



MEMORANDUM

TO: Heritage Markham Committee

FROM: Evan Manning, Senior Heritage Planner

DATE: November 9, 2022

SUBJECT: Intention to Demolish a Part-V Designated Property
83 John Street, Thornhill

FILE: N/A

Property/Building Description: One-storey dwelling constructed in 1946 as per MPAC records

Use: Residential

Heritage Status: 83 John Street is designated under Part V of the *Ontario Heritage Act* as constituent property of the Thornhill Heritage Conservation District.

Application/Proposal

- The City has received from the owner of the property municipally-known as 83 John Street (the “subject property”) a notice of their intention to demolish the existing one-storey dwelling. At this time, a demolition permit has not been submitted;
- It is the intention of the owner to remove and replace the existing dwelling with a new two-storey dwelling with attached garage as detailed in the concurrent Minor Variance and Site Plan Control applications received by the City in April 2022 (refer to A/046/22 & 22 113689 SPC);
- These applications were considered by the Heritage Markham Committee at its meeting on June 8, 2022. The Committee recommended that the existing dwelling be conserved, and that the applicant work with Staff on development options that incorporated the dwelling (refer to Appendix B for a copy of the meeting extract).

Background

On-Site Heritage Resources

- The subject property is designated under Part V of the *Ontario Heritage Act* as a constituent property of the Thornhill HCD (the “THCD” or the “District”), and is categorized as ‘Class C – Other Buildings/Properties within the District’. As described in Section 2.2.2 (‘Building/Property Classification’) of the THCD Plan, Class C properties possess the following qualities:
 - They are building/properties primarily constructed post-1939

- *They include buildings/properties that are sympathetic to the District by virtue of their scale or design qualities;*
- *They include buildings/properties not sympathetic to historic character of the District.*
- However, only Class A and B buildings are considered to contribute, support, and define the heritage character of the neighbourhood, according to the THCD Plan. Section 4.3 of the District Plan encourages improvements to Class C buildings intended to enhance the District's character, and states that demolition is to be considered on a case-by-case basis.

Heritage Policy

Ontario Heritage Act

- As per Section 42(1) of the *Ontario Heritage Act* (the “Act”), a property owner is required to obtain a permit from the municipality to:
 - Alter any part of the property other than the interior;
 - Erect, demolish or remove any building or structure on the property or permit the erection, demolition or removal.
- Once an owner provides their written intention to demolish structures on a property that is designated under either Part IV or V of the Act, a municipality has 90 days from the date the notice of receipt is served to the applicant to either:
 - Approve the demolition;
 - Refuse the demolition; or
 - Approve the demolition with conditions.
- On October 19, 2022 formal acknowledgment was served to the property owner that their notice of intention to demolish the existing dwelling had been received. The Act allows Council to delegate its power to grant permits for the alteration of property situated in a heritage conservation district to an employee or official of the municipality. Markham Council has approved such a by-law delegating its power for the approval of alterations to the Manager of Heritage Planning. However, upon consultation with Legal staff, it has been determined that the delegation of the authority to approve “alterations” to staff does not include the authority to consider applications for demolition or removal which are addressed under Part IV and V of the Act. No delegation provisions apply in such circumstances.

Staff Comment

Demolition of Existing Dwelling

- The existing dwelling is not considered to be a significant cultural heritage resource as described within the THCD Plan. Staff note that a similar dwelling (85 John Street) was permitted to be demolished in 2017. Staff concur with the subject property's rating within the THCD Plan, and are of the opinion that its removal will not have an adverse impact on the cultural heritage value of the District (which is the protection of the 19th and early 20th century buildings associated with the original mill village);
- At the June Heritage Markham meeting, the Thornhill Historical Society noted its opposition to the removal of this dwelling due to its connection with the Veterans Land Act which provided assistance for land acquisition for returning soldiers from WW2. Further details are in Appendix “B”.

Next Steps

- As the subject property is designated under Part V of the Act, consideration of the demolition request by Heritage Markham, and approval by City Council is necessary to permit the demolition of the existing dwelling. The demolition request is scheduled for Council consideration on December 13, 2022;
- Should Council not object to the demolition of the existing dwelling, the design of the replacement structure will be subject to full Site Plan Control with review by Staff for compliance with the THCD Plan.

Suggested Recommendation for Heritage Markham

THAT Heritage Markham has no objection to the demolition of the existing one-storey single detached dwelling at 83 John Street;

ATTACHMENTS:

Appendix 'A'	Property Map and Image of the Subject Property
Appendix 'B'	Heritage Markham Extract

Appendix ‘A’

Property Map and Image of the Subject Property



Subject property is outlined in blue (Source: City of Markham)

Primary (North) Elevation of the Existing Dwelling



(Source: Google)

Appendix 'B'

Heritage Markham Extract

HERITAGE MARKHAM EXTRACT

Date: June 8, 2022

To: R. Hutcheson, Manager of Heritage Planning
E. Manning, Senior Heritage Planner

EXTRACT CONTAINING ITEM # 6.1 OF THE SIXTH HERITAGE MARKHAM
COMMITTEE MEETING HELD ON June 8, 2022

6.1 COMMITTEE OF ADJUSTMENT VARIANCE APPLICATION & SITE PLAN CONTROL APPLICATION

PROPOSED TWO-STOREY DWELLING WITH INTEGRATED GARAGE

83 JOHN STREET, THORNHILL HERITAGE CONSERVATION DISTRICT (16.11)

FILE NUMBERS:

A/046/22

22 113689 SPC

Evan Manning, Senior Heritage Planner addressed the Committee and summarized the concurrent Minor Variance and Site Plan Control Applications for a proposed two-storey dwelling with integrated garage at 83 John Street in the Thornhill Heritage Conservation District (THCD). The two variances being sought for the property are (1) building depth of 18.9 m, whereas the by-law permits a maximum of 16.8 m; and (2) a floor area ratio of 41.8 percent, whereas the by-law permits a maximum floor area ratio of 33 percent.

The current dwelling was constructed in 1946 and was adjacent to a similar property at 85 John Street. Both 83 and 85 John Street properties were associated with the Veteran's Land Act and the provision of land for returning WW2 veterans. In 2015, SPOHT opposed the demolition of the dwelling at 85 John Street. SPOHT was concerned that there are only a few remaining homes associated with Veteran's Land Act in Thornhill, and that these will all be eventually demolished.

Staff opinion is that the existing dwelling is not considered to be a significant cultural heritage resource as described within the Heritage District Plan. Staff noted that a similar dwelling (85 John Street) was permitted to be demolished in 2017. Staff concur with the subject property's 'C' rating within the THCD Plan, and are of the opinion that its removal will not have an adverse impact on the cultural heritage value of the District (which is the protection of 19th and early 20th century buildings associated with the original mill village).

Mr. Barry Nelson, on behalf of the Thornhill Historical Society, addressed the Committee on Veterans Land Agreement homes that provided financial assistance for land acquisition for returning veterans. Mr. Nelson asked the Committee to preserve this asset and requested the Committee to encourage the applicant to add to the existing structure. Mr. Nelson requested that Heritage Markham consider this structure on its own merits in relation to Veteran Land Agreement houses.

Ms. Valerie Burke, addressed the Committee in support of retaining the existing dwelling at 83 John Street. She stated that the structure has a very special connection to the Veterans Land Agreement of 1942 and this 76-year-old building should be preserved because of its emerging cultural heritage and its tangible reminder of the sacrifices the veterans paid to protect the freedoms we enjoy today. She was of the opinion that if this building were demolished, another "thread in the tapestry would be removed".

Responding to questions from the Chair, Mr. Manning explained the difference between Class B and Class C buildings. He further advised that the existing dwelling is categorized as a Class C building possessing the following qualities:

- buildings/properties primarily constructed post-1939
- buildings/properties that are sympathetic to the District by virtue of their scale or design qualities;
- buildings/properties not sympathetic to historic character of the District.

Regan Hutcheson, Manager of Heritage Planning explained the process and community consultation that staff took to review the update to the Thornhill Heritage Conservation District Plan in 2007, especially related to the classification of buildings. He further advised that Heritage Markham Committee may recommend and Council may decide to preserve the existing dwelling at 83 John Street if they believe it has sufficient cultural heritage value on its own and not related to the District..

Given that the community at large did not wish to preserve buildings of a vintage similar to 83 John Street when the District plan was reviewed in 2007, Heritage

staff remain of the opinion that there is no reason to object to the proposed demolition of the existing dwelling.

Responding to questions from the Committee, Mr. Victor Guitberg, architect for the applicant, advised that the applicant's intention is to build a new house on the subject property. Responding to a question whether the applicant would be willing to consider building an addition to the existing structure, Mr. Guitberg advised that the applicant would not be willing to do so.

Recommendations:

THAT Heritage Markham does not support the demolition of the existing one-storey single detached dwelling at 83 John Street, Thornhill Heritage Conservation District;

THAT staff be requested to work with the owner/applicant to pursue options of preserving the existing one-storey single detached dwelling at 83 John Street; and

THAT the written submissions and verbal deputations from Mr. Barry Nelson, Thornhill Historical Society, and Ms. Valerie Burke, be received.

Carried