

**IN THE MATTER OF THE INTENTION TO DESIGNATE 7507 KENNEDY ROAD
MARKHAM, ONTARIO UNDER PART IV OF THE ONTARIO HERITAGE ACT,
R.S.O 1990, CHAPTER O. 18 AND AMENDMENTS THERETO**

**NOTICE OF OBJECTION OF
RAYDAV HOLDINGS INC.**

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Attention: Kimberley Kitteringham
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Attention: Alecia Henningham
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And To:
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NOTICE OF OBJECTION OF RAYDAV HOLDINGS INC. (“RHI”)

FACTS:

1. The Property located at 7507 Kennedy Road, Markham, Ontario, L3R 0L8 (“the Property”) will most likely be developed in the future to provide either multiple residential townhouses or a low-rise apartment building so as to increase housing units in Markham pursuant to the intention of Bill 23.
2. The Property’s location fronting on Kennedy Road in close proximity to public transportation, the Milliken Mills Community Centre and York University makes it an ideal residential development property.
3. The City of Markham (the “City”): a) retains and has to approve any future proposed development on the Property; and, b) will benefit financially from the construction of multiple residential units on the Property.
4. RHI has no present intention to develop the Property or apply for a Demolition Permit for the building(s) on the Property and it is contemplated by RHI that the Property’s present commercial use as a law office will continue for the foreseeable future.

SUBMISSIONS:

1. As hereinafter set out RHI objects to the Notice of Intention to Designate the Property under Part IV of the Ontario Heritage Act, R.S.O., 1990, Chapter O-18 and amendments thereto (“the OHA”) as approved by Markham City Council (“Council”) on **May 1, 2024** (“the NOITD”) on the following grounds:
 - a. The City and Council have failed to follow the mandatory procedures required OHA; and,
 - b. The substantive issues as documented herein, and the schedules attached hereto.
2. The NOITD should be immediately withdrawn, and the Property should be forthwith removed from the historical register maintained by the City (“the Register”).

PROCEDURAL ISSUES:

1. The OHA and the designation of a property under Part IV of the OHA adversely affect owners’ property rights and **must be strictly complied with by Council and the City**. These principles of law are unequivocally set out in the Supreme Court of Canada decision- *St. Peter’s Evangelical Lutheran Church (Ottawa) v. Ottawa (City)* [1982] 2 S.C.R. 616.
2. Council and the City have substantially failed to comply with the express mandatory provisions of the OHA and therefore have acted improperly and without legal authority in their **May 1, 2024**, decision to issue the NOITD for the reasons hereinafter set out.

3. RHI's Objection to the Property being listed on the Registry to be maintained by the City as required for by **section 27(1)** of the OHA and request that the Property be removed from the Register:
- a. Attached hereto as **Schedule "1"** is RHI's preliminary Objection Letter and preliminary Report by Francis Lapointe, Architect, which was served on the City on **April 19, 2024**, objecting to: i) the Property having been listed on the register ("the Register") as a property with cultural heritage value or interest pursuant to **subsection 27(3)** of the OHA; and, b) any future Designation of the Property;
 - b. **Section 27(7)** of the OHA expressly provides: a) the owner of a property who objects to a property being included in the Register under **subsection (3)** or a predecessor of that subsection shall serve on the clerk of the municipality a Notice of Objection setting out the reasons for the objection and all relevant facts; and, b) pursuant to **subsection 27(8)**, that if a notice of objection has been served under **subsection (7)**, the Council of the municipality **shall**: (i) consider the notice and make a decision as to whether the property should continue to be included in the Register or whether it should be removed; and, (ii) provide notice of the council's decision to the owner of the property, in such form as the council considers proper, within **90** days after the decision;
 - c. Council, in fact, recently used these sections of the Act to summarily delist the Property located at 7696 Ninth Line, Markham, Ontario ("the Ninth Line Property") from the Register at the **May 1, 2024** Council meeting. A comparison of the Ninth Line Property with the Property is referenced in greater detail in Mr. Lapointe's **June 4, 2024** Report found in **Schedule "3"**;
 - d. Notwithstanding the express and mandatory provisions of the OHA in this regard, the City and Council completely ignored RHI's **section 27(7)** OHA objection to being on the Register, and on **May 1, 2024** without proper consideration of this preliminary objection, improperly and summarily approved the issuing of the NOITD the Property;
 - e. This unilateral and unauthorized action by the City and Council has; i) deprived RHI of the opportunity of this process, which is a separate and distinct procedure from dealing with a NOITD; ii) denied RHI the further time it would have had to investigate its' case by using this procedure; iii) denied RHI an opportunity to evaluate the City's evidence and respond to this position if it was then determined by Council not to delist the Property and proceed to issue a NOITD; and, iv) this unilateral and unauthorized short-circuiting of the procedure mandated by the OHA has prejudiced RHI;
 - f. A statutory amendment to the OHA is required to allow City and Council to forgo the mandatory requirements of the OHA in dealing with the objection made to the Property being on the Register;

- g. RHI is entitled to rely on the express and mandatory provisions of the OHA and the City and Council legally must comply with the same; and,
 - h. The City and Council have no authority pursuant to the OHA or otherwise to dispense with this procedure and the failure to follow the mandatory provisions of the OHA in this regard taints and nullifies **ALL** actions taken by Council in regard to the Property thereafter.
4. Notice to the Owners of the Property and Publication of the Notice as required by the mandatory provisions of Sections 29(3), 29(4), 29(4.1), 29(5) and Section 67: The City has failed to comply with these express and mandatory provisions of the OHA in regard to service and publication of notice of the NOITD to the owners of the Property as follows:
- a. Attached as **Schedule “2”** hereto is the NOITD dated **May 8, 2024**, addressed to RHI together with the envelope in which it was mailed evidencing that it was posted on **May 9, 2024**, and RHI’s receipt stamp evidencing that it was received by RHI on **May 23, 2024** (“the Mailed NOITD”);
 - b. At its request, RHI received an email copy of the Mailed NOITD from the City on **May 16, 2024**, as the mailed copy had not yet been received;
 - c. Also attached in **Schedule “2A”** is the official Notice: Intention to Designate a Property/ Ontario Heritage Act (“the Website NOITD”), which was retrieved from the City’s website;
 - d. The Mailed NOITD is **not** the same as the Website NOITD. So, it is confusing which is the proper statutory notice;
 - e. The procedure for service and publication of the NOITD is expressly provided for by **Section 29(3)** of the OHA;
 - f. The word “shall” in any statute has specific meaning in law. The provisions of the OHA containing the word “**shall**” are mandatory and **must** be complied with by the City and Council;
 - g. The owners of the Property have **not** been served with the NOITD and/or properly served with the NOITD as required by the mandatory provisions of **Section 29(3)a** of the OHA;
 - h. The Mailed NOITD incorrectly states that RHI’s Objection had to be filed “**30 days** after the date of publication of the notice of intention on the City’s website” whereas the Website NOITD published on the City’s website indicated “Any person may notify the City of Markham of their objection in writing...**on or before 4:30 pm June 7, 2024**”.
 - i. The City **cannot** unilaterally impose an obligation on property owners to monitor and navigate its’ website- this is **not** provided for in the OHA and is in conflict with the mandatory provisions of the OHA;

- j. The Mailed NOID contravenes **Section 67(3)** of the OHA which provides that service by mail is **not** effective until five **(5)** days after posting by mail. This improper shortening of the time RHI had to deliver its Notice of Objection by the City and Council has: i) prejudiced RHI by forcing it to curtail its investigations and rush so as to meet the erroneous deadline; and, ii) nullifies the NOITD;
 - k. The NOITD has **not** been published in a newspaper having general circulation in York Region as expressly required by the mandatory provisions of **Section 29(3)b** of the OHA;
 - l. Council's adoption of a policy purportedly based on **Section 270** of the Municipal Act, 2001 on **May 3, 2023** to dispense with the necessity of the mandatory statutory publication requirement of the OHA ("the Policy") is improper and ultra vires of Council's authority and nullifies the NOITD;
 - m. Council did **not** have the statutory or other authority to unilaterally adopt the Policy and deem the Policy to override the express and mandatory provisions of the OHA. It is noted that use of the City's website is expressly contemplated in **Section 27(1.1)** of OHA for other purposes other than for purposes of publication of a NOITD;
 - n. A statutory amendment to the OHA is required to forgo the mandatory requirement for publication in a newspaper as provided for in the OHA;
 - o. Other relevant sections of the OHA:
 - i. Pursuant to **Section 29(4.1)** of the OHA the time to file an Objection to a NOITD runs from the date of publication of the NOITD by the City in a newspaper for general circulation in the municipality; and,
 - ii. Pursuant to **Section 68(3)** of the OHA where there is a conflict between this Act or the regulations thereunder and any other Act or regulation, the provisions of the OHA or the regulations shall prevail.
 - p. Council's authorization of the issuance of a NOITD is **not** a disposition of Property as contemplated by **Section 270** of the Municipal Act, 2001;
 - q. Pursuant to **Section 68(3)** of OHA, the mandatory publication provisions of the OHA prevail over the provisions of **Section 270** of the Municipal Act, 2001; and,
 - r. All notices under the OHA purported to have been given by the City without publication in a newspaper of general circulation in the municipality based on the Policy including the NOITD are void and of no effect.
5. The City's and Council's rush to attempt to deal with the amended provisions of the OHA and Bill 23 should **not** be used by the City and Council to derogate from property owners' rights and the express provisions of the OHA.

6. **PROCEDURAL UNFAIRNESS OF THE PROCESS/ DENIAL OF NATURAL JUSTICE:**

- a. The City's official plan confirms that the process for assessing the cultural heritage attributes of a building must be fair and must use established heritage protocols and standards;
- b. Similar standards for removal of properties from the Register and/or the designation properties **must** be applied to all property being considered for delisting or designation under Part IV of the OHA;
- c. This process **must** be **100%** open and transparent for the benefit of the mayor, members of Council, property owners and the public at large;
- d. This raises the issue canvased in detail by Mr. Lapointe's attached Expert's Report **Schedule "3"** as to why Council summarily approved removing the property located at the Ninth Line Property" from the Register when staff's report on the Property (as annexed to Mr. Lapointe's Report **Schedule "3"**) clearly and unequivocally evidences much historical significance including substantial ties to the community as formerly the site of the local blacksmith's shop and the home of "the Tomlinson family, along with the Kirkhams, [who] played a prominent role in the establishment of a sawmill, woollen mill and shoddy mill (for recycling old cloth) in the Rouge River valley", whereas Norman Milliken's daughter Betsy Milliken is the individual who allegedly lived at the Property (for a disputed period of time). Norman Milliken "was engaged in the lumber industry". There is little, if any, substantial evidence of Besty Milliken's achievements and/or contributions to the community that would warrant designation of the Property under the OHA;
- e. From the public record, it appears that there was no discussion at Council as to why staff recommended summarily removing the historically important Ninth Line Property from the Register. It also appears that: i) no Expert Report was obtained; ii) no onsite visit by City staff to the Ninth Line Property took place; and, iii) no questions were raised about the Nineth Line Property at the **May 1, 2024** Council meeting- it was simply summarily approved;
- f. Mr. Lapointe has done a detailed compassion of the physical attributes of the Ninth Line Property with the subject Property which analysis clearly and unequivocally indicates that the subject Property should also have been removed from the Register and that Council should not have proceeded with approving the NOITD for the subject Property;
- g. Mr. Lapointe has not had sufficient time to fully investigate the City's and Council's dealing with other potentially historically significant properties located on Old Kenndey Road;
- h. The City appears to have started the process of considering designation of the Property sometime in **2023**, however, the first notice of this process received by RHI about the pending attempt to designate the Property was the City's

correspondence dated **April 8, 2024** providing RHI only to **April 23, 2024** to retain an expert and prepare for the **April 23, 2024** Council meeting to make representations to the Development Services Committee. See **Schedule “1”** for RHI’s initial Objections in a letter from Joesph Virgilio together with the preliminary report from Mr. Lapointe;

- i. This **April 8, 2004** correspondence received by RHI misrepresents the affect designation of the Property would have on the value of the Property (as it is a development property) by stating that:

“Does designation affect the property value

Studies on Ontario heritage designated properties have revealed above-average performance in terms of property value changes as well as resistance to market downturns. A study of 3000 designated properties in 24 Ontario communities found that:

- Designation did not have a negative impact on property values;
- The rate of sale of designated properties was as good as or better than the general market;
- The value of heritage properties tended to resist downturns in general market;

- j. On **April 19, 2024**, Mr. Lapointe’s remarks to Council were confined to **ONLY 5** minutes as per Council’s Policy and there was little, if any, interest in his findings refuting staff’s report. Interestingly, **not** a single Councillor asked Mr. Lapointe any questions on his preliminary report before unanimously voting to accept staff’s recommendations;
- k. Mr. Lapointe applied for and was given “leave” to address to Council again at the **May 1, 2024** Council Meeting (as he had spoken at the previous meeting). **AGAIN**, he was subjected to Council’s time restriction policy. Interestingly, **AGAIN** not a single Councillor asked Mr. Lapointe any questions on his preliminary Report before unanimously voting to accept staff’s recommendations in authorizing Council to issue a NOITD in regard to the Property;
- l. RHI’s representative together with Mr. Lapointe met with Mayor Frank Scarpitti (“the Mayor”) at the Property on Friday **May 17, 2024** (at Mr. Solomon’s request) and discussed: i) the future of the Property; ii) RHI’s dissatisfaction with the rushed process; iii) staff’s close-mindedness to possible alternatives and correspondence received in this regard; and, iv) how to avoid having this dispute ultimately go to the Ontario Land Tribunal (“the OLT”).
- m. RHI is agreeable to continuing these discussions with the Mayor, the City, and all Councillors;

- n. RHI had initially and in “good faith” invited the City’s Heritage staff’s representatives to attend at an onsite meeting at the Property to review RHI’s position and discuss the issues, but in **three (3)** separate emails it was unequivocally stated by staff that such a meeting would not change staff’s view about designation of the Property, but only be used to refine the City’s Statement of Historical Significance. As a result of these closeminded emails, the last one received **May 20, 2024**- no such onsite meeting with City Heritage staff has taken place;
- o. RHI has invited, by individual email dated **May 24, 2024** to each of Markham’s Councillors, as representatives of people of the community/the voters to visit the Property so as to have an opportunity to fully inform themselves and form their own independent conclusions on the issues before voting on this matter, but to date RHI has only heard back from **two (2)** Councillors in regard to this proposed meeting. RHI is hopeful that more Councillors will attend at the Property so as to have all available information before them before voting on the NOITD;
- p. Regretfully, historically, it appears that the staff’s position is being unfailingly supported by Council. This is serving to undermine Council as a truly fair and democratic institution. (Please note that for OLT purposes that RHI will be making a Freedom of Information request for purposes gathering evidence as to how many times Council has challenged staff on OHA matters over the past five **(5)** years and what properties have been taken off the Register and why this occurred);
- q. Procedural fairness and the discharge of their duty to review and consider ALL relevant facts and submissions dictates that each member of Council give due and impartial consideration to positions other than those advocated by the City staff before voting on a matter; and,
- r. Each Councillor’s fulfillment of their aforesaid duties in these circumstances must be viewed in the context of: i) Supreme Court of Canada’s unequivocal comments on the significance of the affects of designation of the owners’ property rights; ii) the provisions of the OHA and Bill 23; iii) RHI’s and other interested parties rights pursuant to the OHA; iv) RHI’s limited rights, if any, to respond to Council after the filing of its Objection to NOITD ; and, v) the fact that pursuant to the OHA, the next step in the process (if Council votes in favour of the NOITD) is a long and costly appeal to the OLT and a possible Superior Court of Ontario proceedings challenging certain provisions of the OHA.

SUBSTANTIVE OBJECTIONS TO THE NOITD:

1. The NOITD fails to meet the tests and standard of significance set out by the OHA to support designation of the Property pursuant to Part IV of the OHA or otherwise;
2. The Report of Mr. Lapointe dated **June 4, 2024**, found at **Schedule “3”**, and appendices attached thereto are submitted in support of RHI’s substantive objections to the NOITD;

3. Heritage Markham has described the character-defining attributes of 7507 Kennedy Road under three (amended by Heritage Markham) O. Reg. 9/06 criteria.
4. These criteria used by the City and Council in the NOITD are individually assessed below, full details of this assessment being provided in the said Lapointe Report.

REVIEW OF FIRST CRITERION UNDER O. REG 9/06:

1. There is no commonly accepted architectural style described as “...*vernacular Georgian*...”,
2. A ‘*Rectangular plan*’ was a common feature of almost all architectural styles in the 1850’s and continues to be extremely common. This is not a significant feature as required by section 2.6 of the Provincial Policy Statement.
3. A “*One-and-a-half storey height*” house was a common feature of modest housing up to the 1960’s. This is not a significant feature as required by section 2.6 of the Provincial Policy Statement.
4. “*Fieldstone foundation*” - were the most common type of foundations system used in Canada from colonization until concrete block foundations emerged in the 1940’s. For a few decades from the late 1890’s to early 1930’s, brick was also used for foundations, especially in urban centers, where stone was not readily available. The existing stone foundations are in poor condition and require extensive repairs and waterproofing. Note that some repairs to the stone foundation have recently been completed due to the urgency of the matter. The fieldstone foundation is not a significant feature as required by section 2.6 of the Provincial Policy Statement.
5. “*Brick walls in Flemish bond*” – only the west (front) of the existing building is Flemish Bond (with some limited running bond repairs). The north and south sides were likely originally a common bond brick pattern, which has been partially replaced with running bond brick, likely due to repairs or renovations over the years.¹ There are several examples of poor workmanship on the north and south elevations, including unlevel and curving brickwork at the base of the walls. The exterior brick was painted with a hard-to-remove water-based epoxy paint more than 50 years ago (early 1970’s). There appears to be at least two and possibly three different colours of paint. The paint makes the brick bonding pattern difficult to discern. As a result, the brick pattern is not a significant feature as required by section 2.6 of the Provincial Policy Statement.
- 6a. “*Medium-pitched gable roof*...” – almost all residential roofs prior to the 1950’s were steep to very-steep sloped roofs. The existing ‘medium’ roof pitch (+/- 6/12) is so low that it appears more contemporary than traditional. Historically, roof pitches of houses were often 9/12 to 12/12 pitches, since they more easily shed snow and rain, and allowed for a greater volume in the attic/roof space, resulting in more usable floor area. The medium pitch roof is unremarkable and is more typical of contemporary architecture, therefore it is not a significant feature.
- 6b. “...*with projecting eaves and eave returns*” – almost all sloped residential roofs in Canada over the past 500 years have had roof overhangs (projecting eaves), including a vast majority of contemporary houses. Large roof overhangs protect the exterior walls from precipitation and reduce solar heat gain. The ‘*eave returns*’ are a classical detail that was and continues to be extremely common. In this case, two of the four eave returns have been substantially altered and covered with contemporary aluminum fascia and soffits, while the other two are in very poor condition and covered

¹ Common Bond is composed largely of stretchers with a header course every 6 courses. Running Bond is alternating courses of stretchers. Flemish Bond alternates headers and stretchers in each course.

with mesh to keep raccoons out. The roof overhangs and eave returns are not significant as required by section 2.6 of the Provincial Policy Statement.

7a. “**Three-bay primary (west) elevation...**” – a ‘three-bay’ primary elevation is a complex way of stating the obvious. The front elevation of this building is composed of a window on each side on a central door. This is not an unusual architectural feature; it is simply a common method of providing sunlight to the rooms on either side of the central hall, with the door in the center providing access to the center hall and stair. This is a functional design feature, not a significant feature as required by section 2.6 of the Provincial Policy Statement.

7b. “**...with a centrally placed single-leaf door and transom light remnant.**” – As mentioned above, a center door in a small modest building is more of a functional design feature, rather than a stylistic feature. The addition of a transom window over a central front door allowed natural light to illuminate the central hall and stairway. Transom windows were common then and are common now in multiple architectural styles, including the contemporary style. This is not a significant feature as required by section 2.6 of the Provincial Policy Statement

8a. “**Flat-headed rectangular window openings...**” - “Flat-headed rectangular window openings” were and still are the most common style of windows. What the Statement of Significance for 7507 Kennedy Road fails to mention is that the original windows themselves no longer exist. The current window frames and brick molds are circa 1940-50’s replacements (based on in-situ common nails, and the single layer of paint). There are no sashes, no mullions, and no muntin bars. The windows on the ground floor are not operable (do not open), whereas the windows on the second floor are replacement aluminium frames and single hung sashes. These are not significant feature as required by section 2.6 of the Provincial Policy Statement

8b. “**...with projecting lugsills...**” “. The windows do not have projecting lug sills. Instead, the two front (west) windows on the ground floor have (rotten) wood sills. The two ground floor windows on the north side of the building have contemporary concrete sills, likely cast-in-place. All other windows sills (south wall and upper storey) are wood slip sills and generally rotten. The wood sills are likely replacement wood sills covered with only one coat of paint that is mostly peeling. The two south upper floor window sills have been clad in painted galvanized metal. This is not a significant feature as required by section 2.6 of the Provincial Policy Statement.

8c. “**...Radiating brick arches.**” - Radiating brick arches are visible in window 1, 2 3, 4 and 6 and the main front door on the ground floor and are structurally functional. Window 5 is a flat brick arch supported by a contemporary steel lintel, likely added in the 1970’s. Since there is no soldier course brick lintel above this window, it is unlikely to be an original opening. The four upper ‘attic’ windows do not have any visible brick lintels above. This is unusual as historical brick buildings required arched brick lintels to support the brick above, whereas contemporary window lintels generally use concealed steel angle for structural support. In fact, the brick above two of the attic windows are in such poor condition that they are in a state of collapse, suggesting that those upper windows have no structural elements and were added later. The arches are not significant features as required by section 2.6 of the Provincial Policy Statement.

9. “**Shed-roofed front veranda**” - We agree that the front veranda is not original to the building. It is primarily constructed of 20th century milled and planned lumber, fastened with common nails and supported on the stone foundation by heavy gauge joist hangers (circa 1950’s) nailed to a wall-plate bolted to the stone foundation. The gables and ceiling are covered with contemporary plywood. Poured concrete piers (not aligned with the wood columns above) support the west side of the veranda. Many of these piers are in poor condition and have settled. It is likely that there was some form of front porch

or veranda on this building in the past, but there is no visible evidence remaining. As such, the alleged heritage value of the building is diminished because such an important feature is unknown and cannot be inferred or reproduced.

10. “**Modern windows**” - As mentioned in Point 8a above, we agree that the windows themselves are not original and, in some cases, the window openings are also not original, evident by their lack of a traditional loadbearing lintel and the mishmash of window sill types. Another attribute that the SOS fails to mention are the basement windows. Four basement windows have been removed and their openings covered in parged masonry or painted plywood. The two north window openings are mostly situated below grade behind window wells, whereas the south windows are mostly above grade.

11. “**Non-functional shutters**” – The building currently has black vinyl window shutters on the south, west and north elevation (except lower north windows). We agree that the vinyl window shutters are not original to the building. It is possible that there were functional window shutters in the past. Traditionally, the shutter hardware was fastened to the window frames. No evidence remains of past window shutters, and as a result, the alleged heritage value of the building has been diminished since they cannot be inferred or reproduced.

12. “**Modern front door**” – We agree that the front door is not original to the building. There is no evidence of what the front door might have looked like, therefore the alleged heritage value of the building has been diminished since the door cannot be inferred or reproduced.

13. “**Rear addition**” – We agree that the rear addition is contemporary (and described in a building permit issued by the City of Markham in the early 1970’s). What should also be mentioned is that the fourth (east) wall of the original brick and stone building has been substantially altered and/or removed to facilitate the construction of the rear addition and passage between the old and new building. What should also be noted is that without its rear wall, the building’s alleged heritage massing has been substantially compromised.

14. Not mentioned in the Statement of Significance is the unusual closed-in opening on the south elevation. This opening is odd in several aspects, including:

- A. The former opening is at the south-east side of the south elevation and may have been a side door providing access to a south garden or a side porch.
- B. The height of the door opening is also unusual, in that it only measures approximately 70” high x 30” wide.
- C. The proximity of the door to the adjoining window is unusual in that they are so close together.

The lack of information about this important unknown feature compromises the alleged heritage value of the building.

15. The Statement of Significance for 7507 Kennedy Road describes the roof and eaves as heritage features but does not mention that the roofing material is not original. The roofing material is asphalt shingles. Via a roof access hatch, I was able to view at least two previous roofing materials, also asphalt shingles. It is unknown whether the original roofing was pine wood shingles or galvanized metal, but based on the modest design of the building, it was unlikely to be slate or copper roofing. Not knowing the original roofing of the building diminishes its alleged heritage value.

REVIEW OF SECOND CRITERION UNDER O. REG 9/06:

Heritage Markham has stated that the existing building is “*a tangible reminder of the Smith-Milliken family that resided here*” but their own evidence puts into question the duration of that occupation. John Smith died in 1851², the same year the house was reported to be built. In 1858, the Widow Smith was noted to have re-married and was living with her new husband, Henry Sanders in German Mills for several years before Henry also died. A review of the 1853-54 Markham Map by George McPhillips shows that Henry *Sandersons* (not Sanders) is listed as the owner of Lot 2 Concession 3.

During the years that Widow Smith was absent from the subject lot (late 1850’s to 1871), the house was reported to have been occupied by tenants. Heritage Markham reported that the 1871 census listed Betsy Smith, her son John Smith Jr., his sister Mary, her husband Robert Vardon and their son William as living in the household, assumingly the building that is present today at 7507 Kennedy Road. But the McPhillips’ 1853-54 map of Markham clearly shows three buildings on the lot, even during the time when the Widow Smith was living there with her then fatherless children.

Heritage Section Staff have provided only circumstantial evidence that the existing building was occupied by John and Betsy Smith, and in fact, there may have already been more than one house on the 50 acres lot in 1850. The current lot is only 1% (0.54 acres) of the original 50-acre lot that the Smiths and their descendants are reported to have lived on, and there are multiple locations on this very large lot that would have been better suited for the construction of a large house away from the dusty, noisy and smelly road. Heritage Markham has provided no evidence to indicate which of the three (or possibly more) buildings on the lot the Smith’s and their descendants lived in on, periodically over the decades that they owned the land.

The confusion surrounding the certainty of the size of the subject building is further supported in the research report for 7507 Kennedy Road prepared by Heritage Markham:

By the time of the 1881 census, John Smith Jr. was married. John and Margaret Smith were both 34 years old and had three children between the ages of eight and one. Margaret Smith was known as “Maggie.” John Smith Jr. was a farmer. The family were of the Methodist faith. In 1891, there were six children in the Smith household. Their dwelling was described as a two-storey brick structure containing seven rooms.³

In the Statement of Significance for 7507 Kennedy Road, Heritage Markham wrote:

A brick farmhouse was constructed on the lot in c.1851. The property was later farmed by John and Betsy Smith’s son, John B. Smith, until 1892.⁴

Heritage Markham has not provided any evidence that the subject building was built in 1851. They have written that John and Betsy Smith lived on the 50-acre lot according based on an 1851 Census; a lot that had at least three buildings on it in based on an 1853-54 Map. Furthermore, while suggesting that the Smith’s descendants continued to live on the same lot, an 1878 Township of Markham map (Figure 21) lists five “John Smith” living in the area on five different lots, some less than 2 kilometers from the subject lot.

- a. Concession 2, Lot 1 - 15 acres

² Research Report, John and Elizabeth Smith House, Heritage Section, Markham Planning & Urban Design, 2024, page 2

³ Research Report, John and Elizabeth Smith House, Heritage Section, Markham Planning & Urban Design, 2024, page 3.

⁴ Statement of Significance – John and Elizabeth Smith House 7507 Kennedy Road. Heritage Markham, May 2024.

- b. Concession 3, Lot 35 - 100 acres
- c. Concession 4, Lot 7 - 50 acres
- d. Concession 4, Lot 9 - 100 acres
- e. Concession 5, Lot 9 - 120 acres

Finally, it should be noted that just because the child or grandchild of a person important to a community (in this case, Norman Milliken) lived in a house, it does not make that house significant. What impact did John Smith and Betsy Milliken have on the community, the province, the country? How did they contribute to the development of the community? And what impact did their children have? The short answer is no more than any other citizen and farmer that lived in the area at the time. Norman Milliken and Susanna Walton had twelve children (Figure 20). Their eldest son Benjamin was a soldier, philanthropist, and Justice of the Peace. Only his house has been designated.⁵

In a memorandum from Heritage Section Staff to the Heritage Committee regarding the proposed demolition of 7951 Yonge Street, a listed property, Heritage Staff did concede that living on a parcel of land isn't significant enough to warrant designating that property:

*While there is significance to the property (i.e. Lot 32, Conc 1) it is associated with the owners that constructed and latter expanded the Heintzman House [FL - a much larger mansion on the same lot] rather than the later occupants of 7951 Yonge Street who are not known to have made a significant contribution to the development of Thornhill.*⁶

7951 Yonge Street continues to be listed but has not yet (as of the date of this report) been designated.

REVIEW OF THIRD CRITERION UNDER O. REG 9/06:

Heritage Markham has written that the existing building is located "...on its original site, facing west, within the historic community of Milliken." It should be noted that the area where this building is located has been historically known as Milliken Mills, not Milliken (which is primarily located south of Steeles Avenue in Scarborough). The Milliken Mills name is used in the area to describe the Milliken Mills High School, Milliken Mills Community Center, Milliken Mills Library and Milliken Mills Community Park, amongst many others. But in fact, the area is also known as Hagerman's Corners, founded in 1803 by Nicolas Hagerman, who owned the property at the north-west intersection of 14th Avenue and Kennedy Road, less than a kilometer away from the subject building.⁷ The name "Nicolas Hagerman" and "Hagerman's Corner" is visible on maps as early as 1854, 1878 and even today in Google maps, suggesting competing evidence of the importance of the Milliken Family.

Furthermore, the only supporting factor for this criterion is that the (non-descript) building has assumingly existed (since maybe 1850?) on this site and has faced west all this time! What has not been described is the "*functional, visual or historical links*" to its surroundings.

There is no substantial connection between the property and its surroundings because the surrounding community is contemporary. It consists of a very large high school to the west, an industrial warehouse with lots of outdoor storage of construction materials and vehicles on the north, a new residential

⁵ Benjamin Milliken was a private, corporal and eventually a major in the York Militia and fought at the battle of Queenston Height in the war of 1812 and during the 1837 Rebellion. Benjamin was also a philanthropist and donated land for a local school. He was also a Justice of the Peace in York County. His house is an excellent example of Georgian Architecture and was designated May 10, 1994. No other of Norman's children's houses have been listed or designated.

⁶ Memorandum - Intention to Demolish a Property Listed on the Markham Register of property of Cultural Heritage Value or Interest, 7951 Yonge Street, Heritage Markham, Appendix 'C', May 11, 2022, page 11.

⁷ https://en.wikipedia.org/wiki/Hagerman's_Corners,_Ontario

development on the east side, and a small commercial building on the south side. The ‘historic’ buildings and landscapes of Milliken Mills are long gone and links between this subject building and those cultural heritage values and interest no longer exist.

7. IN SUPPORT OF ITS POSITION RHI RELIES ON:

- a. RHI’s Notice of Objection and Schedules attached thereto;
- b. The OHA;
- c. Mr. Lapointe Architect’s Report dated **June 4, 2024** and attachments thereto as **Schedule “3”** hereto; and,
- d. Such further and other information and materials as RHI submits and Council allows.

ALL OF WHICH IS RESPECTFULLY SUMMITTED BY RAYDAV HOLDINGS INC.



Raydav Holdings Inc.
By its Solicitor
E. Bruce Solomon Professional Corporation
Per: E. Bruce Solomon

SCHEDULE “1”

SCHEDULE "1"

JOSEPH VIRGILIO PROFESSIONAL CORPORATION
BARRISTERS & SOLICITORS

Joseph Virgilio, B.A., LL.B.
Vince Perricone, B.A., LL.B. *
Jullian Brunino, B.A., J.D.

1 West Pearce Street, Suite 500
Richmond Hill, Ontario L4B 3K3

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**Operating as a Professional Corporation*

Kimberly Kitteringham
City Clerk
City of Markham
101 Town Centre Boulevard
Markham, Ontario L3R 9W3

BY EMAIL TO: kkitteringham@markham.ca
AND HAND DELIVERED

-and-

Evan Manning
Senior Heritage Planner
Heritage Section- Planning and Urban Design Department
Development Services Commission
101 Town Centre Boulevard
Markham, Ontario L3R 9W3

BY EMAL TO: emanning@markham.ca
AND HAND DELIVERED

Re: Raydav Holdings Inc. ("RHI") and 7507 Kennedy Road, Markham Ontario ("the Property") Proposed Designation Under Part 1V of the Ontario Heritage Act ("the Designation")

Please be advised that we represent RHI in regard to its interest as an owner of the Property and the commercial building thereon, and we are responding to Mr. Manning's correspondence dated **April 8, 2024** ("the Markham Correspondence").

The Markham Correspondence was received by RHI on **April 12, 2024**. This has **not** given RHI adequate time to fully investigate and respond to the Committee's Recommendations and the proposed Designation of the Property and we hereby reserve RHI's right to do so within a "reasonable" time frame.

RHI hereby objects to: a) the Property having been the listed on the register ("the Register") as a property with cultural heritage value or interest pursuant to subsection 27(3) of the Ontario Heritage Act, R.S.O. 1990, c. O. 18 and amendments thereto ("the Heritage Act"); and, b) any future Designation of the Property.

The present building retains little, if any, historical value as the interior was completely gutted and most parts of the exterior substantially altered when the rear addition was added to the Property and the Property was converted to commercial use in the 1970's. Simply put, the Property does **not** meet the new threshold for either listing on the Register or Designation under the Bill 23 amendments to the Heritage Act.

RHI therefore respectfully requests that the Council remove the Property and the building located thereon from the Register and that the recommendation to Designate the Property be withdrawn.

Pursuant to the Heritage Act, which provides that: a) pursuant to subsection 27(7), the owner of a property who objects to a property being included in the Register under subsection (3) or a predecessor of that subsection shall serve on the clerk of the municipality a notice of objection setting out the reasons for the objection and all relevant facts. 2019, c. 9, Sched. 11, s. 6; 2022, c. 21, Sched. 6, s. 3 (3); and, b) pursuant to subsection 27(8), that if a notice of objection has been served under subsection (7), the Council of the municipality shall: (i) consider the notice and make a decision as to whether the property should continue to be included in the Register or whether it should be removed; and, (ii) provide notice of the council's decision to the owner of the property, in such form as the council considers proper, within 90 days after the decision.

Since receiving the Markham Correspondence, we have: a) briefly spoken to Mr. Manning, who provided us with the City's Research Report pertaining to the Property ("the Research Report"); and, b) retained Francis Lapointe, Dip. Arch. Tech., B. Arch., M. Arch., OAA, MRAIC, LEED® AP, CET ("Mr. Lapointe"), to assist us in dealing with this matter. A copy of his "preliminary" letter dated **April 18, 2024**, evidencing his preliminary findings in regard to the Property, together with a copy of his CV and pictures of the building taken on **April 18, 2024**, are attached to this email.

Please note that: a) the "more recent" picture of the building you are relying on does **not** fully represent the Property as it exists today; b) the chimneys noted in the Research Report still show on the picture you are relying on, notwithstanding that they have **not** been in place since in our about 2010; and, c) the white wood bannisters sounding the front deck and white lattice at the bottom of the deck which have been in place since in or about 2010 are also **not** shown.

Further, please note that in the 1970 conversion and thereafter, in furtherance of the conversion of the building and its use as commercial property, that:

1. In the 1970 renovations, the interior of the Property: a) was completely gutted and converted to offices with new partitions and drywall throughout; and, b) no original trim or other such historical remnants remained in place after the conversion.

2. Access to the interior of the Property since the 1970's has been through a door on the south side of the 1970 addition to the Property.
3. On the exterior of the Property in the 1970 renovations: a) at the front and both sides of the ground floor, the windows were enlarged and replaced with large/oversized fixed plate glass commercial windows; b) the roof line over the balcony and balcony were altered; c) a door on the south side of the Property was cemented over to accommodate the interior renovations; d) eavestroughs were added; e) window sills were replaced in some cases with wood and in others with cement sills; f) a modern front door together with a screen door were put in place; and, g) the deteriorating brick work was painted blue/gray.
4. Since the original 1970 renovation: a) various bricks have crumbled and have been filled in with cement and/or replaced with unmatching brick and repainted/sealed; b) the rear north-east corner wall was unstable and had to be completely reinforced with cement; c) the two chimneys were damaged creating a dangerous situation and therefore removed and capped; and, d) banisters and lattice were placed on and around the front balcony.
5. Most recently, a large underground communications vault was placed directly in the south-west corner of the Property by Rogers.
6. The Property is surrounded: a) to the East by a large subdivision of large, expensive homes; b) to the West, it fronts closely on to Kennedy Road; c) to the North, a large industrial commercial one-storey building housing a roofing company with outside storage of both materials and numerous commercial vehicles and trailers; and, d) to the South is a post office structure converted into a real estate brokerage office.

We appreciate that recent amendments to the Heritage Act are requiring municipalities, including the City of Markham, to consider what listed buildings on its register should receive designated status ahead of January 1, 2025 - this legislation, should, however, **not** foreclose an owners' right to make representations to the Committee.

We are of the view that the Building and the Property do **not** have sufficient features and/or characteristics required to receive a Designation and should be removed from the list of non-designated properties included on the Register.

Therefore, we respectfully request that: a) Markham Council remove the Building and the Property from the list of properties included on the Register pursuant to Subsection 27(3) of the Heritage Act; b) the Committee reconsider its' decision to recommend

Designation; and, c) if the recommendation is made by the Committee for Designation of the Property, that on reviewing all the evidence, Council should refuse the Designation.

Please note that it is our intention to attend the **April 23, 2024** meeting. Mr. Lapointe and I would like the opportunity to speak at this meeting and respond to any questions the Committee may have. Please provide us with the ZOOM link for this meeting. I can be reached by email at jvirgilio@virgiliolaw.com or by phone at **416-567-4074**.

We look forward to receiving the Committee's and/or Council's decision. Please advise should you have any questions or require any further documentation.

Yours very truly,



Joseph Virgilio

cc David Solomon
Francis Lapointe

April 19, 2024

Raydav Holdings Inc.,
Attention: David Solomon,
7507 Kennedy Road,
Markham ON L3R 0L8

Re: Future Designation of 7507 Kennedy Road, Markham
under Part IV Ontario Heritage Act

Dear Mr. Solomon,

As requested, I have reviewed the John and Elizabeth Smith House Research Report (updated 2024) prepared by the Heritage Section – City of Markham Planning and Urban Design, as well as the April 9, 2024 letter from the same department. The documents were prepared by Heritage Planning Staff “...to begin a conversation about the future potential designation of your property”. The April 9th letter was received by Raydav Holdings Inc. via Canada Post on April 12, 2024, and requires opposing submissions to the submitted to the Development Services Committee two days prior to their April 23rd, 2024 meeting.

Due to time constraints, I am not able to complete a thorough review of the subject building at this time, and instead offer this preliminary analysis. This summary report is based on a review of the following heritage conservation regulations, policies, and standards, that the City of Markham also relies upon:

- December 2023 e-Law release of the Ontario Heritage Act, R.S.O 1990 c. O.18, documents include:
- The Parks Canada Standards and Guidelines for the Conservation of Historic Places in Canada, 2010
- Designating Heritage Properties, A Guide to Municipal Designation of Individual Properties Under the Ontario Heritage Act, Ontario Ministry of Culture, 2006
- Compliance with Ontario Regulation 9/06, as amended – Criteria for Determining Cultural Heritage Value or Interest,
- Criteria for Determining Cultural Heritage Value or Interest, O.Reg. 9/06.

I also reviewed recent photographs of the building and completed online research on the Milliken Family of Markham.

I have examined whether the existing 1½ storey brick building at 7507 Kennedy Road meets the criteria that are required to be met under the *Ontario Heritage Act*. I can summarize my comments as follows:

1. There are few cultural heritage features remaining on the exterior of the building,
2. The heritage and cultural features that remain are neither rare, unique, or representative,
3. There is little evidence to indicate that this house was constructed by and occupied by John and Elizabeth (nee Milliken) Smith. Furthermore, the evidence that was provided suggests that if the couple did reside on this property, they did so for a few years only.

Note that we will provide a more detailed report on the potential future designation of the subject property in approximately 2 weeks. Finally, the credentials of the author, Francis J. Lapointe, OAA, can be found in Appendix A at the end of this letter.

Part 1 – Property Description

7507 Kennedy Road (Part of Lot 4, Concession 6) is a 2200 sm (0.54 acre) urban lot located on the east side of Kennedy Road, south of Highway 407 and north of Denison Avenue. The property is surrounded by a 2-storey commercial building to the south, a 2-storey commercial/industrial building on the north and low-rise residential buildings at the east (rear) of the property. Across the street is the Milliken Mills High School. The neighbourhood consists primarily of a mix of recently constructed low rise residential and commercial buildings. The heritage-designated Benjamin Milliken House is located approximately 0.5 kms north of the site on the west side of Kennedy Road.

The site is zoned (H)R3, Residential Low Rise under to old Zoning by-law and RES-ENLR under the new Comprehensive Zoning bylaw 2024-19, which is subject to appeal. The only building currently on the lot is a 1½ storey brick masonry building that includes a 1-storey rear addition clad with metal siding. The building is listed on the City of Marham Register of Properties of Cultural Heritage Value or Interest. The location of the 1½ story building on the lot is unusual in that the front wall of the building is located less than 4 m from the front lot line, while the front veranda is approx. 1.5 m from the front lot line. Based on its zoning, the site is likely to be developed for residential purposes in the future, as anticipated by Bill 23, More Homes Built Faster Act.

LaPointe

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Part 2 – Cultural Heritage Value or Interest

Under O.Reg. 9/06 Criteria for Determining Cultural Heritage Value or Interest, an Ontario Municipality must demonstrate that the property that they wish to designate under Part IV of the *Ontario Heritage Act* meet a minimum of two of the following criteria:

(2) A property may be designated under section 29 of the Act if it meets one or more of the following criteria for determining whether it is of cultural heritage value or interest:

1. The property has design value or physical value because it,
 - i. is a rare, unique, representative or early example of a style, type, expression, material or construction method,
 - ii. displays a high degree of craftsmanship or artistic merit, or
 - iii. demonstrates a high degree of technical or scientific achievement.
2. The property has historical value or associative value because it,
 - i. has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,
 - ii. yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or
 - iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
3. The property has contextual value because it,
 - i. is important in defining, maintaining or supporting the character of an area,
 - ii. is physically, functionally, visually or historically linked to its surroundings, or
 - iii. is a landmark.

In their description of the subject property, Markham Heritage Planning staff indicate that the property meets the objectives of three of the heritage criteria. Those three criteria are described and refuted below.

Criteria 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.

Staff comment: *The John and Elizabeth Smith House has design value and physical value as a representative example of a mid-nineteenth century brick farmhouse in the vernacular Georgian architectural tradition.*

**Comments regarding Future Heritage Designation
7507 Kennedy Road, Markham ON**

A review of photographs of the building at 7507 Kennedy Road (taken on April 18, 2024) reveals a simple rectangular 1½ storey brick building that is neither unique, unusual or “Georgian”, although it is ‘vernacular’¹. The Ontario Heritage Trust website defines Georgian Architecture as:

*Georgian architecture, however, can be characterized by a formal arrangement of parts; it employs symmetrical composition enriched with classical details, such as columned facades.*²

The most apparent feature of the building is the front veranda, which is topped by a shed roof supported by six simple square columns, that measure 3½” by 3½”. Such small columns are not typical of heritage architecture, and the dimensions more accurately reflect a contemporary milled and planed pressure-treated wood post than a ‘Georgian’ column. The soffit of the front porch is currently constructed of painted plywood, a construction material that is contemporary, not historical. This front veranda hardly qualifies as a “*columned façade*” but rather is a typical front porch that you can find in many contemporary houses today. There is no ornamentation or details on the columns, and they are likely contemporary replacements, especially given their size and lack of ornamentation, such as stop chamfer edges.



Figure 3 - Front (west) elevation of 7507 Kennedy Road, Markham

¹ **Vernacular architecture** is building done outside any academic tradition, and without professional guidance. It is not a particular architectural movement or style, but rather a broad category, encompassing a wide range and variety of building types, with differing methods of construction, from around the world, both historical and extant and classical and modern.
https://en.wikipedia.org/wiki/Vernacular_architecture

² <https://www.heritagetrust.on.ca/architectural-style>, accessed April 18, 2024.



Figure 4 - View of Plywood Soffit below front veranda roof.

The building foundation consists of natural field stones which need repair and repointing and are a source of ground water ingress into the crawl space. Crawl space windows, visible on both sides, have been removed and the openings closed and finished with concrete parging.

The exterior above-grade walls, described in the Heritage Staff report as Flemish bond brick, have been repeatedly painted with extremely durable waterproof epoxy-based paint, that is all but impossible to remove. The only other feature of the brick walls are the shallow arched lintels over the ground floor windows. The epoxy-based paint makes it difficult to perceive the features of the brick, concealing the brick bonding pattern and the lintels.

The gable end roof has no rare or unique features and is virtually free of ornamentation save for a plain 6" high frieze board below the gable overhangs. The front and rear overhangs do include a small profiled under-soffit wood trim. The City's Heritage Research Report describes "*boxed eaves and eave returns*" as if they are significant cultural heritage features, when in fact they are plain and likely contemporary replacements of more detailed roof eave details. As reported (and

as visible in the photo on the cover of the Staff research report) there were two corbelled brick chimneys in the past, but they have since been removed and capped slightly above the roof line, as the more ornate chimneys were a danger of collapsing.

Any potentially defining architectural features of the building have long been replaced with contemporary features. Where there once may have been double hung windows there now are large picture windows. The front door is a contemporary insulated metal door.

There are no known historical photographs of the subject property and as such, it is impossible to know what architectural features were used to decorate the house. The owner has indicated that both the exterior and the interior of the house were extensively renovated (under a building permit) in the 1970's. The interior was fully gutted and no cultural heritage features have been preserved.

The Parks Canada Standards and Guidelines for the Conservation of Historic Places in Canada addresses the issue of potentially missing architectural features. The document recommends that heritage consultants should not try to 'guess' what the original appearance of a former heritage feature was. The Parks Canada guidelines recommends against:

“Constructing a wood feature that was part of the original design of the building, but was never actually built; or constructing a feature that was thought to have existed during the restoration period, but for which there is insufficient documentation.”³

In conclusion, examinations of the current photographs of the existing building at 7507 Kennedy Road reveals that this building has little to no “rare, unique, [or] representative” cultural heritage features, and that the existing building fails to meet the first criteria for determining whether it is of cultural heritage value or interest. Furthermore, most of the identifying cultural heritage features has been replaced such that the building has little left to preserve and is no longer representative of the vernacular Georgian style.

³ Ibid.



Figure 5 - South elevation of the original 1½ storey building and rear addition.



Figure 6 - North Elevation of the rear addition and original 1½ storey building.

Criteria 2

The property has historical value or associative value because it is associated with a theme, event, belief, person, activity, organization or institution that is significant to a community.

Staff comment: *The John and Elizabeth Smith House has historical value, representing the locally significant theme of agriculture as the former farmhouse of John and Elizabeth Smith, and for its association with the significant wave of British families that arrived in Markham Township in the 1820s-1830s. It also has historical value for its association with the prominent Milliken family after whom the community takes its name.*

Planning staff suggest that the building at 7507 Kennedy Road meets criteria 2 (the lot is associated with a person that is a significant to a community) because John and Betsy Smith (nee Milliken) once resided on that lot. But Heritage Planning Staff have not provided any conclusive evidence that proves that the couple lived in the building currently on the lot (which is only 1% of the original lot size). Instead, they quote the following data from historical censuses:

- 1838 – John and Elizabeth (or ‘Betsy’) (nee Milliken) Smith marry.
- 1843 - Benjamin Milliken and his sister Betsy Smith inherit property from their father, Norman Milliken, one of the founders of the community. Benjamin inherits 50 acres while Betsy inherits 11 acres (described as Lot 1, Concession 5).
- 1844 - John Smith purchased the 50-acre south-west portion of Lot 4, Concession 6 (that included the 0.54 acre lot now described as 7507 Kennedy Road).
- 1846-47 - Brown’s Directory of Markham Township, states that John and Betsy Smith reside at Lot 1, Concession 5, (Betsy’s lot), not the lot that John had purchased a few years earlier.
- 1851 – The census now states that John and Betsy Smith in a 1½” storey house at Lot 4, Concession 6 (a 50-acre lot including the 0.54 acre part of lot 4 now know as 7507 Kennedy Road).
- Late 1851 – John Smith dies and bequests his 50-acre south-west portion of Lot 4, Concession 6 to his son John Jr., and the 11-acre, Lot 1, Concession 5 property to his daughter Mary.

It should be emphasized that the current lot at 7507 Kennedy Road is 0.54 acres in size, which is 1% of the 50-acre Lot 4, Concession 6 (the historic lot). The position of the existing building with respect to the main road (Kennedy Road) suggest that this was not the ‘main’ house, because main houses were typically sited further away from a road, to distance themselves from road dust, noise and odours. Furthermore, Betsy and her brother Benjamin Milliken were both bequeathed land when their father died. Benjamin built a large stately house less than 500 m away from this property, and that house is located several hundred meters away from Kennedy Road.

Why did John and Betsy, who had inherited land and purchased another lot, build and settle in a small non-descript house very close to the dust, noise and odours originating from the road? The census data indicated that the couple had two children, a daughter Mary, aged 13 and a son

John, aged 6. The two kids lived with them as did one of Betsy's brother, John Milliken, in a house that was then likely only two bedrooms on the upper half-storey. It is more likely that John and Betsy Smith were wealthy enough to have built a larger house a greater distance away from the road on another portion of the vast 50-acre lot, as Betsy's brother Benjamin had. The house currently located at 7507 Kennedy Road may have been built later and for another purpose (to house other family members or farm hands?). Its proximity to the road suggests so.

Finally, John and Betsy Smith likely only lived in this house (if at all) for a few years. The 1846/47 census indicated that John and Betsy lived at their 11-acre lot in 1847, while the 1851 census recorded them living somewhere on their 50-acre lot (Lot 4, Concession 6, a very small portion of which (1%) is now 7507 Kennedy Road). After John's death, Betsy married Henry Sanders and she and her young son moved to another house near German Mills. The subject lot remained in Betsy's family for many years and was leased to a tenant until she returned sometime around 1871, with her son John Smith Jr., who continued to farm the land. A house where a family lived for a few years over multiple decades does not qualify as a "... *property [that] has historical value or associative value because it is associated with a theme, event, belief, person, activity, organization or institution that is significant to a community.*" The partial occupation of the house by the Smith family simply does not meet the requirements of Criteria 2.

Criteria 3

The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings.

Staff comment: The John and Elizabeth Smith House has contextual value because it is physically, functionally, visually and historically linked to its surroundings where it has stood since c.1850.

Planning staff report that the house at 7507 Kennedy Road is linked to its surroundings simply because it has been there since circa 1850, and for no other reasons. In other words, the house exists, therefore it should be designated! Planning staff have not provided any evidence of how the house was "...*functionally, visually and historically linked to its surroundings*".

Staff have also not determined which house the 1851 census refers to. In fact, they quote data from the later 1891 census that refers to John Smith Jr., his wife and their **six children living in a 2 storey, 7-room house**, a description not representative of the existing building on the subject property.

By the time of the 1881 census, John Smith Jr. was married. John and Margaret Smith were both 34 years old and had three children between the ages of eight and one. Margaret Smith was known as "Maggie." John Smith Jr. was a farmer. The family were of the Methodist faith. In 1891, there were six children in the Smith household. Their dwelling was described as a two-storey brick structure containing seven rooms.

Criteria 3 was included as part of the Criteria for Determining Cultural Heritage Value or Interest (O.Reg. 9/06) to acknowledge the importance of a building to the surrounding community, often as the host of a major event. Was there a major community event that took place at this house? A wedding, a funeral, a murder? Was a play written here? Was a prominent statesman born here? In reality, the events that did occur at the house were the same type of events that occurred in every other house on this street and in this village. Children were born, families raised, parents worked and grandparents died. There is no community event of significance that occurred at 7507 Kennedy Road that is worthy of requiring the house to be designated under Criteria 3.

Conclusion

Whether or not a building is worthy of designation under the Part IV of the *Ontario Heritage Act* depends on whether the building meets a minimum of two criteria for determining whether it is of cultural heritage value or interest under O.Reg. 9/06 Criteria for Determining Cultural Heritage Value or Interest. It is the responsibility of a Municipality to prove that the criteria have been met, whereas a property owner has the right to oppose the designation.

The existing 1½ storey building at 7507 Kennedy Road fails to meet the three criteria selected by the City of Markham Planning Staff, namely:

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,

My professional assessment as an Architect with substantial experience in heritage preservation is that few if any of the remaining building features are original to the building, and that this building struggles to be a representative example of vernacular Georgian architecture.

2. 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,

Heritage Planning Staff have provided only circumstantial evidence that the existing building was occupied by John and Betsy Smith. In fact, the current lot is only 1% (0.54 acres) of the original 50-acre lot and there are multiple other locations on this very large lot that would have been better suited for the construction of a large house away from the dusty, noisy and smelly road.

3. The property has contextual value because it is important in defining, maintaining or supporting the character of an area,

The Research Report fails to provide any evidence that the existing building at 7507 Kennedy Road has hosted any major community event or somehow defined or influenced the development of the community. In fact, one of the reported events describes John Smith Jr., his wife Maggie and his six children living in a 2-storey, 7-room house, a description more fitting of the building to the south of the subject property, that may also be located on Lot 4, Concession 6.

LAPointe

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Comments regarding Future Heritage Designation
7507 Kennedy Road, Markham ON

As such, I do not agree with Heritage Planning Staff that the existing building at 7507 Kennedy Road meets any of the required conditions described in the Criteria for Determining Cultural Heritage Value or Interest. Finally, I recommend that the building be removed from the City of Markham's Register of Properties of Cultural Heritage Value or Interest, as required by changes to the Ontario Heritage Act detailed in Bill 23, More Homes Built Faster Act.

Sincerely,



Francis J. Lapointe.
Dipl. Arch. Tech., B. Arch., M. Arch., OAA, MRAIC, CET, LEED® AP

Appendix A

Curriculum Vitae of Francis J. Lapointe, OAA

Francis Lapointe is the principal of Lapointe Architects. He formed the practice in 2001 with a focus on sustainable building technologies, materials and construction methods. Francis' design portfolio presents a broad range of building projects that demonstrate thoughtful transformation of space, responsiveness to the environment and enduring value. Throughout his career, Francis has completed dozens of heritage projects, sustainable projects including a LEED Platinum building, social housing for Canada's indigenous communities. Francis' passion for sustainability has culminated with the purchase of a large historically designated Victorian house in Trenton Ontario. When Francis and his partner Andrew took possession of the house it was in poor condition, having been left empty for a few years and suffering significant water damage from frozen water pipes. They are actively working at restoring the house to its former glory while repairing the structural systems and improving the energy efficiency of the building assemblies.

Francis has presented his work at several architectural and sustainability conferences across Canada and guest-lectured at Ryerson and OCAD. Since 2006, Francis has been a member of the Program Advisory Committee (PAC) for the Sustainable Architecture program at Centennial College, advising the College about the employment needs of the design and construction industry. Francis has been lecturing part-time at the College since 2007 and in 2010 became a full-time faculty member.

Education

Technical University of Nova Scotia (Now Dalhousie University), Halifax NS

- Post-Professional Master of Architecture (M. Arch. II), 1993 - 1995

Université Laval, Québec City

- Baccalauréat en Architecture (B. Arch.), 1989 - 1992

Centennial College, Toronto ON

- Architectural Technologist Diploma, 1985 – 1988

Professional Memberships and Accreditations

2011, Member, Ontario Association of Certified Engineering Technicians and Technologist (OACETT)

2009, CaGBC qualified instructor of the Building Green with LEED® post-secondary course.

2005, Accredited Professional, Leadership in Energy and Environmental Design (LEED®)

2001, Member, Royal Architect Institute of Canada (MRAIC)

2001, Member, Ontario Association of Architects (OAA)

Lapointe

ARCHITECTS

108 Henry Street
Trenton ON Canada, K8V 3T7
T: 416.964.6641

www.lapointe-arch.com

Professional Experience / Selected Projects

Lapointe Architects, Toronto 2001 – present

(Heritage projects highlighted in yellow)

- Fidler House (restoration/ interior alteration), Trenton ON
- First Nation Sustainable Development Standards, Atikameksheng Anishnawbek FN, Naughton, ON
- Sustainable Designs for your Community, Membertou FN, Cape Breton, NS
- Barrie Hill Farm Market (sustainable harvest market), Barrie, ON
- Sustainable Social Housing, Atikameksheng Anishnawbek FN, Naughton, ON
- Fire Arbour, Atikameksheng Anishnawbek FN, Naughton, ON
- (re) source pavilion (small diameter timber structure), Picton, ON
- Jubilee Pavilion and Banquet Hall (renovation and expansion), Oshawa, ON
- Fifth Town Artisan Cheese Company (LEED Platinum) Prince Edward County, ON
- Wawa Boreal Shield Eco-walk (waterfront eco-park), Wawa, ON
- Eco|Axis House (sustainable house), South Bay, ON
- Manse Inn, Picton (conversion of manse to inn), Picton ON
- St-Phillip Neri Oratory (seminary/chapel renovation), Toronto, ON
- Casa Loma (Life Safety Study) Toronto ON
- Edward Condominium (in heritage district, with Brian Clark, Architect), Picton, ON
- Blythdale Residence (sustainable house), Toronto, ON (with Claudio Gantous Architect, Mexico)
- Kickinghorse House (mountain house), Golden, B.C.
- 580 Spadina Circle (renovation/ addition), Toronto ON
- Cressy Residence (lakefront house), Prince Edward County, ON
- Sunnyside Concession, Western Beaches, Toronto, ON
- Vern's Greenhouse and Indoor Garden Center, Cambridge, ON
- Wheat Sheaf Tavern (restoration/ interior alteration), Toronto, ON
- St-Georges Ukrainian Seniors Housing (conversion of public school to senior's housing), Oshawa, ON

Taylor Hariri Pontarini Architects, Toronto – Arch. Project Manager from 2000 - 2002

- Canada One Factory Outlet – Phase Three, Niagara Falls ON
- Flavelle House, Faculty of Law, University of Toronto, Toronto ON
- Art Collector's Residence, Toronto, ON

Atkins Architect, Thornhill – Project Manager/ Architectural Designer from 1998 - 2000

- 30 Scott's KFC Restaurants throughout Ontario, Alberta and Quebec
- The Palace at Granite Gates Condominium, Mississauga ON

Domus Architects, Toronto - Architectural Technologist from 1997 - 1998

- Embassy for the Kingdom of Saudi Arabia, Ottawa ON

Jedd Jones Architects, Toronto - Architectural Technologist from 1988-89

- Rockwood Academy for Boys, - Rockwood (Guelph) ON
- Napanee Train Station, Napanee ON

Annau Associates Architects, Toronto - Architectural Technologist from 1988-89

- 7th Street Public School, Etobicoke ON

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Teaching Experience

Centennial College of Applied Arts and Technology, Scarborough 2007 to Present

- Currently teaching several Environment, Design and Building Code courses in the Sustainable Architecture program.
- Developed and/or participated in three Global Citizen Equity Learning Experiences (GCELE):
 - Biodiversity Expedition, Pacaya Samiria Reserve, Amazon Jungle, Peru - March 2012
 - Construction of a Community School in the mountains overlooking Cusco, Peru – March 2013
 - Wetland Restoration, Walpole Island First Nation - March 2015

Technical University of Nova Scotia (TUNS), Halifax Winter 1995

- Teaching Assistant: supervised students from TUNS and NSCAD in the construction of a unique bentwood structure

Eskasoni First Nation, Cape Breton, NS Summer/Fall 1994

- As Construction Supervisor and Instructor, Francis helped the community construct a 6700 sq./ft Cultural Centre that incorporates small diameter timber (SDT) technology.

Michipicoten First Nation, Wawa, ON 1992-93

- Francis taught members of this First Nation community to design and build their own dwellings and other small structures, including a carpentry shop, administrative offices and a community center.

Awards and Scholarships

- 2017 Learning-Centred Award, Centennial College
- 2016 President's Spirit Award, Centennial College
- 2015 Alumnus of Distinction, Centennial College
- 2008 LEED Platinum Certification - Fifth Town Cheese Factory
- 2008 Elizabeth Murray Green Building Award, Prince Edward County Construction Association
- 2008 Ontario Concrete Association – Architectural Merit Award for Fifth Town Cheese
- 2008 WoodWORKS Green Building Wood Design Award for Fifth Town Cheese
- 2008 Canadian Business Design Exchange Staff Choice Award for Fifth Town Cheese
- 2008 Canadian GeoExchange Coalition – Prize of Excellence for Fifth Town Cheese
- 1995 - Ontario Premier's Award
- 1994 & 1995 - TUNS Research Grant
- 1993-95 - CMHC Graduate Scholarship

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www.lapointe-arch.com

Exhibitions / Publications

- Author/ Course Developer, FNSDS Modules for Learning 1 and 6, - March 2017
- Author, First Nation Sustainable Development Standards - Published December 2016
- (re) source Pavilion - Building for the Economy, Exhibition at the Harbourfront Centre, Summer 2009
- Twenty + Change - exhibition series dedicated to profiling emerging designers working in architecture, landscape and urban design, Gladstone Hotel, June – Aug 2009
- Factory Design, Braun Publication, Spring 2009
- Eco Design, Braun Publications, Summer 2009
- Green Cheese, Canadian Architect magazine, January 2009
- Co-authored Reduce Car Wash Consumption – Gain LEED Points, Octane Magazine, March 2008

Speaking Engagements

- First Nation Sustainable Development Standards, presented at:
 - Ontario First Nation Technical Services Corporation, September 2014, Sault-Ste-Marie
 - Aboriginal Financial Officer's Association, February 2014, Halifax
 - Assembly of First Nation, National FN Infrastructure Conference, February 2014, Toronto
 - Assembly of First Nation, Special Chiefs Assembly, December 2013, Ottawa
 - Aboriginal Financial Officer's Association, February 2013, Toronto
- Fifth Town Cheese Factory: LEED Platinum Case Study, CaGBC Conference, Montreal, June 2009
- Small Diameter Timber, WoodWORKS Luncheon, Sudbury and Winnipeg, Feb. 2009
- Building a 'Green' Cheese Factory - presentation to the 6th Annual Eastern Lake Ontario Regional Innovation Network Conference, Aug 2008
- So You Want To Build A Cheese Factory? Presentation to Ontario Cheese Society, 2007 Annual General Meeting and Conference, May 2007

Committees / Boards

- 2006-2010, Centennial College Program Advisory Committee, for the Sustainable Architecture Program
- 2007, OAA ExAC Task Group (Phase 2) – was one of several architects who authored questions for the new Canadian architectural registration exams (ExAC)

SCHEDULE “2”



Planning and Urban Design

MAY 23 2024

May 8, 2024

Raydav Holdings Inc.
7507 Kennedy Road
Markham, Ontario
L3R 0L8

**RE: INTENTION TO DESIGNATE A PROPERTY UNDER PART IV OF THE
ONTARIO HERITAGE ACT, JOHN AND ELIZABETH SMITH HOUSE, 7507 KENNEDY ROAD**

To whom it may concern:

This will confirm that at a meeting held on May 1, 2024, Markham Council adopted the following resolution:

That Council state its intention to designate 7507 Kennedy Road under Part IV, Section 29 of the *Ontario Heritage Act* in recognition of its cultural heritage significance

Please find attached the Statement of Significance which summarizes the cultural heritage value or interest of the property and provides a description of the heritage attributes of the property. Notice of objection to the notice of intention to designate the property may be served on the clerk within 30 days after the date of publication of the notice of intention on the City's website (May 8, 2024). Refer to 'Ontario Heritage Act Notices' at the link below. The notice of objection must include the reasons for the objection and all relevant facts.

<https://www.markham.ca/wps/portal/home>

Should you have any questions regarding the Statement of Significance or the implications of heritage designation, please contact Evan Manning, Senior Heritage Planner, at emanning@markham.ca

Kimberley Kitteringham
City Clerk

C. Ontario Heritage Trust

Attachment: Statement of Significance

STATEMENT OF SIGNIFICANCE

John and Elizabeth Smith House

7507 Kennedy Road
c.1850

The John and Elizabeth Smith 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 John and Elizabeth Smith House is a one-and-a-half storey brick former dwelling located on the east side of Kennedy Road in the historic community of Milliken. The building faces west.

Design Value and Physical Value

The John and Elizabeth Smith House is a representative example of a mid-nineteenth century brick farmhouse in the vernacular Georgian architectural tradition. This style persisted in Ontario long after the Georgian period ended in 1830. The essential design principles of symmetry, balance and formality extended beyond the 1830s to influence local vernacular architecture for much of the nineteenth century. In Markham, most examples of this conservative approach to domestic architecture were constructed in the 1850s. Alterations to the c.1850 dwelling were made as part of its conversion to commercial use, but its essential form has remained intact and its character as a mid-nineteenth century farmhouse is readily discernable.

Historical Value and Associative Value

The John and Elizabeth Smith House has historical value, representing the locally significant theme of agriculture through its function as the former farmhouse of John and Elizabeth Smith, and for its association with the significant wave of British families who arrived in Markham Township in the 1820s-1830s. It also has historical value for its association with the locally prominent Milliken family after whom the community takes its name. John Smith, an English immigrant, married Elizabeth "Betsy" Milliken in 1838. Elizabeth Milliken was the daughter of Norman Milliken, a United Empire Loyalist who came to Markham via New Brunswick in 1807. In 1844, John Smith purchased a small farm on the south-west quarter of Markham Township Lot 4, Concession 6. A brick farmhouse was constructed on the lot in c.1851. The property was later farmed by John and Betsy Smith's son, John B. Smith, until 1892.

Contextual Value

The John and Elizabeth Smith House has contextual value for being physically, functionally, visually and historically linked to its surroundings. It is one of a small number of nineteenth century buildings that remain in south-central Markham, and one of the few remnants of the agricultural past in the community of Milliken.

Heritage Attributes

Character-defining attributes that embody the cultural heritage value of the John and Elizabeth Smith 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 a mid-nineteenth century brick farmhouse in the vernacular Georgian architectural tradition:

- Rectangular plan;
- One-and-a-half storey height;
- Fieldstone foundation;
- Brick walls in Flemish bond;
- Medium-pitched gable roof with projecting eaves and eave returns;
- Three-bay primary (west) elevation with a centrally placed single-leaf door and transom light remnant;
- Flat-headed rectangular window openings with projecting lugsills and radiating brick arches.

Heritage attributes that convey the property's historical value and associative value, representing the themes of agriculture and immigration, as the former farmhouse of John and Elizabeth Smith, and for its association with the locally prominent Milliken family:

- The dwelling is a tangible reminder of the Smith-Milliken family that historically resided here from and farmed the land c.1850 to 1892.

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 west, within the historic community of Milliken.

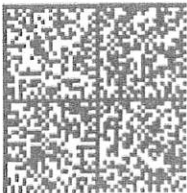
Attributes of the property that are not considered to be of cultural heritage value or are otherwise not included in the Statement of Significance:

- Shed-roofed front veranda;
- Modern windows;
- Non-functional shutters;
- Modern front door;
- Rear addition.

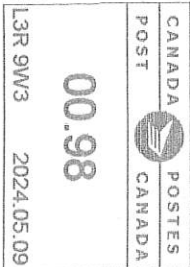


The Corporation of the City of Markham
101 Town Centre Boulevard, Markham, ON L3R 9W3

Raydav Holdings Inc.
7507 Kennedy Road
Markham, Ontario
L3R 0L8



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0509 100417



SCHEDULE “2A”

SCHEDULE "2A"

**NOTICE
Intention to Designate a Property / Ontario Heritage Act**

The Council of the City of Markham intends to designate the following property for reasons of cultural heritage value or interest pursuant to the *Ontario Heritage Act, R.S.O. 1990*, Chapter O.18, Part IV:

John and Elizabeth Smith House
7507 Kennedy Road
Markham, ON

The John and Elizabeth Smith House is a representative example of a mid-nineteenth century brick farmhouse in the vernacular Georgian architectural tradition. The John and Elizabeth Smith House has historical value, representing the locally significant theme of agriculture through its function as the former farmhouse of John and Elizabeth Smith, and for its association with the significant wave of British families who arrived in Markham Township in the 1820s-1830s. It also has historical for its association with the locally prominent Milliken family after whom the community takes its name. Further, the property has contextual value for being physically, functionally, visually and historically linked to its surroundings. It is one of a small number of nineteenth century buildings that remain in south-central Markham, and one of the few remnants of the agricultural past in the community of Milliken.

Any person may notify the City of Markham of their objection in writing, which shall include the reasons for their objection and all relevant facts, **on or before 4:30 p.m. June 7, 2024** to be sent by registered mail or dropped off in person to:

Clerk's Department, City of Markham
Attention: Alecia Henningham
101 Town Centre Boulevard
Markham, ON L3R 9W3

Objections can also be submitted via email at: clerkspublic@markham.ca

If a notice of objection is received, the Clerk will refer the matter to Markham Council for reconsideration. Further information regarding the proposed designation is available from the Clerk's Department.

Dated at Markham this 8th day of May, 2024
Kimberley Kitteringham, City Clerk

SCHEDULE “3”

June 04, 2024

Raydav Holdings Inc.,
Attention: David Solomon,
7507 Kennedy Road,
Markham ON L3R 0L8

Re: Proposed Designation of 7507 Kennedy Road, Markham
under section 29 of Ontario Heritage Act,
Review of Statement of Significance, prepared by Heritage Markham

Dear Mr. Solomon,

As requested, I have reviewed the Statement of Significance (May 26, 2024) for 7507 Kennedy Road, prepared by the Heritage Section – City of Markham Planning and Urban Design.

I have examined whether the existing 1½ storey brick building at 7507 Kennedy Road meets the criteria described under the Ontario Heritage Act. I can summarize my review as follows:

- A. Heritage Markham has failed to apply their own Heritage Resources Evaluation System required under the City of Markham Official Plan,
- B. There are few cultural heritage value or interest features remaining on the exterior of the subject building, and the features that remain are neither rare, unique, representative, or significant,
- C. There is little evidence to indicate that this building was constructed by and occupied by John and Elizabeth (nee Milliken) Smith, and that they and their descendants had any significant impact on the development of the community. Furthermore, the evidence that has been provided suggests that if the couple did reside on this property, they did so for only a few years,
- D. As recently as February 2004, Heritage Markham staff recommended the 'de-listing' of a building very similar to 7507 Kennedy Road, known as 7696 Ninth Line, which was the home of multiple important families in Markham according to Heritage Markham (refer to Appendix C).

The review of cultural heritage value or interest detailed below was completed following industry standards by Francis Lapointe Architect, OAA.

**Review of Statement of Significance
7507 Kennedy Road, Markham ON**

Part 1 – PROPERTY DESCRIPTION

7507 Kennedy Road (Part of Lot 4, Concession 6) is a 2200 sm (0.54 acre) urban lot located on the east side of Kennedy Road, south of Highway 407 and north of Denison Avenue. The property is surrounded by a 2-storey commercial building to the south, a 2-storey commercial/industrial building on the north and low-rise residential buildings at the east (rear) of the property. Across the street is the Milliken Mills High School. The neighbourhood consists primarily of a mix of recently constructed low rise residential and commercial buildings. The heritage-designated Benjamin Milliken II House is located approximately 0.5 kms north of the site on the west side of Kennedy Road (See Figure 22 and Appendix F).

The site is zoned (H)R3, Residential Low Rise under to old Zoning by-law and RES-ENLR under the new Comprehensive Zoning bylaw 2024-19, which is subject to appeal. The only building currently on the lot is a 1½ storey brick masonry building that includes a 2-storey rear addition clad with metal siding. The building is listed on the City of Marham Register of Properties of Cultural Heritage Value or Interest. The location of the 1½ story building on the lot is unusual in that the front wall of the building is located less than 4 m from the front lot line, while the front veranda is approx. 1.5 m from the front lot line. Based on its zoning, the site is likely to be developed for residential purposes in the future, as anticipated by Bill 23, More Homes Built Faster Act.

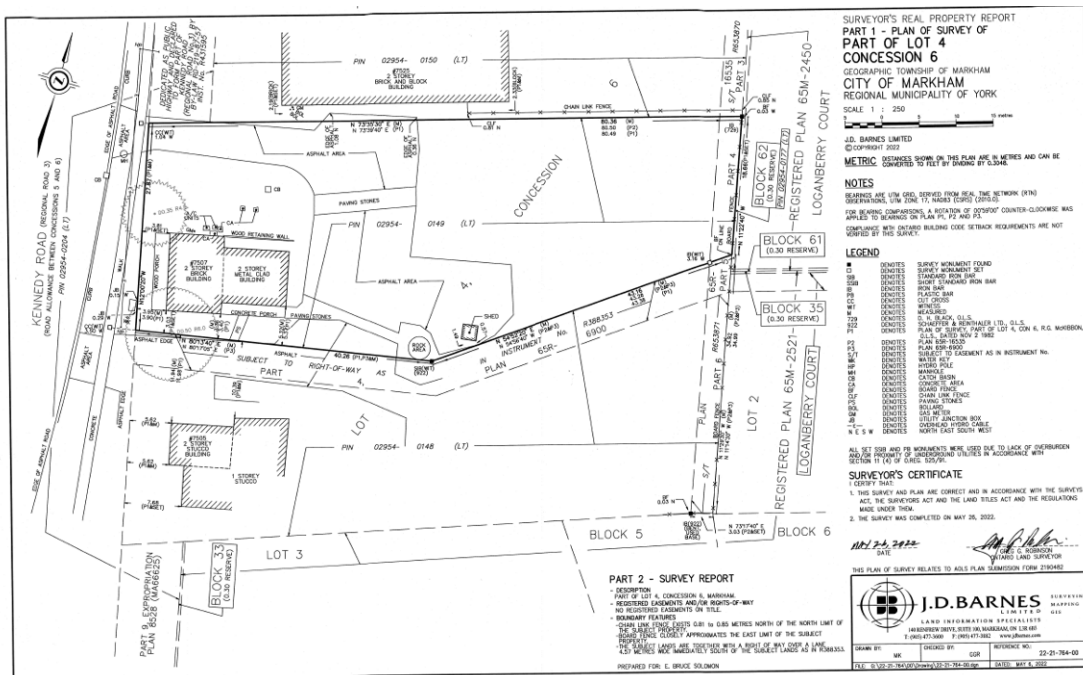


Figure 1 - Overall site plan of 7507 Kennedy Road, Markham.
(JD Barnes OLS)

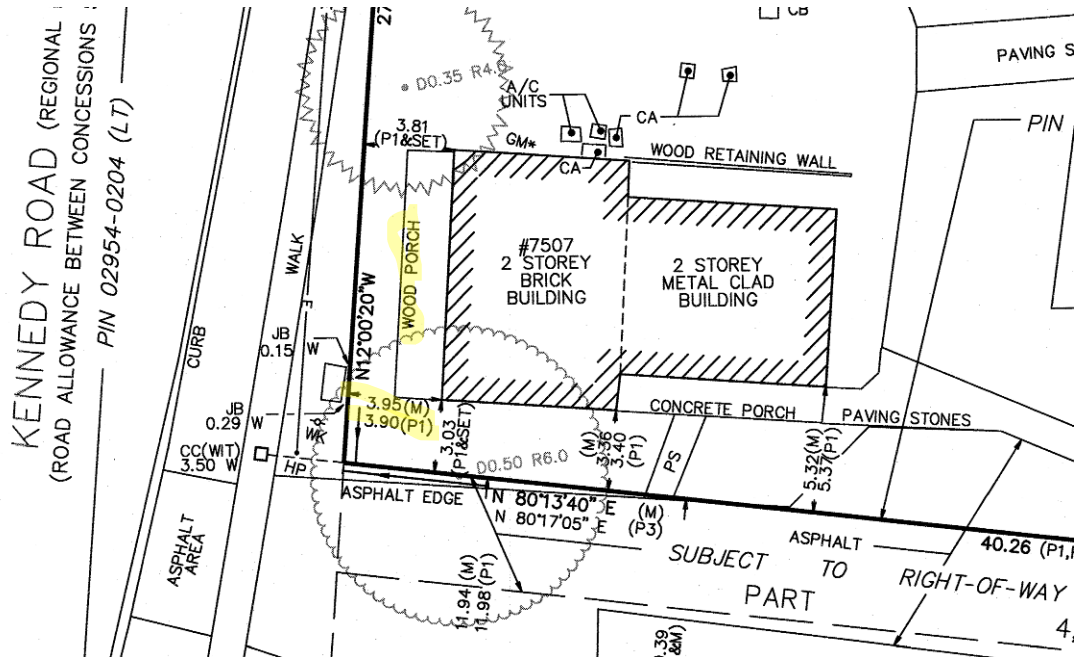


Figure 2 - Enlargement of the front portion of the site, 7507 Kennedy Road, Markham.
(JD Barnes OLS)

Below are photographs of the building showing the condition of the exterior as of May 2024.



Figure 3 - Front (west) elevation of 7507 Kennedy Road, Markham



Figure 4 - South elevation of the original 1½ storey building and rear addition.



Figure 5 - North Elevation of the rear addition and original 1½ storey building.

Part 2 – INTENT TO DESIGNATE PROCESS

On May 8, 2024, the City of Markham issued a Notice of Intention to Designate 7507 Kennedy Road, Markham ON under Part IV, section 29 of the Ontario Heritage Act, R.S.O. 1990 C O.18, using the criteria listed in the Criteria for Determining Cultural Heritage Value or Interest, Ontario Regulation 9/06. The notice was published in a internet link on Markham’s web site, not a “*newspaper having general circulation in the municipality*” as required by Part IV and Part V of the Ontario Heritage Act.

O. Reg. 9/06 lists nine criteria that must be applied to determine if a property is of cultural heritage value or interest (CHVI). In support of this proposed designation, Heritage Markham have chosen the three criteria listed below to support the proposed designation:

1.(2)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.

1.(2)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.

1.(2)8. The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings.¹

How the Criteria for Determining Cultural Heritage Value or Interest are to be assessed in a fair and unbiased method is not described in the Act. But subsequent policies and standards have been developed to ensure a fair and impartial process. The Planning Act (R.S.O 1990) requires that decisions affecting planning matters conform to Section 2.6 of the Provincial Policy Statement (2020) which states that only “**Significant built heritage resources and significant cultural heritage landscape shall be conserved.**”²

Marriam-Webster’s dictionary defines “significant” as:

1: having meaning especially: SUGGESTIVE, *a significant glance*

2a: having or likely to have influence or effect : IMPORTANT, *a significant piece of legislation*

also : of a noticeably or measurably large amount, *a significant number of layoffs producing significant profits*

2b: probably caused by something other than mere chance statistically *significant* correlation between vitamin deficiency and disease.³

¹ O. Reg 9/06 Criteria for Determining Cultural Heritage Value or Interest, Ontario, January 2023.

² Provincial Policy Statement, Section 2.6 Cultural Heritage and Archaeology, Ministry of Municipal Affairs and Housing, May 1, 2020, page 31.

³ <https://www.merriam-webster.com/dictionary/significant>

Therefore, “*significant*” built heritage resources are not ‘regular’, ‘typical’, ‘ordinary’ or “*utilitarian*” buildings, but are buildings that are significantly more representative, unique and important than others.

Note that the Government of Ontario has recently released a proposed Provincial Planning Statement (April 10, 2024) that will replace the current 2020 Provincial Policy Statement (PPS), but the new statement will have little to no impact on the p[roposed designation of this building, since the new PPS will be released after the City of Markham initiated this Ontario Heritage Act process.

The Markham Official Plan confirms that the process for assessing the cultural heritage attributes of a building must be fair and consistent and must use recognized heritage protocols and standards:

4.5.2. Fair and consistent criteria have been developed to guide the review of both individual and district designation proposals.

4.5.2.4. To ensure consistency in the identification and evaluation of cultural heritage resources for inclusion in the Register of Property of Cultural Heritage Value or Interest and/or for individual property designation, by utilizing the criteria for determining cultural heritage value or interest established by provincial regulation under the Ontario Heritage Act and criteria included in Markham's Heritage Resources Evaluation System.⁴

This same text was also recently quoted in a memorandum from Heritage Planning Staff to the Heritage Markham Committee, in support of the removal of 7696 Ninth Line, Markham (refer to Appendix D) from the Markham Heritage Property Register.⁵

⁴ Markham Official Plan, Healthy Neighbourhoods and Communities, June 2014, page 4-29.

⁵ Notice of Objection to the Inclusion of a Property on the Markham Register of Property of Cultural Heritage Value or Interest, 7696 Ninth Line (“Anthony Graham House”) Memorandum – Heritage Markham Committee, February 20, 2024.

Part 3 – REVIEW OF BUILDING UNDER **MARKHAM'S** HERITAGE RESOURCES
EVALUATION SYSTEM

Markham's Heritage Resources Evaluation System is described in a document titled Evaluating Heritage Resources in the Town of Markham, published by the Heritage Section of the Planning and Urban Design Department. That document was designed to “*limit the subjectivity of the evaluation process by using a standard set of evaluation principles*”.⁶

To ensure that the evaluation system will aid decision-making for the identification of significant heritage buildings and potential heritage conservation districts/study areas, and to ensure that it will be of assistance when dealing with applications to alter or demolish identified heritage buildings, the evaluation system must:

- *Be based on a set of well-defined criteria;*
- *Establish the relative significance of individual heritage buildings and heritage areas;*
- *Be flexible in order to ensure a fair evaluation of all structures and areas which contribute to an understanding of the beginnings and growth of the Town of Markham, and to ensure that each building is evaluated according to its merit as a heritage resource in the context of its specific surroundings; and*
- *Provide a means for standardizing judgments that are based on professional experience and expertise.*⁷

It is unknown if Heritage Planning staff have used their heritage resources evaluation system to evaluate the cultural heritage features of 7507 Kennedy Road, as required by Markham's Official Plan. But we know that the heritage evaluation system is still in use today, as it was recently used to 'de-list' 7696 Ninth Line in Markham (the Anthony Graham House). In a February 20, 2024, memorandum (refer to Appendix D), Heritage Planning Staff wrote:

- *The subject property was evaluated using Markham's Heritage Resources Evaluation System for the purpose of the [sic] this report. It is the opinion of staff that the subject property should be classified under 'Group 3';*⁸

According to Appendix 'C' of the HM memorandum, the Markham Heritage Resources Evaluation System defines a Group 3 building as :

GROUP 3

- *The designation of the building pursuant to the Ontario Heritage Act may be supported with an approved restoration plan, but would not be initiated by the Town.*
- *Retention of the building on the site is supported.*
- *If the building is to be demolished, a photographic record, measured drawings and/or salvage of significant architectural elements may be required.*⁹

⁶ Evaluating Heritage Resources in the Town of Markham, the Heritage Section of the Planning and Urban Design Department, Oct 1991, page 4.

⁷ Evaluating Heritage Resources in the Town of Markham, the Heritage Section of the Planning and Urban Design Department, Oct 1991, page 4.

⁸ Notice of Objection to the Inclusion of a Property on the Markham Register of Property of Cultural Heritage Value or Interest, 7696 Ninth Line ("Anthony Graham House") Memorandum – Heritage Markham Committee, February 20, 2024.

In that same memorandum, Heritage Planning Staff recommended that 7696 Ninth Line be removed from the Markham Heritage Property Register:

Suggested Recommendation for Heritage Markham

THAT Heritage Markham is of the opinion that 7696 Ninth Line is not a significant cultural heritage resource and has no objection to removal of the property from the Markham Register of Property of Cultural Heritage Value or Interest.¹⁰

In the case of the subject building (7507 Kennedy Road), applying the Markham heritage evaluation system would result in the building scoring very poorly, as shown below. Section 4.2, Architectural Value Category of the City's evaluation system lists the criteria that must be used to define a building's architectural significance:

- a) Design
- b) Style
- c) Architectural Integrity
- d) Physical Condition
- e) Designer/Builder and
- f) Interior Elements (Bonus)

The 'scoring' system is based on the following gradation: Excellent, Good, Fair and Poor. In my professional opinion, in the Architectural Value Category, the building scores poorly in all of Markham's evaluation criteria, based on the description provided and cited below:

A) DESIGN

THE BUILDING IS PARTICULARLY SIGNIFICANT BECAUSE OF THE EXCELLENCE, ARTISTIC MERIT OR UNIQUENESS OF ITS DESIGN, COMPOSITION, CRAFTSMANSHIP OR DETAILS.

- **POOR:** *The building relative to its local area is not well designed, unique or notable. This may be a result of numerous unsympathetic exterior alterations; or it may never have been "designed" in the first place.*

B) BUILDING STYLE

THE BUILDING EXHIBITS DESIGN FEATURES OF A PARTICULAR ARCHITECTURAL STYLE, PERIOD OR METHOD OF CONSTRUCTION.

- **POOR:** *The building is of no particular stylistic interest or difficulty is encountered in identifying an original style.*

C) ARCHITECTURAL INTEGRITY

THE IMPORTANT STYLISTIC ELEMENTS OF THE BUILDING ARE INTACT WITHOUT ALTERATIONS OR ADDITIONS OF AN INSENSITIVE OR IRREPARABLE NATURE.

⁹ Notice of Objection to the Inclusion of a Property on the Markham Register of Property of Cultural Heritage Value or Interest, 7696 Ninth Line ("Anthony Graham House") Memorandum – Heritage Markham Committee, February 20, 2024.

¹⁰ Notice of Objection to the Inclusion of a Property on the Markham Register of Property of Cultural Heritage Value or Interest, 7696 Ninth Line ("Anthony Graham House") Memorandum – Heritage Markham Committee, February 20, 2024.

- **POOR:** *The building has been irreversibly damaged to the point where insensitive additions and/or alterations have resulted in the building no longer exhibiting any original features or any of its original character.*

D) PHYSICAL CONDITION

This criterion considers the general state of the building's structural condition.

- **POOR:** *The building would appear to require extensive structural repair.*

E) DESIGNER/BUILDER

THE BUILDING WAS DESIGNED BY AN ARCHITECT, ENGINEER OR OTHER DESIGN PROFESSIONAL, OR WAS CONSTRUCTED BY A BUILDER WHOSE WORK IS OF LOCAL, REGIONAL OR NATIONAL IMPORTANCE.

- **POOR:** *The designer or builder cannot be identified or is of no importance locally, regionally or nationally.*

F) INTERIOR ELEMENTS (BONUS)

THE INTERIOR ELEMENTS OF THE BUILDING SUCH AS THE ORIGINAL FLOOR PLAN, FINISHES, CRAFTSMANSHIP AND/OR ARCHITECTURAL DETAIL ARE PARTICULARLY ATTRACTIVE, UNIQUE OR ARE OF HISTORIC SIGNIFICANCE TO A PERIOD, AND HAVE EXPERIENCED LITTLE ALTERATION.

- **POOR:** *Interior elements are unremarkable, unknown or the character has been destroyed.*

Evaluating 7507 Kennedy Road as 'poor' in each of the above categories makes the subject building ineligible for designation under the Heritage Act, similar to what has occurred for other Markham buildings, including the recently 'de-listed' 7696 Ninth Line. In their memorandum for 7696 Ninth Line (refer to Appendix D), Heritage Staff wrote that the Owner of that property (but not a subject matter expert) had provided a summary of the changes that had occurred in the past. Heritage Staff accepted that biased summary and listed those changes in their memorandum, assumingly without confirming that information by completing a site visit on their own:

- *The owner has indicated that there have been substantial alterations to the dwelling (refer to Appendix 'E') including:*

A site visit would be necessary to examine the structure in detail to determine its age.¹¹

If the summary of the existing conditions of the building prepared by the Owner of 7696 Ninth Line can be accepted by Heritage Planning Staff as valid, then the same courtesy should be extended to other projects, including 7507 Kennedy Road, especially considering that that summary was prepared by a Licensed Architect specializing in heritage projects, Francis Lapointe, OAA. Below is a side-by-side comparison of the two projects. As is clear, the similarities between the two are remarkable.

¹¹ Notice of Objection to the Inclusion of a Property on the Markham Register of Property of Cultural Heritage Value or Interest, 7696 Ninth Line ("Anthony Graham House") Memorandum – Heritage Markham Committee, February 20, 2024.

**Review of Statement of Significance
7507 Kennedy Road, Markham ON**

7696 Ninth Line, Markham ON (Quoted from the Heritage Markham Memo of Feb. 2024)	7507 Kennedy Road, Markham ON (Observations by Lapointe Architects)
<i>All of the features that could have been considered as having historical or cultural significance were removed in a 1950s renovation, including: the removal of the barrel-style cistern, stone foundation, the back summer kitchen, the concrete chimneys, and the original siding and roofing;</i>	All of the features that could have been considered as having historical or cultural significance were removed, altered or covered in a 1970's renovation including a rear addition, potentially a front porch, the windows, some of the brick, the roofing and two brick chimneys. The alleged heritage features that remain are in poor to very poor condition.
<i>None of the original exterior, including siding, windows, doors or the roof remain. The siding on the dwelling is now composed of aluminium, plywood and brick;</i>	There is extensive evidence of brick repairs or replacement on the north and south elevations. The east elevation has been partially removed to allow for the adjoining two-storey addition. The west (front) elevation has a 'new' verandah and if there was an original porch, it can no longer be ascertained. The original windows, porch, and roofing have been removed. The gable ends are free of ornamentation except for the 6" high flat frieze board below the roof overhang, which may have been added in the 1970's.
<i>The footprint of the house was enlarged in the 1960s as the owners constructed an addition at the rear of the dwelling (the exterior of which is composed of brick);</i>	The footprint of the house was enlarged in the 1970s as the owners constructed an addition at the rear of the dwelling (the exterior of which is composed of metal siding)
<i>Major alterations were made to the very frame of the dwelling to incorporate new modern windows;</i> <i>The size and location of most, if not all, of the windows and door frames have been altered;</i>	At least one of the windows (No. 5) on the north elevation appears to be a new window opening, based on the lack of an arched brick lintel. Instead, the structural loads are supported by a modern steel angle lintel. All windows sashes and frames have been replaced with large, fixed glass commercial windows. The front door is a modern door, while the transom over the main door has been infilled with plywood. Finally, the window openings are unusually large for typical double-hung windows, suggesting that they may have been altered.
<i>The blacksmith's shop (a separate outbuilding) was demolished in the 1950s as well;</i>	A workshop/ print shop (a separate outbuilding) was demolished in the 1970s as well, according to a previous owner.
<i>The interior was completely remodelled around the same time: the layout of the rooms were reconfigured; the lath and plaster walls were replaced with drywall and fake wood panelling; the original stairwells were moved and are now composed of modern materials; and the rotting floors were torn up and fitted with new joists and flooring;</i>	The interior was completely remodeled in the early 1970's: the layout of the rooms were reconfigured; the lath and plaster walls were replaced with drywall and fake wood paneling; the original stair were replaced with new stairs; a majority of the rear (east) wall was demolished to make way for the new rear addition.

Figure 6 - Comparison of alterations to heritage features of 7696 Ninth Line and 7507 Kennedy Road (Heritage Markham (left) and Lapointe Architects (right))

Based on the above comparison, it is evident that the two buildings are very similar with respect to the lack of cultural heritage features and should therefore be treated equally and described similarly. In the case of the recent ‘de-listing’ of 7696 Ninth Line, Heritage Markham staff wrote:

As noted in the research report, the Subject Property [7696 Ninth Line] has some historical value, but there is insufficient design value, owing to the substantial modifications made to an already utilitarian structure, and insufficient contextual value, as there are nearby properties that better define the area’s historical character, to satisfy the relevant criteria.¹²

Below are photographs of the two buildings. Both are 1 1/2 storeys, both have a central front door between two windows, and both have gable roofs. In the first case, the front porch was removed, while in the second case, a contemporary verandah was constructed. Why Heritage Markham insists on proceeding with the designation of 7507 Kennedy Road while it recommended the opposite for 7696 Ninth Line is unclear.



Figure 7 - Front elevations of 7696 Ninth Line (above) and 7507 Kennedy Road (Below)
(Heritage Markham memos)

¹² Notice of Objection to the Inclusion of a Property on the Markham Register of Property of Cultural Heritage Value or Interest, 7696 Ninth Line (“Anthony Graham House”) Memorandum – Heritage Markham Committee, February 20, 2024.

Below are the left elevations of both buildings. Note the similarities in the overall massing, except for the roof slope of 7507 Kennedy Road, which is substantially lower than that of 7696 Ninth Line. Shallow roof pitches are more typical of a contemporary roof than a historical one. Notwithstanding the rear brick walls of the Ninth Line house, it is clear which portions of both buildings are original, and which are the newer sections.



Figure 8 - The (left) side elevation of 7696 Ninth Line (Heritage Markham Memo Feb 2024)



Figure 9 - The (left) side elevation of 7507 Kennedy Road (LA)

Below are the right elevations of both buildings. Note the similarities in the overall massing, including the side at-grade verandah and rear entrance doors in both buildings.



Figure 10 - The (right) side elevation of 7696 Ninth Line (Heritage Markham Memo Feb 2024)



Figure 11 - The (right) side elevation of 7507 Kennedy Road (LA)

Part 4 – REVIEW OF STATEMENT OF SIGNIFICANCE

When evaluating the cultural heritage value or interest features of a building, the City of Markham's Official Plan requires the use of industry-specific evaluation and documenting standards and protocols.

It is the policy of Council

4.5.3.1. ***To protect and conserve cultural heritage resources generally in accordance with the Standards and Guidelines for the Conservation of Historic Places in Canada, the Venice Charter, the Appleton Charter for the Protection and Enhancement of the Built Environment and other recognized heritage protocols and standards.***¹³

One important example of a widely recognized heritage standard is the Canadian Register of Historic Places, Writing Statements of Significance, published by Parks Canada. That document indicates that a Statement of Significance should be composed of three sections, consisting of:

- *Description of Historic Place explains what the place consists of in physical terms, where it is located, and what are its physical limits.*
- *Heritage Value explains why the place is of value to the community, province, territory or nation.*
- *Character-defining Elements sets out the key features that must be conserved in order for the place to continue to have value.*¹⁴

A review of the Statement of Significance (SOS) for 7507 Kennedy Road (refer to Appendix B) reveals that it does not fully conform with the standards described in the Parks Canada guidelines:

- a) The SOS lacks a description of *“what the place consists of in physical term... and what are its physical limits.”*
- b) The SOS lacks an explanation of *“why the place is of value to the community, province...”*;
- c) The SOS lacks evidence of what *“value”* the *“character-defining elements”* have to the community.

The resulting Statement of Significance for 7507 Kennedy Road lacks the relevant information that Markham City Council should be made aware of before deciding on the merits of designating the subject building.

¹³ Markham Official Plan, Healthy Neighbourhoods and Communities, June 2014, page 4-31.

¹⁴ Canadian Register of Historic Places, Writing Statements of Significance, Parks Canada, 1995, page 4.

Part 5 – REVIEW OF FIRST CRITERION UNDER O. REG 9/06:

As previously mentioned, Heritage Markham has described the character-defining attributes of 7507 Kennedy Road under three (amended by Heritage Markham) O. Reg. 9/06 criteria. The first criterion used is described as follows:

Heritage attributes that convey the property's design and physical value as a representative example of a mid-nineteenth century brick farmhouse in the vernacular Georgian architectural tradition:

- *Rectangular plan;*
- *One-and-a-half storey height;*
- *Fieldstone foundation;*
- *Brick walls in Flemish bond;*
- *Medium-pitched gable roof with projecting eaves and eave returns;*
- *Three-bay primary (west) elevation with a centrally placed single-leaf door and transom light remnant;*
- *Flat-headed rectangular window openings with projecting lugsills and radiating brick arches.*¹⁵

The description above fails to mention that the chosen “*heritage attributes*” were common on almost all modest houses in Canada from the 1800’s to the mid-20th century. Below are professional criticisms of each heritage attribute chosen by Heritage Markham:

1. “**vernacular Georgia architectural tradition**” - There is no commonly accepted architectural style described as “*vernacular Georgian*”. The question of architectural style has been addressed in past legal decisions, including in *Baker v Port Hope*¹⁶, where the Ontario Land Tribunal noted:

To be representative of a style or type, the Review Board considers that the proponent should first describe the benchmark characteristics of a recognized style or type within the context of architectural history, and then provide evidence as to how the present example meets or is typical of that benchmark [Bold text by FL].

and

*What are the characteristics that distinguish that style from others? In what ways are the buildings in their current condition, typical of the style? All of these components are necessary in order to determine the extent to which each building conforms to the expected elements of the style.*¹⁷

2. A “**Rectangular plan**” was a common feature of almost all architectural styles in the 1850’s and continues to be extremely common. This is not a significant feature as required by section 2.6 of the Provincial Policy Statement.

¹⁵ *Statement of Significance* – John and Elizabeth Smith House 7507 Kennedy Road. Heritage Markham, May 2024.

¹⁶ *Baker v Port Hope (Municipality)*, 2019 CanLII 20795 (ON CONRB) at para 70.

¹⁷ *Baker v Port Hope (Municipality)*, 2019 CanLII 20795 (ON CONRB) at para 70.

3. A “**One-and-a-half storey height**” house was a common feature of modest housing up to the 1960’s. This is not a significant feature as required by section 2.6 of the Provincial Policy Statement.

4. “**Fieldstone foundation**” - were the most common type of foundations system used in Canada from colonization until concrete block foundations emerged in the 1940’s. For a few decades from the late 1890’s to early 1930’s, brick was also used for foundations, especially in urban centers, where stone was not readily available. The existing stone foundations are in poor condition and require extensive repairs and waterproofing. Note that some repairs to the stone foundation have recently been completed due to the urgency of the matter. The fieldstone foundation is not a significant feature as required by section 2.6 of the Provincial Policy Statement.

5. “**Brick walls in Flemish bond**” – only the west (front) of the existing building is Flemish Bond (with some limited running bond repairs). The north and south sides were likely originally a common bond brick pattern, which has been partially replaced with running bond brick, likely due to repairs or renovations over the years.¹⁸ There are several examples of poor workmanship on the north and south elevations, including unlevel and curving brickwork at the base of the walls. The exterior brick was painted with a hard-to-remove water-based epoxy paint more than 50 years ago (early 1970’s). There appears to be at least two and possibly three different colours of paint. The paint makes the brick bonding pattern difficult to discern. As a result, the brick pattern is not a significant feature as required by section 2.6 of the Provincial Policy Statement.

6a. “**Medium-pitched gable roof...**” – almost all residential roofs prior to the 1950’s were steep to very-steep sloped roofs. The existing ‘medium’ roof pitch (+/- 6/12) is so low that it appears more contemporary than traditional. Historically, roof pitches of houses were often 9/12 to 12/12 pitches, since they more easily shed snow and rain, and allowed for a greater volume in the attic/roof space, resulting in more usable floor area. The medium pitch roof is unremarkable and is more typical of contemporary architecture, therefore it is not a significant feature.

6b. “**...with projecting eaves and eave returns**” – almost all sloped residential roofs in Canada over the past 500 years have had roof overhangs (projecting eaves), including a vast majority of contemporary houses. Large roof overhangs protect the exterior walls from precipitation and reduce solar heat gain. The ‘eave returns’ are a classical detail that was and continues to be extremely common. In this case, two of the four eave returns have been substantially altered and covered with contemporary aluminum fascia and soffits, while the other two are in very poor condition and covered with metal mesh to reduce raccoon infestation. The roof overhangs and eave returns are not significant as required by section 2.6 of the Provincial Policy Statement.

7a. “**Three-bay primary (west) elevation...**” – a “three-bay” primary elevation is a complex way of stating the obvious. The front elevation of this building is composed of a window on each side on a central door. This is not an unusual architectural feature; it is simply a common method of providing sunlight to the rooms on either side of the central hall, with the door in the center

¹⁸ Common Bond is composed largely of stretchers with a header course every 6 courses. Running Bond is alternating courses of stretchers. Flemish Bond alternates headers and stretchers in each course. See Figure 13.

providing access to the center hall and stair. This is a functional design feature, not a significant feature as required by section 2.6 of the Provincial Policy Statement.

7b. “...**with a centrally placed single-leaf door and transom light remnant.**” – As mentioned above, a center door in a small modest building is more of a functional design feature, rather than a stylistic feature. The addition of a transom window over a central front door allowed natural light to illuminate the central hall and stairway. Transom windows were common then and are common now in multiple architectural styles, including the contemporary style. This is not a significant feature as required by section 2.6 of the Provincial Policy Statement

8a. “**Flat-headed rectangular window openings...**” - “Flat-headed rectangular window openings” were and still are the most common style of windows. What the Statement of Significance for 7507 Kennedy Road does not emphasize is that the original windows, so important to the identity of a building, no longer exist. The current window frames and brick molds are circa 1940-50’s replacements (based on in-situ common nails, and the single layer of paint). There are no sashes, no mullions, and no muntin bars. The windows on the ground floor are not operable (do not open), whereas the windows on the second floor are replacement aluminium frames and single hung sashes. These are not significant feature as required by section 2.6 of the Provincial Policy Statement

8b. “...**with projecting lugsills...**”. The windows do not have projecting lug sills. Instead, the two front (west) windows on the ground floor have (rotten) wood sills. The two ground floor windows on the north side of the building have contemporary concrete sills, likely cast-in-place. All other windows sills (south wall and upper storey) are wood slip sills and generally rotten. The wood sills are likely replacement wood sills, based on the one coat of peeling paint that is covering them. The two south upper floor window sills have been clad in painted galvanized metal. This is not a significant feature as required by section 2.6 of the Provincial Policy Statement.

8c. “...**Radiating brick arches.**”- Radiating brick arches are visible in window 1, 2 3, 4 and 6 and the main front door on the ground floor and are structurally functional. Window 5 is a flat brick arch supported by a contemporary steel lintel, likely added in the 1970’s. Since there is no soldier course brick lintel above this window, it is unlikely to be an original opening. The four upper ‘attic’ windows do not have any visible brick lintels above. This is unusual as historical brick buildings required arched brick lintels to support the brick above, whereas contemporary window lintels generally use concealed steel angle for structural support. In fact, the brick above two of the attic windows are in such poor condition that they are in a state of collapse, suggesting that those upper windows have no structural elements and were added later. The arches are not significant features as required by section 2.6 of the Provincial Policy Statement.

Other character-defining attributes

While the Statement of Significance mentions some of the character-defining attributes of this building, it does not provide details of other attributes that do not support the designation of this

building under the Ontario Heritage Act. Heritage Markham have deemed these attributes to be not “of cultural heritage value”, without providing an explanation as to why.

9. “**Shed-roofed front veranda**” - We agree that the front veranda is not original to the building. It is primarily constructed of 20th century milled and planned lumber, fastened with common nails and supported on the stone foundation by heavy gauge joist hangers (circa 1950’s) nailed to a wall-plate bolted to the stone foundation. The gables and ceiling are covered with contemporary plywood. Poured concrete piers (not aligned with the wood columns above) support the west side of the veranda. Many of these piers are in poor condition and have settled. It is likely that there was some form of front porch or veranda on this building in the past, but there is no visible evidence remaining. As such, the alleged heritage value of the building is diminished because of the addition of the contemporary verandah.

10. “**Modern windows**” - As mentioned in Point 8a above, we agree that the windows themselves are not original and, in some cases, the window openings are also not original, evident by their lack of a traditional loadbearing lintel and the mishmash of window sill types. Another attribute that the SOS fails to mention are the basement windows. Four basement windows have been removed and their openings covered in parged masonry or painted plywood. The two north window openings are mostly situated below grade behind window wells, whereas the south windows are mostly above grade. The lack of original and sympathetic windows diminishes the alleged heritage value of the building.

11. “**Non-functional shutters**” – The building currently has black vinyl window shutters on the south, west and north elevation (except lower north windows). We agree that the vinyl window shutters are not original to the building. It is possible that there were functional window shutters in the past. Traditionally, the shutter hardware was fastened to the window frames. No evidence remains of past window shutters, and as a result, the alleged heritage value of the building has been diminished since the window shutters cannot be inferred or reproduced.

12. “**Modern front door**” – We agree that the front door is not original to the building. There is no evidence of what the front door might have looked like, therefore the alleged heritage value of the building has been diminished since the door cannot be inferred or reproduced.

13. “**Rear addition**” – We agree that the rear addition is contemporary (and described in a building permit issued by the City of Markham in the early 1970’s). What should also be mentioned is that the fourth (east) wall of the original brick and stone building has been substantially altered and/or removed to facilitate the construction of the rear addition and passage between the old and new building. What should also be noted is that without its rear wall, the building’s alleged heritage massing has been substantially compromised.

14. Not mentioned in the Statement of Significance is the unusual closed-in opening on the south elevation. This opening is odd in several aspects, including:

- A. The former opening is at the south-east side of the south elevation and may have been a side door providing access to a south garden or a side porch.

- B. The height of the door opening is also unusual, in that it only measures approximately 70" high x 30" wide.
- C. The proximity of the door to the adjoining window is atypical since they are unusually close together.

The lack of information about this important unknown feature compromises the alleged heritage value of the building.

15. The Statement of Significance for 7507 Kennedy Road describes the roof and eaves as heritage features but does not mention that the roofing material is not original. The roofing material is asphalt shingles. Via a roof access hatch, I was able to view at least two previous roofing materials, also asphalt shingles. It is unknown whether the original roofing was pine wood shingles or galvanized metal, but based on the modest design of the building, it was unlikely to be slate or copper roofing. Not knowing the original roofing of the building diminishes its alleged heritage value.

Noteworthy is that examples of contradictory cultural heritage recommendations from Heritage Markham have been found. In a May 2022 memorandum regarding a proposal to demolish a listed building (7951 Yonge Street), Heritage Markham wrote that the building was not of great design quality, notwithstanding that it is of much better design quality than the subject building (refer to Appendix D).

*While 7951 Yonge Street exhibits some of these characteristics, notably the building's material composition, rationality [sic], and restrained classical detailing, they are unremarkable in their execution and do not reflect a high degree of craftsmanship or artistic merit. Similarly, the building is not a rare or a unique example of Edwardian Classicism as it displays level of sophistication more typical of suburban development.*¹⁹

As evident in the photograph below, 7951 Yonge Street, with its wrap-around porch supported by brick piers and wood columns, extensive wood soffit details, ground floor octagonal bay window and hip roof dormers are very representative of the Edwardian architectural style that is widely appreciated and recognizable. Why Heritage Markham choose to not recommend the designation of this house is unknown.

¹⁹ Memorandum - Intention to Demolish a Property Listed on the Markham Register of property of Cultural Heritage Value or Interest, 7951 Yonge Street, Heritage Markham, Appendix 'C', May 11, 2022, page 11.



Figure 12 - Photo of 7951 Yonge Street (Heritage Markham 2022 memo)

Based on the above criteria analysis, the 7951 Yonge Street precedent and the OLT decision cited above, the subject property (7507 Kennedy Road) does not meet the requirements of criterion 1.(2)1. of O. Reg 9/06 because it is neither a “*rare, unique, or representative*” example of the undefined “*vernacular Georgian tradition*”, as Heritage Markham claims it to be.

Part 6 – REVIEW OF SECOND CRITERION UNDER O. REG 9/06:

The second criterion chosen by Heritage Markham to describe the character-defining attributes of 7507 Kennedy Road is as follows:

*Heritage attributes that convey the property's historical value and associative value, representing the themes of agriculture and immigration, as the former farmhouse of John and Elizabeth Smith, and for its association with the **locally prominent Milliken family**:*

- *The dwelling is a tangible reminder of the Smith-Milliken family that historically resided here from [sic] and farmed the land c.1850 to 1892.*²⁰

Heritage Section staff's primary argument in support of this criterion is that Betsy Smith (nee Milliken), the daughter of Norman Milliken (a founder) lived at 7507 Kennedy Road, and for that reason the house of a "*locally prominent Milliken family*" member (Betsy) should be designated. If so, then why did those same Heritage Section staff recommend the 'de-listing' of the house that was occupied by multiple generations of prominent local families who lived at 7696 Ninth Line? In the memorandum to Heritage Markham, Heritage Section staff wrote that:

*The Tomlinson family, along with the Kirkhams, played a prominent role in the establishment of a sawmill, woollen mill and shoddy mill (for recycling old cloth) in the Rouge River valley. These and other industries took advantage of the water power available from the creation of a dam and mill pond in the hollow. In time, modest houses for workers in the numerous local industries were built on village lots subdivided from the Tomlinson and Beebe farms. A general store, two taverns, two blacksmith shops and a cooperage were built to serve the needs of the local residents and the surrounding farm families.*²¹

It was one of those lots that eventually became the site of the house at 7696 Ninth Line, that Heritage Staff have identified as appearing on the McPhillips map of 1850. According to Heritage Staff, the first known occupant was Anthony Graham, a local blacksmith, who also likely built a nearby blacksmith shop, and important community service in those days.

Contrast that with the historical evidence provided by Heritage Section staff to support the designation of 7507 Kennedy Road. They wrote that Norman Milliken:

*"...was engaged in the lumber industry, supplying timber to the British naval authorities"*²²

But Norman Milliken did not live at 7507 Kennedy Road. Should not the home of a blacksmith and important community figure (Anthony Graham, Ninth Line) be more valued than the home of one of Norman Milliken's twelve children (Betsy Smith, 7507 Kennedy Road)?

Heritage Markham has stated that the existing building is "*a tangible reminder of the Smith-Milliken family that resided here*" but their own evidence puts into question the duration of that

²⁰ Statement of Significance – John and Elizabeth Smith House 7507 Kennedy Road. Heritage Markham, May 2024.

²¹ Research Report, Graham-Osland-Grant House, 7696 Ninth Line, Box Grove, 1880, Heritage Section, Markham Planning, 2023.

²² Research Report, John and Elizabeth Smith House, Heritage Section, City of Markham Planning & Urban Design, 2024, page 2.

occupation. John Smith died in 1851²³, the same year the house was reported to be built. In 1858, the Window Smith was noted to have re-married and was living with her new husband, Henry Sanders in German Mills for several years before Henry also died.

Betsy Smith (nee Milliken) married Henry Sanders in 1858. The 1861 census lists Henry and Betsy Sanders as residing on the eastern half of Lot 2, Concession 3 in the general vicinity of German Mills.²⁴

A review of the 1853-54 Markham Map by George McPhillips shows that Henry **Sandersons** (not Sanders) is listed as the owner of Lot 2 Concession 3 (Figure 15). While this may be a simple typo, it does continue to question the accuracy of the documents provided by Heritage Markham in support of their intention to designate the subject building, 7507 Kennedy Road.

During the years that Window Smith was absent from the subject lot (late 1850's to 1871 according to Heritage Section staff), the house was reported to have been occupied by tenants, and farmed by Betsy Smith's daughter Mary and her husband Robert Vardon.²⁵ Heritage Section staff reported that the 1871 census listed Betsy Smith, her son John Smith Jr., his sister Mary, her husband Robert Vardon and their son William as living in the household, allegedly the building that is presently located at 7507 Kennedy Road. But the McPhillips' 1853-54 map of Markham clearly shows three buildings on the lot (Figure 16), even during the time the Widow Smith was living there with her then fatherless children.

Heritage Section Staff have provided only circumstantial evidence that the existing building was once occupied by John and Betsy Smith. In fact, there may have already been more than one house on the 50 acres lot in 1851. The current lot is only 1% (0.54 acres) of the original 50-acre lot that the Smiths and their descendants are alleged to have lived on, and there are multiple locations on this very large lot that would have been better suited for the construction of a large house away from the dust, noise and smell of the unpaved rural road. Heritage Markham has provided no evidence to indicate which of the three (or possibly more) buildings on the lot the Smith's and their descendants periodically lived on over the decades that they owned the land.

There is more evidence suggesting the possibility that there was more than one building on the site in the research report for 7507 Kennedy Road prepared by Heritage Section Staff:

*By the time of the 1881 census, John Smith Jr. was married. John and Margaret Smith were both 34 years old and had three children between the ages of eight and one. Margaret Smith was known as "Maggie." John Smith Jr. was a farmer. The family were of the Methodist faith. **In 1891, there were six children in the Smith household. Their dwelling was described as a two-storey brick structure containing seven rooms.**²⁶*

²³ Research Report, John and Elizabeth Smith House, Heritage Section, City of Markham Planning & Urban Design, 2024, page 2.

²⁴ Ibid.

²⁵ Ibid.

²⁶ Research Report, John and Elizabeth Smith House, Heritage Section, City of Markham Planning & Urban Design, 2024, page 3.

The existing 1½ storey shallow-pitched roof building is not the same as a two-storey brick building containing seven rooms accommodating two adults and six children. Was one of the other three buildings on the lot shown on the McPhillips' 1853-54 map of Markham a 2-storey building? Interestingly, this type of confusing historical structural evidence was a contributing factor in Heritage Markham recommending the 'de-listing' of 7696 Ninth Line in February of 2024, where they wrote:

The Graham residence was described in the census records as a one storey frame house containing five rooms. This description differs from the existing one-and-a-half storey form of the house at 7696 Ninth Line. It is possible that second storey was added to this dwellings [sic] later in the 1890s, around the time that Anthony Graham re-married.

The research into this building raises a number of questions. The front section occupies the same approximate footprint of a building shown in this location on Plan 19. If it is indeed the same structure, then at least a portion of the existing building pre-dates 1850. The description of the home of the Graham family and those of their immediate neighbours in the 1891 census as one storey is unexpected since the house at 7696 Ninth Line is one-and-a-half storeys in height and appears to have been in this form for a long period of time.²⁷

In the Statement of Significance for 7507 Kennedy Road, Heritage Markham wrote:

A brick farmhouse was constructed on the lot in c.1851. The property was later farmed by John and Betsy Smith's son, John B. Smith, until 1892.²⁸

Heritage Markham has not provided any evidence that the subject building was built in 1851. In fact, the Statement of Significance (Appendix B) for the subject property describes the house as "c.1850" suggesting that they are not sure when it was built. They have written that John and Betsy Smith lived on the 50-acre lot based on an 1851 Census; a lot that had at least three buildings on it in based on an 1853-54 map. Furthermore, while suggesting that the Smith's descendants continued to live on the same lot, an 1878 Township of Markham map (Figure 21) lists five "John Smith" living in the area on five different lots, some less than 2 kilometers from the subject lot.

- a. Concession 2, Lot 1 - 15 acres
- b. Concession 3, Lot 35 - 100 acres
- c. Concession 4, Lot 7 - 50 acres
- d. Concession 4, Lot 9 - 100 acres
- e. Concession 5, Lot 9 - 120 acres

Finally, it should be noted that just because the child or grandchild of a person important to a community (in this case, Normand Milliken) lived in a house, it does not make that house significant. What impact did John Smith and Betsy Milliken have on the community, the province, the country? How did they contribute to the development of the community? And what impact did their children have? The short answer is no more than any other citizen and farmer that lived in

²⁷ Research Report, Graham-Osland-Grant House, 7696 Ninth Line, Box Grove, 1880, Heritage Section, Markham Planning, 2023.

²⁸ Statement of Significance – John and Elizabeth Smith House 7507 Kennedy Road. Heritage Markham, May 2024.

the area at the time. Norman Milliken and his wife Susanna Walton had twelve children (Figure 20). Their eldest son Benjamin was a soldier, philanthropist, and Justice of the Peace. Only Benjamin's house has been designated²⁹ (see Appendix F), yet the original Research Report for 7507 Kennedy Road was complete in 1993 (Appendix C), one year before Benjamin's house was designated, perhaps suggesting that 7507 Kennedy was not considered worthy of designation at that time?

In a memorandum from Heritage Section Staff to the Heritage Committee regarding the proposed demolition of 7951 Yonge Street, a listed property (see Appendix E), Heritage Staff did concede that living on a parcel of land isn't significant enough to warrant designating that property:

*While there is significance to the property (i.e. Lot 32, Conc 1) it is associated with the owners that constructed and latter expanded the Heintzman House [FL - a much larger mansion on the same lot] rather than the later occupants of 7951 Yonge Street who are not known to have made a significant contribution to the development of Thornhill.*³⁰

7951 Yonge Street continues to be listed but has not yet (as of the date of this report) been designated or demolished.

Due to the short (and unclear) amount of time provided to research the subject property and neighbouring precedents, I was unable to complete a thorough search of the archives and historical maps. But I did find some information about six listed properties on Old Kennedy Road, a few kilometers south of 7507 Kennedy Road. On February 21, 2018, the Heritage Committee recommended the buildings should be "*relocated, restored and adaptively re-used*" in a new "*Heritage Enclave*" (Appendix G). A Google Streetview search of those buildings (30, 51, 58, 59, 64 and 93 Old Kennedy Road) revealed that they are still standing in their original location and generally unoccupied, and in many cases, boarded up. A review of the City of Markham's web-based Register of Heritage properties revealed that the buildings are still listed. But there are factual errors in the official Register, specifically with 64 Old Kennedy Road. That web page states that a historic description is not available (yet is shown in the Heritage Committee Extract of Dec. 2017, see Appendix G), and the photograph shown is of 76 Old Kennedy Road, not 64. Why these buildings, together with 7696 Ninth Line and 7951 Yonge Street have not been designated impact the perceived fairness of this proposed designation.

Based on the above analysis, including the lack of evidence to support the City's intention to designate the existing building at 7507 Kennedy Road, the existing building is not a "*tangible reminder of the Smith-Milliken family that historically resided here from [sic] and farmed the land c.1850 to 1892*" and as such, does not meet the requirements of criterion 1.(2)1. of O. Reg 9/06.

²⁹ Benjamin Milliken II was a private, corporal and eventually a major in the York Militia and fought at the battle of Queenston Height in the war of 1812 and during the 1837 Rebellion. Benjamin was also a philanthropist and donated land for a local school and was named a Justice of the Peace in York County. His house is an excellent example of Georgian Architecture and was designated May 10, 1994. No other of Normand Milliken's children's houses have been listed or designated.

³⁰ Memorandum - Intention to Demolish a Property Listed on the Markham Register of property of Cultural Heritage Value or Interest, 7951 Yonge Street, Heritage Markham, Appendix 'C', May 11, 2022, page 11.

Part 7 - REVIEW OF THIRD CRITERION UNDER O. REG 9/06:

The third criteria chosen by Heritage Markham to describe the character-defining attributes of 7507 Kennedy Road is as follows:

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 west, within the historic community of Milliken.*³¹

Heritage Markham has written that the existing building is located “...*on its original site, facing west, within the historic community of Milliken.*” It should be noted that the area where this building is located has been historically known as Milliken Mills, not Milliken (which is primarily located south of Steeles Avenue in Scarborough). The Milliken Mills name is used in the area to describe the Milliken Mills High School, Milliken Mills Community Center, Milliken Mills Library and Milliken Mills Community Park, amongst many others. But in fact, the area is also known as Hagerman's Corners, founded in 1803 by Nicolas Hagerman, who owned the property at the north-west intersection of 14th Avenue and Kennedy Road, less than a kilometer away from the subject building.³² The name “Nicolas Hagerman” and “Hagerman's Corner” is visible on maps as early as 1854, 1878 and even today in Google maps, suggesting competing evidence of the importance of the Milliken Family.

Furthermore, the only supporting factor for this criterion is that the (non-descript) building has assumingly existed (since maybe 1850?) on this site and has faced west all this time! What has not been described is the “*functional, visual or historical links*” to its surroundings. That is because there are no links to the surrounding community, links that the Ontario Land Tribunal has indicated must be substantial or important. In *Black v Niagara-on-the-Lake*, the OLT noted:

Rather, in the view of the [Tribunal], to be “linked” within the context of this regulation necessarily means there must be some substantial or important connection between the property and its surroundings that “ensure[s] the attainment of the legislature’s objectives.” In other words, this important connection must establish CHVI.³³

[CHVI = Cultural Heritage Value or Interest].

There is no substantial connection between the property and its surroundings because the surrounding community is contemporary. It consists of a very large high school to the west, an industrial warehouse with lots of outdoor storage of construction materials and vehicles on the north, a new residential development on the east side, and a small commercial building on the south side. The ‘historic’ buildings and landscapes of Milliken Mills are long gone and links between this subject building and those cultural heritage values and interest no longer exist. Based on the above analysis, the existing building is not a “*physically, functionally, visually or historically linked to its surroundings*” and as such, does not meet the requirements of criterion 1.(2)1. of O. Reg 9/06.

³¹ Statement of Significance – John and Elizabeth Smith House 7507 Kennedy Road. Heritage Markham, May 2024.

³² https://en.wikipedia.org/wiki/Hagerman's_Corners,_Ontario

³³ *Black v. Niagara-on-the-Lake (Town)*, 2021 CanLII 44083 (ON CONRB) at 45.

Part 8 - CONCLUSION

In May 2024, Heritage Markham issued a Notice of Intent to Designate 7507 Kennedy Road, Markham. In support of that notice, they completed a Statement of Significance and wrote the building met three of the nine criteria listed in the Criteria for Determining Cultural Heritage Value or Interest, Ontario Regulation 9/06.

In this report, I reviewed existing heritage laws, policies, regulations, standards, and the City of Markham's Official Plan. Multiple documents confirmed that a proposal to designate a building must be fair and consistent and must use recognized heritage protocols and standards. Heritage Planning Staff did not follow those guidelines and regulations, specifically:

- A. Heritage Markham has failed to use their own heritage evaluation system mandated by the City of Markham Official Plan, which if used, would likely result in a 'poor' grading for this building and it being classified as a Group 3 Building;
- B. The Statement of Significance lacks the appropriate and evidentiary details and fails to adhere to recognized heritage review standards, including those developed by Parks Canada;
- C. A review of the Statement of Significance reveals that there is little to no evidence to support the three chosen criteria:
 - i. Very few heritage features remain on this building and of those that remain, most are in poor condition and are not significant as required by section 2.6 of the Provincial Policy Statement;
 - ii. Insufficient evidence of the property's historical and associative value (represented by the themes of "*agricultural and immigration*") has been provided;
 - iii. Heritage Markham has failed to 'link' the existing building with its surroundings, nor have they acknowledged that the existing surroundings is composed of contemporary buildings on contemporary lots;
- D. Heritage Markham Staff recommended that 7696 Ninth Line, which was home to generations of important founding families, and who's lack of heritage features so closely mirrors the lack of heritage features at 7507 Kennedy Road, should be removed from the Markham Heritage Register. Yet Markham staff recommend the opposite for the very similar building at 7507 Kennedy Road, that was the home of descendants of a founding community member that had little impact on the community, as evident by the lack of evidence provided by Heritage Markham.

The existing building at 7507 Kennedy Road is neither significant, nor a good example of any architectural style other than the vernacular³⁴ style. There are no known historical photographs of 7507 Kennedy Road and as such, it is impossible to know what architectural features originally adorned the building, if any. The current Owner has indicated that both the exterior and the interior of the house were extensively renovated (under a building permit) in the 1970's, by the

³⁴ Vernacular Architecture - Unpretentious, simple, indigenous, traditional structures made of local materials and following well-tried forms and types. Oxford Dictionary.

previous owner. The interior was fully gutted and no cultural heritage features have been preserved.

It should be noted that as of January 01, 2023, in order to designate a property under s29 of the Ontario Heritage Act, the property must meet two or more of the Ontario Regulation 9/06 criteria:

2.(3) In respect of a property for which a notice of intention to designate it is given under subsection 29 (1.1) of the Act on or after January 1, 2023, the property may be designated under section 29 of the Act if it meets two or more of the criteria for determining whether it is of cultural heritage value or interest set out in paragraphs 1 to 9 of subsection 1 (2)

In my professional opinion, this building fails to meet all three O. Reg. 9/06 criteria chosen by Heritage Markham to allow the project to be designated under section 29 of the Ontario Heritage Act. Furthermore, the building scores 'poor' in all categories described in the City of Markham's own heritage evaluation standards. Finally, a similar building with a similar lack of architectural heritage features, but home to more important historical figures, was recently de-listed' by Heritage Markham.

I recommend that the 7507 Kennedy Road be removed from the City of Markham's Register of Properties of Cultural Heritage Value or Interest, as required by recent changes to the Ontario Heritage Act, detailed in Bill 23, More Homes Built Faster Act, and that the City's Notice of Intention to Designate be withdrawn.

Sincerely,



Dipl. Arch. Tech., B. Arch., M. Arch., OAA, MRAIC, CET, LEED® AP

Attachments:

Appendix A – Photographs

Appendix B – Statement of Significance, 7507 Kennedy Road, Markham, prepared by Heritage Section, 2024

Appendix C – Research Report, 7507 Kennedy Road, Markham, prepared by Heritage Section, 2024, update of a Research Report from 1993.

Appendix D – Heritage Markham Memorandum, Notice of Objection to the Inclusion of a property on the Markham Register, 7696 Ninth Line, Markham, prepared by Heritage Section, February 20, 2024

Appendix E – Heritage Markham Memorandum, Intention to Demolish a Property Listed on the Markham Register, 7951 Yonge Street, Thornhill, prepared by Heritage Section, May 11, 2022

Appendix F – By-Law 88-94, The Corporation of the Town of Markham, Benjamin Milliken Designation and Statement of Significance, May 10, 1994

Appendix G – Heritage Markham Extract, February 21, 2018

Appendix A

Photographs

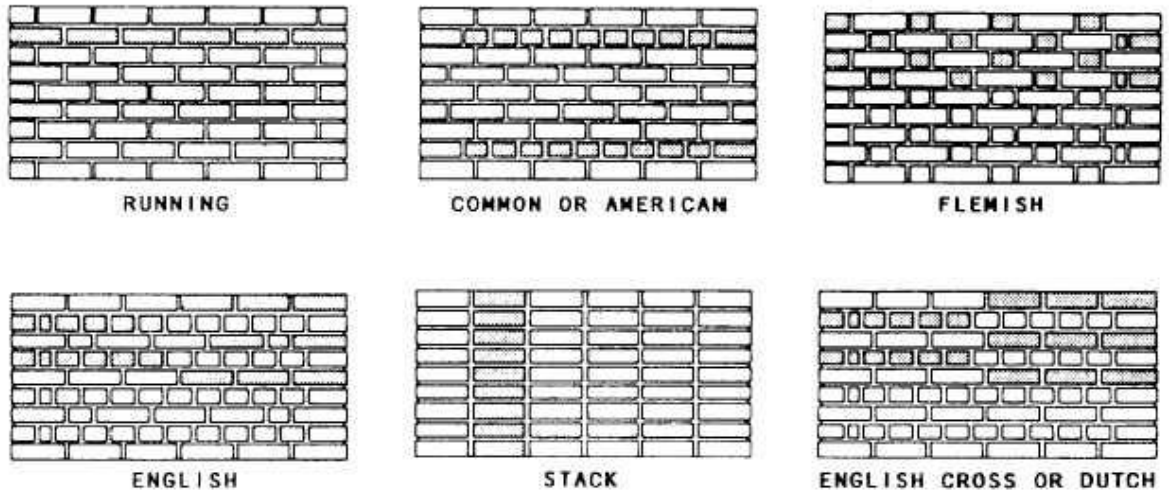


Figure 13 - Types of masonry bonds
(constructionmanuals.tpub.com)

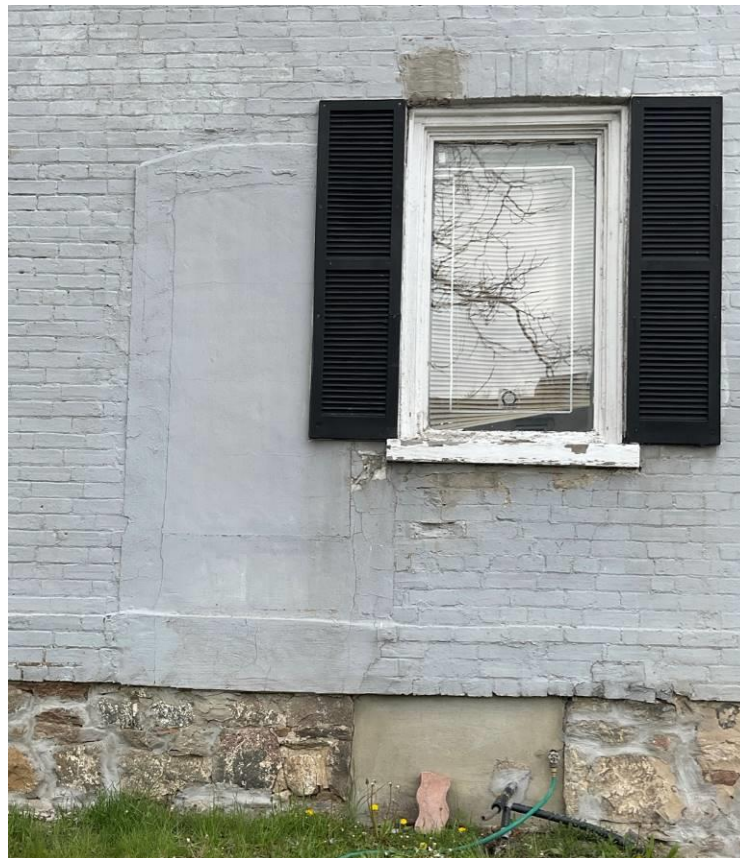


Figure 14 - Unusual closed-in door opening very close to the window on the south elevation (LA).

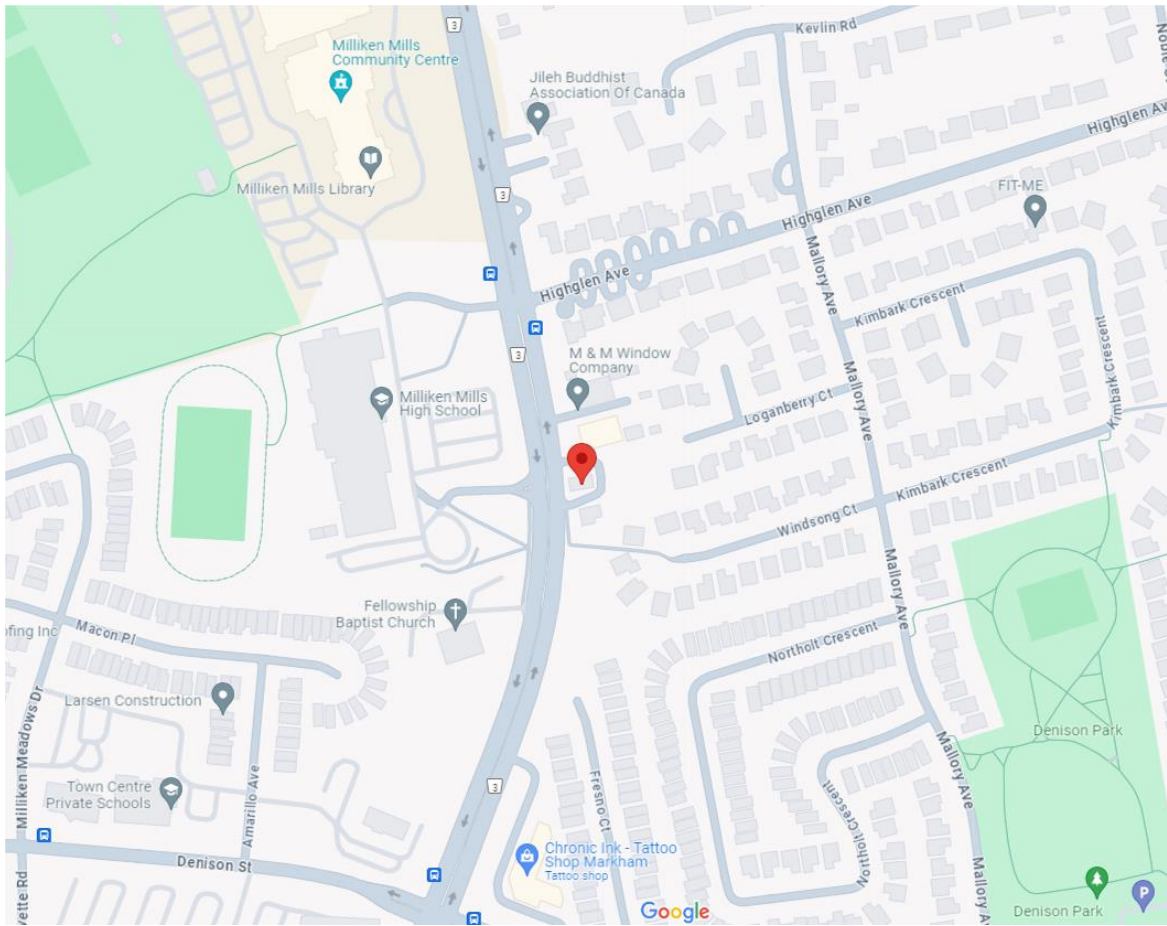


Figure 15 - Map of the subject site and its surroundings (Google Maps)

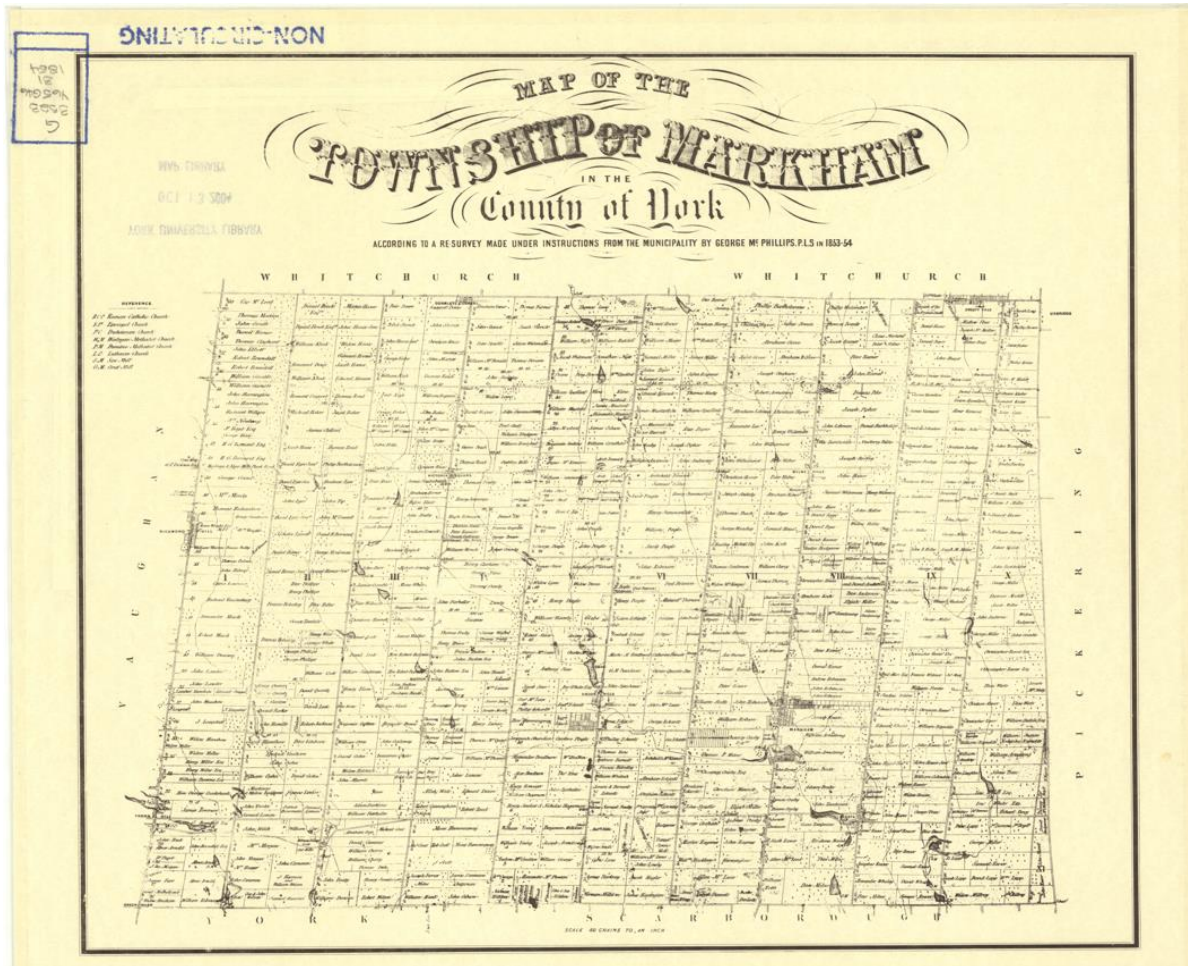
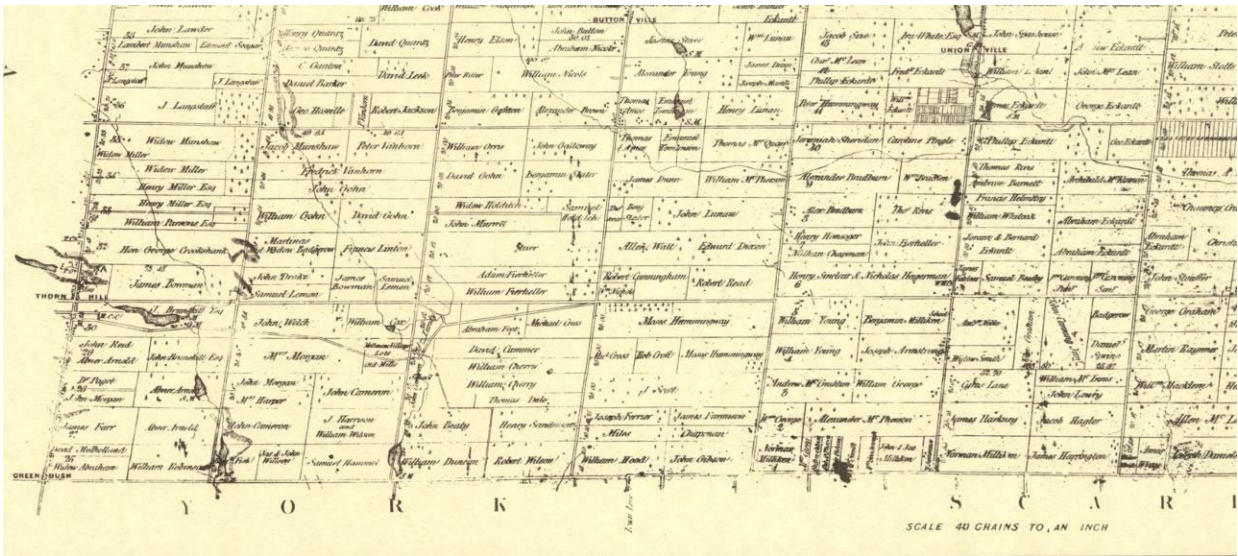


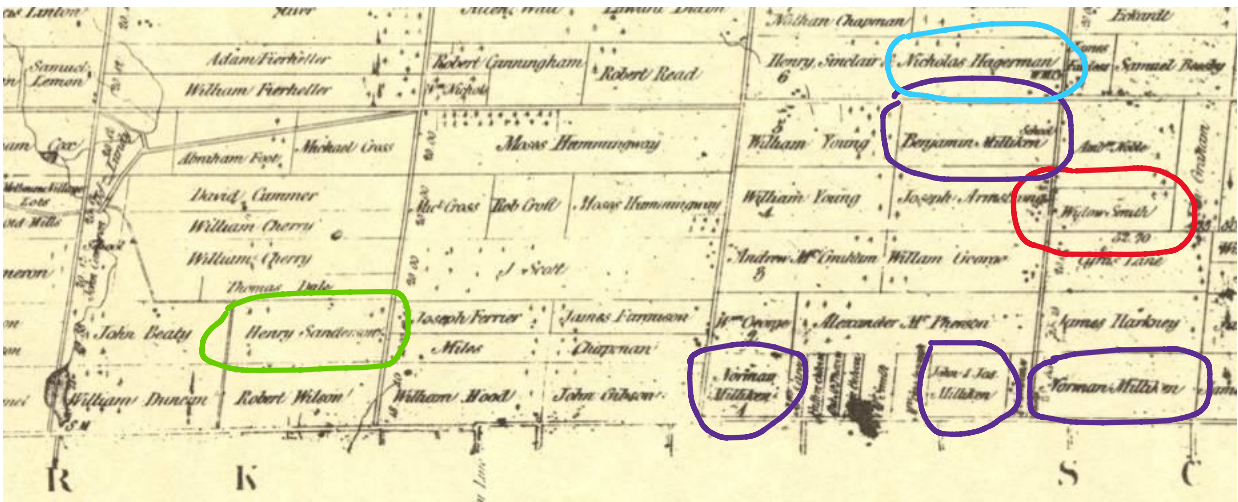
Figure 16 - Map of the Township of Markham in the County of York, by George McPhillips. P.L.S. in 1853-54 (Source: York University Digital Maps <https://digital.library.yorku.ca/node/41541>)

Review of Statement of Significance
7507 Kennedy Road, Markham ON



1	2	3	4	5	6	7
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Figure 17 - Enlargement 1 of McPhillips' 1853-54 map (concessions shown in red numbers).
(York University)



Conc. 3	Conc. 4	Conc. 5	Conc. 6
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Figure 18 - Enlargement 2 of McPhillips' 1853-54 map. (York University)



Conc. 5

Conc. 6

Figure 19 - Enlargement 3 of McPhillips' 1853-54 map, with three buildings shown on Lot 4, Concession 6. (York University)

Family Members



Spouse



Norman John Milliken
1771-1843 • Male



Susanna Walton
1775-1848 • Female

Marriage

about 1793
Bocabec, Charlotte, New Brunswick,
Canada

Children (12)



Benjamin Milliken II
1794-1863 • Male



Phebe Milliken
1796-Deceased • Female



James Milliken
1798-Deceased • Male



Charlotte Milliken
1800-Deceased • Female



Sally Milliken
1802-Deceased • Female



Robert Milliken
1803-1889 • Male



Norman Milliken
1805-1889 • Male



Mary "Polly" Milligan
1809-Deceased • Female



John Milliken
1811-1879 • Male



Elizabeth Milliken
1812-Deceased • Female



Ann Milliken
1813-1884 • Female



Susanna Milliken
1815-Deceased • Female

Parents



Benjamin Milliken
1728-1791 • Male



Phebe Jordan
1745-1792 • Female

Siblings (10)



Phebe Jordan Milliken
1767-Deceased • Female



Dorcas M. Milliken
1769-1811 • Female



Norman John Milliken
1771-1843 • Male



Dominicus 1 Milliken
1773-1773 • Male



Elias Milliken
1774-Deceased • Male



Rachel Milliken
1775-1820 • Female



Dominicus Milliken
1777-1838 • Male



Rebecca Milliken
1779-1854 • Female



Charlotte Milliken
1781-Deceased • Female



Joanna Milliken
1783-1865 • Female

Figure 20 - List of 12 children of Norman and Susanna Milliken
(ancestors.familysearch.org/en/MFGS-ZQT/norman-john-milliken-1771-1843)

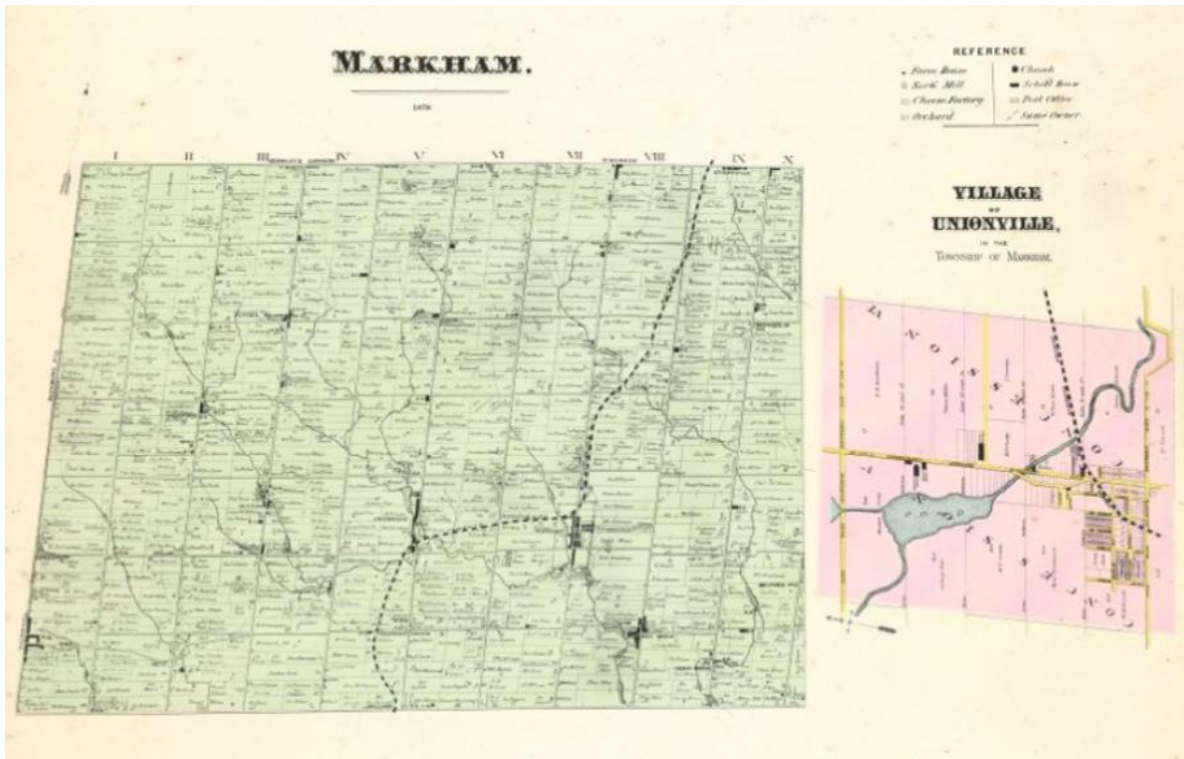


Figure 21 - Markham- York County map, Miles & Co. 1878
(<https://www.historicmapworks.com/Map/CA/353/Markham/York+County+1878/Ontario/>)



Figure 22 - Benjamin Milliken II House, c. 1855
(<https://hikingthegta.com/tag/macklin-house-daycare/>)

Appendix B
Statement of Significance
7507 Kennedy Road, Markham

STATEMENT OF SIGNIFICANCE

John and Elizabeth Smith House

7507 Kennedy Road
c.1850

The John and Elizabeth Smith 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 John and Elizabeth Smith House is a one-and-a-half storey brick former dwelling located on the east side of Kennedy Road in the historic community of Milliken. The building faces west.

Design Value and Physical Value

The John and Elizabeth Smith House is a representative example of a mid-nineteenth century brick farmhouse in the vernacular Georgian architectural tradition. This style persisted in Ontario long after the Georgian period ended in 1830. The essential design principles of symmetry, balance and formality extended beyond the 1830s to influence local vernacular architecture for much of the nineteenth century. In Markham, most examples of this conservative approach to domestic architecture were constructed in the 1850s. Alterations to the c.1850 dwelling were made as part of its conversion to commercial use, but its essential form has remained intact and its character as a mid-nineteenth century farmhouse is readily discernable.

Historical Value and Associative Value

The John and Elizabeth Smith House has historical value, representing the locally significant theme of agriculture through its function as the former farmhouse of John and Elizabeth Smith, and for its association with the significant wave of British families who arrived in Markham Township in the 1820s-1830s. It also has historical value for its association with the locally prominent Milliken family after whom the community takes its name. John Smith, an English immigrant, married Elizabeth "Betsy" Milliken in 1838. Elizabeth Milliken was the daughter of Norman Milliken, a United Empire Loyalist who came to Markham via New Brunswick in 1807. In 1844, John Smith purchased a small farm on the south-west quarter of Markham Township Lot 4, Concession 6. A brick farmhouse was constructed on the lot in c.1851. The property was later farmed by John and Betsy Smith's son, John B. Smith, until 1892.

Contextual Value

The John and Elizabeth Smith House has contextual value for being physically, functionally, visually and historically linked to its surroundings. It is one of a small number of nineteenth century buildings that remain in south-central Markham, and one of the few remnants of the agricultural past in the community of Milliken.

Heritage Attributes

Character-defining attributes that embody the cultural heritage value of the John and Elizabeth Smith 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 a mid-nineteenth century brick farmhouse in the vernacular Georgian architectural tradition:

- Rectangular plan;
- One-and-a-half storey height;
- Fieldstone foundation;
- Brick walls in Flemish bond;
- Medium-pitched gable roof with projecting eaves and eave returns;
- Three-bay primary (west) elevation with a centrally placed single-leaf door and transom light remnant;
- Flat-headed rectangular window openings with projecting lugsills and radiating brick arches.

Heritage attributes that convey the property's historical value and associative value, representing the themes of agriculture and immigration, as the former farmhouse of John and Elizabeth Smith, and for its association with the locally prominent Milliken family:

- The dwelling is a tangible reminder of the Smith-Milliken family that historically resided here from and farmed the land c.1850 to 1892.

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 west, within the historic community of Milliken.

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

- Shed-roofed front veranda;
- Modern windows;
- Non-functional shutters;
- Modern front door;
- Rear addition.

Appendix C

Research Report – Heritage Markham 7507 Kennedy Road, Markham

RESEARCH REPORT



John and Elizabeth Smith House
South-West Quarter Lot 4, Concession 6, Milliken
7507 Kennedy Road
c.1850

Heritage Section
City of Markham Planning & Urban Design
2024
Update of a Research Report from 1993

History

The John and Elizabeth Smith House is located on a portion of the south-west quarter of Markham Township Lot 4, Concession 6, in the historic community of Milliken.

This part of Markham, known as Milliken, began as a rural crossroads hamlet that straddled the border between Markham and Scarborough Townships. When a local post office was established in 1859, it was named Milliken Corners after a prominent United Empire Loyalist family that settled here in 1807.

In the early twentieth century, a number of village lots were severed from farms in the area and modest homes were constructed on the east and west sides of Kennedy Road north of Steeles Avenue. Turff Avenue and Thelma Avenue were established in 1930. Victory (originally Victor)

Avenue was constructed at a later date. Older buildings in the area include a small number of nineteenth century houses remaining from Milliken's early history, and twentieth century houses dating from about 1900 to the mid-1950s. Many of the later houses are typical of the modest homes built by returning veterans of World War II – hence the name Victory Avenue.

Shivers Cozens received the Crown Patents for Markham Township Lots 3 and 4, Concession 6, in 1802. Cozens was a member of a family of United Empire Loyalists from New Jersey that received generous land grants in Upper Canada in compensation for their losses during the American Revolution. In 1804, Cozens sold both lots to Ira Bentley who began to sell his properties in smaller parcels shortly after his purchase. Ira Bentley was one of four or five brothers that came to Upper Canada in about the year 1800. Elijah Bentley, believed to have been Ira Bentley's brother, purchased the western half of Lots 3 and 4 in 1807. He was an Anabaptist preacher. In 1813, Elijah Bentley was charged and tried by the colonial government of Upper Canada for disloyal behavior during the American occupation of the Town of York during the War of 1812.

There were numerous transactions involving both of these properties in the early nineteenth century. In 1844, John Smith purchased the south-west 50 acres of Lot 4, Concession 6 from Simon P. Dumond. John Smith (1803-1851) was an English immigrant. In 1838, he married Elizabeth Milliken (1811-1886), known as "Betsy." They were members of the Wesleyan Methodist Church. Betsy Milliken was the daughter of Norman and Susannah Milliken, prominent members of the Milliken community. Norman Milliken was a United Empire Loyalist who came to Markham via New Brunswick in 1807. He was engaged in the lumber industry, supplying timber to the British naval authorities.

In the early years of John and Betsy Smith's marriage, they resided on an 11-acre parcel of Lot 1, Concession 5 that Betsy Smith inherited from her father in 1843. Brown's Directory of Markham Township, 1846-47, placed John Smith on that property. It appears that the brick farmhouse on Lot 4, Concession 6 had not yet been constructed.

By the time of the 1851 census, John and Betsy Smith were residing in a one-and-a-half storey brick dwelling on Lot 4, Concession 6 (7507 Kennedy Road). John Smith was a farmer, age 49. Betsy Smith was 41. In the same household was their daughter Mary, age 13, their son John, age 7, and Betsy's brother John Milliken, a farmer.

John Smith died later in 1851. He bequeathed the 50 acres in the south-west corner of Lot 4, Concession 6 to his son John B. Smith, and the 11-acre parcel on Lot 1, Concession 5 to his daughter Mary.

Betsy Smith (nee Milliken) married Henry Sanders in 1858. The 1861 census lists Henry and Betsy Sanders as residing on the eastern half of Lot 2, Concession 3 in the general vicinity of German Mills. Henry Sanders' children from his previous marriage, as well as Betsy's youngest child, John Smith Jr., were also listed in the household. The property on Lot 4, Concession 6 in Milliken was occupied by a tenant in the 1860s, according to Markham Township assessment

rolls from that period. Betsy's daughter, Mary, and her husband, Robert Vardon, farmed the property until John Smith Jr. was old enough to farm there himself.

The 1871 census listed John Smith Jr. with his widowed mother on Lot 4, Concession 6. Henry Sanders had passed away, and Elizabeth/Betsy had reverted to her previous surname, "Smith." Mary Vardon, John Smith Jr.'s married sister, and her son William, were also listed in the household.

By the time of the 1881 census, John Smith Jr. was married. John and Margaret Smith were both 34 years old and had three children between the ages of eight and one. Margaret Smith was known as "Maggie." John Smith Jr. was a farmer. The family were of the Methodist faith. In 1891, there were six children in the Smith household. Their dwelling was described as a two-storey brick structure containing seven rooms.

In 1892, John and Maggie Smith mortgaged their property to Lady Sarah E. C. Mulock, wife of The Honourable Sir William Mulock of Toronto, for \$3,500. They subsequently defaulted on the mortgage payments and lost the property in 1903 when it was sold under power to John Reid, a farmer and carpenter. John Reid was the owner until 1918. After that, the property passed through a series of owners and was reduced in size until the existing house remained on a small portion of the original 50-acre farm. By the mid-1970s, the house was converted to commercial use, serving as an office for Action Communications Limited.

Architecture

The John and Elizabeth Smith House is a one-and-a-half storey brick building with a rectangular plan. The building, a former dwelling, rests on a fieldstone foundation. The brick walls, laid in Flemish bond, have been painted for many years. A full-width shed-roofed veranda extends across the west or front elevation, supported on slender wood posts. This veranda does not appear to date from the nineteenth century. It has been in place since at least the mid-1970s. A two-storey frame addition of indeterminate age is located along the rear wall.

The medium-pitched gable roof has projecting, boxed eaves and eave returns. There is a bedmould below the flat soffits and a simple wood frieze along the raking eaves. Up until the 2010s there were single-stack brick chimneys with elaborately corbelled caps at each gable end. Now only the bases of those chimneys remain.

The three-bay primary (west) elevation has a centrally placed single-leaf door with a wood panel occupying the former location of a flat-headed transom light. The door is a modern replacement. On either side of the door are flat-headed rectangular window openings with projecting lugsills and radiating brick arches. Fixed plate glass replacement windows occupy these window openings as well as all others on the historic structure. Windows are flanked with non-functional decorative louvered shutters.

On the gable end walls, windows on the second storey are smaller in proportion to those on the ground floor. A large plate glass window has been inserted in the north gable end wall positioned towards the west front corner of the building.

The John and Elizabeth Smith House is a representative example of a mid-nineteenth century brick farmhouse in the Georgian architectural tradition. This style persisted in Ontario long after the Georgian period ended in 1830. The essential principles of uncluttered designs with a sense of symmetry, balance and formality carried forward to influence vernacular architecture for much of the nineteenth century. In Markham, most examples of this style were constructed in the 1850s.

Alterations to the c.1850 dwelling have taken place as part of its conversion to commercial use, but its essential form has remained intact and its character as a mid-nineteenth century farmhouse is readily discernable.

Context

The John and Elizabeth Smith House is one of a small number of nineteenth century buildings that remain in south-central Markham, and one of the few remnants of the agricultural past in the community of Milliken. The former farmhouse is on its original site and represents a still point in a neighbourhood that has undergone significant suburban growth beginning in the 1970s.

Sources

Abstract Index of Deeds for Markham Township Lot 4, Concession 6.

Canada Census: 1851, 1861, 1871, 1881, 1891, 1901, 1911 and 1921.

Maps of Markham Township: McPhillips (1853-54), Tremaine (1860) and Historical Atlas of the County of York, Ontario (1878).

Property File for 7507 Kennedy Road, Heritage Section, City of Markham Planning & Urban Design.

Milliken Family File, Heritage Section, City of Markham Planning & Urban Design.

Entry for William Milliken, *History of the County of York, Ontario*, Volume II: Biographical Notices. C. Blakett Robinson, publisher, 1885.

Research Report on the Widow Smith House by Dorie Billich, Heritage Section, Town of Markham Planning & Urban Design, 1993.

Champion, Isabel (ed.). *Markham 1793-1900*. Markham: Markham Historical Society, Second Edition, Revised, 1989. Page 161, 276.

Compliance with Ontario Regulation 9/06, as amended – Criteria for Determining Cultural Heritage Value or Interest

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.

The John and Elizabeth Smith House has design value and physical value as a representative example of a mid-nineteenth century brick farmhouse in the vernacular Georgian architectural tradition.

The property has historical value or associative value because it is associated with a theme, event, belief, person, activity, organization or institution that is significant to a community.

The John and Elizabeth Smith House has historical value, representing the locally significant theme of agriculture as the former farmhouse of John and Elizabeth Smith, and for its association with the significant wave of British families that arrived in Markham Township in the 1820s-1830s. It also has historical value for its association with the prominent Milliken family after whom the community takes its name.

The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings.

The John and Elizabeth Smith House has contextual value because it is physically, functionally, visually and historically linked to its surroundings where it has stood since c.1850.

Appendix D
Heritage Markham Memorandum
7969 Ninth Line, Markham



MEMORANDUM

TO: Heritage Markham Committee

FROM: Evan Manning, Senior Heritage Planner

DATE: February 20, 2024

SUBJECT: Notice of Objection to the Inclusion of a Property on the Markham Register of Property of Cultural Heritage Value or Interest
7696 Ninth Line (“Anthony Graham House”)

FILE: N/A

Property/Building Description: One-and-a-half storey dwelling constructed c1880 as per MPAC records

Use: Residential

Heritage Status: Listed on the Markham Register of Property of Cultural Heritage Value or Interest

Application/Proposal

- The City has received a notice of objection to the inclusion of the property municipally known as 7696 Ninth Line (the “Subject Property”) on the Markham Register of Property of Cultural Heritage Value or Interest (the “Heritage Register”).

Background

- The Subject Property is located on the east side of Ninth Line between 14th Avenue to the north and Ridgevale Drive to the south;
- The majority of adjacent properties contain contemporary suburban dwellings although there are a number of heritage resources remaining from the hamlet of Box Grove.
- The owner has indicated that there have been substantial alterations to the dwelling (refer to Appendix ‘E’) including:
 - All of the features that could have been considered as having historical or cultural significance were removed in a 1950s renovation, including: the removal of the barrel-style cistern, stone foundation, the back summer kitchen, the concrete chimneys, and the original siding and roofing;
 - None of the original exterior, including siding, windows, doors or the roof remain. The siding on the dwelling is now composed of aluminium, plywood and brick;
 - The footprint of the house was enlarged in the 1960s as the owners constructed an addition at the rear of the dwelling (the exterior of which is composed of brick).

- Major alterations were made to the very frame of the dwelling to incorporate new modern windows;
- The size and location of most, if not all, of the windows and door frames have been altered;
- The blacksmith's shop (a separate outbuilding) was demolished in the 1950s as well;
- The interior was completely remodelled around the same time: the layout of the rooms were reconfigured; the lath and plaster walls were replaced with drywall and fake wood panelling; the original stairwells were moved and are now composed of modern materials; and the rotting floors were torn up and fitted with new joists and flooring.

Legislative and Policy Context

Ontario Heritage Act

- Section 27 (7) of the *Ontario Heritage Act* (the “Act”) provides a mechanism for an owner to object to the inclusion of their property on a municipal heritage register;
- Section 27 (8) of the Act directs the council of a municipality to consider the notice of objection and make a decision as to whether the property should continue to be included on the heritage register or whether it should be removed. Note that there are no timelines within the Act for Council consideration of the notice of objection;
- Note that “listing” a property as provided for by Section 27 (3) of the Act does not necessarily mean that the property is municipally-considered to be a significant cultural heritage resource, rather it provides a mechanism for the municipality to be alerted of any application to demolish or insensitively alter the on-site structure(s), and provides time for evaluation of the property for potential designation under Part IV of the Act.

City of Markham Official Plan (2014)

- Chapter 4.5 of the Official Plan (“OP”) contains polices concerning cultural heritage resources. The following are relevant to the request to remove 7696 Ninth Line from the Heritage Register:
- Concerning the identification and recognition of ***cultural heritage resources***, Chapter 4.5.2.4 of the OP states that it is the policy of Council:

*To ensure consistency in the identification and evaluation of ***cultural heritage resources*** for inclusion in the ***Register of Property of Cultural Heritage Value or Interest*** and/or for individual property designation, by utilizing the criteria for determining ***cultural heritage*** value or interest established by provincial regulation under the *Ontario Heritage Act* and criteria included in Markham's *Heritage Resources Evaluation System*.*

- Concerning the protection of ***cultural heritage resources***, Chapter 4.5.3.2 of the OP states that it is the policy of Council:

*To give immediate consideration to the designation of any **significant cultural heritage resource** under the Ontario Heritage Act if that resource is threatened with demolition, inappropriate alterations or other potentially adverse impacts.*

Staff Comment

Ontario Regulation 9/06 Evaluation

- The Subject Property was evaluated using Ontario Regulation 9/06 “Criteria for Determining Cultural Heritage Value or Interest” in accordance with the above-referenced OP policy. This regulation, introduced by the Province in 2006 and revised in 2023, provides a uniform set of criteria for municipalities to use when determining whether a property should be considered a significant cultural heritage resource. As per Provincial direction, a property must now meet a minimum of two (2) of the 9/06 criteria to warrant designation under Part IV of the Act;
- Based on research undertaken by Heritage Section staff (“Staff”) included as Appendix D of this memo, the Subject Property has minimal *design/physical value*, *historical/associative value* and *contextual value* and as such would not appear to meet the minimum number of Ontario Regulation 9/06 criteria required for designation. As noted in the research report, the Subject Property has some historical value, but there is insufficient design value, owing to the substantial modifications made to an already utilitarian structure, and insufficient contextual value, as there are nearby properties that better define the area’s historical character, to satisfy the relevant criteria.

Markham’s Heritage Resources Evaluation System

- The subject property was evaluated using Markham’s Heritage Resources Evaluation System for the purpose of the this report. It is the opinion of staff that the subject property should be classified under ‘Group 3’;
- This evaluation system, adopted by the City in 1991 to offer more context-specific criteria for the assessment of potential significant cultural heritage resources, has a point-based property classification system consisting of three tiers (Group 1, 2 and 3). It is a complementary evaluation system to Ontario Regulation 9/06 to which it predates.
- The City’s Group 1, 2 and 3 classifications are defined as follows (for a description of the typical guidance associated with each Group, please see Appendix ‘C’ of this memo).
 - **Group 1**
Those buildings of major significance and importance to the Town and worthy of designation under the Ontario Heritage Act.
 - **Group 2**
Those buildings of significance and worthy of preservation.
 - **Group 3**
Those buildings considered noteworthy.
- The City’s Evaluation System guidelines also indicate the following:
 - It should also be noted that the designation or demolition of a building should not be based solely on the results of this rating and classification exercise. There may be exceptions, for example where a building may possess one specific historical attribute of great significance, but otherwise receives a low rating. While the

evaluation criteria and classification system will provide a valid guideline for both staff and Council, the Town (now City) should retain the option to make exceptions when necessary.

Suggested Recommendation for Heritage Markham

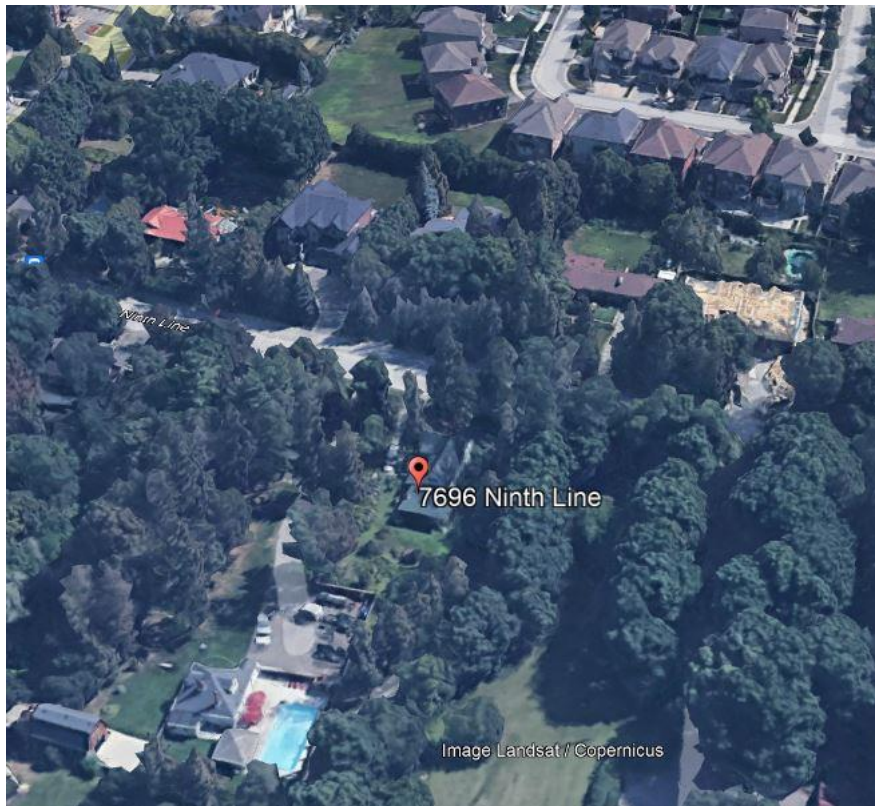
THAT Heritage Markham is of the opinion that 7696 Ninth Line is not a significant cultural heritage resource and has no objection to removal of the property from the Markham Register of Property of Cultural Heritage Value or Interest.

ATTACHMENTS:

Appendix 'A'	Property Map
Appendix 'B'	Photographs of the Subject Property
Appendix 'C'	Markham's Heritage Resources Evaluation System
Appendix 'D'	Research Report for the 7696 Ninth Line
Appendix 'E'	Notice of Objection

Appendix 'A'

Property Map and Aerial Image of the Subject Property



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

Appendix 'B'

Photographs of the Subject Property



The east (primary) elevation [above] and the west/south elevations of the on-site dwelling [below] as seen in October 2023 (Source: Applicant)



The north elevation of the on-site dwelling as seen in October 2023 (Source: Applicant)

Appendix ‘C’

Markham’s Heritage Resources Evaluation System

GROUP 1

- *The designation of the building pursuant to the Ontario Heritage Act will be pursued.*
- *Every attempt must be made to preserve the building on its original site.*
- *Any development proposal affecting such a building must incorporate the identified building.*
- *Appropriate alternative uses for the building will be encouraged when necessary to ensure its preservation.*
- *A Letter of Credit will typically be required to ensure the protection and preservation of the building.*

GROUP 2

- *The designation of the building pursuant to the Ontario Heritage Act will be encouraged.*
- *The retention of the structure in its existing location is encouraged.*
- *Any developed proposal affecting such a structure should incorporate the identified building.*
- *Appropriate alternative uses for the building will be encouraged when necessary to ensure its preservation.*
- *A Letter of Credit may be required to ensure the protection and preservation of the building.*

GROUP 3

- *The designation of the building pursuant to the Ontario Heritage Act may be supported with an approved restoration plan, but would not be initiated by the Town.*
- *Retention of the building on the site is supported.*
- *If the building is to be demolished, a photographic record, measured drawings and/or salvage of significant architectural elements may be required.*

Appendix ‘D’

Research Report for 7696 Ninth Line

RESEARCH REPORT



Graham-Osland-Grant House

Lot 5 Block A Plan 19

7696 Ninth Line, Box Grove

c.1880

Heritage Section

City of Markham Planning & Urban Design

2023

History

The Graham-Osland-Grant House at 7696 Ninth Line is located on Lot 5, Block A, Plan 19, a plan of village lots laid out by George McPhillips, P.L.S. in 1850 on the lands of Joseph Tomlinson and William E. Beebe. Block A is within the eastern portion of Markham Township Lot 5, Concession 8.

In the mid-nineteenth century, a hamlet of tradesmen and labourers grew up around a cluster of industries located on the banks of the Rouge River, near the crossroads of Fourteenth Avenue and Ninth Line. In the early years, the community was known as Sparta, after the celebrated city-state of ancient Greece. By 1867, the year of Canada’s Confederation, a local post office was opened with the name Box Grove.

The Tomlinson family, along with the Kirkhams, played a prominent role in the establishment of a sawmill, woollen mill and shoddy mill (for recycling old cloth) in the Rouge River valley. These and other industries took advantage of the water power available from the creation of a dam and mill pond in the hollow. In time, modest houses for workers in the numerous local industries were built on village lots subdivided from the Tomlinson and Beebe farms. A general store, two taverns, two blacksmith shops and a cooperage were built to serve the needs of the local residents and the surrounding farm families.

Anthony Graham was an English-born blacksmith that was working in the blacksmith shop at Cedar Grove at the time of the 1871 census. His widowed father, Alexander Graham, lived in the same household and was also a blacksmith. This blacksmith shop is now located on the grounds of the Markham Museum.

In 1880, Anthony Graham purchased a block of land within Markham Township Lot 5, Concession 8 in two parts. He bought two and a half acres from Thomas Ellis, and two acres from John Mapes. The portion purchased from John Mapes included a number of quarter-acre village lots fronting onto Ninth Line, including Lot 5 and several lots to the south.

The McPhillips Plan of 1850 shows the outline of buildings that were standing at the time the plan was created. There was a building (presumably a dwelling) illustrated on Lot 5 with a rectangular plan shape that generally conforms to that of the front section of the existing house at 7696 Ninth Line. It is possible that the ground floor of the front section of the existing dwelling may be the building illustrated on Plan 19, raised to one and a half storeys at a later date. It is also possible that the old house on the property was replaced by a new dwelling by Anthony Graham in 1880. A site visit would be necessary to examine the structure in detail to determine its age.

Anthony Graham was married to Mary Ann (Gibson) Graham, who was also born in England. The family were of the Roman Catholic faith. At the time of the 1881 census, they had four children between the ages of three and eleven: Alexander, Elizabeth, Mary J. and John A. Later, at the time of the 1891 census, Anthony Graham was a widower, age 53. The Graham residence was described in the census records as a one storey frame house containing five rooms. This description differs from the existing one-and-a-half storey form of the house at 7696 Ninth Line. It is possible that second storey was added to this dwellings later in the 1890s, around the time that Anthony Graham re-married. His second wife was named Mary. At the time of the 1901 census, they had two children together, James A., age nine, and Owen G., age 8.

The blacksmith shop (demolished) was located to the west of the Grahams' dwelling. A note at the Markham Museum concerning the memories of Levi DeGeer about various sites in Box Grove says the shop was at the end of the driveway leading to the Murray Dowdell House (7682 Ninth Line). It is not known if the blacksmith shop was on the property at the time of Anthony Graham's purchase. If not, then Graham was the builder of the shop.

Anthony and Mary Graham sold Lot 5 (7696 Ninth Line) to Wesley Osland in 1906 and continued to live on the larger portion of their property, possibly on Lot 9, Block A, Plan 19, in the frame house now addressed 7662 Ninth Line that he acquired in the early twentieth century. There is a gap in the Abstract of Deeds for that property that does not show how it passed from Edward Smith to Anthony Graham. By 1921, Anthony Graham's occupation had changed from "Blacksmith," as it was in 1911, to "Farmer."

Census records from 1911 and 1921 have George Osland, an English-born labourer, as Anthony and Mary Graham's neighbor. His wife was named Annie. The property passed to George Osland's son Charles Osland. In 1944, the administrator of Charles Osland's estate sold to Harry and Elizabeth Brennan. In 1954, Joseph and Martha Grant purchased the property. Based on the style of the large front windows and front door, it seems probable that the house was modernized by the Grant family in the 1950s. The time period of the renovations was recently confirmed as the mid-1950s by members of the Grant family.

Architecture

The Graham-Osland-Grant House is a one-and-a-half storey frame dwelling with a rear-facing L-shaped plan. Exterior cladding is wide horizontal aluminum siding. The front section of the house is rectangular in plan, facing east. A one-and-a-half storey rear wing extends west from the south half of the rear wall. There is an open porch within the north-facing ell formed by the intersection of the front and rear sections of the building. The ground floor is placed a little above grade level, and the foundation material is not readily visible. Information recently provided by the Grant family indicates the original stone foundation was replaced during renovations of the 1950s. A one storey flat-roofed addition in red-brown brick, dating from the 1960s, is located at the western end of the rear wing.

The roof is a steeply-pitched cross gable with projecting, boxed eaves. There is a single-stack exterior chimney centred on the north gable end wall. The red-brown brick of this chimney is similar to that of the one-storey rear addition. There is a small shed-roofed dormer window on the rear slope of the main roof, and a shed-roofed wall dormer on the north slope of the roof of the rear wing.

The house has a three-bay façade. The single-leaf front door, centred on the wall, has a 1950s style slab door with small rectangular lights. On either side of the front door are large three-part picture windows, also characteristic of the 1950s. Door and window frames are simple and narrow, likely contemporary with the application of modern siding to the exterior.

The gable end walls and north and south walls of the rear wing have a variety of styles and sizes of windows. There is picture window on the south wall, simpler in detail and smaller in scale than the picture windows on the front wall. Some of the window openings on the north and side walls are more in keeping with the nineteenth century age of the building, but all contain modern replacement windows.



7696 Ninth Line. West and south side view showing rear wing and 1960s addition.

The side porch has a simple shed roof supported on slender square wooden posts. It does not appear to be very old, but it could occupy the same space as an earlier porch that may have existed in this location. There is a single-leaf door within the side porch, at the east end of the north wall of the rear wing.

The Graham-Osland-Grant House is an altered nineteenth century village dwelling that may have once reflected a vernacular Georgian architectural tradition character in the symmetry of its façade and the simplicity of its design. Unfortunately, there are no historic photographs to illustrate its earlier appearance. The door and flanking windows of the street-facing façade are typical of the 1950s period of its remodeling. The steep pitch of the roof suggests a possible Gothic Revival influence in a general way, but overall it is difficult to place this modest house within any definite stylistic category in its present state.

The research into this building raises a number of questions. The front section occupies the same approximate footprint of a building shown in this location on Plan 19. If it is indeed the same structure, then at least a portion of the existing building pre-dates 1850. The description of the home of the Graham family and those of their immediate neighbours in the 1891 census as one storey is unexpected since the house at 7696 Ninth Line is one-and-a-half storeys in height and appears to have been in this form for a long period of time.

Context

The Graham-Osland House is historically linked to the Tomlinson-Smith House at 7662 Ninth Line, owned by the Graham family from 1880 until 1933.

Several properties in the vicinity have been individually designated under Part IV of The Ontario Heritage Act, including the James Bishop House, c.1890 at 7739 Ninth Line (By-law 2020-67),

the Box Grove Schoolhouse, 1877, at 7651 Ninth Line (By-law 2005-78), and the Tomlinson-Gates House, c.1875, at 7790 Ninth Line (By-law 2016-135).

Sources

Abstract Index of Deeds for Markham Township Lot 5, Concession 8.

Abstract Index of Deeds for Lots 2 - 10, Block A, Plan 19.

Plan 19 (1850).

Markham Township Assessment Rolls: 1880, 1890 and 1900.

Canada Census: 1851, 1861, 1871, 1881, 1891, 1901, 1911 and 1921.

Maps of Markham Township: McPhillips (1853-54), Tremaine (1860), and Historical Atlas of York County, Ontario (1878).

Directories of Markham Township: Nason (1871).

Burkholder, Paul. "Box Grove." *Pioneer Hamlets of York*. Kitchener: Pennsylvania German Folklore Society, 1977. Pages 91-96.

Champion, Isabel (ed.). *Markham 1793-1900*. Markham: Markham Historical Society, Revised Edition, 1989. Pages 287-289.

Compliance with Ontario Regulation 9/06, as amended – Criteria for Determining Cultural Heritage Value or Interest

The property has historical or associative value because it has direct associations with a theme, event, person, activity, organization or institution that is significant to a community.

The Graham-Osland-Grant House has historical value and associative value representing the theme of urban development, specifically the nineteenth century development of the historic hamlet of Sparta/Box Grove around a cluster of industries at the crossroads of Fourteenth Avenue and Ninth Line.

Appendix 'D'
Notice of Objection



Joe Grant
jgrant@llf.ca
(705) 742-1674
Ext 264

October 16, 2023

VIA EMAIL: kkitteringham@markham.ca

Kimberly Kitteringham
City Clerk,
City of Markham
101 Town Centre Boulevard,
Markham, Ontario,
L3R 9W3

Re: 7696 9TH LINE (Box Grove) Markham, Ontario; Notice of Objection to Listing of Property of Register (Section 27 (3) Ontario Heritage Act)

Please be advised that we represent the estate of the late Martha Grant, the owner of the property municipally described as 7696 9TH LINE (Box Grove) Markham, Ontario ("Subject Property"). It has very recently come to the attention of the Estate Trustees that the dwelling located on the Subject Property is listed as a property with cultural heritage value or interest pursuant to subsection 27(3) of the *Ontario Heritage Act*, R.S.O. 1990, c. O. 18 ("Heritage Act"). The estate objects to the inclusion of the dwelling on the register and requests that the council remove the Subject Property and dwelling located thereon from the register it maintains pursuant to Section 27 of the Heritage Act. The dwelling in question contains little or no historical or cultural value as the exterior and interior of the dwelling has, since the 1950s, been altered to such an extent that none of the original exterior or interior remains. This letter is provided to you pursuant to Subsection 27(7) of the Heritage Act, which provides:

The owner of a property who objects to a property being included in the register under subsection (3) or a predecessor of that subsection shall serve on the clerk of the municipality a notice of objection setting out the reasons for the objection and all relevant facts. 2019, c. 9, Sched. 11, s. 6; 2022, c. 21, Sched. 6, s. 3 (3).

Pursuant to Subsection 27(8) of the Heritage Act

If a notice of objection has been served under subsection (7), the council of the municipality shall,

- (a) consider the notice and make a decision as to whether the property should continue to be included in the register or whether it should be removed; and
- (b) provide notice of the council's decision to the owner of the property, in such form as the council considers proper, within 90 days after the decision.

While the original dwelling (along with a blacksmith's shop) may have been constructed in the 1880s, the house in question was completely renovated in the mid-1950s and the shop is long gone. The estate trustees, who are the children of the deceased, have knowledge of the overhaul as they were present when their parents effected the renovations. They wish to draw the following to your and council's attention:

- 1) All of the features that could have been considered having historical or cultural interest were removed in the 1950s renovation, including: the removal of the barrel-style cistern, the stone foundation, the back summer kitchen, the concrete chimneys, and the original siding and roofing;
- 2) None of the original exterior, including siding, windows, door or the roof remain. The siding on the dwelling is now composed of aluminum, plywood and brick;
- 3) The footprint of the house was enlarged in the 1960s as the owners constructed an addition at the rear of the dwelling (the exterior of which is composed of brick).
- 4) Major alterations were made to the very frame of the dwelling to incorporate new modern windows;
- 5) The size and location of most, if not all, of the windows and door frames have been altered;
- 6) The blacksmith's shop (a separate outbuilding) was demolished many in the 1950s as well.

Included with this letter are photographs of the exterior of the dwelling as it currently appears.

In addition to the exterior alterations, the interior was completely remodeled around the same time: the layout of the rooms was reconfigured; the lath and plaster walls were replaced with drywall and fake wood paneling; the original stairwells were moved and are now composed of modern materials; and the rotting floors were torn up and fitted with new joists and flooring.

We appreciate that recent amendments to the Heritage Act are requiring municipalities, including the City of Markham, to consider what listed buildings on its register should receive designated status ahead of January 1, 2025. Given the above, the estate trustees feel that it is highly unlikely that this non-descript house composed of vinyl siding, plywood and brick has any of the features and/or characteristics will receive a heritage designation under the Heritage Act and can and should be removed from the list of non-designated properties included on the Register. The estate trustees, therefore, respectfully request that the municipal council remove this building and property from the list of properties included on the register pursuant to Subsection 27(3) of the Heritage Act.

We look forward to receiving council's decision. Please advise should you have any questions or require any further documentation.

Yours truly,


Joe Grant;

LLF LAWYERS LLP

c.c. Hutcheson, Regan <rhutcheson@markham.ca>

Appendix E
Heritage Markham Memorandum
7951 Yonge Street, Thornhill



MEMORANDUM

TO: Heritage Markham Committee

FROM: Evan Manning, Heritage Planner

DATE: May 11, 2022

SUBJECT: Intention to Demolish a Property Listed on the Markham Register of Property of Cultural Heritage Value or Interest
7951 Yonge Street, Thornhill

FILE: N/A

Property/Building Description: Two-storey single-detached building constructed c1910-1915

Use: Commercial (formerly residential in use)

Heritage Status: Listed on the Markham Register of Property of Cultural Heritage Value or Interest and considered adjacent, as defined in the 2014 Official Plan, to the Thornhill Heritage Conservation District

Application/Proposal

- The City has received written notice from the owner of 7951 Yonge Street (the “subject property”) of their intention to demolish the existing building. A development application to replace the existing commercial building has not been submitted.

Background

- The subject property is located on the east side of Yonge Street. A low-rise commercial plaza is located immediately to the north of the subject property while high-rise, multi-unit residential buildings are found to the south and east of the subject property. The Thornhill Club, a private golf course, is located adjacent to the subject property on the west side of Yonge Street. For a property map, aerial image and photographs of the subject property, please see Appendix A and B.
- The subject property is also adjacent to the northern wings of the Thornhill-Markham Heritage Conservation District which extend north of the core area of the district in Markham along the Yonge Street right-of-way to meet with the boundary of the Thornhill-Vaughan Heritage Conservation District on the west side of Yonge St.
- The existing Edwardian building dates from c1910-1915 and was originally residential in use. Based on a review of archival photography included in Appendix E, conversion of

the property to commercial uses occurred in the mid-1980s. Removal and replacement of original windows and doors is assumed to have occurred at this time.

Legislative and Policy Context

Ontario Heritage Act

- As per Section 27 (9) of the *Ontario Heritage Act* (the “Act”), an owner wishing to demolish a property listed on a Municipal Register must give the council of the municipality at least 60 days notice in writing of their intention to demolish or remove the building.
- The council of the municipality has 60 days following receipt of the intention to demolish to render a decision as to whether to designate the property under Part IV of the Act, or to consent to its removal. If council fails to make a decision within the prescribed time frame, the council shall be deemed to have consented to the demolition of the listed property.
- As noted above, the subject property is listed on the Markham Register of Property of Cultural Heritage Value or Interest. Note that “listing” a property as provided for by Section 27 (3) of the Act does not necessarily mean that the property is municipally-considered to be a significant cultural heritage resource, rather it provides a mechanism for the municipality to be alerted of any application to demolish the on-site structure(s), and provides time for evaluation of the property for potential designation under Part IV of the Act.

City of Markham Official Plan (2014)

- Chapter 4.5 of the Official Plan (“OP”) contains polices concerning cultural heritage resources. The following are relevant to the proposed demolition of 7951 Yonge Street:
- Concerning the identification and recognition of ***cultural heritage resources***, Chapter 4.5.2.4 of the OP states that it is the policy of Council:

*To ensure consistency in the identification and evaluation of ***cultural heritage resources*** for inclusion in the ***Register of Property of Cultural Heritage Value or Interest*** and/or for individual property designation, by utilizing the criteria for determining ***cultural heritage*** value or interest established by provincial regulation under the Ontario Heritage Act and criteria included in Markham’s Heritage Resources Evaluation System.*

- Concerning the protection of ***cultural heritage resources***, Chapter 4.5.3.2 of the OP states that it is the policy of Council:

*To give immediate consideration to the designation of any ***significant cultural heritage resource*** under the Ontario Heritage Act if that resource is threatened with demolition, inappropriate alterations or other potentially adverse impacts.*

Staff Comment

Ontario Regulation 9/06 Evaluation

- The subject property was evaluated using Ontario Regulation 9/06 “Criteria for Determining Cultural Heritage Value or Interest” in accordance with the above-referenced OP policy. This regulation, introduced by the Province in 2006, provides a uniform set of criteria for municipalities to use when determining whether a property should be considered a significant cultural heritage resource.
- Based on research undertaken in support of the Ontario Regulation 9/06 evaluation for the subject property, it is the position of Heritage Section staff that the subject property has both minimal *design/physical value* as well as *historical/associative value* while possessing some *contextual value*.
- For a copy of the evaluation using Ontario Regulation 9/06, please see Appendix C.

Markham’s Heritage Resources Evaluation System

- The subject property was evaluated using Markham’s Heritage Resources Evaluation System in accordance with the above-referenced OP policy. This evaluation system, created by Heritage Section staff in 1991 to offer more context-specific criteria for the assessment of potential significant cultural heritage resources, has a point-based property classification system consisting of three tiers (Group 1, 2 and 3). It is a complementary evaluation system to Ontario Regulation 9/06 to which it predates.
- The City’s Group 1, 2 and 3 classifications are defined as follows:
 - GROUP 1 those buildings of major significance and importance to the Town and worthy of designation under the Ontario Heritage Act
 - GROUP 2 those buildings of significance and worthy of preservation
 - GROUP 3 those buildings considered noteworthy
- The City’s Evaluation System guidelines also indicate the following:
 - It should also be noted that the designation or demolition of a building should not be based solely on the results of this rating and classification exercise. There may be exceptions, for example where a building may possess one specific historical attribute of great significance, but otherwise receives a low rating. While the evaluation criteria and classification system will provide a valid guideline for both staff and Council, the Town (now City) should retain the option to make exceptions when necessary.
- The findings of this evaluation indicate that the subject property straddles Groups 2 and 3. For a description of the typical guidance associated with each Group, please see Appendix D.

Suggested Recommendation for Heritage Markham

THAT Heritage Markham finds that 7951 Yonge Street is a significant cultural heritage resource and should be conserved through designation under Part IV of the *Ontario Heritage Act*.

OR

THAT Heritage Markham finds that 7951 Yonge Street is not a significant cultural heritage resource and has no objection to demolition of the existing building.

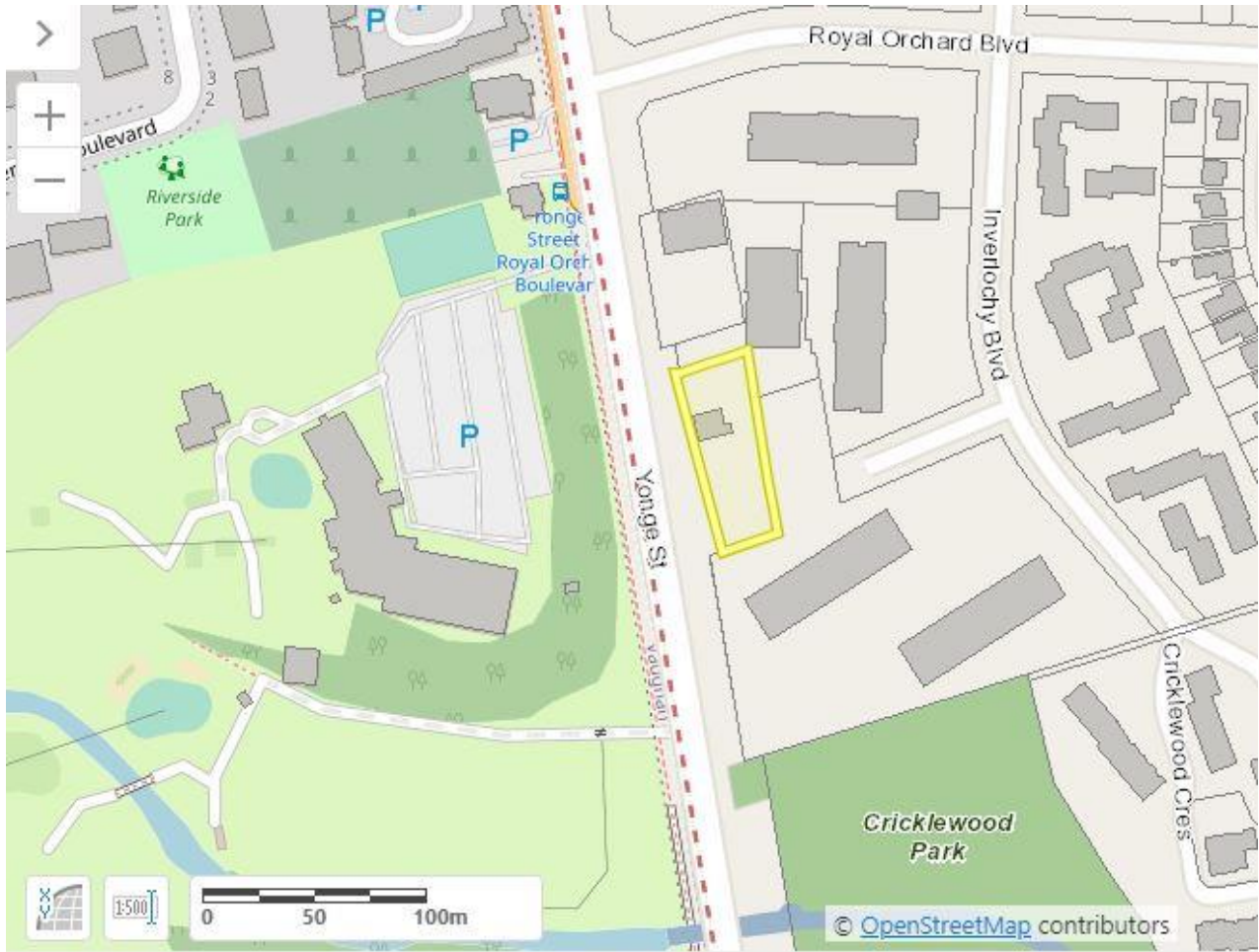
ATTACHMENTS:

Appendix 'A'	Property Map
Appendix 'B'	Aerial Image Photographs of the Subject Property
Appendix 'C'	Ontario Regulation 9/06
Appendix 'D'	Markham's Heritage Resources Evaluation System
Appendix 'E'	Archival Material

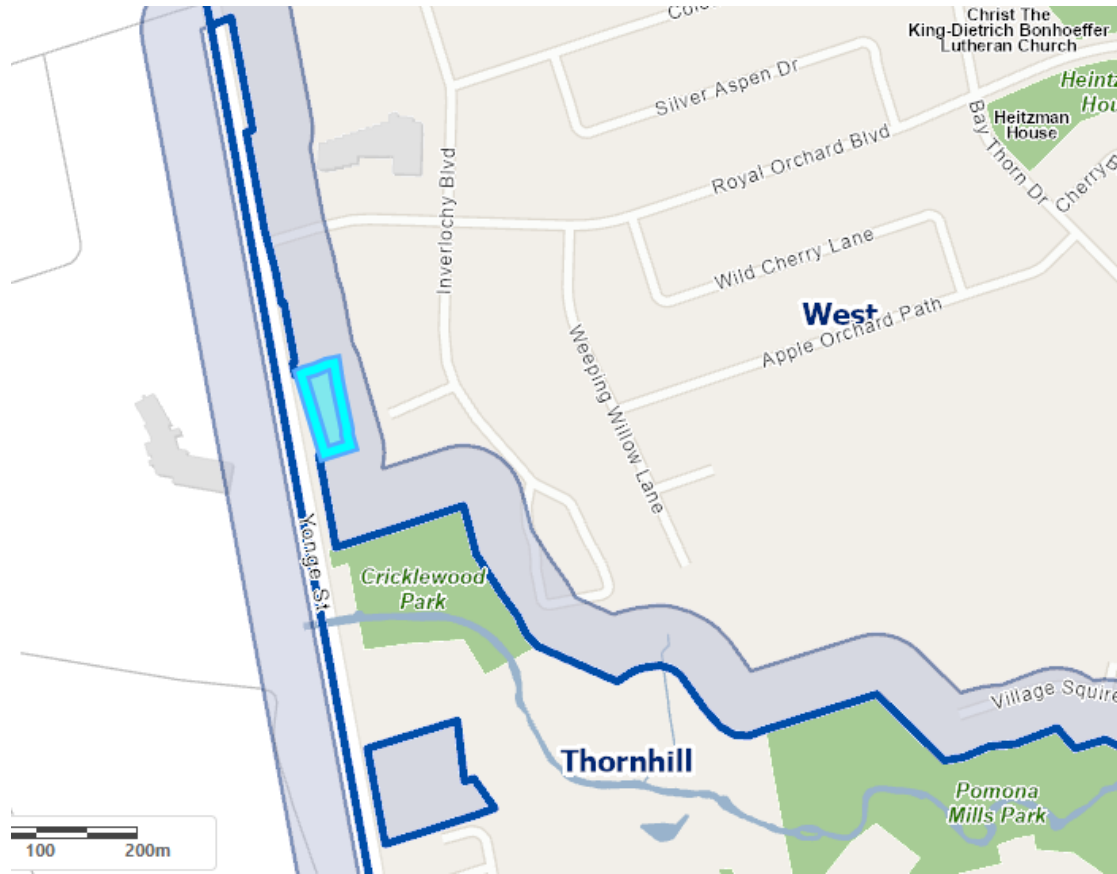
Q:\Development\Heritage\PROPERTY\YONGE\7951\HM May 2022 (Application to Demolish) - 7951 Yonge Street.doc

Appendix 'A'

Property Map



The subject property is outlined in yellow (Source: City of Markham)



The subject property (light blue) in relation to the boundaries of the Thornhill Heritage Conservation District (dark blue) with the 60m adjacency buffer (Source: City of Markham)

Appendix 'B'

Aerial Image and Photographs of the Subject Property



The subject property is circled in red (Source: Google)



The north and west (primary) elevations (above) & north and east elevations (below) of 7951 Yonge Street (Source: City of Markham)



South elevation (above) and the subject property as seen from Yonge Street (below) (Source: City of Markham)

Appendix 'C'

Ontario Regulation 9/06

1. The property has design value or physical value because it,

- i. is a rare, unique, representative or early example of a style, type, expression, material or construction method,*
- ii. displays a high degree of craftsmanship or artistic merit, or*
- iii. demonstrates a high degree of technical or scientific achievement.*

Staff Comments: 7951 Yonge Street is a modest representative example of Edwardian Classicism in a residential context. The architectural style emerged in the early twentieth century during the reign of King Edward VII (1901-1910) as a reaction against the excesses of Victorian architecture. Characteristics of the architectural style included rational balanced designs, expansive front porches, red brick masonry with rusticated stone detailing, prominent front gables and often in a residential application, restrained ornamentation. Edwardian architecture also featured elements of pre-Victorian architecture with classical detailing employed most commonly. While 7951 Yonge Street exhibits some of these characteristics, notably the building's material composition, rationality, and restrained classical detailing, they are unremarkable in their execution and do not reflect a high degree of craftsmanship or artistic merit. Similarly, the building is not a rare or a unique example of Edwardian Classicism as it displays level of sophistication more typical of suburban development.

2. The property has historical value or associative value because it,

- i. has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,*
- ii. yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or*
- iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.*

Staff Comments: 7951 Yonge Street is historically situated on Lot 32, Concession 1. The initial landowner was Anthony Hollingshead, a United Empire Loyalist, who was awarded the parcel of land in 1798. Hollingshead built the first dwelling on the property further to the east. Constructed of adobe and fired brick with wood framing, it is believed that parts of this initial dwelling were incorporated into the later on-site structure (now known as the Heintzman House). Based on the archival material included within Appendix D, the property passed through a number of landowners before being purchased by George Crookshank in the mid-nineteenth century. Crookshank served in a variety of capacities within the colonial government as well as the private sector, amassing considerable wealth. To reflect this success, he constructed a 13 room mansion on the site of the Hollingshead farmhouse. Following his death in 1859, the property, known as Sunnyside Manor, was purchased by George Paxton who in turn sold the property to Henry Lemon. The farm was subsequently purchased by John Francis in 1881. His sons Samuel

and Elijah farmed the property. Samuel Francis moved into 7951 Yonge Street in 1916 (it is assumed that the Francis family built the dwelling). Charles Theodore Heintzman and his wife, Marion, purchased Sunnyside Manor in 1930 from Samuel Francis who passed away shortly afterwards in 1937. His son and his wife, William and Mae (Campbell) Francis lived in the house until their deaths in 1969 and 1953, respectively.

In 1955 Sunnyside Manor, contemporarily known as the Heintzman House, was sold by the Heintzman family to real estate developers who constructed the residential community that exists today. This development removed the residential buildings that formerly existed adjacent to 7951 Yonge Street as well as the linear driveway that provided access to the Heintzman House. In 1985, alterations were undertaken to 7951 Yonge Street as part of its conversion to commercial uses including the removal of original doors and windows.

While there is significance to the property (i.e. Lot 32, Concession 1) it is associated with the owners that constructed and later expanded the Heintzman House rather than the later occupants of 7951 Yonge Street who are not known to have made a significant contribution to the development of Thornhill.

3. The property has contextual value because it,

- i. is important in defining, maintaining or supporting the character of an area,*
- ii. is physically, functionally, visually or historically linked to its surroundings, or*
- iii. is a landmark. O. Reg. 9/06, s. 1 (2).*

Staff Comments: 7951 Yonge Street is positioned on a prominent rise of land north of Cricklewood Park. Construction coincided with the gradual subdivision of the original land grants for farming purposes, and following the arrival of the The Metropolitan Railway (later Toronto & York) in 1885, small-scale suburban growth. While not of a size or prominence to be considered a landmark, the building is historically linked to its surroundings. Together with municipally-recognized heritage resources along both sides of Yonge Street, notably the nearby Mortimer House at 8000 Yonge Street, the subject property helps make legible an earlier layer of residential growth within Thornhill.

Appendix ‘D’

Markham’s Heritage Resources Evaluation System

GROUP 1

- *The designation of the building pursuant to the Ontario Heritage Act will be pursued.*
- *Every attempt must be made to preserve the building on its original site.*
- *Any development proposal affecting such a building must incorporate the identified building.*
- *Appropriate alternative uses for the building will be encouraged when necessary to ensure its preservation.*
- *A Letter of Credit will typically be required to ensure the protection and preservation of the building.*

GROUP 2

- *The designation of the building pursuant to the Ontario Heritage Act will be encouraged.*
- *The retention of the structure in its existing location is encouraged.*
- *Any developed proposal affecting such a structure should incorporate the identified building.*
- *Appropriate alternative uses for the building will be encouraged when necessary to ensure its preservation.*
- *A Letter of Credit may be required to ensure the protection and preservation of the building.*

GROUP 3

- *The designation of the building pursuant to the Ontario Heritage Act may be supported with an approved restoration plan, but would not be initiated by the Town.*
- *Retention of the building on the site is supported.*
- *If the building is to be demolished, a photographic record, measured drawings and/or salvage of significant architectural elements may be required.*

Appendix 'E'
Archival Material



Archival photographs of the subject property pre-1985 prior to conversion to commercial use(above) and in 1985 during conversion to commercial use, note the exterior paint has been removed by this time and the original windows replaced (Source: Thornhill Historical Society)



Aerial photograph of the subject property (circled in red) and surrounding context prior to the arrival of post-war suburban growth c1961. The Heintzman House (circled in orange) is accessed from a long, linear driveway from Yonge Street (Source: City of Toronto Archives)



Aerial photograph of the subject property (circled in red) and surrounding context. Note the adjacent suburban growth which by this point has replaced the linear driveway to the Heintzman House (Source: City of Toronto Archives)



Aerial photograph of the subject property (circled in red) c1977. By this point the surrounding context resembles its contemporary form with the exception of the adjacent commercial plaza which has yet to be constructed (Source: City of Toronto Archives)

Thomas Stoyell 41	John W. Grey Leased to Joshua Clarkson	Charles H. Vogel	Lease to John Wicher	Mark Rimmer Lease to
Oliver Botts 40	Peter Philipson	Lease to N. Wilcock	John H. Burmester	15 Marcos R. Fred. Su
Samuel Gzens 39	John Gray	Francis Schmidt	John Butan; John Gray	14 F. at 1
Samuel Gzens 38	Melchior Quantz	John Olson	John Geo. Schultz	13 Daniel 3
Joshua Sly 37	Leased to Melchior Quantz	John Langhorst; Gray Lease to Abraham Roselsteiner	Lease to Henry Hausman	12 Watson f Jill N
Abner Miles 36	William Smith		Sam'l Whitesides	11 King's Colles
Robert Munshaw 35	Peter R.icy	John W. Myers	John Peter; Wm Lindemann; Berzey Lease to	10 Ann Margn Pinsel
Nicholas Miller 34	John Gretman	Christian Rob. Gray Schroeder; Rich. Blasley	Lease to Dorthea Spauhaus allowed to Joachim Lunau Gumbow = 1827	9 Lt. Wm Geru
Anthony Hollinshead 32	John Gretman	Wm. Holdick	Conrad Waggoner in Com 1810	8 Lease to John Ch. Ritte
Stilwell 30	Niel P. Holm	Fredk. Kopke	Thomas Lease	7 Hageman in Com. Rep. 18
Sam. Gardner 29	Niels Holm	Gates Matlak Rk. 14 June 1799	Feehan	6 Nicholas Cou Hageman 18
Sam. Osborn 28	Geo. Macaulay	Babington Nolan Lease	Anthony Hollinshead	5 Lease Charles V. Her
John Leslie 27	Geo. Macaulay	Wm. Berzey	Mary Hollinshead	4 Wm Bentley
Wm. Wilson 26	Thos. Morgan; John Mary Harper; Cameron	Wm. Berzey	Lease to Thomas Rodgers	3 Saml. Bentley
	James & Macaulay	Babington Nolan	John Simcoe Macaulay	2 Lease to Joseph Plum b
	James & Macaulay	John Macaulay	John Simcoe Macaulay	1 Reuben Bentley

Steeles Avenue

1817 Agricultural Census indicating land ownership/tenancy of Lot 32, Concession 1

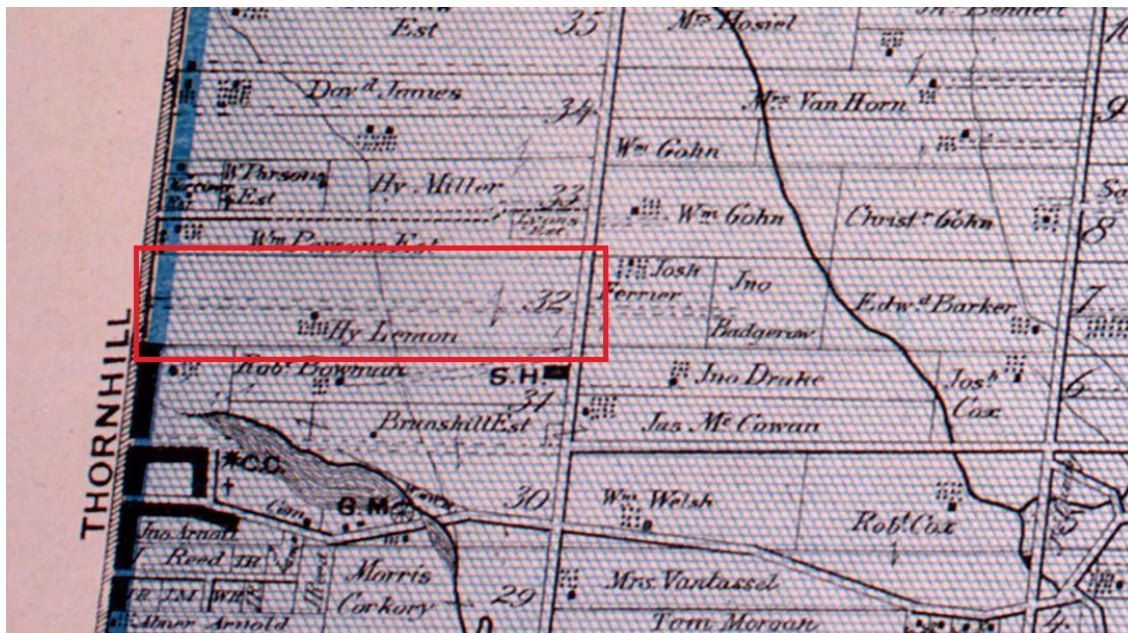
R. Baffer 40	Lease to Phillip John Phillips Geo. Phillips James Clarke; Coxworth	James Hunter D. Wick-Jr	John Button Co. Bot John Button Jr. Wm. Gra Mary Jackson John Lu Chas. Lugo
Thos. Hooper 39	Fredk. Quantz Geo. Quantz Henry Quantz	Wm. Sanderson Wm. Steinboff Henry Wilson	Andrew Smith Wm. Scott Joseph Armstrong via Hamilton John Stuber Jr. Sr. Mrs. Croly Rich. Findl Ann. Wiseman
John Langstaff John Munshaw 37	Jas. Berke; Wm. Chapman Watson Coffrey	Henry Elston Charles Ritter Benj. Steinboff	Thomas Ames Th. Tucker Wm. Bell; Jas. Henderson Wm. Chas. Tomlinson
36	Benj. Hoshell Peter Storey	Thomas Arnold John Brown John Beatty Alex. Brown Steph. Carter	Jas. Ferris; Thos. McQua
Mrs. French N. Miller Monshaw 35	David Wick Sr. Fred. Vanhorn Abr. Vanhorn Geo. Vanhorn	John Carlton Alex. Dunn Dan. Kelley; Wm. Meekane	Jamies. Dunn Chs. Keller James Keenan
Henry Miller 34	Fred. A. Holdick Wm. Volckitz Henry Badelkirk	David Ghou. Benj. Staton	John Schultz
Robt. Hill, Jan. Hugo 33	Peter Spring	Wm. Cobbsworth	M. Brown John Cramer Geo. Schultz
32	Jes. Cameron Geo. Cameron Mathias Gaudet	M. Badgetow Peter Stiver	Robt. Heak Isaac Perkins Alexander Young
31	David Cameron Wm. Persons John Robinson	Adam Fierheller	John Hemingway David Johnson
30	Steph. Black Robt. Croft Robt. Cowman Robt. Holmes William Cor. Robt. Holmes Michael Buck Wm. Rands	Michael Gross; Hon. Foote Joseph Lundy	Elias Ferris; Benj. Ferris Mary Ferris; Phemiquat George Savage
29	Benj. Fish	Geo. Bennett; Geo. Peyton Jes. Sheals	Jes. Ferris; Jas. Ferris Thos. Haller
28	Wm. Wilson Robt. Wilson John Haunwill Robt. Wilson James Wilson Ann Wilson Sr	Wm. Cherry Thos. Dele J. Daniel John Daniel. James Latimer John Beatty John Dickey Joseph Martin Henry Saunders Robt. Wilson Wm. Duncan; Jas. Johnson	Henry Colter Jas. Gibson
27			
26			

Steeles Avenue

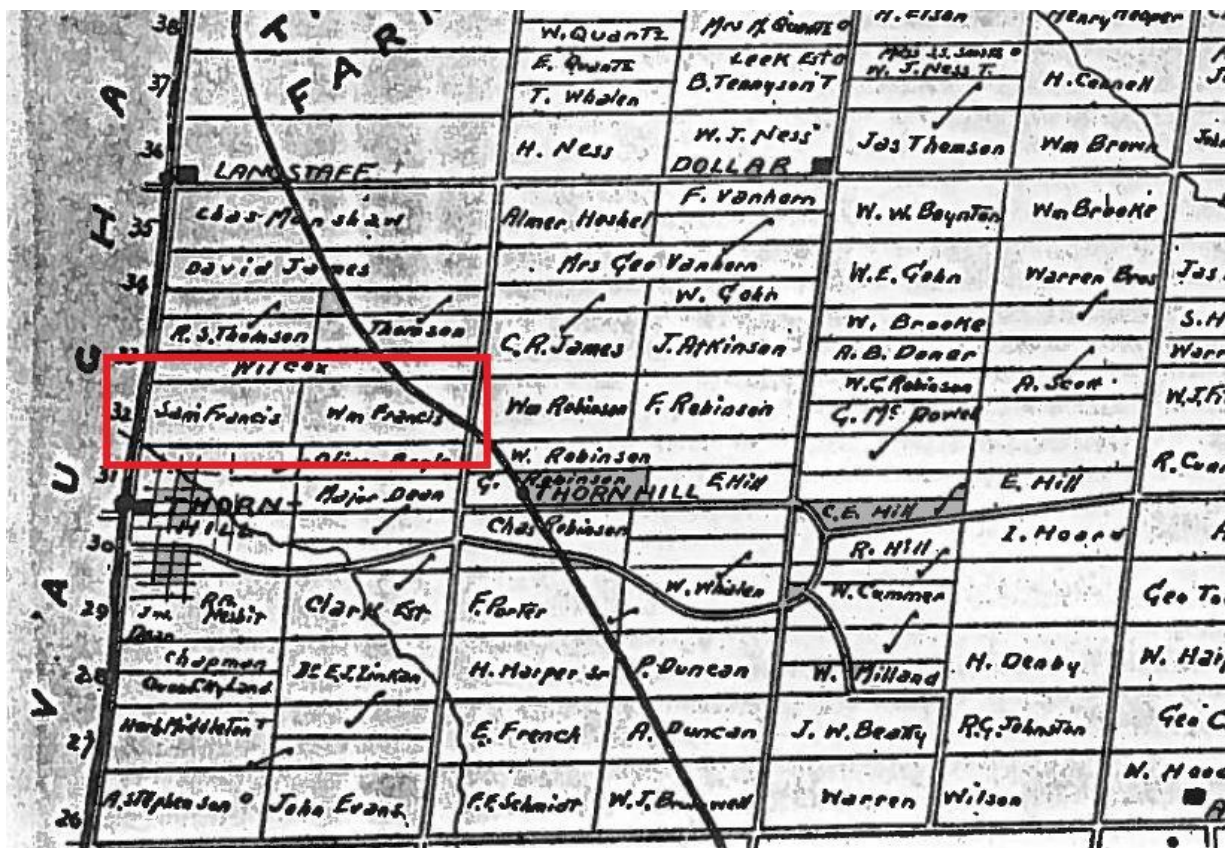
1846-47 Agricultural Census indicating land ownership/tenancy of Lot 32, Concession 1



1853 map indicating land ownership/tenancy of Lot 32, Concession 1



1878 Illustrated Historical Atlas of the County of York indicating ownership of Lot 32, Concession 1



1919 Agricultural Census indicating land ownership/tenancy of Lot 32, Concession 1

Appendix F

By-Law 88-94, The Corporation of the Town of Markham, Benjamin Milliken Designation and Statement of Significance, May 10, 1994

THE CORPORATION OF THE TOWN OF MARKHAM

BY-LAW NUMBER 88-94

A by-law to designate a certain property as
being of Historic and/or Architectural
value or interest

WHEREAS Section 29, Subsection 6 of the Ontario Heritage Act, Chapter 0.18, R.S.O. 1990 authorizes the Council of a municipality to enact by-laws to designate a real property, including all the buildings and structures thereon, to be of historic and/or architectural value or interest;

AND WHEREAS the Council of the Corporation of the Town of Markham has caused to be served on the owners of the lands and premises as outlined hereunder:

Mr. Cyril Chen, 7505 Kennedy Road, Markham
Mr. Harry Chu, 7505 Kennedy Road, Markham
Mr. Winston Chen, 124 Ascot Crescent, Markham
and upon the Ontario Heritage Foundation, notice of intention to designate the Benjamin Milliken House, 7710 Kennedy Road, Markham, and has caused such notice of intention to be published in a newspaper having a general circulation in the municipality once for each of three consecutive weeks;


AND WHEREAS the reasons for designation are set out in Schedule 'B', attached hereto and forming part of this by-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM HEREBY ENACTS AS FOLLOWS:


1. THAT the following real property, being the Benjamin Milliken House, municipally known as 7710 Kennedy Road, Markham, more particularly described as outlined in Schedule 'A' attached is hereby designated as being of historic and/or architectural value or interest;

2. THAT the Town Solicitor is hereby authorized to cause a copy of this by-law to be registered against the property described herein in the Land Registry Office.

READ A FIRST, SECOND, AND THIRD TIME THIS 10TH DAY OF MAY, 1994.



BOB P...
TOWN CLERK



FRANK SCARPITTI
MAYOR

BMIS 4414/2/3/4/5

SCHEDULE 'A'

DESCRIPTION OF LAND
BENJAMIN MILLIKEN HOUSE
7710 KENNEDY ROAD
MARKHAM, ONTARIO

In the Town of Markham in the Regional Municipality of York,
being Part of Lot 5, Concession 5, more particularly described
as Part 6 on Plan of Survey 64R-8029.

STATEMENT OF REASONS FOR DESIGNATION

The Benjamin Milliken House is recommended for designation under Part IV of the Ontario Heritage Act because of its architectural and historical significance.

Architectural Reasons

The Benjamin Milliken House, which provides an excellent example of Georgian architecture, is located on Lot 5, Concession 5, in the former hamlet of Hagerman's Corners and was constructed circa 1855. Set on a fieldstone foundation, the structure has a 3-bay front facade and is rectangular in plan with an offset one-storey kitchen addition at the rear. The structure is clad in common bond red brick with buff brick detailing.

The windows are rectangular double hung sash with 6/6 pane division. The main entrance is also rectangular and centrally located on the east facade. A flat transom and partial sidelights with fine, geometric tracery surrounds the recessed, panelled door. Moulded wood panels are located below the sidelights and also trim the interior of the entrance recess.

The medium pitch gable roof is trimmed with plain boxed cornice, returned eaves and paired dentils. The roof on the kitchen tail extends to incorporate a full-width verandah on the south. Two internal chimneys are located centrally at the north and south ends of the main section.

Of particular note is the rich contrasting brick detailing which includes a four-course buff brick plinth at the base of the structure; radiating buff brick voussoirs over all openings; quoining at the corner edges of the main section of the building as well as at the outer edges of the structural openings on the front facade; and a five-course decorative belt made up of a single course of stretcher bond brick above and below three courses of buff and red brick laid in Flemish bond to create a red chain-like design which separates the first and second storeys on the front facade.

Historical Reasons

Lot 5, Concession 5 was originally a Crown Reserve which was turned over to King's College in 1828. Benjamin Milliken leased the property for some time before purchasing the eastern 100 acres from the College in 1853.

Benjamin Milliken was the son of Norman Milliken who operated a very successful shipping and lumber industry from his property at Lot 1, Concession 5 as well as the tavern on Lot 1 Concession 6. The family's profile in the community is recognized today by the hamlet for which they are the namesake as well as the adjacent Milliken Mills High School and Community Centre.

Benjamin Milliken was active in the York Militia serving during the Battle of Queenston Heights in the War of 1812 as well as during the 1837 Rebellion, ultimately attaining the rank of Major. Benjamin also donated the land for School Section #8 which still remains as the Schoolhouse Restaurant on 14th Avenue. The Milliken farm was also the site of several union Spring Fairs hosted by the Markham and East Riding of York Agricultural Societies during the 1860s.

The Benjamin Milliken House is one of only six heritage buildings known to remain in the vicinity of the former hamlet of Hagerman Corners. As such, it is one of the few built reminders of this former Markham Township community and therefore takes on tremendous contextual significance.

Appendix G
Heritage Markham Extract
February 21, 2018

**HERITAGE MARKHAM
EXTRACT**

DATE: February 21, 2018

TO: R. Hutcheson, Manager of Heritage Planning
M. Plaunt, Manager, Intensification & Secondary Plans

**EXTRACT CONTAINING ITEM #12 OF THE SECOND HERITAGE MARKHAM
COMMITTEE MEETING HELD ON FEBRUARY 14, 2018.**

- 12. Heritage Building Evaluations,
30, 51, 58, 59, 64 and 93 Old Kennedy Road,
Milliken Secondary Plan Heritage Building Evaluations (16.11)**
Extracts: R. Hutcheson, Manager of Heritage Planning
M. Plaunt, Manager, Intensification & Secondary Plans
-

Recommendation:

That Heritage Markham endorse the findings of the Building Evaluation Sub-Committee on the 6 Milliken properties listed on the *Register of Property of Cultural Heritage Value*, including 30, 51, 58, 59, 64 and 93 Old Kennedy Road; and,

That the City's Policy Planning section be advised of the results of the research and classification.

CARRIED

HERITAGE MARKHAM
EXTRACT

RECEIVED

DEC 21 2017

DEVELOPMENT SERVICES
CITY OF MARKHAM

DATE: December 20, 2017

TO: File
R. Hutcheson, Manager of Heritage Planning
M. Plaunt, Manager, Intensification & Secondary Plans
M. Wouters, Senior Manager, Policy & Research

EXTRACT CONTAINING ITEM #14 OF THE TWELFTH HERITAGE MARKHAM
COMMITTEE MEETING HELD ON DECEMBER 13, 2017.

**14. Secondary Plans,
Milliken Centre Secondary Plan,
Draft Development Concept (16.11)**

Extracts: R. Hutcheson, Manager of Heritage Planning
M. Plaunt, Manager, Intensification & Secondary Plans
M. Wouters, Senior Manager, Policy & Research

The Senior Heritage Planner advised that the Milliken Centre Secondary Plan area contains 3 properties individually designated under Part IV of the Ontario Heritage Act and 6 properties that are listed on the *Markham Register of Property of Cultural Heritage Value or Interest*, but have not been designated at this time. The update to the Milliken Centre Secondary Plan is required by the Markham Official Plan (2014), and is intended to provide a focal point for the larger Milliken community and to be developed at transit supportive densities to reflect the proximity to GO Transit. A Draft Development Concept has been prepared by City staff in collaboration with the Landowners Group and key agencies, and this concept plan provides the basis for stakeholder and public engagement prior to the preparation of the updated Secondary Plan.

The Senior Heritage Planner advised that the Policy Section of the Planning and Urban Design Department prepared a staff report on the Milliken Centre Secondary Plan Update and Draft Development Concept for the consideration of the Development Services Committee on October 16, 2017. An outcome of this meeting was that Council authorized staff to release the development concept to the public for comment, and comments from the Heritage Markham Committee are requested as part of this consultation process.

In the Milliken Centre Draft Development Concept, designated properties will remain on their existing original sites, or potentially could be shifted within their properties, depending on future development applications. Research is currently underway on the six non-designated heritage buildings, to provide historical information for building evaluations to be completed. Based on current knowledge of these listed properties, together they tell the story of the development of Milliken from a rural crossroads hamlet into a suburban neighbourhood of the early 20th century.

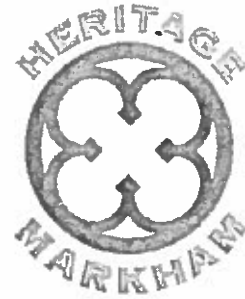
A concept has been developed where the heritage buildings could be grouped in a commercial "Heritage Enclave" rather than be preserved on an individual basis in potentially incompatible environments. The Heritage Enclave would allow the heritage buildings to remain within the immediate local community in a human-scale setting that would contrast with the medium and high-density development of the larger part of the area. The buildings would be restored and renovated as commercial space, possibly interconnected by additions. A public open space would adjoin the heritage buildings to create a community focal point and gathering place. At this time, the suggested recommended site for the Heritage Enclave is in the vicinity of the designated James Rattle House at 1 Sun Yea-Sen Avenue.

Staff believes that to preserve the small-scale heritage buildings of Milliken as a group will be a more effective way to tell the story of Milliken's historical development rather than having isolated individual buildings situated amidst dense and tall forms of mixed-use and residential development. The updated Secondary Plan will need to have revised cultural heritage policies to address the Heritage Enclave.

Heritage Markham Recommends:

That Heritage Markham supports the concept of a "Heritage Enclave" of relocated, restored and adaptively re-used small-scale heritage buildings within the Milliken Centre Secondary Plan Area as an approach to heritage conservation specially tailored to suite the community context of mid to high-rise mixed-use and residential development in this specific location.

CARRIED



MEMORANDUM

TO: Heritage Markham Committee

FROM: George Duncan, Senior Heritage Planner

DATE: February 14, 2018

SUBJECT: SECONDARY PLANS
Milliken Centre Secondary Plan
Heritage Building Evaluations

Property/Building Description:

- The Milliken Centre Secondary Plan area contains 6 properties listed on the *Markham Register of Property of Cultural Heritage Value or Interest* that have not been designated under the Ontario Heritage Act at this time. These properties include 30, 51, 58, 59, 64 and 93 Old Kennedy Road. Research reports on each of these properties are attached.

Use:

- Most of these former residences are used for offices or storage in connection with several businesses.

Heritage Status:

- Listed on the *Markham Register of Property of Cultural Heritage Value or Interest*.

Application/Proposal:

- The update to the Milliken Centre Secondary Plan is required by the Markham Official Plan 2014. The Milliken Centre Secondary Plan is intended to provide a focal point for the larger Milliken community and to be developed at transit-supportive densities to reflect the proximity to GO Transit.
- The integration of built cultural heritage resources into plans for future development is a component of the Secondary Plan.
- Research into properties not already designated under the Ontario Heritage Act has been undertaken to provide direction as to which listed properties should be recommended as priorities for preservation and future heritage designation.
- The intention of the research is to provide background information for the heritage resource evaluation of the properties.

Background:

- At Heritage Markham's December 13, 2017 meeting, the committee reviewed the Milliken Centre Secondary Plan process currently in progress and commented on the concept of creating a "Heritage Enclave" to bring together a group of small-scale heritage structures that would tell the story of the development of Milliken from a rural crossroads hamlet into a suburban neighbourhood of the early 20th century.
- The Heritage Enclave would allow the heritage buildings to remain within the immediate vicinity in a human-scale setting that would contrast with the medium and high density development in the area. The buildings would be in commercial use, ideally adjoining public open space to create a focal point in the community.
- Using historical research provided by Su Murdoch Historical Consulting, staff has prepared research reports on the 6 non-designated, listed properties.
- The Building Evaluation Sub-Committee, with the participation of Heritage Section staff, has completed the evaluations, which will assist the City in determining which of the buildings on these properties will be recommended for preservation, potentially on their original sites, within a Heritage Enclave, or in some other location within Milliken Centre.

Staff Comment:

- The City's system for evaluating cultural heritage resources was last updated in 2003. Using a scoring system that examines the historical, architectural and contextual value of each property, resulting in their classification as Group 1 (buildings of major significance and worthy of designation), Group 2 (buildings of significance and worthy of preservation and encouraged for designation), or Group 3 (noteworthy buildings worthy of designation if restored, or worthy of documentation).
- The evaluation system is a tool to assist the City in prioritizing cultural heritage resources for preservation. The designation or demolition of a building is not to be based solely on the results of this classification and rating system.
- The results of the evaluations are as follows:

30 Old Kennedy Road: Clinkinboomer House, c.1925	Group 2
51 Old Kennedy Road: Prebble House, c.1895	Group 3
58 Old Kennedy Road: MacDowell-Prentice House, c.1925	Group 3
59 Old Kennedy Road: McPherson House, c.1885	Group 3
64 Old Kennedy Road: Clayton House, c.1931	Group 2
93 Old Kennedy Road: Rattle-Simpson House, c.1925	Group 2

- Although the two oldest structures received a Group 3 rating, they still could be restored to reflect their former condition.

Suggested Heritage Markham Recommendation:

THAT Heritage Markham endorse the findings of the Building Evaluation Sub-Committee on the 6 Milliken properties listed on the *Register of Property of Cultural Heritage Value*, including 30, 51, 58, 59, 64 and 93 Old Kennedy Road;

AND THAT the City's Policy Planning section be advised of the results of the research and classification.

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RESEARCH REPORT



Clinkinboomer House
30 Old Kennedy Road
c.1925

Historical Background:

The Clinkinboomer House is located within the east part of Township Lot 1, Concession 5, originally a 200 acre property that was purchased by Norman Milliken Sr. in 1814. The Milliken family were United Empire Loyalists that came to Markham Township from New Brunswick in 1807. The Milliken family were major property owners in the area, successful in the lumbering business, and also operated a tavern within the crossroads hamlet that was named "Milliken Corners" for the family when a post office was established there in 1859. In his will Norman Milliken left one of his sons, Robert, 12 acres at the south east corner of Lot 1, Concession 5.

Robert and Jane Milliken sold to Scarborough Township farmer Christopher Lamoreaux in 1849. When the Toronto and Nipissing Railway was planned through the area, a right of way was sold through the farm in 1870. The property remained in the ownership of members of the Lamoreaux family until 1920, when just over nine acres were sold to Charles and Monica Turff by William H. Lamoreaux.

Charles Turff was born in Toronto in 1880, of English descent. He first worked as a labourer, then became a builder. His wife, Monica Bear, was born in Toronto in 1887 and was of German descent. The Turff family moved from Toronto to Milliken some time after April, 1926. Their home (demolished) was located at the north west corner of Steeles Avenue and Old Kennedy Road. Deeds show that they were living there by March of 1928, at which time Charles Turff's

occupation was given as "farmer." Charles Turff died in 1930. His widow, Monica, registered a plan of subdivision on their property in July of 1930 that created Turff Avenue and Thelma Avenue. Thelma Avenue was named for her daughter, Thelma Mary. Monica Turff continued to reside in Milliken. She died in 1943.

The brick bungalow at 30 Old Kennedy Road appears to have been built by Charles Turff in the 1920s. It may have been one of several dwellings built on the property before the formal subdivision was created in 1930, and this property was in fact not included in that subdivision. The house and property were sold to Fanny Clinkinboomer, the widow of Thomas Clinkinboomer of Unionville, in 1928. Mrs. Clinkinboomer's will allowed her son, Frederick H. Clinkinboomer use of the property at Milliken for his lifetime. When she died in 1942, she was living at 83 Fermanagh Avenue in Toronto. The property was sold out of the family's ownership in 1961. The former dwelling has been in commercial use for some time.

Architectural Description:

The Clinkinboomer House is a brick bungalow with a hipped roof and a simple rectangular plan. There is a cutaway porch at the front, south-east corner. The house has single hung style windows, with the front window having 8/1 glazing. The entrance door is within the porch. The cutaway porch, with a heavy brick column at the corner, was originally open but in recent times has been enclosed with glazing. Although the building has been converted to commercial use and is covered in signage, very little has changed on the exterior from its original condition.

This brick bungalow represents the theme of early suburban development in Markham Township. Its compact urban form, rooted in the Arts and Crafts Movement of the early 20th century, is typical of early to mid-20th century suburban expansion. Similarly-styled houses were constructed in large numbers in former agricultural areas surrounding the City of Toronto from the 1920s through the 1950s. These modest, functional houses provided economical, but well-built and well-designed housing for young families, particularly in the post World War I and post World War II period when people who served in the military returned home to commence a civilian life. In this case the house was built for a widow, as were numbers 58 and 64 Old Kennedy Road.

Context:

The Clinkinboomer House has contextual value for being one of a cluster of early 20th century suburban dwellings on Old Kennedy Road. These modest dwellings represent the transformation of Milliken from a rural crossroads village within a primarily agricultural community into a suburban neighbourhood on the fringes of the city of Toronto.

G. Duncan, December 2017, with historical research by Su Murdoch Historical Consulting.
Q:\Development\Heritage\PROPERTY\OLDKNNDY\30\Clinkinboomer House Research Report.doc

RESEARCH REPORT



William Prebble House
51 Old Kennedy Road
c.1895

Historical Background:

The William Prebble House was constructed on Lot 6, within a small subdivision of village lots created in the mid-1830s by Joseph Vancise Jr. Vancise purchased the west 100 acres of Township Lot 1, Concession 6, in 1832 from Joseph Tomlinson. The subdivision and sale of lots marked the founding of a crossroads community that would eventually be called Milliken, after a prominent local family. Village Lot 6, in association with Village Lot 4, was owned by a series of blacksmiths beginning with John Crone in 1843. A blacksmith shop may have operated from this site from the early 1840s into the late 1880s, therefore there is potential for archaeological resources relating to this use. In 1887, the property was sold to Catherine McPherson, the widow of David McPherson, a member of an early Milliken family of Scottish origin. Catherine McPherson resided in a house that still stands at 59 Old Kennedy Road.

In 1895, Catherine McPherson sold the property to William Prebble (1859-1900), a labourer residing in the part of Milliken located on the south side of the town line, in neighbouring Scarborough Township. Prebble was born in Ontario and married to Ada Anne Curtis. There were six children in the family. One of their sons, Luther William Prebble, served with the Canadian Mounter Rifles, Canadian Expeditionary Force, during World War One.

A modest one and a half storey dwelling was constructed for the Prebbles c.1895-1896. After the death of William Prebble in 1900, Ada Prebble remarried and became Ada Whittle.

In 1956, the family home was willed to Howard Prebble, the youngest son. Howard Prebble, like his father, was a labourer. He resided here until his death in 1968. The property was sold by his estate in 1969, after which it was no longer in the ownership of the Prebble family.

Architectural Description:

The Prebble House is a small, one and a half storey frame dwelling with a simple rectangular plan and a medium-pitched gable roof with projecting eaves. It has been converted to commercial use. The building is clad in asphalt shingles, which conceals the nature of its original siding. Based on local examples from the same time period, this may have been vertical tongue and groove wood siding. The front façade has a central door sheltered by a gable-roofed open porch supported by simple wood posts. To the right of the front door is a large plate glass window. Older photos show a smaller window opening to the left of the door, likely indicating the proportions of the original window openings of a symmetrical 3 bay front wall. On the south gable-end wall, a large opening has been created, possibly to allow vehicles or other equipment to enter.

Stylistically, the Prebble House is an altered example of a simple labourer's or tradesman's cottage, which according to the 1891 census, contained four rooms when used it was used as a dwelling. The building, prior to the modern-era alterations, had the balanced, symmetrical form that was a hold-over from the older Georgian architectural tradition, a form much used for the modest dwellings of those that worked in local industries. These small buildings provided basic accommodation for workers and their families but typically did not have much in the way of decorative detail, except perhaps around a front porch or veranda. The Prebble House porch appears to be a mid-20th century feature added to the 1890s dwelling, perhaps replacing an earlier porch or veranda.



Archival Photograph, 1991

Context:

The Prebble House is related to the period in Milliken's history when it was a crossroads hamlet in a primarily agricultural community. It is one of three remaining 19th century structures in the area. Although its original architectural character has been altered through conversion to commercial use, the building's form remains recognizable as a former dwelling within the hamlet.

G. Duncan, December 2017, with historical research by Su Murdoch Historical Consulting.

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RESEARCH REPORT



MacDonnell-Prentice House
58 Old Kennedy Road
c.1925

Historical Background:

The MacDonnell-Prentice House is located within the east part of Township Lot 1, Concession 5, originally a 200 acre property that was purchased by Norman Milliken Sr. in 1814. The Milliken family were United Empire Loyalists that came to Markham Township from New Brunswick in 1807. The Milliken family were major property owners in the area, successful in the lumbering business, and also operated a tavern within the crossroads hamlet that was named "Milliken Corners" for the family when a post office was established there in 1859. In his will Norman Milliken left one of his sons, Robert, 12 acres at the south east corner of Lot 1, Concession 5.

Robert and Jane Milliken sold to Scarborough Township farmer Christopher Lamoreaux in 1849. When the Toronto and Nipissing Railway was planned through the area, a right of way was sold through the farm in 1870. The property remained in the ownership of members of the Lamoreaux family until 1920, when just over nine acres were sold to Charles and Monica Turff by William H. Lamoreaux.

Charles Turff was born in Toronto in 1880, of English descent. He first worked as a labourer, then became a builder. His wife, Monica Bear, was born in Toronto in 1887 and was of German descent. The Turff family moved from Toronto to Milliken some time after April, 1926. Their

home (demolished) was located at the north-west corner of Steeles Avenue and Old Kennedy Road. Deeds show that they were living there by March of 1928, at which time Charles Turff's occupation was given as "farmer." Charles Turff died in 1930. His widow, Monica, registered a plan of subdivision on their property in July of 1930 that created Turff Avenue and Thelma Avenue. Thelma Avenue was named for her daughter, Thelma Mary. Monica Turff continued to reside in Milliken. She died in 1943.

The brick house at 58 Old Kennedy Road appears to have been built by Charles Turff in the mid-1920s. It was one of several dwellings built on the property before the formal subdivision was created in 1930, and this property was in fact not included in that subdivision. The house and property were sold to Jeanette MacDonnell, a widow residing in Markham Township, in 1924. Mrs. MacDonnell owned the property for only a short time. In 1926, she sold to Kenneth George Prentice, an auctioneer living in Markham. Kenneth and his wife, Marjorie sold the property in 1934, after which it was owned by Rhea Third until 1962.

Architectural Description:

The MacDonnell-Prentice House is a representative example of a vernacular house form that some architectural historians refer to as a semi-bungalow. This term is based on the appearance of this type of dwelling from the front, with the long slope of the roofline facing the street extending to cover a porch and containing dormer windows, which creates the impression of a bungalow with living space within the roof structure. When viewed from the side, the second floor reaches the height of a full second storey. In an urban context, where the houses are packed more tightly, this contrast in height is not so obvious. In a semi-rural setting, the true form of the building is clearly seen. The front dormer in the MacDonnell-Prentice House may have originally been smaller, and later expanded in width to provide additional headroom upstairs. The front porch, originally an open cutaway porch at the south-east corner, has been enclosed at a later date. The overall form and materials of this house are similar to the Clinkinboomer House next door at 30 Old Kennedy Road, built about the same time period, except this one has a second storey. In its conversion to commercial use, a number of unsympathetic additions have been made to the north, south and west sides of the building.

This brick dwelling represents the theme of early suburban development in Markham Township. Its compact urban form, rooted in the Arts and Crafts Movement of the early 20th century, is typical of early to mid-20th century suburban expansion. Similarly-styled houses were constructed in large numbers in former agricultural areas surrounding the City of Toronto from the 1920s through the 1950s. These modest, functional houses provided economical, but well-built and well-designed housing for young families, particularly in the post World War I and post World War II period when people who served in the military returned home to commence a civilian life. In this case, the house was built for a widow, as were numbers 30 and 64 Old Kennedy Road.

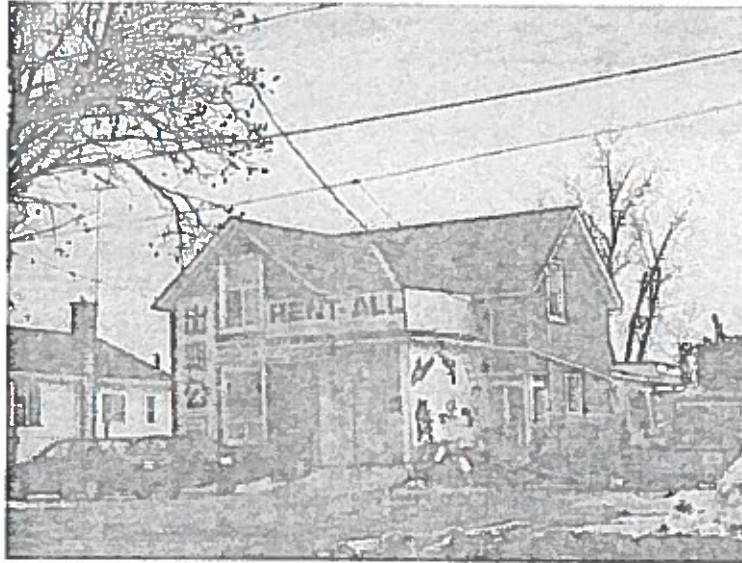
Context:

The MacDonnell-Prentice House has contextual value for being one of a cluster of early 20th century suburban dwellings on Old Kennedy Road. These modest dwellings represent the transformation of Milliken from a rural crossroads village within a primarily agricultural community into a suburban neighbourhood on the fringes of the city of Toronto.

G. Duncan, December 2017, with historical research by Su Murdoch Historical Consulting.

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RESEARCH REPORT



David and Catherine McPherson House
 59 Old Kennedy Road
 c.1885

Historical Background:

The McPherson House is located on a lot severed from the west half of Township Lot 1, Concession 6, in 1858. The west 100 acres of the lot were purchased by Joseph Vancise Jr. in 1832 from Joseph Tomlinson. Beginning in the mid-1830s Vancise created a series of village lots on the front of his farm property. The subdivision and sale of lots marked the founding of a crossroads community that would eventually be named Milliken, after a prominent local family.

In 1838, Joseph Vancise Jr. sold the larger portion of his holdings to Norman Millken Jr., including a $\frac{1}{4}$ acre portion that fronted Old Kennedy Road, directly north of Village Lot 6. Norman Milliken Jr. was part of a United Empire Loyalist family that came to Markham Township from New Brunswick in 1807. The Milliken family were successful in the lumbering business, and also operated a tavern within the crossroads hamlet that was named "Milliken Corners" for the family when a post office was established there in 1859.

In 1858, Norman Milliken Jr. a farmer, sold a $\frac{1}{4}$ acre parcel of the 98 $\frac{1}{4}$ acres he owned to another farmer, Alexander McPherson Jr., also a member of an important early local family. The McPhersons were of Scottish origin, and originally settled in Nova Scotia. Alexander McPherson Sr. came to Markham Township in 1830. The McPherson farmhouse still stands at 31 Victory

Avenue, and was designated under the Ontario Heritage Act in 2016. Alexander McPherson Jr. farmed on the family homestead on Lot 2, Concession 5, and did not reside on the village lot he purchased in 1858. A dwelling appears to have eventually been constructed on this property c.1885, for the use of David McPherson, who was Alexander McPherson Jr.'s nephew, and his wife Catherine. The late date of the house at 59 Old Kennedy Road, ten years after the 1875 marriage of David and Catherine McPherson, is based on the 1881 census which indicates they were still living on the Alexander McPherson farm at that time.

Alexander McPherson had intended to formally deed the house and property to David McPherson but died in 1887 before anything official had been arranged to formalize the transfer. Then, David McPherson died and the property was deeded to Catherine, his widow, for her use and that of their four children. According to the 1891 census, the family resided in a two storey frame house containing four rooms.

Catherine remained a widow and continued to live in the family home until at least 1895. By 1907, when she sold the property to Edwin and Edith Stonehouse, she was living in Toronto. Edwin Stonehouse was an agricultural implements agent. The Stonehouse family may have enlarged the original house by adding the front projecting portion. In 1912, the property was sold to William Henry Lamoreaux, a farmer with land holdings in both Markham and Scarborough Townships. The former McPherson residence was later willed to William Lamoreaux's wife, Hannah in 1929, and later transferred to their son, Christopher. The property remained in the Lamoreaux family's ownership until 1985. The dwelling has since been converted to commercial use.

Architectural Description:

The McPherson House is a one and a half storey frame house with an L-shaped plan. The front projecting portion, with large window openings and a roofline slightly dropped below the ridge line of the gable roof behind, may be an addition of the early 1900s. Modern cladding materials conceal the original siding, which may have been board and batten or vertical tongue and groove wood, based on similar buildings constructed locally about this time period. The house has a medium-pitched gable roof and overhanging, open eaves. The window openings generally follow the apparent original placement, but all window units are modern. An enclosed vestibule with double doors is located within the street-facing ell, where there was previously an open, hip-roofed porch. A corner window has been inserted at the south west corner of the building. The original form of the heritage building remains, but the details have been altered, and the vestibule is not a sympathetic later addition.

L-plan houses began to become popular in Ontario in the 1860s as a picturesque departure from the formal symmetry of the Georgian, Neo-Classic, Classic Revival and Regency styles. This house form was well-suited to the Gothic Revival and Italianate styles, and often included ornate

trim in the gables, decorative window shapes with pointed or round-arched tops, and elaborate verandas. This simple example may have had decorative features at one time, but if that is the case they have long been removed. The house has not changed much since the archival photograph on file was taken in 1991.



Archival photograph, 1991

Context:

The McPherson House is related to the period in Milliken's history when it was a crossroads hamlet in a primarily agricultural community. It is one of three remaining 19th century structures in the area. Although its original architectural character has been altered through conversion to commercial use, the building's form remains recognizable as a former dwelling within the hamlet.

G. Duncan, December 2017, with historical research by Su Murdoch Historical Consulting.

RESEARCH REPORT



Janet Clayton House
64 Old Kennedy Road
c.1931

Historical Background:

The Janet Clayton House is located within the east part of Township Lot 1, Concession 5, originally a 200 acre property that was purchased by Norman Milliken Sr. in 1814. The Milliken family were United Empire Loyalists that came to Markham Township from New Brunswick in 1807. The Milliken family were major property owners in the area, successful in the lumbering business, and also operated a tavern within the crossroads hamlet that was named "Milliken Corners" for the family when a post office was established there in 1859. In his will Norman Milliken left one of his sons, Robert, 12 acres at the south east corner of Lot 1, Concession 5.

Robert and Jane Milliken sold to Scarborough Township farmer Christopher Lamoreaux in 1849. When the Toronto and Nipissing Railway was planned through the area, a right of way was sold through the farm in 1870. The property remained in the ownership of members of the Lamoreaux family until 1920, when just over nine acres were sold to Charles and Monica Turff by William H. Lamoreaux.

Charles Turff was born in Toronto in 1880, of English descent. He first worked as a labourer, then became a builder. His wife, Monica Bear, was born in Toronto in 1887 and was of German

descent. The Turff family moved from Toronto to Milliken some time after April, 1926. Their home (demolished) was located at the north-west corner of Steeles Avenue and Old Kennedy Road. Deeds show that they were living there by March of 1928, at which time Charles Turff's occupation was given as "farmer." Charles Turff died in 1930. His widow, Monica, registered a plan of subdivision on their property in July of 1930 that created Turff Avenue and Thelma Avenue. Thelma Avenue was named for her daughter, Thelma Mary.

Monica Turff sold a 100 foot Old Kennedy Road frontage of her property to the estate of the late William James Clayton in April of 1931. The brick house at 64 Old Kennedy Road was built for Janet Clayton, the widow of local blacksmith William James Clayton. Some architectural similarities with 93 Old Kennedy Road suggest the builder may have been James Rattle, a local builder known to have constructed at least a half a dozen houses in the vicinity. The Clayton House was one of several dwellings built on the Turff property before the formal subdivision was created in 1930, and this property was in fact not included in that subdivision. In 1953, Janet Clayton, now a resident of Toronto, sold the house and property to Alexander and Vera Watson.

Architectural Description:

The Janet Clayton House is a good example of a vernacular, early 20th century suburban brick house. Its compact, gable-fronted form has been described in by some architectural historians as the vernacular "homestead" style, common in suburban North America from the late 19th century into the early 20th century. This house form is rooted in the Classic Revival style of the 1830s - 1850s where dwellings were designed to echo the architecture of the temples of ancient Greece. By the early 1900s, houses of this type had architectural detailing that reflected the Queen Anne Revival and Edwardian Classical styles. This example retains its original open veranda, and other than modern replacement windows within the original window openings, the essential character of the c.1931 dwelling remains intact. It is a simple building that was designed to provide comfortable and convenient accommodation at a modest scale.

The Janet Clayton House represents the theme of early suburban development in Markham Township. Its compact urban form is typical of early to mid-20th century suburban expansion. Similarly-styled houses were constructed in large numbers in former agricultural areas surrounding the City of Toronto from the 1920s through the 1950s. These modest, functional houses provided economical, but well-built and well-designed housing for young families, particularly in the post World War I and post World War II period when people who served in the military returned home to commence a civilian life. In this case, the house was built for a widow, as were numbers 30 and 58 Old Kennedy Road.

Context:

The Janet Clayton House has contextual value for being one of a cluster of early 20th century suburban dwellings on Old Kennedy Road. These modest dwellings represent the transformation

of Milliken from a rural crossroads village within a primarily agricultural community into a suburban neighbourhood on the fringes of the city of Toronto.

G. Duncan, December 2017, with historical research by Su Murdoch Historical Consulting.

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RESEARCH REPORT



Rattle-Simpson House
93 Old Kennedy Road
c.1925

Historical Background:

The Rattle-Simpson House was constructed on a portion of Township Lot 1, Concession 6. The west 100 acres of this lot were purchased by Joseph Vancise Jr. in 1832 from Joseph Tomlinson. Beginning in the mid-1830s, Vancise created a series of village lots on the front of his farm property. The subdivision and sale of lots marked the founding of a crossroads community that would eventually be named Milliken, after a prominent local family.

In 1838, Joseph Vancise Jr. sold the larger portion of his holdings to Norman Millken Jr., a member of a United Empire Loyalist family that came to Markham from New Brunswick in 1807. The Milliken family were successful in the lumbering business, and also operated a tavern within the crossroads hamlet that was named "Milliken Corners" for the family when a post office was established there in 1859.

Through a series of land transactions following the sale of the former Milliken property by trustees in 1870, in 1924 James and Jessie May Rattle purchased a portion of Lot 1, Concession 6 from Henry and Annie Chessell. Samuel James Rattle was born the son of a farmer in Baddow, Victoria County before moving to Milliken and then serving as a dispatch rider in the Canadian Army during the World War I. After his overseas service, he returned to Milliken where he lived as a tenant and worked as a trucker, and later, a carpenter. Given that James Rattle was a carpenter, it is likely that he was the builder of the house at 93 Old Kennedy Road in 1924-1925. In 1930, the Rattles sold their home to Lily Etta Simpson and moved to a new house at 73 Old



MEMORANDUM

TO: Heritage Markham Committee

FROM: George Duncan, Senior Heritage Planner

DATE: February 14, 2018

SUBJECT: MINOR VARIANCE APPLICATION A/08/18
Revised Design for New Building for Assisted Supportive Housing
20 Water Street
Markham Village Heritage Conservation District

Property/Building Description:

- The existing building is a 150 unit assisted supportive housing building and seniors' centre, a 6 storey structure constructed in 1990.

Use:

- Primarily a seniors' residence and seniors' activity centre.

Heritage Status:

- A Class C building in the Markham Village Heritage Conservation District.

Application/Proposal:

- The Minor Variance Application is in support of a Site Plan Control Application for a new, free-standing assisted supportive housing building for Markham Inter-Church Committee for Affordable Housing (MICAH)
- The new building will be constructed in the parking lot, next to the bulb at the north end of Water Street. A site plan, floor plans and elevations are attached to this staff memorandum.
- The new building will contain 32 residential units. Originally it was proposed to be a 5 storey structure, but has been revised by the application to be 4 storeys, but with the same number of units as before.
- The Minor Variance is to permit a minimum dwelling unit floor area of 500 square feet for one bedroom apartments, whereas the By-law requires one bedroom apartments to have a minimum dwelling unit floor area of 600 square feet.

Background:

- This project is receiving funding from the Region of York.

Kennedy Road. According to James Rattle's son, Don Rattle, his father sold 93 Old Kennedy Road in order to construct 73 Old Kennedy Road, a pattern that he would repeat several times as he constructed at least half a dozen suburban homes in the immediate vicinity. Lily Simpson owned the property until 1945.

Architectural Description:

The Rattle-Simpson House is a good example of an early 20th century suburban house of frame construction. Its compact, gable-fronted form has been described in by some architectural historians as the vernacular "homestead" style, common in suburban North America from the late 19th century and early 20th century. This house form is rooted in the Classic Revival style of the 1830s - 1850s where dwellings were designed to echo the architecture of the temples of ancient Greece. By the early 1900s, houses of this type had architectural detailing that reflected the Queen Anne Revival and Edwardian Classical styles. This example is noteworthy as one of the least altered heritage buildings in Milliken. It is a simple building that was designed to provide comfortable and convenient accommodation at a modest scale. Originally, the large front porch would have been open.

The Rattle-Simpson House represents the theme of early suburban development in Markham Township. Its compact urban form is typical of early to mid-20th century suburban expansion. Similarly-styled houses were constructed in large numbers in former agricultural areas surrounding the City of Toronto from the 1920s through the 1950s. These modest, functional houses provided economical, but well-built and well-designed housing for young families, particularly in the post World War I and post World War II period when people who served in the military returned home to commence a civilian life.

Context:

The Rattle-Simpson House has contextual value for being one of a cluster of early 20th century suburban dwellings on Old Kennedy Road, a number of which were constructed by James Rattle, a young carpenter, after he returned from military service in World War I. These modest dwellings represent the transformation of Milliken from a rural crossroads village within a primarily agricultural community into a suburban neighbourhood on the fringes of the city of Toronto.

G. Duncan, December 2017, with historical research by Peter Wokral and Su Murdoch Historical Consulting.

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