



Report to: Development Services Committee

Report Date: October 19, 2015

SUBJECT: Heritage Easement Agreement for Heritage Property Tax
Reduction Program
8965 Woodbine Avenue

PREPARED BY: Regan Hutcheson, Manager-Heritage Planning, 2080

RECOMMENDATION:

- 1) THAT the staff report titled "Heritage Easement Agreement for Heritage Property Tax Reduction Program, 8965 Woodbine Avenue", dated October 19, 2015, be received;
- 2) THAT the Mayor and Clerk be authorized to execute a Heritage Easement Agreement with the property owners of 8965 Woodbine Avenue, 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 obtain authorization from Council for the execution of a Heritage Easement Agreement necessary for participation 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 2015 taxation year, heritage easement agreements must be executed by the property owner and returned to the City no later than December 15th 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 will be consulted at its meeting on October 21, 2015 and it is anticipated that it will have no objection to the proposed Heritage Easement Agreement.

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

The property at 8965 Woodbine Avenue is occupied by the Edward Pease House, c.1851 which is individually designated pursuant to the *Ontario Heritage Act*. It is also a Class "A" building (major importance) in the Buttonville Heritage Conservation District. See Appendix "A" for further information. It has been determined by Heritage Planning staff that this property does have cultural heritage value and heritage attributes that require protection.

Generally, the Easement Agreements require the owner to maintain the dwelling, 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

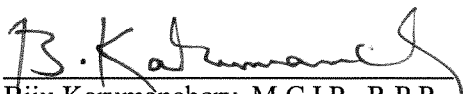
ALIGNMENT WITH STRATEGIC PRIORITIES:


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

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


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

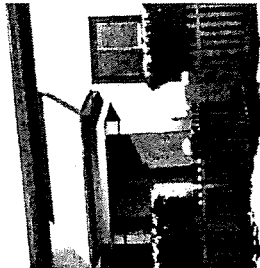
ATTACHMENTS:

Appendix A	Buttonville Heritage Conservation District Inventory Page
Appendix B	Draft By-law

File path:

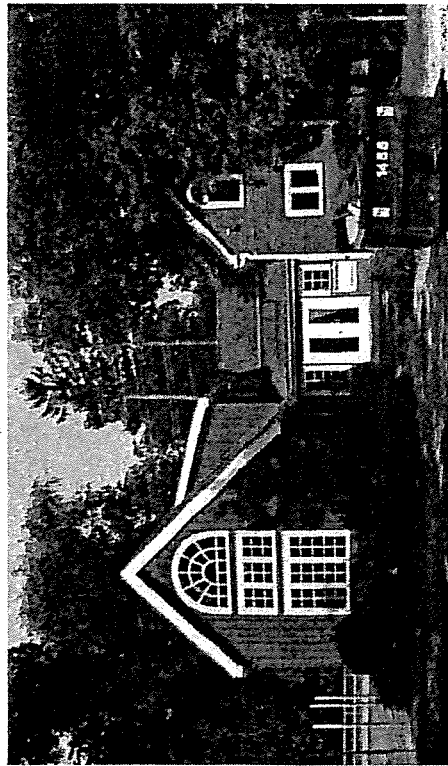
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History: Edward Pease of King Township, purchased this village lot in 1850. As a non-resident, he may have had a modest house built here as an investment during his six year period of ownership. In 1856, a carpenter by the name of David Steinhoff purchased the property. Since Steinhoff had been living in the hamlet from at least 1851 according to census records, it is possible that he constructed the house on behalf of Edward Pease and later purchased it for his own use. Hanna, his widow, lived here into the 1860s. The property passed through a variety of owners from 1872 onward, and the house was probably used as a rental property for many years. Locally, the house was called the Pagett House after the owners during the 1889-1898 period. In 1938, Charles Hooper, Deputy Reeve and Reeve of Markham Township, became the owner but did not reside on the premises. The property remained in Hooper's ownership until his death in 1983, and in 1996 the house was enlarged and converted for commercial use.



Historical photo of Pease House (Casella #35)

Below, a view of the rear 1996 renovations.



Edward Pease House
 Location: 8965 Woodbine Avenue
 Year Built: Circa 1850
 Style: Georgian Tradition
 Storeys: 1-1/2

Classification: A, designated under Part IV, By-Law 178-88

Foundation:

Cladding: Clapboard, board-and-batten.

Roof: Side-gable, front-gable addition, asphalt shingles.

Windows: Georgian, mixed glazing.

Description:

Original house is a 3-bay side-gable Georgian cottage, with a shed-roof porch supported on tapered square columns, detailed with tall bases and moulded capitals above a slender beading. A complex addition is set back to the right, the main element being an asymmetrical 1-1/2 storey front-gable building with a shed dormer on the left slope. A 1-storey side gable element links the two buildings. Mature and recent landscaping with some large trees. Parking at rear off of the Crescent. See pictures at right.

Archives:

**Edward Pease House
8965 Woodbine Avenue**

Statement of Cultural Heritage Value or Interest

The Edward Pease House is of cultural heritage value or interest as a remnant of Buttonville's early history as a 19th century rural mill village. Edward Pease of King Township purchased this village lot from John Button in 1850. It is possible that the house was built as a speculative venture or for rental income. David Steinhoff, a local carpenter, purchased the property in 1856, and may have been responsible for construction of the house on behalf of Edward Pease. With a long history as a rental property, the Pease House illustrates the theme of modest housing for tradesmen and labourers being supplied by investors within the vicinity of local industries.

The Pease House is a typical example of the simplified style of Georgian Tradition architecture used for worker's housing in the mid 19th century. Its early 20th century porch and narrow clapboard cladding reflect how houses have been altered over time to reflect the needs and tastes of different owners.

Description of Heritage Attributes

Exterior, character-defining elements that embody the cultural heritage value of 8965 Woodbine Avenue include:

- rectangular plan of the original cottage
- one and a half storey height
- narrow wood clapboard siding with its associated trim
- low-pitched gable roof with overhanging eaves and eave returns
- three-bay front
- centre door sheltered within a shed-roofed early 20th century porch, supported on tapered wood posts
- flat-headed window openings with wood windows, and their associated trim and projecting wood sills



BY-LAW 2015-XXX

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

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.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
XX DAY OF XX, 2015.

KIMBERLEY KITTERINGHAM,
CITY CLERK

FRANK SCARPITTI, MAYOR

X10111A

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
Northland Wealth Management	8965 Woodbine Avenue Buttonville	CON 4, PT Lot 14, RP 65R 20329 PARTS 1 AND 2

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2015 Tax Year\Easement By-law 2015 Oct.doc