



Report to: Development Services Committee

Meeting Date: October 17, 2023

SUBJECT: Revision to a Legal Description of a Designation By-law
8303 Warden Avenue (“The Sheridan-Paterson House”), Ward 3

PREPARED BY: Regan Hutcheson, Manager, Heritage Planning, ext. 2080

REVIEWED BY: Stephen Lue, Senior Development Manager, ext. 2520

RECOMMENDATION:

- 1) THAT the Staff report, dated October 17, 2023, titled, “Revision to a Legal Description of a Designation By-law, 8303 Warden Ave (“The Sheridan-Paterson House”), Ward 3”, be received;
- 2) THAT the legal description, as contained within the previously approved Heritage Designation By-law 2004-213, be amended to reflect the property’s current legal description, and that By-law 2004-213 be amended to ensure conformance with the *Ontario Heritage Act*, as amended;
- 3) AND THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

To amend the legal description as contained within a previously approved Heritage Designation By-law (“By-law 2004-213”) where the cultural heritage resource has been modified through further land division or a plan of subdivision.

BACKGROUND:

The Designation By-law needs to be amended to address transfer of land to York Region

Contained within an approved development, 8303 Warden Avenue (the “Subject Property”), is designated under Part IV of the *Ontario Heritage Act* (the “Act”). Designation occurred in 2004 and predated the current proposed development of the surrounding lands.

As a condition of approval, Aryeh Construction Ltd. (the “Applicant”) is required to transfer a portion of land to York Region (the “Region”). The Region has requested that the legal description of the Subject Property, as it appears in Schedule ‘A’ of By-law 2004-213, be amended to reflect the current property boundary, and exclude the transferred portion.

Municipalities can use the Act’s minor amendment process

Municipal councils may update different parts of an existing heritage designation by-law for a number of reasons, including a need to:

- a) Clarify or correct the statement explaining the property’s cultural heritage value or interest or the description of the property’s heritage attributes;
- b) Correct the legal description of the property;
- c) Otherwise revise the by-law to make it consistent with the requirements of the Act as amended in 2021.

Section 30.1 of the Act permits an amendment process to, where required, address the above-noted issues. 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.

OPTIONS/DISCUSSION:

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 Statement of Cultural Heritage Value or Interest (the “Statement”) to ensure conformance with the Act, as amended in 2021.

Consultation with the Heritage Markham Committee will occur on October 11, 2023, and no objection is expected regarding the proposed amendments. Heritage Section staff also notified the property owner of the proposed designation by-law amendments, and have received written confirmation that they have no objection to the corrected legal description and no comment on the revised Statement. Specifically, written confirmation was received via email from the Applicant on October 6, 2023.

HUMAN RESOURCES CONSIDERATIONS:

Not Applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

The protection of cultural heritage resource through the designation by-law process 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 a sense of community.

BUSINESS UNITS CONSULTED AND AFFECTED:

Heritage Markham was consulted. The Heritage Section will work with the Clerks Department to amend the designation by-law. Legal Services Department will be required to register the approved by-law amendment on the affected property.

RECOMMENDED BY:

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

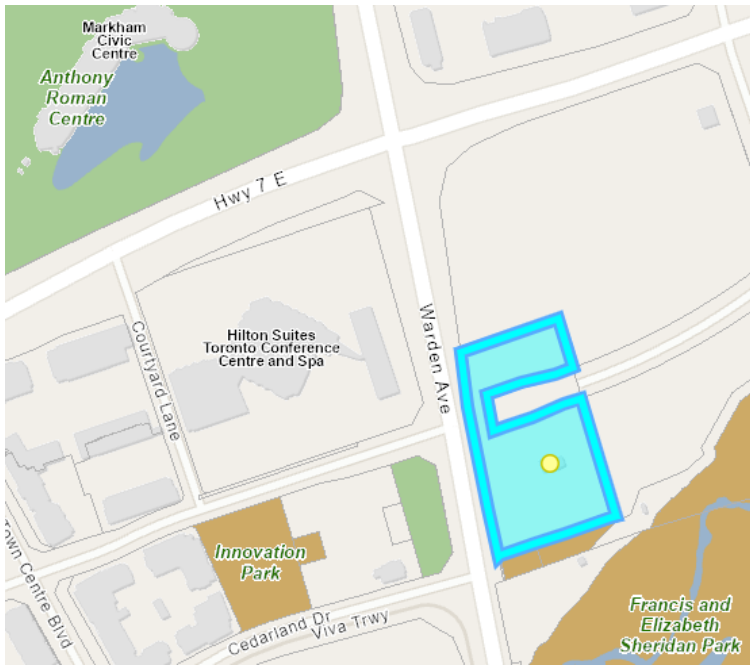
Arvin Prasad, MPA, RPP, MCIP,
Commissioner of Development Services

ATTACHMENTS:

Appendix “A” Location Map and Image of the Subject Property
Appendix “B” Amending By-Law

APPENDIX “A”

Location Map and Image of the Subject Property



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



Primary (west) elevation of the heritage resource (Source: City of Markham, 2007)

APPENDIX “B”

Amending By-Law



By-law 2023-xxx

A BY-LAW TO AMEND BY-LAW 2004-213 BEING A BY-LAW TO DESIGNATE THE SHERIDAN-PATERSON HOUSE, 8303 WARDEN AVENUE

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. 2004-213, “The Sheridan-Paterson 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 8303 Warden Avenue 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 requirements of the OHA or the regulations; and

AND WHEREAS Schedule “A” of By-law No. 2004-213 contains an incorrect legal description and a correction is required; and

AND WHEREAS Schedule “B” of By-law No. 2004-213 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. 2004-213 be amended to correct the legal description of the Heritage Property municipally-known as 8303 Warden Avenue from PART LOT 10 CONCESSION 5 MARKHAM AS IN MA83049, EXCEPT PT 1, PLAN 65R11495; PART LOT 10 CONCESSION 5 MARKHAM PART 3, PLAN 66R10854; MARKHAM to PART LOT 10 CONCESSION 5 (M), PART 2 65R29584 EXCEPT PARTS 1, 2 AND 3, PLAN 65R40449; CITY OF MARKHAM; and
- 1.2. That the legal description contained in Schedule “A” of By-law No. 2004-213 be replaced with the legal description as contained in Schedule “A” of this By-law; and
- 1.3. That By-law 2004-213 be deleted from the title of the property/properties described in Schedule “B”; and,
- 1.4. That the Statement of Cultural Heritage Value or Interest contained in Schedule “B” of By-law No. 2004-213 be replaced with the Statement of Cultural Heritage Value or Interest as contained in Schedule “C” of this By-law.

2. Schedule(s)

- 2.1. Schedule “A” – Revised Legal Description of Land Subject to By-law 2004-213
- 2.2. Schedule “B” – Legal Description of Land to be deleted from By-law 2004-213
- 2.3. Schedule “C” – Statement of Cultural Heritage Value or Interest

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS
18TH DAY OF OCTOBER, 2023.

KIMBERLEY KITTERINGHAM
CITY CLERK

FRANK SCARPITTI
MAYOR

**SCHEDULE “A” TO
BY-LAW 2023-xx**

REVISED LEGAL DESCRIPTION OF LAND SUBJECT TO BY-LAW 2004-213

The Sheridan-Paterson House

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

PART LOT 10 CONCESSION 5 (M) PART 2 65R29584 EXCEPT PARTS 1, 2 AND 3, PLAN 65R40449;
CITY OF MARKHAM

**SCHEDULE “B” TO
BY-LAW 2023-xx**

LEGAL DESCRIPTION OF LAND TO BE DELETED FROM BY-LAW 2004-213

The Sheridan-Paterson House

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

Part of Lot 10, Concession 5, Township of Markham, designated as Parts 1, 2 and 3, on Plan 65R-40449, City of Markham;

SCHEDULE “C” TO BY-LAW 2023-xx

The Sheridan-Paterson House 8303 Warden Avenue

The Sheridan-Paterson 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 Sheridan-Paterson House is located east of Warden Avenue and south of RougeSide Promenade. The house is oriented westwards, reflecting its historic connection to Concession 5 (present-day Warden Avenue).

DESIGN OR PHYSICAL VALUE

The Sheridan-Paterson House is a representative example of a mid-nineteenth century Ontario Gothic Revival Farmhouse. The dwelling's one-and-a-half storey height, T-shaped plan, and three-bay facade with a prominent centre gable are characteristic of this style.

The roof is a medium pitched gable with boxed, projecting eaves and simply detailed cornice returns. On the front slope, there is a steep centre gable which was formerly ornamented with curvilinear bargeboards, kingpost and a finial. The roof of the rear wing is also gabled, but its ridge is lower than that of the main roof since the rear wing is a single storey in height. There are no historic chimneys remaining but based on the style and vintage of the house, there probably were once gable-end chimneys on both the main roof and the kitchen wing. A modern exterior chimney is centred on the south gable end wall and is clad in aluminium siding to match the remainder of the house.

The one-and-a-half storey main volume of the house has a three-bay primary (west) elevation with centrally placed doorway flanked by a large, six-over-six sash-style windows. Above the door is a small, pointed-arch Gothic Revival window. The existing shutters are purely decorative and are not part of the historic fabric of the building. The front entrance originally featured both a flat-headed, multi-paned transom light and sidelights, but in its existing condition, the sidelights have been obscured and original door replaced. On the side elevations, the second floor windows have a two-over-two configuration and the openings are significantly smaller than those on the ground floor.

HISTORICAL OR ASSOCIATIVE VALUE

The Sheridan-Paterson House is historically located on part of the west half of Lot 10, Concession 5, on land that was once part of the Berczy settlement. Lot 10 was granted by the Crown to Anna Margaretha Pingle in 1804. In 1811, the 200 acre lot passed to John Henry Pingle who sold the west 100 acres out of the family in 1824. The eastern half of the property remained in the Pingle family for most of the nineteenth century.

The western 100 acres were held briefly by Robert Payne who later sold the parcel to Francis Sheridan in 1826. Sheridan, a Reformer in his political leanings, was a supporter of William Lyon Mackenzie. In Walton's Directory of 1837, he is listed in error on Lot 10, Concession 4; however in Brown's Directory of 1846-47, Francis Sheridan is correctly identified as the owner. After his death in 1847, the farm passed through his widow, Elizabeth, to their son, Jeremiah, who received title in 1853. Francis Sheridan's will provided for the erection of an additional house on the property for the use of his widow. The house at 8303 Warden Avenue may have been built at this time.

Jeremiah Sheridan is identified as the property owner on both McPhillips Map of 1853-54 and the Tremaine's Map of 1860. Interestingly in the 1850-51 directory, William McKnight's name appears on Lot 10, Concession 5. Research has suggested that the widowed Elizabeth Sheridan remarried soon after the death of her husband, and that William McKnight (also spelled "Mannett") was her next husband. However, there was a considerable age difference between the two (McKnight was aged 28 at the time of the 1851 census while Elizabeth's was 54), suggesting that there might have been some other type of familial connection. According to the same census records, there were several log houses on Lot 10 at that time. At this time, Jeremiah Sheridan was employed as a farm labourer and lived with the Gohn family on Lot 9, Concession 2.

According to Markham Township assessment records, Jeremiah Sheridan occupied a portion of the property from 1857 to 1860 and rented the remainder to Samuel Stephenson. The apparent dual occupancy of the lot suggests that there may have been two dwellings on the property during the period of Jeremiah Sheridan's ownership. This included the log house noted in the 1851 census and a frame house that might be the extant dwelling on the property. From 1861 to 1864, the entire property was tenant occupied.

Jeremiah Sheridan died in 1865 and in the same year, his executors sold the farm to William Paterson, a Scottish immigrant and a member of one of the founding families of the Scarborough Township community of Agincourt. William Paterson and his wife, Sarah Lockie, came to Canada from Kelso, Scotland in 1818. The Paterson's son, Thomas, may have built the existing house at 8303 Warden Avenue if it were not constructed at an earlier date by Jeremiah Sheridan for his mother's use. Thomas Paterson received title to the farm through his father's will in 1870. His name appears at this location in Nason's Directory of 1871.

In 1876, Thomas W. Paterson sold the farm to Hulet Kennedy, a member of another Scottish-Canadian family from the Agincourt area of Scarborough Township. The Kennedy family was listed on the property in local directories into the 1890s. A later owner was A. J. H. Eckardt who, based on information from early twentieth century maps and the Unionville Historical Society, rented the farm to Robert Stiver.

CONTEXTUAL VALUE

The Sheridan-Paterson House is one of the few remaining nineteenth century dwellings located within central Markham. As such, it is of particular significance as a tangible reminder of Markham Township's agricultural past.

HERITAGE ATTRIBUTES

Character-defining attributes that embody the cultural heritage value of the Sheridan-Patterson House include:

- The T-shaped original volume of the house including the one-and-a-half storey main block and the one-storey rear kitchen wing;
- The medium pitched gable roof with its projecting eaves and cornice returns;
- The steep centre gable, with its wood, double-hung, Gothic Revival window;
- The front doorcase, with its multi-paned, flat-headed transom light and sidelights;
- The six-over-six double-hung wood windows on the ground floor, and the two-over-two, double-hung wood windows on the second floor.