



SUBJECT: RECOMMENDATION REPORT
Designation of Priority Properties – Phase XII

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

REVIEWED BY: Regan Hutcheson, Manager of Heritage Planning, ext. 2080

RECOMMENDATION:

- 1) THAT the Staff report, dated July 16, 2024, titled, "RECOMMENDATION REPORT, Designation of Priority Properties – Phase XII", be received;
- 2) THAT the June 14, 2023, recommendation from the Heritage Markham Committee, in support of the designation of the following properties under Part IV, Section 29 of the *Ontario Heritage Act* (in accordance with Appendix ‘B’), be received as information:
 - 5970 Elgin Mills Road East (Ward 6): “Peter Milne Jr. House”
 - 11534 McCowan Road (Ward 6): “Hastings-Francy House”
 - 10235 Highway 48 (Ward 5): “Byer-Shank House”
- 3) THAT Council state its intention to designate 5970 Elgin Mills Road East (Ward 6) under Part IV, Section 29 of the *Ontario Heritage Act* in recognition of its cultural heritage significance;
- 4) THAT Council state its intention to designate 11534 McCowan Road (Ward 6) under Part IV, Section 29 of the *Ontario Heritage Act* in recognition of its cultural heritage significance;
- 5) THAT Council state its intention to designate 10235 Highway 48 (Ward 5) under Part IV, Section 29 of the *Ontario Heritage Act* in recognition of its cultural heritage significance;
- 6) THAT if there are no objections to the designation in accordance with the provisions of the *Ontario Heritage Act*, the Clerk’s Department be authorized to place a designation by-law before Council for adoption;
- 7) THAT if there are any objections in accordance with the provisions of the *Ontario Heritage Act*, the matter return to Council for further consideration;
- 8) AND THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

This report provides information on the twelfth batch of “listed” properties recommended for designation under Part IV, Section 29 of the *Ontario Heritage Act* (the “Act”) in response to Bill 23, in accordance with the May 3, 2023, Staff report adopted by Council, and noted in the recommendations of this report.

BACKGROUND:

Markham has a robust Heritage Register that includes both listed and designated properties
There are currently 1730 properties included on the *City of Markham’s Register of Properties of Cultural Heritage Value or Interest* (the “Register”). These include a mixture of individually-recognized heritage

properties and those contained within the city's four Heritage Conservation Districts ("HCD") located in Thornhill, Buttonville, Unionville, and Markham Village.

Individually-recognized heritage properties consist of both "listed" properties and those designated under Part IV of the Act (HCDs are designated under Part V of the Act). While Part IV-designated properties are municipally-recognized as significant cultural heritage resources, listing a property under Section 27(3) of the Act does not necessarily mean that the property is considered a significant cultural heritage resource. Rather it provides a mechanism for the municipality to be alerted of any alteration or demolition application for the property and time (60 days) for evaluation of the property for potential designation under Part IV of the Act. Once designated, the City has the authority to prevent demolition or alterations that would adversely impact the cultural heritage value of the property. These protections are not available to the City for listed properties. At the start of 2023, there were 316 listed properties on the Register.

Bill 23 has implications for the conservation of properties "listed" on municipal Heritage Registers

On November 28, 2022, Bill 23 (*More Homes Built Faster Act*), received Royal Assent. Section 6 of the legislation included amendments to the Act that requires all listed properties on a municipal heritage register to be either designated within a two-year period beginning on January 1, 2023, or be removed from the register. Should a listed property be removed as a result of this deadline, it cannot be "re-listed" for a five-year period. Further, municipalities will not be permitted to issue a notice of intention to designate a property under Part IV of the Act unless the property was already listed on the heritage register at the time a *Planning Act* application is submitted (i.e., Official Plan, Zoning By-Law amendment and/or Draft Plan of Subdivision).

Should a property not be designated within the two-year time period and be removed from the register, a municipality would have no legal mechanism to deny a demolition or alteration request. The same applies to properties that are not listed at the time a *Planning Act* application is submitted as they would not be eligible for designation under the Act.

Bill 200 extended the timeline for designation of properties "listed" on municipal Heritage Registers

On June 6, 2024, Bill 200 (*Homeowner Protection Act*) received Royal Assent. Schedule 2 of Bill 200 amends the Act by extending the timeframe for municipalities to review "listed properties included in their heritage registries as of December 31, 2022. Municipalities now have until January 1, 2027, to issue a notice of intention to designate these properties before they must be removed from the register. Bill 200 has also introduced new rules clarifying how a municipality's voluntary removal of a listed property from its register before June 6, 2024, impacts its ability to relist the property.

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.*
9. *The property has contextual value because it is a landmark.*

OPTIONS/ DISCUSSION:

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 not a 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.

Culturally significant "listed" properties for Part IV designation have been identified

As described in the Staff report adopted by Council on May 3, 2023, Heritage Section staff have developed a matrix consisting of four criteria against which all listed properties have been evaluated to determine their degree of cultural heritage significance. This review found 52 "listed" properties ranked as "High", 78 ranked as "Medium", and 28 ranked as "Low" in terms of the cultural heritage value based on the evaluation criteria. Staff have prioritized those properties ranked as "High" and "Medium" for designation consideration under Part IV of the Act.

Staff propose to bring forward approximately 5-10 designation recommendations for Council consideration at any one time through to December 2024, to meet the original deadline identified in Bill 23. The three heritage resources identified in this report constitute the twelfth phase of recommended designations that have been thoroughly researched and evaluated using O.Reg. 9/06. Staff determined that those properties merit designation under the Act for their physical/design, historical/associative, and/or contextual value (refer to Appendix 'A' for images of the three properties).

Statements of Cultural Heritage Value of Interest have been prepared in accordance with Section 29(8) of the Act

These Statements of Significance include a description of the cultural heritage significance of the property and a list of heritage attributes that embody this significance. This provides clarity to both the City and the property owner as to which elements of the property should be conserved. Note that Part IV designation does not prevent future alterations to a property, but rather provides a guide to determine if the alterations would adversely impact the heritage significance of the property (refer to Appendix ‘C’). The full research report prepared for each property is available upon request.

Heritage Markham (the “Committee”) supports the designations

As per the Section 29(2) of the Act, review of proposed Part IV designations must be undertaken by a municipal heritage committee (where established) prior to consideration by Council. On June 14, 2023, the Committee reviewed the listed properties evaluated for designation by Staff and supported proceeding with designation (refer to Appendix ‘B’).

Staff have communicated with affected property owners

Staff have contacted and provided educational material to affected property owners regarding the impact of Part IV designation, including the relevant Statements of Significance, which helps owners understand why their property is proposed for designation at this time, what is of heritage value of the property, and provides answers to commonly asked questions (e.g. information about the heritage approvals process for future alterations and municipal financial assistance through tax rebates and grant programs). Property owners also have appeal rights to the Ontario Land Tribunal (“OLT”) should they wish to object to designation. For additional information, see the bulleted list in the last section.

Staff note that the material to the owner has been undertaken as a courtesy to provide advance notice of an upcoming meeting where Council will consider whether to initiate the designation process for the property. It is not formal notice of the intention to designate as required by the Act, which can only be done by Council. The objective of the advance notice is to begin a conversation about the future potential designation of the property.

Deferral of the Notice of Intention of Designate is not recommended

Staff have thoroughly researched and carefully selected the properties proposed for designation. The properties recommended for designation are, in the opinion of Staff, the most significant heritage properties currently listed on the Heritage Register. This position is substantiated by the detailed research undertaken by Staff for each property. Also, to allow a review of the proposed designation material, owners are typically provided over 50 days including the 30-day official objection period required by the Act.

Staff welcome the opportunity to work with property owners to address their concerns whenever feasible prior to Council adoption of a designation by-law. For example, modifications have included scoping the impact of the designation by-law to the immediate area surrounding a heritage resource through the use of a Reference Plan should it be contained within a larger parcel or refining the identified heritage attributes, where warranted. Staff maintain the objective is to be a cooperative partner in the designation process and ensure that good heritage conservation and development are not mutually exclusive. While Bill 200 extended the deadline for designation, Staff have the necessary time and resources to designate all significant listed properties by the deadline as originally created by Bill 23 and do not recommend delaying the protection our cultural heritage resources.

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, as amended, 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 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 full force. Should an appeal be received, an OLT hearing date is set to examine the merits of the objection and provide a final decision.

FINANCIAL CONSIDERATIONS:

There has been a significant increase in the number of designation by-laws adopted by Council in response to recent amendments to the Act through Bill 23. As a result, there may be an increase in the number of OLT appeals relative to previous years, along with the potential need to secure additional funds from Council to support Staff preparation and attendance at the OLT. Should existing funding sources be found inadequate, staff will advise Council through a future Staff report.

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 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': Images of the Properties Proposed for Designation

Appendix 'B': Heritage Markham Extract

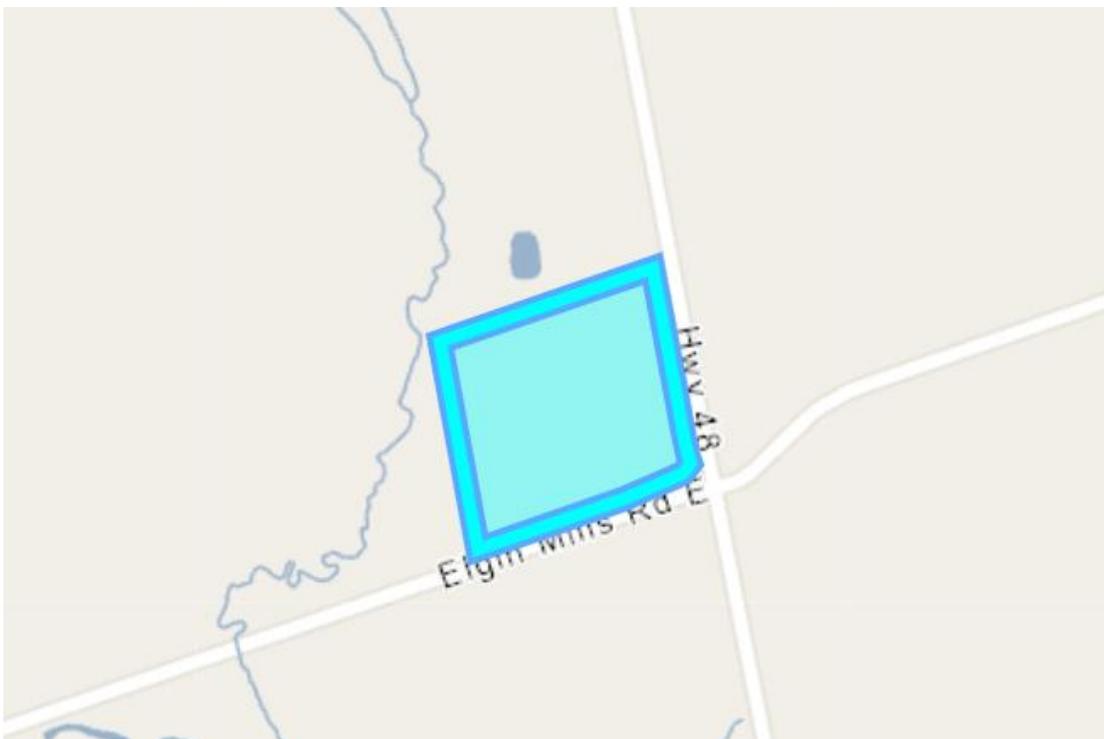
Appendix 'C': Statements of Significance

Appendix 'D': Research Reports

APPENDIX 'A': Images of the Properties Proposed for Designation

5970 Elgin Mills Road East (Ward 6): "Peter Milne Jr. House"

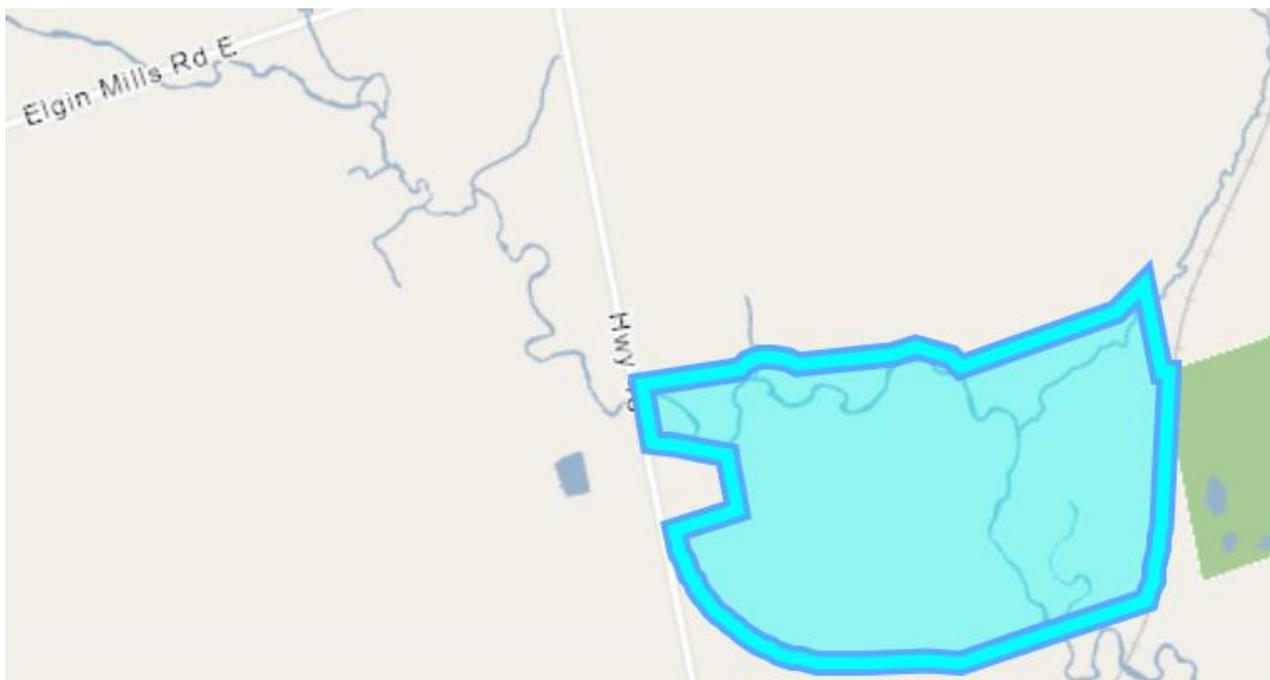
Primary Elevation and Property Map



11534 McCowan Road (Ward 6): “Hastings-Francy House”
Primary Elevation and Property Map



10235 Highway 48 (Ward 5): “Byer-Shank House”
Primary Elevation and Property Map



APPENDIX 'B': Heritage Markham Extract

HERITAGE MARKHAM EXTRACT

Date: June 23, 2023

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

EXTRACT CONTAINING ITEM # 6.1 OF THE SEVENTH HERITAGE MARKHAM
COMMITTEE MEETING HELD ON June 14, 2023

6. PART FOUR - REGULAR

6.1 PROPOSED STREAMLINED APPROACH FOR HERITAGE MARKHAM CONSULTATION

DESIGNATION OF PRIORITY PROPERTIES LISTED ON THE CITY OF MARKHAM'S REGISTER OF PROPERTIES OF CULTURAL HERITAGE VALUE OR INTEREST IN RESPONSE TO BILL 23 (16.11)

File Number:

n/a

Evan Manning, Senior Heritage Planner, introduced this item advising that it is related to a proposal for a streamlined approach for the designation of priority listed properties which requires consultation with the municipal heritage committee. Mr. Manning provided an overview of the evaluation criteria used to evaluate the physical heritage significance of the properties listed on the Heritage Register and displayed images of all the evaluated properties organized into "High", "Medium", and "Low" as it relates to their perceived heritage significance. Mr. Manning stressed that Heritage Section Staff wish to designate as many properties as possible, but noted that it was important to establish priorities given the two-year deadline to designate.

Regan Hutcheson noted that these rankings were established based only upon appearance. Mr. Hutcheson confirmed that further research will be conducted into properties are part of the designation process.

Staff further explained that they were recommending a streamlined Heritage Markham consultation process to satisfy the requirements of Section 29(2) of the Ontario Heritage Act, and that was the purpose of reviewing all the ranked properties at this meeting. No further review with Heritage Markham Committee will occur if the Committee agrees with this approach concerning the designation of the identified properties in the Evaluation Report.

The Committee provided the following feedback:

- Questioned how the number of listed properties was reduced from over 300 to the 158 that were evaluated using the criteria shown in the presentation package. Staff noted that, for example, properties that are owned by the Provincial or Federal government were excluded from evaluation as they are not subject to the protections afforded by Part IV designation. Municipally-owned properties were removed as were cemeteries. This, along with other considerations, reduced the number of properties evaluated for designation;
- Questioned what will happen to the lowest ranked properties. Staff noted research efforts were being focused on the highest ranked properties and that if time permits, these properties would be researched. If designation is not recommended by staff, the specific properties will return to Heritage Markham Committee for review;
- Questioned why heritage building that were previously incorporated into developments are generally not considered a high priority for designation. Staff noted that these properties can be protected through potential future Heritage Easement Agreements should they be subject to a development application after “falling” off the Heritage Register;
- Requested that the Committee be kept up-to-date on the progress of the designation project. Staff noted that the Committee will be updated on a regular basis as the designation project progresses.

Staff recommended the proposed streamlined Heritage Markham review approach be supported.

Recommendations:

THAT Heritage Markham supports designation of the properties included in the Evaluation Report under Part IV of the Ontario Heritage Act;

AND THAT if after further research and evaluation, any of the identified properties are not recommended by staff to proceed to designation, those properties be brought back to the Heritage Markham Committee for review.

Carried

APPENDIX 'C': Statements of Significance

STATEMENT OF SIGNIFICANCE

Peter Milne Jr. House

5970 Elgin Mills Road East
c.1870

The Peter Milne Jr. 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 Peter Milne Jr. House is a one-and-a-half storey stucco-clad brick dwelling located at the northwest corner of Elgin Mills Road East and Highway 48 in the historic rural community of Milnesville. The house originally accessed from the east but its entrance is now on the south elevation.

Design Value and Physical Value

The Peter Milne Jr. House has design and physical value as an altered, restrained representative example of a rural dwelling in the Ontario Classic style. The Ontario Classic is a house form that was popular from the 1860s to the 1890s with many examples constructed on farms and in villages throughout Markham Township. These vernacular dwellings were often decorated with features associated with the picturesque Gothic Revival style, but in the case of the Peter Milne Jr. House, this is limited to its steep centre gable on the east wall. The essential form of the Ontario Classic was symmetrically balanced with a centrally-placed front door flanked by a window on either side, a hold-over from the long-standing, conservative formality of the Georgian architectural tradition, and a steep centre gable above the entrance. The Peter Milne Jr. House is now missing its front door, but the space where it once existed remains evident. A one-and-a-half storey height and an L-shaped or T-shaped plan were typical of this house form, with the rear portion of the house usually functioning as a kitchen wing. Here, the rear wing is one-and-a-half storeys rather than the more common single-storey..

Historical Value and Associative Value

The Peter Milne House Jr. has historical or associative value representing the theme of agriculture, economic development and government services in relation to the diverse activities that took place on this property in the nineteenth century, and for its association with Peter Milne Jr., a prominent early resident of the rural community of Milnesville. He was a major landowner in Markham Township as well as being a store and sawmill owner, and the community's first postmaster from 1852 to 1863. Peter Milne Jr. is also noteworthy for his alleged association with the Upper Canadian Rebellion of 1837. Peter Milne Jr. was a son of Alexander Milne, a Scottish-American immigrant who arrived in Markham Township with his brother Peter Milne in the 1820s. Peter Milne Jr. was initially a bookkeeper for his uncle Peter Milne in Reesorville (later known as Markham Village). In 1838, he

was arrested and imprisoned in Kingston for his alleged participation in the Upper Canadian Rebellion of 1837, and later pardoned. Peter Milne Jr. purchased the eastern half of Markham Township Lot 26, Concession 7 in 1837 which contained a store that he ran from 1852 to 1863. He also owned a sawmill on Little Rouge Creek and a considerable amount of property south of Box Grove. In 1852, Peter Milne Jr. named his community's local post office "Milnesville" after his family. He was married to Hannah (McKay) Milne and lived both on this property and on the adjacent land he owned on Lot 25, Concession 7. In approximately 1870, he constructed a new brick house for his retirement to replace his older frame house on Lot 26, Concession 7 which he rented to a tenant farmer. The property remained in the ownership of the estate of his married daughter Elizabeth Wilcox (Milne) Gibson of Toronto until 1937.

Contextual Value

The Peter Milne Jr House has contextual value because it is physically, functionally, visually and historically linked to its surroundings as the farmhouse that once served Peter Milne Jr. and later tenant farmers on the Milne farm on Lot 26, Concession 7. It is located in the historic rural community of Milnesville, where it has stood since c.1870. It is historically linked to the Milne House at 10666 Highway 48 on Lot 25, Concession 7.

Heritage Attributes

Character-defining attributes that embody the cultural heritage value of the Peter Milne Jr. 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 a restrained, representative example of a Ontario Classic dwelling:

- L-shaped plan;
- One-and-a-half storey height;
- Stucco-clad brick walls;
- Medium-pitched cross gable roof with projecting, open eaves and steeply-pitched gable centred on the east wall;
- Flat-headed, rectangular single-hung windows with two over two panes.

Heritage attributes that convey the property's historical value and associative value, representing the theme of agriculture, economic development, and government services in relation to the diverse activities that took place on this property in the nineteenth century, and for its association with Peter Milne Jr., a prominent early resident of the rural community of Milnesville:

- The dwelling is a tangible reminder of the former agricultural, industrial and commercial/post office use of the property and of Peter Milne Jr., long-time owner, farmer, sawmill owner, store owner and the community's first postmaster.

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 on its original site at the northwest corner of Elgin Mills Road East and Highway 48, within the historic rural community of Milnesville, where it has stood since c.1870.

Attributes of the property that are not considered to be of cultural heritage value, or are otherwise not included in the Statement of Significance:

- One-storey addition on the south side of the building;
- Square shaped ground floor window on west gable-end wall;
- Chimney;
- Accessory buildings.

STATEMENT OF SIGNIFICANCE

Hastings-Vague House

11534 McCowan Road
c.1890

The Hastings-Vague 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 Hastings-Vague House is a one-and-a-half storey dwelling located to the northwest corner of McCowan Road and Nineteenth Avenue, and to the east of the historic hamlet of Almira. The house faces east.

Design Value and Physical Value

The Hastings-Vague House has design and physical value as a representative example of a tenant farmer's dwelling in the form of an Ontario Classic farmhouse. The restrained design and frame construction is characteristic of the modest dwellings constructed by landowners upon investment properties rented to tenant farmers. The Ontario Classic is a vernacular house form that was popular from the 1860s to the 1890s with many examples constructed on farms and in villages throughout Markham Township. With its one-and-a-half storey form, centre gable, symmetrical three-bay primary (east) elevation and T-shaped plan, the house at 11534 McCowan Road is typical of this style and is representative of farmhouses constructed in this area during the latter part of the nineteenth century. This example does not have the full-width front veranda and gable ornamentation seen on some other Markham examples. Its proximity to the current extent of the roadway may have resulted in the removal of a front veranda at some point in the past. The outline of a former veranda may exist on the surface of the original siding that may underlie the present cladding.

Historical Value and Associative Value

The Hastings-Vague House has historical and associative value as it makes legible Markham's mature agricultural landscape in the late nineteenth century. During this period, well-established farmers purchased additional land for investment purposes and to generate income from tenant farmers. The house is located on the eastern half of Markham Township Lot 31, Concession 6, which was purchased in two parts in 1872 and 1877 by Thomas Hastings Jr. as an investment property. Thomas Hastings Jr. was the son of Irish immigrants Thomas and Sarah Hasty who came to Markham Township in 1818 and settled on the eastern half of Lot 30, Concession 6, east of the mill hamlet of Almira. The family name was changed by later generations to "Hastings." By the 1870s, the family was well-established in the agricultural community and purchased additional land for investment. The 100-acre property was rented to tenant farmers. In 1890, Martha Hastings, the daughter of Thomas Hastings Jr., inherited the land and continued to rent it for income. She became Martha Francy when she married in the early 1890s. Robert Vague, an English immigrant, was a long-term tenant, farming

here from the early 1890s to the early 1920s. The tenant farmhouse appears to have been enlarged from a single-storey dwelling to its current form c.1890.

Contextual Value

The Hastings-Vague House has contextual value for being physically, functionally, visually and historically linked to its site where it has stood since c. 1890, and for being historically linked to the Thomas and Sarah Hasty House at 11482 McCowan Road. The Hastings-Vague House is located in a rural setting to the east of the historic hamlet of Almira and is one of a number of farm properties containing nineteenth century residences in the north-central part of Markham.

Heritage Attributes

Character-defining attributes that embody the cultural heritage value of the Hastings-Vague 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 a Ontario Classic farmhouse:

- T-shaped plan;
- One-and-a-half storey height of the main block;
- Single storey height of the rear wing;
- Frame wall construction;
- Medium-pitched gable roof with projecting open eaves and steep centre gable;
- Single-stack gable end brick chimneys;
- Three-bay configuration of the primary (east) elevation;
- Centrally-placed, flat-headed, single leaf door opening on the primary elevation;
- Flat-headed rectangular window openings with simple trim and projecting lugsills.

Heritage attributes that convey the property's historical value and associative value, making legible Markham's mature agricultural landscape in the late nineteenth century where well-established farmers purchased additional land for investment purposes and to generate income through rental to tenant farmers:

- The dwelling, modest in its design, is a tangible reminder of the Hasting family's status as well-established Markham Township farmers and their purchase of additional land for investment and rental to tenant farmers.

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 on its original site, facing east, east of the historic mill hamlet of Almira and to the north of the historically linked Thomas and Sarah Hasty House at 11482 McCowan Road.

Attributes of the property that are not considered to be of cultural heritage value, or are otherwise not included in the Statement of Significance:

- Vinyl siding;
- Modern doors and window units;

- Shed-roofed one-storey additions to the rear wing;
- Exterior cellar entrance;
- Accessory buildings;
- Brick bungalow.

STATEMENT OF SIGNIFICANCE

Byer-Shank House

10235 Highway 48
c.1829

The Byer-Shank 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 Byer-Shank House is a two-and-a-half storey frame dwelling located on the east side of Highway 48, north of Major Mackenzie Drive East, in the historic rural community of Milnesville. The house is located adjacent to the west bank of Little Rouge Creek and faces south.

Design Value and Physical Value

The Byer-Shank House is a rare and early example of a Pennsylvania German farmhouse of frame construction with a two-tier front veranda. It is the only one of its kind remaining in Markham with only minimal alterations made to its exterior, likely due to the fact that the property remained in the ownership of the same family for over two centuries, a remarkable continuity of ownership in this area. Its restrained design reflects the simple domestic architecture that the Byer family would have been familiar with in Pennsylvania. It exhibits some elements of the conservative Georgian architectural tradition, but the asymmetry of the primary (south) elevation is clearly indicative of a Germanic influence. The two-tier veranda is a locally rare feature that gives this farmhouse an inn-like character.

Historical Value and Associative Value

The Byer-Shank House has historical value for its association with the Pennsylvania German Byer and Shank families, long-time owners of the property. It also has historical and associative value for representing the following themes in Markham's cultural history:

- The cultural and religious mosaic theme of Pennsylvania German Tunkers being attracted to Markham Township in the early nineteenth century;
- The theme of industry, innovation and economic development for the property's association with the Byer sawmill, in operation as early as 1817;
- The theme of industry, innovation and economic development for the property's association with the Byer Cancer Cure and the Byer Cancer Hospital.

This property is the homestead of the family of Jonas Byer, a prominent early landowner who came to Markham Township from York County, Pennsylvania in 1810-1811 with his wife Elizabeth (Schwartz) Byer and their six children. The family were of the Tunker faith, an Anabaptist Christian sect related to the Mennonites. By 1820, Jonas Byer was the owner of 700 acres in Markham Township including the homestead on the west halves of Lots 22 and 23, Concession 8. In 1829, his

son David Byer Sr. built a large frame farmhouse on Lot 22, just west of Little Rouge Creek. A sawmill established on the property at an early date supplied lumber for Markham's plank roads in the mid-nineteenth century. The farm passed to David Byer Jr. after his father's death in 1844. He is best remembered as a healer who developed a treatment for outward growths and tumors known as the Byer Cancer Cure. The Byer Cancer Hospital was established on the property c.1890. A son, Daniel Byer, patented the "cure" and founded the D. Byer & Co. Cancer Institute in 1895, after his father's death the previous year. Christina Byer, a daughter of David Byer Jr., married Jonas Sauder and relocated the cancer hospital to Mount Joy in 1911 where it operated until the early 1920s. Another daughter, Mary Byer, inherited the farm and married William Shank. The property remained in the family until the 2020s, representing over 200 years of ownership by the same family line.

Contextual Value

The Byer-Shank House has contextual value for being physically, functionally, visually and historically linked to its site where it has stood since 1829, and for its connection to the Byer House and Byer Cemetery at 10451 Highway 48, the Jessie and Emma Byer House at 10388 Highway 48, and the former Byer Brothers Brookside Apiaries at 10379 Highway 48. The Byer-Shank House is one of a number of nineteenth and early twentieth century dwellings in the vicinity of the historic rural community of Milnesville that make legible the agricultural history of the area.

Heritage Attributes

Character-defining attributes that embody the cultural heritage value of the Byer-Shank 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 a rare and early example of a Pennsylvania German farmhouse of frame construction with a two-tier front veranda:

- Rectangular plan;
- Wood frame walls;
- Two-and-a-half storey height;
- Medium-pitched gable roof with minimal overhang;
- Single-stack brick chimney;
- Two-tier front veranda supported on square posts under an extension of the main roof;
- Asymmetrical four-bay composition of the primary (south) elevation with a single leaf door and shouldered sidelights;
- Flat-headed rectangular window openings.

Heritage attributes that convey the property's historical value for its association with the Byer and Shank families, and for its connection to the locally-significant theme of cultural and religious diversity in relation to the Pennsylvania German Tunkers who were attracted to Markham in the early nineteenth century, and the themes of industry, innovation and economic development in relation to the Byer sawmill and the Byer Cancer Cure and Byer Cancer Hospital:

- The dwelling is a tangible reminder of Pennsylvania German Byer and Shank families, long-time owners, and of the Byer sawmill, Byer Cancer Cure and Byer Cancer Hospital.

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 on its original site, near the west bank of Little Rouge Creek, facing south, within the historic rural community of Milnesville.

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 windows within old window openings;
- Insul-brick siding;
- Barn and other accessory buildings.

APPENDIX 'D': Research Reports

Provided under separate cover