



Report to: Development Services Committee

Meeting Date: September 12, 2022

SUBJECT: Revision to a Legal Description of a Designation By-law, 45 Stollery Pond Crescent, Former Address: 4075 Major Mackenzie Drive (“The Stiver-Stollery House”), Ward 6

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

REVIEWED BY: Regan Hutcheson, Manager of Heritage Planning, ext. 2080

RECOMMENDATION:

- 1) That the staff report titled, “Revision to a Legal Description of a Designation By-law, 45 Stollery Pond Crescent, Former Address: 4075 Major Mackenzie Drive (“The Stiver-Stollery House”), Ward 6”, dated September 12, 2022, be received;
- 2) That the legal description as contained within the previously approved Heritage Designation By-law 4-95 be amended to reflect the property’s current legal description;
- 3) And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

To amend the legal description as contained within a previously approved heritage designation by-law (“By-law 4-95”) where the cultural heritage resource has been modified through further land division or a plan of subdivision.

BACKGROUND:

Designation By-laws occasionally need to be amended

Contained within a recently completed residential development, 4075 Major Mackenzie Drive East, which is now municipally known as 45 Stollery Pond Crescent (the “Subject Property”), is designated under Part IV of the *Ontario Heritage Act* (the ‘Act’). Designation occurred in 1995 and predated the recent subdivision and development of surrounding lands.

As a condition of approval, Angus Glen Village Ltd (the “Applicant”) must transfer a portion of land adjacent to Major Mackenzie Drive to York Region (the “Region”) for road widening purposes. The Region requests that the legal description of the Subject Property, as it appears in Schedule A of By-law 4-95, be amended to reflect the current bounds of the property, and exclude the transferred portion adjacent to Major Mackenzie Drive.

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:

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- 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. 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.

OPTIONS/ DISCUSSION:

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 Subject 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 Section staff consulted with the Heritage Markham Committee on August 23, 2022 and no objection was raised to the proposed phased amendment approach. Heritage Section staff also notified the property owner of the proposed designation by-law amendment, and have received written confirmation that they have no objection to the corrected legal description. Specifically, written confirmation was received via email from the Applicant on July 13, 2022.

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. The Heritage Section will work with the Clerks Department to amend the Designation By-law. Legal Services Department will be required to register the approved by-law amendment on the affected property.

RECOMMENDED BY:

Stephen Lue, RPP, MCIP
Senior Development Manager

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

ATTACHMENTS:

Appendix “A” Location Map and Aerial Image
Appendix “B” Amending By-Law

APPENDIX “A”

Location 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”

Amending By-Law

BY-LAW 2022-xx

A by-law to amend By-law 4-95 being a by-law to designate
The Francis Stiver House, 4075 Major Mackenzie Road East

WHEREAS by By-law No. 4-95, “The Francis Stiver House” was designated as
being of historic and/or architectural value or interest.

AND WHEREAS the By-law requires amendment to correct the legal description of the
property;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF
MARKHAM HEREBY ENACTS AS FOLLOWS:

THAT By-law 4-95 be amended by removing the description of the heritage
resource, municipal address, and legal description as shown in Schedule “A” and
replacing it with the revised description of the heritage resource and legal
description of land shown in Schedule “A” attached hereto.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS
XX DAY OF XXX, 2022.

KIMBERLEY KITTINGHAM
CITY CLERK

FRANK SCARPITTI
MAYOR

**SCHEDULE “A” TO
BY-LAW 2022-xx**

REVISED LEGAL DESCRIPTION OF LAND

The Stiver-Stollery House

In the City of Markham in the Regional Municipality of York, property description as follows:

LOT 27, PLAN 65M4498, CITY OF MARKHAM, REGIONAL MUNICIPALITY OF YORK

PROPERTY ID: 938074