



Report to: Development Services Committee

Meeting Date: September 11, 2023

SUBJECT: RECOMMENDATION REPORT
Objections to Notices of Intention to Designate – Phase I Properties

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 Staff report, dated September 11, 2023, titled "RECOMMENDATION REPORT, Objections to Notices of Intention to Designate – Phase I Properties", be received;
- 2) THAT the written objections to designation under the *Ontario Heritage Act* as submitted by or on behalf of the property owners of 5474 19th Avenue (Ward 6), 7822 Highway 7 East (Ward 5), and 53 Dickson Hill Road (Ward 5), be received as information;
- 3) THAT Council affirm its intention to designate 5474 19th Avenue (Ward 6), 7822 Highway 7 East (Ward 5), and 53 Dickson Hill Road (Ward 5) under Part IV, Section 29 of the *Ontario Heritage Act* in recognition of their cultural heritage significance;
- 4) THAT the Clerk's Department be authorized to place designation by-laws before Council for adoption;
- 5) THAT the Clerk's Department be authorized to publish and serve notice of Council's adoption of the designation by-laws as per the requirements of the *Ontario Heritage Act*;
- 6) AND THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

This report provides information on the first five "listed" properties for which Council has stated its intention to designate under Part IV, Section 29 of the *Ontario Heritage Act* (the "Act"), in accordance with the Staff recommendations adopted by Council on June 14, 2023. The properties proposed for designation are as follows:

- a) 5474 19th Avenue (Ward 6): "Graham-Hallman House"
- b) 7822 Highway 7 East (Ward 5): "Henry and Annetta Clarry House"
- c) 53 Dickson Hill Road (Ward 5): "David and Fannie Moyer House"
- d) 14 Heritage Corners Lane (formerly 10062 Highway 48) (Ward 4): "Koch-Wideman House"
- e) 10729 Victoria Square Blvd (Ward 2): "Macey-Perkins-Hagerman House"

BACKGROUND:***Notice of Council's Intention to Designate has been served on the Property Owners***

On June 14, 2023, Council stated its intention to designate the aforementioned properties under Part IV, Section 29 of the Act. A notice of intention to designate was served on the property owners and the Ontario Heritage Trust, and was published in accordance with the Act. The objection period ended on July 19, 2023.

The City Clerk received notices of objection by or on behalf of the property owners of 5474 19th Avenue (Ward 6), 7822 Highway 7 East (Ward 5), and 53 Dickson Hill Road (Ward 5) within the timeframe as set out in the Act (refer to Appendix 'C' for the letters of objection). The Act requires that Council consider and make a decision on an objection within 90 days from the end of the objection period. City Council may decide to withdraw, amend, or affirm its intention to designate. Council has until October 17, 2023, to make a decision on the objections.

If Council decides not to withdraw the notice of intention to designate the property, Council may pass a by-law designating the property. Council has 120 days from after the date of publication of the notice of intention (June 19, 2023) to pass a designation by-law. Should Council not act within this timeframe, a notice of intention to designate is deemed to be withdrawn. As noted above, the deadline is October 17, 2023.

Properties are to be assessed using Provincial Designation Criteria

Ontario Regulation 9/06, as amended, ("O.Reg. 9/06") prescribes criteria for determining a property's cultural heritage value or interest for the purpose of designation. The regulation provides an objective base for the determination and evaluation of resources of cultural heritage value, and ensures the comprehensive, and consistent assessment of value by all Ontario municipalities. Municipal councils are permitted to designate a property to be of cultural heritage value or interest if the property meets two or more of the prescribed criteria (excerpted from O.Reg. 9/06):

- 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.*

OPTIONS/ DISCUSSION:***Heritage Section Staff ("Staff") have considered the reasons for objection and communicated with the Property Owners***

Staff have contacted each of the property owners who objected to designation in an attempt to address their concerns. The owners of 5474 19th Avenue and 53 Dickson Hill discussed with Staff the rationale for their objections while the owner of 7992 Highway 7 did not.

Note that in none of the written submissions did the property owners or their legal counsel object to the Staff position that their property was a significant cultural heritage resource or contest the accuracy of the Research Reports and Statements of Significance, as prepared by Staff and previously served to the property owners. A brief summary of each objection with Staff's response is provided below:

5474 19th Avenue

The proposed heritage resource is contained within a development site, subject to a Ministerial Zoning Order where the designation of the heritage dwelling under the Act is a condition of draft plan of subdivision approval. The owner of the property, Torca UMV Inc, has objected to the designation as it would be registered on the entire plan of subdivision (not yet registered).

In response to the concerns by Torca UMV Inc., Staff proposed that a Reference Plan ("R-Plan") be prepared in order to scope the application of the designation by-law exclusively to the area containing the heritage resource thereby not encumbering the remainder of the property. The Torca UMV Inc. is receptive to this approach and proposed that Council not adopt the designation by-law until such time as the R-Plan has been prepared. Staff support this approach and continues to work with the property owner, which is consistent with the Staff recommendation to affirm Council's support for designation.

53 Dickson Hill Road

The property owner objects to the designation over concerns that it will prevent the possibility of future alterations to their property. As communicated to the property owner on July 31, designation under Part IV does not prevent alterations, but provides a means to evaluate and protect against alterations that would adversely impact its cultural heritage value. The elements that embody a property's the cultural heritage value are identified as "heritage attributes" within the Statement of Significance within the designation by-law, which was provided to the property owner and appended to this

report. Staff posit that the heritage attributes identified for this property are not extensive, are solely on the exterior of the dwelling, and would not impede the ability of the property owner to renovate or enlarge the existing dwelling to meet the preferences of contemporary homeowners.

7822 Highway 7 East

The property owner objects to the designation as it was not designated at the time they purchased the property and that the change would be “stressful”. As already noted, designation does not prevent future alterations to the property. Staff will work closely with the property owner as part of any future proposal to alter the property in order to reduce any stress and help them achieve their objectives.

The protection and preservation of heritage resources is consistent with City policies

Markham’s Official Plan, 2014, contains cultural heritage policies related to the protection and conservation of heritage resources that are often a fragile gift from past generations. They are not a renewable resource, and once lost, are gone forever. Markham understands the importance of safeguarding its cultural heritage resources and uses a number of mechanisms to protect them. Council’s policy recognizes their significance by designating individual properties under the Act to ensure that the cultural heritage values and heritage attributes are addressed and protected.

Provincial planning policies support designation

The Provincial Policy Statement, 2020, issued under Section 3 of the *Planning Act* includes cultural heritage policies that indicate significant built heritage resources and significant cultural heritage landscapes shall be conserved. Designation provides a mechanism to achieve the necessary protection.

Designation acknowledges the importance of a cultural heritage resource

Designation signifies to an owner and the broader community that the property contains a significant resource that is important to the community. Designation does not restrict the use of the property or compel restoration. However, it does require an owner to seek approval for property alterations that are likely to affect the heritage attributes described in the designation by-law. Council can also prevent, rather than just delay, the demolition of a resource on a designated heritage property.

The Process and Procedures for Designation under Part IV of the Act is summarized below

- Staff undertake research and evaluate the property under O.Reg. 9/06 to determine whether it should be considered a significant cultural heritage resource worthy of Part IV designation;
- Council is 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 Council wish to pursue designation, 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, either published in a local newspaper or posted digitally in a readily accessed location, must be provided with the same details (i.e. the City's website);
 - **Following the publication of the notice, interested parties can object to the designation within a 30-day window. If an objection notice is received, 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 notice was published. There are notice requirements and a 30-day appeal period following Council adoption of the by-law in which interested parties can serve notice to the municipality and the OLT of their objection to the designation by-law. Should no appeal 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, and provide a final decision.

FINANCIAL CONSIDERATIONS

External heritage consultants may be required to provide evidence at the Ontario Land Tribunal ("OLT") in support of designation in the event property owners wish to appeal. External legal services may also be required in the event of any appeals to the OLT. This constitutes a potential future financial cost.

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:

Heritage Markham, Council's advisory committee on heritage matter, was consulted on the designation proposals. Clerks Department will be responsible for future notice provisions. An appeal to the OLT would involve staff from the Planning and Urban Design (Heritage Section), Legal Services and Clerks Department.

RECOMMENDED BY:

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

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

APPENDICES:

Appendix 'A': Images of the Properties for which Objections have been Received

Appendix 'B': Statements of Significance

Appendix 'C': Letters of Objection

APPENDIX 'A'

Images of the Properties for which Objections have been Received

5474 19th Avenue (Ward 6) - Graham-Hallman House

Primary Elevation and Property Map



7822 Highway 7 East (Ward 5) - Henry and Annetta Clarry House
Primary Elevation and Property Map



53 Dickson Hill Road (Ward 5) - David and Fannie Moyer House
Primary Elevation and Property Map



APPENDIX ‘B’: Statements of Significance

STATEMENT OF SIGNIFICANCE

Graham-Hallman House

5474 Nineteenth Avenue

The Graham-Hallman 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 Graham-Hallman House is a two-storey, stone dwelling located on the north side of Nineteenth Avenue, in the vicinity of the historic community of Dickson Hill. The house faces south, and is sited near the centre of the property, at the end of a long lane.

Design and Physical Value

The Graham-Hallman House has design and physical value as an exceptional example of mid-nineteenth century fieldstone construction within the Markham context, displaying a remarkable material quality and high degree of craftsmanship that set it apart from local examples of Georgian architecture. The house exhibits a distinctive early to mid-19th century British cultural influence, which is understandable given the Graham family's English origin, and considering that Scottish stone masons are credited with building many fine fieldstone houses in Scarborough, Markham, and Pickering Townships. The overall architectural character of the Graham-Hallman House reflects the formality and balance of the Georgian architectural tradition, which Joseph Graham would have been familiar with in England. The wide ground floor windows and low-pitched hipped roof suggest a Regency architectural influence.

Historical and Associative Value

The Graham-Hallman House has historical and associative value representing the theme of immigration, particularly the significant wave of British families who came to Markham Township from 1830 onwards, and the theme of the improvement of nineteenth century farmsteads as the agricultural community progressed past the early settlement phase. The dwelling was the former residence of two generations of the Graham family that came to Markham from Cumberland, England in the 1830s and farmed the property from 1837 to 1913. They were the builders of the stone farmhouse, constructed c.1850. The property has additional historical or associative value representing the religious and cultural mosaic theme of Pennsylvania-Germans and Mennonites being attracted to the Markham community due to its long period of ownership by the Hallman family of Rochester, New York, from 1913 to 1980. Ward Hallman, the eldest son of Titus and Hannah Hallman, farmed here from the mid-1920s until 1960, followed by his son, Roger. The Hallman family have a Pennsylvania-German Mennonite cultural background.

Contextual Value

The Graham-Hallman House has contextual value as one of a number of nineteenth century farmhouses that help to define, maintain and support the historic agricultural character of Dickson Hill community. It has stood on this property since c.1850 and is historically linked to the Graham-Wideman House at 11584 Highway 48.

Significant Architectural Attributes

Character-defining attributes that embody the cultural heritage value of the Graham-Hallman House are organized by their respective Ontario Regulation 9/06, as amended, criteria below:

Heritage attributes that convey the property's design and physical value as both a representative and well-crafted example of a vernacular farmhouse in the Georgian architectural tradition, with the influence of the Regency style:

- Two-storey main block of fieldstone construction;
- One storey rear kitchen wing of fieldstone construction;
- Rectangular plan;
- Symmetrical 3-bay façade (south elevation);
- Low-pitched hipped roof with projecting, open eaves;
- Flat-headed rectangular window openings on the main block of the dwelling containing large 8/8 single-hung windows on the ground floor of the south elevation and smaller 8/8 single hung windows on the second floor, and one on the east wall of the ground floor;
- Centrally-placed, flat-headed, single-leaf door opening on the south elevation, with its four-paned transom light.

Heritage attributes that convey the property's design and physical value as a representative example of mid-nineteenth century fieldstone construction trimmed with red brick accents.

- Coursed random rubble walls of local multi-coloured fieldstone;
- Squared stone quoins;
- Red brick, cambered arches and quoin-like red brick trim on the sides of door and window openings.

Heritage attributes that convey the property's historical and associative value as the former residence of the Graham family, English immigrants and farmers, representing the theme of immigration of British families who came to Markham Township from 1830 onwards, and the theme of the improvement of nineteenth century farmsteads as the agricultural community progressed past the early settlement phase, and also the religious and ethnic mosaic theme of Pennsylvania German Mennonites attracted to the Markham community with the long-term ownership of the Hallman family of farmers.

- The dwelling is a tangible reminder of the Graham and Hallman families that historically owned the property and resided here. *Heritage attributes that convey the property's contextual value as a building that is important in defining, maintaining and supporting the character of the agricultural community in the vicinity of the historic hamlet of Dickson's Hill.*

- The location of the Graham-Hallman House in the approximate centre of the property, facing south on its original site.

Attributes of the property that are not considered to be of significant cultural heritage value:

- Modern windows and doors in the rear wing;
- Modern, frame addition and attached garage;
- Barn complex and other accessory buildings.

STATEMENT OF SIGNIFICANCE

Henry and Annetta Clarry House

7822 Highway 7

The Henry and Annetta Clarry 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 Henry and Annetta Clarry House is a frame bungalow on the north side of Highway 7, within the hamlet of Locust Hill.

Design and Physical Value

The Henry and Annetta Clarry House has design and physical value as it displays a high-degree of artistic merit as a representative example of a Craftsman Bungalow of frame construction, exhibiting design elements typical of the American Arts and Crafts Movement. It is particularly significant for its superb state of preservation, retaining its original exterior character as represented in an archival photograph dated 1909.

Historical and Associative Value

The Henry and Annetta Clarry House has historical and associative value representing the theme of early twentieth century development of the hamlet of Locust Hill and the theme of early settlers and descendants and their continued influence in the development of their community. This is the former home of Henry J. Clarry and Annetta (Pike) Clarry, descendants of the Clarry family which settled in Markham in the early 1800s. Henry Clarry was the son of William Clarry and Jane Lorena (Reynolds) Clarry. In the 1911 census his occupation was given as “commercial traveller”, meaning a travelling salesman. Since his brother Frederick was the owner and operator of the Maple Leaf Woolen Mill in Markham Village, it is possible that Henry Clarry was a salesman for that industry’s products. This early twentieth century bungalow was built on a parcel of land on Lot 11, Concession 10 purchased from John A. E. Reesor in 1908. The Clarrys owned the property until 1922. A series of subsequent owners maintained the house in close to original condition.

Contextual Value

The Henry and Annetta Clarry House has contextual value as one of a group of late nineteenth to early twentieth century of buildings that are important in defining, maintaining and supporting the historic character and extent of the hamlet of Locust Hill.

Significant Architectural Attributes to be Conserved

Character-defining attributes that embody the cultural heritage value of the Henry and Annetta Clarry House are organized by their respective Ontario Regulation 9/06, as amended, criteria below:

Heritage attributes that convey the property's design and physical value as a well-crafted and representative example of a Craftsman Bungalow style of the American Arts and Crafts Movement, and a locally rare example of wood frame construction for its style and time period:

- The form of the dwelling, including its rectangular plan with its projecting conservatory on the east wall and one-and-a-half storey height;
- Foundation of moulded concrete block;
- Narrow wood clapboard siding with corner boards and water table;
- Shingled gable end walls and wood gable ornamentation in the apex of the front gable;
- Medium pitched gable roof with open eaves and exposed purlins and rafter ends and shed roofed dormer;
- Cutaway porch supported on grouped plain wood posts resting on brick pedestals capped with concrete or limestone copings;
- Square wood lattice at the base of the porch;
- Single-leafed wood front door with multi-paned glazing in its upper portion;
- Wood sash-style windows typically arranged in groups, with multi-paned upper sections and single-paned lower sections;
- Three-part wood window in the front gable end wall;
- Four-paned wood windows in the conservatory and dormer;
- Exterior fireplace chimney of riverstone and red brick.

Heritage attributes that convey the property's historical and associative value as a significant part of the early twentieth century development of the hamlet of Locust Hill:

- The dwelling is a tangible reminder of Henry and Annetta Clarry that historically resided here and who were responsible for the building of the house c.1908.

Heritage attributes that convey the property's contextual value as a building that helps define the extent of the historic hamlet of Locust Hill:

- The siting of the dwelling its prominence and unobstructed visibility from Highway 7 East.

Attributes of the property that are not considered to be of significant cultural heritage value:

- Frame accessory building in the rear yard.

STATEMENT OF SIGNIFICANCE

David and Fannie Moyer House

53 Dickson Hill Road

The David and Fannie Moyer 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 David and Fannie Moyer House is a two-storey, siding-clad dwelling located on a large lot on the east side of Dickson Hill Road, in the historic community of Dickson Hill. The house faces west onto Dickson Hill Road.

Design and Physical Value

The David and Fannie Moyer House has design and physical value as a representative example of a vernacular farmhouse with the form and selected stylistic features of the Italianate style, and is a rare example of nineteenth century poured concrete wall construction in Markham.

Historical and Associative Value

The David and Fannie Moyer House has historical and associative value as the former home of David and Fannie Moyer and their children representing the religious and cultural mosaic theme of Pennsylvania Germans and Mennonites being attracted to Markham Township. David Moyer was originally a member of the Waterloo County Pennsylvania-German Mennonite community. He initially farmed in Maryborough, Ontario, and after the death of his first wife, came to Markham in the mid-1880s and settled in the hamlet of Dickson Hill with his second wife, Fannie (Wideman) Moyer. The house was built c.1885 and was owned by David and Fannie Moyer's descendants until 1983.

Contextual Value

The David and Fannie Moyer House is one of several heritage buildings and an historic cemetery that are important in defining, maintaining or supporting the character and extent of the historic hamlet of Dickson Hill. The house has stood on this site since c.1885. It is historically linked to the Joseph and Leah Pipher House at 33 Dickson Hill Road, which stands on a property owned by the Moyer family from 1904 to 1960. The property, with its long-standing presence in the community, is important in maintaining and supporting the historic character of the former hamlet. Further, it is physically, functionally, visually or historically linked to its surroundings.

Significant Architectural Attributes

Character-defining attributes that embody the cultural heritage value of the David and Fannie Moyer House are organized by their respective Ontario Regulation 9/06, as amended, criteria below:

Heritage attributes that convey the property's design value and physical value as a representative example of the vernacular Italianate style and a rare example of nineteenth century poured concrete construction:

- Rectangular plan and two-storey cubic form of the main block;
- Poured concrete walls with stucco cladding ;
- Medium-pitched hipped roof with overhanging eaves and flat soffits;
- 3-bay façade (west elevation);
- Segmentally-headed door and window openings.
- Round-headed second-storey front window above the front door, which may have originally been a door opening onto a balcony;
- Recessed one-and-a-half storey side-wing on the south wall of the main block, with its medium-pitched gable roof with overhanging eaves, steep centre gable facing west, and its hipped-roofed, open veranda supported on turned wooden posts.

Heritage attributes that convey the property's historical value and associative value as the former residence of the family of David and Fannie Moyer representing the religious and ethnic mosaic theme of Pennsylvania German Mennonites attracted to the Markham community:

- The dwelling is a tangible reminder of the Pennsylvania German Mennonite family of David and Fannie Moyer and their descendants who historically resided here from c.1885 until 1983.

Heritage attributes that convey the property's contextual value as a building that helps define the extent of the historic hamlet of Dickson Hill:

- The prominent location of the building facing Dickson Hill Road within the historic hamlet of Dickson Hill.

Attributes of the property that are not considered to be of significant cultural heritage value:

- Aluminum siding;
- Existing modern windows, shutters and doors;
- Dormer on south slope of main roof;
- Attached garage;
- Rear addition.

APPENDIX 'C': Letters of Objection

5474 19th Avenue



Katarzyna Sliwa
Partner
kat.sliwa@dentons.com
D +1 416 863 4628

Dentons Canada LLP
77 King Street West, Suite 400
Toronto-Dominion Centre
Toronto, ON, Canada M5K 0A1

dentons.com

July 19, 2023

VIA REGISTERED MAIL AND EMAIL

Ms. Alecia Henningham
Clerk's Department, City of Markham
101 Town Centre Boulevard
Markham, ON L3R 9W3

Attention: Ms. Alecia Henningham

Dear Ms. Henningham:

**Re: Notice of Objection pursuant to Section 29(5) of the *Ontario Heritage Act*, R.S.O. 1990, c. O. 18 (the "*Heritage Act*")
Graham-Hallman House, 5474 19th Avenue, Markham, ON**

We are the counsel to Torca UMV Inc., the owners of the property municipally known as 5474 19th Avenue, City of Markham, ON, and legally described as Part Lot 31 Concession 7, Designated as Part 3 on Plan 65R40295, City of Markham (the "**Property**").

We are in receipt of the Notice of Intention to Designate (attached as **Schedule "A"**), dated June 19, 2023, which indicates City Council's intention to designate the Graham-Hallman House for reasons of cultural heritage value or interest under Section 29 of the *Heritage Act*.

Pursuant to Section 29(5) of the *Heritage Act*, please accept this letter as our client's Notice of Objection to the designation of the Graham-Hallman House. The reasons for the Notice of Objection are set out below.

1. Planning Status and Background

On September 13, 2022, City Council approved Draft Plan of Subdivision 19TM-22003 under Municipal File No. PLN 22 114386, as it relates to the property legally described as Part Lot 31 Concession 7, in the City of Markham. A copy of the approved draft plan of subdivision is attached as **Schedule "B"**.

In early 2023, Part Lot 31 Concession 7 was severed into four separate parts (i.e. Parts 1, 2, 3, and 4), as set out on Plan 65R40295. As noted above and as a result of the severance, the Property is legally described as Part Lot 31 Concession 7, Designated as Part 3 on Plan 65R40295, City of Markham. A copy of the approved draft plan of subdivision, severed into Parts 1, 2, 3, and 4, is attached as **Schedule "C"**.

The draft plan approval facilitates the development of approximately 134 low rise units and 423 apartment units on the Property through the creation of various streets, blocks, and lots. The Graham-Hallman House is located on the Property, specifically on the draft-approved "Greenbelt Heritage Site" block, which is

approximately 0.84 hectares. Per a recommendation from City Staff, this block may be decreased in size in the future to accommodate only the existing heritage dwelling, being the Graham-Hallman House.

On June 19, 2023, our client received the City's Notice of Intention to Designate the property municipally known as 5474 19th Avenue, upon which the Graham-Hallman House is located. The Notice does not include a legal description of the real property to be designated, but we understand that the resulting heritage designation By-law will be registered against title to the entirety of the Property. In other words, while the Graham-Hallman has a footprint of approximately 0.028 hectares or 280 m², the heritage designation registration would apply to the entirety of the Property, which is approximately 25 hectares in area, and which contains natural features, existing structures, and future development blocks that are unrelated to and/or will have no impact on the Graham-Hallman House and its heritage features.

2. Reasons for the Notice of Objection

Our client does not object to the designation of the Graham-Hallman House, in principle, and acknowledges requirements in the draft plan conditions regarding the protection and preservation of the Graham-Hallman House as the Property is developed.

We are filing this Notice of Objection, however, given our client's concern that passing a heritage designation By-law is premature at this stage and could impact its ability to develop the Property in an efficient and timely manner. In particular:

1. In accordance with the draft plan conditions, our client must engage in significant work on the Property, including in relation to grading and servicing. This work may require the removal of certain structures that are on the Property but that do not form part of the Graham-Hallman House. Per Section 34 of the *Heritage Act*, a heritage designation By-law that applies to the entirety of the Property would require our client to obtain the City's approval for the removal of structures that are unrelated to the Graham-Hallman House or its heritage attributes.
2. Given the Property is only draft plan approved, registration of any instruments at this stage would result in the registration being carried over to the blocks and lots that are created when the draft plan is registered. This unintended effect could impact the future development, conveyance, and administration of these blocks and lots. By way of example, our client has a pending agreement with the Region of York to provide 100 affordable housing units on the Property, and the conveyance of these units, though completely unrelated to the Graham-Hallman House, could be impacted by the registration of the heritage designation By-law.

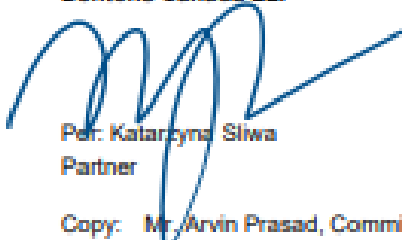
As a result of the foregoing, we respectfully request that Council reconsider its intention to designate the Graham-Hallman House at this time. In the alternative, our client is open to working collaboratively with Heritage and Planning Staff prior to the passing of the designation By-law to develop a solution that will resolve its concerns surrounding the impacts that the proposed designation will have on the timely and efficient development of the Property.

Our client intends to continue to work collaboratively with City Staff, however, the deadline for filing a Notice of Objection is today and as such we had no alternative but to file a Notice of Objection at this time.

Please contact me should you have any questions.

Yours truly,

Dentons Canada LLP



Per: Katarzyna Siwa
Partner

Copy: Mr. Arvin Prasad, Commissioner of Development Services, City of Markham
Ms. Ashley Paton, Bousfields
Client

7822 Highway 7 East

CAUTION: This email originated from a source outside the City of Markham. DO NOT CLICK on any links or attachments, or reply unless you recognize the sender and know the content is safe.

To whom might concern,

Hi! I am the owner of 7822 Hwy 7 East. I received the letter from City Markham, which is regarding to Notice: Intention to Designate a Property/Ontario Heritage Act.

I would like to stand for the objection side for this act.

At the beginning when I purchased this house, I did not know it would be like this. I am just an ordinary citizen and just want to live in a peaceful life. This act will affect me and my family normal daily living which will casue me stress. If this act is passed, it will against my original intention to buy this house. I want my house to remain as it it. Hope you can understand.

Thanks! Wish you a great day!

Best regards

Yu Zhang

53 Dickson Hill Road

July 18, 2023

DELIVERED BY EMAIL – clerkpublic@markham.ca

Clerk's Department, City of Markham
Attention: Alecia Henningham
101 Town Centre Boulevard
Markham, ON L3R 9W3

RE: Intention to Designate a Property/Ontario Heritage Act – 53 Dickson Hill Rd.
Our File No: 23-RE1972

We have been retained by Mr. Steve Bruno with respect to the above noted matter. Mr. Bruno is the registered owner of 53 Dickson Hill Rd., Markham, ON (hereinafter the "Property"). We have been provided with copies of the correspondence concerning the proposed Heritage designation and we are writing to advise that Mr. Bruno objects to the designation for the following reasons:

1. In or around 2017, Mr. Bruno attended at the City to make inquiries into adding an addition to the property. Such addition was verbally discussed and agreed to with City representatives at the time. Notwithstanding the foregoing, Mr. Bruno did not proceed with the construction due to changes in his circumstances; however, he may wish to make changes in the future and wants to reserve his rights to apply to do so;
2. The house as constructed is not practical or functional and may need to be renovated, especially the front entrance which has been discussed with the City in the past; and
3. The garage area also is in need of an addition and my client wishes to ensure he is able to proceed with work and obtain approvals through the ordinary channels.

We look forward to hearing from you to discuss the foregoing prior to rendering your decision concerning the designation.

Yours very truly,
Law In Motion Professional Corporation


Melanie Williams
MW/cp