



Report to: Development Services Committee

Meeting Date: October 12, 2021

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<b>SUBJECT:</b>	RECOMMENDATION REPORT Heritage Designation By-law Amendments, Legal and Property Descriptions
<b>PREPARED BY:</b>	Evan Manning, Heritage Planner, ext. 2296
<b>REVIEWD BY:</b>	Regan Hutcheson, Manager of Heritage Planning, ext. 2080

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**RECOMMENDATION:**

- 1) That the staff report entitled “Heritage Designation By-law Amendments, Legal and Property Descriptions”, dated October 12, 2021, be received;
- 2) That the heritage designation by-laws for the following municipal property addresses be amended to reflect their current property and legal descriptions:
  - 1) 33 Artisan Trail (formerly 10372 Woodbine Ave.)
  - 2) 37 Artisan Trail (formerly 10271 Woodbine Ave.)
  - 3) 99 YMCA Boulevard (formerly 7996 Kennedy Rd.)
  - 4) 819 Bur Oak Avenue (formerly 9483 McCowan Rd.)
  - 5) 226 Edward Jefferys Avenue (formerly 9462 Hwy. 48)
  - 6) 2 Alexander Hunter Place (formerly 31 Helen Ave.)
  - 7) 2665 Bur Oak Avenue (formerly 7006 16<sup>th</sup> Ave.)
  - 8) 1 Kalvinster Drive (formerly 6937 Hwy. 7)
  - 9) 28 Pike Lane (formerly 9451 9<sup>th</sup> Line)
  - 10) 527 William Forster Road (formerly 8882 Reesor Rd.)
  - 11) 128 Harbord Street (formerly 4672 Kenney Road)
  - 12) 10000 Kennedy Road (formerly Part of Lot 20, Concession 5)
  - 13) 11 Tannis Street (formerly 9765-9767 Kennedy Rd.)
  - 14) 3 Tralee Court (formerly 4077 Major Mackenzie Dr.)
  - 15) 6888 14<sup>th</sup> Avenue (formerly 7166 14<sup>th</sup> Ave.)
  - 16) 6890 14<sup>th</sup> Avenue (formerly 7124 14<sup>th</sup> Ave.)
  - 17) 15 Bewell Drive (formerly 7449 9<sup>th</sup> Line)
  - 18) 70 Karachi Drive (formerly 7555 Markham Rd.)
- 3) And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

**PURPOSE:**

To amend the legal and property descriptions of previously approved 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**

There are a number of Markham properties that have been individually designated under Part IV of the *Ontario Heritage Act* (the 'Act') which require the legal description to be amended (see Appendix 'A'). 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, conveyances for road widenings).

**Utilize the Ontario Heritage Act's minor amendment process**

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.

Section 30.1 of the Act, as amended in 2005, provides for a simplified amendment process to, where required, correct the legal description of a property as contained within a designation by-law. Under this Section, the municipality is obliged to (a) inform the owner of the amendment and their right to object thereto; and (b) consult with the municipal heritage committee prior to giving notice of the proposed amendment to the owner. Upon receipt of notice of the amendment, the owner has 30 days to file a notice of objection to the amendment with the municipality. Should a notice of objection not be received by the municipality within the 30 day timeline, the council of the municipality may pass the proposed amending by-law.

The Ontario Heritage Act was recently further amended with modifications coming into force on July 1, 2021. These amendments affect how a municipality undertakes amendments to designation by-laws, but are not applicable for the designation by-laws identified in this report as the process for by-law amendment was initiated prior to July 1, 2021.

In accordance with the applicable statutory requirements, Heritage Section staff notified the owners of the heritage properties identified in Appendix 'A' of the proposed amendments in June 2021, and no written objections to the proposed amendments were received by the Clerk within the 30 day objection period. As the notices were sent prior to July 1, amendments to the Act associated with Bill 108 were not yet in-force, and the provisions of Section 30.1 the Act as amended in 2005 remained in effect. Draft amending

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by-laws for the properties have been prepared and are included as Appendix 'B' to this report.

Heritage Markham Committee and the Development Services Committee were previously consulted on the proposed by-law amendments and had no objection.

**HUMAN RESOURCES CONSIDERATIONS**

Not Applicable

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

The protection of cultural heritage resources 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 were 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:**

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

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

**ATTACHMENTS:**

Appendix 'A'	List of Properties - By-laws to be Amended
Appendix 'B'	Amending By-Laws (separate attachment)

**APPENDIX ‘A’**

## List of Properties - By-laws to be Amended

- 1) 33 Artisan Trail (formerly 10372 Woodbine Ave.)
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