



MEMORANDUM

TO: Heritage Markham Committee

FROM: Evan Manning, Senior Heritage Planner

DATE: November 13, 2024

SUBJECT: **Priority Designation Project – Third Update**
Designation of Significant “Listed” Properties under Part IV of the Ontario Heritage Act

Files: N/A

Subject:

2023-2024 Priority Designation Project

Background

Previous Report

This report is intended to be read in conjunction with the report prepared for Heritage Markham consideration dated May 10, 2023 and titled “Priority Designation Information Report”. This document provides a summary of the work plan as prepared by Heritage Section staff (“Staff”) to designate significant listed properties within the two-year timeline originally imposed by Bill 23 (later extended by Bill 200 to the end of 2026) and describes our evaluation method to identify these properties.

Refer to the link below for a copy of the report:

<https://pub-markham.escribemeetings.com/filestream.ashx?DocumentId=75337>

Heritage Markham Committee

The Priority Designation Project (the “Project”) was first considered by the Heritage Markham Committee (the “Committee”) at its meeting on June 14, 2023 (refer to Appendix ‘A’ for a copy of the meeting extract).

At this meeting, Staff presented the evaluation criteria along with a ranking of “listed” properties proposed for future potential designation. In response, the Committee supported Staff recommendations for a streamlined approach that allowed for significant “listed” properties to be considered by Council for designation without returning to the Committee for further review. The Committee also requested ongoing updates from Staff as the Project progressed. The first update

was provided in October 2023 and the second update was provided in March 2024. This report constitutes the third update.

Legislative Context

The following summarizes the key processes and notification requirements associated with designation under Part IV of the Act

- Staff undertake research and evaluate the property under Ontario Regulation 9/06, as amended, to determine whether it should be considered a significant cultural heritage resource worthy of Part IV designation;
- Council is to be advised by its municipal heritage committee with respect to the cultural heritage value of the property;
- Council may state its intention to designate the property under Part IV of the Act and is to include a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property;
- Should Council wish to designate the property, notice must be provided to the property owner and the Ontario Heritage Trust that includes a description of the cultural heritage value of the property. A notice, either published in a local newspaper or posted digitally in a location that can be readily accessed, must be provided with the same details;
- Following the publication of the notice, there is a 30-day window in which interested parties can object to the designation. If a notice of objection has been served to the municipality, Council is required to consider the objection and make a decision whether or not to withdraw the notice of intention to designate;
- Should Council wish to proceed with designation, it must pass a by-law to that effect within 120 days of the date in which the notice was published. There is a 30-day appeal period following Council adoption of the by-law where interested parties can serve notice to the municipality and the Ontario Land Tribunal (“OLT”) of their objection to the designation. Should no objection be received within the 30-day time period, the designation by-law comes into force. Should an objection be received, an OLT hearing date is set to examine the merits of the objection.

Status of the Project

- As described in the Staff report adopted by Council on May 3, 2023, Staff have developed a matrix consisting of four criteria against which all listed properties have been evaluated to determine their degree of cultural heritage significance. This review found that:
 - **52** “listed” properties ranked as “High”
 - **78** “listed” properties ranked as “Medium”
 - **28** “listed” properties ranked as “Low”

... in terms of the cultural heritage value based on the evaluation criteria. Staff have prioritized those properties ranked as “High” and “Medium” for initial designation consideration under Part IV of the Act. In total, **158 listed properties** were evaluated using the matrix.

Below is a summary of progress to-date:

- **151 Research Reports** have been prepared
- **121 Statements of Significance** have been prepared
- **70 designation by-laws** have been registered and an additional **14 designation by-laws** have been adopted by Council and are currently in the 30-day OLT appeal period.
- **5 designation by-laws** have been appealed by their owners to the OLT:
 - By-law 2023-168, 10159 McCowan Road (“Haacke-Warriner House”)
 - By-law 2024-4, 10690 McCowan Road (“William Henry Meyer House”)
 - By-law 2024-145, 7507 Kennedy Road (“John and Elizabeth Smith House”)
 - By-law 2024-177, 10732 Victoria Square Blvd (“Rolph Boynton House”) and
 - By-law 2024-183, 9418 Kennedy Road (“St. Philip's Old Rectory”).
- **1 OLT appeal** has been settled - 10159 McCowan Road (“Haacke-Warriner House”)

Staff also plan to return to the Heritage Markham Committee in 2025 to review any **High** or **Medium** ranked properties for which designation has not been proposed at this time as well as those properties ranked as being of **Low** consideration for designation.

Suggested Recommendation for Heritage Markham

THAT Heritage Markham receive as information the third progress update on the Priority Designation Project.

File Path: Q:\Development\Heritage\SUBJECT\Designation Project 2023-2024\HM Memos and Extracts\November 2024

Appendix ‘A’

HERITAGE MARKHAM EXTRACT

Date: June 23, 2023

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

EXTRACT CONTAINING ITEM # 6.1 OF THE SEVENTH HERITAGE MARKHAM
COMMITTEE MEETING HELD ON June 14, 2023

6. PART FOUR - REGULAR

6.1 PROPOSED STREAMLINED APPROACH FOR HERITAGE MARKHAM CONSULTATION

DESIGNATION OF PRIORITY PROPERTIES LISTED ON THE CITY OF MARKHAM'S REGISTER OF PROPERTIES OF CULTURAL HERITAGE VALUE OR INTEREST IN RESPONSE TO BILL 23 (16.11)

File Number:

n/a

Evan Manning, Senior Heritage Planner, introduced this item advising that it is related to a proposal for a streamlined approach for the designation of priority listed properties which requires consultation with the municipal heritage committee. Mr. Manning provided an overview of the evaluation criteria used to evaluate the physical heritage significance of the properties listed on the Heritage Register and displayed images of all the evaluated properties organized into “High”, “Medium”, and “Low” as it relates to their perceived heritage significance. Mr. Manning stressed that Heritage Section Staff wish to designate as many properties as possible, but noted that it was important to establish priorities given the two-year deadline to designate.

Regan Hutcheson noted that these rankings were established based only upon appearance. Mr. Hutcheson confirmed that further research will be conducted into properties are part of the designation process.

Staff further explained that they were recommending a streamlined Heritage Markham consultation process to satisfy the requirements of Section 29(2) of the Ontario Heritage Act, and that was the purpose of reviewing all the ranked

properties at this meeting. No further review with Heritage Markham Committee will occur if the Committee agrees with this approach concerning the designation of the identified properties in the Evaluation Report.

The Committee provided the following feedback:

- Questioned how the number of listed properties was reduced from over 300 to the 158 that were evaluated using the criteria shown in the presentation package. Staff noted that, for example, properties that are owned by the Provincial or Federal government were excluded from evaluation as they are not subject to the protections afforded by Part IV designation. Municipally-owned properties were removed as were cemeteries. This, along with other considerations, reduced the number of properties evaluated for designation;
- Questioned what will happen to the lowest ranked properties. Staff noted research efforts were being focused on the highest ranked properties and that if time permits, these properties would be researched. If designation is not recommended by staff, the specific properties will return to Heritage Markham Committee for review;
- Questioned why heritage building that were previously incorporated into developments are generally not considered a high priority for designation. Staff noted that these properties can be protected through potential future Heritage Easement Agreements should they be subject to a development application after “falling” off the Heritage Register;
- Requested that the Committee be kept up-to-date on the progress of the designation project. Staff noted that the Committee will be updated on a regular basis as the designation project progresses.

Staff recommended the proposed streamlined Heritage Markham review approach be supported.

Recommendations:

THAT Heritage Markham supports designation of the properties included in the Evaluation Report under Part IV of the Ontario Heritage Act;

AND THAT if after further research and evaluation, any of the identified properties are not recommended by staff to proceed to designation, those properties be brought back to the Heritage Markham Committee for review.

Carrie