



Report to: Development Services Committee

Meeting Date: May 7, 2024

SUBJECT: RECOMMENDATION REPORT, Revision to a Legal Description of a Designation By-law for 4031 16th Avenue (“Briarwood Farm-James McLean House”) (Ward 3)

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 report, dated May 7, 2024, titled, “RECOMMENDATION REPORT, Revision to a Legal Description of a Designation By-law for 4031 16th Avenue (“Briarwood Farm-James McLean House”) (Ward 3)”, be received;
- 2) THAT the legal description as contained within Council-adopted By-law 2021-8 be amended to reflect the property’s current legal description, and that By-law 2021-8 be amended to ensure conformance with the *Ontario Heritage Act*, as amended;
- 3) AND THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

This report recommends a revision to the legal description as contained within a Council-adopted designation by-law (By-law 2021-8) for 4031 16th Avenue (the “Subject Property”) where the cultural heritage resource has been modified through further land division or a Plan of Subdivision.

BACKGROUND:

The Designation By-law requires an amendment to address the transfer of land to York Region

The Subject Property is designated under Part IV of the *Ontario Heritage Act* (the “Act”) and is contained within a seven-residential lot development. The heritage resource will be retained and restored within the new subdivision as a condition of development approval. Designation occurred in 2021 and predated submission of a Draft Plan of Subdivision for the Subject Property. Livante Holding Inc. (the “Applicant”) must transfer a portion of land adjacent to 16th Avenue to York Region (the “Region”) for transportation-related purposes. The Region requests the legal description of the Subject Property in Schedule A of By-law 2021-8 be amended to exclude the Applicant’s conveyed lands.

Municipalities can use the Act’s minor amendment process to revise designation by-laws

Municipal councils may update different parts of an existing heritage designation by-law for several reasons, including a need to:

- a) Clarify or correct the statement explaining the property’s cultural heritage value or interest or the description of the property’s heritage attributes;
- b) Correct the legal description of the property;
- c) Otherwise revise the by-law to make it consistent with the requirements of the Act as amended in 2021.

Section 30.1 of the Act permits an amendment process to, where required, address the above-noted issues. 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, an 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.

OPTIONS/DISCUSSION:

Both Heritage Markham Committee and Heritage staff support the amendment to satisfy the Region

In accordance with the statutory requirements as described above, Heritage Section staff will prepare amendments to the designation by-law including, among others, a revised legal description for the Subject Property and an amended Statement of Significance (“SOS”) to ensure conformance with the Act as amended in 2021. Furthermore, on February 20, 2024, Heritage Markham Committee indicated no objection to the proposed amendments. The Applicant was notified and has confirmed that they have no objection.

HUMAN RESOURCES CONSIDERATIONS:

Not Applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

The protection of cultural heritage resources through the designation by-law process is a component of Growth Management. This helps achieve a quality community by ensuring that the City of Markham’s cultural heritage resources remain part of the fabric of the city, strengthening a sense of community.

BUSINESS UNITS CONSULTED AND AFFECTED:

Heritage Markham was consulted. The Heritage Section will work with the Clerks Department to amend the designation by-law. Legal Services Department will be required to register the approved by-law amendment on the affected property.

RECOMMENDED BY:

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

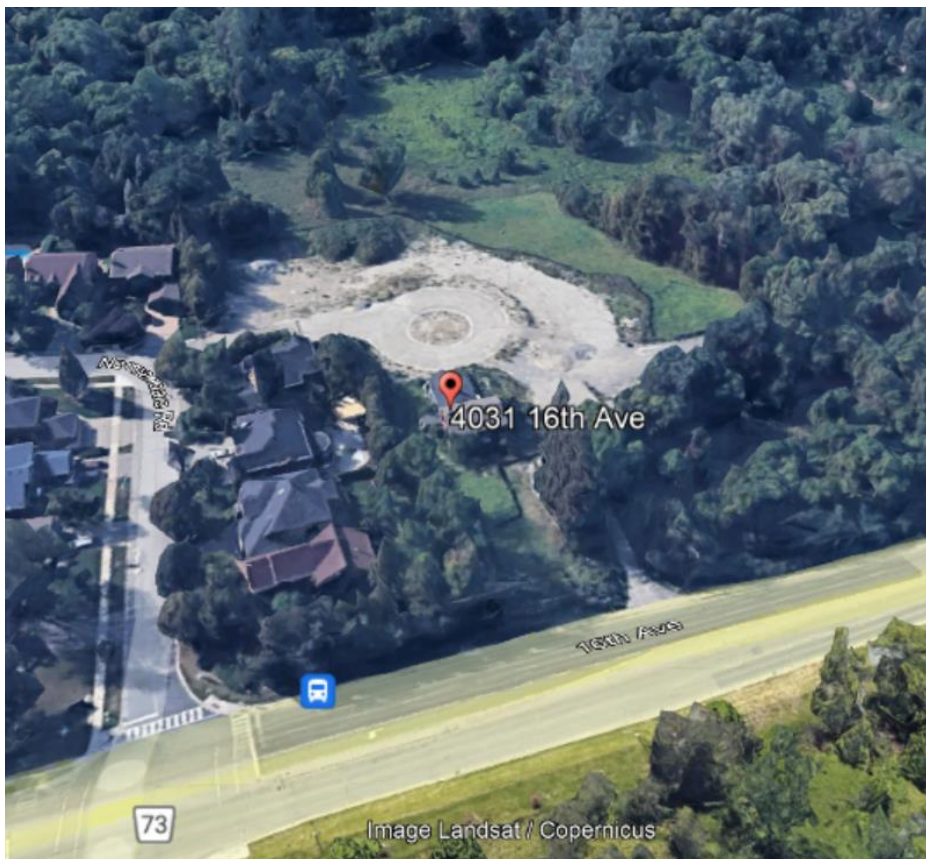
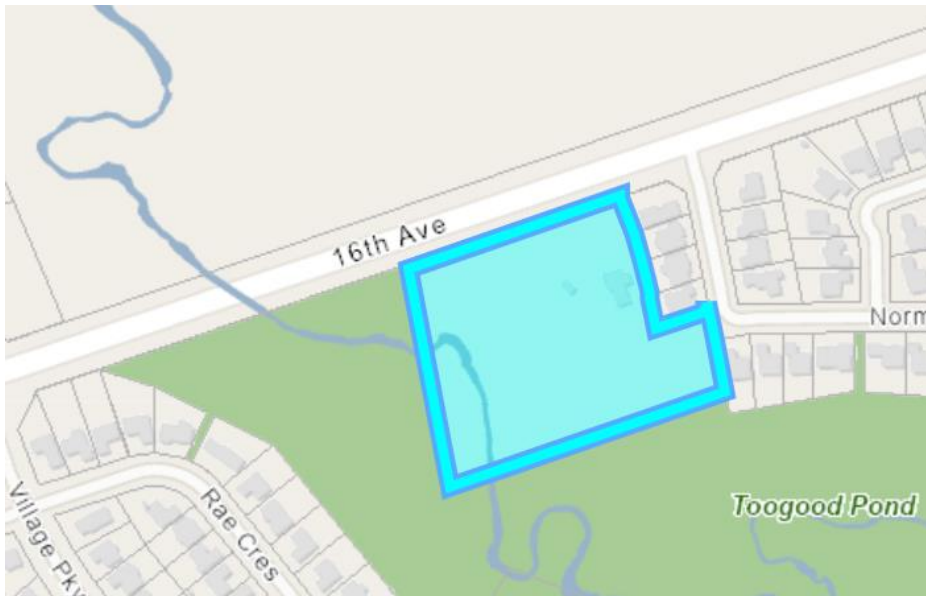
Arvin Prasad, MPA, RPP, MCIP,
Commissioner of Development Services

ATTACHMENTS:

Appendix “A” – Location Map, Aerial Image, and Photograph of the Subject Property
Appendix “B” – Heritage Markham Extract

APPENDIX “A”

Location Map, Aerial Image, and Photograph of the Subject Property



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



The north (primary) elevation of the heritage resource (Source: City of Markham)

APPENDIX “B”

Heritage Markham Extract

**HERITAGE MARKHAM
EXTRACT**

Date: February 27, 2024

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

EXTRACT CONTAINING ITEM # 5.3 OF THE SECOND HERITAGE MARKHAM
COMMITTEE MEETING HELD ON February 20, 2024

5. PART THREE - CONSENT

**5.3 AMENDMENT TO A DESIGNATION BY-LAW TO CORRECT A LEGAL
DESCRIPTION**

**4031 16TH AVENUE (“BRIARWOOD FARM-JAMES MCLEAN HOUSE”)
(16.11)**

File Numbers:

N/A Recommendation:

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

Carried