

P

Hau, Lucy

Subject: 26 Albert St

-----Original Message-----

From:

Sent: Tuesday, April 30, 2013 8:53 AM

To: Pettit, Martha; Huycke, Stephen; Mayor, Councillors & C.A.O.; Cane, Trinela

Cc: Annette

Subject: 27 Albert St

Good Day

For the record, I am in support of Mr Crabtree along with the 87 signed petitioners to demolish the faulty, moldy garage structure on his property.

This structure does not fit into the surroundings, be it Heritage or not this structure as per Engineer is unsafe.

Its astounding to think that anyone would demand thousands of dollars to save this moldy building.

The City dropped the ball years ago, do not fault the present owner

Allow this faulty structure to be demolished and release any monies back to Mr Crabtree

Regards

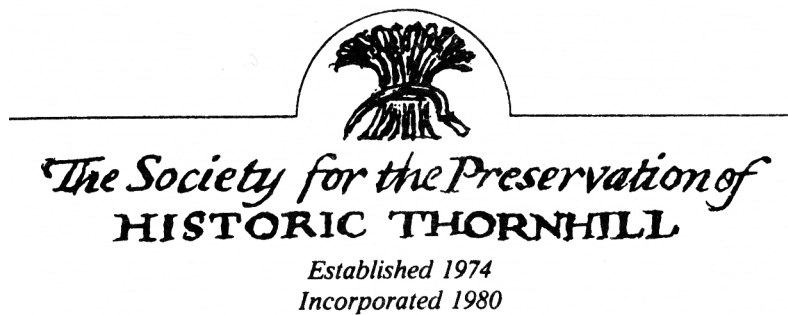
Annette Cacorovski

Sent from my BlackBerry device on the Rogers Wireless Network

*

This e-mail contains information that may be privileged and/or confidential. If you are not the intended recipient, any disclosure, distribution, copying or other use of this e-mail or the information contained herein or attached hereto is strictly prohibited and may be unlawful. If you have received this e-mail in error, please notify this sender immediately and delete this e-mail without reading, printing, copying or forwarding it to anyone. Thank you for your co-operation.

*



April 30, 2013

To the Mayor and Members of Markham Council;

The Society for the Preservation of Historic Thornhill (SPOHT) has been a voice for the preservation and promotion of our community's built heritage for almost 40 years.

Our organization was established as a community response to the rapid and often reckless destruction of the architectural fabric in our neighbourhood, prior to the establishment of the Thornhill heritage conservation districts.

While our primary area of focus is the community of Thornhill, we value and champion the preservation of our collective built heritage beyond our immediate area to the wider Markham community.

Therefore, we are compelled to speak out against the demolition request concerning 26 Albert Street in Markham Village.

There are many local examples of buildings which have restored for new purposes, sometimes from very dilapidated states.

One is that of 31 Colborne St. Thornhill. In the late 1990s this former semi-detached frame house was converted to a garage when a new house was built on the property. Through this action, the building continues to contribute to the wider historical village character of the street.

The value of maintaining heritage buildings, on main streets and side streets, cannot be underestimated. Within our designated heritage conservation districts this demonstration and dedication to preservation of buildings of many styles is an important, tangible and impacting statement of what can be achieved.

Sincerely,

Adam Birrell

President,
The Society for the Preservation of Historic Thornhill (SPOHT)
adam@thornhillhistoric.org - www.thornhillhistoric.org

4
P
Hau, Lucy

Subject: FW: 26 Albert Street

From: TOM CHAN
Sent: April-30-13 2:39 PM
To: mayors&councillors@markham.ca
Cc: Huycke, Stephen; Bavington, Kitty
Subject: 26 Albert Street

Hi,

I read an article from York Region on-line news about this property. I know that there will be a discussion on the demolition of this property in tonight's meeting. I wish to attend the meeting and share my opinion, but I have an appointment at the same time and cannot make it.

Here I would like to give my opinion on this issue:

- 1) I personally wish to protect ALL properties with heritage value. However, if a property itself is in a very bad shape and will fall apart by itself, for the sake of safety concern, would it be a better idea to tear it down?
- 2) If the new owner follows the recommendation from the City staff, despite the fact that 'the walls was rotted', to hire a contractor from the Heritage Markham Contractor List to restore the property or to make it a garage, who will be responsible for any damage or injury to any people if the subject property collapses?
- 3) It seems to me that it was the previous owner who failed to maintain this 'heritage property', why should he not be held responsible?

Thanks for your attention to my opinion.

Regards

I will never be too busy to take care of your referrals

Tom Ka Leung Chan

Hau, Lucy

Subject: FW: Deputation for 26 Albert Street, Mr. Michael Crabtree
Attachments: Crabtree 2 new home construction Michael.jpg

From: Donna Markham
Sent: April-30-13 2:45 PM
To: Mayor & Councillors
Cc: Cane, Trinela; Bavington, Kitty; Huycke, Stephen
Subject: Deputation for 26 Albert Street, Mr. Michael Crabtree

Kitty, please add my deputation to the agenda for tonight. Thanks

Good evening Mayor and Council,

I have lived in Markham Village for over 32 years and I believe that keeping our heritage properties is a very important town obligation. In fact, it was important enough at some point in time, for Markham to hire at least three Heritage staff and in 1975, for the Town of Markham Council to establish a Local Architectural Conservation Advisory Committee (L.A.C.A.C.) known as Heritage Markham.

According to information posted on the Markham website, "Today, the Committee is has ten volunteer representatives from the community and three members of Council. The purpose of Heritage Markham is to advise and assist the City on heritage matters such as designation, alteration or demolition of heritage buildings. The Committee reviews all development applications, building permits and signage permits affecting designated buildings or any property located within the boundaries of a heritage conservation district.

The committee is also involved in the protection of archaeological resources, ensuring complementary new construction in heritage districts, advising heritage property owners on appropriate conservation and maintenance practices, and generally promoting heritage conservation initiatives in Markham."

So, it appears that we have enough staff and volunteers to ensure that our heritage buildings are correctly identified and preserved. Then how does this, now important piece of Markham history -- built in 1865, not be accounted for until 2002? This property is two streets east of Markham Main Street. It is not in an untravalled, remote location. I feel that those who were to be protecting our heritage buildings fell very short in preserving this building.

Now that the town has ignored this property for years, allowing the previous owner to disconnect the utilities and use the property for a dumping grounds, the town insisted that Mr. Crabtree sign a 16-page, legal document -- putting him between a rock and a hard place and in a lose-lose situation.

Some may argue that not enforcing the 16-page agreement now would set a bad precedent. To that I say, the town appears eager to enforce this agreement to move the focus from the fact that they didn't fulfill their obligations to our heritage buildings and is now using Mr. Crabtree as their scapegoat. Some may have resorted to legal action, but as a Markham resident and not a wealthy developer, Mr. Crabtree wasn't afforded the luxury of going the legal route.

As a long-time Markham resident, I say to council, admit that the town dropped the ball on this heritage property and allowed this building to become an eye-sore to the historic neighbourhood. Acknowledge the fact that Mr. Crabtree enhanced the property with a beautiful home that fits well into historic Markham. Concede that Mr. Crabtree tried to protect the heritage building that was left to rot for decades -- upon purchasing the property, he covered over the roof, risking life and limb to do so, and has a skid of shingles ready to repair the roof -- but no roofer will risk their life by taking on the roofing job. I have pictures from 2010, 2012, 2013 showing that the roof was covered by Mr. Crabtree.

My question to Council and Heritage Markham is, where have you been for the last 38 years? Why have you not protected this heritage building when it was still salvageable?

I would respect the truth, that it was just a 'comedy of errors' on the part of the town. But I do not respect holding a fellow Markhamite's feet to the fire.

In his analysis, Mr. Evans from E7 Engineering states; "Extensive Renovations" are required. Mr. Crabtree has previously provided a very detailed cost estimate of approximately \$120,000. In my estimation, the end result would be a new construction building, at a ridiculously high cost, that shouldn't even be designated as heritage.

Clause 2.4 in the Easement Agreement states:

"The owner shall notify the Town of any damage to the building within 10 clear days of such damage or destruction occurring. In the event that the building is damaged or destroyed and the replacement, rebuilding, restoration or repair of it is impractical because of the financial costs involved..."

By omission, I believe that this clause can be applied in this case. It was virtually impossible to determine the true condition of the structure until after the purchase, when Mr. Crabtree was allowed to remove the cladding...

The facts show that lack of care and effective management of heritage properties continues. While a Property Standards Order is issued in May 2012 and complied with in June 2012, by Mr. Crabtree, neither the Property Standards or Heritage departments responded to or even acknowledged receipt of his registered letter and report from his engineer.

If Mr. Crabtree didn't take the initiative on January 8, 2013 to contact the town -- would he ever have received a response? And then the response is to apply for a demolition permit that may or may not be granted??? This makes no sense to me.

The errors and omissions by the town and heritage people surrounding this property for decades is astounding and appalling. The fact that this council is now insisting on enforcing a 16-page contract, signed by Mr. Crabtree, under duress, is just wrong in so many ways.

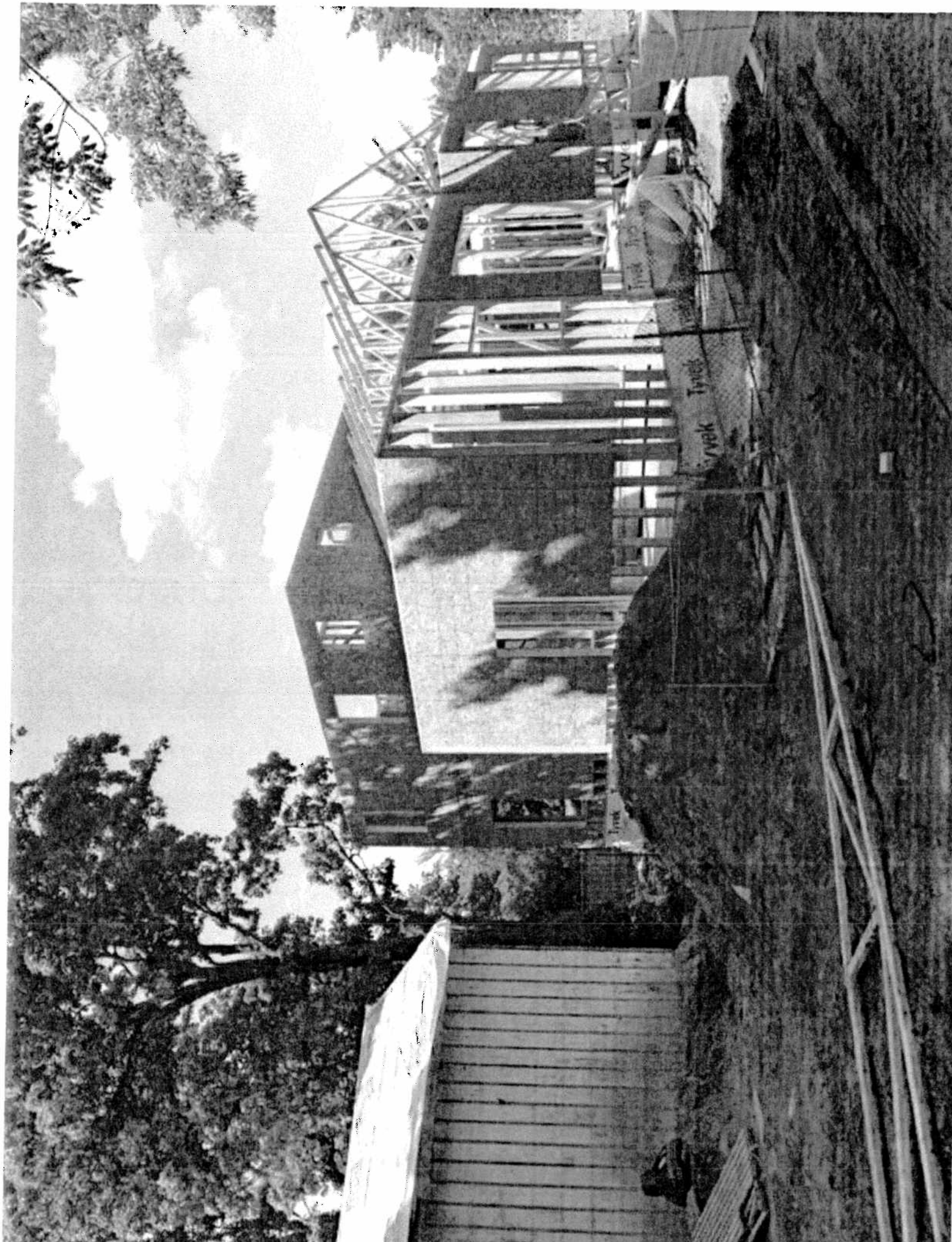
In view of the numerous failures by the town and its respective departments, I ask Council tonight to immediately rescind the 16-page contract, refund Mr. Crabtree's \$18,200, and grant him a demolition permit. He should then be allowed to build a new construction garage, that fits with his home and into the neighbourhood.

I would also suggest that an investigation be undertaken -- within the departments that failed to protect this property and subsequent failure to follow-up on the Engineer's report from Mr. Crabtree.

If Markham truly wants to protect and preserve our heritage, perhaps it is time to take action on the Tremont Hotel on Markham Main Street -- before it's too late -- if it isn't already!

Donna Bush
Markham resident

PS -- I have included a photo taken in 2010 showing that Mr. Crabtree covered the roof of the structure in 2010, when he purchased the property and is not at fault for neglect.



The definition of Demolition by neglect is defined as the destruction of a building through abandonment or lack of maintenance, intentionally or with malicious intent. The owner lets a building deteriorate until it becomes a structural hazard and a safety concern.

There are many examples of buildings pulled down for DBN

When it first opened in 1889, the Empress Hotel was considered one of Toronto's finest. But it took a six-alarm fire to draw attention to the historic building in city's downtown core.

Cities tend to take our historic structures for granted until they are in grave danger of disappearing, as with the burned-out building at Yonge and Gould St. Yet the city of Toronto didn't move to give this building any protection at all by designating it a heritage building until after it was in such a state of disrepair its brick façade started falling down.

But it still takes political will and bureaucratic energy to make sure important buildings get designated in the first place. And other bylaws, such as property standards, have to be deployed to ensure heritage buildings are still well maintained.

This also happened at 26 Albert St, It was not designated heritage until 2002

The Town agreed to a demolition permit in 1993-1995. Services were disconnected at the property in 1998. In 2002 Heritage Markham asked Council to rescind their support, my question would be WHY?

The Town is negligent in enforcing their own property standards by law. The state of this building did not just happen over the last 3 years, the property has been sitting empty for 15 years or more, it has been neglected for the same or more.

The Town was called out twice, first in 2005 and 2007, and charges were laid. I understand that these charges were not pertaining to the building, but didn't the by-law officer see that the building was vacant and deteriorating. Yet still the Town failed to enforce the previous owner to restore the building and protect it from the hazards of the environment.

At the DSC meeting, Regan said they had been working with the previous owners to rectify the situation...What does that mean, couple of phone calls or emails? Because 5 years later still nothing had been done to protect the building.

After years of not enforcing your own property standards by law, now you want to make an example out of an innocent homeowner.

Your own report states that: The building has been in poor shape for many years due to the lack of maintenance by successive owners, the building has little or no maintenance in the last two decades.

Why did the Town allow this to happen when they were fully aware of the deteriorating condition for many years?

What have we learnt from this: City council must change and put steps in place to preserve what we have left. That means proactively identifying important historic buildings and working with owners to facilitate the reuse of heritage properties; improved grants and tax rebates to provide financial incentives; and increased enforcement of bylaws for owners who may be skirting the law by allowing their buildings to fall into such disrepair there is little choice but to demolish them.

For those on Council and residents that think they are preservationists, you should be aware that most local municipal building and health codes allow landmarks to be torn down despite opposition from the local preservation review body on the ground that the buildings have fallen into such disrepair that they are a threat to public safety."^

These buildings become threatened long before demolition is proposed.

In reference to Councillor Shores comment that he should have hired a home inspector: The general law of the sale of property is caveat emptor (let the buyer beware) However, it is understood at law that inspection is often not sufficient to detect certain deficiencies in the product that can only be discovered through destructive testing or other means that a seller could not reasonably be expected to allow under normal conditions. For example, wood beams and interior brickwork often cannot be fully assessed without destructive testing. Latent

defect is a fault in the property that could not have been discovered by a reasonably thorough inspection before the sale.

Mr Crabtree has done his best to cover the roof with a tarp and to hold it down to prevent more water from entering the building, but the damage was already done. Could he have done more due diligence prior to the purchase, probably.

But we all have been guilty of not doing sufficient due diligence, prior to signing contracts, including everyone on this Council, the CAO and the Town Solicitor who allowed it to happen.

The Town just granted permission to the Wannop Family to cut down a Black walnut tree, even when the reports said it is not damaging the buildings next to it. To which the wood alone is worth probably \$20-30000 dollars. Co-incidentally it's the Wannop's that owned this building that they neglected for many years prior to selling it to the homeowner of today. Why didn't Heritage and Council go after them?

May I suggest that if this building is so special to the Town, that the Town purchase it for a dollar and move it to the heritage estates.

In conclusion, we support Mr. Crabtree with his request to be granted a demolition permit (if the dwelling cannot be sold and moved). There is no proof that Mr. Crabtree intentionally let the building get worse and therefore we also support that he should have his letters of credit returned to him. \$18200.00 may not be a large amount of money to some of you. But to many residents this is a substantial amount of money. Mr. Crabtree is not a developer with deep pockets, he did not purchase the building with the intent to re build and sell and make a profit. He built the house for his family to have somewhere to live and call home.

I respectfully request that all of Council vote to grant the demolition permit and to return the letters of credit to the homeowner.

Karen Rea (president of Markham Village City Ratepayers Association)