



MEMORANDUM



TO: Heritage Markham Committee

FROM: Evan Manning, Senior Heritage Planner

DATE: October 9, 2024

SUBJECT: **Amendments to Designation By-laws**
2977 Sixteenth Avenue (“The Jonathan Calvert House”)
10 Alexander Hunter Place (“The John Irving Calvert House”)

FILE: N/A

Property/Building Description: **2977 Sixteenth Avenue:** One-and-a-half storey dwelling constructed c.1878 as per municipal records
 10 Alexander Hunter Place: One-and-a-half storey dwelling constructed c.1855 as per municipal records

Use: Residential

Heritage Status: Both properties are designated under Part IV of the *Ontario Heritage Act*

Background

- 2977 Sixteenth Avenue and 10 Alexander Hunter Place are designated under Part IV of the *Ontario Heritage Act* (refer to By-law 93-98 & By-law 145-1999, respectively);
- Heritage Section staff (“Staff”) were contacted by a member of the Calvert family regarding the Statement of Significance (“SOS”) for both properties;
- There is a historical association between the dwellings located at 2977 Sixteenth Avenue (formerly located at 9240 Woodbine Avenue) & 10 Alexander Hunter Place (formerly located at 9451 Woodbine Avenue) and the Calvert family. The family member identified inaccuracies in the SOS for both properties for which they requested corrections.

Heritage Policy

Ontario Heritage Act

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

- Changes have been made to the property or new information has become available affecting the Statement of Cultural Heritage Value or Interest or the Description of Heritage Attributes;
 - The legal description has changed or needs to be corrected; or
 - The information in the original by-law does not provide sufficient detail to guide and manage alterations to the property.
- Section 30.1 of the *Ontario Heritage Act* (the “Act”), as amended in 2005, provides for a simplified amendment process to, where required, correct the legal description of a property as contained within a designation by-law. Under this Section, the municipality is obliged to:
 - (a) inform the owner of the amendment and their right to object thereto; and
 - (b) consult with the municipal heritage committee prior to giving notice of the proposed amendment to the owner. Upon receipt of notice of the amendment, the owner has 30 days to file a notice of objection to the amendment with the municipality. Should a notice of objection not be received by the municipality within the 30 day timeline, the council of the municipality may pass the proposed amending by-law;
 - The Act was recently further amended with modifications coming into force on July 1, 2021. These amendments affect how a municipality undertakes amendments to designation by-laws, requiring those by-laws enacted post-2005 to be made consistent with the requirements of the Act as amended in 2021. These requirements include linking heritage attributes as contained within the SOS to their associated criteria within Ontario Regulation 9/06, and the identification of those portions of the property that are considered to be non-contributing to its cultural heritage significance.

Staff Comments

- In accordance with the statutory requirements as described above, Heritage Section staff will amend the SOS within each by-law to address the inaccuracies identified by the Calvery family while also ensuring conformance with the Act as amended in 2021 (refer to Appendix ‘B’);
- Staff anticipate seeking Council approval for the amendments this Fall with by-laws placed before Council for adoption in late Fall or early 2025.

Suggested Recommendation for Heritage Markham

THAT Heritage Markham has no objection to amending the designation by-laws for 2977 Sixteenth Avenue and 10 Alexander Hunter Place to correct their Statements of Significance and to otherwise ensure conformance with the *Ontario Heritage Act*, as amended.

ATTACHMENTS:

Appendix 'A' Property Map and Photograph of the Subject Property
Appendix 'B' Designation Process (July 2021)

Appendix 'A'

Property Map and Images of 2977 Sixteenth Avenue and 10 Alexander Hunter Place



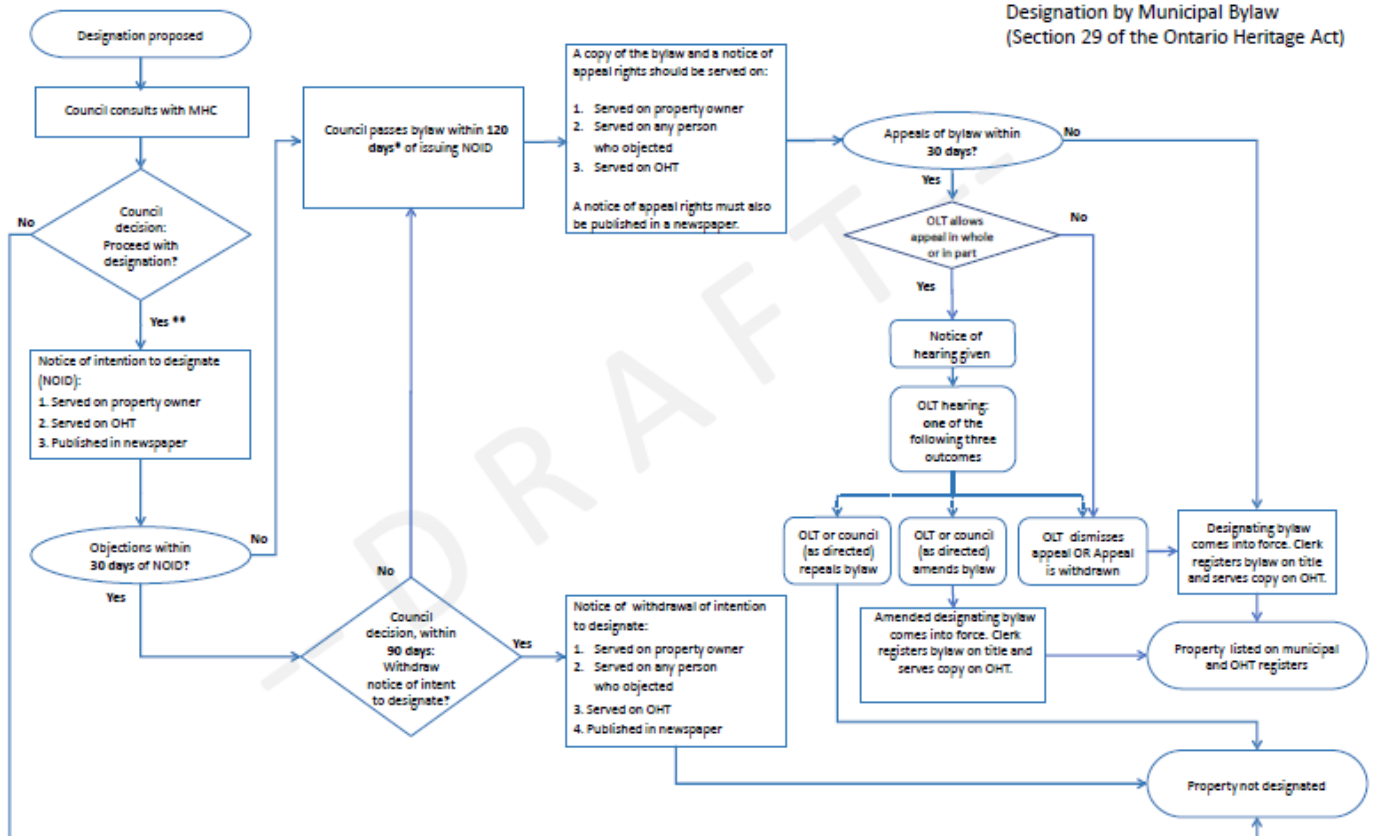
2977 Sixteenth Avenue outlined in blue [above] and an image of the dwelling's primary (north) elevation [below] (Source: City of Markham, Google)



10 Alexander Hunter Place outlined in blue [above] and an image of the dwelling's primary (north) elevation [below] (Source: City of Markham, Google)

Appendix 'B'

Designation Process (July 2021)



*If council fails to meet these timelines, the NOID will be deemed withdrawn, and council must issue a notice of withdrawal. For exceptions to the 120-day timelines, please consult the guidance text.

** Council has a limited 90 day period to give its notice of intention to designate a property when the property is subject to an official plan amendment, a zoning bylaw amendment, or plan of subdivision.