



Report to: Development Services Committee

Report Date: April 3, 2018

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<b>SUBJECT:</b>	Victoria Square Heritage Conservation District Study Status
<b>FILE NO.:</b>	Not Applicable
<b>PREPARED BY:</b>	George Duncan, Senior Heritage Planner, ext. 2296
<b>REVIEWED BY:</b>	Regan Hutcheson, Manager of Heritage Planning, ext. 2080

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### **RECOMMENDATION:**

- 1) That the staff report titled “Victoria Square Heritage Conservation District Study Status,” dated April 3, 2018, be received;
- 2) That based on general opposition expressed by property owners within the study area, staff be instructed to discontinue further action on this project at this time;
- 3) That research work prepared by the consultant team remain on file as a resource to support future local heritage conservation initiatives such as individual property designations;
- 4) That an update on the status of the study be posted on the City website and a notice be provided to each property owner in the study area;
- 5) And that staff be authorized and directed to do all things necessary to give effect to this resolution.

### **EXECUTIVE SUMMARY:**

Not applicable.

### **PURPOSE:**

The purpose of this staff report is to advise Council on the status of the Victoria Square Heritage Conservation District Study and recommend that based on feedback from a majority of local property owners, no further action be taken on this project at this time. The staff report has also been prepared to outline alternative approaches to heritage conservation to ensure that significant cultural heritage resources in Victoria Square will be protected in keeping with the Official Plan 2014 and the Provincial Policy Statement.

### **BACKGROUND:**

#### **Six potential Heritage Conservation Districts were identified in 2004**

On June 30, 2004 Council passed a resolution identifying a number of historic communities in Markham as areas for consultation and future study as potential Heritage Conservation Districts. Victoria Square, a historic crossroads community in northwest Markham, was among the six areas identified for examination.

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**Official Plan Amendment OPA 182 generated discussion of a potential Heritage Conservation District for Victoria Square**

As part of Council's consideration of an official plan amendment affecting Victoria Square (OPA 182), at the October 6, 2009 Development Services Committee meeting a resolution was passed asking staff to report back on designating Victoria Square as a Heritage Conservation District Study Area. This was based on feedback from local residents who expressed their desire that the character of their community be protected, at the time OPA 182 was under review. Heritage Markham supported the study based on the significant number of heritage buildings in the area, and the community's history as a crossroads hamlet. A map of the study area is shown on Figure 1.

**A consultant was engaged to conduct in-depth research**

Historical research on properties in Victoria Square was undertaken as the first step in determining the area's potential as a Heritage Conservation District. A consultant (Su Murdoch Historical Consulting) was engaged to undertake detailed research into each property within the study area. The research was completed in the summer of 2010.

**The area has a large number of heritage buildings**

Victoria Square is one of Markham's oldest communities. A post office was established there in 1854. The area of study included the core of the hamlet, centred on the intersection of Victoria Square Blvd. (formerly Woodbine Avenue) and Elgin Mills Road East. The consultant examined the history of the community and conducted research into each of the 43 properties within the boundary. Of these, 22 are listed on the Markham *Register of Property of Cultural Heritage Value or Interest*, and two of these are individually designated under Part IV of the Ontario Heritage Act. A list of properties of cultural heritage value or interest is included in Appendix 'A.'

**A consultant team was engaged to undertake a Heritage Conservation District Study**

In 2014, MHBC Planning, Urban Design & Landscape Architecture consultants were engaged by the City to undertake a heritage conservation district study. The consultants worked closely with Heritage Section staff and the Victoria Square Heritage Conservation District Study Steering Committee. The consultant team's work built upon the previous research work undertaken in 2010. In early June of 2014, a newsletter was sent out to the community explaining the project background, work underway, and next steps in the process. The newsletter contained an invitation for residents and property owners to attend a public information open house on June 25, 2014.

**A general change of opinion had occurred in the community since the time of OPA 182**

The public information open house consisted of a presentation by the consultant team on the heritage conservation district concept and the results of their in-depth study of the area. The findings of the consultants concluded that Victoria Square possesses the qualities of community character and built cultural heritage resources to merit designation as a heritage conservation district. Display boards were set up in the meeting room to provide illustrations of the study area and the heritage buildings within it. The

second part of the meeting was an opportunity for the public to ask questions of the consultant team and City staff, and to offer opinions on the merits of establishing a heritage conservation district in Victoria Square. The feedback was generally in strong opposition to the proposed heritage district (see meeting notes, Appendix 'B'). Staff observed that public opinion had shifted in the community from 2010-2011, when the community supported the concept of a heritage conservation district as a means of protecting the character of the area. Now, residents were more concerned about limiting restrictions on their properties in order to make them more attractive for sale for future development.

**A petition was circulated by a local resident, in opposition to the heritage conservation district**

Following the public information open house, a local resident initiated a petition in opposition to the establishment of a heritage conservation district in Victoria Square. This petition, received by City staff on August 20, 2014, was signed by almost every property owner within the study area, including one of the local community representatives on the steering committee.

**OPTIONS/ DISCUSSION:**

**Public support is desirable for a heritage conservation district to be successful**

In reviewing other heritage district designations, the Ontario Municipal Board has indicated "there is no requirement in the *Ontario Heritage Act* to obtain the support of the neighbourhood before proceeding with H.C.D. designation...nor is there any requirement to determine that there is any particular level of support before proceeding to pass a by-law designating any area as a heritage conservation district". However, in staff's experience with heritage conservation districts in Markham and other communities, strong community support is needed for a heritage conservation district to be successful.

Even though Victoria Square meets the criteria for heritage district designation, the almost unanimous opposition to the project has compelled staff to recommend to Council that no further action be taken on the district designation at this time. The opposition expressed by local residents, in staff's opinion, would not likely be alleviated by providing more information, since the key concepts and questions were thoroughly addressed by the consultant team and City staff at the public information meeting. Staff also noted the positive economic opportunities associated with designation including access to designated property grants and the City's heritage property tax rebate program.

**Heritage Markham Committee**

This matter was discussed at the Heritage Markham Committee on March 14, 2018. The Committee acknowledged that Victoria Square was an area whose cultural heritage value contributes to a sense of place extending beyond its individual buildings, structures and landscapes, and recognized Victoria Square as an appropriate location for a heritage district. However, the Committee also concurred that further work on the potential district should be suspended at this time, and that the City should continue to use other available conservation tools to protect and preserve the local heritage resources. (see Appendix 'C')

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**Markham has other tools to accomplish heritage conservation objectives**

In the absence of a heritage conservation district, other tools are available to the City to ensure that built heritage resources and community character can be protected. The work that was done for the Heritage Conservation District Study provides a basis of research and analysis that can assist with the evaluation of the impact of development applications and public works on the neighbourhood and upon built cultural heritage resources. Therefore, the valuable groundwork for the Victoria Square Heritage Conservation District will not go unused.

**Official Plan 2014**

The Official Plan 2014 includes a detailed policy framework to protect cultural heritage resources and plan for their integration into development. The City's robust heritage conservation policies contained in Chapter 4: Healthy Neighbourhoods and Communities, are aligned with Provincial Policy Statement 2.6 regarding Cultural Heritage and Archaeology, which states that "*Significant built heritage resources and significant cultural heritage landscapes shall be conserved.*"

In addition, Chapter 9: Area and Site Specific Policies includes policies transferred from OPA 182 that support the preservation of heritage buildings and their integration into new development. As stated in the text of the Official Plan, "*The land use objective for this area is to protect and preserve the integrity of the historic Victoria Square hamlet by ensuring all new development planned is compatible with permitted uses, and building forms and scale, appropriate to the historic features and residential character of the former hamlet.*"

Urban design guidelines are in place to ensure that all new development and redevelopment is compatible with the character of Victoria Square's established historic core. Guidelines in this part of the Official Plan, dealing with height, scale, setbacks, orientation, materials and architectural style, are generally similar to those that would have been included in a Heritage Conservation District Plan, had the district designation been implemented.

**Markham Register of Property of Cultural Heritage Value or Interest**

Victoria Square contains 22 properties listed on the *Markham Register of Property of Cultural Heritage Value or Interest*. Listing ensures that development applications or building/demolition permit applications affecting these properties are circulated to Heritage Section staff and the Heritage Markham Committee for review and comment. In cases where a listed property is threatened with demolition or alterations that would compromise the cultural heritage value, the City has the ability within a specified time frame to consider designation under Part IV of the Ontario Heritage Act as a means of protecting the resource, if negotiations with the applicant are not successful. However, Heritage Markham Committee would not review redevelopment applications on non-listed properties in the area.

**Individual Designation under Part IV of the Ontario Heritage Act**

The City of Markham has many properties of cultural heritage value or interest that are not located within designated heritage conservation districts. Part IV of the Ontario Heritage Act enables the City to protect significant cultural heritage resources through heritage designation of individual properties. A by-law is passed and registered on property title to indicate the heritage designation is in place. Designation provides the municipality with demolition control for protected properties, and control over alterations. Designation does not prevent compatible development, additions or renovations from taking place, and does not limit the use of a property. Most designations cover exterior features of buildings, with only a few exceptions where extremely significant interior features exist.

**Site Plan Control**

Victoria Square is under Site Plan Control, which means that development proposals for single detached dwellings (the majority of building types in the former hamlet) require a Site Plan Control application. Through this process, consideration of heritage conservation objectives can be carefully reviewed by staff, and in the case of heritage properties listed on the *Register*, review and recommendations by the Heritage Markham Committee.

**Recommended Action**

Staff recommends that work on this project be discontinued at this time and that other heritage conservation tools be utilized to protect heritage resources in this area as development occurs. It is also suggested that notice of the status of the study be posted on the City website and that all property owners within the study area be notified of Council's decision.

**FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)**

Not applicable.

**HUMAN RESOURCES CONSIDERATIONS**

Not applicable.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

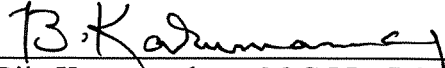
The protection of historic neighbourhoods through the identification, study and designation of Heritage Conservation Districts aligns with the strategic priorities of Managed Growth and Environment.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

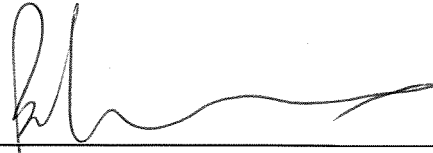
Not applicable.

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**RECOMMENDED BY:**



Biju Karumanchery, M.C.I.P., R.P.P. ✓  
Director of Planning and Urban Design



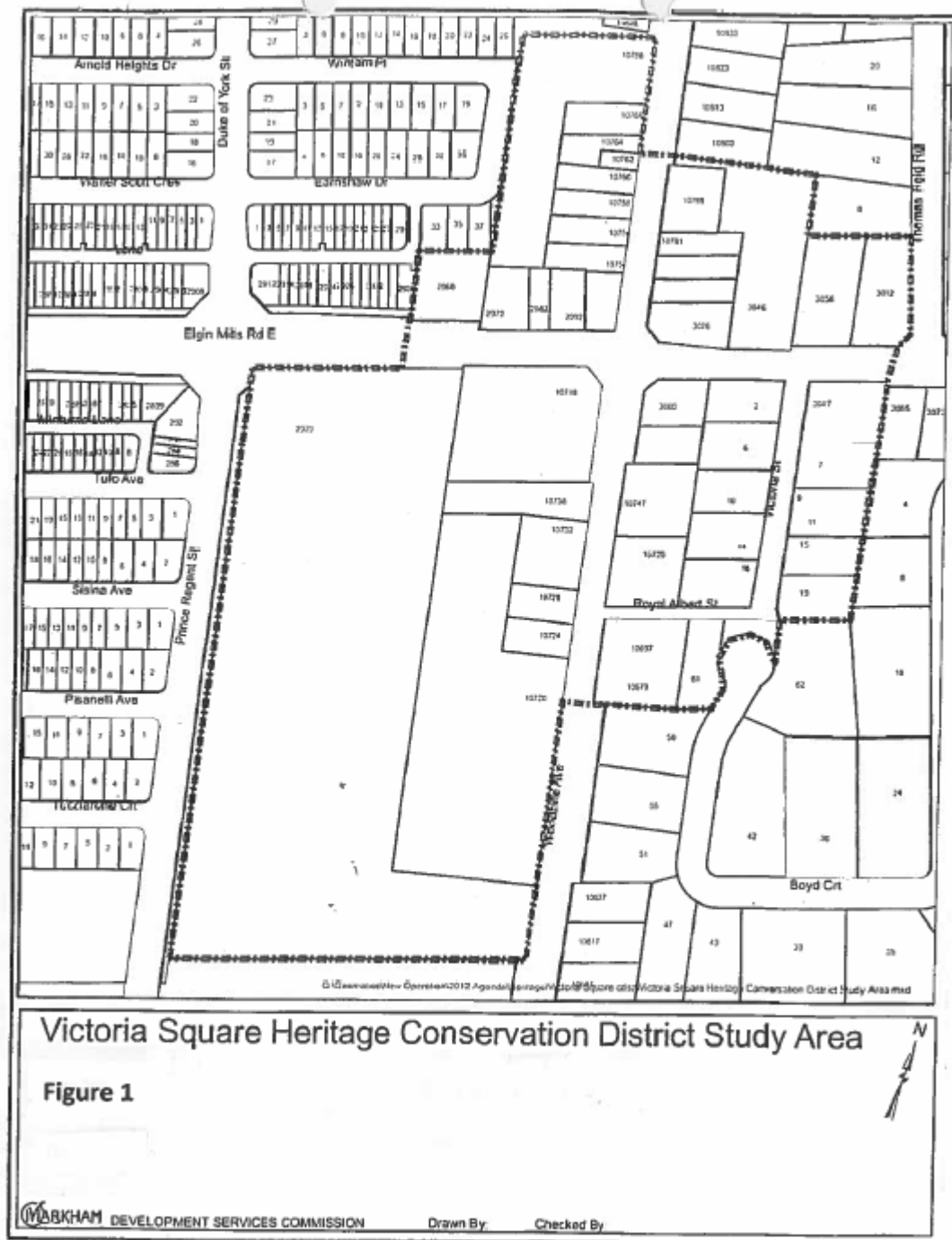
Brian Lee, P. Eng.  
Acting Commissioner of Development  
Services

**ATTACHMENTS:**

- Figure 1: Map of Heritage Conservation District Study Area
- Appendix 'A': Listed and Designated Properties of Cultural Heritage Value or Interest
- Appendix 'B': Meeting Notes from Public Information Open House
- Appendix 'C': Heritage Markham Extract, March 14, 2018

**FILE PATH:**

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**Appendix 'A'**

**Victoria Square: Listed and Designated Properties of Cultural Heritage Value or Interest**

**Elgin Mills Road**

2929 Elgin Mills Road - Community Hall – of potential heritage interest  
2972 Elgin Mills Road – John Rowbotham House – listed  
2992 Elgin Mills Road – William Frisby House – listed  
3026 Elgin Mills Road – Louis Stoutenburgh House and Garage – listed  
3047 Elgin Mills Road – Edgar Steckley House – of potential heritage interest  
3056 Elgin Mills Road – Thomas Read House - listed

**Victoria Street**

11 Victoria Street – Frisby Drive Shed - listed  
15 Victoria Street – Frisby House – listed  
16 Victoria Street – William Macey House – designated  
16 Victoria Street – Macey Workshop/Town Barn – designated

**Woodbine Avenue**

10720 Woodbine Avenue – Victoria Square United Church and Cemetery– listed  
10720 Woodbine Avenue – Restored Methodist Chapel – listed  
10724 Woodbine Avenue – United Church Manse – listed  
10728 Woodbine Avenue - John Wilmot Brumwell House – of potential heritage interest  
10729 Woodbine Avenue – Macey-Perkins House - listed  
10732 Woodbine Avenue – Rolph Boynton House – listed  
10747 Woodbine Avenue – Dennie House – listed  
10748 Woodbine Avenue – James Stoutenburgh House – listed  
10754 Woodbine Avenue – William Hatton House – listed  
10756 Woodbine Avenue – John Hilts House – listed  
10760 Woodbine Avenue – Martha Williams House – listed  
10761 Woodbine Avenue – Hatton-Baker House – designated  
North of 10761 Woodbine Avenue – Read Cemetery – listed  
10762 Woodbine Avenue – Old Temperance Hall - listed  
10766 Woodbine Avenue – Boynton Shop/House – listed  
10768 Woodbine Avenue – Herman Boynton House – listed



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**Appendix 'B'****Victoria Square Heritage Conservation District Study  
Public Open House**

Cesaroni Building, 10761 Woodbine Avenue  
June 25, 2014, 6:00 p.m. to 8:00 p.m.

**Meeting Notes**Committee Members Present:

Councillor Alan Ho  
John Christensen  
Jenny Chau

Staff:

Regan Hutcheson  
George Duncan

Consultant Team:

Dan Currie  
Lashia Jones  
Nick Bogaert

Approximately 15 local residents attended the presentation at 7:00 p.m.

Display boards prepared by the consultant team were set up in the room adjacent to the meeting room to illustrate the Heritage Conservation District Study process and preliminary findings. Attendees had an opportunity to read the display boards prior to the presentation.

Councillor Alan Ho welcomed the residents to the meeting and thanked Cesaroni Holdings for providing meeting space in their new building.

Consultant Presentation

The consultants from MBHC made a presentation using Powerpoint slides based on the display boards in the adjoining room. The content included an explanation of what a heritage district is and how heritage districts are created, as well as an overview of the preliminary findings of the study, including cultural heritage resources and historical themes in the community. Overall, the consultant team were of the opinion that the study area merits consideration for designation as a Heritage Conservation District under Part V of the Ontario Heritage Act.

Questions and Comments

After the presentation, the residents were asked if they had any comments or questions. Responses to all questions were responded to by the consultant team or City staff, as appropriate. In general, the comments and questions regarding the potential designation of a Heritage Conservation District were typical of those asked in similar situations across the province. The residents expressed the following:

- There is a concern that property owners will have difficulty obtaining insurance for their homes if the area becomes a heritage district.
- What benefit will there be for owners of newer, non-heritage homes?
- There is a concern about creating another layer of approval for any changes to properties.

- Some older buildings in the neighbourhood are poorly maintained. Will the heritage district compel property owners to repair their buildings?
- It was stated that seniors don't always have enough money to repair their homes and take advantage of matching grants.
- There is a concern in the neighbourhood about large new homes being built. Will the heritage district limit the size of new buildings?
- One resident stated that in his opinion, the study area did not merit heritage district designation as it was much like other neighbourhoods throughout the area and he does not see the heritage value. None of the other residents challenged that opinion.
- There was a suggestion that if there are certain buildings of particular significance, perhaps they can be protected individually without designating the whole neighbourhood.
- One resident asked if there was any way to stop this process (i.e. the Heritage Conservation District Study).
- Residents are most concerned about obtaining municipal water and sewer services as a community priority.
- There is a concern about the impact of heritage district designation on property values and the marketability of designated properties.
- There is a concern that heritage district designation will limit the number of potential buyers of properties offered for sale.
- There is a concern that heritage district designation will limit development potential of properties.
- One property owner would like to bring the appearance of his house more in character with the stone and brick houses being construction directly to the south of Victoria Square and feels that heritage district designation would prevent him from doing this type of renovation to his house.
- Lastly, one resident asked if the implementation of a heritage district would have an impact on municipal decisions regarding road widening, in particular, on Elgin Mills Road East.

#### In Conclusion

Councillor Alan Ho closed the meeting shortly after 8:00 p.m. and advised the residents that they could submit any further comments to him, or to City staff, using the comment sheet provided by the consultant team.

The draft Heritage Conservation District Study will be completed by September for review.

HERITAGE MARKHAM  
EXTRACT

APPENDIX C

DATE: March 22, 2018

TO: R. Hutcheson, Manager of Heritage Planning

EXTRACT CONTAINING ITEM #13 OF THE THIRD HERITAGE MARKHAM  
COMMITTEE MEETING HELD ON MARCH 14, 2018.

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**13. Victoria Square Heritage Conservation District Study  
Outcome of Study and Public Process (16.11)**

Extracts: R. Hutcheson, Manager of Heritage Planning

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George Duncan, Project Planner summarized the details outlined in the memo.

There was discussion regarding the purpose of Heritage District Area designation, and the importance of community support. The Committee discussed other heritage conservation tools that could be used to protect heritage resources.

The Committee suggested that the recommendation include a clause stating that Heritage Markham supports pursuing Victoria Square as a Heritage Conservation District area in principle.

Recommendation:

That Heritage Markham Committee acknowledges Victoria Square as an area whose cultural heritage value contributes to a sense of place extending beyond its individual buildings, structures and landscapes, and recognizes Victoria Square as an appropriate location for a heritage district; and,

That Heritage Markham recommends that due to the current level of support within the Victoria Square Heritage Conservation District study area that further work on the heritage district be suspended at this time; and,

That the City continue to use the other available heritage conservation tools to preserve properties of cultural heritage value or interest.

CARRIED