



Report to: Development Services Committee

Meeting Date: January 23, 2024

SUBJECT: RECOMMENDATION REPORT
Intention to Demolish a Property Listed on the Markham
Register of Property of Cultural Heritage Value or Interest,
7951 Yonge Street, Thornhill, Samuel Francis House

PREPARED BY: Evan Manning, Senior Heritage Planner, ext. 2296

REVIEWED BY: Regan Hutcheson, Manager, Heritage Planning, ext. 2080
Stephen Lue, Senior Development Manager, ext. 2520

RECOMMENDATION:

1. THAT the January 23, 2024, report titled, “RECOMMENDATION REPORT, Intention to Demolish a Property Listed on the Markham Register of Property of Cultural Heritage Value or Interest, 7951 Yonge Street, Thornhill, Samuel Francis House”, be received;
2. THAT Council does not support the proposed demolition of the Samuel Francis House at 7951 Yonge Street, Thornhill;
3. THAT as recommended by the Heritage Markham Committee, the Samuel Francis House be approved for designation under Part IV, Section 29 of the *Ontario Heritage Act* as a property of cultural heritage value or interest including a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes;
4. THAT the Clerk’s Department be authorized to publish and serve Council’s Notice of Intention to Designate the property, as per the requirements of the *Ontario Heritage Act*;
5. THAT if there are no objections to the designation in accordance with the provisions of the *Ontario Heritage Act*, the Clerk be authorized to place a designation by-law before Council for adoption;
6. THAT if there are any objections in accordance with the provisions of the *Ontario Heritage Act*, the matter return to Council for further consideration;
7. THAT if the intention to designate proceeds and there are any appeals of the designation by-law, the Clerk be directed to refer the proposed designation to the Ontario Land Tribunal (“OLT”);
8. THAT if the designation is referred to the OLT, Council authorize the City Solicitor and appropriate staff to attend any hearing held by the OLT in support of Council’s decision to designate the property;

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9. AND THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

This report recommends that Council not support the proposal by the property owner, Haulover Investments (the “Owner”), to demolish the Samuel Francis House located at 7951 Yonge Street (the “Property”) and to proceed to designate the Property, pursuant to the *Ontario Heritage Act* (the “Act”).

BACKGROUND:***The Property is listed on the Markham Register of Property of Cultural Heritage Value or Interest (the “Register”)***

The Property is not individually designated or designated as part of a heritage conservation district. The Act allows a property that has not been designated, but that the municipal Council believes may have cultural heritage value or interest, to be placed on the Register. This is commonly referred to as listing. The Register is a planning document that is consulted by municipal decision makers when actions affecting the property are being considered.

The Property is located on the east side of Yonge Street, adjacent to the northern wings of the Thornhill-Markham Heritage Conservation District (the “District”), which extend north along Yonge Street to meet the boundary of the Thornhill-Vaughan Heritage Conservation District on the west side of Yonge Street. The Property is the last heritage resource on Yonge Street in Markham outside of the District. A low-rise commercial plaza is situated immediately to the north while high-rise, multi-unit residential buildings are found to the south and east. The Thornhill Club, a private golf course, is located adjacent to the Property on the west side of Yonge Street. Figure 1 shows the map and aerial image.

The Owner proposes to demolish the Samuel Francis House that was constructed early in the 20th C.

The existing Edwardian building dates from c.1916 and was originally in residential use. It was once part of the Heintzman House estate (also earlier known as Sunnyside Manor). Based on a review of archival photography, conversion of the property to commercial use occurred in the mid-1980s. An agent of the property owner notified the City of their intention to demolish the on-site building. Notice of receipt of the demolition request was provided to the applicant on December 5, 2023. At this time, the City has not received a formal application to redevelop the Property. According to the Owner’s representative, removal of the building will facilitate the development of a new multi-storey residential building, which will be located adjacent to the future Yonge North Subway extension (in the vicinity of Royal Orchard). Appendix “A” shows photos of the Property.

A request to demolish the building was reviewed by Heritage Markham Committee in 2022

A demolition notice was previously submitted for the Property in April 2022, and was considered by the Heritage Markham Committee (the “Committee”) on May 12, 2022. Based on the Committee’s feedback, namely that the building warranted conservation,

the applicant agreed to withdraw the demolition notice and work with City Staff and the Ward Councillor to discuss alternative options for the building, including potential relocation within Thornhill. Staff understand that these discussions were not fruitful and an alternative location for the building was not found.

The current proposal to demolish the building is not supported by the Heritage Markham Committee

As the Property is listed on the Register, review by Heritage Markham is required, and consideration by Council is necessary. The Committee reviewed the request for demolition of the building on January 10, 2024, and was not in support. The Committee recommends designation of the Property pursuant to the Act. (Appendix “B”).

OPTIONS/ DISCUSSION:

The 2014 Official Plan (“OP”) provides policy direction for the evaluation and conservation of significant cultural heritage resources

Chapter 4.5 of the OP contains policies concerning cultural heritage resources. If a resource is threatened with demolition, inappropriate alterations or other potentially adverse impacts, Council will give immediate consideration to the designation of the property. To ensure consistency in the evaluation of resources for individual property designation, the City will utilize criteria established by provincial regulation under the Act to determine cultural heritage value or interest in addition to the City’s Heritage Evaluation System.

Provincial legislation requires Council make a decision prior to February 3, 2024

Council has 60 days following receipt of the intention to demolish to render a decision as to whether to designate the Property under Part IV of the Act, or to consent to its removal. If Council fails to make a decision within the prescribed time frame, Council shall be deemed to have consented to the demolition of the listed property.

The Property was evaluated using the Markham Heritage Resources Evaluation System

This evaluation system, created by staff in 1991 to offer more context-specific criteria for the assessment of potential significant cultural heritage resources, has a point-based property classification system consisting of three tiers (Group 1, 2 and 3). It is a complementary evaluation system to provincial evaluation criteria to which it predates. The findings of this evaluation indicate that the Property straddles Group 2 (buildings of significance and worthy of preservation) and Group 3 (buildings considered noteworthy). The City’s Evaluation System also notes that the designation or demolition of a building should not be based solely on the results of this rating and classification exercise. There may be exceptions, for example where a building may possess one specific attribute of great significance, but otherwise receives a low rating. While the evaluation criteria and classification system provides a valid guideline for both staff and Council, the City should retain the option to make exceptions when necessary.

The Property was evaluated using Ontario Regulation 9/06

The Property was originally evaluated using Ontario Regulation 9/06 “Criteria for Determining Cultural Heritage Value or Interest” (OR 9/06) in May 2022. This regulation, introduced by the Province in 2006 and revised in 2023, provides a uniform

set of criteria for municipalities to use when determining whether a property should be considered a significant cultural heritage resource. As per Provincial direction, a property must now meet a minimum of two of the OR 9/06 criteria to warrant designation under Part IV of the Act. The initial evaluation by Staff found that the Property had modest or minimal design or historical value, but did possess contextual value. Staff did not make a formal recommendation on the demolition request in 2022, and had the benefit of additional feedback and information from the Heritage Markham Committee and members of the Thornhill community.

Based on additional research undertaken by Staff in support of OR 9/06 evaluation of the Property in December 2023, Staff posit that the Property meets the following OR 9/06 criteria:

- *Design/physical value as an altered representative example of an early twentieth century dwelling designed in the Edwardian Classical style within the overall form of an American Foursquare.*
- *Historical/associative value, representing the theme of secondary dwellings being constructed on farms for the farmer's retirement, as well as its historical/associative value for its connection to the Francis family, and the early twentieth century development of Thornhill.*
- *Contextual value because it is physically, functionally, visually or historically linked to its surroundings, and to the Heintzman House estate.*

In response to the findings of this evaluation, Staff prepared a Statement of Significance ("SOS") that describes the cultural heritage value of the property and its heritage attributes (see Appendix C). This would be included in a future designation by-law for the Property if Council proceeds with designation.

Designation is recommended

To be consistent with the treatment of other cultural heritage resources in Markham that are:

- (a) Determined to possess significance to the community;
- (b) Subject to potential redevelopment, and;
- (c) Under threat of loss.

Staff recommend protection through designation. By approving a Notice of Intention to Designate the Property as per the requirements of the Act, the demolition cannot proceed. This would also allow for further discussion on how the resource could be retained as part of any potential future redevelopment of the Property. Markham has successfully worked with other owners to incorporate cultural heritage resources within development sites.

Process/Procedural Requirement for Demolition Requests

The following is a summary of the key process and notification requirements associated with the demolition of a building/structure listed on a municipal heritage register under the Act:

- Council is to consider the request for demolition within 60 days after notice of receipt is served;

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- Council is to be advised by its municipal heritage committee with respect to an application to demolish or remove any building or structure;
 - Council may consent to the demolition (with or without terms and conditions) or not support the demolition and approve a Notice of Intention to Designation the property under Part IV of the Act.
 - Notification of the decision on the demolition is provided to the owner;
 - 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 will come into force. Should an appeal be received, an OLT hearing date is set to examine the merits of the objection, and provide a final decision.

For the purpose of this demolition request, the City acknowledges December 5, 2023, as the date of receipt for the notice of intention to demolish with the timeline expiring on February 3, 2024.

FINANCIAL CONSIDERATIONS AND TEMPLATE:

Not applicable.

HUMAN RESOURCES CONSIDERATIONS:

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Heritage designation aligns with the strategic priorities of Managed Growth and Environment. Designation recognizes, promotes and protects heritage resources, which strengthens the sense of community. The preservation of heritage buildings is environmentally sustainable because it conserves embodied energy.

BUSINESS UNITS CONSULTED AND AFFECTED:

Heritage Markham, Council's advisory committee on heritage matters, reviewed the demolition request.

RECOMMENDED BY:

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

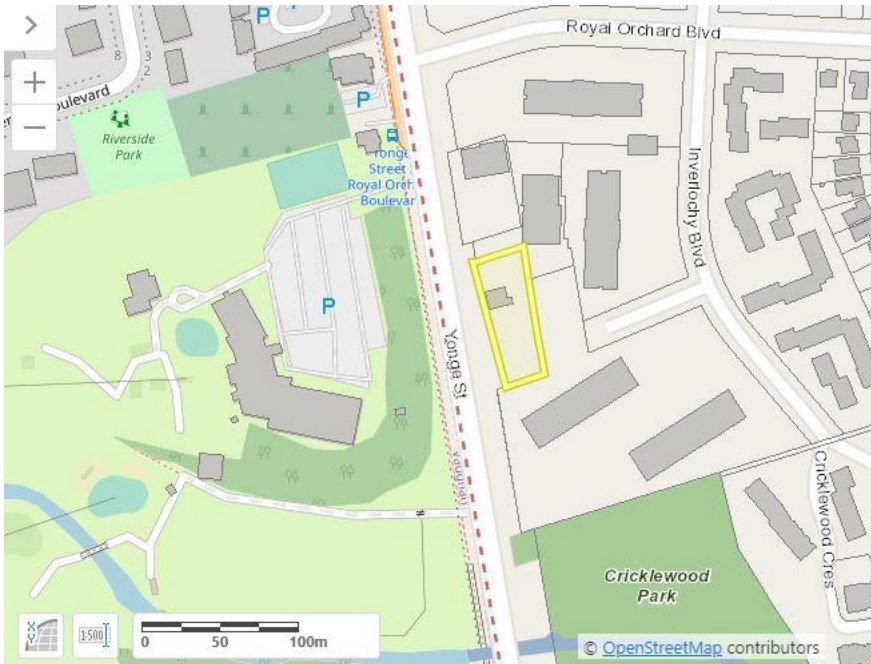
Arvin Prasad, MCIP, RPP
Commissioner of Development Services

ATTACHMENTS:

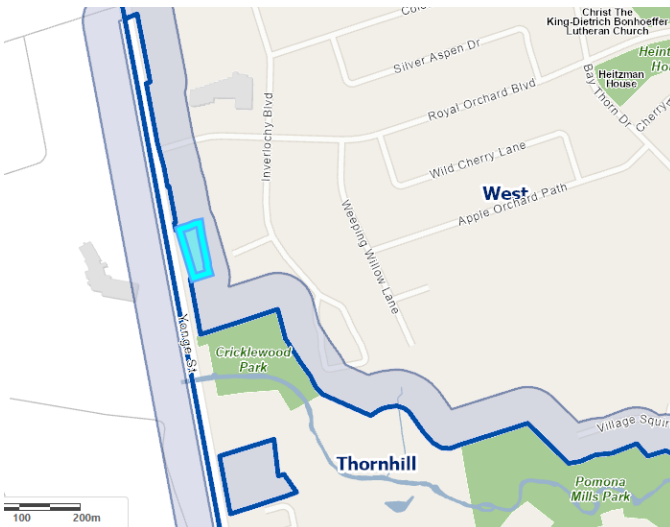
Figure 1:	Applicant/Location Map /Area Context
Appendix 'A'	Photograph(s) of Building
Appendix 'B'	Heritage Markham Recommendation
Appendix 'C'	Notice of Intention to Designate – Statement of Significance (SOS)

FIGURE 1**APPLICANT:****Owner:** Haulover Investments

3230 Yonge Street, Ste. 1001, Toronto ON, M4N 3P6

admin@haulover.ca**Agent:** Jeffrey E. Streisfield, jeffrey@landplanlaw.com**LOCATION MAP/ AERIAL IMAGE**

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



The property (light blue) in relation to the boundaries of the Thornhill Heritage Conservation District (dark blue) with the 60m adjacency buffer (Source: City of Markham)

Aerial Image of the Property



The subject property is circled in red (Source: Google)

APPENDIX 'A': Photograph(s) of Building



The north and west (primary) elevations [above] & north and east elevations [below] of 7951 Yonge Street (Source: City of Markham)



South elevation [above] of the on-site building as seen from Yonge Street [below] (Source: City of Markham)

Archival Material



Archival photographs of the subject property pre-1985 prior to conversion to commercial use (above) and in 1985 during conversion to commercial use, note the exterior paint has been removed by this time and the original windows replaced (Source: Thornhill Historical Society)

Appendix ‘B’: Heritage Markham Recommendation**HERITAGE MARKHAM
EXTRACT**

Date: January 11, 2024

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

EXTRACT CONTAINING ITEM # 6.1 OF THE SEVENTH HERITAGE MARKHAM
COMMITTEE MEETING HELD ON January 10, 2024

6.1 DEMOLITION PERMIT APPLICATION**INTENTION TO DEMOLISH A PROPERTY LISTED ON THE
MARKHAM REGISTER OF PROPERTY OF CULTURAL
HERITAGE VALUE OR INTEREST
7951 YONGE STREET, THORNHILL (16.11)**

File Numbers:
n/a

Evan Manning, Senior Heritage Planner, provided the Committee with a summary of the application and the legislative context, advising that a demolition request for the property was previously considered by the Committee in May 2022 and December 2023 and was deferred both times. In 2022, the demolition request was withdrawn by the owner to allow further discussions. Mr. Manning explained that in response to the most recent request for demolition, Staff are currently recommending designation of the property under Part IV of the Ontario Heritage Act, and noted that consideration of the matter would be before Development Services Committee on January 23, 2024 prior to proceeding to Council on January 31. Mr. Manning provided an overview of the Ontario Regulation 9/06 criteria that the property met based on research undertaken by Heritage Section staff, and noted that designation of the property does not preclude future intensification of the property provided that the heritage attributes of the on-site building are conserved.

Valerie Burke, deputant, expressed support for the Staff recommendation, citing the historical significance of the property for its association with the Heintzman House. Ms. Burke noted that Thornhill has lost other heritage buildings fronting Yonge Street, and stated that the property is significant

as it contains one of the relatively few extant resources along the Thornhill portion of Yonge Street. Ms. Burke stated that she believes the property could be incorporated into future development.

Jeffrey Streisfield, deputant representing the applicant, expressed confusion over the Staff recommendation and asked for clarification as to who undertook the research for the Statement of Significance as he felt that that Staff's position regarding the cultural heritage significance of the property had fundamentally changed since May 2022. Mr. Streisfield noted that he does not believe that the property has a significant historical connection to the Heintzman House and that he believed that Staff were pressured to change their position as to the heritage significance of the property. Mr. Manning clarified that the Staff position has not fundamentally changed, noting that Staff were of the opinion that the property had contextual significance. Mr. Manning explained that the previous deferrals of the demolition request provided Staff with additional time to research and evaluate the property. Giulio Cescato, Director, Planning & Urban Design, further stated that while applicants may not always agree with the position of Staff, the reputation and professionalism of the Heritage Section Staff should not be called into question.

The Committee asked if the applicant hired their own heritage consultant to review the application. Mr. Streisfield confirmed that they did not hire a heritage consultant as they were of the opinion that Staff did not find the property to be historically significant based on the report produced for Committee consideration in May 2022.

Barry Nelson, deputant, representing the Thornhill Historical Society, noted that Staff may augment their evaluation of a property if additional historical information is provided or received, noting that requests for historical information are sometimes received and subsequently provided by the Thornhill Historical Society. Mr. Nelson expressed gratitude to the current owner of the property for conservation of the building to-date. Mr. Nelson expressed support for retaining the on-site building as a significant heritage asset and suggested an alternate motion for Committee consideration on behalf of the Thornhill Historical Society.

Evelin Ellison, deputant, thanked the Staff for the historical research undertaken, noting that the property is one of the only remaining examples in Thornhill of an Edwardian style building and as such warrants conservation. Ms. Ellison expressed support for preservation of the property, noting that it represents a gateway into the Thornhill Heritage Conservation District.

Mr. Streisfield clarified that the property is not in a heritage conservation district and noting that the applicant would be happy to work with the City on relocation of the building but that it would not make sense to incorporate the building into the development as it was not a building worth keeping.

Andrew Baldwin, deputant, agreed that the property is a gateway into Thornhill, noting that there are many more heritage properties on the Vaughan side of Yonge Street, but only four remaining on the Markham side, expressing support for the conservation of the on-site building.

The Committee provided the following feedback:

- Explained that efforts were made to explore the relocation of the building and that discussions were held between the Ward Councillor, the applicant, and City legal staff, but that these discussions were ultimately unsuccessful.
- Expressed concern regarding the absence of a development application for the property, explaining that it is difficult to support demolition without knowing what would go in its place.
- Asked if the building could still be relocated if it were designated. Mr. Cescato explained that there have been examples of designated properties being incorporated into high-density developments, noting that designation would not be a barrier to redevelopment, though it may make development become more technical, complex and costly. Mr. Manning added that the building could be relocated and that the designation by-law could be amended to reflect the legal description of its new location. Regan Hutcheson, Manager of Heritage Planning, noted that heritage buildings are occasionally relocated within development sites following designation to respond to site constraints.
- Noted that many resources are considered historically significant without being in a heritage conservation district.

Recommendation:

THAT Heritage Markham finds that 7951 Yonge Street is a significant cultural heritage resource and should be conserved through designation under Part IV of the *Ontario Heritage Act*.

AND THAT the deputations from Jeffrey Streisfield, Valerie Burke, Barry Nelson, Evelin Ellison, and Andrew Baldwin be received.

AND FURTHER THAT the written submissions received from Jeffrey Streisfield, the Thornhill Historical Society, and Valerie Burke be received.

Carried

Appendix ‘C’ Notice of Intention to Designate – Statement of Significance

Samuel and Mary Francis House

7951 Yonge Street

c.1916

The Samuel and Mary Francis 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 Samuel and Mary Francis House is a two-and-a-half storey former dwelling located on the east side of Yonge Street, in the historic community of Thornhill. The building faces west.

Design Value and Physical Value

The Samuel and Mary Francis House has design value and physical value as an altered representative example of an early twentieth century dwelling designed in the Edwardian Classical style, in a variation of the American Foursquare vernacular house form. It is a locally rare example of this style and type. Edwardian Classicism represented a simplification of domestic architecture that occurred in the early twentieth century. This house is typical of the spacious, functional, and simply detailed dwellings built on farms and in villages throughout Markham Township in the first quarter of the twentieth century. Its architectural detailing reflects a simplified version of the Edwardian Classicism that was popular from the early 1900s through the 1920s. The main volume of the house is in the form of an American Foursquare. This vernacular house form was popularized throughout North America in pattern books and popular magazines, and was ideal for suburban settings. This example with its projecting side wing represents a variation on the standard American Foursquare model. The plain red brick walls, two-and-a-half storey height, hipped roof with dormers, and deep front veranda with stylized Classical columns are features characteristic of Markham examples of Edwardian Classicism and American Foursquare architecture. The distinctive half columns of the Samuel and Mary Francis House with their Ionic capitals and tapered square shafts are noteworthy for being different from the simpler types generally seen on porches and verandas of this style in Markham.

Historical Value and Associative Value

The Samuel and Mary Francis House has historical value and associative value representing the theme of secondary dwellings being constructed on farms as the farmer's retirement residence, and for the legibility it provides of Thornhill's transformation in the early twentieth century from a rural mill village into a suburban community as a result of the Metropolitan Radial Railway. The property also has historical value for its association

with the Francis family, a prominent family in Thornhill's history that were involved in agriculture, business and public service. John Francis, an English immigrant, purchased the 190 acres of Lot 32, Concession 1, Markham Township, in 1881. This property, historically associated with Anthony Hollingshead, United Empire Loyalist, and became the country estate of the Honourable George Crookshank of the Town of York (later Toronto) in 1817. The former Crookshank residence, today known as Heintzman House, still stands at 135 Bay Thorn Drive.

Samuel Francis, a son of John Francis and Mary (Latimer) Francis, took over operation of the Sunnyside Manor farm in the late 1880s and became the owner in 1890. In 1916, they retired from the farm and moved into a new brick dwelling on the Yonge Street frontage of their property just south of the farm lane. By this time, small parcels had been sold off the Yonge Street frontage as part of Thornhill's suburban development in the early 1900s. In 1929, the farm was sold to Charles T. Heintzman, grandson of the founder of the Heintzman Piano Company Ltd. of Toronto, but Samuel and Mary Francis remained in their home on Yonge Street until their deaths in 1937 and 1944, respectively. Their home was later owned by their son William E. Francis, who lived there with his wife Mae (Campbell) Francis. The property was sold to investors by the family's executors in 1969, thus ending the long period of Francis family ownership on Lot 32, Concession 1.

Contextual Value

The Samuel and Mary Francis House has contextual value for being physically, functionally, visually and historically linked to its site north of the Don River Valley where it has stood since c.1916, and for being historically linked to the Heintzman House at 135 Bay Thorn Drive which was once the principal residence on the Francis family's Sunnyside Manor farm.

Heritage Attributes

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

Heritage attributes that convey the property's design value or physical value as an altered representative example of an early twentieth century dwelling designed in the Edwardian Classical style within the overall form of an American Foursquare:

- *Fieldstone foundation;*
- *Two-and-a-half storey height;*
- *L-shaped plan;*
- *Red brick walls;*
- *Hipped roof with wide projecting eaves and hipped-roofed dormers;*
- *Single-stack brick chimneys;*
- *Hipped roof veranda supported on stylized Classical half-columns resting on brick pedestals;*
- *Single-leaf front and side door openings;*
- *Rectangular window opening with projecting lugsills and cambered brick arches;*
- *Canted bay window with hipped roof on north projecting wing;*
- *Second storey window with rectangular transom light on projecting north wing.*

Heritage attributes that convey the property's historical/associative value, representing the theme of secondary dwellings being constructed on farms for the farmer's retirement, as well as its historical/associative value for its connection to the Francis family, and the early twentieth century development of Thornhill:

- The dwelling is a tangible reminder of the Francis family that historically resided here and is a remnant of Thornhill's early twentieth century suburban development.

Heritage attributes that convey the property's contextual value because it is physically, functionally, visually or historically linked to its surroundings:

- The building's location on the east side of Yonge Street, north of the Don River Valley, where it has stood since c.1916.

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

- Picture window on primary (west) elevation;
- Modern doors and windows within original openings;
- Modern wood railing on veranda;
- Frame addition on rear wall.