



MEMORANDUM

TO: Heritage Markham Committee

FROM: Evan Manning, Senior Heritage Planner

DATE: August 10, 2022

SUBJECT: Amendment to a Designation By-law
45 Stollery Pond Crescent
Former Address: 4075 Major Mackenzie Drive ("The Stiver-Stollery House")

FILE: N/A

Property/Building Description: One-and-a-half storey stone dwelling c.1852/1970s

Use: Residential (currently vacant)

Heritage Status: Designated under Part IV of the *Ontario Heritage Act*

Background

- Contained within a recently completed residential development is a property formally municipally-known as 4075 Major Mackenzie Drive East (the "subject property") which is designated under Part IV of the *Ontario Heritage Act* (the 'Act'). As a condition of development approval, the applicant ('Angus Glen Village Ltd') was required to transfer a portion of land adjacent to Major Mackenzie Drive to York Region (the 'Region') for transportation-related purposes. The Region has requested that the legal description of the Part IV-designated property as it appears in Schedule A of the designation by-law be amended to exclude those portions conveyed for transportation purposes.
- The property that requires amendment to its legal descriptions is as follows:
4075 Major Mackenzie Drive East (see By-law No. 4-95).
- Note that 4075 Major Mackenzie Drive East is now municipally-known as 45 Stollery Pond Crescent.

Heritage Policy

Ontario Heritage Act

- 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 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 to the designation by-law identified in this report as it was adopted by Council prior to 2005. As such, the amended by-law must be made consistent with the requirements of the Act as amended in 2005, rather than 2021. These requirements include a brief property description as well as a list of heritage attributes;
- In accordance with these statutory requirements, Heritage Section staff have notified the property owner of the proposed designation by-law amendments, and have received written confirmation that they no objection to the corrected legal description. Specifically, written confirmation was received via email from Angus Glen Village Ltd., owner of the subject property on July 13, 2022;

Staff Comments

- In accordance with the statutory requirements as described above, Heritage Section staff have prepared amendments to the designation by-law including, among others, a revised legal description for the heritage property, and an amended Statement of Cultural Heritage Value or Interest (CHVI);
- The applicant has requested further time to review the amended CHVI, but has requested that the City proceed with amending the property's legal description so as to unencumber the land transferred to the Region for road widening purposes. Heritage Section staff have agreed to a phased amendment process, and will proceed to amend the CHVI at a future date. Heritage Markham will be consulted on this amendment prior to its consideration by Council;
- A Staff report recommending amendment of the property's legal description is anticipated to be considered by the Development Service Committee and Council in September 2022.

Suggested Recommendation for Heritage Markham

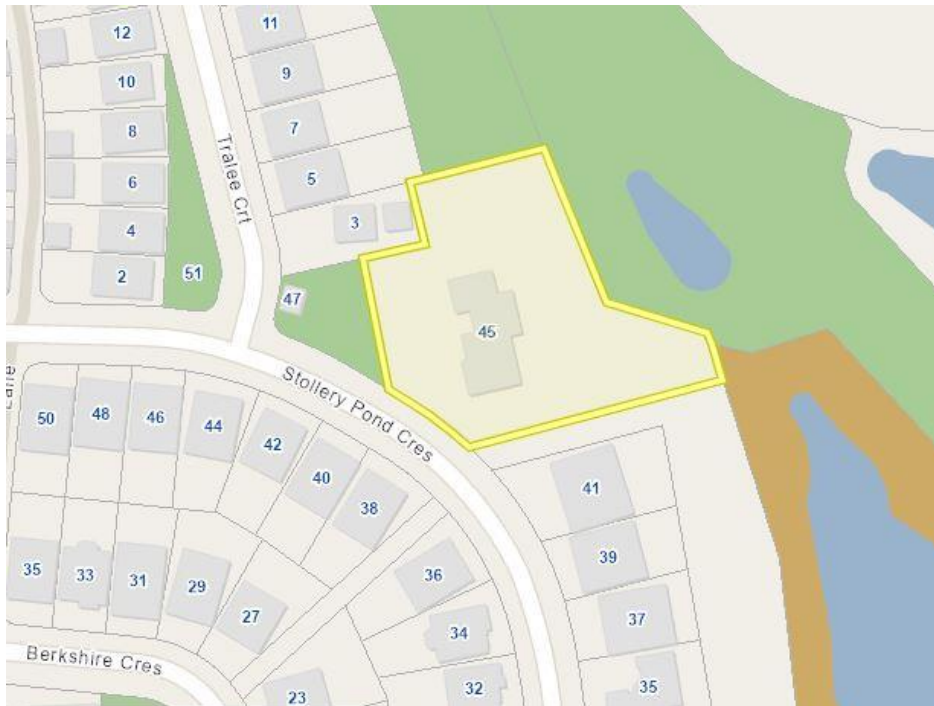
THAT Heritage Markham has no objection to the proposed designation by-law amendment to correct the property's legal description.

ATTACHMENTS:

Appendix 'A'	Property Map and Aerial Image
Appendix 'B'	Photographs of the Subject Property
Appendix 'C'	Designation Process (July 2021)

Appendix 'A'

Property Map and Aerial Image



The subject property is outlined in yellow (Source: City of Markham)



Aerial image of the subject property (Source: Google)

Appendix 'B'

Photographs of the Subject Property



Primary elevation of c1852 portion of the Stiver-Stollery House [above] and

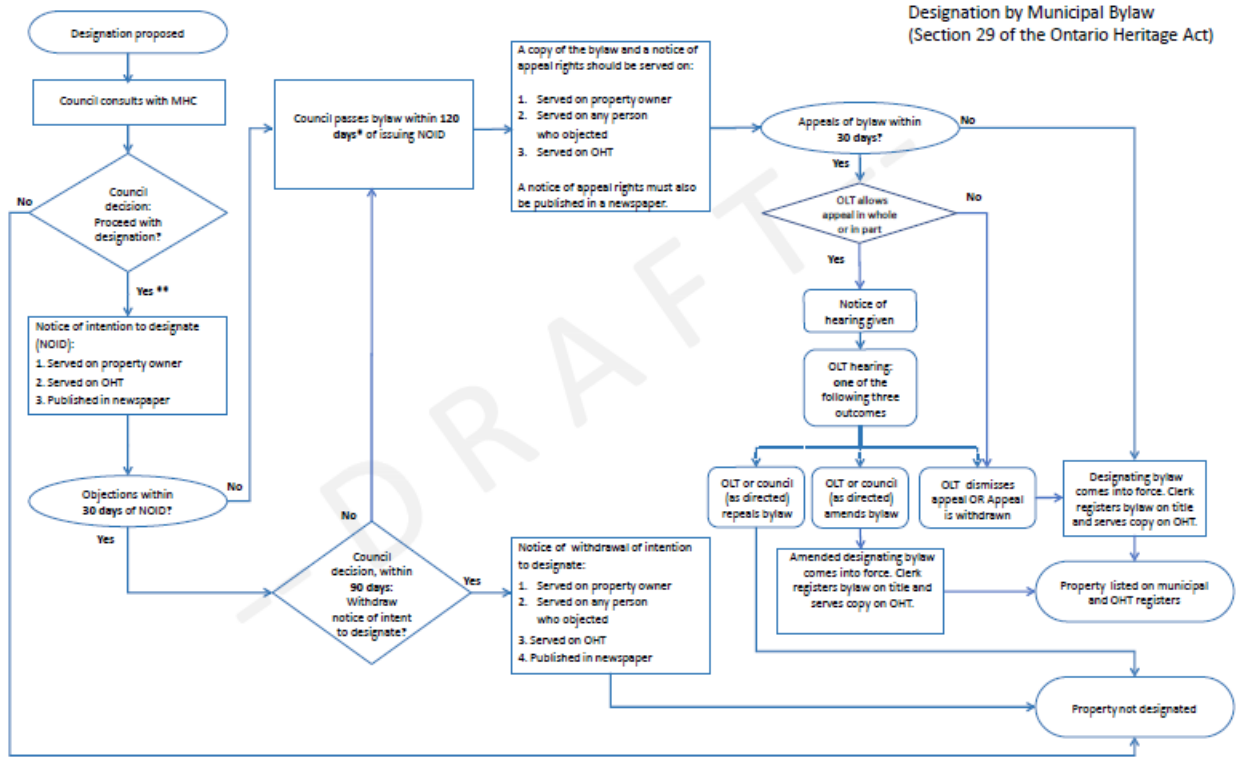
breezeway connecting the nineteenth century wing with the c1970s addition [below]
(Source: City of Markham)



1970s addition to the Stiver-Stollery House (Source: City of Markham)

Appendix 'C'

Designation Process (July 2021)



*If council fails to meet these timelines, the NOID will be deemed withdrawn, and council must issue a notice of withdrawal. For exceptions to the 120-day timelines, please consult the guidance text.

** Council has a limited 90 day period to give its notice of intention to designate a property when the property is subject to an official plan amendment, a zoning bylaw amendment, or plan of subdivision.