



Report to: Development Services Committee

Report Date: November 19, 2013

SUBJECT: Heritage Easement Agreements for Heritage Property Tax Reduction Program
PREPARED BY: Regan Hutcheson, Manager-Heritage Planning, 2080

RECOMMENDATION:

- 1) THAT the Mayor and Clerk be authorized to execute Heritage Easement Agreements with the property owners identified on Schedule "A" attached to the report dated November 19, 2013, and any other documents required to give effect thereto, in a form satisfactory to the City Solicitor.
- 2) 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 Heritage Easement Agreements 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 2013 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 was consulted at its meeting on November 13, 2013 and had no objection to the proposed Heritage Easement Agreements.

OPTIONS/ DISCUSSION:

The Heritage Easement Agreement identifies the property's cultural attributes.

There are two properties which require a Heritage Easement Agreement in order to apply for the tax reduction program (see Appendix 'A'). It has been determined by Heritage Planning staff that these properties do 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.

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:

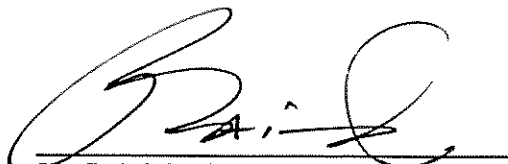
The protection and preservation of cultural heritage resources is part of the City's Growth Management strategy.

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:

Rino Mostacci, 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 Properties Requesting Heritage Easements
Appendix B By-law

File path: Q:\Development\Heritage\SUBJECT\Property Tax Rebate Program\Applications for 2013 Tax Year\DSC Nov 19 2013 RH.doc

APPENDIX A**Properties Requesting a Heritage Easement Agreement**

Address	Name	Designated	Comment
88 Main Street South, Markham L3P 1L4	Mary Thomson Chepack	Part V property; Class A in Markham Heritage Conservation District Plan	Main Street residential property, c.1863
155 Main Street Unionville	Anthony Lamanna Maria Lamanna	Part V property, Class B is Unionville Heritage Conservation District Plan	Main Street, commercial property, c. 1850



BY-LAW 2013-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, 2013.

KIMBERLEY KITTINGHAM,
CITY CLERK

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
Mary Thomson Chepack	88 Main Street South, Markham	Con 7, Lot 9 Plan 436, PT BLK F
Anthony Lamanna Maria Lamanna	155 Main Street, Unionville L3R 2G8	Con 5, Pt Lot 12

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