



Report to: Development Services Committee

Meeting Date: November 6, 2012

SUBJECT: Loss of a Significant Cultural Heritage Resource
Nighswander Brothers Temperance Hotel and Store
7877 Highway 7 East
Locust Hill Community

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

REVIEWED BY: Regan Hutcheson, Manager of Heritage Planning, ext.2080

RECOMMENDATION:

- 1) THAT the report dated November 6, 2012, entitled “Nighswander Brothers Temperance Hotel and Store, 7877 Highway 7 East, Locust Hill Community”, be received;
- 2) THAT the City of Markham Council regrets the loss of the Nighswander Brothers Temperance Hotel and Store, a landmark building in the community of Locust Hill which had been recommended for designation under the *Ontario Heritage Act* in 2003;
- 3) THAT the loss of this significant heritage building due to an extreme example of poor stewardship and demolition by neglect is a regrettable outcome for a government agency, and sets a poor example for the private sector;
- 4) THAT Council advise the Minister of Tourism, Culture and Sport and the Minister of Infrastructure of the City of Markham’s disappointment in the lack of action on the Nighswander Brothers Temperance Hotel and Store and the poor communication from Infrastructure Ontario on its intentions for the building and property, and the loss of the structure from Locust Hill due to demolition by neglect;
- 5) THAT with the support of the Minister of Tourism, Culture and Sport, Infrastructure Ontario be requested to reconstruct the building on its original site due to its significance as a cultural heritage landmark within Locust Hill and the future Rouge National Urban Park;
- 6) THAT the City express its interest in meeting with provincial and federal representatives to discuss the preservation and enhancement of heritage buildings as a key component of the Rouge National Urban Park plan and its implementation;
- 7) 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 advise Council of the loss of a significant cultural heritage resource, the Nighswander Brothers Temperance Hotel and Store at Locust Hill, and recommend an appropriate response on this matter to the Ontario Ministry of Tourism, Culture and Sport, and Ministry of Infrastructure.

BACKGROUND:**The Nighswander Brothers Temperance Hotel and Store was a significant cultural heritage resource in the community of Locust Hill**

The Nighswander Brothers Temperance Hotel and Store was a two storey vernacular building, constructed c.1885. It was of frame construction with clapboard siding, with much of its original character remaining intact. Located at the eastern entrance to Markham and the community of Locust Hill, the hotel and store, combined under one roof, was a large, landmark building that stood close to the road and contributed significantly to the cultural heritage landscape of the area.

The building is one of 17 heritage properties in eastern Markham owned by Infrastructure Ontario

The property at 7877 Highway 7 East is one of 17 heritage properties owned by Infrastructure Ontario (formerly the Ontario Realty Corporation). Most of these properties are located within Bob Hunter Park, and the proposed Rouge Park North.

The property was recommended for designation under the *Ontario Heritage Act* in 2003

The Nighswander Brothers Temperance Hotel and Store is listed on the Markham *Register of Property of Cultural Heritage Value or Interest*. This significant heritage building, vacant since about 2004, was recommended by Heritage Markham for designation in 2003 (see Designation Report Appendix 'A'). The owner, the Ontario Realty Corporation (ORC), now Infrastructure Ontario, filed a Notice of Objection and the designation process was placed on hold pending a Conservation Review Board hearing. Markham's move to designate this property and 20 others in the area under provincial ownership was in response to the potential transfer of these properties out of ORC ownership. Since the properties remained in provincial government ownership (designation by-laws are not binding on upper tier governments), the Conservation Review Board Hearing for this property, and the others, was not held.

Notwithstanding the local historical significance of the building, when evaluated by the province, staff was informed that it was deemed not to be of sufficient cultural heritage value to warrant its protection. Markham has not been provided with a copy of the research or evaluation undertaken by the province.

The poor state of maintenance of the building has long been a concern

Heritage Markham and municipal staff have long been concerned about the poor state of maintenance of the Nighswander Brothers Hotel and Store, and on several occasions attempted to communicate with the owner and their representatives to have the building repaired or at the very least, secured from further deterioration. In each case, the cultural heritage significance of the building was impressed upon the provincial representatives, but with little or no action in response.

The poor maintenance of the building compelled the tenant, an antique store, to vacate the premises in 2004, which only served to accelerate the level of deterioration. In particular, worn shingles and later, holes in the roof, threatened the structure.

Representatives of the Ontario Realty Corporation met with staff to discuss the future of the property in 2009

In 2009, the Ontario Realty Corporation (ORC) was considering selling the property and met with Heritage Section staff to discuss the condition of the building and its future. At this meeting ORC announced its plans to construct a fence in front of the property to control access and improve the appearance of the street frontage. Tarpaulins were placed on the roof of the rear wing. This temporary measure was ineffective in protecting the roof from water infiltration.

Markham officials had hoped the building could have a public function within the context of the Rouge Park

With the recent Rouge Park announcement, there is some expectation that there will be an improved level of stewardship of cultural heritage properties currently under the ownership of the federal and provincial governments. With this in mind, up until only a matter of days before the partial collapse and subsequent demolition of the building, City officials were interested in the old hotel and store as a potential public facility within the park.

In June of this year, Heritage Section staff contacted the staff of Infrastructure Ontario to express concern about the serious state of disrepair and the imminent risk of loss of this significant cultural heritage resource. The response from Infrastructure Ontario was that the building was not of provincial heritage significance, that it was beyond repair, and there were no funds available to restore it.

The building partially collapsed in early August of this year and was subsequently demolished in the interest of public safety

On the weekend of August 11-12, 2012, high winds and heavy rains took their toll on the already damaged building, and a major structural collapse occurred. The damage (see the attached photographs) rendered the building a danger to public safety, therefore Markham's Chief Building Official had no choice other than to allow immediate demolition on August 13, 2012. The front doors, and a Gothic window were saved by the demolition contractor and given to the Markham Museum.

OPTIONS/ DISCUSSION:**Markham has lost a significant heritage landmark due to the poor stewardship of a government agency**

The Nighswander Brothers Temperance Hotel and Store was a key building in the historic community of Locust Hill. It was a landmark at this important entrance to Markham on Highway 7, and contributed to the unique cultural heritage landscape of the historic hamlet. The loss of the building due to an extreme example of poor stewardship and demolition by neglect is a regrettable outcome for a government agency. It sets a poor example for the private sector.

The *Ontario Heritage Act* was designed to enable municipalities to identify and preserve properties they determined to be of cultural heritage value or interest. Markham's recommendation for the designation of the Nighswander Brothers Hotel and Store was a clear statement to the province that this building was important to the community, notwithstanding the Ontario Realty Corporation/Infrastructure Ontario evaluation.

Heritage Markham was advised of the loss of the building at its September 10, 2012 meeting

Staff advised Heritage Markham about the collapse and demolition of the Nighswander Brothers Temperance Hotel and Store at the September 10, 2012 meeting. This building was one of only four remaining historic hotels in Markham dating from the time period from the early days of settlement to the prohibition years of the early 20th century. Once common, this building type is now rare in both Markham and York Region.

Heritage Markham passed a resolution noting regret at the loss of the building due to "demolition by neglect," requesting that Council contact the Minister of Tourism, Culture and Sport to express concern about the treatment of this significant cultural heritage resource and the lack of effective communication from Infrastructure Ontario on its intentions for the building and property. (Heritage Markham Resolution, Appendix 'B')

Heritage Markham also recommended that the owner be requested to reconstruct the building

At the September 10, 2012 committee meeting, Heritage Markham also recommended that Council request that Infrastructure Ontario reconstruct the original building. This request is based on the importance of the Nighswander Brothers Temperance Hotel and Store to the community of Locust Hill as a key landmark building.

There is potential from the loss of this heritage building to open a productive dialogue with Infrastructure Ontario on other heritage properties in its ownership

In addition to the potential for the reconstruction of the Nighswander Brothers Temperance Hotel and Store, there is also an opportunity to open a productive dialogue with Infrastructure Ontario to improve communication with the City of Markham and thereby secure more positive outcomes for the other remaining heritage properties in provincial ownership.

FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)

Not applicable.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The preservation of heritage buildings aligns with the strategic priorities of Managed Growth and Environment. Cultural heritage resources are an asset worthy of protection for their contribution to the quality of life and environment for the citizens, businesses and visitor in the community.

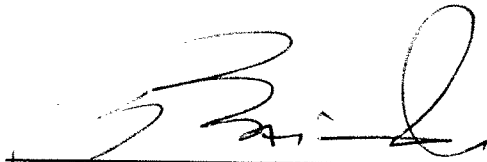
BUSINESS UNITS CONSULTED AND AFFECTED:

Not applicable.

RECOMMENDED BY:



Rino Mostacci, 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: Location Map
- Figure 2: Building Photograph Before Damage
- Figure 3: Building Photograph After Damage
- Appendix 'A': Designation Report
- Appendix 'B': Heritage Markham Resolution

Figure 1

Owner Contact: Neil D'Souza
Portfolio Performance Manager
Infrastructure Ontario
900 Bay Street, MacDonald Block, Suite M1-341
Toronto ON M7A 1N3

Email: neil.dsouza@infrastructureontario.ca
Tel.: 416-326-8956
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Location Map:

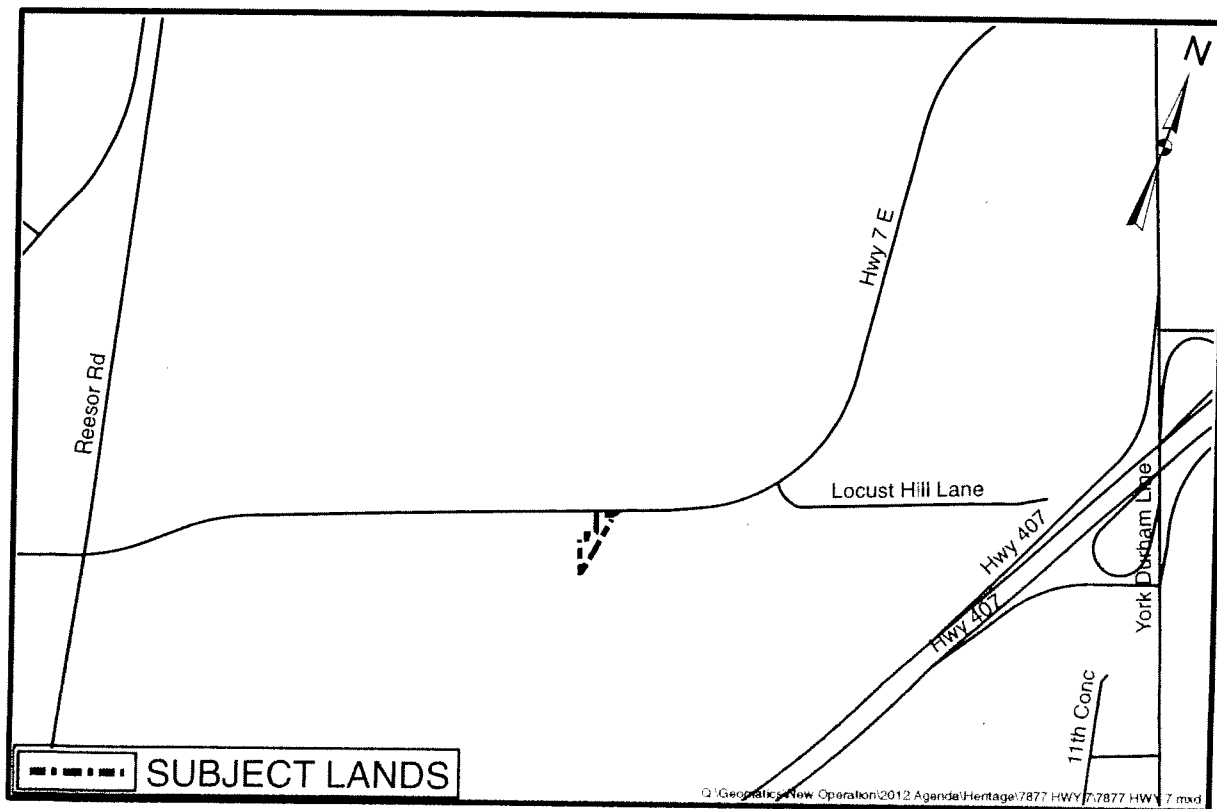
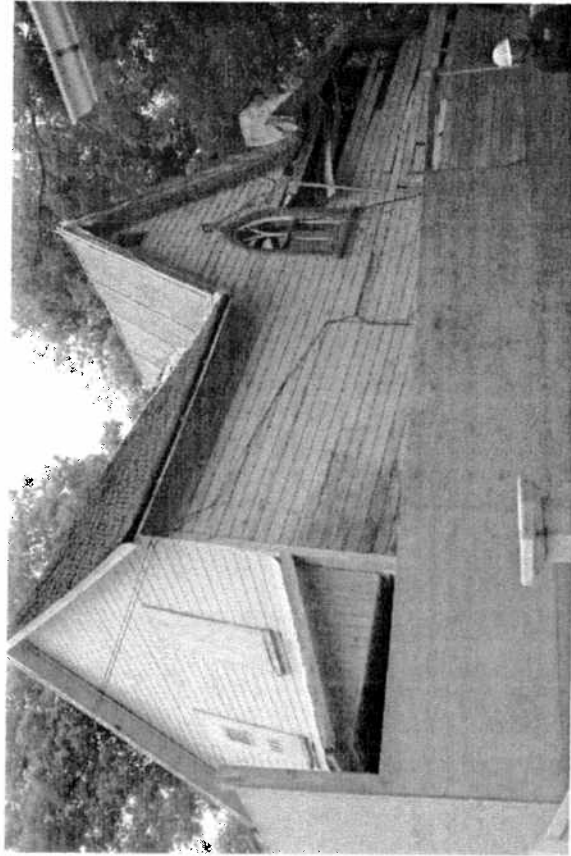


Figure 2: Nighswander Bros. Temperance Hotel and Store: Condition in 2004



Figure 3: Nighswander Bros. Hotel and Store: Collapse in August, 2012



DESIGNATION REPORT



**THE NIGSWANDER BROTHERS
TEMPERANCE HOTEL AND STORE**

7877 Highway # 7
Part Lot 10, Concession 10

Prepared For: Heritage Markham

Prepared By: Michael Seaman &
Marie Jones

STATEMENTS OF HERITAGE ATTRIBUTES

The Nighswander Hotel and Store/ Temperance Hotel is recommended for designation under Part IV of the Ontario Heritage Act as a property of cultural heritage value and interest containing the following heritage attributes:

Historical Attributes

Lot 10, Concession 10 was originally granted to Samuel Reynolds in 1813. A United Empire Loyalist, Reynolds came from Dutchess County N.Y., through New Brunswick and settled on Lot 10 in about 1799. When Samuel passed away in 1843 and his wife Margaret in 1851 the 200 acre parcel was divided up for his children: Justus Reynolds received 60 acres of the E ½ and 9 acres of the W ½, William Reynolds received 81 acres of the W ½ and Asa 50 acres in the centre, which was later sold to William Armstrong.

Tremaine's map of 1860 does not show the village of Locust Hill, but does indicate Belford P.O. to the south on Lot 8 at the 11th Concession. There was little settlement in this area until the 1880's.

It was not until the arrival of the Ontario and Quebec railroad in the 1880's that the Village of Locust Hill finally took shape. Once just rural farm land the village was subdivided into smaller town lots about this time. The coming of the station to the village attracted various businesses to the area including the Nighswander brothers who purchased their acre of land from William Armstrong.

David, Michael, Henry and Tilman Nighswander were business partners who purchased, in 1885, the one acre village lot from William Armstrong. The Nighswanders descend from one of the earliest groups of Mennonite settlers who arrived in the early 1800's from Pennsylvania. The Nighswander's Temperance Hotel and store was established on the east side of the lot in 1885 near the railroad tracks that ran through the village. The Standard Bank operated a branch in the hotel. Three houses were constructed to the west to be used as rental housing.

Architectural Attributes

The Temperance Hotel c.1885, was built on a T shaped plan and is of the Classic Revival Style. The 1 ½ storey building is 7 bays x 4 bays and retains its original form. The building is clad in a wood shiplap siding. The roof is a medium pitch gable with plain projecting eaves and verges. The majority of the wood windows are rectangular with a 2/2 pane division with plain wood trim and lugsills. On the west elevation in the upper gable is a gothic window with tracery.

The original store section of the structure is located on the west side of the building with the hotel rooms on the east side. The store front as it exists today retains its original form and function. A double leaf rectangular door is centrally located under the front gable and flanked by two six paned bay windows. The Hotel section on the east side remains true to its original form with two rectangular doors, one with flat transom above. The existing one storey, full width verandah has an open railing and square posts supported by rock-faced concrete block piers. There is a single brick chimney at the rear of the structure.

Contextual Attributes

7877

The building located at ~~7867~~ Highway # 7 is of significance for its association with the early Village of Locust Hill. The Temperance Hotel, as it was formerly named, was one of the first businesses to operate in the hamlet with the coming of the railroad through this part of Markham Township. It attracted not only people to visit, but encouraged additional settlement along Highway # 7.

Significant Heritage Attributes

1. All wood double hung windows on all elevations;
2. All original exterior doors and storm doors on the west, east and south elevations;
3. The fieldstone foundation;
4. The original roofline;
5. The original footprint of the front part of the structure;
6. The brick chimney;
7. The existing clapboard siding.



STORE FRONT



HERITAGE MARKHAM
EXTRACT

APPENDIX B

DATE: September 20, 2012
TO: R. Hutcheson, Manager of Heritage Planning

EXTRACT CONTAINING ITEM #13 OF THE NINTH HERITAGE MARKHAM
COMMITTEE MEETING HELD ON SEPTEMBER 10, 2012

13. DEMOLITION OF A HERITAGE BUILDING
7877 HIGHWAY 7
NIGHSWANDER BROTHERS TEMPERANCE HOTEL AND STORE
LOCUST HILL COMMUNITY (16.11)
Extracts: R. Hutcheson, Manager of Heritage Planning
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The Senior Heritage Planner provided background on this property, and advised that staff regretfully did not oppose demolition due to neglect that resulted in the dangerous condition of the building at 7877 Highway 7 E. Staff outlined consultation with the Ministry of Culture and Infrastructure Ontario and efforts of the City to gain support for preservation of heritage resources in provincial ownership.

HERITAGE MARKHAM RECOMMENDS:

THAT Heritage Markham regrets the loss of the Nighswander Brothers Temperance Hotel and Store, a landmark building in the community of Locust Hill which had been recommended for designation under the Ontario Heritage Act in 2003;

THAT the loss of this significant heritage building due to an extreme example of poor stewardship and demolition by neglect is a regrettable outcome for a government agency, and sets a poor example for the private sector;

THAT Council be requested to contact the Minister of Culture to express the City of Markham's disappointment in the lack of action on the Nighswander Brothers Temperance Hotel and Store and the poor communication from Infrastructure Ontario on its intentions for the building and property, and the loss of the structure from Locust Hill due to demolition by neglect;

AND THAT Infrastructure Ontario be requested to reconstruct the original building.

CARRIED