

SUBJECT: RECOMMENDATION REPORT
Objections to Notices of Intention to Designate – Phase II 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 November 28, 2023, titled "RECOMMENDATION REPORT, Objections to Notices of Intention to Designate – Phase II 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 10159 McCowan Road (Ward 6) and 7880 Highway 7 East (Ward 5), be received as information;
- 3) THAT Council affirm its intention to designate 2 Legacy Drive (Ward 7): "Box Grove United Church" under Part IV, Section 29 of the *Ontario Heritage Act* in recognition of its cultural heritage significance;
- 4) THAT Council affirm its intention to designate 81 Dickson Hill Road (Ward 5): "Dickson Hill Mill House" under Part IV, Section 29 of the *Ontario Heritage Act* in recognition of its cultural heritage significance;
- 5) THAT Council affirm its intention to designate 4130 Nineteenth Avenue (Ward 6): "Almira Mill House" under Part IV, Section 29 of the *Ontario Heritage Act* in recognition of its cultural heritage significance;
- 6) THAT Council affirm its intention to designate 4159 Nineteenth Avenue (Ward 6): "Almira General Store and Post Office" under Part IV, Section 29 of the *Ontario Heritage Act* in recognition of its cultural heritage significance;
- 7) THAT Council affirm its intention to designate 6772 Fourteenth Avenue (Ward 6): "Box Grove General Store" under Part IV, Section 29 of the *Ontario Heritage Act* in recognition of its cultural heritage significance;
- 8) THAT Council affirm its intention to designate 7880 Highway 7 East (Ward 5): "Albert and Bertha Reesor House" under Part IV, Section 29 of the *Ontario Heritage Act* in recognition of its cultural heritage significance;
- 9) THAT Council affirm its intention to designate 10159 McCowan Road (Ward 6): "Haacke-Warriner Farmhouse" under Part IV, Section 29 of the *Ontario Heritage Act* in recognition of its cultural heritage significance;

- 10) THAT Council affirm its intention to designate 10224 Highway 48 (Ward 6):
“Christian and Nancy Hoover House” under Part IV, Section 29 of the *Ontario Heritage Act* in recognition of its cultural heritage significance;
- 11) THAT Council affirm its intention to designate 10387 McCowan Road (Ward 6):
“Thomas and Catharine Peach House” under Part IV, Section 29 of the *Ontario Heritage Act* in recognition of its cultural heritage significance;
- 12) THAT the Clerk’s Department be authorized to place designation by-laws before Council for adoption;
- 13) 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;
- 14) 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 second phase of “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 September 12, 2023, and noted in the recommendations of this report.

BACKGROUND:***Notice of Council’s Intention to Designate has been provided to the Property Owners***

On September 12, 2023, Council stated its intention to designate the identified properties under Part IV, Section 29 of the Act. A notice of intention to designate was provided to the property owners and the Ontario Heritage Trust, and was published in accordance with the Act. The objection period ended on October 16, 2023.

The City Clerk received notices of objection by or on behalf of the property owners of 10159 McCowan Road (Ward 6) and 7880 Highway 7 East (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 January 13, 2024, 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 (September 15, 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, the deadline is January 13, 2024.

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”) considered the reasons for objection and communicated with the Property Owners***

Staff contacted each of the objectors in an attempt to address their concerns. A brief summary of each objection with Staff’s response is provided below:

10159 McCowan Road

The proposed heritage resource is contained within a future development site that will be subject to a forthcoming Official Plan Amendment (“OPA”) application. Through their legal counsel, Markham MMM North Development Corporation (“MMM”) objected to designation as a third party heritage consultant retained by the developer had identified potential “errors” in the municipally-prepared Statement of Significance. Accordingly, MMM requested that Council defer adoption of a designation by-law until such time as the perceived errors can be resolved.

In response to the objection, Staff reached out to MMM's legal counsel on October 12, 2023, with an offer to review the findings of their heritage consultant and to revise the Statement of Significance where warranted. At the time this report was finalized on November 13, a response has yet to be received.

7880 Highway 7 East

Staff received two written objections concerning the proposed designation of 7880 Highway 7 East; one from an adjacent property owner and the other from the property owner. Staff reached out to the adjacent property owner on October 17, 2023, to discuss their concerns and they agreed to withdraw their objection. Staff also reached out to the property owner who objected to designation over concerns that it would prevent the possibility of future alterations to their property, and because they felt that their property was not a significant heritage resource worthy of designation.

As communicated to the property owner on September 22, 2023, designation under Part IV does not prevent alterations, but provides a means to evaluate and protect against alterations that could adversely impact its cultural heritage value. The elements that embody a property's 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.

Staff remain of the opinion that 7880 Highway 7 East is a significant heritage property worthy of Part IV designation, a position substantiated by Staff's extensive research on the property.

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 are 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 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 Ontario Land Tribunal ("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 OLT in support of designation if property owners 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 and Planning and Urban Design Department (Heritage Section) 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

10159 McCowan Road (Ward 6): “Haacke-Warriner Farmhouse”
Primary Elevation and Property Map



7880 Highway 7 (Ward 5): “Albert and Bertha Reesor House”
Primary Elevation and Property Map



APPENDIX 'B': Statements of Significance

STATEMENT OF SIGNIFICANCE

Haacke-Warriner Farmhouse 10159 McCowan Road, c.1855

The Haacke-Warriner Farmhouse 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 Haacke-Warriner Farmhouse is a one-and-a-half storey brick farmhouse located on the east side of McCowan Road a short distance north of Major Mackenzie Drive East. The house faces south.

Design Value and Physical Value

The Haacke-Warriner Farmhouse has design and physical value as an excellent example of a farmhouse in the Georgian architectural tradition with Classic Revival influences. The 5-bay south (primary) elevation features a central doorcase with transom and sidelights. The use of Flemish bond brickwork on this elevation is an indication of a high-quality of construction. There was at one time was a full-width front veranda as indicated by the wood nailing strip set into the brickwork. Archival photographs show the former hip-roofed veranda supported on simple turned posts. The archival photograph from the early 1970s also shows the red brick before it was sandblasted along with quoining in a lighter brick colour (not currently visible due to the brick cleaning).

Historical Value and Associative Value

The Haacke-Warriner Farmhouse has historical and associative value as it serves as a link to the Berczy settlers, notably the c.1855 home of George Haacke whose father joined the Berczy settler group while they were *en route* to Markham Township in 1794. George Haacke purchased the western 100 acres of Markham Township Lot 22, Concession 7, in 1834. The family initially lived in a log house until a substantial brick farmhouse was built in the mid-1850s. The property has further historical value as it associated with the practice of multi-generational occupation of a farm as evidences by the Haacke and Warriner families. The farm remained in the ownership of George and Sophia Haacke's descendants until 1902 when it was sold to John Wilmot Warriner. The Warriner family is of English origin. The descendants of John Wilmot Warriner owned the farm until 2011 when the property was sold for future development. The family continued to farm there as tenants until 2014.

Contextual Value

The Haacke-Warriner Farmhouse is of contextual value as a farm residence on its original site, making legible the prosperous agricultural endeavours that long existed within Markham Township.

Heritage Attributes

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

Heritage attributes that convey the property's design value or physical value as a representative example of a locally rare mid-nineteenth century brick farmhouse in the Georgian and Classic Revival styles:

- Overall form of the building, including the rectangular plan of the one-and-a-half storey main block with a five bay front, and the single-storey rear kitchen wing;
- Fieldstone foundation;
- Flat-roofed front porch;
- Brick masonry walls in Flemish bond and common bond;
- Gable roof with projecting eaves, eave returns, and associated wood mouldings;
- Single-stack, brick, gable end chimneys;
- Wood 6/6 and 6/1 single-hung windows;
- Front doorcase with multi-paned transom and sidelights and panelled front door.

Heritage attributes that convey the property's historical association with the early settlement of Markham Township by the Berczy settlers, and the multi-generational occupation of a farm, as the former residence of the Haacke and Warriner families:

- The dwelling is a tangible reminder of the George and Sophia Haacke and Wilmot and Ina Warriner families that historically resided here.

Heritage attributes that convey the property's contextual value as a landmark:

- The location of the building facing south, near the northeast corner of Major Mackenzie Drive and McCowan Road.

Attributes of the property that are not considered to be of cultural heritage value, or are otherwise not included in the Statement of Significance:

- Non-functional window shutters.

STATEMENT OF SIGNIFICANCE

Albert and Bertha Reesor House 7880 Highway 7 East, c.1903

The Albert and Bertha Reesor 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 Albert and Bertha Reesor House is a two-and-a-half storey brick dwelling located on the north side of Highway 7 within the historic community of Locust Hill. The house faces southwards toward Highway 7.

Design Value and Physical Value

The Albert and Bertha Reesor House has design and physical value as a representative example of a dwelling designed in the form of an American Foursquare with Edwardian Classical detailing. It is typical of the spacious, modestly detailed houses built on farms and in villages in Markham Township in the first quarter of the twentieth century. The American Foursquare house typically had a functional, compact shape and spacious front veranda. The red pressed brick cladding and two-and-a-half storey form of the house, with a broad, hipped roof and dormers, are local expressions of this style. The architectural detailing of the dwelling reflects the Edwardian Classical style that was popular from the early 1900s through to the 1920s.

Historical Value and Associative Value

The Albert and Bertha Reesor House has historical and associative value as it is representative of early twentieth century development within the hamlet of Locust Hill, and specifically the creation of building lots on farms intended for the use of family members. In this instance, it was the former residence of Albert and Bertha Reesor and their three children Alberta, Eldred and Lloyd. The property also has historical value as it is associated with the industrial and economic development of the community. Albert Reesor owned and operated the Locust Hill Creamery from 1900 to 1920, and also operated the Locust Hill Lumber and Coal Co. His brother, Frederick E. N. Reesor was a partner in the creamery business beginning in 1905. The land this house was built on c.1903 was in the ownership of the Reesor family for 144 years.

Contextual Value

The Albert and Bertha Reesor House is one of a number of late nineteenth and early twentieth century buildings that are important in defining, maintaining and supporting the character and extent of the historic hamlet of Locust Hill. The house has stood on this property since c.1903 and is historically linked to the Frederick E. N. Reesor House next door to the west at 7846 Highway 7.

Heritage Attributes

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

Heritage attributes that convey the property's design value or physical value as a representative example of a village residence in the form of an American Foursquare, with Edwardian Classical details:

- Two-and-a-half storey organized into a rectangular plan;
- Red brick masonry;
- Medium-pitched hipped roof with a wide overhang, flat soffits and hipped-roof dormers on the south and west slopes;
- Existing flat-headed, rectangular window openings on all sides of the building;
- Centrally-placed, flat-headed, single-leaf door opening on the south (primary) elevation;
- Single-leaf door, flat-headed side door opening on the east elevation;
- Full-width front veranda with square, wood, full-height Tuscan columns supported on a masonry base, pediment aligned with the front entrance, and second storey sunroom with a bank of five windows on the front and three windows on the sides, shingled, flared apron, and flat roof;
- Side porch with hipped roof, supported on wood columns.

Heritage attributes that convey the property's historical value for its associated with the early twentieth century development of the hamlet of Locust Hill, and for its connection to important local economic activity as the home of Albert Reesor who owned and operated the Locust Hill Creamery and Locust Hill Coal and Lumber Yard:

- The dwelling is a tangible reminder of the Albert and Bertha Reesor family that historically resided here.

Heritage attributes that convey the property's contextual value as a building that is important in defining, maintaining and supporting the character and extent of the historic hamlet of Locust Hill:

- The location of the building facing Highway 7 East within the historic hamlet of Locust Hill.

Attributes of the property that are not considered to be of cultural heritage value, or are otherwise not included in the Statement of Significance:

- Modern windows and doors;
- Non-operational window shutters;
- Accessory building.

APPENDIX 'C': Letters of Objection

10159 McCowan Road



Eileen P. K. Costello
Direct: 416.865.4740
E-mail: ecostello@airdberlis.com

October 6, 2023

File No. 311580

VIA EMAIL – clerkspublic@markham.ca

City of Markham
Development Services Committee
101 Town Centre Boulevard
Markham ON L3R 9W3

Dear Sirs:

**Re: Objection to the Notice of Intention to Designate a Property under Part IV,
Section 29 of the *Ontario Heritage Act*
10159 McCowan Road, Markham**

Aird & Berlis LLP represents Markham MMM North Development Corporation (our "**Client**") in respect of its lands located within the Upper Markham Village and, more specifically, known as 10159 McCowan Road. (collectively, the "**Subject Lands**").

At its meeting on September 12, 2023, the Council of the City of Markham ("**Council**") stated its intention to designate the Subject Lands, under Part IV, Section 29 of the *Ontario Heritage Act*, in accordance with the report presented by the Manager of Heritage Planning and Senior Development Manager, dated September 11, 2023.

On behalf of our Client, we are filing this objection in response to the Notice of Intention to Designate (the "**NOID**") which was subsequently published on the City's website on September 15, 2023 and issued by mail on September 18, 2023.

The Subject Lands are more than 50 acres in size with extensive frontage along McCowan Road, to the north of Major Mackenzie Road East. The Subject Lands are part of a series of holdings northeast of this important intersection which are all located within the Upper Markham Village, as designated in the Regional Official Plan which received approval by the Minister of Municipal Affairs and Housing as recently as November 2022. Our client, together with other members of the landowners' group in the area, have already held pre-consultation meetings in September of this year Markham Staff to commence the Secondary Plan process for this area. The subject property, and the area in which it is situated, is planned for growth and development.

Our client only received notice of this matter on August 18, 2023, less than 3 weeks before a decision was to be made by Council on September 12, 2023. On September 8, 2023, we submitted correspondence on behalf of our client requesting a deferral of the decision. We attended at the September 11, 2023 meeting of the Development Services Committee where we made a deputation and again requested deferral of the decision. That request was refused. On September 12, 2023 Council stated its intention to designate the Subject Lands.

Once our client received the NOID they immediately hired a heritage planning expert to review the Statement of Significance and Reasons for Designation contained in the Notice issued by the

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City and to begin to assess the merits of the proposed designation. Since that time, our client's heritage consultant has undertaken a site visit and undertaken research with respect to the property. The initial conclusions of the heritage consultant have identified errors in the Statement of Significance and Reasons for Designation.

Accordingly, to provide a fair opportunity to continue to review the Statement of Significance and Reasons for Designation set out in the NOID and the implications of the proposed designation on its interests, our Client objects to the Notice of Intent to Designate as currently framed. We would welcome the opportunity to review this matter with Heritage staff in advance of any further consideration by Council.

We trust the enclosed is satisfactory. Should you require any further information, please do not hesitate to contact the undersigned.

Yours truly,

AIRD & BERLIS LLP



Eileen P. K. Costello
EPKC:TC

AIRD BERLIS

7880 Highway 7 East

Stephanie Alexander and Tussyanth Alexander

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416-312-7249

Clerks Department, City of Markham

101 Town Centre Blvd.

Markham ON, L3R 9W3

RE: Notice of Objection: Proposed Designation of 7880 Highway 7 East

Dear Kimberley Kitteringham/Alecia Henningham,

I am writing to object the proposal designation of our home located at 7880 Highway 7, Locust Hill.

Although, we recognize the history our home carries, the history and architectural properties of our home are not significant enough for it to be designated as a Heritage Property.

The Nighswander Tenant House, 7861 Highway 7 had more heritage value than our home and yet it was torn down last year. The Nighswander Brother General and Temperance Hotel was torn down in 2012, and this historical site has not been rebuilt ever since. The General store/Hotel had been built in 1885 and had more historical significance than our home yet had not been preserved. The property that now is Stan's Power Paint – Automotive Repair Service had been demolished and has been rebuilt.

We would like to have the same freedoms as the previous owners of this house to cultivate a home for our family. Our home has undergone multiple renovations over the years and has changed significantly. The sunroom located on the second floor was noted as a heritage attribute, but this was an addition that was added onto the property and was not apart of the

original build. In our view, the Property Designation fails to ascribe historical and architectural significance, the design is relatively generic and functional for the time it was built and is not unique in style or design.

Our home is not a significant cultural heritage resource and does not merit individual designation. By designating this home, you will be restricting our rights as property owners, and potentially devaluing the property.

Sincerely,

Stephanie and Tussyanth Alexander