

From: jeffrey@landplanlaw.com <jeffrey@landplanlaw.com>

Sent: Wednesday, December 13, 2023 12:06 PM

Subject: Re: Heritage Committee Agenda for December 13, 2023, Item 6.2 DEMOLITION PERMIT APPLICATION - for property municipally known as 7951 YONGE STREET (16.11)

Good Day Laura

I spoke with Councillor Irish and based on that discussion it was agreed that I would write to you as follows:

1. The Owner is agreeable to the Councillor's request to defer the item (including our submissions) to January 10, 2024 heritage committee (which may not be in person?).
2. That as a condition of agreeing to the deferral, the Committee receive our submissions, and direct staff to respond to them, prior to January 10th.
3. The matter be returned to Council for a decision on the request for DEMOLITION PERMIT at a meeting of council to be held on or before January 31, 2024.

Please confirm receipt and provide a telephone link to tonight's meeting.

Thank you.

Jeffrey E Streisfield, BA LLB MES
416.460.2518

LAND LAWTM

www.landplanlaw.com

Planning & Development Approvals
Municipal & Environmental Law
Boundary & Property Disputes
Trials, Hearings, OMB (LPAT) and Court Appeals

Good evening Ms. Gold, kindly forward to the Chair of the Heritage Committee:

Att: Chair and Members of Markham Heritage Committee (& Mayor and Members of City Council)

I understand from Staff that they were approached by the local Councillor - who is a member of the Heritage Committee - to defer Haulover's request for a DEMOLITION PERMIT - to the January 10, 2024 in-person Heritage Committee meeting date.

I understand Staff would make this request to the Chair at the opening of tomorrow's in person meeting at the Markham Civic Centre.

Upon hearing of this potential deferral, I requested that the local Councillor contact me immediately to explain.

I have not heard from the local Councillor but will give it another day.

Regardless, if the reason for the deferral to January 10, 2024 is **to address the comments submitted by my office on behalf of the Owner on December 11th as noted below**, then I would recommend same to the Owner, but the time limit does not stop.

Please confirm receipt and of ensure same is provided to the Committee and the local councillor.

Please note that per the email below, members of Council and Senior Staff are well aware that the Owner has given Staff enough time to come up with a solution if they truly want the building.

And so 2022 turns into wanting more time to discuss in 2024. Really?

The Priority Should Be Housing

There is much needed community housing and market housing and other uses to be accommodated on the site - noted in blue outline below.

And for those who need a reminder, this property is not within a conservation district.

- RE: Request to Markham Heritage Planning - Fw: Yonge Corridor Land Use and Built Form Study - Meeting with Landowners (Comments on behalf of 7951 Yonge Street)

Yahoo/Inbox ☆

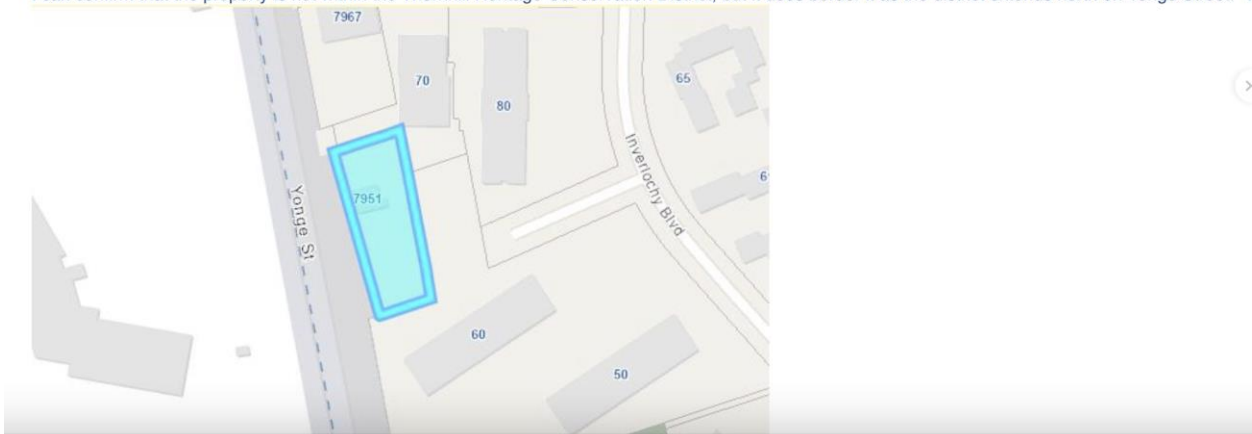


• Wokral, Peter
From: pwokral@markham.ca
To: jeffrey@landplanlaw.com

Mon, Feb 28, 2022 at 9:20 a.m. ☆

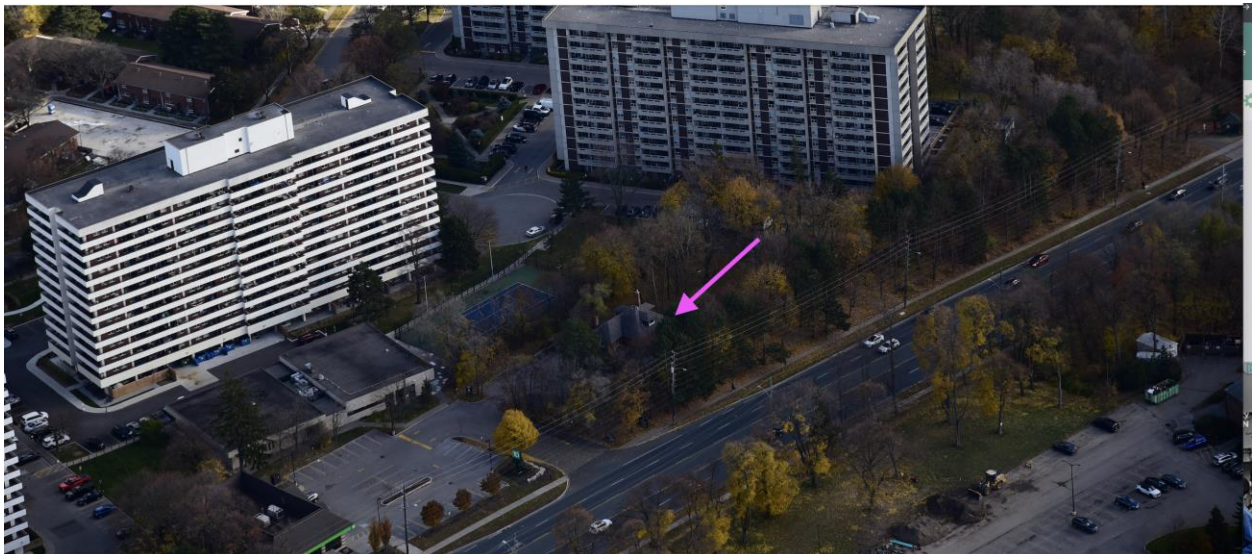
Hi Jeffrey,

I can confirm that the property is not within the Thornhill Heritage Conservation District, but it does border it as the district extends north on Yonge Street. T



Note location of building to be demolished below - 7951 Yonge Street -

**Aerial Photography by Michael S. Manett, MCIP, RPP November 2023



Jeffrey E Streisfield, BA LLB MES
416.460.2518

LANDLAW™
www.landplanlaw.com

From: jeffrey@landplanlaw.com <jeffrey@landplanlaw.com>

Subject: Heritage Committee Agenda for December 13, 2023, Item 6.2
DEMOLITION PERMIT APPLICATION - for property municipally known as 7951
YONGE STREET (16.11)

Good Members of the Heritage Committee and Members of City Council;

I represent the Owner of the Property - who returns before this Committee almost a year later seeking a recommendation from unbiased Heritage Staff that the property is not worthy of designation and ought not be preserved.

I write to object to Staff's current recommendation to designate the property as noted in the report to Committee attached (and excerpts below).

History

When we last attended before Committee on May 11, 2022, several members of Committee grilled Mr. Manning, more like pressured him to say that the property should be designated. But they could not and Mr. Manning was not willing to do so i.e submit.

Indeed as he (Manning) stated in the now corrected minutes from the infamous May 2022

See attached Heritage Extract (Appendix A to Written Submission)

At the request of Councillor Irish, the Owner was asked to give the City and Staff time to come up with a solution.

A year passes.

The City has not come up with any options or solutions for the building.

The Owner does not want the building and has offered it to the City for \$0.00 (if they take it away, otherwise it will be offered to Markham Fire Department or others for training before demolition).

The Owner seeks to renew its request and in November 2023 refiles with the City for a demolition permit. A permit has already been issued by Metrolinx for demolition.

The Staff Report for the December 13 meeting now contains a new and different recommendation from Staff. It provides:

See attached Staff Report (Appendix B to Written Submission)

Reasons for objection to Staff recommendation:

1. It is not appropriate for Heritage Staff to now provide a different recommendation where the value of the property remains "not significant", and is located outside of a heritage district.

2. It is also not appropriate to designate property in order to force a further discussion with the landowner.

Markham should know better.

Please accept this letter of objection and provide me with an opportunity to address committee.

Thank you.

Jeffrey E Streisfield, BA LLB MES
416.460.2518

LAND LAW™

www.landplanlaw.com

Planning & Development Approvals
Municipal & Environmental Law
Boundary & Property Disputes
Trials, Hearings, OMB (LPAT) and Court Appeals

This e-mail may be privileged and/or confidential, and the sender does not waive any related rights and obligations.

HERITAGE MARKHAM EXTRACT

Date: May 11, 2022

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

EXTRACT CONTAINING ITEM # 4.1 OF THE FIFTH HERITAGE MARKHAM
COMMITTEE MEETING HELD ON MAY 11, 2022

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

Evan Manning, Heritage Planner, addressed the committee and summarized the memorandum, noting that the property was adjacent to the Thornhill Heritage Conservation District, and was listed on the Markham Register of Property of Cultural Heritage Value or Interest. Mr. Manning advised that the former dwelling, now in commercial use, was fairly intact with modifications including the replacement of doors and windows and the reconfiguration of the original ground floor window along the west elevation. Otherwise the form of the building was intact. He noted that the building was screened from Yonge Street with mature trees.

Mr. Manning indicated that Staff evaluated the property under Ontario Regulation 9/06, noting that the evaluation framework was established by the Province in order to ensure consistency among municipalities when assessing a property's potential cultural heritage value. It was the opinion of Staff that the building has modest design and historical value, but possesses some contextual value as per Ontario Regulation 9/06. He advised that the property was also evaluated using the City's Heritage Resources Evaluation System, and it was the opinion of Staff that the property straddled the Group 2 and Group 3 classifications.

Jeffrey Streisfield, a representative of the applicant, indicated that the property lacks strong reasoning for designation under Ontario Heritage Act, as the property did not constitute a significant cultural heritage resource. Mr. Streisfield noted that the building is located within a highly altered landscape, being surrounded by apartment buildings to the east. Mr. Streisfield requested that the Committee recognize that the property is proximate to the future Royal Orchard subway station, and should be removed to allow for residential intensification of the site. A deputation was made by Valerie Burke recommending the support of the recommendation that finds the house to be a significant cultural heritage resource which should be conserved through designation under Part IV of the Ontario Heritage Act. She noted that it was an Edwardian Classical building, and is

historically significant for its association with the Heintzman House. Ms. Burke commented that Thornhill has lost many heritage buildings along Yonge Street and that the remaining ones should be conserved to preserve the heritage character of the area.

The Committee provided the following feedback:

- Inquired of Ms. Burke which significant cultural heritage resources were lost on Yonge Street, and whether they were lost prior to the establishment of the Thornhill Heritage Conservation District in 1986.
 - Ms. Burke advised that many were lost in the 1960's but that the area could not afford to lose more cultural heritage resources. She noted that the home could be incorporated into future development plans for the property.
- Inquired of Ms. Burke why the property was not put forward for designation while Ms. Burke was on the Heritage Markham Committee.
 - Ms. Burke stated that some properties get overlooked until brought to the Committee's attention.
- Asked Mr. Streisfield what the total area of the property was, and how far north and south the property extended from the house.
 - Mr. Streisfield advised that the property was approximately 2,200 square meters, and the boundaries were as outlined in yellow on the image provided in the appendix of the Staff report.
- Inquired as to the Applicant's intention for property, as intensification alone did not warrant demolition of the house, and inquired whether incorporation of the house into a future development scheme was possible.
 - Mr. Streisfield stated that intensification was planned to provide needed housing, including affordable housing, given the proximity to the future subway station. He advised that the house should not be conserved as it wasn't a significant heritage resource, and that consideration could be given to salvaging some of the existing material, such as brick, for incorporation into a future development.
- Commented that the written deputation from Diane Berwick makes a strong case for the significance of the house and property, and that Heritage Markham has a long history of working with applicants to incorporate cultural heritage resources into new developments with an outcome that was beneficial for both parties.
 - Mr. Streisfield reiterated that the house should not be incorporated into future plans or the site because it is not a significant heritage resource, and should not be designated under the Ontario Heritage Act. He stated that the need to provide new housing and affordable housing was more important than this particular building, and that

a decision to conserve the building was a matter for Council to consider.

- Inquired why the building could not be incorporated into the future plans for the property.
 - Mr. Streisfield advised adaptive re-use of the existing building was challenging.
- Inquired whether the Applicant would consider relocating the building within the Thornhill Heritage Conservation District, as mentioned in Ms. Berwick's written deputation.
 - Mr. Streisfield indicated that the owner may consider this option. He commented that he did not see the significance of the building in Ms. Berwick's letter and reiterated that the property is not located within the District. Mr. Streisfield did not share Ms. Berwick's perspective that the building is a gateway to the Thornhill Heritage Conservation District.

A deputation was made by Barry Nelson, as a representative of the Thornhill Historical Society (THS). He advised that the THS considers the building to be in excellent condition and contributes to the village-like character of Yonge Street in Thornhill. He stated that the significance of the property is found in its historical connection to the Frances family and the Heintzman House. Mr. Nelson recommended accepting the recommendation that the house is a significant cultural heritage resource and should be conserved. Mr. Nelson commented that he had respect for the applicant, as they have a long history of looking after buildings along Yonge Street, and commended the applicant for maintaining the buildings in good condition.

Mr. Streisfield disputed the comment that the building contributes to the village-like character of Thornhill as there are apartment buildings next to it and the subway may soon come through the area.

The Committee provided the following feedback:

- Commented that Mr. Streisfield's use of the word "significant" was overemphasized and stated that it was up to the Committee to determine if the building was a significant heritage resource.
- Commented on the discomfort with discussing demolition without considering the use of the building in a different context elsewhere on the property, and without knowing the future plans for the property.
- Clarified with Mr. Streisfield that the property was approximately 0.25 acres in size, and suggested that the value of the property will be higher without the existing building.
- Indicated support for retaining the building on-site.

- Questioned the definition of significant by someone who had an interest in removing the building, noting that properties with less significance and in poorer condition have been conserved elsewhere.
- Inquired why Staff was not clearly in opposition to demolition of the building.
 - Staff commented that there were multiple viewpoints as to the cultural heritage value of the property and that staff values hearing the advice and input of Heritage Markham. Staff indicated that the building contained some design and historical value as described in Ontario Regulation 9/06, but that it was the position of Staff that it was the value was not significant. Staff clarified that the purpose of the memo was to encourage discussion, rather than present a conclusion as to whether the existing building should be conserved.
- Commented that the village-like character of Thornhill was enhanced by the existing building, and it helps tell the story of Yonge Street development.
- Commented that Heritage Markham's role is to reflect on the building from a heritage perspective and not to evaluate affordable housing.
- Commented that the building can still have cultural historical value despite the property not being within the Thornhill Heritage Conservation District, and having not been previously considered for designation under the Ontario Heritage Act.
- Commented that the quantity and age of the trees on the property gives it significance.
- Commented that the significance of the building was greater than that of the location, and inquired as to the likelihood of the owner permitting relocation.
 - Mr. Streisfield indicated that the applicant was prepared to work with Heritage Markham or others to have the building relocated off-site.
- Inquired about the Committee's options for delaying demolition in an effort to find an alternate option.
 - Staff advised the Committee that the building was Listed rather than designated, and that the Ontario Heritage Act requires

Council to make a decision within 60 days following receipt of the intention to demolish as to whether to designate the property. There is no provision in the Act to extend the timeframe for listed properties facing demolition whereas there is this opportunity for designated properties. Committee was also advised that staff had to be cognizant of the timing of future Council meetings to address the 60 day timeframe.

- Inquired whether the demolition permit would have to be withdrawn to extend the time available to discuss potential alternatives.
 - Staff advised that this would allow for negotiations to occur beyond the aforementioned timeframe
- Commented that heritage buildings have been incorporated into several developments within Markham, and stated that conservation need not conflict with intensification of the property.
- In response to Mr. Streisfield's comment that the City and Metrolinx were aware of the plans for the property, the Committee inquired why the proposed use of the land was not presented to the Committee at the meeting.

After further discussion, Mr. Streisfield agreed on behalf of the applicant to withdraw the demolition application and to work with City Staff and Councillor Irish over the next 30 days to discuss alternative options for the building.

Recommendation:

THAT Heritage Markham receive the written submissions by Diane Berwick and Valerie Burke and the deputations by Barry Nelson on behalf of the Thornhill Historical Society, and Valerie Burke.

Carried



MEMORANDUM

TO: Heritage Markham Committee

FROM: Evan Manning, Senior Heritage Planner

DATE: December 13, 2023

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

FILE: N/A

Property/Building Description: Two-storey detached building constructed c1910-1915

Use: Commercial (formerly residential in use)

Heritage Status: Listed on the Markham Register of Property of Cultural Heritage Value or Interest and considered adjacent, as defined in the 2014 Official Plan, to the Thornhill Heritage Conservation District

Application/Proposal

- Heritage Section staff (“Staff”) has received written notice from an agent of the owner of 7951 Yonge Street (the “subject property” or the “property”) notifying the City of their intention to demolish the on-site building. Formal notice of receipt was provided to the applicant on December 5, 2023;
- As noted above, the subject property is “listed” on the Heritage Register for its potential cultural heritage significance and contains the “Samuel Francis House”, a former residence constructed in the early twentieth century;
- At this time, the City has not received a formal application to redevelop the subject property.

Background

Context

- The subject property is located on the east side of Yonge Street. A low-rise commercial plaza is located immediately to the north of the subject property 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 subject property on the west side of Yonge Street.

For a property map, aerial image and photographs of the subject property refer to Appendices A and B;

- The property is also adjacent to the northern wings of the Thornhill-Markham Heritage Conservation 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 existing Edwardian building dates from c1910-1915 and was originally residential in use. Based on a review of archival photography included in Appendix E, conversion of the property to commercial use occurred in the mid-1980s. Removal and replacement of original windows and doors is assumed to have occurred at this time.

Previous Consideration by the Heritage Markham Committee

- A demolition notice was previously submitted for the subject property in April 2022, and was considered by the Heritage Markham Committee (the “Committee”) at its meeting on May 12, 2022 (refer to Appendix F for a copy of the meeting extract);
- Based on feedback received from the Committee, namely that the building warranted conservation, the applicant agreed to withdraw the demolition notice and work with Staff and the Ward Councillor to discuss alternative options for the building, including potential relocation within Thornhill;
- It is the understanding of Staff that these discussions were not fruitful and an alternative location for the building was not found.

Potential Development

- According to the representative of the owner, removal of the building will facilitate the development of a new multi-storey residential building on the property which will be located adjacent to the future Yonge North Subway extension (in the vicinity of Royal Orchard).

Legislative and Policy Context

Ontario Heritage Act

- As per Section 27 (9) of the *Ontario Heritage Act* (the “Act”), an owner wishing to demolish a property listed on a Municipal Register must give the council of the municipality at least 60 days notice in writing of their intention to demolish or remove the building;
- The council of the municipality 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, the council shall be deemed to have consented to the demolition of the listed property;
- As noted above, the subject property is listed on the Markham Register of Property of Cultural Heritage Value or Interest. Note that “listing” a property as provided for by Section 27 (3) of the Act does not necessarily mean that the property is municipally-considered to be a significant cultural heritage resource, rather it provides a mechanism for the municipality to be alerted of any application to demolish the on-site structure(s),

and provides time for evaluation of the property for potential designation under Part IV of the Act;

- As noted above, the City provided formal notice to the owner on December 5, 2023 that their request to demolish the on-site structure was received. As such, Council is required to make a decision as to whether to designate the property or consent to its removal by February 3, 2024.

Ontario Regulation 9/06

- 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 a comprehensive and consistent assessment of heritage 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 below (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.*
 9. *The property has contextual value because it is a landmark*

City of Markham Official Plan (2014)

- Chapter 4.5 of the Official Plan (“OP”) contains polices concerning cultural heritage resources. The following are relevant to the proposed demolition of 7951 Yonge Street:

- Concerning the identification and recognition of **cultural heritage resources**, Chapter 4.5.2.4 of the OP states that it is the policy of Council:

*To ensure consistency in the identification and evaluation of **cultural heritage resources** for inclusion in the **Register of Property of Cultural Heritage Value or Interest** and/or for individual property designation, by utilizing the criteria for determining **cultural heritage** value or interest established by provincial regulation under the Ontario Heritage Act and criteria included in Markham's Heritage Resources Evaluation System.*

- Concerning the protection of **cultural heritage resources**, Chapter 4.5.3.2 of the OP states that it is the policy of Council:

*To give immediate consideration to the designation of any **significant cultural heritage resource** under the Ontario Heritage Act if that resource is threatened with demolition, inappropriate alterations or other potentially adverse impacts.*

Staff Comment

Ontario Regulation 9/06 Evaluation

- The subject property was evaluated using O.Reg. 9/06 "Criteria for Determining Cultural Heritage Value or Interest" in accordance with the above-referenced OP policy;
- Based on research undertaken in support of the O.Reg. 9/06 evaluation for the subject property, it is the position of Staff that while the property has minimal *design/physical value* as well as *historical/associative value*, it possesses significant *contextual value* and meets two of the required O.Reg. 9/06 criteria to warrant designation. For a copy of the O.Reg. 9/06 evaluation, refer to Appendix C.

Markham's Heritage Resources Evaluation System

- The subject property was also evaluated using Markham's Heritage Resources Evaluation System in accordance with the above-referenced OP policy. This evaluation system, created by Heritage Section 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 O.Reg. 9/06 to which it predates.
- The City's Group 1, 2 and 3 classifications are defined as follows:
 - Group 1**
Those buildings of major significance and importance to the Town and worthy of designation under the Ontario Heritage Act
 - Group 2**
Those buildings of significance and worthy of preservation
 - Group 3**
Those buildings considered noteworthy
- The City's Evaluation System guidelines also indicate the following:

- It should also be noted 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 historical attribute of great significance, but otherwise receives a low rating. While the evaluation criteria and classification system will provide a valid guideline for both staff and Council, the Town (now City) should retain the option to make exceptions when necessary.
- The findings of this evaluation indicate that the subject property straddles Groups 2 and 3. For a description of the typical guidance associated with each Group, refer to Appendix D.

Conclusion

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

Protection through designation would allow for further discussion on how the resource could be retained as part of the potential redevelopment of the property. Markham has successfully worked with other owners to incorporate cultural heritage resources within development sites.

Suggested Recommendation for Heritage Markham

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*.

ATTACHMENTS:

Appendix 'A'	Property Map
Appendix 'B'	Aerial Image Photographs of the Subject Property
Appendix 'C'	Ontario Regulation 9/06
Appendix 'D'	Markham's Heritage Resources Evaluation System
Appendix 'E'	Archival Material
Appendix 'F'	Heritage Markham Committee Extract

Appendix 'A'

Property Map



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



The subject 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)

Appendix 'B'

Aerial Image and Photographs of the Subject Property



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



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)

Appendix 'C'

Ontario Regulation 9/06 Evaluation

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*

Staff Comments: 7951 Yonge Street is a modest representative example of Edwardian Classicism in a residential context. The architectural style emerged in the early twentieth century during the reign of King Edward VII (1901-1910) as a reaction against the excesses of Victorian architecture. Characteristics of the architectural style included rational balanced designs, expansive front porches, red brick masonry with rusticated stone detailing, prominent front gables and often in a residential application, restrained ornamentation. Edwardian architecture also featured elements of pre-Victorian architecture with classical detailing employed most commonly. While 7951 Yonge Street exhibits some of these characteristics, notably the building's material composition, rationality, and restrained classical detailing, they are unremarkable in their execution and do not reflect a high degree of craftsmanship or artistic merit. Similarly, the building is not a rare or a unique example of Edwardian Classicism as it displays a level of sophistication more typical of suburban development.

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.*

Staff Comments: 7951 Yonge Street is historically situated on Lot 32, Concession 1. The initial landowner was Anthony Hollingshead, a United Empire Loyalist, who was awarded the parcel of land in 1798. Hollingshead built the first dwelling on the property further to the east. Constructed of adobe and fired brick with wood framing, it is believed that parts of this initial dwelling were

incorporated into the later on-site structure (now known as the Heintzman House). Based on the archival material included within Appendix D, the property passed through a number of landowners before being purchased by George Crookshank in the mid-nineteenth century. Crookshank served in a variety of capacities within the colonial government as well as the private sector, amassing considerable wealth. To reflect this success, he constructed a 13 room mansion on the site of the Hollingshead farmhouse. Following his death in 1859, the property, known as Sunnyside Manor, was purchased by George Paxton who in turn sold the property to Henry Lemon. The farm was subsequently purchased by John Francis in 1881. His sons Samuel and Elijah farmed the property. Samuel Francis moved into 7951 Yonge Street in 1916 (it is assumed that the Francis family built the dwelling). Charles Theodore Heintzman and his wife, Marion, purchased Sunnyside Manor in 1930 from Samuel Francis who passed away shortly afterwards in 1937. His son and his wife, William and Mae (Campbell) Francis lived in the house until their deaths in 1969 and 1953, respectively.

In 1955, Sunnyside Manor, now known as the Heintzman House, was sold by the Heintzman family to real estate developers who constructed the residential community that exists today. This development removed the residential buildings that formerly existed adjacent to 7951 Yonge Street as well as the linear driveway that provided access to the Heintzman House. In 1985, alterations were undertaken to 7951 Yonge Street as part of its conversion to commercial uses including the removal of original doors and windows.

While there is significance to the property (i.e. Lot 32, Concession 1), it is primarily associated with the owners that constructed and later expanded the Heintzman House rather than the later occupants of 7951 Yonge Street who are not known to have made a significant contribution to the development of Thornhill. However, there is a marginal connection to the former Heintzman House estate (*“has direct associations with a theme, event, belief, **person**, activity, organization or **institution that 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.*
9. *The property has contextual value because it is a landmark.*

Staff Comments: 7951 Yonge Street is positioned on a prominent rise of land north of Cricklewood Park. Construction coincided with the gradual subdivision of the original land grants for farming purposes, and following the arrival of the The Metropolitan Railway (later Toronto & York) in 1885, small-scale suburban growth. While not of a size or prominence to be considered a landmark, the building is historically linked to its surroundings. Together with municipally-recognized heritage resources along both sides of Yonge Street, notably the nearby Mortimer House at 8000 Yonge Street, the subject property helps make legible an earlier layer of residential growth within Thornhill.

Compliance with O.Reg. 9/06 Criteria

The property has contextual value because it is important in defining, maintaining or supporting the character of an area.

The subject property has contextual significance as it maintains and supports the character of the area. As one of the few remaining house-form buildings along the Yonge Street between Royal Orchard Blvd and John Street, the Samuel Francis House helps makes legible the character of Thornhill prior to the rapid suburban growth post 1945. By maintaining visibility of the early twentieth century character of Thornhill, conservation of the Samuel Francis House contributes to an understanding of the historic and varied built form character of Thornhill.

The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings.

The subject property has contextual significance as it has long-standing physical, visual and historical linkages to the Thornhill community where it has stood since the early twentieth century, reinforcing its contextual significance to the community. While modest in its construction, the Samuel Francis House forms part of a cross section of residential architecture within Thornhill that is revealing of the community's historic composition. The prominent siting of the building along Yonge Street reinforces its visual significance within Thornhill.

Appendix 'D'

Markham's Heritage Resources Evaluation System

GROUP 1

- *The designation of the building pursuant to the Ontario Heritage Act will be pursued.*
- *Every attempt must be made to preserve the building on its original site.*
- *Any development proposal affecting such a building must incorporate the identified building.*
- *Appropriate alternative uses for the building will be encouraged when necessary to ensure its preservation.*
- *A Letter of Credit will typically be required to ensure the protection and preservation of the building.*

GROUP 2

- *The designation of the building pursuant to the Ontario Heritage Act will be encouraged.*
- *The retention of the structure in its existing location is encouraged.*
- *Any developed proposal affecting such a structure should incorporate the identified building.*

- *Appropriate alternative uses for the building will be encouraged when necessary to ensure its preservation.*
- *A Letter of Credit may be required to ensure the protection and preservation of the building.*

GROUP 3

- *The designation of the building pursuant to the Ontario Heritage Act may be supported with an approved restoration plan, but would not be initiated by the Town.*
- *Retention of the building on the site is supported.*
- *If the building is to be demolished, a photographic record, measured drawings and/or salvage of significant architectural elements may be required.*

Appendix 'E'

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)



Aerial photograph of the subject property (circled in red) and surrounding context prior to the arrival of post-war suburban growth c1961. The Heintzman House (circled in orange) is accessed from a long, linear driveway from Yonge Street (Source: City of Toronto Archives)

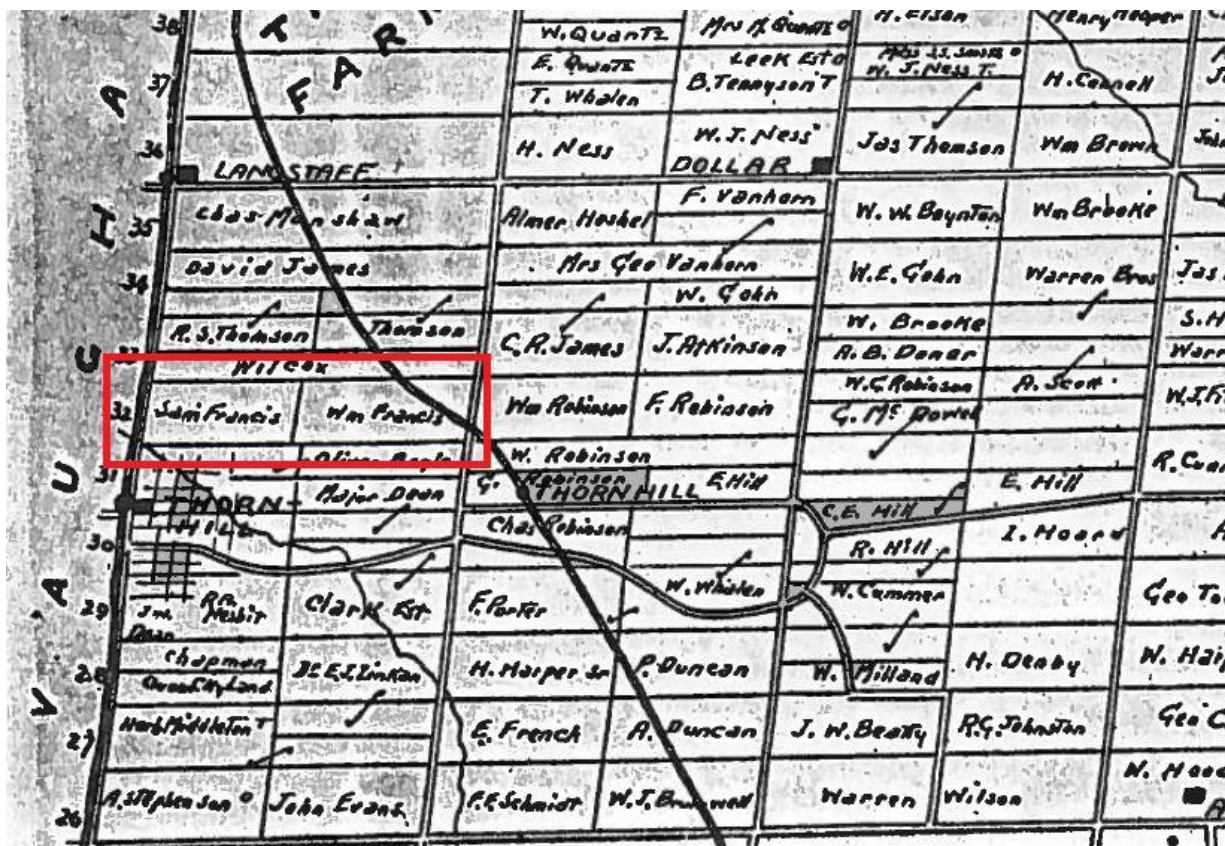


Aerial photograph of the subject property (circled in red) and surrounding context. Note the adjacent suburban growth which by this point has replaced the linear driveway to the Heintzman House (Source: City of Toronto Archives)



Aerial photograph of the subject property (circled in red) c1977. By this point the surrounding context resembles its contemporary form with the exception of the adjacent commercial plaza which has yet to be constructed (Source: City of Toronto Archives)

1878 Illustrated Historical Atlas of the County of York indicating ownership of Lot 32, Concession 1



1919 Agricultural Census indicating land ownership/tenancy of Lot 32, Concession 1

Appendix ‘F’

Hertiage Markham Committee Extract

HERITAGE MARKHAM EXTRACT

Date: May 11, 2022

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

EXTRACT CONTAINING ITEM # 4.1 OF THE FIFTH HERITAGE MARKHAM
COMMITTEE MEETING HELD ON MAY 11, 2022

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

Evan Manning, Heritage Planner, addressed the committee and summarized the memorandum, noting that the property was adjacent to the Thornhill Heritage Conservation District, and was listed on the Markham Register of Property of Cultural Heritage Value or Interest. Mr. Manning advised that the former dwelling, now in commercial use, was fairly intact with modifications including the replacement of doors and windows and the reconfiguration of the original ground floor window along the west elevation. Otherwise the form of the building was intact. He noted that the building was screened from Yonge Street with mature trees.

Mr. Manning indicated that Staff evaluated the property under Ontario Regulation 9/06, noting that the evaluation framework was established by the Province in order to ensure consistency among municipalities when assessing a property's potential cultural heritage value. It was the opinion of Staff that the building has modest design and historical value, but possesses some contextual value as per Ontario Regulation 9/06. He advised that the property was also evaluated using the City's Heritage Resources Evaluation System, and it was the opinion of Staff that the property straddled the Group 2 and Group 3 classifications.

Jeffrey Streisfield, a representative of the applicant, indicated that the property lacks strong reasoning for designation under Ontario Heritage Act, as the property did not constitute a significant cultural heritage resource. Mr. Streisfield noted that the building is located within a highly altered landscape, being surrounded by apartment buildings to the east. Mr. Streisfield requested that the Committee recognize that the property is proximate to the future Royal Orchard subway station, and should be removed to allow for residential intensification of the site. A deputation was made by Valerie Burke recommending the support of the recommendation that finds the house to be a significant cultural heritage resource which should be conserved through designation under Part IV of the Ontario Heritage Act. She noted that it was an Edwardian Classical building, and is

historically significant for its association with the Heintzman House. Ms. Burke commented that Thornhill has lost many heritage buildings along Yonge Street and that the remaining ones should be conserved to preserve the heritage character of the area.

The Committee provided the following feedback:

- Inquired of Ms. Burke which significant cultural heritage resources were lost on Yonge Street, and whether they were lost prior to the establishment of the Thornhill Heritage Conservation District in 1986.
 - Ms. Burke advised that many were lost in the 1960's but that the area could not afford to lose more cultural heritage resources. She noted that the home could be incorporated into future development plans for the property.
- Inquired of Ms. Burke why the property was not put forward for designation while Ms. Burke was on the Heritage Markham Committee.
 - Ms. Burke stated that some properties get overlooked until brought to the Committee's attention.
- Asked Mr. Streisfield what the total area of the property was, and how far north and south the property extended from the house.
 - Mr. Streisfield advised that the property was approximately 2,200 square meters, and the boundaries were as outlined in yellow on the image provided in the appendix of the Staff report.
- Inquired as to the Applicant's intention for property, as intensification alone did not warrant demolition of the house, and inquired whether incorporation of the house into a future development scheme was possible.
 - Mr. Streisfield stated that intensification was planned to provide needed housing, including affordable housing, given the proximity to the future subway station. He advised that the house should not be conserved as it wasn't a significant heritage resource, and that consideration could be given to salvaging some of the existing material, such as brick, for incorporation into a future development.
- Commented that the written deputation from Diane Berwick makes a strong case for the significance of the house and property, and that Heritage Markham has a long history of working with applicants to incorporate cultural heritage resources into new developments with an outcome that was beneficial for both parties.
 - Mr. Streisfield reiterated that the house should not be incorporated into future plans or the site because it is not a significant heritage resource, and should not be designated under the Ontario Heritage Act. He stated that the need to provide new housing and affordable housing was more important than this particular building, and that

a decision to conserve the building was a matter for Council to consider.

- Inquired why the building could not be incorporated into the future plans for the property.
 - Mr. Streisfield advised adaptive re-use of the existing building was challenging.
- Inquired whether the Applicant would consider relocating the building within the Thornhill Heritage Conservation District, as mentioned in Ms. Berwick's written deputation.
 - Mr. Streisfield indicated that the owner may consider this option. He commented that he did not see the significance of the building in Ms. Berwick's letter and reiterated that the property is not located within the District. Mr. Streisfield did not share Ms. Berwick's perspective that the building is a gateway to the Thornhill Heritage Conservation District.

A deputation was made by Barry Nelson, as a representative of the Thornhill Historical Society (THS). He advised that the THS considers the building to be in excellent condition and contributes to the village-like character of Yonge Street in Thornhill. He stated that the significance of the property is found in its historical connection to the Frances family and the Heintzman House. Mr. Nelson recommended accepting the recommendation that the house is a significant cultural heritage resource and should be conserved. Mr. Nelson commented that he had respect for the applicant, as they have a long history of looking after buildings along Yonge Street, and commended the applicant for maintaining the buildings in good condition.

Mr. Streisfield disputed the comment that the building contributes to the village-like character of Thornhill as there are apartment buildings next to it and the subway may soon come through the area.

The Committee provided the following feedback:

- Commented that Mr. Streisfield's use of the word "significant" was overemphasized and stated that it was up to the Committee to determine if the building was a significant heritage resource.
- Commented on the discomfort with discussing demolition without considering the use of the building in a different context elsewhere on the property, and without knowing the future plans for the property.
- Clarified with Mr. Streisfield that the property was approximately 0.25 acres in size, and suggested that the value of the property will be higher without the existing building.
- Indicated support for retaining the building on-site.

- Questioned the definition of significant by someone who had an interest in removing the building, noting that properties with less significance and in poorer condition have been conserved elsewhere.
- Inquired why Staff was not clearly in opposition to demolition of the building.
 - Staff commented that there were multiple viewpoints as to the cultural heritage value of the property and that staff values hearing the advice and input of Heritage Markham. Staff indicated that the building contained some design and historical value as described in Ontario Regulation 9/06, but that it was the position of Staff that it was the value was not significant. Staff clarified that the purpose of the memo was to encourage discussion, rather than present a conclusion as to whether the existing building should be conserved.
- Commented that the village-like character of Thornhill was enhanced by the existing building, and it helps tell the story of Yonge Street development.
- Commented that Heritage Markham's role is to reflect on the building from a heritage perspective and not to evaluate affordable housing.
- Commented that the building can still have cultural historical value despite the property not being within the Thornhill Heritage Conservation District, and having not been previously considered for designation under the Ontario Heritage Act.
- Commented that the quantity and age of the trees on the property gives it significance.
- Commented that the significance of the building was greater than that of the location, and inquired as to the likelihood of the owner permitting relocation.
 - Mr. Streisfield indicated that the applicant was prepared to work with Heritage Markham or others to have the building relocated off-site.
- Inquired about the Committee's options for delaying demolition in an effort to find an alternate option.
 - Staff advised the Committee that the building was Listed rather than designated, and that the Ontario Heritage Act requires

Council to make a decision within 60 days following receipt of the intention to demolish as to whether to designate the property. There is no provision in the Act to extend the timeframe for listed properties facing demolition whereas there is this opportunity for designated properties. Committee was also advised that staff had to be cognizant of the timing of future Council meetings to address the 60 day timeframe.

- Inquired whether the demolition permit would have to be withdrawn to extend the time available to discuss potential alternatives.
 - Staff advised that this would allow for negotiations to occur beyond the aforementioned timeframe
- Commented that heritage buildings have been incorporated into several developments within Markham, and stated that conservation need not conflict with intensification of the property.
- In response to Mr. Streisfield's comment that the City and Metrolinx were aware of the plans for the property, the Committee inquired why the proposed use of the land was not presented to the Committee at the meeting.

After further discussion, Mr. Streisfield agreed on behalf of the applicant to withdraw the demolition application and to work with City Staff and Councillor Irish over the next 30 days to discuss alternative options for the building.

Recommendation:

THAT Heritage Markham receive the written submissions by Diane Berwick and Valerie Burke and the deputations by Barry Nelson on behalf of the Thornhill Historical Society, and Valerie Burke.

Carried