



MEMORANDUM

TO: Heritage Markham Committee

FROM: Evan Manning, Senior Heritage Planner

DATE: August 9, 2023

SUBJECT: Amendment to a Designation By-law
9392 Kennedy Road - "The Thomas Lownsbrough House"

FILE: N/A

Property/Building Description: One-and-a-half wood frame dwelling constructed in 1880 as per MPAC records

Use: Residential (currently vacant)

Heritage Status: Designated under Part IV of the *Ontario Heritage Act*

Background

- 9392 Kennedy Road (the "subject property") is designated under Part IV of the *Ontario Heritage Act* (refer to By-law 2020-72);
- The subject property is located within an approved development consisting of 132 townhouse units on the properties municipally-known as 9350-9392 Kennedy Road. A Site Plan Control application for the heritage resource is currently under review;
- As a condition of development approval, Kylemore Communities (Yorkton Ltd.) (the "applicant") is required to transfer a portion of land adjacent to Kennedy Road to York Region (the "Region") for transportation-related purposes. The Region has requested that the legal description of the Part IV-designated property as it appears in Schedule A of the aforementioned designation by-law be amended to exclude those portions conveyed for transportation purposes.

Heritage Policy

Ontario Heritage Act

- Municipal councils may need to update different parts of an existing heritage designation by-law for a number of reasons including:
 - Changes have been made to the property or new information has become available affecting the Statement of Cultural Heritage Value or Interest or the Description of Heritage Attributes;
 - The legal description has changed or needs to be corrected; or
 - The information in the original by-law does not provide sufficient detail to guide and manage alterations to the property.

- Section 30.1 of the Act, as amended in 2005, provides for a simplified amendment process to, where required, correct the legal description of a property as contained within a designation by-law. 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;
- The Act was recently further amended with modifications coming into force on July 1, 2021. These amendments affect how a municipality undertakes amendments to designation by-laws, requiring those by-laws enacted post-2005 to be made consistent with the requirements of the Act as amended in 2021. These requirements include linking heritage attributes as contained within the Statement of Significance (“SOS”) to their associated criteria within Ontario Regulation 9/06, and the identification of those portions of the property that are considered to be non-contributing to its cultural heritage significance.
- In accordance with these statutory requirements, Heritage Section staff have notified the property owner of the proposed designation by-law amendments, and have received written confirmation that they do not object to the corrected legal description and revised SOS. Specifically, written confirmation was received via email from the applicant on July 28, 2023.

Staff Comments

- 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 SOS;
- A Staff report recommending amendment of designation by-law 2020-72 is anticipated to be considered by the Development Service Committee and Council in September 2023.

Suggested Recommendation for Heritage Markham

THAT Heritage Markham has no objection to the proposed designation by-law amendment to correct the property’s legal description and Statement of Significance.

ATTACHMENTS:

Appendix ‘A’	Property Map and Photograph of the Subject Property
Appendix ‘B’	Designation Process (July 2021)
Appendix ‘C’	Draft Amending By-law

Appendix 'A'

Property Map and Photograph of the Subject Property



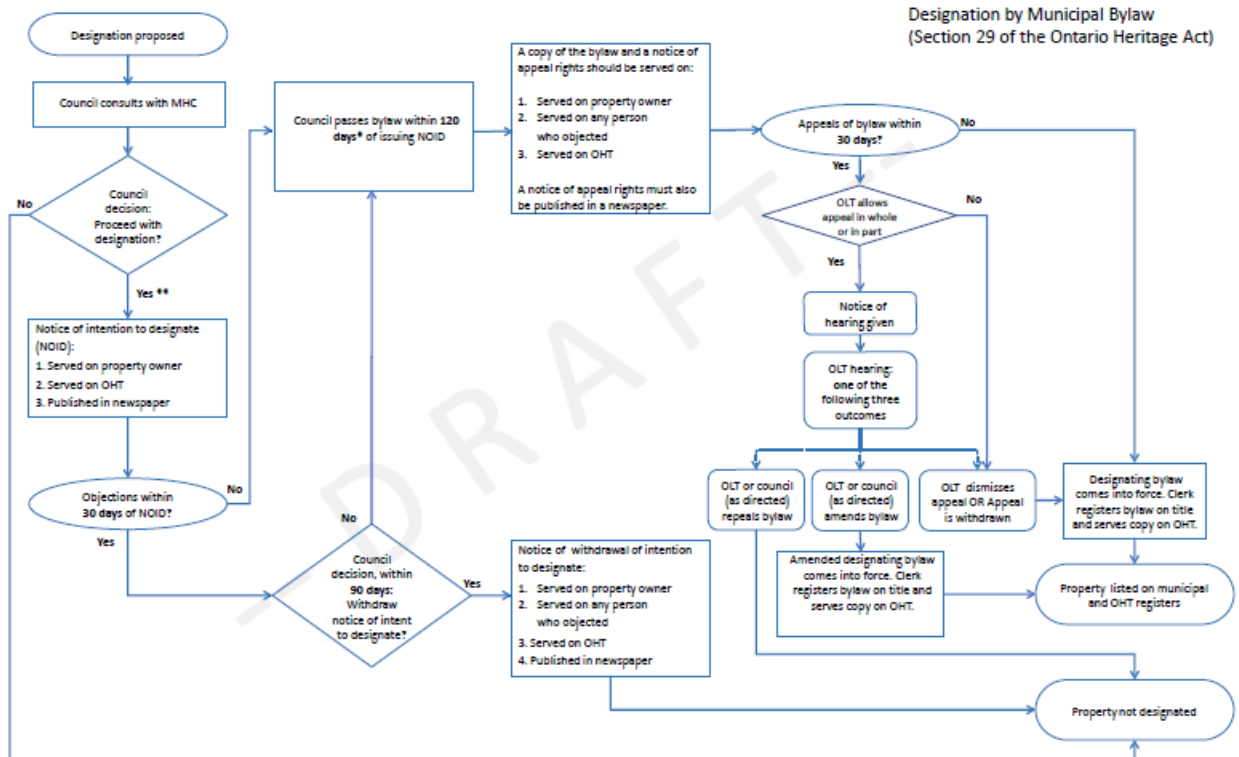
The subject property is outlined in blue (Source: City of Markham)



Primary (east) elevation of the heritage resource (Source: City of Markham)

Appendix 'B'

Designation Process (July 2021)



*If council fails to meet these timelines, the NOID will be deemed withdrawn, and council must issue a notice of withdrawal. For exceptions to the 120-day timelines, please consult the guidance text.

** Council has a limited 90 day period to give its notice of intention to designate a property when the property is subject to an official plan amendment, a zoning bylaw amendment, or plan of subdivision.

Appendix ‘C’

Draft Amending By-law



By-law 2023-xxx

A BY-LAW TO AMEND BY-LAW 2020-72 BEING A BY-LAW TO DESIGNATE THE THOMAS LOWENSBOROUGH HOUSE, 9392 KENNEDY ROAD

WHEREAS the *Ontario Heritage Act* authorizes the Council of a municipality to enact by-laws to designate real property, including all buildings and structures thereon, to be of cultural heritage value or interest;

AND WHEREAS by By-law No. 2020-72, “The Thomas Lownsborough House” was designated as being of historic and/or architectural value or interest;

AND WHEREAS authority was granted by Council to designate the property at 9392 KENNEDY ROAD as being of cultural heritage value or interest;

AND WHEREAS the By-law requires amendment to correct the legal description of the property and the Statement of Cultural Heritage Value or Interest;

AND WHEREAS Section 30.1 of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended (OHA) authorizes the Council of a municipality to amend a by-law designating property made under section 29 of the OHA to clarify or correct the statement explaining the property’s heritage attributes; correct the legal description of the property; or otherwise revise the language of the by-law to make it consistent with the requires of the OHA or the regulations; and

AND WHEREAS Schedule “A” of By-law No. 2020-72 contains an incorrect legal description and a correction is required; and

AND WHEREAS Schedule “B” of By-law No. 2020-72 contains a Statement of Cultural Heritage Value or Interest that requires amendment; and

AND WHEREAS the owner of the Property was provided with notice of this by-law in accordance with the requirements of the *Ontario Heritage Act*, Section 30.1(3) and (4) and no notice of objection was filed;

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

1. General

- 1.1. That By-law No. 2020-72 be amended to correct the legal description of the Heritage Property municipally-known as 9392 Kennedy Road from Block 3, Plan 65M-4613; subject to an easement as in YR2723186; subject to an easement as in YR2771031 to Part of Block 3, Plan 65M-4613, designated as Part 1, Plan 65R-39998, City of Markham, Regional Municipality of York; and
- 1.2. That the legal description contained in Schedule “A” of By-law No. 2020-72 be replaced with the legal description as contained in Schedule “A” of this By-law; and
- 1.3. That the Statement of Cultural Heritage Value or Interest contained in Schedule “B” of By-law No. 2020-72 be replaced with the Statement of Cultural Heritage Value or Interest as contained in Schedule “B” of this By-law.

2. Schedule(s)

- 2.1. Schedule “A” – Legal Description
- 2.2. Schedule “B” – Statement of Cultural Heritage Value or Interest

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS
27TH DAY OF SEPTEMBER, 2023.

KIMBERLEY KITTINGHAM
CITY CLERK

FRANK SCARPITTI
MAYOR

**SCHEDULE “A” TO
BY-LAW 2023-xx**

REVISED LEGAL DESCRIPTION OF LAND

The Thomas Lownsborough House

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

PART OF BLOCK 3, PLAN 65M-4613, DESIGNATED AS PART 1, PLAN 65R-39998, CITY
OF MARKHAM, REGIONAL MUNICIPALITY OF YORK

PROPERTY ID: 03058 – 1834

SCHEDULE “B” TO BY-LAW 2023-xx

The Thomas Lownsbrough House

9392 Kennedy Road

The Thomas Lownsbrough House is recommended for designation under Part IV, Section 29 of the Ontario Heritage Act as a property of cultural heritage value or interest as described in the following Statement of Significance.

DESCRIPTION OF PROPERTY

The Thomas Lownsbrough House is a one-and-a-half storey frame house located on the west side of Kennedy Road between 16th Avenue to the south and Vanderbergh Avenue to the north. The primary elevation of the house faces eastwards towards Kennedy Road.

DESIGN OR PHYSICAL VALUE

The Thomas Lownsbrough House is of design or physical value as a representative example of a tradesman’s dwelling in a vernacular version of the Gothic Revival style commonly referred to as a Classic Ontario centre gable cottage. It is also a representative example of an evolved building, which started as a modestly-scaled one storey vernacular tradesman’s dwelling in the mid-19th century that was later raised to one and a half storeys, perhaps in the 1870s or 1880s.

HISTORICAL OR ASSOCIATIVE VALUE

The Thomas Lownsbrough House is of historical or associative value as the c.1845 home of Thomas Lownsbrough, an English-born shoemaker who was part of the Hunter’s Corners community north of Unionville while a tenant of John Hunter, and later his daughter, Ada Naomi Hunter, from c.1845 to 1891. In 1892, Miss Hunter sold the property to Reverend Henry B. Owen, Rector of St. Philip’s Anglican Church, next door to the north. The Reverend Owen served the church from 1891 until his death in 1899.

CONTEXTUAL VALUE

The Thomas Lownsbrough House is of contextual value as one of a few cultural heritage features remaining from the historic community of Hunter’s Corners.

HERITAGE ATTRIBUTES

Character-defining attributes that embody the cultural heritage value of the Thomas Lownsbrough House are organized by their respective Ontario Regulation 9/06 criteria below:

Heritage attributes that convey the property’s design value as a representative example of a tradesman’s dwelling in a vernacular version of the Gothic Revival style include:

- Overall form and massing of the one-and-a-half storey dwelling;

- Re-instated Front veranda with bellcast roof;
- Re-instated Ornamentation consisting of brackets and corbels;
- Vertical tongue and groove siding;
- Medium- pitched gable roof with projecting, open eaves, and steep centre gable on the east (primary) elevation;
- Asymmetrical placement of the front door and window openings;
- Size and placement of existing door and window openings;
- Re-instated two-over-two hung windows fitted with shutters.

Note that the multi-storey rear addition is not considered to be of significant cultural heritage value and as such, does not contain any heritage attributes.

Heritage attributes that convey the property's historical and contextual value as a fragment of the Hunter's Corners community:

- The dwelling's setback from Kennedy Road which, despite past road widening, helps communicate the rural character of the former community of Hunter's Corners ;
- The unobstructed visibility of the dwelling's east (primary), north and south elevations from Kennedy Road reflecting its original prominence when constructed.