



Report to: Development Services Committee

Meeting Date: January 25, 2021

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**SUBJECT:** Request for Demolition 12 Imperial College Lane (formerly 9900 Markham Road), William Clarry House, Sunny Communities, Ward 6

**PREPARED BY:** Regan Hutcheson, Manager-Heritage Planning, ext. 2080

**REVIEWED BY:** Ron Blake, Senior Development Manager, ext. 2600

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**RECOMMENDATION:**

- 1) That the staff report titled “Request for Demolition, 12 Imperial College Lane (formerly 9900 Markham Road), William Clarry House, Sunny Communities, Ward 6”, dated January 25, 2021, be received;\
- 2) THAT Council support the demolition of the William Clarry House subject to the owner providing the following:
  - a. Compensation in the form of a \$200,000 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;
  - b. 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; and
  - c. The lot intended for the heritage dwelling within the subdivision be designed and constructed as a parkette, at the owner’s expense to the City’s specifications, with a public easement over the site to the satisfaction of the City.
- 3) And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

**PURPOSE:**

To recommend that Council support the demolition of the William Clarry House located at 12 Imperial College Lane, subject to conditions.

**BACKGROUND:**

**The subject dwelling is a protected heritage resource.**

The dwelling located at 12 Imperial College Lane (formerly 9900 Markham Road) is the William Clarry House, built c. 1855. It is a 1 ½ storey, brick structure constructed in the Georgian Cottage architectural style. 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 has been covered by stucco. The building was identified as possessing historical

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value for its association with the Clarry family, who farmed in the vicinity from the mid 1840s to the mid 1870s.

The property was individually designated under the Ontario Heritage Act in 2003 by Markham Council. The City also secured further protection in the form of a Heritage Easement Agreement on the property in 2009. 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.

**There is an extensive development history associated with the property.**

The proposed development of this land parcel has been under consideration by the City since 2002 with a variety of different owners and different land development applications ranging from commercial to residential scenarios. In all submissions, the various applications always included retention of the heritage building in the plans. Over this period of time, the building was unoccupied and began to deteriorate due to lack of maintenance. In 2014/15, as a condition of a consent application to create separate residential and commercial parcels for development, the City required the roof of the house to be repaired and any openings secured to the satisfaction of Heritage Section staff. Council approved the removal of the attached garage in May 2015 subject to the owner removing the structure in a sensitive manner to avoid damage to the main heritage building.

The current development now approved for the property was initiated in 2014 and went through a number of re-submissions over a two year period. The initial proposal was for 190 freehold townhouse units and one existing house on a common element condominium road network. The Conditions of Draft Approval for the proposed development were endorsed by the Development Services Committee on April 25, 2016.

A previous owner (CIM Mackenzie Creek Inc) entered into a Residential Subdivision Agreement on November 8, 2017 for 195 townhouses and included heritage conservation requirements to protect and preserve the heritage house, install heritage interpretive plaque and provided a heritage letter of credit (\$106,938). In June 2018, the same owner entered into a Site Plan Agreement for townhouses and the heritage house which included requirements for the restoration of the heritage house and a heritage letter of credit (\$12,800). The Site Plan Approved drawings are attached as Appendix "A".

**The dwelling is in a deteriorating state**

In early 2016, staff met with the owners at the time (CIM Mackenzie Development) to discuss concerns with the state of the building and the owner's obligations. It was agreed that the roof would be tarped, openings boarded and secure fencing maintained around the house. In June 2016, the owner submitted a Heritage Building Condition Survey report prepared by SOSCIA Engineering Ltd that recommended demolition of the building.

In response to staff concerns regarding the terms of reference for the SOSCIA study, the owner agreed to pay for an independent Engineering Review to assess the potential for the restoration of the William Clarry House. In 2016, LEA Consulting Ltd., Consulting

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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 were similar to 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. 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. The owner then agreed to retain and restore the building.

In August 2018, the owner retained the services of LEA Consulting Ltd. to determine the extent of materials that could be salvaged. They found that the building needed 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 would be needed throughout.

During 2019 and 2020 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.

#### **The current owner would like to demolish the building**

On November 6, 2020, Sunny Communities, who purchased the property in December 2019, officially requested support for the demolition of the William Clarry House given its poor physical condition and the fact that restoration does not appear feasible. The owner proposes to utilize the heritage house lot as a parkette (subject to support by the City) and provide a financial contribution to be used for heritage purposes in addition to a plaque.

#### **Heritage Markham had no objection to the demolition subject to conditions**

As the property is designated under Part IV of the Ontario Heritage Act, the review by Heritage Markham Committee is required and the approval of Council is necessary to permit the demolition of the existing dwelling. Heritage Markham reviewed the request for demolition on December 9, 2020. See Appendix "B" for the complete Heritage Markham Extract. After significant deliberations, Committee recommended that Council support the demolition subject to conditions (financial compensation for the heritage fund, an interpretive plaque and support for the parkette if acceptable to the City).

#### **OPTIONS/ DISCUSSION:**

##### **The Ontario Heritage Act requires Council to consider all demolition applications.**

According to the Ontario Heritage Act [section 42(1)], an owner of a designated property is required 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 request to demolish the building was received in early November. Council has 90 days to render a decision on the matter as per the Act. The deadline is February 6, 2021

### **To require restoration of the building would likely result in replication of the building**

As noted in the background section of the report, the Subdivision Agreement requires the retention and restoration of the Clarry House and is secured by a \$106,938 heritage letter of credit. An executed Site Plan Agreement also requires the restoration of the Clarry House and is secured by a \$12,800 heritage letter of credit. Total securities involving the heritage building are \$119,738.

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.

It is estimated that the cost to restore/replicate the Clarry House as per current executed agreements would likely be in the range of \$600,000.

### **Options that could be considered**

The following options were reviewed by staff:

<b>Option</b>	<b>Pros</b>	<b>Cons</b>	<b>Comment</b>
<b>1. Leave Heritage House requirements intact-</b> 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)
<b>2. Allow a replication of the heritage house</b>	- 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)
<b>3. Acknowledge the Heritage House will not be retained. Cash the letter of credits (\$119,738).</b> Still leave requirement for interpretive plaque	- \$\$ for heritage fund to be used on other heritage projects --interpretive plaque tells the story of the Clarry House	-- loss of heritage resource and historical feature in the new development	Would require Council approval of demolition/cashing the LCs

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

#### **The proposed demolition of the building can be supported subject to conditions**

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, staff support proceeding with Option #4. Support for demolition would be subject to the financial compensation being offered by the owner (recognizing their obligations) as well as the 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). If pursued, the City may wish to name the parkette to honour William Clarry.

It is recommended that if this option is adopted, 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 obtained due to heritage loss would 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.

Staff has also had further discussions with the owner in December 2020 concerning the appropriate amount of compensation given that the restoration obligation would be removed. The factors taken into consideration were:

- The existing heritage letters of credit attached to the heritage property;
- The costs associated with restoration/replication of the dwelling; and
- The owner being fully aware of the obligation associated with the retention and restoration of the heritage building when the lands were purchased.

The owner has formerly agreed to a financial contribution of \$200,000 in addition to the provision of an interpretive plaque and the offer of a parkette on the heritage house lot,

designed and constructed to the City's specifications, with a public easement over the site, if acceptable to the City.

**FINANCIAL CONSIDERATIONS**

None

**HUMAN RESOURCES CONSIDERATIONS**

Not Applicable

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

Not Applicable

**BUSINESS UNITS CONSULTED AND AFFECTED:**

The demolition request was reviewed by Heritage Markham, Council's advisory committee on heritage matters.

**RECOMMENDED BY:**

Biju Karumanchery, M.C.I.P., R.P.P.  
Director of Planning & Urban Design

Arvin Prasad, M.C.I.P., R.P.P.  
Commissioner of Development Services

**ATTACHMENTS:**

Figure 1	Location Map
Figure 2	Photographs and Aerial Map
Appendix 'A'	Site Plan Approved Drawings
Appendix 'B'	Heritage Markham Extract

**FIGURE 1**

**FILE PATH:** Q:\Development\Heritage\PROPERTY\MARKHMRD\9900 see also Hwy 48\DSC Jan 25 2021 Demo Request.doc

**APPLICANT:**       **Sunny Communities**  
                          **100 Duffield Drive, Unit A**  
                          **Markham, ON L6G 1B5**  
                          **Christopher O’Hanlon, Director**  
                          **Jian Zhang, Director**

**FIGURE 1 - LOCATION MAP**

**12 Imperial Collage Lane is the new address**





**FIGURE 2 – PHOTOGRAPHS AND AERIAL MAP**

**Staff Photos- 2014**

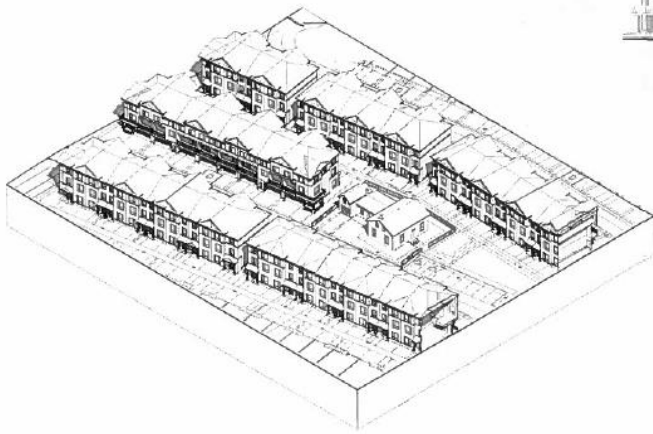
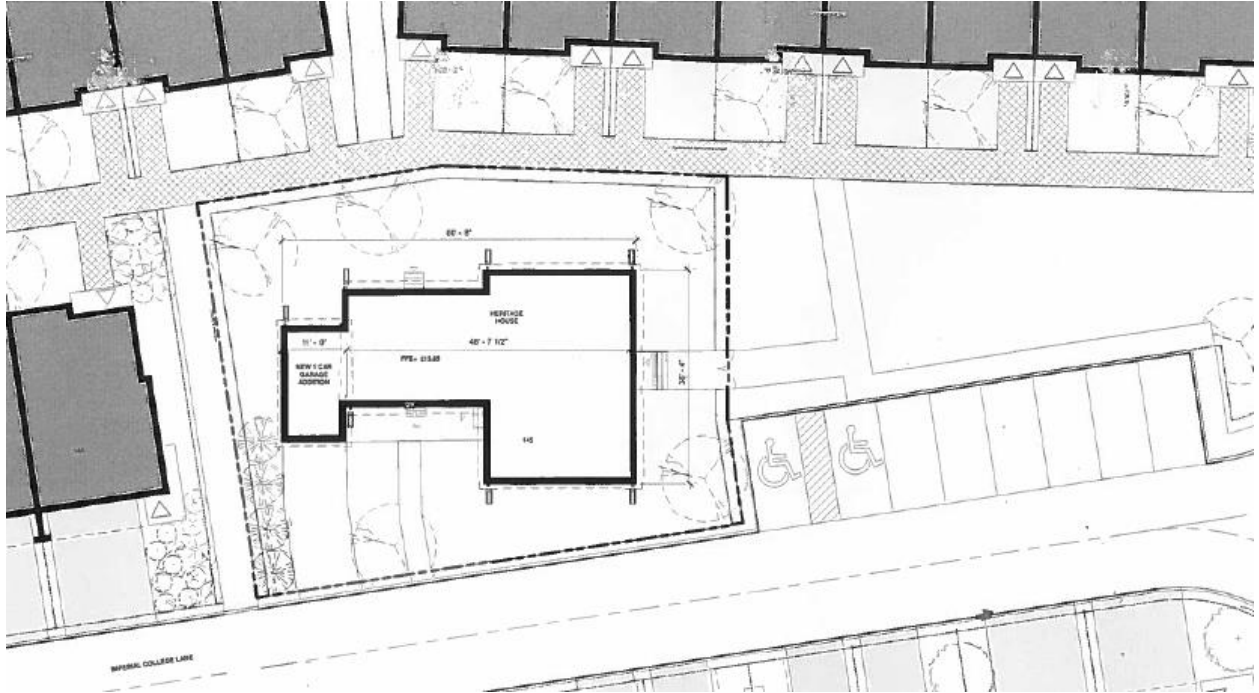


**Aerial Photograph**

**Staff Photos- December 2020**



**Appendix "A" – Site Plan Approved Drawings**

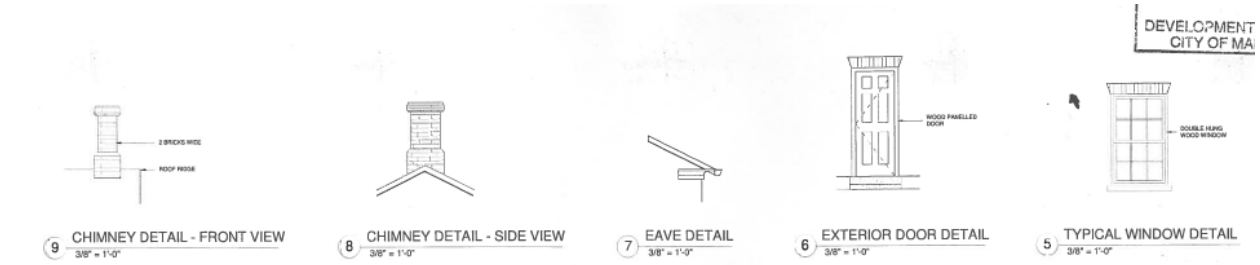
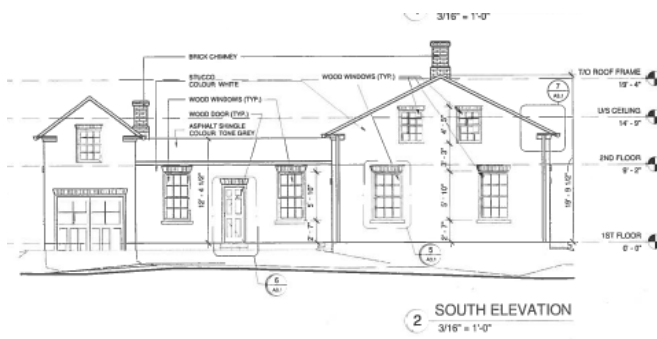
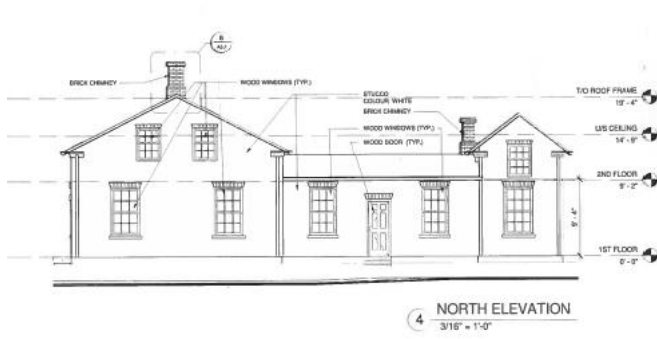


2 CONTEXT AXONOMETRIC

1 CONTEXT PLAN 1:400

3 STREETScape 1:200





**APPENDIX “B” – Heritage Markham Extract****HERITAGE MARKHAM  
EXTRACT**

DATE: January 4, 2021

TO: R. Hutcheson, Manager of Heritage Planning

EXTRACT CONTAINING ITEM # 4.1 OF TENTH HERITAGE MARKHAM

COMMITTEE MEETING HELD ON DECEMBER 9, 2020.

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**4.1 DEMOLITION PERMIT APPLICATION****12 IMPERIAL COLLEGE LANE (FORMERLY 9900 MARKHAM ROAD)****WILLIAM CLARRY HOUSE****SUNNY DEVELOPMENTS (16.11)**

FILE NUMBER: N/A

Extracts: R. Hutcheson, Manager, Heritage Planning

Regan Hutcheson, Manager of Heritage Planning presented the staff memorandum on the Demolition Permit Application for 12 Imperial College Lane (Formerly 9900 Markham Road), William Clarry House, Sunny Developments. The Applicant has proposed to make a financial contribution to the Heritage Preservation Fund rather than restoring the heritage home due to the poor condition of the house. In addition, the property owner is proposing to use the lot intended for the heritage dwelling as a parkette. Staff has also suggested the installation of a historical interpretive plaque to celebrate the William Clarry House in a publicly visible location.

Rob Clarry submitted a written submission indicating his family’s disappointment that the William Clarry House is not being restored, and that a historical interpretive plaque does not recognize the significance of the Clarry family to Markham’s history.

In response to inquiries from the Committee, Christopher O’Hanlon, Applicant advised that he purchased the house in December 2019 with the

knowledge the house was not in good condition, but was not aware of the extent of the structural damage to the property. The house in its current condition is almost impossible to restore, and creates an unsafe construction environment. Instead of restoring the house, a contribution to the Heritage Preservation Fund is being proposed. The City can use these funds towards the restoration of another heritage property that is in better condition.

The Committee provided the following feedback on the demolition request for 12 Imperial College Lane (formerly 9900 Markham Road):

- Appears the property has been abandoned by previous owners for some period of time;
- Noted that Staff did not agree with everything in the 2016 Engineering Report, including that the house presented imminent danger;
- Noted the historical significance of the Clarry family to development of the business community in Markham;
- Suggested that the compensation for the heritage house should be higher, as it is less than the Letter of Credit and substantially less than the amount it would have taken to restore the building;
- Asked if a replica of the house could be built on the property;
- Suggested that the property owner consider restoring the heritage house on City property near the museum property instead of the William Clarry House;
- Suggested that the property owner negotiate the compensation for the William Clarry House with staff;
- Concerned that heritage properties are being demolished due to neglect.

**Recommendation:**

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 to be provided 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 **with the amount to be determined through negotiations with staff;**
- 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.

**Carried**