



## MEMORANDUM

**TO:** Heritage Markham Committee

**FROM:** Regan Hutcheson, Manager-Heritage Planning

**DATE:** July 14, 2021

**SUBJECT:** Revision to Legal Description of Heritage Designation By-law 4-95  
45 Stollery Pond Crescent (formerly 4075 Major Mackenzie Drive)  
Angus Glen Village Ltd. / Major Mackenzie Drive East (YR 25),  
19T-03M04 (SUBR.21.M.0006)

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**Property/Building Description:** 2 storey, fieldstone, single detached dwelling, 1852  
Francis Stiver House

**Use:** Residential (vacant)

**Heritage Status:** Designated under Part IV of the Ontario Heritage Act; and a  
Heritage Easement Agreement

### **Proposal**

- Amend the designation by-law to refine the legal description (and any other changes required by current legislation)

### **Background**

- The heritage by-law (YR430866) is currently registered on lands subject to a new Plan of Subdivision. However, the Francis Stiver House is actually situated on a plan immediately to the west, being on Lot 27 of Plan 65M-4498.
- The Region has requested that the heritage by-law, Instrument no. YR430866, registered February 20, 2004 to designate historic the Francis/Stiver (Stollery) house, be removed from title to 2 Blocks on the new Plan (Blocks 7 and 8) that is to be transferred to the Region as a condition of approval.
- The Region would like this land to be free of any unnecessary encumbrances, and has therefore requested that the City amend the legal description of the subject property, as contained in the By-law, to exclude reference to the conveyed land.

### **Policy Discussion**

- Section 30.1 of the Ontario Heritage Act provides for a simplified amendment process to, where required, correct the legal description of a property as contained within a designation by-law.
- As of July 1, 2021, the OHA was amended and now where a municipality proposes to amend an existing by-law, the by-law must include the new mandatory standards. These standards include:
  - Identify the property by municipal address, legal description and a general description of where the property is located within the municipality (e.g., neighbourhood, nearest intersection).

Include a site plan, scale drawing, or description in writing that identifies the areas of cultural heritage value or interest.

The statement of cultural heritage value or interest must identify which of the criteria set out in regulation 9/06 are met, and how they are met.

Description of heritage attributes must explain how each attribute contributes to the cultural heritage value or interest of the property.

The by-law may also list any physical features of the property that are not heritage attributes (and therefore would not require council approval when an alteration is proposed)

- Staff will be preparing the necessary material to revise the by-law and will seek Heritage Markham review in August.

### **Staff Comment**

- Heritage Section staff have no objection to amending the legal description of the aforementioned designation by-law as it will not adversely impact the cultural heritage resource.

### **Suggested Recommendation for Heritage Markham**

THAT Heritage Markham has no objection to amending By-law 4-95 to revise the legal description in Schedule A to reflect its current legal description which will exclude the lands to be conveyed to the Region of York for transportation purposes.

**Appendix A:**  
**45 Stollery Pond Crescent**

*Map*



## APPENDIX B

### Plan of Subdivision Containing the Heritage Property 65M 4498, Block 27



