

**SUBJECT:** RECOMMENDATION REPORT – Notice of Objection to the Inclusion of a Property on the Markham Register of Property of Cultural Heritage Value or Interest, 7696 Ninth Line, Ward 7

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

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

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**RECOMMENDATION:**

- 1) THAT the April 23, 2024, report titled, “RECOMMENDATION REPORT - Notice of Objection to the Inclusion of a Property on the Markham Register of Property of Cultural Heritage Value or Interest, 7696 Ninth Line, Ward 7”, be received;
- 2) THAT the recommendation from the Heritage Markham Committee on February 20, 2024, 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 (in accordance with Appendix ‘E’ of this report), be received as information;
- 3) THAT Council supports removal of 7696 Ninth Line from the Markham Register of Property of Cultural Heritage Value or Interest;
- 4) AND THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

**PURPOSE:**

This report recommends that Council support the request to remove 7696 Ninth Line (the “Property”) from the Markham Register of Property of Cultural Heritage Value or Interest (the “Heritage Register”) given the Property’s lack of cultural heritage significance.

**BACKGROUND:**

*The Property contains a 1 ½ storey dwelling and a series of accessory buildings listed on the Heritage Register*

The Property is located on the east side of Ninth Line between 14<sup>th</sup> Avenue to the north and Ridgevale Drive to the south. The dwelling on the Property was constructed in 1880 as per Municipal Property Assessment Corporation records (see Appendices ‘A’ and ‘B’).

The Property was listed on the Markham Inventory of Heritage Buildings, predecessor of the current Heritage Register, in 1991. It is not a candidate for designation under the ongoing Priority Designation Project as described in the Council-adopted Staff report dated May 3, 2023.

*The Property appears to have been substantially modified in the 1950s and 1960s (refer to Appendix ‘F’ for a copy of the Objection Letter)*

In the correspondence provided to the City, the owner of the Property indicates there have been substantial alterations to the dwelling, including the following:

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- All of the features that could have been considered as having cultural heritage significance were removed in a 1950s renovation including the removal of the barrel-style cistern, stone foundation, the back summer kitchen, and the concrete chimneys;
  - None of the dwelling's nineteenth century exterior remains, including siding, windows, doors, and the roof (the siding is now composed of aluminium, plywood and brick);
  - The footprint of the house was enlarged in the 1960s with the construction of an addition at the rear of the dwelling (the exterior of which is composed of brick);
  - Major alterations were made to the frame of the dwelling to incorporate modern windows;
  - The size and location of most, if not all, of the window and door openings have been altered;
  - The blacksmith's shop (a separate outbuilding) was demolished in the 1950s;
  - The interior was completely remodelled around the same time with the layout of the rooms reconfigured; the lath and plaster walls replaced with drywall and fake wood panelling, the original stairwells moved and are now composed of modern materials, and the floors removed and fitted with new joists and flooring.

***Heritage Markham Committee (“Heritage Markham”) does not object to the removal of the Property from the Heritage Register***

As per the *Ontario Heritage Act* (the “Act”), review by Heritage Markham is necessary prior to Council consideration of the objection to the Property's inclusion on the Heritage Register. On February 20, 2024, Heritage Markham reviewed this matter (refer to Appendix ‘E’ for a copy of the meeting extract).

**OPTIONS/ DISCUSSION:**

***The Act provides a mechanism for the removal of a property from a municipal Heritage Register***

Section 27 (7) of the Act provides a mechanism for an owner to object to the inclusion of their property on a municipal heritage register. This mechanism is the result of recent amendments to the Act. A property owner can object to the “listing” of their property at any time, even if the property was included on the Heritage Register prior to the aforementioned amendment coming into force, as is the case here.

Section 27 (8) of the Act directs the council of a municipality to consider the notice of objection and decide 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, and that this objection is separate and distinct from the objections considered by Council related to designation of properties under Section 29 of the Act.

Note that “listing” a property as provided for by Section 27 (3) of the Act does not necessarily mean that a property is considered to be a significant cultural heritage resource, rather it provides a mechanism for the municipality to be alerted of any application to “de-list”, 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.

***The Official Plan provides policy direction for the evaluation and conservation of significance cultural heritage resources***

Section 4.5 of the Official Plan (“OP”) contains policies concerning cultural heritage resources. The following are relevant to the proposed removal of the Property from the Heritage Register:

Concerning the identification and recognition of *cultural heritage resources*, Section 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*, Section 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.*

***Heritage Section staff have no objection to removal of the property from the Heritage Register***  
***Markham's Heritage Resources Evaluation System***

The Property was evaluated using Markham's Heritage Resources Evaluation System in accordance with the above-referenced OP policy. This evaluation system, adopted by Council 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 findings of this evaluation indicate that the property falls into "Group 3". For a description of the typical guidance associated with each Group, please see Appendix 'C'.

**Ontario Regulation 9/06**

The Property was also evaluated using Ontario Regulation 9/06 "Criteria for Determining Cultural Heritage Value or Interest" ("9/06") in accordance with the above-referenced OP policy. This regulation, introduced by the Province in 2006 and amended 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 of the 9/06 criteria to warrant designation under Part IV of the Act.

Staff have undertaken extensive research on the Property and opine that it has minimal *design/physical value, historical/associative value, and contextual value* and as such does not meet the required number of 9/06 criteria to warrant designation under the Act. Refer to Appendix 'E' for a copy of the Research Report prepared by Staff.

Staff recommend that Council support removal of 7696 Ninth Line from the Markham Register.

**FINANCIAL CONSIDERATIONS:**

None

**HUMAN RESOURCES CONSIDERATIONS:**

Not Applicable

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

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

**BUSINESS UNITS CONSULTED AND AFFECTED:**

The request was reviewed by Heritage Markham, Council’s advisory committee on heritage matters.

**RECOMMENDED BY:**

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

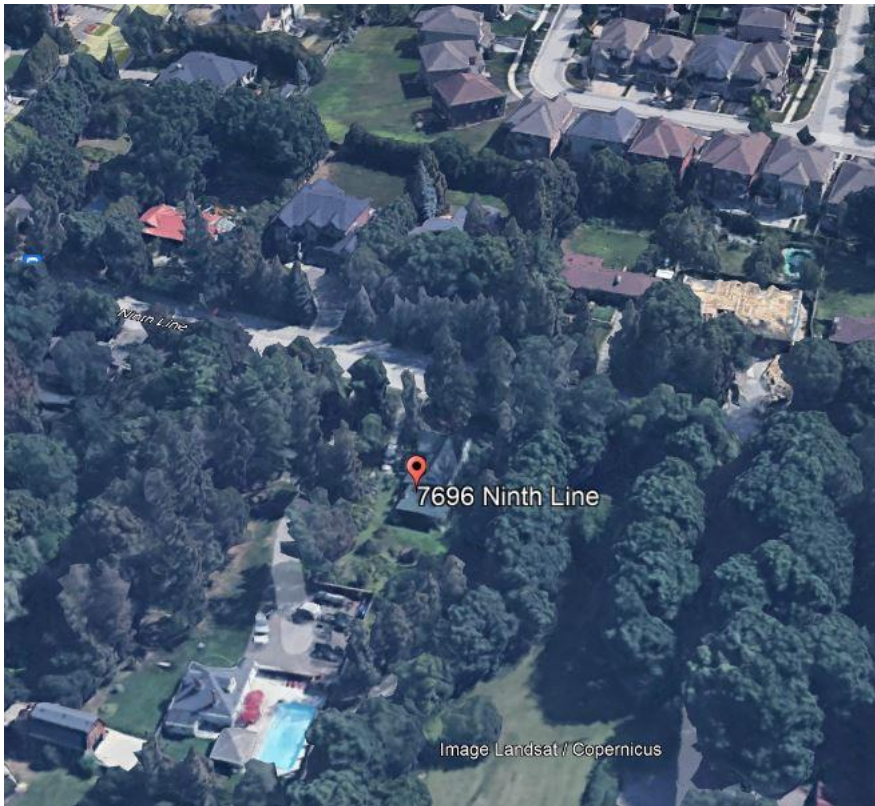
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Arvin Prasad, RPP, MCIP  
Commissioner of Development Services

**ATTACHMENTS:**

- Appendix ‘A’: Property Map and Aerial Image of the Property
- Appendix ‘B’: Photographs of the Property
- Appendix ‘C’: Markham’s Heritage Resources Evaluation System
- Appendix ‘D’: Heritage Markham Extract – February 20, 2024
- Appendix ‘E’: Research Report for 7696 Ninth Line
- Appendix ‘F’: Letter of Objection

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## APPENDIX 'A': Property Map and Aerial Image of the Property



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

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**APPENDIX ‘B’: Photographs of the 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.*



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## **APPENDIX ‘D’: Heritage Markham Extract – February 20, 2024**

### **EXTRACT**

Date: February 27, 2024

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

EXTRACT CONTAINING ITEM # 6.2 OF THE SECOND HERITAGE MARKHAM  
COMMITTEE MEETING HELD ON February 20, 2024

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#### **6. PART FOUR - REGULAR**

##### **6.2 REQUEST FOR FEEDBACK**

#### **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”) (16.11)**

File Numbers:

N/A

Evan Manning, Senior Heritage Planner, introduced this item as related to a notice of objection to the inclusion of a property on the heritage register. Mr. Manning advised that an Agent of the Owner of 7696 Ninth Line has requested that the property be “de-listed” from the register, a process which requires consideration by both the Heritage Markham Committee and Council. Mr. Manning advised that Staff have evaluated the property and find that it does not appear to meet the requisite number of Ontario Regulation 9/06 criteria to be considered a significant cultural heritage resource. As such, Mr. Manning advised that Staff do not object to the request to “de-list” the property.

The Committee asked about the intent behind requesting to be “de-listed”.

Regan Hutcheson, Manager, Heritage, advised that this property would be the first property to be “de-listed” in the City and the ability to request de-listing was recently added to the Ontario Heritage Act. Mr. Manning advised that the Owner may wish for their property to be “de-listed” as it could impact resale value understanding that a future owner may wish to demolish the building. Mr.

Manning reminded the Committee that as Staff would not have otherwise recommended pursuing designation of the property, it would fall off the register at the end of 2024 as a result of recent amendment to the Ontario Heritage Act.

Recommendation:

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.

Carried

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## **APPENDIX ‘E’: 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 'E': Letter of Objection**

*Provided under separate cover*