



Report to: Development Services Committee

Meeting Date: May 10, 2022

SUBJECT: Amendment to Heritage Designation By-laws, Multiple Properties, Wards 2, 3, 4, 5, 6, 7, 8

PREPARED BY: Evan Manning, Heritage Planner, ext. 2296

REVIEWD BY: Regan Hutcheson, Manager of Heritage Planning, ext. 2080
Stephen Lue, Senior Development Manager, ext. 2520

RECOMMENDATION:

- 1) That the staff report titled, “Amendment to Heritage Designation By-laws, Multiple Properties, Wards 2, 3, 4, 5, 6, 7, 8”, dated May 10, 2022, be received;
- 2) That the Heritage Designation By-laws for the following municipal property addresses be amended to correct legal descriptions of property, add property descriptions, and revise Statements of Cultural Heritage Value or Interest to remove extraneous information and add heritage attributes:
 - a) 60 Maple Parkway (formerly 4438 Fourteenth Avenue)
 - b) 15 Heritage Corners Lane (formerly 9251 Highway 48 North)
 - c) 99 Thoroughbred Way (formerly 9804 McCowan Road)
 - d) 43 Castlevue Crescent (formerly 10077 Woodbine Avenue)
 - e) 8 Green Hollow Court (formerly 9516 Ninth Line)
 - f) 20 Mackenzie’s Stand Avenue (formerly 8083 Warden Avenue)
 - g) 8 Wismer Place (formerly 10391 Woodbine Avenue)
 - h) 9899 Markham Road (formerly 9899 Highway 48)
 - i) 628 Wilfred Murison Avenue (formerly 9486 McCowan Road)
 - j) 7 Bewell Drive (formerly 7447 Ninth Line)
- 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 as well as the Statements of Cultural Heritage Value or Interest (‘SCHVI’) of the 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’) that require their legal description and SCHVI to be amended and property descriptions added. The legal description of these properties has been affected in a variety of ways, including the following:

- a) 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
- b) 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).

The Ontario Heritage Act offers a 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:

- a) Clarify or correct the statement explaining the property's cultural heritage value or interest or the description of the property's heritage attributes;
- b) Correct the legal description of the property;
- c) 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 permits 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. If a notice of objection is filed within the 30-day period, Council shall consider the objection and make a decision whether or not to withdraw the notice of the proposed amendment within 90 days after the end of the 30-day period. 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.

In accordance with the applicable statutory requirements, Heritage Section staff consulted with the Heritage Markham Committee ('Heritage Markham') on April 13, 2022, and upon Council's direction, will notify the owners of the heritage properties identified in Appendix "A" of the proposed amendments. The amending by-laws for the properties are included as a separate attachment of this report (Appendix "B").

OPTIONS/ DISCUSSION:

By-laws requiring amendment approved prior to 2005 are to be updated to 2005 requirements

The 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 and Council, respectively. The first phase of by-law amendments were completed prior to recent amendments to the Act in July 2021, as described above, and included corrections to legal descriptions of property only.

The proposed amended by-laws (Appendix “B”) are the second phase of the project (by-laws enacted prior to the 2005 amendments to the Act) and 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 the properties that were designated prior to 2005, and are provided for review in accordance with these statutory requirements.

A future third phase of this project encompasses those by-laws enacted following the Act’s 2005 amendments coming into force. As the by-laws within this final phase require more extensive revision to conform to requirements of the Act, they have not been included within this phase of work.

FINANCIAL CONSIDERATIONS

Not applicable

HUMAN RESOURCES CONSIDERATIONS

Not applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

The protection of cultural heritage resource 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:

Heritage Markham was consulted and Legal Services Department was consulted when this project was originally initiated. 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:

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

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

ATTACHMENTS:

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

APPENDIX “A”**List of Properties - By-laws to be Amended**

#	Current Address	Former Address	Name of Heritage Resource
1	60 Maple Parkway	4438 Fourteenth Avenue	The Nicholson Hagerman House
2	15 Heritage Corners Lane	9251 Highway 48	The Ambrose Noble House
3	99 Thoroughbred Way	9804 McCowan Road	The Peterson Jarvis House
4	43 Castlevue Crescent	10077 Woodbine Avenue	The William Wonch House
5	8 Green Hollow Court	9516 Ninth Line	The Adam Clendenen House
6	20 Mackenzie's Stand Avenue	8083 Warden Avenue	The Alexander Bradburn House
7	8 Wismer Place	10391 Woodbine Avenue	The Wilmot Brumwell House
8	9899 Markham Road	formerly 9899 Highway 48	The William Read House
9	628 Wilfred Murison Avenue	9486 McCowan Road	The Jonathan Gowland House
10	7 Bewell Drive	7447 Ninth Line	The Josephus Reesor Tenant House