



Report to: Development Services Committee

Meeting Date: December 12, 2022

SUBJECT:	Proposed Demolition 7861 Highway 7, Locust Hill, Rouge National Urban Park, Ward 5
PREPARED BY:	Regan Hutcheson, RPP, MCIP, Manager, Heritage Planning, ext. 2080
REVIEWED BY:	Stephen Lue, RPP, MCIP, Senior Development Manager, ext. 2520

RECOMMENDATION:

- 1) That the December 12, 2022, staff report titled, “Proposed Demolition, 7861 Highway 7, Locust Hill, Rouge National Urban Park, Ward 5”, be received;
- 2) That Markham Council provides the following feedback on the proposed demolition of 7861 Highway 7, the Nighswander Tenant House:
 - Due to the advance state of decay and deterioration that has occurred over many years as a result of a lack of maintenance, poor stewardship, vacancy and abandonment, regrettably, the demolition of the building appears to be the most reasonable course of action;
 - The potential salvage and re-purposing of heritage elements from the property is supported; and
 - The introduction of heritage interpretive features to celebrate and inform visitors of the former Nighswander buildings is also supported, and could include a Markham Remembered interpretive panel;
- 3) That Markham Council requests that with regard to other cultural heritage resources within the National Urban Park, Parks Canada at minimum maintain the heritage features/attributes of the cultural heritage assets it has committed to invest in to support re-occupancy or during regular maintenance of the assets;
- 4) That Markham Council encourages Parks Canada to protect and maintain those cultural heritage assets located in the Markham area of the Rouge National Urban Park of which the City has previously provided financial investments in support of their maintenance and conservation; and
- 5) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

This report informs Council of the proposal by the Parks Canada (the “Owner”) to demolish the Nighswander Tenant House located at 7861 Highway 7 (the “Property”) and provides a brief update on the cultural heritage conservation activities in the Rouge National Urban Park.

BACKGROUND:**The Property is listed on the Markham Register of Property of Cultural Heritage Value or Interest (the “Register”)**

The Property is not individually designated or designated as part of a heritage conservation district. The *Ontario Heritage Act* (the “Act”) allows a property that has not been designated, but that the municipal Council believes may have cultural heritage value or interest, to be placed on the Register. This is commonly referred to as listing. The Register is a planning document that is consulted by municipal decision makers when development proposals or permits affecting a property are being considered.

In 2003, Markham Council approved the designation of 21 properties within the Little Rouge Corridor, including this Property that were to be transferred by the Ontario Realty Corporation (the “ORC”) to Markham and the Toronto and Region Conservation Authority (the “TRCA”) as part of the future Rouge Park. Staff prepared a designation report for the Property and the municipality published a “notice of intention of designate.”

While many of the properties were designated and transferred to either Markham or the TRCA, this Property and the adjacent hotel property were not and remained under provincial control. The ORC appealed the proposed designation and was sent to the Conservation Review Board to assess if the designation was supportable. This review never occurred as Markham and the ORC agreed to stand down to see if perceived issues could be addressed.

The Owner proposes to demolish a building on the Property that was constructed circa 1890

A 1 ½ storey, vacant wood dwelling occupies the Property and is owned by Parks Canada. The dwelling, identified as the “Nighswander Tenant House”, was associated with the Nighswander Brothers Temperance Hotel and Store that was located immediately to the east of the Property. A few years ago and under provincial ownership, the abandoned hotel structure collapsed due to the lack of maintenance and repair (a form of demolition by neglect). The Property consists of one of three rental dwellings constructed west of the hotel circa 1890 by the Nighswander brothers after the introduction of the Ontario and Quebec railroad in the Village of Locust Hill. In 1998, the City did not object to the removal of the barn structures at the rear of the Property.

The Rouge National Urban Park (“RNUP”) is home to many cultural heritage resources which are under federal jurisdiction

The City has identified over 80 cultural heritage resources in the RNUP. A signed draft Memorandum of Understanding related to the RNUP cultural heritage resources is attached as Appendix “B”. A number of the houses and other buildings within the RNUP boundaries have heritage value and preserving and celebrating this heritage is a mutual goal of Parks Canada, York Region, and the City.

The majority of lands now in the Markham component of the RNUP were previously owned by Transport Canada as part of land holdings associated with a potential airport in

the City of Pickering. The Property previously owned by the ORC and later Infrastructure Ontario (“IO”) has been transferred to Parks Canada and is now included in the RNUP.

City Staff have been meeting with Parks Canada staff to develop a cooperative working relationship regarding the protection and conservation of cultural heritage resources in the RNUP, including how potential demolitions can be addressed, and how other resources can be maintained, re-tenanted, and adaptively re-used for other purposes. Parks Canada wants to use the Property as a pilot/test run of going through the Markham heritage review/demolition process, notwithstanding the fact that as a federal department, they are not bound by municipal/provincial requirements. They are working with the City in good faith and of their own volition in order to receive feedback, notwithstanding it is non-binding advice.

The Property is in poor shape due to lack of maintenance and structural issues

The Property has been vacant and neglected for many years. Although boarded and fenced for security purposes, there has been minimal maintenance undertaken on the Property. Staff have received a number of enquiries from local residents concerning the state of the building and advocating for repair or removal due to its deteriorating state over the last decade. Health and safety risks were often noted. City staff were unsuccessful in having repairs and necessary work undertaken by previous owners. There has been minimal investment in the Property (or the former hotel property) since the early 2000s. In 2007, the province noted that,

“ORC is aware of the heritage significance of the properties and is reviewing their current maintenance and security issues with DEL (contracted by ORC to maintain provincial land holdings)...No final decisions have been made with regard to their future use or disposition.”

IO indicated, in 2012, that these lands were not of provincial significance, they had no money to invest in them, and would prefer raw land. IO also stated that the building had structural and mould issues due to water infiltration. In 2014, IO undertook an assessment in support of demolishing the structure. City Staff had a number of discussions with IO, including the maintenance to address issues related to animal and weather infiltration through various holes in the building, and recommending rehabilitation rather than abandonment and neglect.

In February 2021, on behalf of Parks Canada, a structural assessment was completed by WSP confirming the state of the building as,

“structurally unsafe. The building is partially collapsed and unfit to enter. It poses an imminent health and safety risk upon entry and within the immediate surrounding. Entry for investigation, rehabilitation or abatement is not feasible in its current condition. Demolition is recommended.”

WSP produced a building decommission plan in compliance with requirements for Parks Canada processes and also in compliance with demolition requirements for the City.

The Property is proposed to be re-purposed as a trail head in the RNUP

Adaptive re-use of the Property is being considered by Parks Canada once the building is removed. The heritage significance of the Property will be featured as part of a trailhead connecting the future Parks Canada trail system with Locust Hill in Markham. Parks Canada wishes to engage with the City on this heritage interpretation project in the future as a trail design is detailed. Parks Canada Staff anticipate that an interpretive panel will be developed and placed in situ and the area landscaped to provide a rest-node for trail users and trail connection for Locust Hill residents. Parks Canada is also engaging with a third party contractor to safely salvage and repurpose heritage items from the building at this location.

Parks Canada is undertaking a number of other cultural heritage resource initiatives

Parks Canada has been investing in cultural heritage resources in the RNUP including 10725 Reesor Road as a Park Office; renovations to 7630 Major Mackenzie Drive and 7797 16th Avenue for re-use and now subject to 'requests for proposals', and 7560 11th Concession as RNUP's first agricultural lease that includes fields and a heritage house. In 2023, according to Parks Canada, it is planning to make investments to support re-occupancy or upkeep for 91% of the in-park homes located in the Markham component of the RNUP.

Parks Canada has also confirmed that two buildings within Locust Hill and less than 500 metres away from the Property are expected to become federal heritage buildings this year and would commemorate the Ontario and Quebec Railway development and prominent Markham farming families. These two homes are in good condition and Parks Canada will continue preserving them as iconic heritage buildings.

Heritage Markham Committee (the "Committee") notes that demolition appears to be the most reasonable course of action given the building's current condition

Feedback on this matter was provided by Heritage Markham on August 23, 2022 (Appendix "A"). The Committee regrettably supported the demolition due to the building's advance state of decay, and supported the potential salvage of materials and the introduction of some form of heritage interpretation at the Property. Further, the Committee requested Parks Canada maintain and conserve existing heritage attributes on its other heritage properties, and to ensure that those properties, in which the City's has previously invested financial resources, are protected and part of their re-use strategy.

OPTIONS/ DISCUSSION:**The demolition of the building on the Property is supported by Heritage Staff due to its deteriorated state**

Heritage Staff visited the Property and concur that the building is in a precarious state and not safe to enter (see Figure 2). There appears to be structural issues including foundation issues, roof collapse, mould, water infiltration, and animal infestation. Staff hope to work in cooperation with Parks Canada to ensure that the salvage of heritage attributes from the building is achieved and that a heritage interpretive feature to celebrate and inform visitors of the former Nighswander buildings is introduced.

FINANCIAL CONSIDERATIONS

Not Applicable

HUMAN RESOURCES CONSIDERATIONS

Not Applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

The protection of cultural heritage resource 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 Committee was consulted on August 23, 2022.

RECOMMENDED BY:

Darryl Lyons, RPP, MCIP
Acting Director of Planning and Urban Design

Arvin Prasad, RPP, MCIP,
Commissioner of Development Services

ATTACHMENTS:

Figure 1 – Location

Figure 2 – Photographs

Appendix "A" – Heritage Markham Extract, August 23, 2022

Appendix "B" – Draft MOU (Parks Canada, Region, Markham)

Figure 1 – Location



7861 Highway 7 Locust Hill



Figure 2 – Photographs

Archival- Early 1900s



(Heritage Section Files)

The Building in 2008



(Heritage Section Photo)

Recent- July 2022



Rear tail of building- roof collapse (Heritage Section Photo)

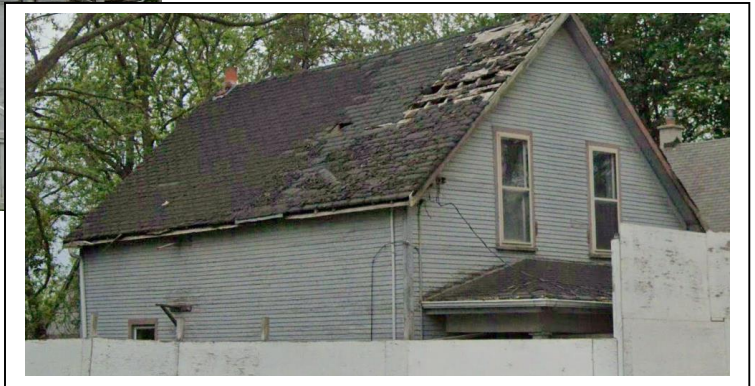
May 2021

North Elevation (Front) - Roof Issues on west roof slope



Roof Issues on east and west roof slope

Google Maps



Appendix “A” – Heritage Markham Extract

HERITAGE MARKHAM EXTRACT

Date: August 25, 2022

To: R. Hutcheson, Manager of Heritage Planning

EXTRACT CONTAINING ITEM # 6.1 OF THE EIGHTH HERITAGE MARKHAM COMMITTEE
MEETING HELD ON AUGUST 23, 2022

6.1 REQUEST FOR FEEDBACK

UPDATE ON ROUGE NATIONAL URBAN PARK CULTURAL HERITAGE (PARKS CANADA) AND PROPOSED DEMOLITION 7861 HIGHWAY 7, LOCUST HILL THE NIGHSWANDER TENANT HOUSE (16.11)

Extracts:

R. Hutcheson, Manager, Heritage Planning

Regan Hutcheson, Manager, Heritage Planning, advised that this item is to: 1) provide an update on the cultural heritage activities in the Rouge National Urban Park; and 2) obtain the Committee’s feedback on the proposed demolition of 7861 Highway 7, Locust Hill, The Nighswander Tenant House, and provided a presentation.

The Committee discussed the following relative to the update on the cultural heritage activities in the Rouge National Urban Park:

- Questioned if Parks Canada is restoring the cultural heritage assets to the extent the City would normally require;
- Clarified that Parks Canada has been renovating the inside of the cultural heritage assets so that they are habitable, but they have not been restoring the outside of the cultural heritage assets to the extent the City would typically require if they were part of a development application;
- Suggested that Parks Canada be asked to provide a list of the cultural heritage assets that are part of the 9% of the in-park homes located in the Markham area of the Rouge National Urban Park of which no commitment has been made to make investments to support re-occupancy or upkeep of the assets at this time;
- Suggested that Parks Canada at a minimum maintain existing heritage features or attributes of the cultural heritage assets it has decided to invest in;
- Noted that cultural heritage assets located in the Markham area of the Rouge National Urban Park of which the City has previously invested in should be maintained. The former Locust Hill Schoolhouse on Reesor Road was noted as an example;

- Clarified that Parks Canada is not required to consult with the City on the maintenance and restoration of the cultural heritage assets located within Markham, as the properties are located within federal jurisdiction;
- Discussed how Parks Canada plans to address leases when a person has demonstrated an interest in investing in a cultural heritage asset.

The Committee discussed the following relative to the proposed demolition of 7861 Highway 7, Locust Hill, The Nighswander Tenant House:

- Sought greater context on how the cultural heritage asset relates to Markham's Pathways and Trail Master Plan;
- Clarified that Parks Canada intends to use the subject lands as part of a trailhead connecting the future Parks Canada trail system with Locust Hill, and as rest-node for trail users;
- Opposed having a parking lot on the subject lands;
- Noted that staff were unaware of any plans to include a parking lot in this location.

Staff responded and provided clarification to inquiries from the Committee.

Amendment 1:

THAT the Heritage Markham Committee express concern regarding placing patron parking on the lands of or on the surrounding lands of the former Nighswander Brothers Temperance Hotel and Store, and Nighswander Tenant House without viewing a concept plan on how it would be introduced;.

Carried

Amendment 2:

THAT the Heritage Markham Committee request that Parks Canada at minimum maintain the heritage features/attributes of the cultural heritage assets it has committed to invest in to support re-occupancy or upkeep of the assets; and further,

THAT the Heritage Markham Committee hopes that the cultural heritage assets located in the Markham area of the Rouge National Urban Park of which the City has previously invested in are included on Parks Canada's list of assets it has committed to protect.

Carried

Recommendation as Amended:

THAT the Heritage Markham Committee provides the following feedback on the proposed demolition of 7861 Highway 7, the Nighswander Tenant House:

- Due to the advance state of decay and deterioration which has occurred over many years as a result of a lack of maintenance, poor stewardship, vacancy and abandonment, regrettably, the demolition of the building appears to be the most reasonable course of action;
- The potential salvage and re-purposing of heritage elements from the property is supported; and

- The introduction of heritage interpretive features to celebrate and inform visitors of the former Nighswander buildings is also supported, and could include a Markham Remembered interpretive panel

AND THAT the Heritage Markham Committee express concern regarding placing patron parking on the lands of or on the surrounding lands of the former Nighswander Brothers Temperance Hotel and Store, and Nighswander Tenant House without viewing a concept plan on how it would be introduced;

AND THAT the Heritage Markham Committee request that Parks Canada at minimum maintain the heritage features/attributes of the cultural heritage assets it has committed to invest in to support re-occupancy or upkeep of the assets;

AND FURTHER THAT the Heritage Markham Committee hopes that the cultural heritage assets located in the Markham area of the Rouge National Urban Park of which the City has invested in are included on Parks Canada's list of assets it has committed to protect.

Carried

Appendix “B” – Draft MOU (Parks Canada, Region, Markham)

An excerpt from the signed draft-version of the Memorandum of Understanding between Parks Canada, Markham and York as it relates to this engagement process for homes in the Markham area of Rouge National Urban Park

MOU

The houses and other buildings in Rouge National Urban Park are recognized as important features in maintaining a cultural landscape and sense of community and the Parties believe that maintaining and enhancing community is a shared priority.

A number of the houses and other buildings within the Park boundaries in east Markham have heritage value and preserving and celebrating this heritage is a mutual goal of the Parties.

10.01 Parks Canada and Markham recognize that there will be a need to work collaboratively regarding the houses and other buildings to contribute to the future needs of the residents, the community and the Park.

10.03 Parks Canada and Markham recognize the collaborative work done to date to evaluate cultural heritage of houses and other buildings within the Park and the Parties will continue to work together on preserving the cultural landscapes and views. Although it is understood that the future plan for the houses and other buildings may require limited building decommissioning for safety purposes, the priority will be to find a sustainable future for as many of the assets as possible.

10.04 Parks Canada and Markham will engage each other on plans for structures which are listed on Markham’s Register of Properties of Cultural Heritage Value or Interest, and on any potential additions to the list.

10.05 The Parties understand that Parks Canada’s Cultural Resource Management Policy and Standards and Guidelines for the Conservation of Historic Places in Canada will guide the management of the Park’s cultural resources, with reference to Heritage Markham and Markham’s Property Standards and Bylaws.

10.06 The Parties recognize that oversight of the houses and other buildings will be done in such a way that is consistent with responsible management of public funds.

10.08 The Parties support the continued development of working relationships with the Markham Museum, Heritage Markham, archives and other organizations related to the houses and other buildings in east Markham.

10.09 The Parties will work together to celebrate cultural heritage in the Park and elsewhere in east Markham through the exploration of opportunities that showcase the cultural built heritage in ways that inspire discovery and facilitate a sense of personal connection to the Park.