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December 8, 2023

**VIA EMAIL – [clerkspublic@markham.ca](mailto:clerkspublic@markham.ca)**

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

Dear Sirs:

**Re: 11274 Highway 48, Markham**  
**Proposed Designation under Part IV of the *Ontario Heritage Act***

Please be advised that Aird Berlis LLP represents Markham 11274 Hwy 48 Developments in respect of its lands located within the Upper Markham Village and, more specifically, known as 11274 Highway 48 (the “**Property**”).

The purpose of this letter is to (1) **formally request an opportunity to depute** before the Development Services Committee at its meeting of December 12, 2023 in respect of Agenda Item 8.4 as it relates to the property located at 11274 Highway 48, Markham and (2) **request a deferral** of any consideration and/or decision in respect of the issuance of a Notice of Intent to Designate this property under part IV of the *Ontario Heritage Act*.

### **Site and Area Context**

The Property is approximately 40 hectares in size, with frontage on Highway 48. The Property is designated as “Countryside” and “Greenway” within the City of Markham Official Plan.

The Property is almost entirely vacant except for the two-storey dwelling located towards the rear of the property, and identified as the “Christian and Anna Hoover House”. This dwelling is also located within the Protected Countryside designation of the Greenbelt Plan. The Property is located adjacent to another site owned by our client, which is also proposed for designation under part IV of the *Ontario Heritage Act*.

### **Concerns with Statement of Significance & Reasons for Designation**

Our client only received notice of this matter two weeks ago, on November 27, 2023. Our client immediately engaged heritage experts to review the Statement of Significance and Reasons for Designation contained in the Notice issued by Markham and to begin to assess the implications of a designation. Importantly, and particularly given the timing of the notice, our client’s heritage experts have yet to be able to complete basic due diligence on this matter such as a site visit or archival research. That work is ongoing and must be completed for our client to be apprised of the merits of the proposed designation.

December 8, 2023

Page 2

However, we have identified, based on a preliminary review, certain concerns with the Statement of Significance, including how certain locational aspects of the heritage resource are described as well as the identification of criteria pursuant to Ontario Regulation 9/06, generally and with respect to the Greenbelt designation on the Property.

### **Summary and Request**

In summary, our client only received Notice of this meeting on November 27, 2023, and has not been provided with a reasonable or fair opportunity to review the Reasons for Designation set out in the Notice nor the implications of the proposed designation on its interests.

We appreciate that the amendments to the *Ontario Heritage Act* through Bill 23 has resulted in the need for municipalities to undertake a careful review of the properties contained on their Heritage Register; that exercise cannot be at the sake of a reasonable process which affords landowners a fair opportunity to understand and respond to a proposed designation pursuant to Part IV.

In these circumstances, a deferral will allow our client and its heritage consultants to review and consider this matter and to properly consult with Markham staff. A deferral will not unduly prejudice the ability of Markham to make further decisions in accordance with the timeframes as set out in the *Ontario Heritage Act*.

We will attend the meeting of the Development Services Committee to provide a deputation on this matter and to answer any questions. We appreciate the opportunity to do so on behalf of our client.

Yours truly,

AIRD & BERLIS LLP



Eileen P. K. Costello  
EPKC/MH

cc: Client  
MHBC Planning

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