

Proposal to Council:

Stay of Demolition & Approval of Stabilization and Relocation Plan for Munshaw House

Submitted by:
Barry Nelson

Heritage District Resident

Also referred to as “**The Stabilization Team**”
Recent Recipient of the **King Charles III Coronation Medal** for 18 years of Contributions to Cultural and Built Heritage Preservation

Date: Monday, March 24, 2025

1. Purpose of This Proposal

This proposal seeks Council’s approval to:

1. **Extend the stay of demolition** for the Munshaw House until **April 22, 2025**, to allow time to finalize a **Stabilization and Relocation Agreement** with Condor Properties.
2. **Authorize the full redirection of Condor’s \$300,000 payment** (originally recommended by the Development Services Committee) to fund **structural stabilization work** led by The Stabilization Team.
3. **Protect the City of Markham from all financial and legal liability**, ensuring that all costs and risks are assumed by the Stabilization Team and Condor.
4. **Permit the possible and careful disassembly of the eastern portion** of the house (from the stairway east), only as a last resort and only if found structurally unsalvageable. Salvaged heritage material will be repurposed in restoration or other heritage applications.
5. **Ensure the successful stabilization** and availability for relocation of the remaining structure to the pre-approved temporary storage site.
6. **Remove the dormers** during stabilization, as they are **not representative of the original heritage asset** and are not considered vital to the architectural conservation of the structure.
7. **Provide Condor with a clear exit strategy:** If stabilization and relocation efforts are not deemed structurally viable by a qualified engineer, **Condor may immediately apply for demolition** without further delays, obligations, or appeals.

2. The City Has Not Condemned the Munshaw House - A Key Preservation Factor and an Inspiring one

City staff acted appropriately and prudently! Despite fire damage, unsafe building declaration and multiple engineering reports recommending destruction of the asset, **the City of Markham has not exercised its authority to immediately condemn the Munshaw House.** There is good reason for this in that the reports did not address the needs of HERITAGE Preservation techniques in remediation and I believe that staff suspected this **without fault to the property owner** - please see addendum “A” for expansion. This is a significant factor in favour of preservation because:

- **If the building posed an immediate safety threat entirely despite limited access via high fencing, the City would have condemned it rather than continue with assessment.** The Stabilization team recognizes from the pictures that significant strength exists within the damaged structure and **the engineering report supports this too.** Enough to give confidence in the **Heritage-Stabilization** work ahead with at very least 2/3rds of the structure, but a basement level assessment will tell more.
- The absence of a condemnation order confirms that stabilization and relocation remain viable options.
- This strengthens the argument that, with proper remediation, the structure can be safely moved and preserved, but much of the techniques will be applied by hand, and at a cost.
- **PLEASE REVIEW my respectful review and opinion of the engineering report found in Addendum “A”**

 **This reinforces that stabilization and relocation remain the responsible course of action.**

3. Clarifying the Flow of Funds and Responsibility

3.1 Direct Payment to the Stabilization Team

- **Condor’s \$300,000 payment** will be directed to the Stabilization Team upon signing, as funds to pay for the work **of the designated Stabilization Team** and not the City.
- This allows for immediate mobilization of experienced, rugged individualists with expertise in heritage structure preservation, leading an independently managed stabilization initiative focused solely on ensuring structural integrity of the Heritage Asset.
- The **scope of work excludes cosmetic enhancements or non-essential upgrades.** Instead, the stabilization team will reinforce and retain as much of the original heritage wood fibre and fixtures as possible, ensuring their preservation for future generations.

With the owner’s written consent:

- **Damaged and unsupported dormers** will be carefully removed.
- The **roof structure will be remediated and resurfaced**, using original internal materials where feasible, and supplemented by reinforcement as needed.
- The **roofline will be adapted to reflect the 1800s-era architectural form**, as shown in the attached Drawing Addendum “B”.

3.2 Council’s Role

- Council is not being asked to manage or distribute the funds, only to **permit the extension for agreement finalization** and recognize the legitimate redirection of Condor’s financial responsibility. The City’s support is limited to issuing regulatory extensions and observing compliance, not endorsing engineering judgments.

✔ This approach preserves Council’s neutral role while ensuring practical execution.

4. The Defined Role of the Stabilization Team: Stabilization and Disassembly, Not Full Restoration

The Stabilization Team’s Objective Is to:

- **Conduct an initial inspection of the structure**, after which they will confirm feasibility and proceed to enter into an agreement. This agreement will include a clause holding the owner harmless for any injury or incident arising from the inspection process. The Stabilization Team will only proceed if, in their professional judgment, the project is feasible within reasonable and manageable risk tolerances. As reasonably determined by the Stabilization Team in consultation with industry-standard heritage stabilization practices and based upon site conditions present at time of inspection.
- **Stabilize the structure only**, not renovate, for immediate or future safe relocation to the approved storage site.
- **Perform surface remediation** using a combination of aggregate blasting methods to remove soot, carbon residue, and surface contaminants caused by fire damage. This process is estimated to address approximately **90% of interior and structural surfaces**, and represents a **substantial portion of the work scope**.
- **Replace or remediate structural wood fibre** only where its failure would compromise overall structural integrity. No work will be performed solely for esthetic purposes.
- **If required**, disassemble the **eastern portion** of the structure, particularly where **thermal plasma movement** or structural compromise beyond the stairway and mid-section has rendered key components nonviable. In such cases:
 - A **temporary or permanent weather-resistant replacement wall** will be installed to protect the remaining structure.
 - Materials will be salvaged where possible for later heritage re-use.
- **Install shear panels for structural strength:**
 - Once the framework is stabilized, **½" plywood sheathing will be applied and fastened to most interior wall surfaces**.

- This step is critical in restoring **shear strength**, which resists lateral movement such as wind or seismic loads.
- The plywood will act as a **diaphragm sheathing system**, redistributing lateral forces and enhancing the structure's overall rigidity for transport or bracing.
- Though aesthetically clean and flat surface for possible finishing, the plywood is **structural**, not decorative, and will support future retrofitting (e.g., electrical or plumbing chases).
- **Salvage and retain all viable heritage materials**, including:
 - Original timbers, window casings, doors, trim, clapboard siding, and interior paneling if existing with integrity.
 - All useful fibre materials will be carefully stored internally for use in **future restoration or reproduction features**, such as custom windows, millwork, or interpretive installations.
 - **Upon inspection the chimney** may be partially or fully disassembled, and the materials stored.
- **Exclude fire debris removal**:
 - The Stabilization Team will not be responsible for clearing or removing **basement fire debris** or any other material left from the fire event and stabilization work. The structure will be stabilized **as-is**, with all sub-grade materials both old and new remaining intact.

✔ This phase is not about restoring the building, it is about preserving what can be saved and preparing for later transport.

5. Key Components of the Revised Stabilization & Relocation Plan

5.1 Redirection of Condor's \$300,000 Payment

- Condor's financial commitment, already established as a result of the DSC vote, is to be used for **active stabilization and disassembly** of viable structural elements.

5.2 Legal & Liability Protections for All Parties

- A **mutual hold harmless and indemnification agreement** shall be executed between **Condor**, the **City of Markham**, and the **Stabilization Team**, providing the following protections:
 - **Condor shall be fully absolved of liability** arising from or related to the stabilization activities.
 - **The Stabilization Team shall likewise be held harmless by Condor, the City of Markham, and any affiliated agents or contractors** for any loss, damage, or outcome arising from their stabilization work, subject to the limits defined herein.
 - **The City of Markham shall bear no financial, operational, or legal responsibility** related to the work undertaken by the Stabilization Team.

- The **Stabilization Team accepts all personal and team-level risk** for the direct execution of the stabilization work. Specifically:
 - The Team **assumes responsibility only for work within their defined scope**, including lifting, disassembly, bracing, temporary enclosure, and other physical stabilization activities.
 - The Team shall **not be liable for any broader development impacts**, including but not limited to:
 - Delays to the subdivision project.
 - Disruptions to grading, utilities, or non-heritage site operations.
 - Damages to future phases or unrelated construction.
- **Roofing shingle materials shall be recycled where feasible.** The Stabilization Team shall **not be responsible for the removal or disposal** of materials remaining in the **basement pit or below-grade areas**, including any fire-damaged debris, sands, or remnants from the original foundation. This limitation explicitly excludes any interpretation of environmental liability, which remains with the property owner or its assigns.
- **Indemnity and liability protections will survive termination** of this agreement and shall remain in effect **in perpetuity**, ensuring all parties are protected indefinitely from future claims related to the described scope of heritage preservation work. Heritage structures do not conform to current code regulations, as heritage attributes are often lost when the code is applied.
- If, upon completion of stabilization work, a **qualified structural engineer** (retained and paid for by the Stabilization Team) determines that the building is **not viable for relocation, Condor may proceed with demolition without further delay or appeal.**
- The Stabilization Team shall **not be held liable for failure to achieve intended goals** where such failure is due to:
 - Acts of God (e.g., additional fire, flood, or earthquake),
 - Vandalism, arson, or unauthorized access despite an onsite trailer,
 - Conditions beyond the team's control,
 - Material failure, hidden hazards, or structural collapse despite best efforts.
- **Site access is restricted:** No third party may enter the work zone without:
 - Written permission from **Barry Nelson**,
 - Suspension of all work during the visit, and
 - Confirmation that the site has been secured and made safe.
- **Should insurance be mandated by any authority** having jurisdiction, the cost and procurement shall remain the responsibility of the requesting party, and not the Stabilization Team.

✓ These terms ensure clarity, legal fairness, and risk mitigation for all parties while protecting the heritage asset.

6. Project Timeline & Milestones

The project will be completed within **2-4 months**, with a possible **90-day extension** upon demonstration of substantial progress.

Phase	Major Tasks	Estimated Completion
Phase 1	Site shoring and stabilization of western portion	15 Team work days
Phase 2	Salvage and possible diss-assembly of eastern portion	45 “ “ “
Phase 3	Preparation for relocation of retained structure	15 “ “ “

✓ Condor retains the right to apply for demolition if final engineering standards are not met, holding the Stabilization Team harmless in that event.

7. Final Request to Council

We respectfully request that Council:

- ✓ **Extend the stay of demolition to April 22, 2025.** to allow for negotiation and agreement finalization.
- ✓ **Acknowledge the legitimacy of Condor’s \$300,000 payment being redirected in full to the stabilization effort** rather than a general penalty.
- ✓ **Affirm that the City has no financial or legal responsibility for the project.**
- ✓ **Support the focused goal of stabilization for later transport, not full restoration.**
- ✓ **Recognize the proposal as a preservation-first, practical solution.**

✓ **This path enables Council to support heritage conservation with minimal risk, no cost, and positive outcomes for all parties.**

Addendum “A” to Proposal – Executive Summary Opinion on the Facet Group Inc. Report

The owner of the Munshaw House has shown clear and commendable concern for both **public safety and worker safety**, as reflected in their commissioning of multiple engineering assessments following the June 2024 fire. This includes the report produced by **Facet Group Inc.**, a respected firm known for its work in the area of heritage building consulting. It is important that Council recognizes this effort as evidence of the owner’s **good faith and commitment to managing liability and potential risks to human life.**

That said, as a long-time advocate for Cultural and Built Heritage with direct experience in entering structurally compromised heritage buildings before various remedies are applied to the structures, I believe that the **Facet report was conducted through a very narrow lens of modern structural assessment** and did **not sufficiently apply a heritage-sensitive methodology**, even though the firm's letter and mandate make reference to heritage preservation. **The report was also not presented to Heritage Markham by the engineer** who signed the report and therefore opportunities for clarification were potentially not available within the context of the original inspection practitioner.

This addendum offers five key observations, beginning with the most foundational concern, that respectfully challenge the relevance of the reports recommendation for demolition. The observations are offered as a guiding framework to assist Council in determining whether the structure is **unsalvageable** or simply **in need of a staged, targeted heritage remediation process**, beginning with stabilization and then relocation.

1. Heritage Scope Was Stated but Not Reflected in Assessment Methodology

While the report, while produced by a heritage-qualified firm, appears to have applied a conventional engineering risk assessment framework rather than a heritage-conservation stabilization lens appropriate for the structure's intended interim use..

- The **assessment was framed around safety for active construction or modern occupancy**, not for **temporary stabilization for relocation**, which is the actual purpose of the current heritage preservation plan.
- There is **no discussion of best practices in heritage stabilization**, such as:
 - Temporary external bracing or scaffolding;
 - Manual disassembly strategies to mitigate vibration risk;
 - Sheathing or ply-reinforcement to enhance shear strength;
 - Retention of perimeter facades using selective demolition techniques.
- Instead, the report **defaults to a demolition-based conclusion**, despite identifying that key original features (e.g., Douglas fir joists, clapboard siding, the front doorframe with sidelights) **remain salvageable**. There is **no value-based assessment** of these features nor of their potential reuse in a restored structure.
- The report does not address **heritage conservation standards**, such as those issued by the **Standards and Guidelines for the Conservation of Historic Places in Canada**, which promote minimum intervention and prioritize material retention where possible.

As a result, the engineering conclusion, while valid from a **risk-averse, modern structural lens**, should be understood by Council as **not necessarily aligned with the principles, values, or methods of heritage preservation**. The question the report appears to answer is:

“Is the building safe to remain in place for conventional development or restoration by a modern contractor?”

Whereas the question that needs to be asked is:

“Can the building be stabilized long enough for careful disassembly, remediation, or relocation by a heritage-trained teams working within appropriate safety parameters?”

The two questions are very different in scope and intent.

2. No Exploration of Heritage-Specific Stabilization Pathways

The Facet Group report outlines structural risk, particularly within the roof structure and the eastern portion of the building, but it **fails to explore or even mention common heritage stabilization methods** that could be used to mitigate these risks. In heritage-sensitive assessments, engineers are expected to consider:

- Use of **external scaffolding**, tensioning frames, or temporary shoring systems to stabilize compromised facades or roof lines.
- Application of **structural sheathing** (e.g., ½" plywood to increase shear strength) to preserve framing for short-term retention.
- Temporary removal of **high-risk components** (such as dormers or chimneys) to reduce collapse risk while retaining the overall structure.

The omission of such considerations gives the impression that **demolition was the default assumption**, not the final resort. This undermines the report's relevance to a heritage context, particularly when structural stabilization, not restoration, is the immediate goal.

3. Assessment of Collapse Risk Lacks Context of Controlled Intervention

Facet Group highlights collapse risk during disassembly and roof removal, particularly if done by hand. However, it does not differentiate between:

- **Standard construction deconstruction**, which involves large crews, machine-based demolition, or rapid timelines;
- And **heritage-guided dismantling**, which uses phased manual work, stabilizing tension frames, and vibration-avoidant techniques performed by experienced practitioners.

The report concludes that because roof and attic framing present “undue risk,” they must be removed by machine. This is a conclusion **anchored in commercial-scale methodology**, not heritage practice.

A controlled, well-paced intervention by a heritage-trained stabilization team would **lower the risk profile substantially**, and **transform the site from unsafe to stable over weeks, not hours**. The failure to explore this option leaves a gap in the report's utility for Council's decision-making.

4. The Structural Analysis Ignores the Building's Overbuilt 1850s Construction

Many elements of 19th-century residential architecture, especially in Ontario, were constructed with materials and techniques that exceed contemporary residential norms. In Munshaw House:

- Douglas fir timbers used for joists and wall studs are of **higher density and dimensional strength** than modern equivalents.
- The house shows signs of **traditional joinery and potential heavy sill plate construction**, which are more tolerant of charring or loss to perimeter sections.

Facet Group refers to “moderate to severe damage” across various parts of the structure, but makes no quantitative reference to **remaining load-bearing capacity** or whether reinforcement through lamination, sistering, or blocking could bring the elements back into safe tolerances.

In this way, the report **provides an incomplete picture** of the actual viability of the remaining structure and offers **no engineering pathway toward remediation**, despite the presence of highly restorable heritage fabric.

5. The Assessment Methodology is Incomplete Without Basement Review

The report states that **“the basement was not reviewed”**, despite the fact that the condition of the floor joists, sills, and foundations are **critical to understanding how the building could be stabilized for temporary relocation**.

Omitting the basement from review is a significant methodological oversight because:

- The **load transfer** from bracing or plywood sheathing must rely on subfloor elements for stability.
- **Moisture intrusion, rot, fire, or prior modifications** to basement framing could radically affect stabilization techniques.
- Any long-term or short-term movement of the building requires an understanding of how lower-level assemblies will respond to lifting, cribbing, or tensioning.

Because the basement was not reviewed, and yet foundational elements (such as sill plates, joist ends, and cribbing potential) are integral to any stabilization effort, the report’s demolition recommendation lacks the completeness necessary to fully rule out alternative strategies. If future stabilization efforts encounter challenges traceable to these unassessed areas, responsibility for those outcomes should be viewed in light of this incomplete engineering baseline, and not as a failure of the heritage-focused approach itself.

Addendum “B” - Over

Addendum "B" -

