840s to the mid 1870s. In 1845, Henry Clarry received the original Crown patent for the eastern 100 acres of Lot 20, Concession 7, a property that had been a Clergy Reserve leased to Henry Shank, a Pennsylvania-German immigrant, from 1805 to 1836. Henry Clarry married Mary Crosby (sister of Chauncey Crosby) and together they had two children, Ann (Stotts) and William. It is interesting to note that Henry Clarry actually died in 1842, yet the patent was recorded in his name in 1845. Mary, Henry’s widow, remarried in 1845 to Abraham Strickler, her neighbour, and together they lived on Lot 20, Concession 8.

William Clarry married Jane Ann Reynolds, daughter of Samuel Reynolds, a Loyalist who settled in Markham Township on Lot 10, Concession 10. In 1851, after her father’s death, Jane inherited 50 acres and a log house on that lot. It appears that the Clarrys lived there until they constructed a new brick farmhouse on Lot 20, Concession 7. By the time of the census of 1861, the William Clarry family is listed as living in a 2 storey brick home on the east half of Lot 20, therefore indicating that the home was built between the 1851 and 1861 census reports. In 1864, a 20 acre parcel along the south lot line of Lot 20, Concession 7, was sold by Mary Strickler (formerly the widow of Henry Clarry) to the neighbouring farmer, James Thomas. In 1870, the original patent was cancelled and re-issued to William Clarry, the son of Henry and Mary (Crosby) Clarry for the remaining 80 acres of the family farm. In 1876, the property was sold to Sinclair J. Holden.

The property has additional historical value for its association with Frederick Adolphus Clarry, William and Jane’s fourth son, who was the owner /operator of the Maple Leaf Woolen Mill. The mill was a significant industry in Markham Village from 1886 until 1917, when it was struck by lightning and was destroyed by the resulting fire.

Architectural Value

The house located at 9900 Highway # 48 has design and physical value as a good example of a 1 ½ storey Georgian Cottage of the mid-19th century. The dwelling is built on a “T” shaped plan, 3 bays across by 2 bays deep, set on a foundation of fieldstone. There is a 1 storey kitchen wing

at the rear of the main structure, offset toward the north. The original exterior wall material is red brick, which more recently has had a coat of stucco applied. The windows are upright rectangles in shape, with 1/1 pane division. They have plain wood trim and lugsills. Originally, the glazing pattern was likely 6/6, based on the c.1860 period of construction. The placement of window openings is symmetrical and ground floor windows are larger in proportion to those on the second floor. The main entrance is a single-leaf door without transom or sidelights, centrally located on the front façade. The entrance is simple in design, with plain wood trim. The roof is a medium pitch gable with returned eaves and a boxed cornice. A remnant of an early gable-end brick chimney is located at the north end of the roof.

Contextual Value

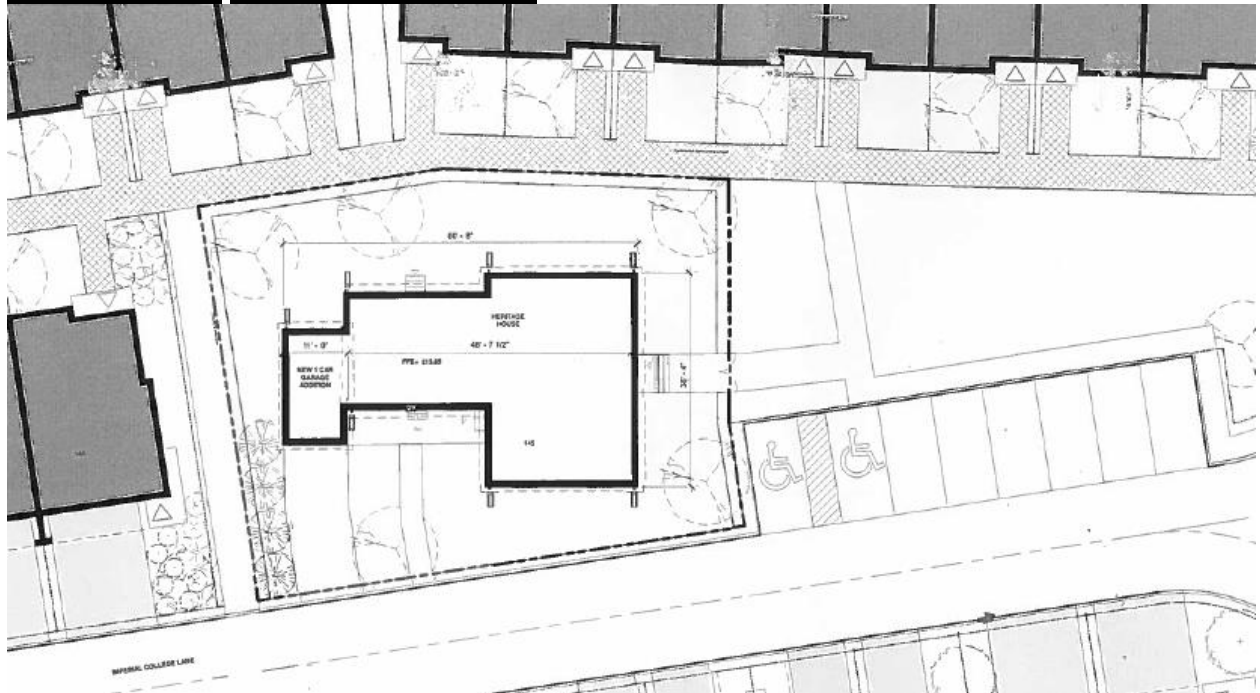
The William Clarry house has contextual value for its association with the former farming community north of the village of Markham, historically known as Milnesville. It is one of several 19th century farmhouses that remain within the context of the emerging urban character of this area that commemorate the early families associated with Markham's agricultural period.

Description of Heritage Attributes

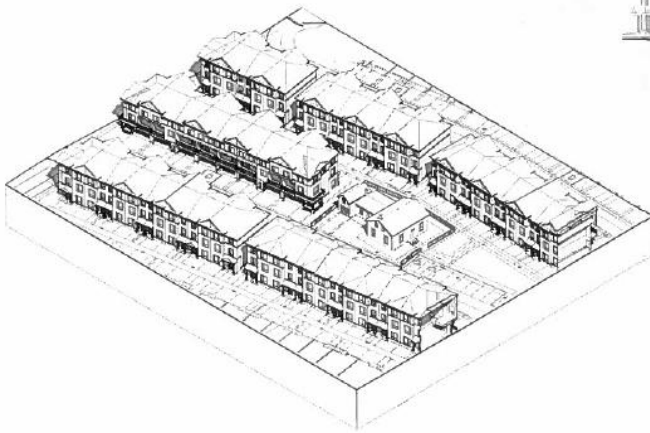
Exterior, character-defining elements that embody the cultural heritage value of 9900 Highway 48 include:

- T-shaped plan, including the 1 ½ storey main block and single storey kitchen tail.
- Fieldstone foundation.
- Brick construction under the modern stucco cladding.
- 3-bay front, with centre door and its associated wood trim.
- Symmetrical arrangement of window openings.
- Rectangular window openings with their associated wood trim and lugsills.
- Contrast in size between ground floor and second floor window openings.
- Low-pitched gable roof with projecting eaves and eave returns and the associated wood trim.
- Remnant of the north gable end brick chimney.

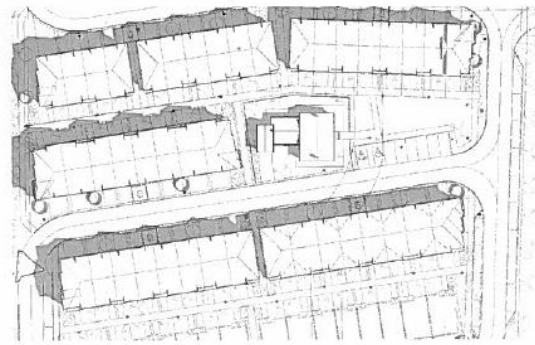
Appendix D - Site Plan Drawings



3 STREETScape
1:200



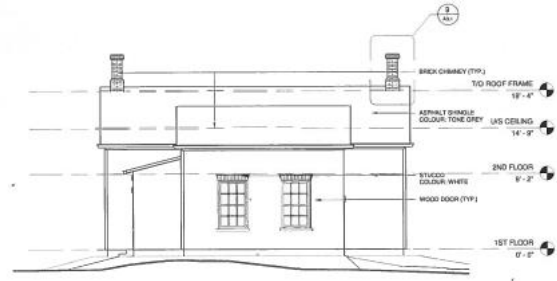
2 CONTEXT AXONOMETRIC



1 CONTEXT PLAN
1:400



4 NORTH ELEVATION
3/16" = 1'-0"



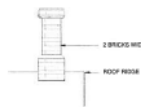
3 WEST ELEVATION
3/16" = 1'-0"



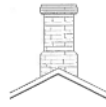
2 SOUTH ELEVATION
3/16" = 1'-0"



1 EAST ELEVATION
3/16" = 1'-0"



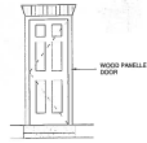
9 CHIMNEY DETAIL - FRONT VIEW
3/8" = 1'-0"



8 CHIMNEY DETAIL - SIDE VIEW
3/8" = 1'-0"



7 EAVE DETAIL
3/8" = 1'-0"



6 EXTERIOR DOOR DETAIL
3/8" = 1'-0"



5 TYPICAL WINDOW DETAIL
3/8" = 1'-0"

DEVELOPMENT
CITY OF MA



Consulting Reports

- 1. LEA Consulting Ltd., Consulting Engineers & Planners, 2018**
- 2. LEA Consulting Ltd., Consulting Engineers & Planners, 2017**
- 3. SOSCIA Engineering Ltd, 2016**