



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 '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)