



Report to: Development Services Committee

Meeting Date: December 5, 2017

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<b>SUBJECT:</b>	Heritage Easement Agreement for Heritage Property Tax Reduction Program St. Volodymyr's Church and Rectory 15 Church Lane, Thornhill (Ward 1)
<b>PREPARED BY:</b>	George Duncan, Senior Heritage Planner, 2296
<b>REVIEWED BY:</b>	Regan Hutcheson, Manager-Heritage Planning, 2080

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**RECOMMENDATION:**

- 1) THAT the staff report titled "Heritage Easement Agreement for Heritage Property Tax Reduction Program, St. Volodymyr's Church and Rectory, 15 Church Lane, Thornhill, Ward 1", dated December 5, 2017, be received;
- 2) THAT a by-law be passed to authorize the Mayor and Clerk to execute a Heritage Easement Agreement with the property owners of 15 Church Lane, and any other documents required to give effect thereto, in a form satisfactory to the City Solicitor.
- 3) 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 report is to seek Council's authorization for the Mayor and Clerk to execute a Heritage Easement Agreement necessary for the owner of 15 Church Lane to participate in the Heritage Property Tax Reduction Program.

**BACKGROUND:**

**The municipality has created a Heritage Property Tax Reduction Program**

The municipality has implemented a Heritage Property Tax Reduction Program effective January 1, 2003, to provide tax relief for eligible heritage properties. Council passed By-law 2003-241, the Heritage Tax Reduction Program By-law, on December 16, 2003. The purpose of the tax relief program is to provide an incentive for owners to preserve and maintain significant heritage properties in the City.

**One of the eligibility criteria for the Program is a Heritage Easement Agreement**

Provincial legislation that permits heritage tax relief programs requires that eligible properties be subject to a Heritage Easement Agreement. Section 5 (ii) of By-law 2003-241 also requires that, in order to be eligible to apply for a heritage tax reduction, the owner of the property must provide proof that the property is subject to a heritage easement, under s. 22 or 37 of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18. Section 5(iii) of the by-law requires that, for the 2017 taxation year, heritage easement

agreements must be executed no later than December 15<sup>th</sup> of the taxation year for which relief is sought.

**Heritage Markham has been consulted**

Section 37(1) of the *Ontario Heritage Act* gives the Council of a municipality the authority to pass by-laws which would allow the Council to enter into easements or covenants with property owners for the conservation of property of cultural heritage value or interest, after consultation with its municipal heritage committee. Heritage Markham was consulted at its meeting on November 8, 2017 and had no objection to the proposed Heritage Easement Agreement.

**OPTIONS/ DISCUSSION:****The Heritage Easement Agreement identifies the property's cultural attributes.**

The property at 15 Church Lane is occupied by the St. Volodymyr's Church (Originally St. Luke's Church, 1847) and Rectory (1879), both Class "A" buildings (major importance) in the Thornhill Heritage Conservation District. See Appendix "A" for the Reasons for Identification, which provides further details of the property's cultural heritage attributes. It has been determined by Heritage Planning staff that this property does have cultural heritage value and heritage attributes that require protection.

Generally, Easement Agreements require the owner to maintain the buildings, obtain City approval for any demolition or exterior alterations, and to maintain insurance coverage on the property. Easement Agreements, once executed, are registered against the title of the property.

**By-law Requirement**

Section 37 (1) of the *Ontario Heritage Act*, R.S.O. 1990 c.O.18 authorizes the Council of a municipality to pass by-laws providing for the entering into heritage easements with owners of real property or interests in real property for the conservation of property of cultural heritage value or interest. A by-law is attached to this report (See Appendix "B").

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

By-law 2002-276, the Fees By-law, was amended to eliminate any fees associated with the processing of Heritage Easement Agreements.

**HUMAN RESOURCES CONSIDERATIONS**

Not applicable

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

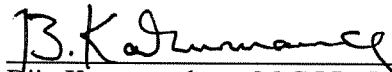
The protection and preservation of cultural heritage resources is part of the City's Growth Management strategy.

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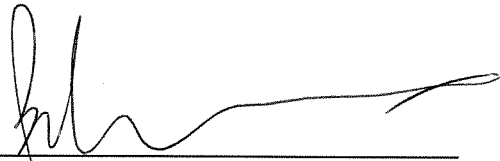
**BUSINESS UNITS CONSULTED AND AFFECTED:**

Heritage Markham has been consulted. The Legal Services Department works closely with the Heritage Planning Section to prepare and process the necessary Heritage Easement Agreements.

**RECOMMENDED BY:**



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



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

**ATTACHMENTS:**

Figure 1	Building Photographs
Appendix A	Reasons for Identification
Appendix B	Draft By-law

**File Path:**

Q:\Development\Heritage\SUBJECT\Property Tax Rebate Program\Applications for  
2017 Tax Year\DSC Dec 8 2017 Heritage Easement.doc

**Figure 1: Property Requiring Heritage Easement Agreement**

**St. Volodymyr's Church**



**Rectory**



## **Appendix 'A' – Reasons for Identification**

### **St. Luke's/St. Volodymyr's Church & Rectory**

The Owner and the City agree that for the purposes of this Agreement the following statement (hereinafter called the "Reasons for Identification" sets out the reasons why the Building has been identified by the City as having historical and architectural significance.

#### Statement of Reasons for Identification

##### Description of Property

St. Luke's/St. Volodymyr's Church and Rectory are located on the east side of Church Lane, north of John Street, next to an historic cemetery. The property is located within the Thornhill Heritage Conservation District. The church is a single storey frame building with its main entrance facing Church Lane. The Rectory is a two storey, patterned brick residence positioned to the north of the church. The Church and Rectory are connected to a modern-era one storey church hall at the rear.

##### Historical and Associative Value

St. Luke's/St. Volodymyr's Church has historical and associative value as the oldest Catholic Church building in Markham and York Region. It was built by Markham's first Roman Catholic congregation. Thornhill master builder John Edey designed and constructed the church in 1847. The church was sold to St. Volodymyr's Ukrainian Roman Catholic Church in 1972, when the St. Luke's Roman Catholic Congregation moved to a new church on Green Lane. The adjoining Rectory was erected in 1879 to serve as a residence for the priests associated with the church.

##### Design and Physical Value

St. Luke's/St. Volodymyr's Church has design and physical value as a good example of a mid-19<sup>th</sup> century wood-frame village church. Its vernacular architecture combines a temple-fronted Classic Revival form with pointed-arched Gothic Revival door and window openings. The closed pediment on the front wall and classical cornice featuring wood brackets are indicative of the exceptional quality of design and craftsmanship of this modestly-scaled place of worship. Some portions of the original multi-paned windows with interlacing tracery remain, contrasting with later stained glass window panels. This contrast illustrates the evolution of the building in keeping with the changes that have taken place within the congregation over time.

The adjoining Rectory is a representative example of the vernacular Gothic Revival residential style, reflected in its picturesque irregular plan, steeply-pitched gables and pointed-arched accent windows. The Rectory is one of the few remaining brick buildings from Thornhill's historical period as a mill village. The elaborate patterned brick treatment is unique within the Heritage Conservation District, a good example of this

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distinctive decorative brick treatment that was popular in Markham and Southern Ontario generally during the mid to late 19<sup>th</sup> century.

#### Contextual Value

St. Luke's/St. Volodymyr's Church and Rectory have contextual value for being institutional buildings within the residential historic core of the Markham portion of historic Thornhill Village. The adjoining cemetery, now owned by the Roman Catholic Church, was originally associated with this property.

#### Significant Architectural Attributes to be Conserved

Exterior, character-defining elements that embody the cultural heritage value of St. Luke's/St. Volodymyr's Church include:

- One storey, rectangular form of the original building;
- Wood clapboard siding with corner boards and water table;
- Classical cornice with its associated brackets and mouldings;
- Low-pitched gable roof with projecting eaves;
- Open belfry with wooden cross on the peak of its low-pitched pyramidal roof;
- Closed pediment on the front wall;
- Open pediment with eave returns on the rear wall;
- Pointed-arched door and window opening with simple wood surrounds;
- Remaining portions of early multi-paned wood windows with interlacing tracery;
- Later stained glass windows which over time have replaced the original multi-paned wood windows;
- Oculus windows over the front door and on the rear wall ;
- Double-leaf wood front doors.

Exterior, character-defining elements that embody the cultural heritage value of St. Luke's/St. Volodymyr's Rectory include:

- Two storey height and irregular plan;
- Red brick walls with white (buff coloured) brick accents;
- Alternating quoins, radiating arches over openings, string courses, belt courses, water table and chevron motif in front gables, all in white brick, comprise the brick accents to the overall red brick body;
- Complex roofline with clipped gabled main roof with front-facing gable and gabled wall dormer;
- Wooden kingposts in front gables;
- Projecting eaves with wood soffits, fascia and associated mouldings;
- 2/2 wood sash style windows with projecting sills and segmentally-arched openings on the ground floor, and flattened pointed arched openings on the second floor;
- Front doorcase with panelled wood door, sidelights and segmentally-arched transom light.

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**Appendix “B”: Draft By-Law**

Clause X, Report No. XX, 2017



**BY-LAW 2017-XXX**

Being a By-law to authorize the execution  
of Heritage Easement Agreements

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WHEREAS section 37 (1) of the *Ontario Heritage Act*, R.S.O. 1990 c.O.18 authorizes the Council of a municipality to pass by-laws providing for the entering into heritage easements with owners of real property or interests in real property for the conservation of property of cultural heritage value or interest;

AND WHEREAS it has been determined that the properties identified on Schedule “A” attached to this by-law are properties of cultural heritage value or interest;

AND WHEREAS Council at its meeting on December 16, 2003 passed By-law 2003-341, being the Heritage Tax Reduction By-law, establishing a program to provide tax reductions or refunds in respect of eligible heritage properties;

AND WHEREAS paragraph 5(ii) of By-law 2003-341 requires that to be eligible for a Heritage Tax Reduction, a property owner must provide proof, satisfactory to the Treasurer of the City, that the property is subject to a heritage easement under section 22 or 37 of the *Ontario Heritage Act*;

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

1. THAT the Mayor and Clerk be authorized to execute Heritage Easement Agreements between the City of Markham and the property owners as set out on Schedule “A” attached to this by-law, for the lands described in Schedule “A”, and any other documents required to give effect thereto in a form satisfactory to the City Solicitor.

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READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS  
XX DAY OF XX, 2017.

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KIMBERLEY KITTINGHAM,  
CITY CLERK

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FRANK SCARPITTI, MAYOR



**Schedule “A” to By-law XXXX-XXX**  
Being a By-law to authorize the execution  
of Heritage Easement Agreements

PROPERTY OWNER	MUNICIPAL ADDRESS	LEGAL DESCRIPTION
St. Volodymyr’s Ukrainian Catholic Church	15 Church Lane, Thornhill	Plan 71 Pt. Blk. A Con 1 Pt. Lt. 30 65R24474 Pts. 1 to 4