

SUBJECT: Intention to Designate a Property under
Part IV of the Ontario Heritage Act
Name: Tomlinson – Gates House
Address: 7790 Ninth Line

PREPARED BY: George Duncan, Senior Heritage Planner, ext. 2296

REVIEWED BY: Regan Hutcheson, Manager of Heritage Planning

RECOMMENDATION:

- 1) That Council receive the staff report titled “Intention to Designate a Property under Part IV of the Ontario Heritage Act, Name: Tomlinson – Gates House, Address: 7790 Ninth Line”;
- 2) That as recommended by Heritage Markham, the Tomlinson - Gates House at 7790 Ninth Line be approved for designation under Part IV of the Ontario Heritage Act as a property of cultural heritage value or interest;
- 3) That the Clerk’s Department be authorized to publish and serve Council’s Notice of Intention to Designate as per the requirements of the Ontario Heritage Act;
- 4) That if there are no objections to the designation in accordance with the provisions of the Ontario Heritage Act, the Clerk be authorized to place a designation by-law before Council for adoption;
- 5) That if there are any objections in accordance with the provisions of the Ontario Heritage Act, the Clerk be directed to refer the proposed designation to the Ontario Conservation Review Board;
- 6) 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 recommend to Council that the “Tomlinson - Gates House” at 7790 Ninth Line be designated under Part IV of the Ontario Heritage Act, on the basis of its cultural heritage value or interest.

BACKGROUND:

The building is listed on the City of Markham Heritage Register

The subject building is located at 7790 Ninth Line. It is included in the *Markham Register of Property of Cultural Heritage Value or Interest*, the City’s inventory of non-designated properties identified as having cultural heritage value or interest, as well as Part IV properties (individual designations) and Part V properties (district designation).

The property is located within the historic community of Box Grove

The Tomlinson – Gates House is one of a number of heritage buildings located within the historic crossroads community of Box Grove. The property is zoned RRH (Rural Residential) under By-law 194-82, as amended. The property is designated Urban Residential in the in-force Official (1987, revised) and Residential Low Rise in the 2014 Official Plan (not yet fully in force).

Heritage Designation is a condition of severance

Heritage designation and a heritage easement agreement are conditions of severance relating to file numbers B/27/14, B/28/14, B/29/14 (6750 Fourteenth Avenue, 7784 and 7790 Ninth Line). The owner is aware of these processes and has agreed to them.

The Tomlinson – Gates House dates from c.1880

The Tomlinson - Gates House is of historical and associative value as the c.1880 home of Simeon Tomlinson, a farmer and market gardener and a member of one of the founding families of Box Grove. The house is of additional historical and associative value as the former home of Jonathan Gates, a butcher and Box Grove's first mail carrier, who acquired the property in the early 1890s. The Tomlinson – Gates House is a good example of vernacular domestic village architecture of the third quarter of the nineteenth century, designed with the influence of the Gothic Revival style. It is one of several nineteenth century buildings that remain within and help define the historic hamlet of Box Grove. It serves as a reminder of the agricultural community that formerly existed around the crossroads community.

The building has been assessed using the Ministry of Culture's Designation Criteria

Government of Ontario Regulation (O.Reg. 9/16) prescribes criteria for determining a property's cultural heritage value or interest for the purpose of designation. Municipal councils are permitted to designate a property to be of cultural heritage value or interest if the property meets one or more of the prescribed criteria. These include design or physical value, historical or associative value, or contextual value.

Through detailed research and evaluation, it has been determined that the subject property has cultural heritage value or interest as it meets the criteria prescribed in the regulation as demonstrated in the Statement of Significance (Appendix 'A').

Heritage Markham has recommended that the property be designated under Part IV of the Ontario Heritage Act.

At its January 11, 2016 meeting, when commenting on Consent Applications B/27/14, B/28/14 and B/29/14, Heritage Markham recommended that the property be designated under Part IV of the Ontario Heritage Act as a condition of severance. (Heritage Markham Extract Appendix 'B'). The Site Plan Approval process and Heritage Easement Agreement also required by the conditions of severance will ensure that the Tomlinson – Gates House will be restored with an appropriate addition within the context of residential development proposed for the subject property. The heritage dwelling will be conserved on a new lot at the north west corner of Ninth Line and Fourteenth Avenue.

OPTIONS/ DISCUSSION:**The designation of the heritage resource is consistent with City policies**

The in-force Official Plan (1987 revised), as amended, contains Cultural Heritage policies related to the protection and preservation of heritage resources. The goal of these policies is *“To preserve and continue the distinctive tradition, history and heritage of Markham’s communities in coordination with the comprehensive planning needs and requirements of the Town.”* The Official Plan 2014 (not yet fully in force) carries forward the City of Markham’s commitment to heritage conservation through a strong policy framework.

The Box Grove Secondary Plan (Official Plan No. 92) contains policies regarding the treatment of heritage buildings within the Box Grove community (Section 5.6.4 - Cultural Heritage). This property is identified as a building of heritage significance in Appendix III of the Secondary Plan. The retention and conservation of buildings of architectural and/or historical merit is a key policy of the Secondary Plan.

Heritage Designation will highlight the cultural heritage value of the property to the owner

Designation signifies to both the owner and the broader community that the property contains a significant resource that is important to the community. Designation does not restrict the use of the property. However, it does require the owner to seek approval for property alterations that are likely to affect the heritage attributes described in the designation by-law. Council can also prevent, rather than just delay, the demolition of a resource on a designated heritage property.

FINANCIAL CONSIDERATIONS

Not Applicable

HUMAN RESOURCES CONSIDERATIONS

Not Applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

Heritage designation aligns with the strategic priorities of Managed Growth and Environment. Designation recognizes, promotes and protects heritage resources, which strengthens the sense of community.

BUSINESS UNITS CONSULTED AND AFFECTED:

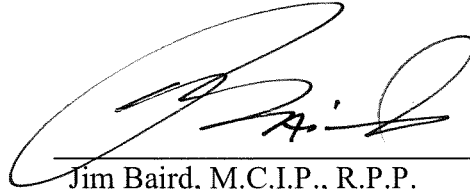
Acceptance of this recommendation to designate the property located at 7790 Ninth Line under Part IV of the Ontario Heritage Act will require the Clerk’s Department to initiate the following actions:

- publish and serve on the property owner, the Ontario Heritage Trust and the public through newspaper advertisement, Council’s notice of intention to designate the property as per the requirements of the Act: and
- prepare the designation by-law for the property.

RECOMMENDED BY:



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



Jim Baird, M.C.I.P., R.P.P.
Commissioner of Development Services

ATTACHMENTS

Figure 1 - Owner/Agent and Location Map

Figure 2 - Building Photograph – Existing

Appendix 'A' - Statement of Significance

Appendix 'B' - Heritage Markham Extract

FIGURE 1

FILE PATH:

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OWNER:

Ramandeep Virk
(2404193 Ontario Limited)

AGENT:

Sasha.milinov@sympatico.ca

LOCATION MAP:



Figure 2
Building Photograph



7790 Ninth Line

Appendix 'A'**STATEMENT OF SIGNIFICANCE****Tomlinson - Gates House****c.1880****Lot 2, Part Lot 3, Block C, Plan 19****Part of Lot 5, Concession 8****7790 Ninth Line**

The Tomlinson - Gates House is recommended for designation under Part IV 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 Tomlinson - Gates House is a one and a half storey frame building located on the west side of Ninth Line, north of Fourteenth Avenue, within the historic hamlet of Box Grove.

Historical or Associative Value

The Tomlinson - Gates House is of historical and associative value as the c.1880 home of Simeon (Sim) Tomlinson, a member of a prominent founding family of the community of Sparta, later known as Box Grove. Sim Tomlinson, a life-long resident of the hamlet, was a farmer and market gardener. The house is of additional historical and associative value as the former home of Jonathan Gates, who acquired the Tomlinson property in the early 1890s. Gates was a butcher and Box Grove's first letter-carrier.

Design or Physical Value

The Tomlinson - Gates House is a good example of vernacular domestic village architecture of the third quarter of the 19th century. Changes that have been made to the building are easily readable and reversible. The L-shaped street view of the house, the steeply-pitched gable roof, one-and-a-half storey form, and decorative woodwork on the veranda are all hallmarks of the vernacular Gothic Revival, minus the pointed-arched windows and bargeboard generally associated with this mid to late Victorian style. The projecting front wing, presently containing a living room on the main floor, may have originally served as Jonathan Gates' butcher shop.

Contextual Value

The Tomlinson - Gates House is one of several nineteenth century buildings that remain within and help define the historic hamlet of Box Grove. It serves as a reminder of the agricultural community that formerly existed around the crossroads hamlet.

Significant Architectural Attributes

Exterior character-defining attributes that embody the cultural heritage value of the Tomlinson - Gates House include:

- Overall form of the building, including the main one and a half storey L-shaped block, and the one storey rear kitchen wing;
- Gable roof with projecting eaves;
- Front veranda with chamfered wood posts and decorative wooden fretwork brackets;;
- 2 over 2 wood windows where they remain;
- Original window and door openings where they remain;

HERITAGE MARKHAM
EXTRACT

APPENDIX B

DATE: January 18, 2016
TO: R. Hutcheson, Manager of Heritage Planning
R. Punit, Committee of Adjustment

EXTRACT CONTAINING ITEM #21 OF THE FIRST HERITAGE MARKHAM
COMMITTEE MEETING HELD ON JANUARY 13, 2016.

21. **New Business**
Consent Applications
Committee of Adjustment
7790 Ninth Line, 7784 Ninth Line, 6790 14th Avenue (16.11)
Extracts: R. Hutcheson, Manager of Heritage Planning
R. Punit, Committee of Adjustment
-

The Manager of Heritage Planning explained that the previously approved Consent applications have lapsed and require a new Committee of Adjustment approval. Staff reviewed recommended conditions.

The Committee discussed tree replacement. Staff advised that Urban Planning staff will review tree preservation and replacement issues as part of the development process.

Heritage Markham Recommends:

That Heritage Markham Committee has no objection from a heritage perspective subject to the following conditions:

- Designation of the existing heritage dwelling (7790 Ninth Line) under Part IV of the Ontario Heritage Act; and,
- Entering into a Heritage Easement Agreement with the City of Markham to protect the heritage dwelling; and,
- Entering into a Site Plan Agreement for the relocation, restoration, and any new construction (additions, garage) affecting the heritage dwelling.

CARRIED