



Report to: Development Services Committee

Meeting Date: April 4, 2023

SUBJECT: RECOMMENDATION REPORT - Proposed Designation under the Ontario Heritage Act, 26 Langstaff Road East, Ward 1

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

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

Stephen Lue, Senior Development Manager, ext. 2520

RECOMMENDATION:

- 1) THAT the April 4, 2023, report titled, “RECOMMENDATION REPORT - Proposed Designation under the *Ontario Heritage Act*, 26 Langstaff Road East, Ward 1”, be received;
- 2) THAT the recommendation from the Heritage Markham Committee on November 9, 2022, in support of designation under Part IV of the *Ontario Heritage Act* (in accordance with Appendix ‘E’ of this report), be received as information;
- 3) THAT Council does not consider 26 Langstaff Road East to be a significant cultural heritage resource worthy of designation under Part IV of the *Ontario Heritage Act*;
- 4) And that Staff be authorized and directed to do all things necessary to give effect to this resolution

PURPOSE:

This report recommends that Council not state its intention to designate 26 Langstaff Road East (the “Property”) under Part IV of the Ontario Heritage Act (the “Act”) given its absence of significant cultural heritage value.

BACKGROUND:

The Property contains a one-storey former place of worship

The Property, listed on the *Markham Register of Property of Cultural Heritage Value or Interest* (the “Register”), is located on the west side of Langstaff Road East near the eastbound onramp leading from Yonge Street to Highway 407, and contains a former place of worship constructed in 1935-36. The Langstaff Baptist Church built and occupied the building from 1936 to 1976, which was later purchased by the Ontario Government. The building has been vacant since 2014 and is in poor condition.

The Property is Provincially-owned and is a remnant of the Pre-War community of Langstaff

In 1979, the Property was expropriated by the Province and combined with adjacent lands to provide the future corridor for Highway 407. Rather than demolish the on-site building, the government leased the Property to other religious organizations until 2014. The Property is currently owned by the Ministry of Government and Consumer Services and managed by Infrastructure Ontario.

This area is the former Hamlet of Langstaff, an original crossroads community centred on Yonge Street and Highway 7 (Langstaff Road). The former hamlet itself has disappeared for the most part due to the expansion of Highway 7 and the introduction of Highway 407. The majority of surrounding buildings have been removed and the land left vacant. There remains a small concentration of buildings located on the east side of Ruggles Avenue that contain light industrial uses typical of a suburban setting. Also near the Property is the Munshaw Homestead, at 10 Ruggles Avenue, which was designated under Part IV of the Act in 2014 (refer to By-law 2014-20).

Note that as of the time of writing this report, a demolition permit application for the Property has not been submitted.

The Property is subject to a Ministerial Zoning Order as part of a Transit Oriented Community

In 2008, the Town of Markham engaged a team of planners specializing in Transit Oriented Development (“TOD”) to examine the community of Langstaff and prepare a Langstaff Gateway Land Use and Built Form Master Plan to guide future redevelopment. The area is a large block east of Yonge Street, south of Highway 407, west of Bayview Avenue and north of the Holy Cross Cemetery. This old, mixed-use neighbourhood contained a number of industrial and commercial operations, many with open storage. Intermixed with this activity are some older houses with some listed on the Register. Pomona Creek runs through the area, and there is a significant woodlot to the east of the Property.

Land was being assembled by development companies in anticipation of a major transformation of this key transportation node, which has significant potential for intensification as it is served by York Region Transit/VIVA, GO, Yonge Street, and Highway 407. In the future, a proposed subway line will be an additional transportation advantage. The Langstaff Gateway Secondary Plan Official Plan Amendment (OPA 189) was approved in June of 2010, which included the Property as a Listed Property.

In 2010, the Property was evaluated and classified by City staff as a Group 2 building under Markham's Heritage Resources Evaluation System. The policies associated with this classification are as follows:

1. The designation of the building pursuant to the Act will be encouraged.
2. The retention of the structure in its existing location is encouraged.
3. Any developed proposal affecting such a structure should incorporate the identified building.
4. Appropriate alternative uses for the building will be encouraged when necessary to ensure its preservation.
5. A Letter of Credit may be required to ensure the protection and preservation of the building.

In September 2021, the Province announced a proposed Bridge Station Transit Oriented Community (“TOC”) that would apply to approximately 25 ha within the Langstaff Gateway Secondary Plan area. The area is bound by Yonge Street to the west, Hwy 7 to the north, Cedar Avenue to the east and the Holy Cross Catholic Cemetery to the south.

On April 14, 2022, the Province issued an enhanced Minister's Zoning Order that effectively zoned the Bridge Station TOC. Recent discussions have involved the process that would be required to remove this structure.

Infrastructure Ontario ("IO") does not consider the Property to be a significant cultural heritage resource

In 2022, IO retained a heritage consultant (TMHC Inc.) to evaluate the cultural heritage significance of the Property. IO produced a Cultural Heritage Evaluation Report ("CHER") using the Province's Standards and Guidelines for Conservation of Provincial Heritage Properties. As part of the required community engagement process, IO sought the input and feedback of Heritage Markham regarding the preliminary conclusions of the report. It was noted that the CHER was not associated with a redevelopment proposal for the Property nor had a demolition permit been submitted.

TMHC Inc. opined that the Property did not meet the criteria as contained within Ontario Regulations 9/06 (Determination of Cultural Heritage Value or Interest) or 10/06 (Determination of Cultural Heritage Value or Interest of Provincial Significance), and as such should not be considered a significant cultural heritage resource. The findings of this evaluation were provided to Staff and the September 9, 2022, Heritage Markham Committee ("Heritage Markham") meeting. Based on the findings of the draft CHER, Heritage Markham asked Heritage staff to undertake their own evaluation of the Property using Ontario Regulation 9/06 for future potential designation under Part IV of the Act.

The cultural heritage value of the Property has been reviewed by the Heritage Markham

As requested, Heritage staff prepared an evaluation of the Property under Ontario Regulation 9/06 and concluded that it did not meet the criteria as outlined in the regulation, and as such is not considered to be a significant cultural heritage resource. Given this conclusion, Heritage staff did not recommend pursuing designation of the Property under Part IV of the Act. Notwithstanding Heritage staff recommendations, on November 9, 2022, Heritage Markham recommended designation of the Property under Part IV of the Act for its historical/associative and contextual value (refer to Appendix 'E' for a copy of the meeting extract). As per Section 29(2) of the Act, review by Heritage Markham is necessary prior to Council consideration of potential Part IV designation.

OPTIONS/ DISCUSSION:

The Official Plan ("OP") provides policy direction for the evaluation and conservation of significance cultural heritage resources

Chapter 4.5 of the OP contains policies concerning cultural heritage resources. The following are relevant to this report:

Concerning the identification and recognition of *cultural heritage resources*, Chapter 4.5.2.4 of the OP states that it is the policy of Council:

To ensure consistency in the identification and evaluation of cultural heritage resources for inclusion in the Register of Property of Cultural Heritage Value or Interest and/or for individual property designation, by utilizing the criteria for

determining cultural heritage value or interest established by provincial regulation under the Ontario Heritage Act and criteria included in Markham's Heritage Resources Evaluation System.

Concerning the protection of *cultural heritage resources*, Chapter 4.5.3.2 of the OP states that it is the policy of Council:

To give immediate consideration to the designation of any significant cultural heritage resource under the Ontario Heritage Act if that resource is threatened with demolition, inappropriate alterations or other potentially adverse impacts.

Staff do not support designation of the Property under Part IV of the Act

The Property was evaluated using Ontario Regulation 9/06 "Criteria for Determining Cultural Heritage Value or Interest" in accordance with the above-referenced OP policy. This regulation, introduced by the Province in 2006 and revised in 2023, provides a uniform set of criteria for municipalities to use when determining whether a property should be considered a significant cultural heritage resource. As per Provincial direction, a property must now meet a minimum of two of the 9/06 criteria to warrant designation under Part IV of the Act.

Based on Heritage staff research undertaken in support of the Ontario Regulation 9/06 evaluation of the Property, the Property has minimal *design/physical value*, *historical/associative value* and *contextual value* and is not a significant cultural heritage resource. The evaluation using Ontario Regulation 9/06 is attached as Appendix 'C' to this report. For historical information, see Appendix 'D'.

Staff do not recommend proceeding with individual designation. Should Council wish to proceed with a notice of intention to designate, a statement explaining the cultural heritage value or interest of the Property and a description of the heritage attributes of the Property would need to be prepared.

Municipal Designation of Provincially-Owned Properties

Listing a property as provided for by Section 27 (3) of the Act does not necessarily mean that the property is considered to be a significant cultural heritage resource, rather it provides a mechanism for the municipality to be alerted of any application to demolish the on-site structure(s), and provides time for evaluation of the property for potential designation under Part IV of the Act. This, however, only applies if the property is municipally or privately-owned.

As per Section 26.1 (1) of the Act, provincially-owned properties are not subject to Part IV designation by a municipality, allowing for their removal by the relevant Provincial ministry or agency should it be determined that the property or properties do not possess significant cultural heritage value in accordance with Ontario Regulations 9/06 and 9/10. While designation has no force and effect while a property is under provincial ownership, the protections afforded by Part IV designation come into immediate effect when a property is transferred to municipal or private ownership.

Process/Procedural for Designation under the Act

The following is a summary of the key processes and notification requirements associated with Part IV designation:

- Staff undertake research and evaluate the property under Ontario Regulation 9/06 to determine whether it should be considered a significant cultural heritage resource worthy of Part IV designation;
- Council is to be advised by its municipal heritage committee with respect to the cultural heritage value of the property;
- Council may state its intention to designate the property under Part IV of the Act and is to include a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property. Should the property be subject to an application under the *Planning Act*, the property must have been previously listed on the municipal register, and Council has 90 days following the date in which the application is deemed complete to state its intention to designate the property;
- Should Council wish to designate the property, notice must be provided to the owner and the Ontario Heritage Trust that includes a description of the cultural heritage value of the property. A notice must also be published in a local newspaper with the same details;
- Following the publication of the notice, there is a 30-day window in which interested parties can object to the designation. If a notice of objection has been served to the municipality, Council is required to consider the objection and make a decision whether or not to withdraw the notice of intention to designate;
- Should Council wish to proceed with designation, it must pass a by-law to that effect within 120 days of the date in which the newspaper notice was published. There is a 30-day appeal period following Council adoption of the by-law in which interested parties can serve notice to the municipality and the Ontario Land Tribunal (“OLT”) of their objection to the designation. Should no objection be received within the 30-day time period, the designation by-law comes into force. Should an objection be received, an OLT hearing date is set to examine the merits of the objection.

FINANCIAL CONSIDERATIONS:

None

HUMAN RESOURCES CONSIDERATIONS:

Not Applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

The protection and preservation of cultural heritage resources is part of the City’s Growth Management strategy.

BUSINESS UNITS CONSULTED AND AFFECTED:

The demolition request was reviewed by Heritage Markham, Council’s advisory committee on heritage matters.

RECOMMENDED BY:

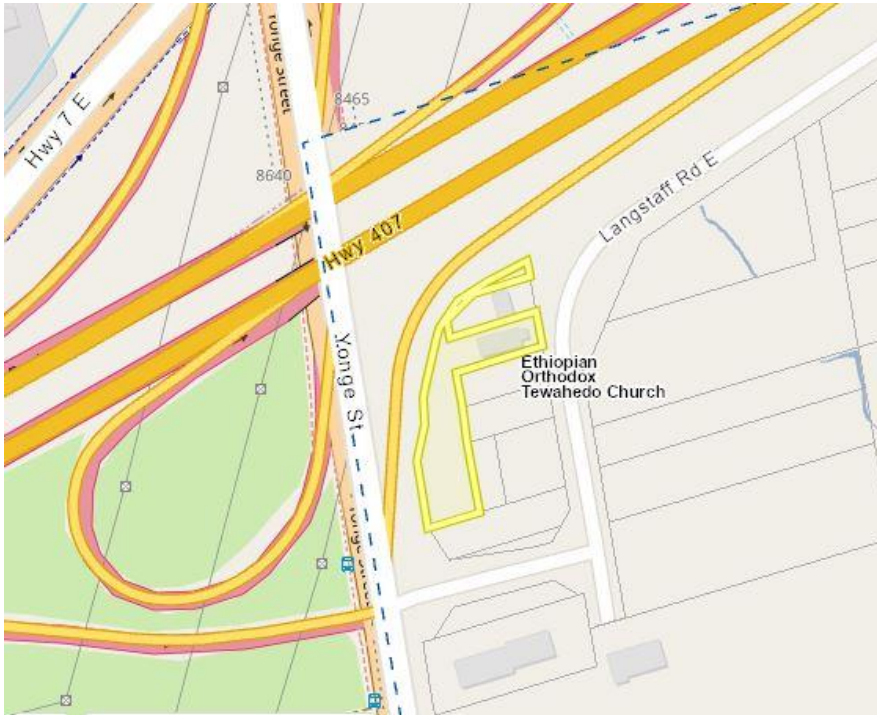
Giulio Cescato, RPP, MCIP
Director of Planning and Urban Design

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

ATTACHMENTS:

- Appendix 'A' Property Map and Aerial Image of the Property
- Appendix 'B' Photographs of the Property
- Appendix 'C' Ontario Regulation 9/06 Evaluation
- Appendix 'D' Historical Information
- Appendix 'E' Heritage Markham Extract – November 9, 2022

APPENDIX 'A': Property Map and Aerial Image of the Property



Property map showing the location of the Property [outlined in yellow] (Source: City of Markham)



The existing building on the Property (Source: Google)

APPENDIX 'B': Photographs of the Property



The east (primary) elevation of the Property (Source: Google)



South and East Elevation in 2004 (Source: Staff Photo)



South and East Elevation in November 2021 (Source: Google 2021)

APPENDIX 'C': Ontario Regulation 9/06 Evaluation

Criteria for determining whether it is of cultural heritage value or interest:

- 1) The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.*
- 2) The property has design value or physical value because it displays a high degree of craftsmanship or artistic merit.*
- 3) The property has design value or physical value because it demonstrates a high degree of technical or scientific achievement.*
- 4) The property has historical value or associative value because it has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community.*
- 5) The property has historical value or associative value because it yields, or has the potential to yield, information that contributes to an understanding of a community or culture.*
- 6) The property has historical value or associative value because it demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.*
- 7) The property has contextual value because it is important in defining, maintaining or supporting the character of an area.*
- 8) The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings.*
- 9) The property has contextual value because it is a landmark.*

Staff Comment: The Property is unremarkable in design with an absence of fine detailing or materials. The modest ecclesiastical structure is not a rare, unique or early example of its typology, and does not display a high degree of craftsmanship or artistic merit, nor does it demonstrate a high degree of technical or scientific achievement.

The Property has been owned/tenated by a series of Christian denominations since its construction in 1936. These groups, however, are not known to have made a remarkable contribution to the communities of Langstaff or Thornhill relative to other local congregations, and as such has limited potential to yield information that contributes to the understanding of either community. Given the utilitarian character of the building, it's unlikely to be the product of notable architect or designer, and as such has limited significance to either community.

The historic context of the Property has been highly degraded through the construction of major infrastructure (i.e. the adjacent hydro corridor and Highway 407), disruption of the original road network, and the removal of all but one nearby residential building. What nearby structures do remain contain light industrial uses that are physically, visually, and functionally linked to the current suburban character of the area rather than

the historic character of Langstaff. Given the high degree of alteration to surrounding lands, the legibility of Langstaff as a nineteenth century community has been lost. As such, the former church has tenuous connections to its historic context, limiting its value as a heritage resource. Further, its modest design value and diminutive scale do not make it a landmark.

APPENDIX ‘D’: Historical Information

Part 1: Historical Overview

A Brief History of Langstaff

This Yonge Street crossroads hamlet was named after the Langstaff family, whose ancestor, John Langstaff arrived in the area from New Jersey in 1808. The Langstaff property was on Lot 36, Concession 1 (north side of Highway 7). This family is best known today for the three generations of medical doctors that served Richmond Hill, Markham and Vaughan, beginning with Dr. James Langstaff in the mid 19th century. Langstaff's Corners was the site of Yonge Street Toll Gate No. 3, a post office, general store, blacksmith shop, tavern and school in addition to a number of residences. In 1911, the City of Toronto established the Langstaff Jail Farm on the former Langstaff property. Today, highway construction, a hydro corridor and new development on the Richmond Hill side of Highway 7 has obliterated most evidence of this crossroads hamlet, except for the mixed neighbourhood on the Markham side of Highway 407, east of Yonge Street, and a residential neighbourhood on the Richmond Hill side of Highway 407, west of Yonge Street.

Prior to the establishment of Langstaff, the crossroads was settled by Balsar and Katharine Munshaw, German-American immigrants from Pennsylvania who joined the Berczy group in the U.S. as they journeyed on their way to Upper Canada. Munshaw patented Lot 35, Concession 1, Markham Township in 1802, after living on the land for 8 years. Balsar Munshaw arrived in the area in 1794, first living at Elgin Mills Road and Yonge Street. He is credited with being the first European settler on Yonge Street in the Markham/Vaughan/Richmond Hill area. His stay at Elgin Mills was brief, lasting only a few months through the spring and summer of 1794 before he moved his family to the place that would later become known as Langstaff's Corners. Balsar and Katharine Munshaw's grandson, William M. Munshaw, built a frame house that still stands at 10 Ruggles Avenue. The Munshaw family farmed this lot through the 19th century.

History of the Langstaff Gateway Planning Area

Charles Munshaw, a descendant of Balsar and Katharine Munshaw, was the last of the family to own the farm property on Lot 35, Concession 1. He moved to Newmarket, and rented the land to a tenant farmer, F. N. Tomlinson. In 1923, he registered Plan 2386, which subdivided the farm into a series of lots and streets known as “Langstaff Gardens.” The property was transferred to a company known as “Langstaff Securities Co. Ltd., with its offices at 35 Victoria Street in the city of Toronto. The northern boundary of Langstaff Gardens was the Langstaff Sideroad, the precursor to Highway 7. North-south streets named Church, Ruggles, Cedar, Essex and Sussex Avenues aligned with streets with the same names in the village of Richmond Hill to the north. It seems that the subdividers envisioned large-scale urbanization of this part of Markham Township at an early date.

The Canadian National Railway cuts through the neighbourhood in a north-westerly angle. This line began as the James Bay Railway in 1905-1906. The creek (named Pomona Creek) that runs through the west portion of lot is a branch of the Don River. A number of modest houses were built within the Munshaw farm subdivision, beginning in

the 1920s. A few of these are still standing amidst the various industrial operations that have established themselves in this mixed area that is dominated by industrial yards with open storage. The Munshaw Homestead, remodelled and added to through the years, has survived within this busy industrial area. It is somewhat hidden away on the west side of Ruggles Avenue in the midst of a landscape contractor's yard.

The introduction of Highway 407 is the most recent change to the old community of Langstaff. The street pattern has been altered, with the former Church Street re-named as a continuation of the Langstaff Road.

Part 2: Built Cultural Heritage Resource – 26 Langstaff Road



Langstaff Baptist Church, c. 1935-36

- 1-storey brick church, vernacular, addition to the west end, main upper worship space with basement hall and kitchen. Reminiscent of older schoolhouses in design
- Originally constructed c.1935-36 as the Langstaff Baptist Church
- Master bricklayer F.H. Carter completed masonry
- Dr. Blandin, minister and founding member, held first church service on November 6, 1936
- Encroaching industrial development began in 1970s
- October 23, 1976, Langstaff Baptist Church held its final church services
- In 1978 the building was rented to Calvary Pentecostal Church
- Property purchased in 1979 by Ontario Department of Highways
- Later the property was leased to others and served as St. Joseph Melkite Catholic Church, renamed Jesus the King Greek Melkite Catholic Church.



APPENDIX 'E': Heritage Markham Extract – November 9, 2022

HERITAGE MARKHAM EXTRACT

Date: November 24, 2022

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

EXTRACT CONTAINING ITEM # 6.2 OF THE ELEVENTH HERITAGE MARKHAM
COMMITTEE MEETING HELD ON NOVEMBER 9, 2022

6.2 REQUEST FOR FEEDBACK

ONTARIO REGULATION 9/06 EVALUATION 26 LANGSTAFF ROAD EAST (16.11)

FILE NUMBER:
N/A

Extracts:

R. Hutcheson, Manager, Heritage Planning
E. Manning, Senior Heritage Planner

Evan Manning, Senior Heritage Planner, advised that this item involves the evaluation of 26 Langstaff Road East under Ontario Regulation 9/06 for potential designation under Part IV of the *Ontario Heritage Act*. A summary of the staff findings was presented, including the conclusion that the property did not appear to meet the criteria as outlined in Ontario Regulation 9/06, and that the property was not considered by staff to be a significant cultural heritage resource.

The following deputations were made regarding the evaluation of 26 Langstaff Road East as a cultural heritage resource:

Valerie Burke spoke in support of designating the property under Part IV of the *Ontario Heritage Act*, as the church is one of two properties remaining in this area, and that the property could be integrated into future development proposals for the area.

Barry Nelson strongly supported Part IV designation for the church, as it is one of the last remaining buildings in the area associated with the Langstaff community. Mr. Nelson noted that there will be 80,000 people living in this area and that it needs to be created as a livable place, and that incorporating heritage resources into developments supports place-making and spurs economic growth.

The Clerk noted that a written submission had been received from Diane Berwick in support of retention and heritage protection.

Regan Hutcheson advised that if the Committee recommends designation of the property, staff will need to get a legal interpretation as to whether the City can undertake that action. It is his understanding that provincially-owned properties may be exempt from Part IV designation. Further, if designation is to be recommended, he encouraged the Committee to include the designation criteria it thinks the property meets in any recommendation.

The Committee suggested that staff should clarify if the City can designate the property.

Recommendation:

THAT the written submission by Diane Berwick on the evaluation of 26 Langstaff Road East, Thornhill, as a cultural asset, be received; and

THAT the depositions by Valerie Burke, and Barry Nelson on the evaluation of 26 Langstaff Road East, Thornhill, as a cultural asset, be received; and
THAT Heritage Markham considers 26 Langstaff Road East to be a significant cultural heritage resource, and recommends designation of the property under Part IV of the *Ontario Heritage Act.*, as it meets the following criteria under Regulation 9/06:

The property has historical value or associative value because it:

- i. has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community, and**
- ii. yields, or has the potential to yield, information that contributes to an understanding of a community or culture.**

and;

The property has contextual value because it:

- a. is important in defining, maintaining or supporting the character of the area**
- b. is physically, functionally, visually or historically linked to its surroundings, or**
- c. is a landmark**

Carried