



MEMORANDUM

TO: Heritage Markham Committee

FROM: Evan Manning, Heritage Planner

DATE: April 13, 2022

SUBJECT: Amendments to Designation By-laws
60 Maple Parkway (formerly 4438 Fourteenth Avenue)
15 Heritage Corners Lane (formerly 9251 Highway 48 North)
99 Thoroughbred Way (formerly 9804 McCowan Road)
43 Castlevue Crescent (formerly 10077 Woodbine Avenue)
8 Green Hollow Court (9652 Ninth Avenue)
20 Mackenzie's Stand Avenue (formerly 8083 Warden Avenue)
8 Wismer Place (formerly 10391 Woodbine Avenue)
9899 Markham Road (formerly 9899 Highway 48)
628 Wilfred Murison Avenue (formerly 9486 McCowan Road)
7 Bewell Drive (formerly 7447 Ninth Line)

FILE: N/A

Property/Building Description: Low-rise single detached structures
Use: Residential and Commercial
Heritage Status: All properties are designated under Part IV of the *Ontario Heritage Act*

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 their legal description and Statement of Cultural Heritage Value or Interest (SCHVI) to be amended. 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).

Heritage Markham was previously consulted

- These proposed amendments are the second phase of a three phase approach to update existing designation by-laws. The first phase of by-law amendments have been enacted following the recommendation and direction of Heritage Markham (the ‘Committee’) and Council, respectively.
- The first phase of by-law amendments were completed prior to recent amendments to the Act, as described below, and included corrections to legal descriptions of property only.
- The second phase of by-laws amendments includes those by-laws enacted prior to the 2005 amendments to the Act, while the third phase encompasses those by-laws enacted following the 2005 amendments coming into force.

Legislative Framework

Utilize the Ontario Heritage Act’s minor amendment process

Municipal councils may update different parts of an existing heritage designation by-law for a number of reasons including a need to:

- Clarify or correct the statement explaining the property’s cultural heritage value or interest or the description of the property’s heritage attributes;
- Correct the legal description of the property;
- Otherwise revise the by-law to make it consistent with the requirements of the Act as amended in 2021.

Section 30.1 of the Act provides for an amendment process to, where required, address the above-noted issues. 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.

Staff Comments

- The proposed amended by-laws as contained in Appendix “A” include corrections to legal descriptions of property, the addition of property descriptions, and revisions to SCHVI to remove extraneous information and add heritage attributes. These changes conform to the requirements of the Act as amended in 2021 for properties that were designated prior to 2005, and are provided for the Committee’s review in accordance with these statutory requirements.
- When the Committee was previously consulted on this matter in April 2019, revisions to SCHVI were not contemplated. As the breadth of the proposed amendments exceeds the scope as previously presented to the Committee, Heritage Section staff are seeking review on this second phase of by-law amendments.
- A third phase of by-laws amendments will be completed a future date. As these by-laws require more extensive revision to conform to requirements of the Act, they have not been included within this phase of work.

Suggested Recommendation for Heritage Markham

THAT Heritage Markham has no objection from a heritage perspective to the proposed amended by-laws for the following properties:

60 Maple Parkway (formerly 4438 Fourteenth Avenue)
15 Heritage Corners Lane (formerly 9251 Highway 48 North)
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ATTACHMENTS:

Appendix "A" Proposed Designation By-law Amendments *(to be provided under separate cover prior to the meeting)*

Appendix “A”
Proposed Designation By-law Amendments

To be provided under separate cover prior to the meeting