



## MEMORANDUM

**TO:** Heritage Markham Committee

**FROM:** Evan Manning, Senior Heritage Planner

**DATE:** June 14, 2023

**SUBJECT: PROPOSED STREAMLINED APPROACH FOR HERITAGE MARKHAM CONSULTATION**  
DESIGNATION OF PRIORITY PROPERTIES LISTED ON THE CITY OF MARKHAM'S REGISTER OF PROPERTIES OF CULTURAL HERITAGE VALUE OR INTEREST IN RESPONSE TO BILL 23

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### **Proposal**

Heritage Section staff are proposing a streamlined review process for the designation of significant listed properties under Part IV of the Ontario Heritage Act in response to the two-year timeframe imposed by Bill 23.

### **Background**

#### **Summary of the Evaluation Framework**

The majority of significant cultural heritage resources within Markham are already protected through either a Part IV or V designation. As noted however, there are 316 “listed” properties that are at risk of removal from the Register by the end of 2024. To ensure that significant cultural heritage resources are not lost to demolition and are addressed during future development applications, Staff developed a work plan to evaluate and protect the most historically significant “listed” properties for designation under Part IV of the Act. Below is a discussion of this plan.

#### *Evaluation of “Listed” Properties*

As described above, the listing of a property on the Register does not denote that it is a significant cultural heritage resource, but rather that it merits future evaluation to determine whether designation under the Act is warranted. As such, Staff have developed a matrix consisting of four criteria against which all “listed” properties have been evaluated to determine their degree of heritage significance (refer to Appendix A), as summarized below:

- a) All cemeteries, barns, demolished buildings, and government-owned (municipal/provincial/federal) properties have been excluded from evaluation. This has reduced the number of “listed” properties evaluated from 316 to 158. The justification for excluding these property types is as follows:
  - o The Funeral, Burial and Cremation Services Act, 2002 provides policies for the operation and management of cemeteries within Ontario. As this legislation provides

protection for burial sites, designation under the Act is not required for their maintenance or continued operation;

- Properties that solely contain a barn have been excluded from evaluation as they no longer reflect a complete farmstead and as such are of limited historical/contextual value. Note that several of the properties recommended for designation contain both a farm house and agricultural outbuildings, including barns, that can be evaluated for potential conservation;
  - The Register includes properties that have previously been demolished with Council approval but have not been removed from the Register as it provides a publically-accessible record of their history. As such, there is no extant heritage resource remaining to evaluate;
  - Federally and provincially-owned properties are exempt from the protections afforded by the Act concerning alteration and demolition. As such, they have been excluded from evaluation given the limited protective value of Part IV designation. Municipally-owned properties have not been evaluated as there is no danger of demolition without prior Council approval.
- b) The highest possible score a property is able to receive is 11 while the lowest is 4
- c) Based on the information available at the time of evaluation, properties have been organized into three groupings based on their score in terms of cultural heritage value, as follows:
- considered **“High”** between 9 to 11
  - considered **“Medium”** 6 to 8
  - considered **“Low”** 4 to 5
- d) 52 “listed” properties have been ranked as “High”, 78 are ranked as “Medium”, and 28 are ranked as “Low” in terms of the cultural heritage value based on the evaluation criteria.

Note that a low score does not mean the property is devoid of heritage value, but rather that it initially appears to possess less heritage significance than properties with higher scores. Refer to Appendix ‘A’ for a copy of the evaluation report.

### **Heritage Markham was previously consulted**

The Heritage Markham Committee (the “Committee”) has been consulted on the work plan as developed by Heritage Section staff (“Staff”) in response to Bill 23. As per the Section 29(2) of the Act, Council must consult with its municipal heritage committee (where established) prior to giving notice of intention to designate a property (see Appendix ‘B’).

At its meeting on May 10, 2023, the Committee received as information the work plan describing the designation of priority properties in response to Bill 23, and supported the designation of the first batch of six properties (refer to Appendix ‘C’ for a copy of the meeting extract).

### **Staff Comments**

In order to streamline the designation process for significant listed properties, Staff are proposing to satisfy the requirements of Section 29(2) of the Ontario Heritage Act by having the Committee review all significant properties identified within the Evaluation Report at one time (primarily those properties identified as being of “High” and “Medium” cultural heritage value). The objective is to ensure that all significant listed properties are designated prior to the expiry of the two-year timeline

as established by Bill 23. *Note that the Evaluation Report will be presented by Staff during the Committee meeting.*

*Current Approach:*

- Staff prepare a research report and a Statement of Significance for each property under consideration for designation;
- Staff prepare a Heritage Markham memo with usually six to seven designation packages per month for Committee consideration (and this would continue over the next 18 months);
- Heritage Markham reviews the materials and provides a recommendation supporting designation and the matter proceeds to Development Services/Council.

*Proposed Streamlined Approach*

- Heritage Markham's consultation requirement [as per Section 29(2) of the Act] for all the identified significant properties would be completed at the June 14, 2023 meeting and no further consultation would be required. Heritage Markham would indicate its support for the designation of the properties identified in the Evaluation Report;
- This would permit Staff to proceed directly to Development Services/Council with designation recommendation reports once the required research reports and Statements of Significance have been prepared rather than first wait for Heritage Markham Committee consideration;
- If after further research and evaluation, staff decide not to recommend designation of a specific property, these cases would return to Heritage Markham Committee.

Staff is recommending the proposed streamlined approach be pursued.

## **Suggested Recommendation for Heritage Markham**

THAT Heritage Markham supports designation of the properties included in the Evaluation Report under Part IV of the Ontario Heritage Act;

AND THAT if after further research and evaluation, any of the identified properties are not recommended by staff to proceed to designation, those properties be brought back to the Heritage Markham Committee for review.

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ATTACHMENTS:

Appendix 'A'	Ontario Heritage Act Excerpt
Appendix 'B'	Heritage Markham Extract

## **Appendix ‘A’**

### *Ontario Heritage Act Excerpt*

#### **DESIGNATION OF PROPERTIES BY MUNICIPALITIES**

##### **Designation by municipal by-law**

**29** (1) The council of a municipality may, by by-law, designate a property within the municipality to be of cultural heritage value or interest if,

- (a) where criteria for determining whether property is of cultural heritage value or interest have been prescribed, the property meets the prescribed criteria; and
- (b) the designation is made in accordance with the process set out in this section.

2005, c. 6, s. 17 (1); 2019, c. 9, Sched. 11, s. 7 (1); 2022, c. 21, Sched. 6, s. 4 (1).

##### **Notice required**

(1.1) Subject to subsections (1.2) and (2), if the council of a municipality intends to designate a property within the municipality to be of cultural heritage value or interest, it shall cause notice of intention to designate the property to be given by the clerk of the municipality in accordance with subsection (3). 2005, c. 6, s. 17 (1); 2019, c. 9, Sched. 11, s. 7 (2).

##### **Limitation**

(1.2) The following rules apply if a prescribed event has occurred in respect of a property in a municipality:

1. If the prescribed event occurs on or after the day subsection 4 (2) of Schedule 6 to the *More Homes Built Faster Act, 2022* comes into force, the council of the municipality may give a notice of intention to designate the property under subsection (1) only if the property is listed in the register under subsection 27 (3), or a predecessor of that subsection, as of the date of the prescribed event.
2. The council may not give a notice of intention to designate such property under subsection (1) after 90 days have elapsed from the event, subject to such exceptions as may be prescribed. 2022, c. 21, Sched. 6, s. 4 (2).

##### **Consultation**

(2) Where the council of a municipality has appointed a municipal heritage committee, the council shall, before giving notice of its intention to designate a property under subsection (1), consult with its municipal heritage committee. R.S.O. 1990, c. O.18, s. 29 (2); 2002, c. 18, Sched. F, s. 2 (9).

## **Appendix 'B'**

### *Heritage Markham Extract*

## **HERITAGE MARKHAM EXTRACT**

Date: May 17, 2023

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

EXTRACT CONTAINING ITEM # 7.1 OF THE FIFTH HERITAGE MARKHAM  
COMMITTEE MEETING HELD ON MAY 10, 2023

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### **7. PART FIVE - STUDIES/PROJECTS AFFECTING HERITAGE RESOURCES - UPDATES**

#### **7.1 PRIORITY DESIGNATION INFORMATION REPORT**

#### **DESIGNATION OF PRIORITY PROPERTIES LISTED ON THE CITY OF MARKHAM'S REGISTER OF PROPERTIES OF CULTURAL HERITAGE VALUE OR INTEREST IN RESPONSE TO BILL 23 (16.11)**

FILE NUMBER:

N/a

Evan Manning, Senior Heritage Planner, provided an overview of the designation program being undertaken for the next two years by Heritage Section Staff, in response to Bill 23. Mr. Manning detailed the listed properties currently recommended for designation under Part IV of the Ontario Heritage Act and the criteria against which they were measured to determine whether designation was warranted.

The Committee provided the following feedback:

- Questioned if Heritage Section Staff are ever in disagreement regarding proposed designation of properties. Regan Hutcheson, Manager, Heritage Planning, confirmed that the research reports as appended to the Staff report have been reviewed and are supportable from a Staff perspective.
- Questioned if these designations are expected to be challenged or appealed. Mr. Hutcheson advised that if designations are appealed they likely would not cite the absence of cultural heritage significance as the reason for appeal, but rather citing perceived hardships to the Owner.

Recommendations:

THAT Heritage Markham receive as information the work plan developed by Heritage Section staff for the designation of priority properties in response to Bill 23;

AND THAT Heritage Markham supports designation of 5474 19th Avenue, 7822 Highway 7 East, 53 Dickson Hill, 14 Heritage Corners Lane (formerly 10062 Highway 48), 10729 Victoria Square Blvd, 10737 Victoria Square Blvd under Part IV of the Ontario Heritage Act based on the appended Research Reports.