

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: December 4, 2024

CASE NO(S):

OLT-24-000060

PROCEEDING COMMENCED UNDER subsection 29(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Markham MMM North Development Corporation
Subject: Refusal of Application
Description: Objection to designation By-law 2023-168
Property Location: 10159 McCowan Road (Haacke-Warriner Farmhouse)
Municipality: Markham/York
OLT Case No.: OLT-24-000060
OLT File No.: OLT-24-000060
OLT Case Name: Markham MMM North Development Corporation v. Markham (City)

BEFORE:

DANIEL NELSON)
MEMBER)
) Wednesday, the 4th
)
) day of December, 2024

THIS MATTER having come before the Ontario Land Tribunal (the “Tribunal”) on August 14, 2024 for a settlement hearing on consent of the parties;

THE TRIBUNAL having been advised of a settlement reached between the Applicant/Appellant, Markham MMM North Development Corporation (the “Applicant”), and the City of Markham (the “City”) pursuant to a decision of City Council on July 17, 2024, with respect to the designation by-law appeal filed by the Applicant, being Tribunal File No. OLT-24-000060;

AND THE TRIBUNAL having received uncontradicted evidence from Rachel Redshaw through an affidavit sworn August 9, 2024, and *viva voce* testimony, setting out her expert evidence regarding the designation by-law appeal for the lands located at 10159 McCowan Road (the "Subject Lands") and having heard submissions of counsel for the parties;

AND THE TRIBUNAL being satisfied with the order as submitted;

THE TRIBUNAL ORDERS THAT the appeal is allowed in part, and the Designation By-law 2023-168 is hereby amended in the manner set out in Attachment "A" to this Final Order;

AND THE TRIBUNAL authorizes the City Clerk to format, as may be necessary, and assign a number to the by-law for record keeping purposes. The Tribunal may be spoken to if there are any issues which arise from this Order.

"Euken Lui"

EUKEN LUI
REGISTRAR (A)

Ontario Land Tribunal

Website: www.olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

Attachment A



By-law 2024-xxx

A BY-LAW TO AMEND BY-LAW 2023-168 BEING A BY-LAW TO DESIGNATE
THE HAACKE-WARRINER FARMHOUSE, 10159 MCCOWAN ROAD

WHEREAS the *Ontario Heritage Act* authorizes the Council of a municipality to enact by-laws to designate real property, including all buildings and structures thereon, to be of cultural heritage value or interest;

AND WHEREAS by By-law No. 2023-168, "The Haacke-Warriner Farmhouse" at 10159 McCowan Road was designated by Council as being of cultural heritage value or interest;

AND WHEREAS Section 30.1 of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended (OHA) authorizes the Council of a municipality to amend a by-law designating property made under section 29 of the OHA to clarify or correct the statement explaining the property's heritage attributes; correct the legal description of the property; or otherwise revise the language of the by-law to make it consistent with the requirements of the OHA or the regulations; and

AND WHEREAS Schedule "A" of By-law No. 2023-168 contains a legal description that requires amendment; and

AND WHEREAS Schedule "B" of By-law No. 2023-168 contains a Statement of Cultural Heritage Value or Interest that requires amendment; and

AND WHEREAS the owner of the Property was provided with notice of this by-law in accordance with the requirements of the *Ontario Heritage Act*, Section 30.1(3) and (4) and no notice of objection was filed;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM
HEREBY ENACTS AS FOLLOWS:

1. General

- 1.1. That the legal description contained in Schedule "A" of By-law No. 2023-168 be replaced with the legal description as contained in Schedule "A" of this By-law.
- 1.2. That the Statement of Cultural Heritage Value or Interest contained in Schedule "B" of By-law No. 2023-168 be replaced with the Statement of Cultural Heritage Value or Interest as contained in Schedule "B" of this By-law.

2. Schedule(s)

- 2.1. Schedule "A" – Legal Description
- 2.2. Schedule "B" – Statement of Cultural Heritage Value or Interest

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS xxTH DAY OF XX, 2024.

KIMBERLEY KITTERINGHAM
CITY CLERK

FRANK SCARPITTI
MAYOR

**SCHEDULE "A" TO
BY-LAW 2024-xx**

In the City of Markham in the Regional Municipality of York, the property municipally known as 10159 McCowan Road, Markham, Ontario, and legally described as follows:

PART OF WEST HALF OF LOT 22, CONCESSION 7 (MARKHAM), DESIGNATED AS
PART 1 65R41003; CITY OF MARKHAM

PART OF PIN: 03062-0440

SCHEDULE “B” TO BY-LAW 2024-xx

STATEMENT OF SIGNIFICANCE

Haacke-Warriner Farmhouse

10159 McCowan Road
c.1855

The Haacke-Warriner Farmhouse is recommended for designation under Part IV, Section 29, of the Ontario Heritage Act as a property of cultural heritage value or interest, as described in the following Statement of Significance.

Description of Property

The Haacke-Warriner Farmhouse is a one-and-a-half storey brick farmhouse located on the east side of McCowan Road a short distance north of Major Mackenzie Drive East. The house faces south.

Design Value and Physical Value

The Haacke-Warriner Farmhouse has design and physical value as an excellent example of a farmhouse in the Georgian architectural tradition with Classic Revival influences. The 5-bay south (primary) elevation features a central doorcase with transom and sidelights. The use of Flemish bond brickwork on this elevation is an indication of a high-quality of construction. There was at one time a full-width front veranda as indicated by the wood nailing strip set into the brickwork. Archival photographs show the former hip-roofed veranda supported on simple turned posts. The archival photograph from the early 1970s also shows the red brick before it was sandblasted along with quoining in a lighter brick colour (not currently visible due to the brick cleaning).

Historical Value and Associative Value

The Haacke-Warriner Farmhouse has historical and associative value as it serves as a link to the Berczy settlers, notably the c.1855 home of George Haacke whose father joined the Berczy settler group while they were *en route* to Markham Township in 1794. George Haacke purchased the western 100 acres of Markham Township Lot 22, Concession 7, in 1834. The family initially lived in a log house until a substantial brick farmhouse was built in the mid-1850s. The property has further historical and associative value as it represents the theme of multi-generational occupation of a farm as evidenced by the Haacke and Warriner families. The farm remained in the ownership of George and Sophia Haacke’s descendants until 1902 when it was sold to John Wilmot Warriner. The Warriner family is of English origin. The descendants of John Wilmot Warriner owned the farm until 2011 when the property was sold for future development. The family continued to farm there as tenants until 2014.

Contextual Value

The Haacke-Warriner Farmhouse is of contextual value as a farm residence on its original site, making legible the prosperous agricultural endeavors that long existed within Markham Township.

Heritage Attributes

Character-defining attributes that embody the cultural heritage value of the Haacke-Warriner Farmhouse are organized by their respective Ontario Regulation 9/06, as amended, criteria below:

Heritage attributes that convey the property's design value or physical value as a representative example of a locally rare mid-nineteenth century brick farmhouse in the Georgian and Classic Revival styles:

- Overall form of the building, including the rectangular plan of the one-and-a-half storey main block with a 5-bay front, and the single-storey rear kitchen wing;
- Fieldstone foundation;
- Brick masonry walls in Flemish bond and common bond;
- Gable roof with projecting eaves, eave returns, and associated wood mouldings;
- Gable roof of rear wing with slope continuing to create covered verandas on the east and west sides;
- Single-stack, brick, gable end chimneys;
- Wood six-over-six single-hung windows where they still remain on the ground floor of the main block;
- Old window openings on the second floor;
- Appearance of six-over-one wood windows on the second floor;
- Old window openings on the east and north walls of the rear wing with appearance of six-over-one windows;
- Front doorcase with multi-paned transom and sidelights and panelled front door;
- Second storey door opening on front wall.

Heritage attributes that convey the property's historical value or associative value, representing the themes of immigration, particularly the early settlement of Markham Township by the Berczy settlers, and the multi-generational occupation of a farm, as the former residence of the Haacke and Warriner families:

- The dwelling is a tangible reminder of the George and Sophia Haacke and Wilmot and Ina Warriner families that historically resided here.

Heritage attributes that convey the property's contextual value as a landmark:

- The location of the building on its historic parcel with a southward orientation.

Attributes of the property that are not considered to be of cultural heritage value, or are otherwise not included in the Statement of Significance:

- Non-functional window shutters;
- Modern replacement windows within old openings on the second floor and the northerly replacement window within an old opening on the ground floor of the east gable end of the main block;
- Picture window on west wall of rear wing;
- Flat-roofed front porch;
- East deck extension of side verandas.