

October 8, 2024

Evan Manning, Senior Heritage Planner
Planning and Urban Design Department
City of Markham
101 Town Centre Boulevard
Markham, ON, L3R 9W3

Via Email: EManning@markham.ca

Dear Mr. Manning,

**RE: Further Rationale for Notice of Objection to Notice of Intent to Designate
5970 Elgin Mills Road East, Markham - Peter Milne Jr. House
Chung & Jao Development Corp.**

We represent Chung & Jao Development Corp., the owners of the property at 5970 Elgin Mills Road East (the "subject site" or "site"). On September 18, 2024, we submitted an objection to the City of Markham's *Notice of Intent to Designate* the site. Our objection letter included a placeholder for a follow-up to elaborate on the rationale for the objection. Below is this additional rationale. The subject site is highlighted in red, and the farmhouse, which is the focus of the proposed designation, is circled in white in Figure 1 below.

Figure 1 - Subject Site and Farmhouse



PLANNING | DEVELOPMENT | PROJECT MANAGEMENT | URBAN DESIGN

2472 Kingston Road, Toronto, Ontario M1N 1V3
21 King Street W Suite 1502, Hamilton, Ontario L8P 4W7
Office: (416) 693-9155 Fax: (416) 693-9133
tbg@thebiglierigroup.com

BACKGROUND

According to the Notice of Intent to Designate and the City Heritage Staff Research Report, the cultural heritage value or interest of the subject site is specifically associated with the single-detached residential structure (the farmhouse) located on the subject site. The remaining portions of the site, including the other structures, are contemporary in nature, characterized by a variety of materials that do not contribute to the site's historical significance. Additionally, about 2 hectares of the site (roughly 48%) wrapping around the west and northwest sides and to the rear of the site to the north appear to be cultivated. The balance of the property (roughly 52%) is no longer utilized for agricultural purposes.

City staff have suggested that the farmhouse, which they have labelled as the "Peter Milne Jr. House" holds design and physical value as an altered, restrained representative example of the Ontario Classic style. City staff have also suggested that the farmhouse has historical significance for its representation of agriculture, economic development, and government services in the 19th century and its association with Peter Milne Jr., an important early resident of Milnesville. City heritage staff have also opined that the property also has contextual value, being historically and visually connected to its surroundings as the farmhouse of Peter Milne Jr. and later tenant farmers on the Milne farm. Furthermore, staff opine that the farmhouse on site has stood in Milnesville since around 1870 and is linked to the nearby Milne House at 10666 Highway 48.

We do not agree that the subject site or the farmhouse on site has any cultural heritage value or interest.

The objections filed are based on the view that the extent of alterations to the house has significantly compromised its original heritage integrity. Furthermore, we believe the evaluation of the criteria under O. Reg 9/06 of the Ontario Heritage Act has not been conducted with the necessary rigor or thoroughness. While meeting two of the nine prescribed criteria under O. Reg 9/06 may serve as a basis for considering a designation, it does not, in itself, justify long-term conservation or the automatic application of a designation. A more comprehensive and critical assessment is required to determine if the property truly merits such protection. The initial reasons for the objection were as follows:

1. **Alterations:** Extensive modifications to the house have compromised its original heritage integrity. Detailed documentation of these alterations is provided below. Even if the property meets some criteria under O.Reg 9/06, this does not mandate long-term protection.
2. **Design Value Disagreement:** The Owners disagree with the assessment under Criterion #1 of O.Reg 9/06, arguing the house does not demonstrate significant design or physical value.
3. **Lack of Criteria Clarity:** The provided materials do not clearly identify which of the nine criteria are met, making it difficult to understand the basis for designation on the grounds of theme.
4. **Lack of Comparative Analysis:** The Research Report lacks comparative analysis to establish the house's uniqueness, rareness, or representativeness. With many similar

examples already protected in Markham, designating another altered example seems unnecessary and risks diluting the City's heritage resources.

5. **Historical and Associative Value Questioned:** The significance attributed to Peter Milne Jr. is overstated, as his influence was not uniquely impactful in Milnesville. Evidence also suggests the house may have been built after his death, diminishing its association with him.
6. **Contextual Value Insufficient:** The evaluations under Criteria #7–9 are not comprehensive enough to support long-term protection based on contextual value.

SUBJECT SITE

The subject site is a 4.2-hectare (10.3 acre) parcel of land, situated at the northwest corner of the intersection of Elgin Mills Road East and Highway 48 about 2 kilometres north of Major Mackenzie Drive East, where the limits of urban development are evident. Original part of Lot 26, Concession 7 in Markham, the site is now legally described as: *Part Lot 26, Concession 7, Markham As In R434410, Except Part 1 on 65R-30337, Markham; T/W MA71954*. Today the site is a fraction of the original lot and concession from a lot-originality standpoint (see Figure 2 below).

Figure 2 - Subject Site Compared to Original Lot and Concession



The site contains a mixture of open land, some cultivated areas flanking the site, and several structures including the subject farmhouse, which is tucked quite closely to the southeast corner of the site near the intersection of Elgin Mills Road East and Highway 48. The central portion of the site seems to be occupied by various stored materials and equipment, ostensibly used for

wood milling and woodwork and what may have been a landscape contractors' yard. The central portion of the site contains various outbuildings, shop structure, shipping containers, gravel drive aisles and parking areas, stockpile areas, berms, drive sheds, an old storage dome in poor condition and seemingly designed to store aggregate materials, and a small chicken coop northwest of the farmhouse, which is a contemporary installation producing eggs for tenants that live within the house on site.

The farmhouse, located near the southeast corner of the site and adjacent to Highway 48, is the oldest structure on the property. It is highlighted in Figure 1 above within a white circle. The farmhouse appears to be positioned close to the road and is set apart from the rest of the site's contemporary structures. The surrounding area of the farmhouse is characterized by some trees and green space, separating it slightly from the more industrial sections of the property. The house is currently used by employees of the business on site, who rent out the rooms on the upper level.

The house is a 1.5-storey structure with a T-shaped footprint and a gabled roof that features a steeply peaked central dormer on the east façade. The house is clad in stucco and has been painted white. There is a 1-storey addition on the south façade, and a concrete patio functioning as the entrance landing outside of the house within the southwest corner. The addition also includes a covered portico where the primary entrance to the house is in the same southwest corner. The roof to the addition is a straight mansard style. All roofs have black shingles.

The following images show the subject farmhouse as of September 16, 2024. All photos are original. As the balance of the structures on the subject site are not the subject of heritage conservation, photos of those structures have not been included, but are available on request.

*Full Extent Of East (Original Front) Façade
Showing Addition & Original Sections*



*Original Section Of Farmhouse & Original East
(Front) Façade With Bricked Over Front
Entrance and Peaked Dormer*



Lines From Old Portico Roof (Now Removed)



Full Extent Of North (Side) Façade (Likely Bricked Over Window Upper Left)



Brick Masonry Beneath Stucco



Full Extent Of West (Rear) Façade Now Functioning As Primary Entrance



View Of Farmhouse Looking Northeast Showing Addition



Full Extent Of South (Side) Façade Showing Addition, And Covered Original House



Farmhouse From Elgin Mills Rd E



Farmhouse From Elgin Mills Rd E



Farmhouse from Intersection



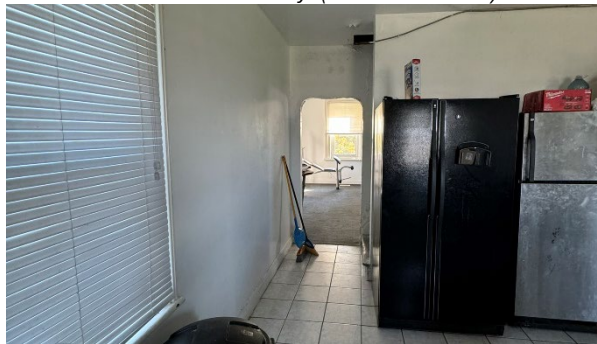
Farmhouse from Highway 48



Kitchen (Ground Floor)



Kitchen & Hallway (Ground Floor)



Water Damage (Ground Floor)



Staircase to Upper Level



Living Area (Ground Floor)



Original Front Entrance (East Side)



Spare Room (Ground Floor)



Wall Thickness Between Original & Addition



Brick Fireplace (Sealed from Use)



Living Area (Addition on South Side)



Hallway from Addition (South Side)



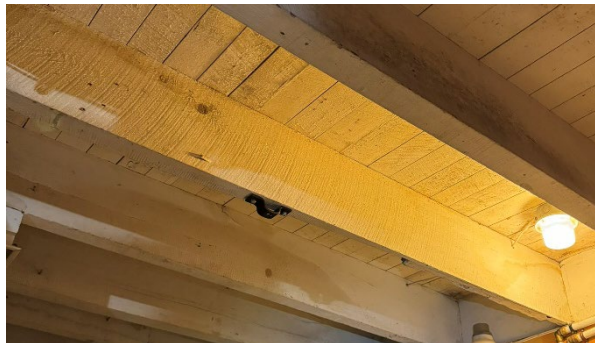
Staircase to Basement



Foundation & Moisture Barrier Basement



Cut Floor Joists and Floor Boards



Rubblestone Foundation



Retrofit HVAC Fixtures & Concrete Parging



Retrofit Furnace



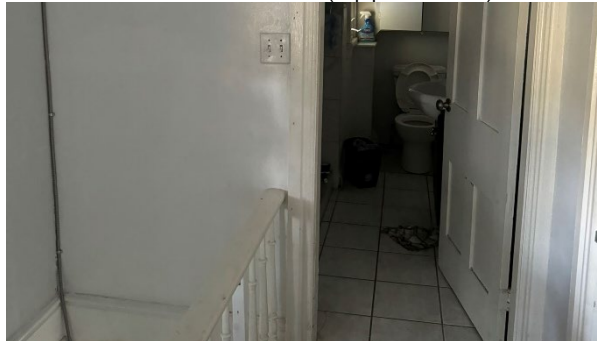
Cut Floor Joists Atop Rubblestone



Yellow Brickwork



Land & Bathroom (Upper Level)



Bedroom (Upper Level)



Upper Level Landing



Summary of Alterations / Additions / Unsympathetic Interventions

Alterations

- Basement excavation / underpinning (seemingly to create standing height and room for installation of modern amenities such as HVAC, hot water tank, plumbing, and electrical, etc.).
- Bricked over original front entrance.
- Change of original front entrance from east side to west side.
- Either new chimney on south side of house or re-bricked chimney.
- Interior layout, less symmetrical, focused around and altered to accommodate south addition.
- Likely bricked over upper-level window on north façade (altered symmetry).
- Likely bricked over upper-level window on south façade (altered symmetry) to accommodate chimney from fireplace in south addition.
- Portico removed from east façade.
- Removed portico.
- Retrofit HVAC ductwork, returns, and vents.
- Stucco coated brick (also an addition)
- Vinyl window inserts.

Additions

- Antenna against north façade.
- Brick fireplace internal to south addition, with chimney place outside of original house in front of what would likely have been upper floor window.
- Kitchen cabinets / sink, in front of ground floor window on north (side) façade.
- Oil storage tank (storing the fuel oil that supplies the furnace).
- Portico with mansard roof over relocated primary entrance on west façade.
- South addition with straight mansard roof and tall slender windows.
- Stucco coated brick (also an alteration)

Unsympathetic Interventions / Damage

- Mansard roof on addition, versus gable roof on original portion of house.
- Some evidence of uneven floors.
- Some evidence of water staining on stucco.
- Unitization of house for tenants / renters.
- Water damage on ground floor near stairwell.

It is also noted that stucco is often used on old brick homes for several reasons. One of these reasons is cost-effective repairs. Over time, older bricks can crack, spall, shift, break, or worse. Stucco can be a more cost-effective solution to repair and cover these damages compared to fully replacing or restoring the brick. It effectively covers cracks and imperfections, providing a cohesive finish, among other reasons such as protection, aesthetic appeal, and sometimes even thermal insulation.

DISCUSSION ON APPLICABLE LEGISLATION AND INTEGRITY

Applicable Legislation

The Ontario Heritage Act, R.S.O. 1990, c. O.18 (the “Heritage Act”), is provincial legislation that sets out the ground rules for the protection of heritage properties and archaeological sites in Ontario. The Heritage Act came into force in 1975, and has been amended several times, including in 2005 to strengthen and improve heritage protections in Ontario, and in recent years through Bill 108 in July 2022, in November 2022 through Bill 23, in December 2023 through Bill 139, and then again in June 2024 through Bill 200, (i.e., the Homeowner Protection Act, 2024).

Under Bill 23, “listing” a property on the Register requires that they meet one or more of the prescribed criteria set out in O. Reg. 9/06 (Criteria for Determining Cultural Heritage Value or Interest) under the Heritage Act. Furthermore, to “designate” a property under Part IV of the Heritage Act (i.e., an individual designation), properties must now meet two or more of the nine prescribed criteria set out in O. Reg. 9/06. These criteria are as follows:

1. *The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.*
2. *The property has design value or physical value because it displays a high degree of craftsmanship or artistic merit.*
3. *The property has design value or physical value because it demonstrates a high degree of technical or scientific achievement.*
4. *The property has historical value or associative value because it has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community.*
5. *The property has historical value or associative value because it yields, or has the potential to yield, information that contributes to an understanding of a community or culture.*
6. *The property has historical value or associative value because it demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.*
7. *The property has contextual value because it is important in defining, maintaining or supporting the character of an area.*
8. *The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings.*
9. *The property has contextual value because it is a landmark. O. Reg. 569/22, s. 1.*

The Ontario Heritage Tool Kit (“OHTK”)

The Ontario Heritage Tool Kit (“OHTK”) is a series of guides designed to help understand the heritage conservation process in Ontario, and takes the criteria and evaluation process a little further. The OHTK guides explain the steps to undertake the identification and conservation of heritage properties using the Ontario Heritage Act. They also describe roles community members can play in municipal heritage conservation, as participants on municipal heritage committees, or through local research conducted by groups with an understanding of heritage.

Following recent amendments to the Heritage Act, the OHTK was updated to assist users understand the changes. Some changes to the Heritage Act came into effect as O. Reg. 385/21 on July 1, 2021, but the OHTK drafts dated May 2021 were never finalized. Notwithstanding, the May 2021 draft of the OHTK are still posted on the Environmental Registry of Ontario (ERO # 019-2770), and as such, are helpful in understanding the revisions being considered by the Province.

The original OHTK consist of five documents. The documents entitled “Heritage Property Evaluation,” and “Designating Heritage Properties” being the most applicable to this letter. The “Heritage Property Evaluation” document is a guide to listing, researching, and evaluating cultural heritage properties. The “Designating Heritage Properties” document is a guide to municipal designation of individual properties under the Ontario Heritage Act.

Discussion

Under the Heritage Act, O. Reg. 9/06 sets out the criteria for determining cultural heritage value or interest for properties that may be designated under Section 29 of the Heritage Act, which were amended following Bill 23 through O. Reg. 569/22. A property may be designated under Section 29 of the Heritage Act if it meets two or more of the criteria for determining whether it is of cultural heritage value or interest. However, O. Reg 9/06 does not consider matters that relate to the heritage integrity of building or structures.

In this regard, Section 5.3 of the OHTK document “Heritage Property Evaluation” provides that a heritage property does not need to be in original condition, since few survive without alterations between their date of origin and today. Integrity then, becomes a question of whether the surviving physical features (heritage attributes) continue to represent or support the cultural heritage value or interest of the property.

Accordingly, buildings that have been irreversibly altered without consideration for design, may not be worthy of long-term protection. When surviving features no longer represent the design, the integrity has been lost. Similarly, removal of historically significant materials, or extensive reworking of the original craftsmanship, warrants an assessment of integrity. If a building has an association with a prominent owner, or if a celebrated event took place there, it may hold cultural heritage value or interest, but the challenge comes with defining the specific type of association.

Cultural heritage value or interest may also be intertwined with location or an association with another structure or environment. If these have been removed, the integrity of the property may be seriously diminished. As well, cultural heritage value or interest can be found in the evolution of a heritage property, as much can be learned about social, economic, technological, and

other trends over time. The challenge again, is being able to differentiate between alterations that are part of an historic evolution, and those that are expedient and offer no informational value.

Section 5 of the May 2021 Draft OHTK document “Designating Heritage Properties” provides draft guidance on conserving the heritage value of a designated property. While the subject site is not a designated property under the Heritage Act, the guidance provided in this section is still helpful, as it speaks to matters regarding the loss of heritage integrity.

Accordingly, if a property is noted as being important for its architectural design or original details, and that design has been irreparably changed, it loses its heritage value and its integrity. Likewise, if a property is designated for its association with a significant person or event, but the physical evidence from that period has disappeared, the property’s cultural heritage value is diminished.

Opinion on Integrity

In our opinion, the heritage integrity of the farmhouse has been lost. Given the reduced size of the lot (10.3 acres from an original 200-acre patent), alterations, additions, and unsympathetic interventions / damage to the structure over the years listed above, the surviving physical features do not, in our opinion, present a structure worthy of long-term protection.

REVIEW OF CITY RECOMMENDATION REPORT

The following is taken directly from the City’s Research Report and Statement of Significance on the subject site, which informed the direction for the original Notice of Intent to Designate. It is noted that the heritage evaluation under O. Reg 9/06 appears to have taken the older approach prior to Bill 23 coming into force and treats the prescribed criteria thematically under the three broader categories of design / physical value, historical / associative value, and contextual value, rather than treating each of the nine prescribed criteria independently. Accordingly, the City Research Report provides the following (directly quoted and shown *italicized*).

Design / Physical Value

Research Report: *The Peter Milne Jr. House has design value and physical value as an altered, restrained representative example of a rural dwelling in the Ontario Classic style.*

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

with the rear portion of the house usually functioning as a kitchen wing. Here, the rear wing is one-and-a-half storeys rather than the more common single-storey.

Historical / Associative Value

Research Report: *The Peter Milne House Jr. has historical or associative value representing the theme of agriculture, economic development and government services in relation to the diverse activities that took place on this property in the nineteenth century, and for its association with Peter Milne Jr., a prominent early resident of the rural community of Milnesville who was a major landowner in Markham Township, as well as a store and sawmill owner, and the community's first post master from 1852 to 1863. Peter Milne Jr. is also noteworthy for his alleged association with the Upper Canadian Rebellion of 1837.*

Statement of Significance: *The Peter Milne House Jr. has historical or associative value representing the theme of agriculture, economic development, and government services in relation to the diverse activities that took place on this property in the nineteenth century, and for its association with Peter Milne Jr., a prominent early resident of the rural community of Milnesville. He was a major landowner in Markham Township as well as being a store and sawmill owner, and the community's first postmaster from 1852 to 1863. Peter Milne Jr. is also noteworthy for his alleged association with the Upper Canadian Rebellion of 1837. Peter Milne Jr. was a son of Alexander Milne, a Scottish American immigrant who arrived in Markham Township with his brother Peter Milne in the 1820s. Peter Milne Jr. was initially a bookkeeper for his uncle Peter Milne in Reesorville (later known as Markham Village). In 1838, he was arrested and imprisoned in Kingston for his alleged participation in the Upper Canadian Rebellion of 1837, and later pardoned. Peter Milne Jr. purchased the eastern half of Markham Township Lot 26, Concession 7 in 1837 which contained a store that he ran from 1852 to 1863. He also owned a sawmill on Little Rouge Creek and a considerable amount of property south of Box Grove. In 1852, Peter Milne Jr. named his community's local post office "Milnesville" after his family. He was married to Hannah (McKay) Milne and lived both on this property and on the adjacent land he owned on Lot 25, Concession 7. In approximately 1870, he constructed a new brick house for his retirement to replace his older frame house on Lot 26, Concession 7 which he rented to a tenant farmer. The property remained in the ownership of the estate of his married daughter Elizabeth Wilcox (Milne) Gibson of Toronto until 1937.*

Contextual Value

Research Report: *The Peter Milne Jr House has contextual value as the farmhouse that once served Peter Milne Jr. and later tenant farmers on the Milne farm (Lot 26, Concession 7), in the historic rural community of Milnesville. The dwelling has existed since c.1870 and is historically linked to the Milne House at 10666 Highway 48 on Lot 25, Concession 7.*

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

RESPONSE: OBJECTION AND REASONING

The owners have formally objected to the Notice of Intent to Designate their property at 5970 Elgin Mills Road East, Markham, under Section 29(5) of the Ontario Heritage Act (OHA). The following offers a response to the City staff’s evaluation of the subject site based on the criteria outlined in O. Reg 9.06 and the historical research available in the City’s Research Report. The City staff’s evaluations are summarized/paraphrased in black, reflecting the original content from the Research Report and Statement of Significance, while TBG’s responses, where applicable, are provided in green. For the purpose of this letter, it has been assumed that the historical research conducted by City staff is accurate.

Criteria	Response
<p>1. <i>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.</i></p>	<p>[Staff Evaluation] Staff have suggested that the farmhouse is valued for its design and physical attributes as and altered, restrained representative example of a rural dwelling in the Ontario Classic style, popular from the 1860s to the 1890s. Typically symmetrical with a centrally placed front door and steep centre gable, this house reflects the influence of Georgian architecture and the Gothic Revival style. Although the original front door is missing, its placement remains visible. The house also features a one-and-a-half-storey height with an L-shaped plan, including a rear wing that is also one-and-a-half storeys, which is less common than the typical single-storey kitchen wing.</p> <p>[TBG Response] With regard to the first criterion of O.Reg 9/06 for designation, we respectfully disagree that the house possesses design or physical value as a rare, unique, representative, or early example of a particular style, type, expression, material, or construction method. It is necessary to demonstrate significant design and/or physical value, especially given the current condition of the house. Any analysis of the property ought to consider the following:</p> <ul style="list-style-type: none"> • The evaluation of current conditions of the house fails to highlight the existing conditions. This includes the many alterations, additions, unsympathetic interventions, and damage that has been described above that fundamentally alters the originality of the farmhouse. • Stating that the farmhouse has design or physical value as an "altered, restrained representative example" of a rural dwelling in the Ontario Classic style <u>is contradictory</u>, as the very definition of heritage value relies on the integrity and authenticity of the structure's original features and design and a reflection of specific

architectural styles and details. For a building to serve as a representative example of a particular architectural style, it must retain sufficient integrity of form, materials, and craftsmanship to accurately convey that style.

In this case, the farmhouse has undergone significant alterations, additions, and unsympathetic interventions that have compromised its originality. Such changes not only obscure its original design but also diminish its capacity to serve as a true representation of the Ontario Classic style. The extensive modifications have led to the loss of essential characteristics that define this style, such as symmetry, roofline, main entrance placement, or window placements, making it impossible for the building to function as a reliable or authentic example.

As a result, the remaining physical features are insufficient to justify long-term protection, as they no longer demonstrate the architectural or historical qualities needed to preserve the integrity of the Ontario Classic style. Without these key elements, the farmhouse fails to meet the threshold necessary for cultural heritage designation.

- Furthermore, the Research Report lacks a comparative analysis often used to address the test under O.Reg 9.06 of rarity, uniqueness, or age. There are 217 examples of Gothic Revival and 68 examples of Ontario Classic styles in Markham's Municipal Heritage Register, with 219 of these already protected under the OHA. Given this, we question the necessity of designating another lesser example, especially there are already better examples of this style currently protected under the Ontario Heritage Act on the City's Heritage Register. Such an analysis will show that the substantial modifications to the house inhibit it from being representative of any cited architectural styles. Accordingly, we have prepared and attached a brief comparative analysis that show a few of the better already designated properties showcasing the Ontario Classic style in Markham. This analysis is attached as **Appendix A** to this letter.
- The lack of comparative analysis shows a failure to highlight which features, if any, are unique, rare, or exceptional, particularly in comparison to other Designated Properties in the City of Markham.

	<ul style="list-style-type: none"> • Furthermore, the City of Markham’s Municipal Heritage Register appears inconsistent in distinguishing between the Ontario Classic (1860-1900) and Gothic Revival (1860-1880) styles, which overlap in time. With 217 Gothic Revival and 68 Ontario Classic examples listed, and 219 already protected under the OHA, many properties seem to fall into both categories on the Register. As highlighted in the staff Research Report, the ‘essential form of the Ontario Classic’ is a distinct architectural style from ‘Gothic Revival’. However, the overlap in the City’s Heritage Register suggests confusion in classification or generally, that these styles share similar attributes difficult to separate. In our opinion, the house is better described as a vernacular farmhouse with Gothic Revival and Ontario Classic stylistic influences, but not a distinctive representation of either one of these styles. • As explored by City staff, the breadth of characteristic features of a ‘Gothic Revival’ style home are largely absent, save for the steeply pitched center gable on the east facade. The structure was therefore not, at any point, an exemplary example of this style. The balance of other typical gothic revival attributes are missing from the farmhouse such as steeply pitched roofs, decorative bargeboards (gingerbread trim), pointed arch windows, symmetrical façades, verandas or porches, and tall, narrow windows, for example. • Similarly, typical attributes of the Ontario Classic style are also missing, such as symmetrical façades, brick or wood siding, central hall plan, modest verandas. Furthermore, the t-shaped plan has been altered by the presence of the addition to the south. <p>Based on the foregoing, in our opinion this criterion has not been fundamentally met.</p>
<p>2. <i>The property has design value or physical value because it displays a high degree of craftsmanship or artistic merit.</i></p>	<p>[Staff Evaluation] No apparent evaluation / argument provided.</p> <p>[TBG Response] We do not believe the farmhouse on site displays a high degree of craftsmanship or artistic merit. There are no architectural features or construction methods visible which would suggest this criterion has been met.</p>

	<p>Furthermore, staff have not provided a rationale responding to this criterion, therefore, no response can be provided.</p>
<p>3. <i>The property has design value or physical value because it demonstrates a high degree of technical or scientific achievement.</i></p>	<p>[[Staff Evaluation] No apparent evaluation / argument provided.</p> <p>[TBG Response] We do not believe the farmhouse on site demonstrates a high degree of technical or scientific achievement. There are no architectural features or construction methods visible which would suggest this criterion has been met. Furthermore, staff have not provided a rationale responding to this criterion, therefore, no response can be provided.</p>
<p>4. <i>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.</i></p>	<p>[Staff Evaluation] Staff have suggested that the Peter Milne Jr. House has historical and associative value for its connection to agriculture, economic development, and government services in the 19th century, reflecting the diverse activities on the property. They have associated the farmhouse with Peter Milne Jr., an early resident of Milnesville, landowner, store and sawmill owner, and the community's first postmaster (1852-1863). Staff also tie Milne Jr. to the Upper Canadian Rebellion of 1837, being arrested and later pardoned for his alleged involvement. The property, originally purchased in 1837, ostensibly remained in Peter Milne Jr's family until 1937.</p> <p>[TBG Response] Based on the information provided, it does not appear that staff have clearly distinguished which of the three criteria related to historical or associative value (4, 5, or 6) have been specifically met. The historical and associative value mentioned relates to Peter Milne Jr.'s significance as a community figure, his involvement in economic and agricultural development, and his alleged connection to the Upper Canadian Rebellion of 1837. This aligns most closely with Criterion 4.</p> <ul style="list-style-type: none"> • Accordingly, the staff rationale establishes the historical and associative value of the property by connecting it to Peter Milne Jr and his own purported significance. It fails to conclusively demonstrate the property's historical or associative value, nor the significance of Peter Milne Jr. himself. • Various community themes are established as a standard yet are never met. Because these are too general on their own, the arguments' brevity "begs the question"; what is of relative importance to these themes as it pertains to Milnesville?

	<ul style="list-style-type: none">• While there is a clear history attached to the site, the argument inappropriately defers outsized and overstated significance to the character of Peter Milne Jr.• It has not been established whether Peter Milne's contributions were uniquely influential within Milnesville, [and if so,] how, or by what measure. Why are the impacts of the property/Milne Jr unique or exceptional, particularly in comparison to any other settler at the time?• Such a high-level framing generally dilutes, if not entirely obfuscates, whether any contributions from the property or Peter Milne Jr. are still significant to Milnesville today.• Notwithstanding the above, evidence suggests that the existing house was built posthumously. At best, this actively increases the requisite significance of Milne Jr's contributions by reducing his association to the property. The Research report provides a description on the chain of ownership but does not provide a table format chain of title. We have prepared a chain of title, which attached to this letter as Appendix B. There is a minor discrepancy in the history provided in the staff Research Report and the Chain of Title prepared by TBG. This is the absence of John Hoover's mention in the history, despite his brief ownership in the chain of title between 1832 to 1837. Other than this, the chain of title and the historical account are largely consistent, with no significant ownership discrepancies. The chain of title confirms that Peter owned the parcel until 1879, which likely corresponds to his death in 1878 in the staff Research Report, as the next transfer of title goes to Elizabeth W. Gibson by will.• This begs another question; is the title "Peter Milne Jr. House" actually appropriate?• The history in the staff Research Report indicates that there was a store on Lot 26, Concession 7 which was established in the 1830s and owned by Peter Milne Jr. from 1837. This is corroborated by the 1860 Tremaine map of York County (see below).
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- According to staff, it served as both a store and post office but was rented to John Herrington by 1851. In contrast, staff suggest that the house currently located at 5970 Elgin Mills Road East is believed to have been built by Peter Milne Jr. for his retirement. The history suggests the house was present by 1878; however, the MPAC records list its construction date as 1880, which conflicts with the timeline since Milne passed away in 1878. Additionally, while the store's use as a rental property is documented, the exact use of the house during the same period is not clearly stated. Furthermore, staff seem to have established that there were two different structures on site in their research – The store, and then the house. This means that the house was built after Peter Milne Jr.'s death, and more likely for Elizabeth W. Gibson who owned the site for 59 years from 1879 to 1938. Accordingly, there is not factual evidence to suggest that existing house on site is actually tied to Peter Milne Jr and is more likely tied to the subsequent owner Elizabeth W. Gibson following her acquisition one year prior, matching with the MPAC data.
- Assume for a moment that the historic store owned by Peter Milne Jr. and the existing farmhouse on the site are actually the same building, with the farmhouse being a conversion of the store into a residence. In this scenario, the MPAC construction date of 1880 would likely indicate the year of this conversion and subsequent reassessment. If this were the case, it would establish a connection between the farmhouse and Peter Milne Jr. However, it would also demonstrate an evolution from commercial to residential use,

	<p>marking yet another change in the building's original function.</p> <p>While this is a theoretical argument based on the available historical information, even if it were accurate, it would establish only a partial association with Peter Milne Jr. This association would satisfy just one of the nine criteria required for designation, whereas at least two criteria must be met. Moreover, this association is weakened by the fact that the building no longer retains any features indicating its past use as a store or post office, highlighting the long-term shift to residential use. This shift appears to have erased the building's commercial legacy. Therefore, we concur with the staff's assessment that there were indeed two separate buildings on the site: one a store and the other a farmhouse.</p> <p>Based on the foregoing, in our opinion this criterion has not been fundamentally met.</p>
<p>5. <i>The property has historical value or associative value because it yields, or has the potential to yield, information that contributes to an understanding of a community or culture.</i></p>	<p>[Staff Evaluation] Staff suggest that the farmhouse on site holds historical value for its connection to agriculture, economic development, and government services in the 19th century for its association with Peter Milne Jr.</p> <p>[TBG Response] The evaluation fails to demonstrate that the subject site holds significant historical or associative value that contributes to an understanding of the community or culture of Milnesville. The argument presented primarily focuses on the character of Peter Milne Jr. rather than the property itself, failing to establish any lasting legacy he or the property had within the locality.</p> <ul style="list-style-type: none"> • While the report details Milne Jr.'s activities, the emphasis is on his personal achievements rather than the impact of the site. The connection between the farmhouse and Peter Milne Jr. is tenuous, as the historical record does not confirm that the house was built during his lifetime; in fact, it likely postdates his death. The property's relevance to Milnesville's development remains unclear, especially given the presence of two separate structures on the site—a store and a later house (circa 1880). If the original store still stood, the historical association might be stronger. If the historic store owned by Peter Milne Jr. and the existing farmhouse were the same building, converted to residential use around 1880,

	<p>this would establish a connection to Milne. However, this transformation from commercial to residential use would alter the building's original function. Additionally, the absence of any remaining commercial features weakens the link to Milne's legacy. Thus, we agree with staff that there were likely two separate buildings: the store and the farmhouse.</p> <ul style="list-style-type: none"> • Furthermore, although Milne Jr. was active in the community, there is no substantive evidence that his influence was significant enough to warrant unique recognition. The report suggests that his perceived importance stems more from his family connections and land ownership rather than from individual accomplishments directly tied to the property. • Furthermore, the subsequent house built on the site after the store's removal would have been one of many typical farmhouses common in the area, which was characterized as an agricultural community largely owned by Pennsylvania German Mennonite families. This further diminishes the historical significance of the house, as it does not stand out as an essential or unique element within the broader landscape. • The report also mentions the early settlement activities of Peter Milne Sr. and his brother Alexander, noting their purchase of a sawmill and gristmill. However, this information does not provide a direct connection to the subject site or establish Milne Jr. as a formative figure in the broader development of Milnesville. The history of Milnesville shows a diffuse, agricultural community beyond the subject site, suggesting that the property was not the only property central to its development. <p>Based on the foregoing, in our opinion this criterion has not been fundamentally met.</p>
<p>6. <i>The property has historical value or associative value because it demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.</i></p>	<p>[Staff Evaluation] No apparent evaluation / argument provided.</p> <p>[TBG Response] We do not believe the farmhouse on site demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a</p>

	<p>community. There are no known architects, artists, builders, designers or theorists noted in relation to the subject site.</p> <p>Peter Milne Jr was a postmaster and landowner and not a significant architect, builder, designer or theorist significant to Milnesville. Accordingly, in our opinion this criterion has not been fundamentally met.</p>
<p>7. <i>The property has contextual value because it is important in defining, maintaining or supporting the character of an area.</i></p>	<p>[Staff Evaluation] It appears staff have not indicated whether they believe the property is significant in defining, maintaining, or supporting the broader character of Milnesville.</p> <p>[TBG Response] In our opinion, the site and farmhouse do not meet this criterion for the following reasons:</p> <ul style="list-style-type: none"> • <u>Lack of Unique Contribution:</u> While the farmhouse is linked to Peter Milne Jr. and tenant farming activities, it does not demonstrate a unique or defining influence on the broader character of Milnesville. The community was primarily agricultural, with many similar farmhouses and properties owned by various families, particularly those from the Pennsylvania German Mennonite community. The farmhouse does not stand out as a distinct or central feature that shaped or maintained the character of the area and is likely a second structure on site, following a store allegedly demolished. • <u>Absence of Central Role:</u> Milnesville developed as a diffuse, agricultural community with numerous farms, blacksmith shops, sawmills, and other rural businesses. The farmhouse in question is not the original structure on site and is one of many that contributed to the area's agricultural landscape. Its presence did not play a pivotal role in defining the broader community's identity or function. • <u>Later Construction Date:</u> The farmhouse, believed to have been built circa 1880, postdates Peter Milne Jr.'s death, reducing its historical significance in terms of its direct association with Milnesville's early development in the 1830s and 1840s. By the time the house was constructed, the character and identity of Milnesville as an agricultural community were already well-established, meaning this structure did not play a significant role in defining or maintaining the area's character. <p>In summary, the site and farmhouse are typical examples of agricultural properties in Milnesville, without a demonstrable</p>

	<p>impact on the development or maintenance of the community’s character. Accordingly, in our opinion this criterion has not been fundamentally met.</p>
<p>8. <i>The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings.</i></p>	<p>[Staff Evaluation] Staff suggest that the farmhouse is connected to Peter Milne Jr and later tenant farmers. They also mention its historical link to the Milne House at 10666 Highway 48 (another site). The statement of significance specifically states that the house is physically, functionally, visually, and historically linked to its surroundings, as the farmhouse that once served Peter Milne Jr. and later tenant farmers on the Milne farm on Lot 26, Concession 7. It is located in the historic rural community of Milnesville, where it has stood since c.1870 (a contradictory statement to the Research Report). It is historically linked to the Milne House at 10666 Highway 48 on Lot 25, Concession 7.</p> <p>[TBG Response] The subject site and farmhouse does not meet the criterion for contextual value based on its physical, functional, visual, or historical link to its surroundings for several reasons:</p> <ul style="list-style-type: none"> • <u>Lack of Distinct Physical and Visual Presence:</u> The farmhouse is one of many typical 19th-century dwellings in Milnesville. In our opinion, its design is not representative or unique, failing to establish it as a visual landmark or integral part of the community’s character. • <u>Questionable Historical Link:</u> The house was likely built circa 1880, after Peter Milne Jr.'s death, making any direct historical association with him speculative. This undermines its historical link to the community. • <u>Function Is Not Significant to the Community's Character:</u> Serving as a residence for tenant farmers, the farmhouse’s function was common and not distinct enough to define or maintain the area’s agricultural identity. • <u>Diffuse Nature of Milnesville:</u> Milnesville was a scattered agricultural community, and the property does not demonstrate a central or cohesive connection to it. Its link to another Milne house nearby is insufficient to establish meaningful contextual value. • <u>Road Widening, Alterations, and Placement of House:</u> The property is but a small portion (10.3 acres) of an original 200-acre lot. In addition, Reference Plan 65R-30337 resulted in the

	<p>severances and conveyance of a portion of the property for road widening further diluting the lot's originality. Furthermore, the original front of the house has been re-oriented from the east side to the west side, and the area around the original front of the has been altered and taken out of context. The original front door has been bricked over and an oil storage container has been installed in front of it. As well, the proximity of Highway 48 has encroached towards the house. As a result, the yard closest to the highway has been shrouded by trees and shrubs separating the house from view from the street. Contextually the house is hidden from view from the public realm, which when collectively examined along with its alterations and vegetation, has diminished its context as a farmhouse with frontage along the street.</p> <p>In conclusion, the farmhouse lacks the necessary characteristics to be physically, functionally, visually, or historically linked to its surroundings in a way that satisfies the criterion for contextual value. Accordingly, in our opinion this criterion has not been fundamentally met.</p>
<p>9. <i>The property has contextual value because it is a landmark. O. Reg. 569/22, s. 1.</i></p>	<p>[Staff Evaluation] No apparent evaluation / argument provided.</p> <p>[TBG Response] There is no staff evaluation against this criterion and therefore no response has been provided. In our opinion, the property lacks the qualities of a landmark. The existing farmhouse's height does not notably surpass that of neighbouring structures or trees, and its visibility from the street is partially obscured by trees, with no significant viewpoints highlighting the property as noteworthy or distinctive. This criterion has not been met.</p>

CONCLUSIONS AND RECOMMENDATIONS

Based on the foregoing, it is our view that the subject site and its existing residence (once a farmhouse) have not substantially met two of the nine criteria necessary for consideration of designation under Part IV, Section 29 of the OHA. In fact, we contend that none of the nine criteria have been satisfied.

If the historic store owned by Peter Milne Jr. and the existing farmhouse were, for argument's sake, the same building converted to residential use around 1880, this would establish a connection to Milne. However, this transformation from commercial to residential use would demonstrate quite a significant alteration to the building's original function. Even if true, this association only partially meets one of nine criteria for designation, whereas two are required.

Additionally, the absence of any remaining commercial features in the farmhouse weakens the link to Milne's legacy. Thus, we agree with staff that there were likely two separate buildings: the store and then a farmhouse, with the former having been demolished, and the latter existing.

Moreover, we believe that the heritage integrity of the farmhouse has been lost. Given the reduced size of the lot (10.3 acres from an original 200-acre patent), alterations, additions, and unsympathetic interventions / damage to the structure over the years listed above, the surviving physical features do not, in our opinion, present a structure worthy of long-term protection, even if the requisite two criteria had been met.

There are 217 examples of Gothic Revival and 68 examples of Ontario Classic styles in Markham's Municipal Heritage Register, with 219 already protected under the Ontario Heritage Act (OHA). Given this, we question the need to designate another, particularly lesser, example when superior representations of these styles are already protected. The significant modifications to the house prevent it from being a clear representative of either architectural style, or our comparative analysis attached to this letter as Appendix A further demonstrates this point.

In light of the aforementioned considerations, the recent site visit, and appendices to this letter, we kindly request a reevaluation of the City's decision to designate the subject site under Part IV, Section 29 of the OHA. We ask the City to consider the active objection and to consider withdrawing the notice of intention to designate the property in accordance with Section 29(6) and 29(7) of the OHA.

Yours truly,
The Biglieri Group Ltd.

A handwritten signature in black ink, appearing to read "Evan Sugden". The signature is fluid and cursive, with a long horizontal stroke at the end.






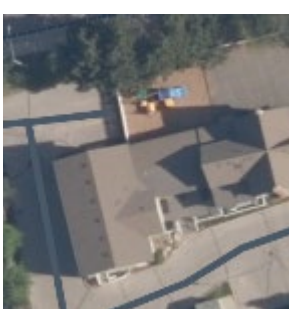




Evan Sugden, HBASc, MA, CAHP, RPP, MCIP
Associate | Heritage Lead











Cc. City Clerk
Clients
Michael Barone (TBG)

Attach: Appendices

APPENDIX A – Comparative Analysis

Comparative Analysis of Designated Heritage Properties Markham: "Ontario Classic"

#	Address	Heritage Status	Street View	Aerial View	Stylistic Notes (As per Register)
1	7186 11th Concession Rd	Designated PART IV			N/A
2	3990 14th Ave	Designated PART IV			he City of Markham's Municipal Heritage Register lists 43 "Ontario Classic" structures built before 1880. A comparative analysis of ten protected properties shows examples with original materials, T-shaped footprints, and steep dormers, some predating 1880. This indicates that the subject property is neither unique, rare, nor the earliest example of the "Ontario Classic" style.
3	2977 16th Ave	Designated PART IV			An Ontario Classic House & adjoining blacksmith shop owned & operated by Jonathan Calvert. The account book spans 1851-1859, with the residence established in 1875. When threatened by a road widening, business owner John Capon relocated the structures opposite side of Woodbine/16th Ave, then connected & restored.
4	9642 9th Line	Designated PART IV			The James D. Harrington house exemplifies a rare vernacular building, sitting on its original fieldstone foundation facing east, and was constructed in 1874. The House is a on a one-and a half storey frame dwelling with a T-Shaped plan. The house will be a remnant of the area's rural past amid its integration among the urbanizing surroundings.
5	14 Buttonville Cres W	Part V (HCD)			The Willcocks-Baldwin family owned & operated mills in the vicinity. Lands contained the saw mill, grist mill, mill pond, mill dam and the homes of those that ran these industries. The farmhouse, built around 1868, was relocated in 1982 due to development.

6	11 Albert St	Part V (HCD)			Henry Speight, a carriage painter for the Speight Wagon Co., was the son of Thomas and Martha (Drake) Speight and the younger brother of James Speight, the first reeve of Markham Village. James initially owned the property before selling it to Henry, who later sold it to David Reesor in 1868. By 1881, Henry had relocated to Main Street, closer to the family business.
7	10 Alexander Hunter Pl	Part IV (Individual)			The Ontario Classic brick farmhouse on Markham Township Lot 17, Concession 4, was built between 1877 and 1879 during the Wilson family's ownership. Johnson Wilson bought the 200-acre property in 1877, later selling it to his brother Samuel, who likely oversaw the construction of the farmhouse. In 1912, Samuel's estate sold it to Jonathan Calvert, a farmer from a family of Scottish blacksmiths. The Calvert family owned the property until 1988, when it was sold for residential development. Initially preserved on-site, the house was relocated to Markham Heritage Estates in 1990 due to servicing issues.
8	43 Castlevlew Cres	Part IV (Individual)			The William Wonch House, built circa 1850-1880 in Gothic Revival style, is a 1/2 storey brick residence with a three-bay façade. Located on Lot 21, Concession 4, it was originally settled by John George Wunsch (Wonch) and his wife Mary, early settlers of Markham in 1794. The house, on a stone foundation, likely had gable-end chimneys and a wood roof. It holds contextual significance as a well-preserved example of a 19th-century farmstead with ties to Victoria Square.
9	48 Church St	Part V (HCD)			Peter Perry Crosby was a wagon-maker in Markham Village. This white brick house was built for Peter and Emily Crosby c.1872. In 1928, it was willed to their daughter, Annie (Crosby) Stafford, on the condition that Emily Crosby could reside there for life.
10	3450 Elgin Mills Rd E	Part IV (Individual)			The Hilts-Ford House, located on Lot 26, Concession 4 in Markham, was originally part of a 200-acre property granted to Henry Schell in 1802. The Schell family, part of the Pennsylvania-German community, settled in Markham from New York. In 1808, Schell sold 100 acres to Jacob Hilts, also from the Pennsylvania-German community. The Hilts family lived there until 1862, when it was rented out. In 1875, William Ford purchased and possibly updated the farmhouse with a steeper roof and center gable. The property was sold to Walter Scott in 1885 and remained with the Scott family until 1927, when it was sold

					to John Snider. The Sniders owned it until 1961 before it became part of Romandale Farms.
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Ten designated heritage properties were selected from the City of Markham’s Municipal Heritage Register (the "Register") for a comparative analysis above, highlighting already protected better examples of “Ontario Classic” homes. These examples retain original materials (without stucco), some follow a T-shaped layout, and feature steeply pitched dormers, with some predating 1880. According to the Register, there are 43 properties featuring “Ontario Classic” structures built before 1880.

In our view, this shows that the subject property and its house are neither unique nor rare, nor are they the earliest examples of “Ontario Classic” architecture.

APPENDIX B – Chain of Title

Owner	Date From	Date To	Notes
Crown	---	1801	Crown Land
Martin Holder	1801	1804	Patent (200 acres)
Martin Hoover	1804	1832	200 acres (Martin Hoover divides land)
John Hoover	1832	1837	Part of 100 acres
Peter Milne	1837	1879	Part of 100 acres
Elizabeth W. Gibson	1879	1938	East Part of 100 acres (willed from Peter Milne)
Chartered Trust & Executor Co. (Elizabeth W. Gibson)	1938	1938	East Half 100 acres
Ella L. Bell & Elizabeth E. Bell (Joint Tenants)	1938	1954	East Half 100 acres
Ella L. Bell, Elizabeth E. Bell, & Robert A. Bell (Joint Tenants)	1954	1961	East Half 100 acres
Donald W. Bayington et ux.	1961	1970	
Harvey J. Brown	1970	1987	
Kirk and Donna Globocki	1987	1999	
RAAM Investments Ltd.	1999	2007	
Chung & Jao Development Corp.	2007	Present	Current Parcel