

January 11, 2024

VIA EMAIL – clerkspublic@markham.ca

Our File No. 314679

City of Markham
Planning and Urban Design Department
101 Town Centre Boulevard
Markham, ON L3R 9W3

Dear Sirs:

**Re: Objection to the Notice of Intention to Designate a Property under Part IV,
Section 29 of the *Ontario Heritage Act*
11120 Highway 48, Markham**

Aird Berlis LLP represents Markham 11120 Hwy 48 Developments (our “**Client**”) in respect of its lands located within the Upper Markham Village and, more specifically, known as 11274 Highway 48 (the “**Property**”).

At its meeting on December 13, 2023, the Council of the City of Markham (“**Council**”) stated its intention to designate the Subject Lands, under Part IV, Section 29 of the *Ontario Heritage Act*, in accordance with the report presented by the Manager of Heritage Planning and Senior Development Manager, dated December 12, 2023.

On behalf of our Client, we are filing this objection in response to the Notice of Intention to Designate (the “**NOID**”) which was published on the City’s website on December 14, 2023.

Site and Area Context

The Property is approximately 41 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 primarily vacant, with the exception of a small cluster of buildings located approximately 100 m from Highway 48. This includes the one-and-a-half storey dwelling identified as the “Henry and Elizabeth Wideman House”. The Property is located adjacent to another site, 11274 Highway 48, also owned by our client and proposed for designation under part IV of the *Ontario Heritage Act*.

Concerns with Statement of Significance & Reasons for Designation

Our Client received notice of this matter 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.

January 11, 2024

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Our File No. 314679

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

Dear Sirs:

**Re: Objection to the Notice of Intention to Designate a Property under Part IV,
Section 29 of the *Ontario Heritage Act*
11274 Highway 48, Markham**

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

At its meeting on December 13, 2023, the Council of the City of Markham (“**Council**”) stated its intention to designate the Subject Lands, under Part IV, Section 29 of the *Ontario Heritage Act*, in accordance with the report presented by the Manager of Heritage Planning and Senior Development Manager, dated December 12, 2023.

On behalf of our Client, we are filing this objection in response to the Notice of Intention to Designate (the “**NOID**”) which was published on the City’s website on December 14, 2023.

Site and Area Context

The Property is approximately 58 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 situated approximately 1000 metres from Highway 48. The Property is designated Countryside and Greenway by the City of Markham Official Plan. It would appear in reviewing the Ministry of Natural Resources Greenbelt mapping most if not all of the dwelling lies within the Greenbelt (Greenway) designation. 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 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.

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.

On December 8, 2023, we submitted correspondence on behalf of our Client requesting a deferral of the decision. We attended at the December 12, 2023 meeting of the Development Services Committee where we made a deputation and again requested deferral of the decision. That request was refused. On December 14, 2023 Council stated its intention to designate the Subject Lands.

Our Client requires a fair opportunity to continue to review the Statement of Significance and Reasons for Designation set out in the NOID and the implications of the proposed designation on its interests. Therefore, our Client objects to the Notice of Intent to Designate as currently framed. We would welcome the opportunity to review this matter with Heritage staff in advance of any further consideration by Council.

We trust the enclosed is satisfactory. Should you require any further information, please do not hesitate to contact the undersigned.

Yours truly,

AIRD & BERLIS LLP



Eileen P. K. Costello
EPKC/MH

cc: Client
MHBC Planning

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That work is ongoing and must be completed for our Client to be apprised of the merits of the proposed designation.

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.

On December 8, 2023, we submitted correspondence on behalf of our Client requesting a deferral of the decision. We attended at the December 12, 2023 meeting of the Development Services Committee where we made a deputation and again requested deferral of the decision. That request was refused. On December 14, 2023 Council stated its intention to designate the Property.

Our Client requires a fair opportunity to continue to review the Statement of Significance and Reasons for Designation set out in the NOID and the implications of the proposed designation on its interests. Therefore, our Client objects to the Notice of Intent to Designate as currently framed. We would welcome the opportunity to review this matter with Heritage staff in advance of any further consideration by Council.

We trust the enclosed is satisfactory. Should you require any further information, please do not hesitate to contact the undersigned.

Yours truly,

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