

SUBJECT: RECOMMENDATION REPORT
Objection to Notice of Intention to Designate – Phase V Properties

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

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

RECOMMENDATION:

1. THAT the Staff report, dated February 20, 2024, titled "RECOMMENDATION REPORT, Objection to Notice of Intention to Designate – Phase V Properties", be received;
2. THAT the written objection to designation under the *Ontario Heritage Act* as submitted on behalf of the property owner of 10737 Victoria Square Blvd (Ward 2), be received as information;
3. THAT Council affirm its intention to designate 10737 Victoria Square (Ward 2) under Part IV, Section 29 of the *Ontario Heritage Act* in recognition of its cultural heritage significance;
4. THAT the Clerk's Department be authorized to place a designation by-law before Council for adoption;
5. THAT the Clerk's Department be authorized to publish and serve notice of Council's adoption of the designation by-law as per the requirements of the *Ontario Heritage Act*;
6. AND THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

This report provides information on an objection submitted for one property for which Council has stated its intention to designate under Part IV, Section 29 of the *Ontario Heritage Act* (the "Act"), in accordance with the Staff recommendations adopted by Council on December 13, 2023, and noted in the recommendations of this report.

BACKGROUND:

Notice of Council's Intention to Designate has been provided to the Property Owners
On December 13, 2023, Council stated its intention to designate twelve properties under Part IV, Section 29 of the Act. A notice of intention to designate was provided to the

property owners and the Ontario Heritage Trust, and was published in accordance with the Act. The objection period ended on January 13, 2024.

The City Clerk received notices of objection on behalf of the owners of three of the twelve properties within the timeframe as set out in the Act: 10737 Victoria Square Blvd (Ward 6), 11120 Highway 48 (Ward 6), and 11274 Highway 48 (Ward 6) as shown in Appendix 'A'. The owner of 11120 Highway 48 and 11274 Highway 48 have requested additional time to discuss with Staff the contents of the Statements of Significance for both properties, and a delay in Council consideration of their objection until April 3, 2024. As such, this report provides information solely on the objection received for the proposed designation of 10737 Victoria Square Blvd (the "Property").

The Act requires that Council consider and make a decision on an objection within 90 days from the end of the objection period. City Council may decide to withdraw, amend, or affirm its intention to designate. Council has until April 12, 2024, to make a decision on the objection (see Appendix 'C').

If Council decides not to withdraw a notice of intention to designate a property, Council may pass a by-law designating the property. Council has 120 days from after the date of publication of the notice of intention (December 14, 2023) to pass a designation by-law. Should Council not act within this timeframe, a notice of intention to designate is deemed to be withdrawn. As noted, the deadline is April 12, 2024.

Properties are to be assessed using Provincial Designation Criteria

Ontario Regulation 9/06, as amended, ("O.Reg. 9/06") prescribes criteria for determining a property's cultural heritage value or interest for the purpose of designation. The regulation provides an objective base for the determination and evaluation of resources of cultural heritage value, and ensures the comprehensive, and consistent assessment of value by all Ontario municipalities. Municipal councils are permitted to designate a property to be of cultural heritage value or interest if the property meets two or more of the prescribed criteria (excerpted from O.Reg. 9/06):

- 1. The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.*
- 2. The property has design value or physical value because it displays a high degree of craftsmanship or artistic merit.*
- 3. The property has design value or physical value because it demonstrates a high degree of technical or scientific achievement*
- 4. The property has historical value or associative value because it has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community.*
- 5. The property has historical value or associative value because it yields, or has the potential to yield, information that contributes to an understanding of a community or culture.*

6. *The property has historical value or associative value because it demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.*
7. *The property has contextual value because it is important in defining, maintaining or supporting the character of an area.*
8. *The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings.*

OPTIONS/ DISCUSSION:***Heritage Section Staff (“Staff”) considered the reasons for objection for the Property*****10737 Victoria Square Blvd**

The property owner retained LHC Heritage Planning & Archeology Inc. (“LHC”) to produce a Cultural Heritage Impact Assessment (“CHIA”) for the property. The CHIA concludes that 10737 Victoria Square Blvd does not meet the minimum of two O.Reg. 9/06 criteria as required by the Act for Part IV designation and as such should remain “listed”.

Staff do not concur with the conclusion in the CHIA and the objection letter by LHC that the Property falls short of the minimum criteria for designation. While Staff agree that the Property has contextual value because it is “important in defining, maintaining or supporting the character of an area”, Staff also find that the Property has long-standing and significant physical, visual and historical linkages to Victoria Square where it has stood since 1872, reinforcing its contextual significance to the community. Further, the Property has design value as it represents an example of a modest, vernacular village dwelling in the Georgian architectural tradition. While modest in its construction, it forms part of a cross section of residential architecture within Victoria Square that makes legible the historic composition of the community. As such, Staff find the Property to be a significant cultural heritage resource that meets the required number of O.Reg. 9/06 criteria for designation and recommend that Council affirm its decision to designate the Property.

The protection and preservation of heritage resources is consistent with City policies

Markham’s Official Plan 2014 contains cultural heritage policies related to the protection and conservation of heritage resources that are often a fragile gift from past generations. They are a non-renewable resource, and once lost, are gone forever. Markham understands the importance of safeguarding its cultural heritage resources and uses a number of mechanisms to protect them. Council’s policy recognizes their significance by designating individual properties under the Act to ensure that the cultural heritage values and heritage attributes are addressed and protected.

Provincial planning policies support designation

The Provincial Policy Statement, 2020, issued under Section 3 of the *Planning Act* includes cultural heritage policies that indicate significant built heritage resources and significant cultural heritage landscapes shall be conserved. Designation provides a mechanism to achieve the necessary protection.

Designation acknowledges the importance of a cultural heritage resource

Designation signifies to an owner and the broader community that the Property contains a significant resource that is important to the community. Designation does not restrict the use of the Property or compel restoration. However, it does require an owner to seek approval for property alterations that are likely to affect the heritage attributes described in the designation by-law. Council can also prevent, rather than just delay, the demolition of a resource on a designated heritage property.

The Process and Procedures for Designation under Part IV of the Act are summarized below

- Staff undertake research and evaluate the property under O.Reg. 9/06 to determine whether it should be considered a significant cultural heritage resource worthy of Part IV designation;
- Council is advised by its municipal heritage committee with respect to the cultural heritage value of the Property;
- Council may state its Intention to Designate the property under Part IV of the Act and is to include a statement explaining the cultural heritage value or interest of the Property and a description of the heritage attributes of the Property;
- Should Council wish to pursue designation, notice must be provided to the owner and the Ontario Heritage Trust that includes a description of the cultural heritage value of the Property. A notice, either published in a local newspaper or posted digitally in a readily accessed location, must be provided with the same details (i.e. the City's website);
- **Following the publication of the notice, interested parties can object to the designation within a 30-day window. If an objection notice is received, Council is required to consider the objection and make a decision whether or not to withdraw the notice of intention to designate;**
- Should Council proceed with designation, it must pass a by-law to that effect within 120 days of the date in which the notice was published. There are notice requirements and a 30-day appeal period following Council adoption of the by-law in which interested parties can serve notice to the municipality and the Ontario Land Tribunal ("OLT") of their objection to the designation by-law. Should no appeal be received within the 30-day time period, the designation by-law comes into force. Should an objection be received, an OLT hearing date is set to examine the merits of the objection and provide a final decision.

FINANCIAL CONSIDERATIONS:

External heritage consultants may be required to provide evidence at the OLT in support of designation if property owners appeal. External legal services may also be required in the event of any appeals to the OLT. This constitutes a potential future financial cost.

HUMAN RESOURCES CONSIDERATIONS:

Not Applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

The protection and preservation of cultural heritage resources is part of the City's Growth Management strategy.

BUSINESS UNITS CONSULTED AND AFFECTED:

Heritage Markham, Council's advisory committee on heritage matter, was consulted on the designation proposals. Clerks and Planning and Urban Design Department (Heritage Section) will be responsible for future notice provisions. An appeal to the OLT would involve staff from the Planning and Urban Design (Heritage Section), Legal Services, and Clerks Department.

RECOMMENDED BY:

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

Arvin Prasad, MPA, RPP, MCIP
Commissioner of Development Services

APPENDICES:

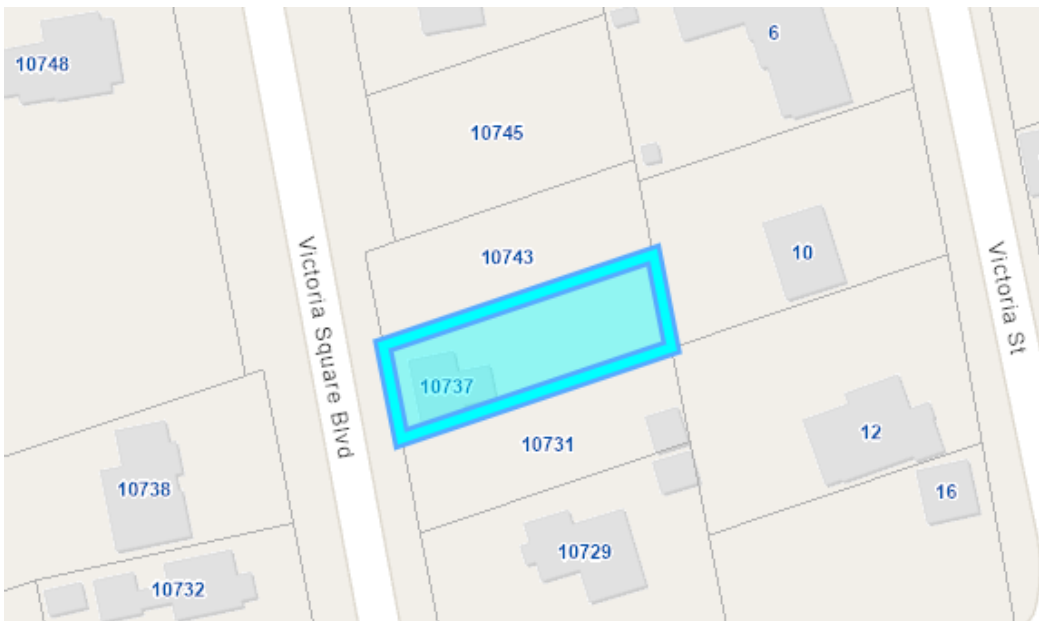
Appendix 'A': Location and Image of the Property
Appendix 'B': Statement of Significance
Appendix 'C': Letter of Objection

APPENDIX 'A'

Location and Image of the Property

10737 Victoria Square Blvd (Ward 2): "Savage-Schell-Dennie House"

Primary Elevation and Property Map



APPENDIX 'B': Statement of Significance

Savage-Schell-Dennie House

10737 Victoria Square Boulevard
c.1872

The Savage-Schell-Dennie 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 Savage-Schell-Dennie House is a one-and-a-half storey frame dwelling located on the east side of Victoria Square Boulevard in the historic community of Victoria Square. The house faces west onto Victoria Square Boulevard.

Design and Physical Value

The Savage-Schell-Dennie House has design and physical value a representative example of a modest vernacular village dwelling in the Georgian architectural tradition. The ground floor windows previously had 6/6 single hung windows, and the second floor, 6/6 windows in the north gable end and 1/1 windows in the south gable end.

Historical and Associative Value

The Savage-Schell-Dennie House has historical and associative value as representing the theme of the early development of the hamlet of Victoria Square and specifically the creation of retirement properties in village settings for former local farmers. This property is the former residence of George and Ann Savage, retired farmers from the Gormley area that first developed village Lot 23, Plan 184, in William Hingston's subdivision of 1856 in Victoria Square, and as the former home of Paul and Ellen Schell when they retired from farming north of Schell's Corners in 1882. Paul Schell was the great-grandfather of Wesley Schell, founder of Schell Lumber in Stouffville in 1922. The property has further historical and associative value for its long association with Charles Dennie, a labourer, huckster and drover that lived here from 1890 to the mid-1930s.

Contextual Value

The Savage-Schell-Dennie House has contextual value as one of a number of nineteenth century buildings that are important in defining, maintaining, and supporting the character and extent of the historic hamlet of Victoria Square. It has stood on this property since c.1872. As such, it has long-standing and significant physical, visual and historical linkages to the community of Victoria Square.

Heritage Attributes

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

Heritage attributes that convey the property's design and physical value as a representative example of modest, vernacular, village dwelling in the Georgian architectural tradition:

- One-and-a-half storey, rectangular plan, western block;
- One-storey rear kitchen wing
- Wood clapboard siding that is presumed to exist below modern cladding;
- Symmetrical 3-bay façade (west elevation);
- Medium-pitched gable roof with projecting, open eaves;
- Existing flat-headed, rectangular window openings on all sides of the building;
- Centrally-placed, flat-headed, single-leaf door opening on the west or front wall.

Heritage attributes that convey the property's historical and associative value as representing the early development of the hamlet of Victoria Square, particularly the creation of retirement properties in village settings for former local farmers, and its association with Charles Dennie, a noteworthy long-term resident:

- The dwelling is a tangible reminder of the Savage, Schell and Dennie families that historically resided here.

Heritage attributes that convey the property's contextual value as a building that is important in defining, maintaining and supporting the character and extent of the hamlet of Victoria Square.

- The central location of the building facing Victoria Square Boulevard within the historic hamlet of Victoria Square.

Attributes of the property that are not considered to be of significant cultural heritage value:

- Vinyl siding;
- One-over-one contemporary window units.

APPENDIX 'C': Letter of Objection

Provided under separate cover