



MEMORANDUM

TO: Heritage Markham Committee

FROM: Evan Manning, Senior Heritage Planner

DATE: February 20, 2024

SUBJECT: Amendment to a Designation By-law to Correct a Legal Description
4031 16th Avenue (“Briarwood Farm-James McLean House”)

FILE: N/A

Property/Building Description: One-and-a-half storey dwelling constructed c1842 as per municipal records

Use: Residential (currently vacant and secured)

Heritage Status: Designated under Part IV of the *Ontario Heritage Act*

Background

- 4031 16th Avenue (the “Subject Property”) is designated under Part IV of the *Ontario Heritage Act* (refer to By-law 2021-8);
- The Subject Property is located within a draft plan of subdivision consisting of seven residential lots. The heritage resource will be retained and restored within the new subdivision as a condition of development approval;
- As a further condition of development approval, Livante Holding Inc. (the “applicant”) is required to transfer a portion of land adjacent to 16th Avenue to York Region (the “Region”) for transportation-related purposes. The Region has requested that the legal description of the Part IV-designated property as it appears in Schedule A of the aforementioned designation by-law be amended to exclude those portions conveyed for transportation purposes.

Heritage Policy

Ontario Heritage Act

- Municipal councils may need to update different parts of an existing heritage designation by-law for a number of reasons including:
 - Changes have been made to the property or new information has become available affecting the Statement of Cultural Heritage Value or Interest or the Description of Heritage Attributes;
 - The legal description has changed or needs to be corrected; or

- The information in the original by-law does not provide sufficient detail to guide and manage alterations to the property.
- Section 30.1 of the Act, as amended in 2005, provides for a simplified amendment process to, where required, correct the legal description of a property as contained within a designation by-law. Under this Section, the municipality is obliged to:
 - (a) inform the owner of the amendment and their right to object thereto; and
 - (b) consult with the municipal heritage committee prior to giving notice of the proposed amendment to the owner. Upon receipt of notice of the amendment, the owner has 30 days to file a notice of objection to the amendment with the municipality. Should a notice of objection not be received by the municipality within the 30 day timeline, the council of the municipality may pass the proposed amending by-law;
- The Act was recently further amended with modifications coming into force on July 1, 2021. These amendments affect how a municipality undertakes amendments to designation by-laws, requiring those by-laws enacted post-2005 to be made consistent with the requirements of the Act as amended in 2021. These requirements include linking heritage attributes as contained within the Statement of Significance (“SOS”) to their associated criteria within Ontario Regulation 9/06, and the identification of those portions of the property that are considered to be non-contributing to its cultural heritage significance.

Staff Comments

- In accordance with the statutory requirements as described above, Heritage Section staff have amended the SOS to ensure conformance with the Act as amended in 2021 (refer to Appendix ‘C’), and will revise the legal description of the property when made available (note that the municipal address of the heritage resource will no longer be 4031 16th Avenue);
- A Staff report recommending amendment of designation by-law 2021-8 is anticipated to be considered by the Development Service Committee and Council in May 2024.

Suggested Recommendation for Heritage Markham

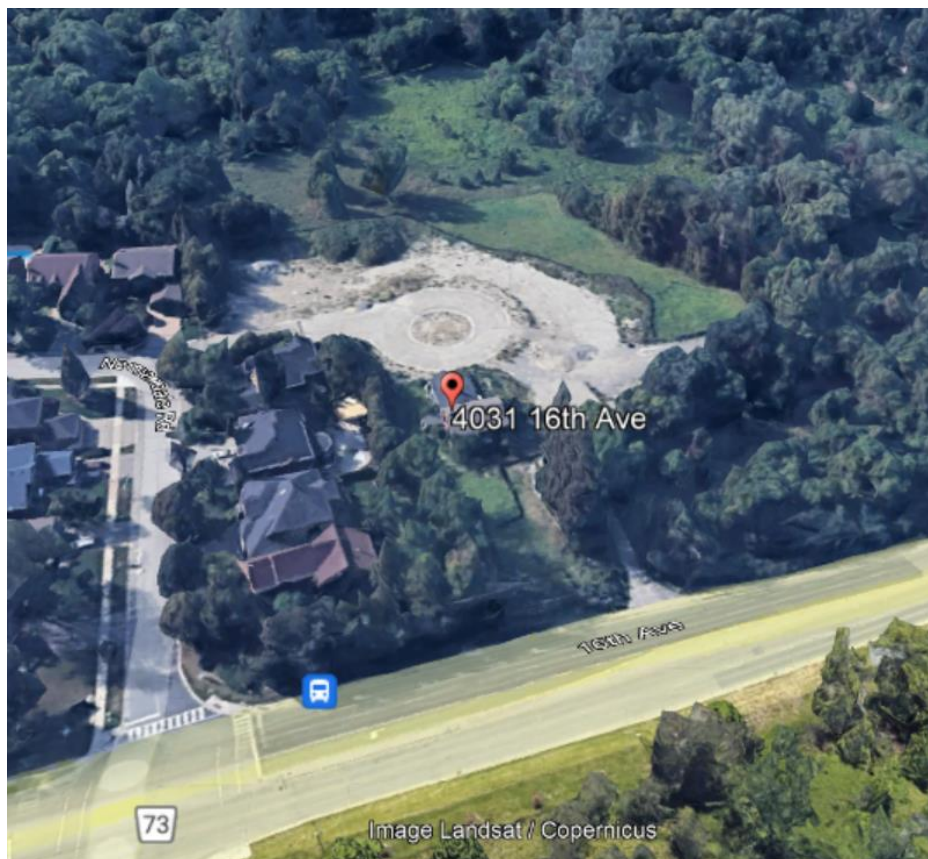
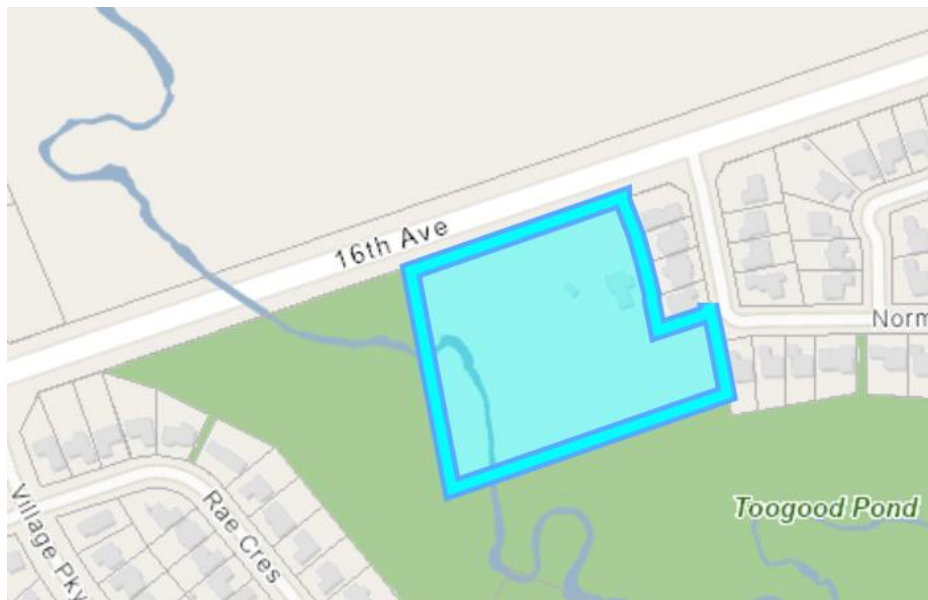
THAT Heritage Markham has no objection to the required amendments to the designation by-law correct/revise the property’s legal description and Statement of Significance.

ATTACHMENTS:

Appendix ‘A’	Property Map and Photograph of the Subject Property
Appendix ‘B’	Designation Process (July 2021)
Appendix ‘C’	Amended Statement of Significance

Appendix 'A'

Property Map and Aerial Image of the Subject Property



The subject property outlined in blue [above] and an aerial image of the Subject Property [below] (Source: City of Markham)

Appendix 'B'

Photograph of the Subject Property



*The north (primary) elevation of the heritage resource as seen in June 2023
(Source: Google Earth)*

Appendix ‘C’
Amended Statement of Significance

STATEMENT OF SIGNIFICANCE

Briarwood Farm – James McLean House

4031 Sixteenth Avenue

1855

Briarwood Farm – James McLean 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

Briarwood Farm – James McLean House is a one and a half storey patterned brick farmhouse located on the south side of Sixteenth Avenue, east of Warden Avenue, bounded by a river valley on the west side and late twentieth century houses fronting on Normandale Avenue on the east side. The house faces north.

Design Value and Physical Value

Briarwood Farm – James McLean House has design and physical value as an excellent representative example of a mid-nineteenth century farmhouse in patterned brick, with a Georgian Tradition form and Classic Revival details. It is a type of substantial farmhouse that reflects a period of agricultural prosperity in the 1850s when wheat was selling for good prices, enabling many Markham Township farmers the means to replace older log and frame dwellings. This house is exceptional for its excellent state of preservation both on the exterior and interior.

Historical Value and Associative Value

Briarwood Farm – James McLean House has historical value and associative value, representing the theme of immigration, particularly the significant wave of British families that came to Markham in the 1820s -1830s, and the theme of improvement of early farmsteads as the agricultural community progressed past the early settlement phase into a period of prosperity. The property is associated with James McLean, a Scottish immigrant that received the Crown patent for Lot 15, Concession 5, a former Clergy Reserve Lot, in 1845. McLean was a tenant on the land prior to becoming the owner. At the time of the 1851 census, James and Flora (McKinnon) McLean resided in a log house. By 1861, the log house had been replaced by a fine brick farmhouse. In 1875, the west half of the farm, including this dwelling, was willed to John Patterson, a labourer who had resided with the family for a considerable time and was married to Flora, the McLeans’ daughter. The property is also of significance for its more recent history. In 1945, the farm was purchased by Aubrey Dean Hughes and Dora Evelyn Hughes. The Hughes family named the farm “Briarwood.” Dean Hughes wrote about life on this farm north of

Unionville in two books, *And So They Bought a Farm* and *Along the Sideroad*. He also used the farm as the basis of a radio show on the CBC that ran for 25 years, titled “The Craigs,” and had a column in the Toronto Star.

Contextual Value

Briarwood Farm – James McLean House has contextual value for being physically, functionally, visually and historically linked to its surroundings as a remnant of the former agricultural community that historically existed to the north of Unionville, now transformed to a suburban community in the City of Markham.

Heritage Attributes

Character-defining attributes that embody the cultural heritage value of Briarwood Farm – James McLean House are organized by their respective Ontario Regulation 9/06 criteria, as amended, below:

Heritage attributes that convey the property’s design value and physical value as an excellent representative example of a mid-nineteenth century farmhouse in patterned brick, with a Georgian Tradition form and Classic Revival details:

Exterior, character-defining elements that embody the cultural heritage value of Briarwood Farm – James McLean House include:

- One-and-a-half storey main block of the building, and its one storey rear kitchen wing;
- Exterior walls of red brick with buff brick accents in the form of quoining, ground floor door and window arches, and frieze;
- Gable roof with its wood cornice and eave returns;
- Gable-end single-stack brick chimneys with limestone copings;
- Six over six sash-style wood windows with operable louvered wood shutters and projecting window sills;
- Single-leaf front door with a single panel in the Classic Revival style, with multi-paned wood transom and sidelights and wood panels below the sidelights.

Interior, character-defining elements remaining from the 1850s that embody the cultural heritage value of Briarwood Farm – James McLean House include:

- Pine plank floors;
- Staircase with turned newel posts, oval handrail and square pickets;
- Pine, single-panelled front door with rim lock;
- Four panelled pine doors with period hardware;
- Pine baseboards;
- Pine door and window architrave trim, and panelled window aprons;
- Brick fireplace and pine fireplace mantel in the west room;
- Brick cooking fireplace, iron crane and wood mantel in the rear wing.

Heritage attributes that convey the property's historical value and associative value, representing the theme of immigration, particularly the significant wave of British families that came to Markham in the 1820s -1830s, and the theme of improvement of early farmsteads as the agricultural community progressed past the early settlement phase into a period of prosperity:

- The dwelling is a tangible reminder of the Scottish-Canadian McLean family that historically resided on this property from the 1830s to the mid-1870s, and how they prospered on this land to enable the construction of a fine brick farmhouse in 1855.

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

- The location of the building facing north, where it has stood since 1855.

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 addition to rear.