



Report to: Development Services Committee

Report Date: November 22, 2011

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 22, 2011, and any other documents required to give effect thereto, in a form satisfactory to the Town 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 Town has created a Heritage Property Tax Reduction Program

The Town 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 Town.

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 2011 taxation year, heritage easement agreements must be executed by the property owner and returned to the Town no later than December 15th of the taxation year for which relief is sought.

Notice was provided in local newspaper

Two public notices were published in the local newspapers informing property owners of the availability of the Heritage Property Tax Reduction Program and that a Heritage Easement Agreement was required to be eligible for this program.

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 9th, 2009 and had no objection to the proposed Heritage Easement Agreements.

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

There are four 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 have cultural heritage value and heritage attributes that require protection.

Generally, the Easement Agreements require the owner to maintain the dwelling, obtain Town 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.

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

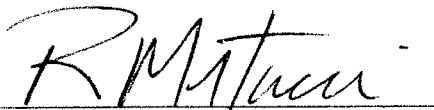
Not applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

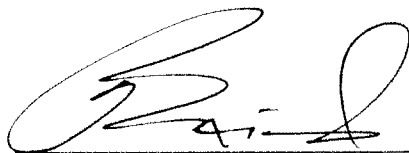
The protection and preservation of cultural heritage resources is part of the Town's Growth Management strategy.

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

File path:

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

Address	Name	Designated	Comment
177 Main Street Unionville	These Taber	Part V property; Class A in Unionville Heritage Conservation District Plan	Main Street commercial property, c.1860
136 Main Street North, Markham Village	Leslie Ford	Part V property; Type A in Markham Village Heritage Conservation District Plan	Main Street commercial property, c. 1900
16 Peter Street, Markham Village	Frank and Rosella Bellini	Part V property; Type A in Markham Village Heritage Conservation District Plan	Residential property in Mount Joy area, c.1900
25 John Street, Thornhill	Neil and Helena Olorenshaw	Part V property; Class B in Thornhill Heritage Conservation District Plan	Residential property, built in 1927



BY-LAW 2011-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 Town, 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 TOWN OF MARKHAM HEREBY ENACTS AS FOLLOWS:

1. THAT the Mayor and Clerk be authorized to execute Heritage Easement Agreements between the Town 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 Town Solicitor.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
22nd DAY OF DECEMBER, 2011.

KIMBERLEY KITTINGHAM,
TOWN CLERK

FRANK SCARPITTI, MAYOR

Schedule "A" to By-law 2011-XXX
Being a By-law to authorize the execution
of Heritage Easement Agreements

PROPERTY OWNER	MUNICIPAL ADDRESS	LEGAL DESCRIPTION
Therese Taber	177 Main Street Unionville	Part Lots B and C, Plan 338, except Parts 2 and 3, Plan 65R-20937
Leslie Ford	136 Main Street North, Markham	Part Lot 6, Block N, Plan 18, being Parts 1 and 2, Plan 65R-19197
Frank and Rosella Bellini	25 John Street, Thornhill	Lot 3, Plan 2527
Neil and Helena Olorenshaw	16 Peter Street, Markham	Lot 49, Plan 1105

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